



**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item #3.1**  
**GENERAL BUSINESS**  
**Meeting Date: May 18, 2016**

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**TO:** Chairman and Members of the Planning Commission

**FROM:** Erica Vega, Assistant City Attorney  
Mark Teague, Planning Manager

**SUBJECT:** Planning Commission Training on SB 18/AB 52 and SB 743

**STAFF REPORT**

**RECOMMENDATION:**

That the Planning Commission receive training from Assistant City Attorney Erica Vega on SB 18 and AB 52, and from Planning Manager Mark Teague on SB 743.

**DISCUSSION:**

**Senate Bill 18 / Assembly Bill 52:**

SB 18 was adopted in 2004 and requires the City to consult with local Native American Tribes prior to the adoption or amendment of a General Plan or Specific Plan. Prior to taking such action, the City must contact the Native American Heritage Commission (NAHC), which provides the City with a list of tribes the City must contact. The City notifies the tribes on the list of the proposed action and the tribes have 90 days to request a consultation.

AB 52 was adopted by the state in July 2015 and creates a new category of cultural resources that must be analyzed under CEQA – Tribal Cultural Resources. Tribal Cultural Resources is defined broadly, which will result in more resources being protected than before. Amendments to the CEQA Guidelines related to Tribal Cultural Resources are supposed to be adopted by July 1, 2016. AB 52 also requires Tribes that wish to be notified of proposed projects within their traditional use area to file a written request for notice with the City. The City received formal notices from five (5) Tribes (i.e., Pechanga Tribe, Soboba Tribe, Rincon Tribe, Morongo Tribe, and Agua Caliente Tribe).

The City must notify each tribe that has requested notice of the proposed project within 14 days of determining the application is complete. However, the Planning Department routinely routes new applications and development plans to each of the five (5) tribes within 2 days of a project submittal. The tribes then can request a consultation within 30 days of the receipt of the City's notice. The purpose of the consultation is to ensure the City has the necessary information from the Tribes to complete the CEQA document for the project and to assist in the development of mitigation measures for Tribal Cultural

Resources. The consultation requirement only applies to projects that had a Notice of Preparation of an EIR or a Notice of Intent to adopt a Negative Declaration/Mitigated Negative Declaration issued on or after July 1, 2015. Nine (9) months into this new process, only the Pechanga and Soboba Tribes are actively consulting with the city. It is important to note that these consultation meetings with the Tribes have resulted in a set of standard “cultural mitigation measures” that are acceptable to Pechanga and Soboba and are used in each new environmental document.

The AB 52 Draft Technical Advisory information can be found here:

[https://www.opr.ca.gov/docs/DRAFT\\_AB\\_52\\_Technical\\_Advisory.pdf](https://www.opr.ca.gov/docs/DRAFT_AB_52_Technical_Advisory.pdf)

**Senate Bill 743:**

Governor Brown signed Senate Bill (SB) 743 (Steinberg, 2013), which creates a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743 requires the Governor’s Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to traffic Level of Service (LOS) for evaluating transportation impacts. Focused primarily within areas served by transit, those alternative criteria must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” The law provides for measurements of transportation impacts that include “vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated.”

Once the CEQA Guidelines are amended to include those alternative criteria, auto delay will no longer be considered a significant impact under CEQA. Transportation impacts related to air quality, noise and safety must still be analyzed under CEQA where appropriate. SB 743 also amended congestion management law to allow cities and counties to opt out of LOS standards within certain infill areas. Aside from changes to transportation analysis, SB 743 also included several important changes to CEQA that apply to transit oriented developments, including aesthetics and parking. While the amended guidelines are still being drafted, there are several provisions that are worth discussion.

SB 743 information can be found here: [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php)

To supplement this written discussion, Assistant City Attorney Vega and Planning Manager Teague will provide a “power point presentation” to the Commission on these two state bills affecting the City of Wildomar.

Respectfully Submitted,  
Matthew C. Bassi  
Planning Director

Reviewed By,  
Erica L. Vega  
Assistant City Attorney