

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
SB 242 (Roth) – As Amended March 27, 2019

SENATE VOTE: 37-0

SUBJECT: Land use applications: Department of Defense: points of contact.

SUMMARY: Revises provisions of law governing public agencies' duties to notify the United States military regarding specified development decisions. Specifically, **this bill:**

- 1) Allows branches of the military to provide a point of contact, instead of a California mailing address, to the Office of Planning and Research (OPR) for the purpose of existing law that requires the planning agency of a county or city to refer to branches of the military a proposed action to adopt or substantially amend a general plan, if that action is within 1,000 feet of a military installation or lies within special use airspace or beneath a low-level flight path.
- 2) Repeals language that conditions the notice referenced in 1), above, on the United States Department of Defense (DOD) providing electronic maps of low-level flight paths, special use airspace, and military installations at a scale and in an electronic format that is acceptable to OPR.
- 3) Repeals language that requires OPR, within 30 days of determining that the information provided by DOD pursuant to 2), above, is sufficient and in an acceptable scale and format, to notify counties and cities of the availability of the information on the Internet, and that requires counties and cities to notify branches of the military as required in 1), above, within 30 days of receiving this notice from OPR.
- 4) Makes changes conforming with 2) and 3), above, to statutes governing the information required from applicants for development projects that are proposed to be located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace, and within an urbanized area, as specified.
- 5) Deletes a requirement that a public agency provide to branches of the military a copy of a complete application for a development project that is proposed to be located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path, and instead requires only a notice of such a complete application, and makes conforming changes.
- 6) Requires, rather than allows, public agencies and project applicants to consult with impacted military branches upon request to discuss the effects of a proposed development project as described in 5), above, on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.

- 7) Revises and recasts provisions of law governing OPR's duties as they relate to 4) through 6), above, to require OPR to maintain on its internet website and provide notice to public agencies all of the following:
 - a) Maps of low-level flight paths, special use airspace, and military installations;
 - b) The military points of contact to receive notifications; and,
 - c) The information required in the notice of a completed application, which shall include, at a minimum, all of the following:
 - i) The project's specific location;
 - ii) The major physical alterations to the property on which the project will be located;
 - iii) A site plan showing the location of the project on the property, as well as the massing, height, and approximate square footage, of each building that will be occupied; and,
 - iv) The proposed land uses by number of units or square feet using the categories in the applicable zoning ordinance.
- 8) Refines the definition of "special use airspace" for the purpose of specified notices to the military that the California Environmental Quality Act (CEQA) requires, to include all area underlying airspace (not just land area).
- 9) Makes additional technical and conforming changes.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Background.** SB 1462 (Kuehl), Chapter 906, Statutes of 2004, required public agencies, primarily local agencies, to take certain steps when considering land use decisions that may affect military installations in California. Among its many provisions, SB 1462 required local officials that are considering adopting or changing a general plan to notify the military if the proposed action would affect land area within 1,000 feet of a military installation or under special use airspace or low-level flight paths. Local agencies that are considering development approvals must also mail a copy of any completed application for development to affected military branches if the development falls within those areas. These requirements apply to branches of the military that have provided OPR with a California mailing address and electronic maps of the affected area. SB 1462 also established a process for mediating disputes between the military, a development applicant, and a local agency.

In the 15 years since SB 1462 was enacted, information on military installations, special use airspace, and low-level flight paths has become readily available to the public online, and electronic communications have become much more common. Requiring a mailing address in California has also become outdated, as some of the military units that review the

information local agencies provide are located outside the state. In addition, complete development applications are often lengthy and cumbersome, and can contain more information than necessary for the military to ascertain the potential impacts of any given development project.

- 2) **Author's Statement and Bill Summary.** According to the author, "Given recent innovations in mapping technology, compliance with current law is unnecessarily burdensome...SB 242 makes it easier for local governments and project applicants to fulfill the law, which will result in higher overall compliance and better collaboration between military installations and state and local governments."

This bill makes a number of changes to law governing the notifications public agencies must provide the military regarding land use decisions that could affect military installations. The bill's major provisions include:

- a) Allowing the military to provide a point of contact, rather than a California mailing address, for the purpose of notifications local agencies must provide the military regarding general plan changes;
- b) Removing statutory provisions regarding electronic maps of flight paths, special use airspace and military installations the DOD is to provide to OPR, and related provisions, as such maps are now readily available on the Internet;
- c) Allowing public agencies to provide notice, instead of a copy, of a completed development application to the military;
- d) Requiring, instead of allowing, public agencies and project applicants to consult with the military upon request regarding the effects of proposed projects on military installations, low-level flight paths, or special use airspace; and,
- e) Specifying the information OPR must include on its website regarding military maps, military points of contact, and the information required in a notice to the military of a completed application for a development project.

This bill is sponsored by the author.

- 3) **Arguments in Support.** The United States Army, Marine Corps, Navy and Air Force installations in California, in support, state, "This bill would update and streamline requirements for notifying the military of proposed developments near military installations and activities...(I)t would simplify compliance with current law, allowing land use decisions to be informed by all relevant factors, and giving military installations the opportunity to raise concerns in a timely fashion."
- 4) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

American Planning Association, California Chapter
San Diego Military Advisory Council
United States Army, Marine Corps, Navy, and Air Force Installations in California

Opposition

None on file

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