

AMENDED IN ASSEMBLY AUGUST 23, 2002
AMENDED IN ASSEMBLY AUGUST 19, 2002
AMENDED IN ASSEMBLY AUGUST 7, 2002
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 city or county 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, with respect to the open-space element, define open-space land to include 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 airports and ports. 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, among other things, 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) *This bill also would incorporate additional changes in Section 65040.2 of the Government Code proposed by AB 2175, to be operative if AB 2175 and this bill are both enacted and become effective on or before January 1, 2003, and this bill is enacted last.*

This bill also would incorporate additional changes in Section 65560 of the Government Code proposed by AB 3057, to be operative if AB 3057 and this bill are both enacted and become effective on or before January 1, 2003, and this bill is enacted last.

(5) 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



1 military personnel, as well as the research, development, testing,
2 and evaluation of military hardware.

3 (2) The military is a key component of California’s economy
4 comprising direct economic expenditures of over
5 \$29,800,000,000 each year, making the military larger than other
6 economic sectors of the state, including agriculture, and the
7 military represented over 263,000 working adults in the 2000–01
8 fiscal year.

9 (3) The federal Department of Defense’s research,
10 development, test, and evaluation programs, which included
11 \$3,900,000,000 in direct 2000–01 fiscal year contracts in
12 California, make an important contribution to maintaining the
13 state’s lead in technology development.

14 (b) The Legislature therefore finds that the protection of this
15 integrated system of military installations and special use airspace
16 is in the public interest.

17 SEC. 1.5. Section 65040.2 of the Government Code is
18 amended to read:

19 65040.2. (a) In connection with its responsibilities under
20 subdivision (l) of Section 65040, the office shall develop and adopt
21 guidelines for the preparation and content of the mandatory
22 elements required in city and county general plans by Article 5
23 (commencing with Section 65300) of Chapter 3. For purposes of
24 this section, the guidelines prepared pursuant to Section 50459 of
25 the Health and Safety Code shall be the guidelines for the housing
26 element required by Section 65302. In the event that additional
27 elements are hereafter required in city and county general plans by
28 Article 5 (commencing with Section 65300) of Chapter 3, the
29 office shall adopt guidelines for those elements within six months
30 of the effective date of the legislation requiring those additional
31 elements.

32 (b) The office may request from each state department and
33 agency, as it deems appropriate, and the department or agency
34 shall provide, technical assistance in readopting, amending, or
35 repealing the guidelines.

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



1 (d) The guidelines shall contain the guidelines for addressing
2 environmental justice matters developed pursuant to Section
3 65040.12.

4 (e) The guidelines shall contain advice including
5 recommendations for best practices to allow for collaborative land
6 use planning of adjacent civilian and military lands and facilities.
7 The guidelines shall encourage enhanced land use compatibility
8 between civilian lands and any adjacent or nearby military
9 facilities through the examination of potential impacts upon one
10 another.

11 (f) The guidelines shall contain advice for addressing the
12 effects of civilian development on military readiness activities
13 carried out on all of the following:

- 14 (1) Military installations.
- 15 (2) Military operating areas.
- 16 (3) Military training areas.
- 17 (4) Military training routes.
- 18 (5) Military airspace.
- 19 (6) Other territory adjacent to those installations and areas.

20 (g) The office shall provide for regular review and revision of
21 the guidelines established pursuant to this section.

22 *SEC. 1.7. Section 65040.2 of the Government Code is*
23 *amended to read:*

24 65040.2. (a) In connection with its responsibilities under
25 subdivision (l) of Section 65040, the office shall develop and adopt
26 guidelines for the preparation and content of the mandatory
27 elements required in city and county general plans by Article 5
28 (commencing with Section 65300) of Chapter 3. For purposes of
29 this section, the guidelines prepared pursuant to Section 50459 of
30 the Health and Safety Code shall be the guidelines for the housing
31 element required by Section 65302. In the event that additional
32 elements are hereafter required in city and county general plans by
33 Article 5 (commencing with Section 65300) of Chapter 3, the
34 office shall adopt guidelines for those elements within six months
35 of the effective date of the legislation requiring those additional
36 elements.

37 (b) The office may request from each state department and
38 agency, as it deems appropriate, and the department or agency
39 shall provide, technical assistance in readopting, amending, or
40 repealing the guidelines.



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

4 (d) The guidelines shall contain the guidelines for addressing
5 environmental justice matters developed pursuant to Section
6 65040.12.

7 (e) *The guidelines shall contain advice including*
8 *recommendations for best practices to allow for collaborative land*
9 *use planning of adjacent civilian and military lands and facilities.*
10 *The guidelines shall encourage enhanced land use compatibility*
11 *between civilian lands and any adjacent or nearby military*
12 *facilities through the examination of potential impacts upon one*
13 *another.*

14 (f) *The guidelines shall contain advice for addressing the*
15 *effects of civilian development on military readiness activities*
16 *carried out on all of the following:*

17 (1) *Military installations.*

18 (2) *Military operating areas.*

19 (3) *Military training areas.*

20 (4) *Military training routes.*

21 (5) *Military airspace.*

22 (6) *Other territory adjacent to those installations and areas.*

23 (g) *The guidelines shall include guidelines for addressing*
24 *human services matters within the context of a general plan. For*
25 *the purposes of this section, “human services matters” means*
26 *provisions that assist a community in its efforts to establish goals*
27 *to address the needs of targeted community members, which may*
28 *include, but are not limited to, seniors, children, young adults,*
29 *families, workers, and persons with disabilities, with the objective*
30 *of improving the overall quality of life of both the targeted*
31 *community members and the community. In preparing guidelines*
32 *for addressing human services matters, the office shall consult*
33 *with interested persons, organizations, and public agencies that*
34 *have knowledge, training, and experience in the organization and*
35 *delivery of human services and services for persons with*
36 *disabilities. The office shall hold at least one public hearing prior*
37 *to the release of any draft guidelines for addressing human*
38 *services matters, and at least one public hearing after the release*
39 *of the draft guidelines. The hearings may be held at regular*
40 *meetings of the Planning Advisory and Assistance Council.*



1 (h) The office shall provide for regular review and revision of
2 the guidelines established pursuant to this section.

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

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

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

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

18 (2) The preparation and adoption of goals, policies, and
19 standards.

20 (3) The adoption and monitoring of feasible implementation
21 measures.

22 (4) Methods to resolve conflicts between civilian and military
23 land uses and activities.

24 (5) Recommendations for cities and counties to provide drafts
25 of general plan and zoning changes that may directly impact
26 military facilities, and opportunities to consult with the military
27 base personnel prior to approving development adjacent to
28 military facilities.

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 that 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. Cities and counties shall address military
30 impacts based on information that the military provides.

31 (B) The following definitions govern this paragraph:

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

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

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

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

39 (ii) “Military installation” means a base, camp, post, station,
40 yard, center, homeport facility for any ship, or other activity under



1 the jurisdiction of the United States Department of Defense as
2 defined in paragraph (1) of subsection (e) of Section 2687 of Title
3 10 of the United States Code.

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

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

11 (d) A conservation element for the conservation, development,
12 and utilization of natural resources including water and its
13 hydraulic force, forests, soils, rivers and other waters, harbors,
14 fisheries, wildlife, minerals, and other natural resources. The
15 conservation element shall consider the effect of development
16 within the jurisdiction, as described in the land use element, on
17 natural resources located on public lands, including military
18 installations. That portion of the conservation element including
19 waters shall be developed in coordination with any countywide
20 water agency and with all district and city agencies that have
21 developed, served, controlled or conserved water for any purpose
22 for the county or city for which the plan is prepared. Coordination
23 shall include the discussion and evaluation of any water supply and
24 demand information described in Section 65352.5, if that
25 information has been submitted by the water agency to the city or
26 county. The conservation element may also cover the following:

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

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



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

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

9 (1) Highways and freeways.

10 (2) Primary arterials and major local streets.

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

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

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

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

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

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

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

36 (g) A safety element for the protection of the community from
37 any unreasonable risks associated with the effects of seismically
38 induced surface rupture, ground shaking, ground failure, tsunami,
39 seiche, and dam failure; slope instability leading to mudslides and
40 landslides; subsidence, liquefaction and other seismic hazards



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

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

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



1 division shall be advisory to the planning agency and legislative
2 body.

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

5 65302.3. (a) The general plan, and any applicable specific
6 plan prepared pursuant to Article 8 (commencing with Section
7 65450), shall be consistent with the plan adopted or amended
8 pursuant to Section 21675 of the Public Utilities Code.

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

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

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

22 SEC. 5. Section 65560 of the Government Code is amended
23 to read:

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

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

32 (1) Open space for the preservation of natural resources
33 including, but not limited to, areas required for the preservation of
34 plant and animal life, including habitat for fish and wildlife
35 species; areas required for ecologic and other scientific study
36 purposes; rivers, streams, bays and estuaries; areas adjacent to
37 military installations, military training routes, and restricted
38 airspace that can provide additional buffer zones to military
39 activities and complement the resource values of the military



1 lands; and coastal beaches, lakeshores, banks of rivers and
2 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. 5.5. Section 65560 of the Government Code is amended*
25 *to read:*

26 65560. (a) ~~Local~~ *The “local agricultural and open-space*
27 *plan” element*” is the ~~open-space element~~ *component* of a county
28 or city general plan adopted by the board or council, either as the
29 local open-space ~~plan~~ *element* or as the interim local open-space
30 ~~plan~~ *element* adopted pursuant to Section 65563.

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

36 (1) ~~Open-space~~ *Land used for the production of food and fiber,*
37 *including, but not limited to, rangeland and agricultural lands.*

38 (2) *Lands used for the preservation of natural resources*
39 *including, but not limited to, areas required for the preservation of*
40 *plant and animal life, including habitat for fish and wildlife*



1 species; areas required for ecologic and other scientific study
2 purposes; rivers, streams, bays and estuaries; *areas adjacent to*
3 *military installations, military training routes, and restricted*
4 *airspace that can provide additional buffer zones to military*
5 *activities and complement the resource values of the military*
6 *lands*; and coastal beaches, lakeshores, banks of rivers and
7 streams, and watershed lands.

8 ~~(2) Open space~~

9 (3) *Land used for the managed production of resources,*
10 *including but not limited to, forest lands, rangeland, agricultural*
11 *lands and areas of economic importance for the production of food*
12 *or fiber*; areas required for recharge of ~~ground water~~ *groundwater*
13 basins; bays, estuaries, marshes, rivers and streams which are
14 important for the management of commercial fisheries; and areas
15 containing major mineral deposits, including those in short supply.

16 ~~(3) Open space~~

17 (4) *Land used for outdoor recreation, including but not limited*
18 *to, areas of outstanding scenic, historic and cultural value; areas*
19 *particularly suited for park and recreation purposes, including*
20 *access to lakeshores, beaches, and rivers and streams; and areas*
21 *which serve as links between major recreation and open-space*
22 *reservations, including utility easements, banks of rivers and*
23 *streams, trails, and scenic highway corridors.*

24 ~~(4) Open space~~

25 (5) *Land used for public health and safety, including, but not*
26 *limited to, areas which require special management or regulation*
27 *because of hazardous or special conditions such as earthquake*
28 *fault zones, unstable soil areas, flood plains, watersheds, areas*
29 *presenting high fire risks, areas required for the protection of water*
30 *quality and water reservoirs and areas required for the protection*
31 *and enhancement of air quality.*

32 SEC. 6. Section 65583 of the Government Code is amended
33 to read:

34 65583. The housing element shall consist of an identification
35 and analysis of existing and projected housing needs and a
36 statement of goals, policies, quantified objectives, financial
37 resources, and scheduled programs for the preservation,
38 improvement, and development of housing. The housing element
39 shall identify adequate sites for housing, including rental housing,
40 factory-built housing, and mobilehomes, and shall make adequate



1 provision for the existing and projected needs of all economic
2 segments of the community. The element shall contain all of the
3 following:

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

7 (1) An analysis of population and employment trends and
8 documentation of projections and a quantification of the locality's
9 existing and projected housing needs for all income levels. These
10 existing and projected needs shall include the locality's share of the
11 regional housing need in accordance with Section 65584.

12 (2) An analysis and documentation of household
13 characteristics, including level of payment compared to ability to
14 pay, housing characteristics, including overcrowding, and housing
15 stock condition.

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

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

32 (5) An analysis of potential and actual nongovernmental
33 constraints upon the maintenance, improvement, or development
34 of housing for all income levels, including the availability of
35 financing, the price of land, and the cost of construction.

36 (6) An analysis of any special housing needs, such as those of
37 the elderly, persons with disabilities, large families, farmworkers,
38 families with female heads of households, and families and
39 persons in need of emergency shelter.



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

3 (8) An analysis of existing assisted housing developments that
4 are eligible to change from low-income housing uses during the
5 next 10 years due to termination of subsidy contracts, mortgage
6 prepayment, or expiration of restrictions on use. “Assisted
7 housing developments,” for the purpose of this section, shall mean
8 multifamily rental housing that receives governmental assistance
9 under federal programs listed in subdivision (a) of Section
10 65863.10, state and local multifamily revenue bond programs,
11 local redevelopment programs, the federal Community
12 Development Block Grant Program, or local in-lieu fees.
13 “Assisted housing developments” shall also include multifamily
14 rental units that were developed pursuant to a local inclusionary
15 housing program or used to qualify for a density bonus pursuant
16 to Section 65916.

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

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

32 (C) The analysis shall identify public and private nonprofit
33 corporations known to the local government which have legal and
34 managerial capacity to acquire and manage these housing
35 developments.

36 (D) The analysis shall identify and consider the use of all
37 federal, state, and local financing and subsidy programs which can
38 be used to preserve, for lower income households, the assisted
39 housing developments, identified in this paragraph, including, but
40 not limited to, federal Community Development Block Grant



1 Program funds, tax increment funds received by a redevelopment
2 agency of the community, and administrative fees received by a
3 housing authority operating within the community. In considering
4 the use of these financing and subsidy programs, the analysis shall
5 identify the amounts of funds under each available program which
6 have not been legally obligated for other purposes and which could
7 be available for use in preserving assisted housing developments.

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

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

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

34 (1) (A) Identify adequate sites which will be made available
35 through appropriate zoning and development standards and with
36 services and facilities, including sewage collection and treatment,
37 domestic water supply, and septic tanks and wells, needed to
38 facilitate and encourage the development of a variety of types of
39 housing for all income levels, including multifamily rental
40 housing, factory-built housing, mobilehomes, housing for



1 agricultural employees, emergency shelters, and transitional
2 housing in order to meet the community’s housing goals as
3 identified in subdivision (b).

4 (i) Where the inventory of sites, pursuant to paragraph (3) of
5 subdivision (a), does not identify adequate sites to accommodate
6 the need for groups of all household income levels pursuant to
7 Section 65584, the program shall provide for sufficient sites with
8 zoning that permits owner-occupied and rental multifamily
9 residential use by right, including density and development
10 standards that could accommodate and facilitate the feasibility of
11 housing for very low and low-income households.

12 (ii) Where the inventory of sites pursuant to paragraph (3) of
13 subdivision (a) does not identify adequate sites to accommodate
14 the need for farmworker housing, the program shall provide for
15 sufficient sites to meet the need with zoning that permits
16 farmworker housing use by right, including density and
17 development standards that could accommodate and facilitate the
18 feasibility of the development of farmworker housing for low- and
19 very low income households.

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

26 (C) The requirements of this subdivision regarding
27 identification of sites for farmworker housing shall apply
28 commencing with the next revision of housing elements required
29 by Section 65588 following the enactment of this subparagraph.

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

32 (3) Address and, where appropriate and legally possible,
33 remove governmental constraints to the maintenance,
34 improvement, and development of housing, including housing for
35 all income levels and housing for persons with disabilities. The
36 program shall remove constraints to, or provide reasonable
37 accommodations for housing designed for, intended for
38 occupancy by, or with supportive services for, persons with
39 disabilities.



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

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

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

17 (B) The program shall include an identification of the agencies
18 and officials responsible for the implementation of the various
19 actions and the means by which consistency will be achieved with
20 other general plan elements and community goals. The local
21 government shall make a diligent effort to achieve public
22 participation of all economic segments of the community in the
23 development of the housing element, and the program shall
24 describe this effort.

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

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

37 SEC. 7. Section 21675 of the Public Utilities Code is amended
38 to read:

39 21675. (a) Each commission shall formulate a
40 comprehensive land use plan that will provide for the orderly



1 growth of each public airport and the area surrounding the airport
2 within the jurisdiction of the commission, and will safeguard the
3 general welfare of the inhabitants within the vicinity of the airport
4 and the public in general. The commission plan shall include and
5 shall be based on a long-range master plan or an airport layout
6 plan, as determined by the Division of Aeronautics of the
7 Department of Transportation, that reflects the anticipated growth
8 of the airport during at least the next 20 years. In formulating a land
9 use plan, the commission may develop height restrictions on
10 buildings, specify use of land, and determine building standards,
11 including soundproofing adjacent to airports, within the planning
12 area. The comprehensive land use plan shall be reviewed as often
13 as necessary in order to accomplish its purposes, but shall not be
14 amended more than once in any calendar year.

15 (b) The commission shall include, within its plan formulated
16 pursuant to subdivision (a), the area within the jurisdiction of the
17 commission surrounding any military airport for all of the
18 purposes specified in subdivision (a). The plan shall be consistent
19 with the safety and noise standards in the Air Installation
20 Compatible Use Zone prepared for that military airport. This
21 subdivision does not give the commission any jurisdiction or
22 authority over the territory or operations of any military airport.

23 (c) The planning boundaries shall be established by the
24 commission after hearing and consultation with the involved
25 agencies.

26 (d) The commission shall submit to the Division of
27 Aeronautics of the department one copy of the plan and each
28 amendment to the plan.

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

33 SEC. 8. (a) A city or county shall not be required to comply
34 with the amendments made by this act to Sections 65302, 65302.3,
35 65560, and 65583 of the Government Code, relating to military
36 readiness activities, military personnel, military airports, and
37 military installations, until both of the following occur:

38 (1) An agreement is entered into between the United States
39 Department of Defense or other federal agency and the State of
40 California, through the Governor's Office of Planning and



1 Research, for the federal government to fully reimburse all claims
2 approved by the Commission on State Mandates and paid by the
3 Controller that cities and counties would be eligible to file as a
4 result of the enactment of this act.

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

6 (b) The amendments made by this act to Sections 65302,
7 65302.2, 65560, and 65583 of the Government Code shall become
8 inoperative on the January 1 following the date that the Director
9 of Planning and Research executes a declaration stating that the
10 agreement described in paragraph (1) of subdivision (a) has been
11 terminated by either party.

12 SEC. 9. *Section 1.7 of this bill incorporates amendments to*
13 *Section 65040.2 of the Government Code proposed by both this bill*
14 *and AB 2175. It shall only become operative if (1) both bills are*
15 *enacted and become effective on or before January 1, 2003, (2)*
16 *each bill amends Section 65040.2 of the Government Code, and (3)*
17 *this bill is enacted after AB 2175, in which case Section 1.5 of this*
18 *bill shall not become operative.*

19 SEC. 10. *Section 5.5 of this bill incorporates amendments to*
20 *Section 65560 of the Government Code proposed by both this bill*
21 *and AB 3057. It shall only become operative if (1) both bills are*
22 *enacted and become effective on or before January 1, 2003, (2)*
23 *each bill amends Section 65560 of the Government Code, and (3)*
24 *this bill is enacted after AB 3057, in which case Section 5 of this*
25 *bill shall not become operative.*

26 SEC. 11. Notwithstanding Section 17610 of the Government
27 Code, if the Commission on State Mandates determines that this
28 act contains costs mandated by the state, reimbursement to local
29 agencies and school districts for those costs shall be made pursuant
30 to Part 7 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the claim for
32 reimbursement does not exceed one million dollars (\$1,000,000),
33 reimbursement shall be made from the State Mandates Claims
34 Fund.

O

