

AMENDED IN ASSEMBLY MARCH 12, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1897

Introduced by Assembly Member Campos

February 22, 2012

An act to amend Section ~~12096.4~~ 65302 of the Government Code, relating to ~~state government~~ *land use*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1897, as amended, Campos. ~~Governor's Office of Business and Economic Development: designation of senior managers.~~ *Land use: general plan: healthy food element.*

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, conservation, and safety elements, which are required to meet specified requirements.

This bill would require that the general plan also include a healthy food element that meets certain requirements. By imposing additional duties on local officials, this bill would constitute 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, 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.

The Governor's Office of Business and Economic Development serves as the Governor's lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. The office, among others, makes recommendations to the Governor and the Legislature regarding policies, programs, and actions to advance statewide economic goals. Existing law requires each member of the Governor's cabinet to identify a senior manager within his or her agency who shall coordinate business support activities with the office.

This bill would require the office to post the contact information for the senior managers on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. The Legislature finds and declares that there
2 exists a severe shortage of fresh, healthy, and affordable food,
3 especially for persons and families of low and moderate income,
4 and that there is an immediate need to encourage the access of
5 healthy food for persons residing in California, not only through
6 the provision of grocery stores, farmers markets, urban agriculture,
7 mobile vendors, or other methods, but also through changes in
8 law designed to do all of the following:

9 (a) Expedite the local and state residential development process
10 locating new or rehabilitated grocery stores in food deserts.

11 (b) Ensure that local governments zone sufficient land to include
12 grocery stores and urban agriculture.

13 (c) Ensure that local governments make a diligent effort through
14 the administration of land use and development controls and the
15 provision of regulatory concessions and incentives to significantly
16 reduce barriers to grocery store development and thereby facilitate
17 the development of affordable and accessible food.

18 SEC. 2. Section 65302 of the Government Code is amended to
19 read:

20 65302. The general plan shall consist of a statement of
21 development policies and shall include a diagram or diagrams and
22 text setting forth objectives, principles, standards, and plan
23 proposals. The plan shall include the following elements:

1 (a) A land use element that designates the proposed general
2 distribution and general location and extent of the uses of the land
3 for housing, business, industry, open space, including agriculture,
4 natural resources, recreation, and enjoyment of scenic beauty,
5 education, public buildings and grounds, solid and liquid waste
6 disposal facilities, and other categories of public and private uses
7 of land. The location and designation of the extent of the uses of
8 the land for public and private uses shall consider the identification
9 of land and natural resources pursuant to paragraph (3) of
10 subdivision (d). The land use element shall include a statement of
11 the standards of population density and building intensity
12 recommended for the various districts and other territory covered
13 by the plan. The land use element shall identify and annually
14 review those areas covered by the plan that are subject to flooding
15 identified by flood plain mapping prepared by the Federal
16 Emergency Management Agency (FEMA) or the Department of
17 Water Resources. The land use element shall also do both of the
18 following:

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

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

30 (A) In determining the impact of new growth on military
31 readiness activities, information provided by military facilities
32 shall be considered. Cities and counties shall address military
33 impacts based on information from the military and other sources.

34 (B) The following definitions govern this paragraph:

35 (i) "Military readiness activities" mean all of the following:

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

38 (II) Operation, maintenance, and security of any military
39 installation.

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

3 (ii) “Military installation” means a base, camp, post, station,
4 yard, center, homeport facility for any ship, or other activity under
5 the jurisdiction of the United States Department of Defense as
6 defined in paragraph (1) of subsection (e) of Section 2687 of Title
7 10 of the United States Code.

8 (b) (1) A circulation element consisting of the general location
9 and extent of existing and proposed major thoroughfares,
10 transportation routes, terminals, any military airports and ports,
11 and other local public utilities and facilities, all correlated with the
12 land use element of the plan.

13 (2) (A) Commencing January 1, 2011, upon any substantive
14 revision of the circulation element, the legislative body shall
15 modify the circulation element to plan for a balanced, multimodal
16 transportation network that meets the needs of all users of streets,
17 roads, and highways for safe and convenient travel in a manner
18 that is suitable to the rural, suburban, or urban context of the
19 general plan.

20 (B) For purposes of this paragraph, “users of streets, roads, and
21 highways” means bicyclists, children, persons with disabilities,
22 motorists, movers of commercial goods, pedestrians, users of public
23 transportation, and seniors.

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

26 (d) (1) A conservation element for the conservation,
27 development, and utilization of natural resources including water
28 and its hydraulic force, forests, soils, rivers and other waters,
29 harbors, fisheries, wildlife, minerals, and other natural resources.
30 The conservation element shall consider the effect of development
31 within the jurisdiction, as described in the land use element, on
32 natural resources located on public lands, including military
33 installations. That portion of the conservation element including
34 waters shall be developed in coordination with any countywide
35 water agency and with all district and city agencies, including
36 flood management, water conservation, or groundwater agencies
37 that have developed, served, controlled, managed, or conserved
38 water of any type for any purpose in the county or city for which
39 the plan is prepared. Coordination shall include the discussion and
40 evaluation of any water supply and demand information described

1 in Section 65352.5, if that information has been submitted by the
2 water agency to the city or county.

3 (2) The conservation element may also cover all of the
4 following:

5 (A) The reclamation of land and waters.

6 (B) Prevention and control of the pollution of streams and other
7 waters.

8 (C) Regulation of the use of land in stream channels and other
9 areas required for the accomplishment of the conservation plan.

10 (D) Prevention, control, and correction of the erosion of soils,
11 beaches, and shores.

12 (E) Protection of watersheds.

13 (F) The location, quantity and quality of the rock, sand and
14 gravel resources.

15 (3) Upon the next revision of the housing element on or after
16 January 1, 2009, the conservation element shall identify rivers,
17 creeks, streams, flood corridors, riparian habitats, and land that
18 may accommodate floodwater for purposes of groundwater
19 recharge and stormwater management.

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

22 (f) (1) A noise element that shall identify and appraise noise
23 problems in the community. The noise element shall recognize the
24 guidelines established by the Office of Noise Control and shall
25 analyze and quantify, to the extent practicable, as determined by
26 the legislative body, current and projected noise levels for all of
27 the following sources:

28 (A) Highways and freeways.

29 (B) Primary arterials and major local streets.

30 (C) Passenger and freight online railroad operations and ground
31 rapid transit systems.

32 (D) Commercial, general aviation, heliport, helistop, and military
33 airport operations, aircraft overflights, jet engine test stands, and
34 all other ground facilities and maintenance functions related to
35 airport operation.

36 (E) Local industrial plants, including, but not limited to, railroad
37 classification yards.

38 (F) Other ground stationary noise sources, including, but not
39 limited to, military installations, identified by local agencies as
40 contributing to the community noise environment.

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

7 (3) The noise contours shall be used as a guide for establishing
8 a pattern of land uses in the land use element that minimizes the
9 exposure of community residents to excessive noise.

10 (4) The noise element shall include implementation measures
11 and possible solutions that address existing and foreseeable noise
12 problems, if any. The adopted noise element shall serve as a
13 guideline for compliance with the state's noise insulation standards.

14 (g) (1) A safety element for the protection of the community
15 from any unreasonable risks associated with the effects of
16 seismically induced surface rupture, ground shaking, ground
17 failure, tsunami, seiche, and dam failure; slope instability leading
18 to mudslides and landslides; subsidence, liquefaction, and other
19 seismic hazards identified pursuant to Chapter 7.8 (commencing
20 with Section 2690) of Division 2 of the Public Resources Code,
21 and other geologic hazards known to the legislative body; flooding;
22 and wildland and urban fires. The safety element shall include
23 mapping of known seismic and other geologic hazards. It shall
24 also address evacuation routes, military installations, peakload
25 water supply requirements, and minimum road widths and
26 clearances around structures, as those items relate to identified fire
27 and geologic hazards.

28 (2) The safety element, upon the next revision of the housing
29 element on or after January 1, 2009, shall also do the following:

30 (A) Identify information regarding flood hazards, including,
31 but not limited to, the following:

32 (i) Flood hazard zones. As used in this subdivision, "flood
33 hazard zone" means an area subject to flooding that is delineated
34 as either a special hazard area or an area of moderate or minimal
35 hazard on an official flood insurance rate map issued by the Federal
36 Emergency Management Agency. The identification of a flood
37 hazard zone does not imply that areas outside the flood hazard
38 zones or uses permitted within flood hazard zones will be free
39 from flooding or flood damage.

- 1 (ii) National Flood Insurance Program maps published by
2 FEMA.
- 3 (iii) Information about flood hazards that is available from the
4 United States Army Corps of Engineers.
- 5 (iv) Designated floodway maps that are available from the
6 Central Valley Flood Protection Board.
- 7 (v) Dam failure inundation maps prepared pursuant to Section
8 8589.5 that are available from the California Emergency
9 Management Agency.
- 10 (vi) Awareness Floodplain Mapping Program maps and 200-year
11 flood plain maps that are or may be available from, or accepted
12 by, the Department of Water Resources.
- 13 (vii) Maps of levee protection zones.
- 14 (viii) Areas subject to inundation in the event of the failure of
15 project or nonproject levees or floodwalls.
- 16 (ix) Historical data on flooding, including locally prepared maps
17 of areas that are subject to flooding, areas that are vulnerable to
18 flooding after wildfires, and sites that have been repeatedly
19 damaged by flooding.
- 20 (x) Existing and planned development in flood hazard zones,
21 including structures, roads, utilities, and essential public facilities.
- 22 (xi) Local, state, and federal agencies with responsibility for
23 flood protection, including special districts and local offices of
24 emergency services.
- 25 (B) Establish a set of comprehensive goals, policies, and
26 objectives based on the information identified pursuant to
27 subparagraph (A), for the protection of the community from the
28 unreasonable risks of flooding, including, but not limited to:
 - 29 (i) Avoiding or minimizing the risks of flooding to new
30 development.
 - 31 (ii) Evaluating whether new development should be located in
32 flood hazard zones, and identifying construction methods or other
33 methods to minimize damage if new development is located in
34 flood hazard zones.
 - 35 (iii) Maintaining the structural and operational integrity of
36 essential public facilities during flooding.
 - 37 (iv) Locating, when feasible, new essential public facilities
38 outside of flood hazard zones, including hospitals and health care
39 facilities, emergency shelters, fire stations, emergency command
40 centers, and emergency communications facilities or identifying

1 construction methods or other methods to minimize damage if
2 these facilities are located in flood hazard zones.

3 (v) Establishing cooperative working relationships among public
4 agencies with responsibility for flood protection.

5 (C) Establish a set of feasible implementation measures designed
6 to carry out the goals, policies, and objectives established pursuant
7 to subparagraph (B).

8 (3) After the initial revision of the safety element pursuant to
9 paragraph (2), upon each revision of the housing element, the
10 planning agency shall review and, if necessary, revise the safety
11 element to identify new information that was not available during
12 the previous revision of the safety element.

13 (4) Cities and counties that have flood plain management
14 ordinances that have been approved by FEMA that substantially
15 comply with this section, or have substantially equivalent
16 provisions to this subdivision in their general plans, may use that
17 information in the safety element to comply with this subdivision,
18 and shall summarize and incorporate by reference into the safety
19 element the other general plan provisions or the flood plain
20 ordinance, specifically showing how each requirement of this
21 subdivision has been met.

22 (5) Prior to the periodic review of its general plan and prior to
23 preparing or revising its safety element, each city and county shall
24 consult the California Geological Survey of the Department of
25 Conservation, the Central Valley Flood Protection Board, if the
26 city or county is located within the boundaries of the Sacramento
27 and San Joaquin Drainage District, as set forth in Section 8501 of
28 the Water Code, and the California Emergency Management
29 Agency for the purpose of including information known by and
30 available to the department, the agency, and the board required by
31 this subdivision.

32 (6) To the extent that a county's safety element is sufficiently
33 detailed and contains appropriate policies and programs for
34 adoption by a city, a city may adopt that portion of the county's
35 safety element that pertains to the city's planning area in
36 satisfaction of the requirement imposed by this subdivision.

37 *(h) (1) A healthy foods element to improve the health of*
38 *Californians by increasing access to healthy affordable food. The*
39 *healthy food element shall include a plan to increase access to*
40 *healthy affordable food within the jurisdiction of that city and*

1 county. For purposes of this section, access to healthy food shall
2 include, but is not limited to, all of the following:

- 3 (A) Access to full and discount grocery stores.
- 4 (B) Access to urban farming.
- 5 (C) Access to community or school gardens.
- 6 (D) Access to farmers markets.
- 7 (E) Access to affordable food, including food retail spaces that
8 accept CalFresh benefits received under the federal Supplemental
9 Nutrition Assistance Program of the federal Food and Nutrition
10 Act of 2008 pursuant to Chapter 10 (commencing with Section
11 18900) of Part 6 of Division 9 of the Welfare and Institutions Code,
12 or benefits received under the California Special Supplemental
13 Food Program for Women, Infants, and Children, as provided for
14 in Article 2 (commencing with Section 123275) of Chapter 1 of
15 Part 2 of Division 106 of the Health and Safety Code.
- 16 (F) Access to transportation when approving a new grocery
17 store, including, but not limited to, bus stops or other mass
18 transportation stops near the grocery store, free or low-cost
19 shuttles to and from the grocery store, taxi vouchers, and car pool
20 programs.

21 (2) When planning for meeting the requirements of the healthy
22 food element, a city or county may consider developing incentives
23 for new grocery stores that do one or more of the following:

- 24 (A) Incorporate green energy, such as solar refrigerators or
25 solar panels.
- 26 (B) Provide community meeting space in the grocery store.
- 27 (C) Conduct nutrition and cooking classes in the grocery store.
- 28 (D) Commit to a certain percentage of fair trade products within
29 the grocery store.
- 30 (E) Hire locally.
- 31 (F) Offer composting and environmentally friendly cleaning
32 supplies.
- 33 (G) Offer nutritional label tags on the shelves.

34 SEC. 3. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

39 SECTION 1. ~~Section 12096.4 of the Government Code is~~
40 ~~amended to read:~~

- 1 ~~12096.4. (a) Each member of the Governor's cabinet shall~~
- 2 ~~identify a senior manager within his or her agency who shall~~
- 3 ~~coordinate business support activities with the office.~~
- 4 ~~(b) The office shall post the contact information for each senior~~
- 5 ~~manager who is identified pursuant to subdivision (a) on its Internet~~
- 6 ~~Web site.~~
- 7 ~~(c) For the 2012-13 fiscal year and subsequent fiscal years, the~~
- 8 ~~office shall develop a budget in coordination with the Department~~
- 9 ~~of Finance pursuant to the state budgeting process, including the~~
- 10 ~~permanent transfer of associated positions.~~