

Introduced by Senator KehoeJanuary 4, 2005

An act to amend Section 65302.1 of the Government Code, relating to general plans.

LEGISLATIVE COUNSEL'S DIGEST

SB 44, as introduced, Kehoe. General plans: air quality element.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land. Existing law specifically requires the legislative body of each city and county within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District to amend appropriate elements of its general plan to include specified information to improve air quality.

This bill would make legislative findings and declarations regarding air pollution problems in this state. The bill additionally would require the legislative body of each city and county, other than those in the San Joaquin Valley Air Pollution Control District, to amend the appropriate elements of its general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality no later than one year from the date specified for the next revision of its housing element.

The bill would also require each city and county, at least 45 days prior to the adoption of air quality amendments to a general plan, to send a copy of the draft document to the air quality management

district or air pollution control district in which it is located for review and comment, as specified. By increasing the duties of local public officials, this bill would impose a state-mandated local program.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 65302.1 of the Government Code is
2 amended to read:

3 65302.1. (a) The Legislature finds and declares all of the
4 following:

5 (1) ~~The San Joaquin Valley California~~ has a serious air
6 pollution problem that will take the cooperation of land use and
7 transportation planning agencies, transit operators, the
8 development community, ~~the San Joaquin Valley Air Pollution~~
9 ~~Control District~~ *air quality management districts, air pollution*
10 *control districts*, and the public to solve.

11 ~~The~~
12 (2) *The* solution to the problem requires changes in the way
13 we have traditionally built our communities and constructed the
14 transportation systems. It involves a fundamental shift in
15 priorities from emphasis on mobility for the occupants of private
16 automobiles to a multimodal system that more efficiently uses
17 scarce resources. It requires a change in attitude from the public
18 to support development patterns and transportation systems
19 different from the status quo.

20 ~~(2) In 2003 the district published a document entitled, Air~~
21 ~~Quality Guidelines for General Plans. This report is a~~
22 ~~comprehensive guidance document and resource for cities and~~
23 ~~counties to use to include air quality in their general plans. It~~
24 ~~includes goals, policies, and programs that when adopted in a~~
25 ~~general plan will reduce vehicle trips and miles traveled and~~
26 ~~improve air quality.~~

- 1 (3) Air quality guidelines are recommended strategies that do,
2 when it is feasible, all of the following:
- 3 (A) Determine and mitigate project level and cumulative air
4 quality impacts under the California Environmental Quality Act
5 (CEQA) (Division 13 (commencing with Section 21000) of the
6 Public Resources Code).
 - 7 (B) Integrate land use plans, transportation plans, and air
8 quality plans.
 - 9 (C) Plan land uses in ways that support a multimodal
10 transportation system.
 - 11 (D) Local action to support programs that reduce congestion
12 and vehicle trips.
 - 13 (E) Plan land uses to minimize exposure to toxic air pollutant
14 emissions from industrial and other sources.
 - 15 (F) Reduce particulate matter emissions from sources under
16 local jurisdiction.
 - 17 (G) Support district and public utility programs to reduce
18 emissions from energy consumption and area sources.
- 19 (4) The benefits of including air quality concerns within local
20 general plans include, but are not limited to, all of the following:
- 21 (A) Lower infrastructure costs.
 - 22 (B) Lower public service costs.
 - 23 (C) More efficient transit service.
 - 24 (D) Lower costs for comprehensive planning.
 - 25 (E) Streamlining of the permit process.
 - 26 (F) Improved mobility for the elderly and children.
- 27 (b) The legislative body of each city and county ~~within the~~
28 ~~jurisdictional boundaries of the district~~ shall amend the
29 appropriate elements of its general plan, which may include, but
30 are not limited to, the required elements dealing with land use,
31 circulation, housing, conservation, and open space, to include
32 data and analysis, goals, policies, and objectives, and feasible
33 implementation strategies to improve air quality.
- 34 (c) The adoption of air quality amendments to a general plan
35 to comply with the requirements of subdivision (d) shall include
36 all of the following:
- 37 (1) A report describing local air quality conditions including
38 air quality monitoring data, emission inventories, lists of
39 significant source categories, attainment status and designations,

1 and applicable state and federal air quality plans and
2 transportation plans.

3 (2) A summary of local, district, state, and federal policies,
4 programs, and regulations that may improve air quality in the city
5 or county.

6 (3) A comprehensive set of goals, policies, and objectives that
7 may improve air quality consistent with the strategies listed in
8 paragraph (3) of subdivision (a).

9 (4) A set of feasible implementation measures designed to
10 carry out those goals, policies, and objectives.

11 (d) At least 45 days prior to the adoption of air quality
12 amendments to a general plan pursuant to this section, each city
13 and county shall send a copy of its draft document to the *air*
14 *quality management district or air pollution control district in*
15 *which the city or county is located*. The district may review the
16 draft amendments to determine whether they may improve air
17 quality consistent with the strategies listed in paragraph (3) of
18 subdivision (a). Within 30 days of receiving the draft
19 amendments, the district shall send any comments and advice to
20 the city or county. The legislative body of the city or county shall
21 consider the district's comments and advice prior to the final
22 adoption of air quality amendments to the general plan. If the
23 district's comments and advice are not available by the time
24 scheduled for the final adoption of air quality amendments to the
25 general plan, the legislative body of the city or county may act
26 without them. The district's comments shall be advisory to the
27 city or county.

28 (e) (1) The legislative body of each city and county within the
29 jurisdictional boundaries of the ~~district~~ *San Joaquin Valley Air*
30 *Pollution Control District* shall comply with this section no later
31 than one year from the date specified in Section 65588 for the
32 next revision of its housing element that occurs after January 1,
33 2004.

34 ~~(f) As used in this section, "district" means the San Joaquin~~
35 ~~Valley Air Pollution Control District.~~

36 (2) *The legislative bodies of all other cities and counties shall*
37 *comply with this section no later than one year from the date*
38 *specified in Section 65588 for the next revision of its housing*
39 *element that occurs after January 1, 2006.*

1 SEC. 2. The Legislature finds and declares that Sections
2 65104 and 66014 of the Government Code provide local agencies
3 with authority to levy fees sufficient to pay for the program or
4 level of service mandated by this act.

5 SEC. 3. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act, within the meaning of
10 Section 17556 of the Government Code.

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