

AMENDED IN SENATE MAY 20, 2002
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 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.

By increasing the duties of local agency officials, the bill would impose a state-mandated local program. *The bill would also provide that a city or county is not required to comply with these provisions until the city's or county's next general plan revision.*

(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, *if sufficient federal funds become available*, 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, *if sufficient federal funds become*
12 *available for this purpose*, prepare and publish an advisory
13 planning handbook for use by local officials, planners, and
14 builders that explains how to reduce land use conflicts between the
15 effects of civilian development and military readiness activities
16 carried out on military installations, military operating areas,
17 military training areas, military training routes, and military
18 airspace, and other territory adjacent to those installations and
19 areas.

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

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

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

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

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

39 65302. The general plan shall consist of a statement of
40 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 shall consider the effect of civilian
15 development on natural resources located on military installations.
16 That portion of the conservation element including waters shall be
17 developed in coordination with any countywide water agency and
18 with all district and city agencies have have developed, served,
19 controlled or conserved water for any purpose for the county or
20 city for which the plan is prepared. Coordination shall include the
21 discussion and evaluation of any water supply and demand
22 information described in Section 65352.5, if that information has
23 been submitted by the water agency to the city or county. The
24 conservation element may also cover the following:

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

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

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



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

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

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

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

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

34 (g) A safety element for the protection of the community from
35 any unreasonable risks associated with the effects of seismically
36 induced surface rupture, ground shaking, ground failure, tsunami,
37 seiche, and dam failure; slope instability leading to mudslides and
38 landslides; subsidence, liquefaction and other seismic hazards
39 identified pursuant to Chapter 7.8 (commencing with Section
40 2690) of the Public Resources Code, and other geologic hazards



1 known to the legislative body; flooding; and wild land and urban
2 fires. The safety element shall include mapping of known seismic
3 and other geologic hazards. It shall also address evacuation routes,
4 military installations, peakload water supply requirements, and
5 minimum road widths and clearances around structures, as those
6 items relate to identified fire and geologic hazards. Prior to the
7 periodic review of its general plan and prior to preparing or
8 revising its safety element, each city and county shall consult the
9 Division of Mines and Geology of the Department of Conservation
10 and the Office of Emergency Services for the purpose of including
11 information known by and available to the department and the
12 office required by this subdivision.

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

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



1 SEC. 4. Section 65302.3 of the Government Code is amended
2 to read:

3 65302.3. (a) The general plan, and any applicable specific
4 plan prepared pursuant to Article 8 (commencing with Section
5 65450), shall be consistent with the plan adopted or amended
6 pursuant to Section 21675 of the Public Utilities Code.

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

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

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

20 SEC. 5. Section 65560 of the Government Code is amended
21 to read:

22 65560. (a) “Local open-space plan” is the open-space
23 element of a county or city general plan adopted by the board or
24 council, either as the local open-space plan or as the interim local
25 open-space plan adopted pursuant to Section 65563.

26 (b) “Open-space land” is any parcel or area of land or water,
27 including land or water on a military installation, that is essentially
28 unimproved and devoted to an open-space use as defined in this
29 section, and that is designated on a local, regional or state
30 open-space plan as any of the following:

31 (1) Open space for the preservation of natural resources
32 including, but not limited to, areas required for the preservation of
33 plant and animal life, including habitat for fish and wildlife
34 species; areas required for ecologic and other scientific study
35 purposes; rivers, streams, bays and estuaries; and coastal beaches,
36 lakeshores, banks of rivers and streams, and watershed lands.

37 (2) Open space used for the managed production of resources,
38 including but not limited to, forest lands, rangeland, agricultural
39 lands and areas of economic importance for the production of food
40 or fiber; areas required for recharge of ground water basins; bays,



1 estuaries, marshes, rivers and streams which are important for the
2 management of commercial fisheries; and areas containing major
3 mineral deposits, including those in short supply.

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

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

18 SEC. 6. Section 65583 of the Government Code is amended
19 to read:

20 65583. The housing element shall consist of an identification
21 and analysis of existing and projected housing needs and a
22 statement of goals, policies, quantified objectives, financial
23 resources, and scheduled programs for the preservation,
24 improvement, and development of housing. The housing element
25 shall identify adequate sites for housing, including rental housing,
26 factory-built housing, and mobilehomes, and shall make adequate
27 provision for the existing and projected needs of all economic
28 segments of the community. The element shall contain all of the
29 following:

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

33 (1) An analysis of population and employment trends and
34 documentation of projections and a quantification of the locality's
35 existing and projected housing needs for all income levels. These
36 existing and projected needs shall include the locality's share of the
37 regional housing need in accordance with Section 65584.

38 (2) An analysis and documentation of household
39 characteristics, including level of payment compared to ability to



1 pay, housing characteristics, including overcrowding, and housing
2 stock condition.

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

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

19 (5) An analysis of potential and actual nongovernmental
20 constraints upon the maintenance, improvement, or development
21 of housing for all income levels, including the availability of
22 financing, the price of land, and the cost of construction.

23 (6) An analysis of any special housing needs, such as those of
24 the elderly, persons with disabilities, large families, military
25 personnel and their dependents, farmworkers, families with
26 female heads of households, and families and persons in need of
27 emergency shelter.

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

30 (8) An analysis of existing assisted housing developments that
31 are eligible to change from low-income housing uses during the
32 next 10 years due to termination of subsidy contracts, mortgage
33 prepayment, or expiration of restrictions on use. “Assisted
34 housing developments,” for the purpose of this section, shall mean
35 multifamily rental housing that receives governmental assistance
36 under federal programs listed in subdivision (a) of Section
37 65863.10, state and local multifamily revenue bond programs,
38 local redevelopment programs, the federal Community
39 Development Block Grant Program, or local in-lieu fees.
40 “Assisted housing developments” shall also include multifamily



1 rental units that were developed pursuant to a local inclusionary
2 housing program or used to qualify for a density bonus pursuant
3 to Section 65916.

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

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

19 (C) The analysis shall identify public and private nonprofit
20 corporations known to the local government which have legal and
21 managerial capacity to acquire and manage these housing
22 developments.

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

35 (b) (1) A statement of the community's goals, quantified
36 objectives, and policies relative to the maintenance, preservation,
37 improvement, and development of housing.

38 (2) It is recognized that the total housing needs identified
39 pursuant to subdivision (a) may exceed available resources and the
40 community's ability to satisfy this need within the content of the



1 general plan requirements outlined in Article 5 (commencing with
2 Section 65300). Under these circumstances, the quantified
3 objectives need not be identical to the total housing needs. The
4 quantified objectives shall establish the maximum number of
5 housing units by income category that can be constructed,
6 rehabilitated, and conserved over a five-year time period.

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

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

31 (i) Where the inventory of sites, pursuant to paragraph (3) of
32 subdivision (a), does not identify adequate sites to accommodate
33 the need for groups of all household income levels pursuant to
34 Section 65584, the program shall provide for sufficient sites with
35 zoning that permits owner-occupied and rental multifamily
36 residential use by right, including density and development
37 standards that could accommodate and facilitate the feasibility of
38 housing for very low and low-income households.

39 (ii) Where the inventory of sites pursuant to paragraph (3) of
40 subdivision (a) does not identify adequate sites to accommodate



1 the need for farmworker housing, the program shall provide for
2 sufficient sites to meet the need with zoning that permits
3 farmworker housing use by right, including density and
4 development standards that could accommodate and facilitate the
5 feasibility of the development of farmworker housing for low- and
6 very low income households.

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

13 (C) The requirements of this subdivision regarding
14 identification of sites for farmworker housing shall apply
15 commencing with the next revision of housing elements required
16 by Section 65588 following the enactment of this subparagraph.

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

19 (3) Address and, where appropriate and legally possible,
20 remove governmental constraints to the maintenance,
21 improvement, and development of housing, including housing for
22 all income levels and housing for persons with disabilities. The
23 program shall remove constraints to, or provide reasonable
24 accommodations for housing designed for, intended for
25 occupancy by, or with supportive services for, persons with
26 disabilities.

27 (4) Conserve and improve the condition of the existing
28 affordable housing stock, which may include addressing ways to
29 mitigate the loss of dwelling units demolished by public or private
30 action.

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

34 (6) (A) Preserve for lower income households the assisted
35 housing developments identified pursuant to paragraph (8) of
36 subdivision (a). The program for preservation of the assisted
37 housing developments shall utilize, to the extent necessary, all
38 available federal, state, and local financing and subsidy programs
39 identified in paragraph (8) of subdivision (a), except where a
40 community has other urgent needs for which alternative funding



1 sources are not available. The program may include strategies that
2 involve local regulation and technical assistance.

3 (B) The program shall include an identification of the agencies
4 and officials responsible for the implementation of the various
5 actions and the means by which consistency will be achieved with
6 other general plan elements and community goals. The local
7 government shall make a diligent effort to achieve public
8 participation of all economic segments of the community in the
9 development of the housing element, and the program shall
10 describe this effort.

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

15 (e) Failure of the department to review and report its findings
16 pursuant to Section 65585 to the local government between July
17 1, 1992, and the next periodic review and revision required by
18 Section 65588, concerning the housing element amendment
19 required by the amendments to this section by the Statutes of 1989,
20 shall not be used as a basis for allocation or denial of any housing
21 assistance administered pursuant to Part 2 (commencing with
22 Section 50400) of Division 31 of the Health and Safety Code.

23 SEC. 7. Section 21675 of the Public Utilities Code is amended
24 to read:

25 21675. (a) Each commission shall formulate a
26 comprehensive land use plan that will provide for the orderly
27 growth of each public airport and the area surrounding the airport
28 within the jurisdiction of the commission, and will safeguard the
29 general welfare of the inhabitants within the vicinity of the airport
30 and the public in general. The commission plan shall include and
31 shall be based on a long-range master plan or an airport layout
32 plan, as determined by the Division of Aeronautics of the
33 Department of Transportation, that reflects the anticipated growth
34 of the airport during at least the next 20 years. In formulating a land
35 use plan, the commission may develop height restrictions on
36 buildings, specify use of land, and determine building standards,
37 including soundproofing adjacent to airports, within the planning
38 area. The comprehensive land use plan shall be reviewed as often
39 as necessary in order to accomplish its purposes, but shall not be
40 amended more than once in any calendar year.



1 (b) The commission shall include, within its plan formulated
 2 pursuant to subdivision (a), the area within the jurisdiction of the
 3 commission surrounding any military airport for all of the
 4 purposes specified in subdivision (a). The plan shall be consistent
 5 with the safety and noise standards in the Air Installation
 6 Compatible Use Zone prepared for that military airport. This
 7 subdivision does not give the commission any jurisdiction or
 8 authority over the territory or operations of any military airport.

9 (c) The planning boundaries shall be established by the
 10 commission after hearing and consultation with the involved
 11 agencies.

12 (d) The commission shall submit to the Division of
 13 Aeronautics of the department one copy of the plan and each
 14 amendment to the plan.

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

19 *SEC. 8. A city or county shall not be required to comply with*
 20 *the amendments made by this act to Sections 65302, 65302.3, and*
 21 *65560 of the Government Code, relating to military readiness*
 22 *activities, military personnel, military airports, and military*
 23 *installations until the city's or county's next general plan revision.*

24 *SEC. 9. Notwithstanding Section 17610 of the Government*
 25 *Code, if the Commission on State Mandates determines that this*
 26 *act contains costs mandated by the state, reimbursement to local*
 27 *agencies and school districts for those costs shall be made pursuant*
 28 *to Part 7 (commencing with Section 17500) of Division 4 of Title*
 29 *2 of the Government Code. If the statewide cost of the claim for*
 30 *reimbursement does not exceed one million dollars (\$1,000,000),*
 31 *reimbursement shall be made from the State Mandates Claims*
 32 *Fund.*

