

AMENDED IN SENATE APRIL 30, 2002

AMENDED IN SENATE APRIL 8, 2002

SENATE BILL

No. 1468

Introduced by Senator Knight

February 19, 2002

~~An act to amend Section 65302 of the Government Code, relating to~~
An act to amend Sections 65040.2, 65302, 65302.3, 65560, and 65583 of, and to add Section 65040.9 to, the Government Code, and to amend Section 21675 of the Public Utilities Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1468, as amended, Knight. General plans: military facilities.

(1) The Planning and Zoning Law requires that a general plan consist of various elements, including, among other things, land use, circulation, *housing, open space*, and conservation elements, which are required to meet specified requirements.

This bill would require the land use element to consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land or other territory adjacent to those military facilities, or underlying designated military aviation routes and airspace. *The bill would also require the housing element to contain an analysis of the special housing needs of military personnel and their dependents. The bill would, with respect to the open-space element, define open-space land to include land or water on a military installation.*

The bill would also require the circulation element to consist of the general location and extent of existing and proposed military

~~installations and would prohibit the conservation element from not relying on the existence of habitat or conservation programs on adjacent military installations to satisfy its obligation to identify and adopt appropriate mitigation measures relative to endangered or threatened species. By~~

By increasing the duties of local agency officials, the bill would impose a state-mandated local program.

(2) *Existing law establishes the Governor's Office of Planning and Research as the comprehensive state planning agency, responsible for long-range planning with responsibilities to, among other things, provide planning assistance to city and county planning agencies. The office is required to develop and adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans.*

This bill would require the office, on or before January 1, 2004, to prepare and publish an advisory planning handbook for local officials, planners, and builders, and to develop and adopt guidelines that explain how to reduce land use conflicts between the effects of civilian development and military readiness activities carried out on specified military installations and areas.

(3) *Existing law requires the California Public Utilities Commission to formulate a comprehensive land use plan that provides, among other things, for the orderly growth of public airports and the area surrounding the airport that is within the jurisdiction of the commission. The plan may include the area within the jurisdiction of the commission surrounding any federal military airport.*

This bill instead would require that the area within the jurisdiction of the commission surrounding any military airport be included in the plan, and would require that the plan be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. The bill would also require that a county's general plan and any applicable specific plan be consistent with these safety and noise standards in each county where an airport land use commission does not exist, but where there is a military airport.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide



and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 65040.2 of the Government Code is*
2 *amended to read:*

3 65040.2. (a) In connection with its responsibilities under
4 subdivision (l) of Section 65040, the office shall develop and adopt
5 guidelines for the preparation and content of the mandatory
6 elements required in city and county general plans by Article 5
7 (commencing with Section 65300) of Chapter 3. For purposes of
8 this section, the guidelines prepared pursuant to Section 50459 of
9 the Health and Safety Code shall be the guidelines for the housing
10 element required by Section 65302. In the event that additional
11 elements are hereafter required in city and county general plans by
12 Article 5 (commencing with Section 65300) of Chapter 3, the
13 office shall adopt guidelines for those elements within six months
14 of the effective date of the legislation requiring those additional
15 elements.

16 (b) The office may request from each state department and
17 agency, as it deems appropriate, and the department or agency
18 shall provide, technical assistance in readopting, amending, or
19 repealing the guidelines.

20 (c) The guidelines shall be advisory to each city and county in
21 order to provide assistance in preparing and maintaining their
22 respective general plans.

23 (d) The guidelines shall contain the guidelines for addressing
24 environmental justice matters developed pursuant to Section
25 65040.12.

26 (e) *The guidelines shall contain advice for addressing the*
27 *effects of civilian development on military readiness activities*
28 *carried out on all of the following:*

29 (1) *Military installations.*



- 1 (2) *Military operating areas.*
- 2 (3) *Military training areas.*
- 3 (4) *Military training routes.*
- 4 (5) *Military airspace.*
- 5 (6) *Other territory adjacent to those installations and areas.*
- 6 (f) The office shall provide for regular review and revision of
- 7 the guidelines established pursuant to this section.

8 SEC. 2. Section 65040.9 is added to the Government Code, to
 9 read:

10 65040.9. (a) *On or before January 1, 2004, the Office of*
 11 *Planning and Research shall prepare and publish an advisory*
 12 *planning handbook for use by local officials, planners, and*
 13 *builders that explains how to reduce land use conflicts between the*
 14 *effects of civilian development and military readiness activities*
 15 *carried out on military installations, military operating areas,*
 16 *military training areas, military training routes, and military*
 17 *airspace, and other territory adjacent to those installations and*
 18 *areas.*

19 (b) *At a minimum, the advisory planning handbook shall*
 20 *include advice regarding all of the following:*

- 21 (1) *The collection and preparation of data and analysis.*
- 22 (2) *The preparation and adoption of goals, policies, and*
 23 *standards.*
- 24 (3) *The adoption and monitoring of feasible implementation*
 25 *measures.*
- 26 (4) *Methods to resolve conflicts between civilian and military*
 27 *land uses and activities.*

28 (c) *In preparing the advisory planning handbook, the office*
 29 *shall collaborate with the Office of Military Base Retention and*
 30 *Reuse within the Trade, Technology, and Commerce Agency. The*
 31 *office shall consult with persons and organizations with*
 32 *knowledge and experience in land use issues affecting military*
 33 *installations and activities.*

34 (d) *The office may accept and expend any grants and gifts from*
 35 *any source, public or private, for the purposes of this section.*

36 SEC. 3. Section 65302 of the Government Code is amended
 37 to read:

38 65302. The general plan shall consist of a statement of
 39 development policies and shall include a diagram or diagrams and



1 text setting forth objectives, principles, standards, and plan
2 proposals. The plan shall include the following elements:

3 (a) A land use element which designates the proposed general
4 distribution and general location and extent of the uses of the land
5 for housing, business, industry, open space, including agriculture,
6 natural resources, recreation, and enjoyment of scenic beauty,
7 education, public buildings and grounds, solid and liquid waste
8 disposal facilities, and other categories of public and private uses
9 of land. The land use element shall include a statement of the
10 standards of population density and building intensity
11 recommended for the various districts and other territory covered
12 by the plan. The land use element shall identify areas covered by
13 the plan which are subject to flooding and shall be reviewed
14 annually with respect to those areas. The land use element shall
15 also do both of the following:

16 (1) Designate in a land use category that provides for timber
17 production those parcels of real property zoned for timberland
18 production pursuant to the California Timberland Productivity
19 Act of 1982, Chapter 6.7 (commencing with Section 51100) of
20 Part 1 of Division 1 of Title 5.

21 (2) Consider the impact of new growth on military readiness
22 activities carried out on military bases, installations, and operating
23 and training areas, when proposing zoning ordinances or
24 designating land uses covered by the general plan for land, or other
25 territory adjacent to military facilities, or underlying designated
26 military aviation routes and airspace.

27 (A) In determining the impact of new growth on military
28 readiness activities, information provided by military facilities
29 shall be considered.

30 (B) The following definitions govern this paragraph:

31 (i) “Military readiness activities” mean all of the following:

32 (I) Training, support, and operations that prepare the men and
33 women of the military for combat.

34 (II) Operation, maintenance, and security of any military
35 installation.

36 (III) Testing of military equipment, vehicles, weapons, and
37 sensors for proper operation or suitability for combat use.

38 (ii) “Military installation” means a base, camp, post, station,
39 yard, center, homeport facility for any ship, or other activity under
40 the jurisdiction of the United States Department of Defense as



1 defined in paragraph (1) of subsection (e) of Section 2687 of Title
2 10 of the United States Code.

3 (b) A circulation element consisting of the general location and
4 extent of existing and proposed major thoroughfares,
5 transportation routes, terminals, any military installation, and
6 other local public utilities and facilities, all correlated with the land
7 use element of the plan.

8 (c) A housing element as provided in Article 10.6
9 (commencing with Section 65580).

10 (d) A conservation element for the conservation, development,
11 and utilization of natural resources including water and its
12 hydraulic force, forests, soils, rivers and other waters, harbors,
13 fisheries, wildlife, minerals, and other natural resources. The
14 ~~conservation element may not rely on the existence of habitat or~~
15 ~~conservation programs on adjacent military installations to satisfy~~
16 ~~its obligation to identify and adopt appropriate mitigation~~
17 ~~measures relative to endangered or threatened species. That~~
18 *conservation element shall consider the effect of civilian*
19 *development on natural resources located on military*
20 *installations. That* portion of the conservation element including
21 waters shall be developed in coordination with any countywide
22 water agency and with all district and city agencies ~~which have~~
23 have developed, served, controlled or conserved water for any
24 purpose for the county or city for which the plan is prepared.
25 Coordination shall include the discussion and evaluation of any
26 water supply and demand information described in Section
27 65352.5, if that information has been submitted by the water
28 agency to the city or county. The conservation element may also
29 cover the following:

- 30 (1) The reclamation of land and waters.
- 31 (2) Prevention and control of the pollution of streams and other
32 waters.
- 33 (3) Regulation of the use of land in stream channels and other
34 areas required for the accomplishment of the conservation plan.
- 35 (4) Prevention, control, and correction of the erosion of soils,
36 beaches, and shores.
- 37 (5) Protection of watersheds.
- 38 (6) The location, quantity and quality of the rock, sand and
39 gravel resources.
- 40 (7) Flood control.



1 The conservation element shall be prepared and adopted no later
2 than December 31, 1973.

3 (e) An open-space element as provided in Article 10.5
4 (commencing with Section 65560).

5 (f) A noise element which shall identify and appraise noise
6 problems in the community. The noise element shall recognize the
7 guidelines established by the Office of Noise Control in the State
8 Department of Health Services and shall analyze and quantify, to
9 the extent practicable, as determined by the legislative body,
10 current and projected noise levels for all of the following sources:

- 11 (1) Highways and freeways.
- 12 (2) Primary arterials and major local streets.
- 13 (3) Passenger and freight on-line railroad operations and
14 ground rapid transit systems.
- 15 (4) Commercial, general aviation, heliport, helistop, and
16 military airport operations, aircraft overflights, jet engine test
17 stands, and all other ground facilities and maintenance functions
18 related to airport operation.
- 19 (5) Local industrial plants, including, but not limited to,
20 railroad classification yards.
- 21 (6) Other ground stationary noise sources, *including, but not*
22 *limited to, military installations*, identified by local agencies as
23 contributing to the community noise environment.

24 Noise contours shall be shown for all of these sources and stated
25 in terms of community noise equivalent level (CNEL) or day-night
26 average level (L_{dn}). The noise contours shall be prepared on the
27 basis of noise monitoring or following generally accepted noise
28 modeling techniques for the various sources identified in
29 paragraphs (1) to (6), inclusive.

30 The noise contours shall be used as a guide for establishing a
31 pattern of land uses in the land use element that minimizes the
32 exposure of community residents to excessive noise.

33 The noise element shall include implementation measures and
34 possible solutions that address existing and foreseeable noise
35 problems, if any. The adopted noise element shall serve as a
36 guideline for compliance with the state's noise insulation
37 standards.

38 (g) A safety element for the protection of the community from
39 any unreasonable risks associated with the effects of seismically
40 induced surface rupture, ground shaking, ground failure, tsunami,



1 seiche, and dam failure; slope instability leading to mudslides and
2 landslides; subsidence, liquefaction and other seismic hazards
3 identified pursuant to Chapter 7.8 (commencing with Section
4 2690) of the Public Resources Code, and other geologic hazards
5 known to the legislative body; flooding; and wild land and urban
6 fires. The safety element shall include mapping of known seismic
7 and other geologic hazards. It shall also address evacuation routes,
8 *military installations*, peakload water supply requirements, and
9 minimum road widths and clearances around structures, as those
10 items relate to identified fire and geologic hazards. Prior to the
11 periodic review of its general plan and prior to preparing or
12 revising its safety element, each city and county shall consult the
13 Division of Mines and Geology of the Department of Conservation
14 and the Office of Emergency Services for the purpose of including
15 information known by and available to the department and the
16 office required by this subdivision.

17 To the extent that a county's safety element is sufficiently
18 detailed and contains appropriate policies and programs for
19 adoption by a city, a city may adopt that portion of the county's
20 safety element that pertains to the city's planning area in
21 satisfaction of the requirement imposed by this subdivision.

22 At least 45 days prior to adoption or amendment of the safety
23 element, each county and city shall submit to the Division of Mines
24 and Geology of the Department of Conservation one copy of a
25 draft of the safety element or amendment and any technical studies
26 used for developing the safety element. The division may review
27 drafts submitted to it to determine whether they incorporate known
28 seismic and other geologic hazard information, and report its
29 findings to the planning agency within 30 days of receipt of the
30 draft of the safety element or amendment pursuant to this
31 subdivision. The legislative body shall consider the division's
32 findings prior to final adoption of the safety element or
33 amendment unless the division's findings are not available within
34 the above prescribed time limits or unless the division has
35 indicated to the city or county that the division will not review the
36 safety element. If the division's findings are not available within
37 those prescribed time limits, the legislative body may take the
38 division's findings into consideration at the time it considers future
39 amendments to the safety element. Each county and city shall
40 provide the division with a copy of its adopted safety element or



1 amendments. The division may review adopted safety elements or
2 amendments and report its findings. All findings made by the
3 division shall be advisory to the planning agency and legislative
4 body.

5 ~~SEC. 2.—~~

6 *SEC. 4. Section 65302.3 of the Government Code is amended*
7 *to read:*

8 65302.3. (a) The general plan, and any applicable specific
9 plan prepared pursuant to Article 8 (commencing with Section
10 65450), shall be consistent with the plan adopted or amended
11 pursuant to Section 21675 of the Public Utilities Code.

12 (b) The general plan, and any applicable specific plan, shall be
13 amended, as necessary, within 180 days of any amendment to the
14 plan required under Section 21675 of the Public Utilities Code.

15 (c) If the legislative body does not concur with any provision
16 of the plan required under Section 21675 of the Public Utilities
17 Code, it may satisfy the provisions of this section by adopting
18 findings pursuant to Section 21676 of the Public Utilities Code.

19 (d) *In each county where an airport land use commission does*
20 *not exist, but where there is a military airport, the general plan,*
21 *and any applicable specific plan prepared pursuant to Article 8*
22 *(commencing with Section 65450), shall be consistent with the*
23 *safety and noise standards in the Air Installation Compatible Use*
24 *Zone prepared for that military airport.*

25 *SEC. 5. Section 65560 of the Government Code is amended to*
26 *read:*

27 65560. (a) “Local open-space plan” is the open-space
28 element of a county or city general plan adopted by the board or
29 council, either as the local open-space plan or as the interim local
30 open-space plan adopted pursuant to Section 65563.

31 (b) “Open-space land” is any parcel or area of land or water
32 ~~which~~, *including land or water on a military installation, that is*
33 *essentially unimproved and devoted to an open-space use as*
34 *defined in this section, and*~~which~~ *that is designated on a local,*
35 *regional or state open-space plan as any of the following:*

36 (1) Open space for the preservation of natural resources
37 including, but not limited to, areas required for the preservation of
38 plant and animal life, including habitat for fish and wildlife
39 species; areas required for ecologic and other scientific study



1 purposes; rivers, streams, bays and estuaries; and coastal beaches,
2 lakeshores, banks of rivers and streams, and watershed lands.

3 (2) Open space used for the managed production of resources,
4 including but not limited to, forest lands, rangeland, agricultural
5 lands and areas of economic importance for the production of food
6 or fiber; areas required for recharge of ground water basins; bays,
7 estuaries, marshes, rivers and streams which are important for the
8 management of commercial fisheries; and areas containing major
9 mineral deposits, including those in short supply.

10 (3) Open space for outdoor recreation, including but not
11 limited to, areas of outstanding scenic, historic and cultural value;
12 areas particularly suited for park and recreation purposes,
13 including access to lakeshores, beaches, and rivers and streams;
14 and areas which serve as links between major recreation and
15 open-space reservations, including utility easements, banks of
16 rivers and streams, trails, and scenic highway corridors.

17 (4) Open space for public health and safety, including, but not
18 limited to, areas which require special management or regulation
19 because of hazardous or special conditions such as earthquake
20 fault zones, unstable soil areas, flood plains, watersheds, areas
21 presenting high fire risks, areas required for the protection of water
22 quality and water reservoirs and areas required for the protection
23 and enhancement of air quality.

24 *SEC. 6. Section 65583 of the Government Code is amended to*
25 *read:*

26 65583. The housing element shall consist of an identification
27 and analysis of existing and projected housing needs and a
28 statement of goals, policies, quantified objectives, financial
29 resources, and scheduled programs for the preservation,
30 improvement, and development of housing. The housing element
31 shall identify adequate sites for housing, including rental housing,
32 factory-built housing, and mobilehomes, and shall make adequate
33 provision for the existing and projected needs of all economic
34 segments of the community. The element shall contain all of the
35 following:

36 (a) An assessment of housing needs and an inventory of
37 resources and constraints relevant to the meeting of these needs.
38 The assessment and inventory shall include all of the following:

39 (1) An analysis of population and employment trends and
40 documentation of projections and a quantification of the locality's



1 existing and projected housing needs for all income levels. These
2 existing and projected needs shall include the locality’s share of the
3 regional housing need in accordance with Section 65584.

4 (2) An analysis and documentation of household
5 characteristics, including level of payment compared to ability to
6 pay, housing characteristics, including overcrowding, and housing
7 stock condition.

8 (3) An inventory of land suitable for residential development,
9 including vacant sites and sites having potential for
10 redevelopment, and an analysis of the relationship of zoning and
11 public facilities and services to these sites.

12 (4) An analysis of potential and actual governmental
13 constraints upon the maintenance, improvement, or development
14 of housing for all income levels and for persons with disabilities
15 as identified in the analysis pursuant to paragraph (4) of
16 subdivision (a), including land use controls, building codes and
17 their enforcement, site improvements, fees and other exactions
18 required of developers, and local processing and permit
19 procedures. The analysis shall also demonstrate local efforts to
20 remove governmental constraints that hinder the locality from
21 meeting its share of the regional housing need in accordance with
22 Section 65584 and from meeting the need for housing for persons
23 with disabilities identified pursuant to paragraph (6).

24 (5) An analysis of potential and actual nongovernmental
25 constraints upon the maintenance, improvement, or development
26 of housing for all income levels, including the availability of
27 financing, the price of land, and the cost of construction.

28 (6) An analysis of any special housing needs, such as those of
29 the elderly, persons with disabilities, large families, *military*
30 *personnel and their dependents*, farmworkers, families with
31 female heads of households, and families and persons in need of
32 emergency shelter.

33 (7) An analysis of opportunities for energy conservation with
34 respect to residential development.

35 (8) An analysis of existing assisted housing developments that
36 are eligible to change from low-income housing uses during the
37 next 10 years due to termination of subsidy contracts, mortgage
38 prepayment, or expiration of restrictions on use. “Assisted
39 housing developments,” for the purpose of this section, shall mean
40 multifamily rental housing that receives governmental assistance



1 under federal programs listed in subdivision (a) of Section
2 65863.10, state and local multifamily revenue bond programs,
3 local redevelopment programs, the federal Community
4 Development Block Grant Program, or local in-lieu fees.
5 “Assisted housing developments” shall also include multifamily
6 rental units that were developed pursuant to a local inclusionary
7 housing program or used to qualify for a density bonus pursuant
8 to Section 65916.

9 (A) The analysis shall include a listing of each development by
10 project name and address, the type of governmental assistance
11 received, the earliest possible date of change from low-income use
12 and the total number of elderly and nonelderly units that could be
13 lost from the locality’s low-income housing stock in each year
14 during the 10-year period. For purposes of state and federally
15 funded projects, the analysis required by this subparagraph need
16 only contain information available on a statewide basis.

17 (B) The analysis shall estimate the total cost of producing new
18 rental housing that is comparable in size and rent levels, to replace
19 the units that could change from low-income use, and an estimated
20 cost of preserving the assisted housing developments. This cost
21 analysis for replacement housing may be done aggregately for
22 each five-year period and does not have to contain a project by
23 project cost estimate.

24 (C) The analysis shall identify public and private nonprofit
25 corporations known to the local government which have legal and
26 managerial capacity to acquire and manage these housing
27 developments.

28 (D) The analysis shall identify and consider the use of all
29 federal, state, and local financing and subsidy programs which can
30 be used to preserve, for lower income households, the assisted
31 housing developments, identified in this paragraph, including, but
32 not limited to, federal Community Development Block Grant
33 Program funds, tax increment funds received by a redevelopment
34 agency of the community, and administrative fees received by a
35 housing authority operating within the community. In considering
36 the use of these financing and subsidy programs, the analysis shall
37 identify the amounts of funds under each available program which
38 have not been legally obligated for other purposes and which could
39 be available for use in preserving assisted housing developments.



1 (b) (1) A statement of the community’s goals, quantified
2 objectives, and policies relative to the maintenance, preservation,
3 improvement, and development of housing.

4 (2) It is recognized that the total housing needs identified
5 pursuant to subdivision (a) may exceed available resources and the
6 community’s ability to satisfy this need within the content of the
7 general plan requirements outlined in Article 5 (commencing with
8 Section 65300). Under these circumstances, the quantified
9 objectives need not be identical to the total housing needs. The
10 quantified objectives shall establish the maximum number of
11 housing units by income category that can be constructed,
12 rehabilitated, and conserved over a five-year time period.

13 (c) A program which sets forth a five-year schedule of actions
14 the local government is undertaking or intends to undertake to
15 implement the policies and achieve the goals and objectives of the
16 housing element through the administration of land use and
17 development controls, provision of regulatory concessions and
18 incentives, and the utilization of appropriate federal and state
19 financing and subsidy programs when available and the utilization
20 of moneys in a low- and moderate-income housing fund of an
21 agency if the locality has established a redevelopment project area
22 pursuant to the Community Redevelopment Law (Division 24
23 (commencing with Section 33000) of the Health and Safety Code).
24 In order to make adequate provision for the housing needs of all
25 economic segments of the community, the program shall do all of
26 the following:

27 (1) (A) Identify adequate sites which will be made available
28 through appropriate zoning and development standards and with
29 services and facilities, including sewage collection and treatment,
30 domestic water supply, and septic tanks and wells, needed to
31 facilitate and encourage the development of a variety of types of
32 housing for all income levels, including multifamily rental
33 housing, factory-built housing, mobilehomes, housing for
34 agricultural employees, emergency shelters, and transitional
35 housing in order to meet the community’s housing goals as
36 identified in subdivision (b).

37 (i) Where the inventory of sites, pursuant to paragraph (3) of
38 subdivision (a), does not identify adequate sites to accommodate
39 the need for groups of all household income levels pursuant to
40 Section 65584, the program shall provide for sufficient sites with



1 zoning that permits owner-occupied and rental multifamily
2 residential use by right, including density and development
3 standards that could accommodate and facilitate the feasibility of
4 housing for very low and low-income households.

5 (ii) Where the inventory of sites pursuant to paragraph (3) of
6 subdivision (a) does not identify adequate sites to accommodate
7 the need for farmworker housing, the program shall provide for
8 sufficient sites to meet the need with zoning that permits
9 farmworker housing use by right, including density and
10 development standards that could accommodate and facilitate the
11 feasibility of the development of farmworker housing for low- and
12 very low income households.

13 (B) For purposes of this paragraph, the phrase “use by right”
14 shall mean the use does not require a conditional use permit, except
15 when the proposed project is a mixed-use project involving both
16 commercial or industrial uses and residential uses. Use by right for
17 all rental multifamily residential housing shall be provided in
18 accordance with subdivision (f) of Section 65589.5.

19 (C) The requirements of this subdivision regarding
20 identification of sites for farmworker housing shall apply
21 commencing with the next revision of housing elements required
22 by Section 65588 following the enactment of this subparagraph.

23 (2) Assist in the development of adequate housing to meet the
24 needs of low- and moderate-income households.

25 (3) Address and, where appropriate and legally possible,
26 remove governmental constraints to the maintenance,
27 improvement, and development of housing, including housing for
28 all income levels and housing for persons with disabilities. The
29 program shall remove constraints to, or provide reasonable
30 accommodations for housing designed for, intended for
31 occupancy by, or with supportive services for, persons with
32 disabilities.

33 (4) Conserve and improve the condition of the existing
34 affordable housing stock, which may include addressing ways to
35 mitigate the loss of dwelling units demolished by public or private
36 action.

37 (5) Promote housing opportunities for all persons regardless of
38 race, religion, sex, marital status, ancestry, national origin, color,
39 familial status, or disability.



1 (6) (A) Preserve for lower income households the assisted
2 housing developments identified pursuant to paragraph (8) of
3 subdivision (a). The program for preservation of the assisted
4 housing developments shall utilize, to the extent necessary, all
5 available federal, state, and local financing and subsidy programs
6 identified in paragraph (8) of subdivision (a), except where a
7 community has other urgent needs for which alternative funding
8 sources are not available. The program may include strategies that
9 involve local regulation and technical assistance.

10 (B) The program shall include an identification of the agencies
11 and officials responsible for the implementation of the various
12 actions and the means by which consistency will be achieved with
13 other general plan elements and community goals. The local
14 government shall make a diligent effort to achieve public
15 participation of all economic segments of the community in the
16 development of the housing element, and the program shall
17 describe this effort.

18 (d) The analysis and program for preserving assisted housing
19 developments required by the amendments to this section enacted
20 by the Statutes of 1989 shall be adopted as an amendment to the
21 housing element by July 1, 1992.

22 (e) Failure of the department to review and report its findings
23 pursuant to Section 65585 to the local government between July
24 1, 1992, and the next periodic review and revision required by
25 Section 65588, concerning the housing element amendment
26 required by the amendments to this section by the Statutes of 1989,
27 shall not be used as a basis for allocation or denial of any housing
28 assistance administered pursuant to Part 2 (commencing with
29 Section 50400) of Division 31 of the Health and Safety Code.

30 *SEC. 7. Section 21675 of the Public Utilities Code is amended*
31 *to read:*

32 21675. (a) Each commission shall formulate a
33 comprehensive land use plan that will provide for the orderly
34 growth of each public airport and the area surrounding the airport
35 within the jurisdiction of the commission, and will safeguard the
36 general welfare of the inhabitants within the vicinity of the airport
37 and the public in general. The commission plan shall include and
38 shall be based on a long-range master plan or an airport layout
39 plan, as determined by the Division of Aeronautics of the
40 Department of Transportation, that reflects the anticipated growth



1 of the airport during at least the next 20 years. In formulating a land
2 use plan, the commission may develop height restrictions on
3 buildings, specify use of land, and determine building standards,
4 including soundproofing adjacent to airports, within the planning
5 area. The comprehensive land use plan shall be reviewed as often
6 as necessary in order to accomplish its purposes, but shall not be
7 amended more than once in any calendar year.

8 (b) The commission ~~may~~ shall include, within its plan
9 formulated pursuant to subdivision (a), the area within the
10 jurisdiction of the commission surrounding any ~~federal~~ military
11 airport for all of the purposes specified in subdivision (a). *The plan*
12 *shall be consistent with the safety and noise standards in the Air*
13 *Installation Compatible Use Zone prepared for that military*
14 *airport.* This subdivision does not give the commission any
15 jurisdiction or authority over the territory or operations of any
16 military airport.

17 (c) The planning boundaries shall be established by the
18 commission after hearing and consultation with the involved
19 agencies.

20 (d) The commission shall submit to the Division of
21 Aeronautics of the department one copy of the plan and each
22 amendment to the plan.

23 (e) If a comprehensive land use plan does not include the
24 matters required to be included pursuant to this article, the
25 Division of Aeronautics of the department shall notify the
26 commission responsible for the plan.

27 SEC. 8. Notwithstanding Section 17610 of the Government
28 Code, if the Commission on State Mandates determines that this
29 act contains costs mandated by the state, reimbursement to local
30 agencies and school districts for those costs shall be made pursuant
31 to Part 7 (commencing with Section 17500) of Division 4 of Title
32 2 of the Government Code. If the statewide cost of the claim for
33 reimbursement does not exceed one million dollars (\$1,000,000),
34 reimbursement shall be made from the State Mandates Claims
35 Fund.

