

AMENDED IN ASSEMBLY JUNE 24, 2002

AMENDED IN SENATE JUNE 5, 2002

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
(Coauthor: Senator Alpert)**

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~~ *areas adjacent to military installations, military training routes, and restricted airspace.*

The bill would also require the circulation element to consist of the general location and extent of existing and proposed military installations. The bill would also provide that a city or county is not required to comply with these provisions until a specified agreement is entered into between the federal government and the state to fully reimburse all claims approved by the Commission on State Mandates and paid by the Controller that cities and counties would be eligible to file as a result of the enactment of this bill and until the city's or county's next general plan revision. It would make these provisions inoperative on the January 1 following the date that this agreement is terminated.

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, 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. (a) *The Legislature finds and declares all of the*
2 *following:*

3 (1) *California contains an integrated system of military*
4 *installations and special use airspace, connected by low-level*
5 *flight corridors, that provides a key foundation for our nation's*
6 *security. This integrated system provides for the training of*
7 *military personnel, as well as the research, development, testing,*
8 *and evaluation of military hardware.*

9 (2) *The military is a key component of California's economy*
10 *comprising direct economic expenditures of over \$29,800,000,000*
11 *each year; making the military larger than other economic sectors*
12 *of the state, including agriculture, and the military represented*
13 *over 263,000 working adults in the 2000–01 fiscal year.*

14 (3) *The federal Department of Defense's research,*
15 *development, test, and evaluation programs, which included*
16 *\$3,900,000,000 in direct 2000–01 fiscal year contracts in*
17 *California, make an important contribution to maintaining the*
18 *state's lead in technology development.*



1 (b) *The Legislature therefore finds that the protection of this*
2 *integrated system of military installations and special use airspace*
3 *is in the public interest.*

4 SEC. 1.5. Section 65040.2 of the Government Code is
5 amended to read:

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

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

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

26 (d) The guidelines shall contain the guidelines for addressing
27 environmental justice matters developed pursuant to Section
28 65040.12.

29 (e) The guidelines shall contain advice for addressing the
30 effects of civilian development on military readiness activities
31 carried out on all of the following:

- 32 (1) Military installations.
- 33 (2) Military operating areas.
- 34 (3) Military training areas.
- 35 (4) Military training routes.
- 36 (5) Military airspace.
- 37 (6) Other territory adjacent to those installations and areas.

38 (f) The office shall provide for regular review and revision of
39 the guidelines established pursuant to this section.



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

3 65040.9. (a) On or before January 1, 2004, the Office of
4 Planning and Research shall, if sufficient federal funds become
5 available for this purpose, prepare and publish an advisory
6 planning handbook for use by local officials, planners, and
7 builders that explains how to reduce land use conflicts between the
8 effects of civilian development and military readiness activities
9 carried out on military installations, military operating areas,
10 military training areas, military training routes, and military
11 airspace, and other territory adjacent to those installations and
12 areas.

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

15 (1) The collection and preparation of data and analysis.

16 (2) The preparation and adoption of goals, policies, and
17 standards.

18 (3) The adoption and monitoring of feasible implementation
19 measures.

20 (4) Methods to resolve conflicts between civilian and military
21 land uses and activities.

22 (c) In preparing the advisory planning handbook, the office
23 shall collaborate with the Office of Military Base Retention and
24 Reuse within the Trade, Technology, and Commerce Agency. The
25 office shall consult with persons and organizations with
26 knowledge and experience in land use issues affecting military
27 installations and activities.

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

30 SEC. 3. Section 65302 of the Government Code is amended
31 to read:

32 65302. The general plan shall consist of a statement of
33 development policies and shall include a diagram or diagrams and
34 text setting forth objectives, principles, standards, and plan
35 proposals. The plan shall include the following elements:

36 (a) A land use element which designates the proposed general
37 distribution and general location and extent of the uses of the land
38 for housing, business, industry, open space, including agriculture,
39 natural resources, recreation, and enjoyment of scenic beauty,
40 education, public buildings and grounds, solid and liquid waste



1 disposal facilities, and other categories of public and private uses
2 of land. The land use element shall include a statement of the
3 standards of population density and building intensity
4 recommended for the various districts and other territory covered
5 by the plan. The land use element shall identify areas covered by
6 the plan which are subject to flooding and shall be reviewed
7 annually with respect to those areas. The land use element shall
8 also do both of the following:

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

14 (2) Consider the impact of new growth on military readiness
15 activities carried out on military bases, installations, and operating
16 and training areas, when proposing zoning ordinances or
17 designating land uses covered by the general plan for land, or other
18 territory adjacent to military facilities, or underlying designated
19 military aviation routes and airspace.

20 (A) In determining the impact of new growth on military
21 readiness activities, information provided by military facilities
22 shall be considered.

23 (B) The following definitions govern this paragraph:

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

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

27 (II) Operation, maintenance, and security of any military
28 installation.

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

31 (ii) “Military installation” means a base, camp, post, station,
32 yard, center, homeport facility for any ship, or other activity under
33 the jurisdiction of the United States Department of Defense as
34 defined in paragraph (1) of subsection (e) of Section 2687 of Title
35 10 of the United States Code.

36 (b) A circulation element consisting of the general location and
37 extent of existing and proposed major thoroughfares,
38 transportation routes, terminals, any military installation, and
39 other local public utilities and facilities, all correlated with the land
40 use element of the plan.



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

3 (d) A conservation element for the conservation, development,
4 and utilization of natural resources including water and its
5 hydraulic force, forests, soils, rivers and other waters, harbors,
6 fisheries, wildlife, minerals, and other natural resources. The
7 conservation element shall consider the effect of civilian
8 development on natural resources located on military installations.
9 That portion of the conservation element including waters shall be
10 developed in coordination with any countywide water agency and
11 with all district and city agencies that have developed, served,
12 controlled or conserved water for any purpose for the county or
13 city for which the plan is prepared. Coordination shall include the
14 discussion and evaluation of any water supply and demand
15 information described in Section 65352.5, if that information has
16 been submitted by the water agency to the city or county. The
17 conservation element may also cover the following:

- 18 (1) The reclamation of land and waters.
- 19 (2) Prevention and control of the pollution of streams and other
20 waters.
- 21 (3) Regulation of the use of land in stream channels and other
22 areas required for the accomplishment of the conservation plan.
- 23 (4) Prevention, control, and correction of the erosion of soils,
24 beaches, and shores.
- 25 (5) Protection of watersheds.
- 26 (6) The location, quantity and quality of the rock, sand and
27 gravel resources.
- 28 (7) Flood control.

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

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

33 (f) A noise element which shall identify and appraise noise
34 problems in the community. The noise element shall recognize the
35 guidelines established by the Office of Noise Control in the State
36 Department of Health Services and shall analyze and quantify, to
37 the extent practicable, as determined by the legislative body,
38 current and projected noise levels for all of the following sources:

- 39 (1) Highways and freeways.
- 40 (2) Primary arterials and major local streets.



1 (3) Passenger and freight on-line railroad operations and
2 ground rapid transit systems.

3 (4) Commercial, general aviation, heliport, helistop, and
4 military airport operations, aircraft overflights, jet engine test
5 stands, and all other ground facilities and maintenance functions
6 related to airport operation.

7 (5) Local industrial plants, including, but not limited to,
8 railroad classification yards.

9 (6) Other ground stationary noise sources, including, but not
10 limited to, military installations, identified by local agencies as
11 contributing to the community noise environment.

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

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

21 The noise element shall include implementation measures and
22 possible solutions that address existing and foreseeable noise
23 problems, if any. The adopted noise element shall serve as a
24 guideline for compliance with the state's noise insulation
25 standards.

26 (g) A safety element for the protection of the community from
27 any unreasonable risks associated with the effects of seismically
28 induced surface rupture, ground shaking, ground failure, tsunami,
29 seiche, and dam failure; slope instability leading to mudslides and
30 landslides; subsidence, liquefaction and other seismic hazards
31 identified pursuant to Chapter 7.8 (commencing with Section
32 2690) of the Public Resources Code, and other geologic hazards
33 known to the legislative body; flooding; and wild land and urban
34 fires. The safety element shall include mapping of known seismic
35 and other geologic hazards. It shall also address evacuation routes,
36 military installations, peakload water supply requirements, and
37 minimum road widths and clearances around structures, as those
38 items relate to identified fire and geologic hazards. Prior to the
39 periodic review of its general plan and prior to preparing or
40 revising its safety element, each city and county shall consult the



1 Division of Mines and Geology of the Department of Conservation
2 and the Office of Emergency Services for the purpose of including
3 information known by and available to the department and the
4 office required by this subdivision.

5 To the extent that a county's safety element is sufficiently
6 detailed and contains appropriate policies and programs for
7 adoption by a city, a city may adopt that portion of the county's
8 safety element that pertains to the city's planning area in
9 satisfaction of the requirement imposed by this subdivision.

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

33 SEC. 4. Section 65302.3 of the Government Code is amended
34 to read:

35 65302.3. (a) The general plan, and any applicable specific
36 plan prepared pursuant to Article 8 (commencing with Section
37 65450), shall be consistent with the plan adopted or amended
38 pursuant to Section 21675 of the Public Utilities Code.



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

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

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

14 SEC. 5. Section 65560 of the Government Code is amended
15 to read:

16 65560. (a) "Local open-space plan" is the open-space
17 element of a county or city general plan adopted by the board or
18 council, either as the local open-space plan or as the interim local
19 open-space plan adopted pursuant to Section 65563.

20 (b) "Open-space land" is any parcel or area of land or water;
21 ~~including land or water on a military installation;~~ that is essentially
22 unimproved and devoted to an open-space use as defined in this
23 section, and that is designated on a local, regional or state
24 open-space plan as any of the following:

25 (1) Open space for the preservation of natural resources
26 including, but not limited to, areas required for the preservation of
27 plant and animal life, including habitat for fish and wildlife
28 species; areas required for ecologic and other scientific study
29 purposes; rivers, streams, bays and estuaries; *areas adjacent to*
30 *military installations, military training routes, and restricted*
31 *airspace that can provide additional buffer zones to military*
32 *activities and complement the resource values of the military*
33 *lands;* and coastal beaches, lakeshores, banks of rivers and
34 streams, and watershed lands.

35 (2) Open space used for the managed production of resources,
36 including but not limited to, forest lands, rangeland, agricultural
37 lands and areas of economic importance for the production of food
38 or fiber; areas required for recharge of ground water basins; bays,
39 estuaries, marshes, rivers and streams which are important for the



1 management of commercial fisheries; and areas containing major
2 mineral deposits, including those in short supply.

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

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

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

19 65583. The housing element shall consist of an identification
20 and analysis of existing and projected housing needs and a
21 statement of goals, policies, quantified objectives, financial
22 resources, and scheduled programs for the preservation,
23 improvement, and development of housing. The housing element
24 shall identify adequate sites for housing, including rental housing,
25 factory-built housing, and mobilehomes, and shall make adequate
26 provision for the existing and projected needs of all economic
27 segments of the community. The element shall contain all of the
28 following:

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

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

37 (2) An analysis and documentation of household
38 characteristics, including level of payment compared to ability to
39 pay, housing characteristics, including overcrowding, and housing
40 stock condition.



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

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

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

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

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

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



1 housing program or used to qualify for a density bonus pursuant
2 to Section 65916.

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

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

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

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

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

37 (2) It is recognized that the total housing needs identified
38 pursuant to subdivision (a) may exceed available resources and the
39 community's ability to satisfy this need within the content of the
40 general plan requirements outlined in Article 5 (commencing with



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

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

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

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

38 (ii) Where the inventory of sites pursuant to paragraph (3) of
39 subdivision (a) does not identify adequate sites to accommodate
40 the need for farmworker housing, the program shall provide for



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

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

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

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

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

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

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

33 (6) (A) Preserve for lower income households the assisted
34 housing developments identified pursuant to paragraph (8) of
35 subdivision (a). The program for preservation of the assisted
36 housing developments shall utilize, to the extent necessary, all
37 available federal, state, and local financing and subsidy programs
38 identified in paragraph (8) of subdivision (a), except where a
39 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) A city or county shall not be required to comply
20 with the amendments made by this act to Sections 65302, 65302.3,
21 65560, and 65583 of the Government Code, relating to military
22 readiness activities, military personnel, military airports, and
23 military installations, until both of the following occur:

24 (1) An agreement is entered into between the United States
25 Department of Defense or other federal agency and the State of
26 California, through the Governor's Office of Planning and
27 Research, for the federal government to fully reimburse all claims
28 approved by the Commission on State Mandates and paid by the
29 Controller that cities and counties would be eligible to file as a
30 result of the enactment of this act.

31 (2) The city or county undertakes its next general plan revision.

32 (b) The amendments made by this act to Sections 65302,
33 65302.2, 65560, and 65583 of the Government Code shall become
34 inoperative on the January 1 following the date that the Director
35 of Planning and Research executes a declaration stating that the
36 agreement described in paragraph (1) of subdivision (a) has been
37 terminated by either party.

38 SEC. 9. Notwithstanding Section 17610 of the Government
39 Code, if the Commission on State Mandates determines that this
40 act contains costs mandated by the state, reimbursement to local



1 agencies and school districts for those costs shall be made pursuant
2 to Part 7 (commencing with Section 17500) of Division 4 of Title
3 2 of the Government Code. If the statewide cost of the claim for
4 reimbursement does not exceed one million dollars (\$1,000,000),
5 reimbursement shall be made from the State Mandates Claims
6 Fund.

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