

AMENDED IN ASSEMBLY MAY 17, 2012
AMENDED IN ASSEMBLY MAY 2, 2012
AMENDED IN ASSEMBLY APRIL 30, 2012
AMENDED IN ASSEMBLY APRIL 16, 2012
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 65040.2 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1897, as amended, Campos. Land use: general plan: access to healthy food.

Existing law requires the Office of Planning and Research to implement various long-range planning and research policies and goals that are intended to shape statewide development patterns and significantly influence the quality of the state's environment and, in connection with those responsibilities, to adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans.

This bill would authorize the office to prepare and amend the guidelines to contain advice, developed in consultation with the Department of Food and Agriculture, for improving the health of Californians by increasing access to healthy affordable food.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

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

19 ~~SECTION 1.~~ Section 65040.2 of the Government Code is
20 amended to read:

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

34 (b) The office may request from each state department and
35 agency, as it deems appropriate, and the department or agency

1 shall provide, technical assistance in readopting, amending, or
2 repealing the guidelines.

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

6 (d) The guidelines shall contain the guidelines for addressing
7 environmental justice matters developed pursuant to Section
8 65040.12.

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

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

18 (1) Military installations.

19 (2) Military operating areas.

20 (3) Military training areas.

21 (4) Military training routes.

22 (5) Military airspace.

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

24 (g) By March 1, 2005, the guidelines shall contain advice,
25 developed in consultation with the Native American Heritage
26 Commission, for consulting with California Native American tribes
27 for all of the following:

28 (1) The preservation of, or the mitigation of impacts to, places,
29 features, and objects described in Sections 5097.9 and 5097.993
30 of the Public Resources Code.

31 (2) Procedures for identifying through the Native American
32 Heritage Commission the appropriate California Native American
33 tribes.

34 (3) Procedures for continuing to protect the confidentiality of
35 information concerning the specific identity, location, character,
36 and use of those places, features, and objects.

37 (4) Procedures to facilitate voluntary landowner participation
38 to preserve and protect the specific identity, location, character,
39 and use of those places, features, and objects.

1 (h) Commencing January 1, 2009, but no later than January 1,
2 2014, upon the next revision of the guidelines pursuant to
3 subdivision (i), the office shall prepare or amend guidelines for a
4 legislative body to accommodate the safe and convenient travel
5 of users of streets, roads, and highways in a manner that is suitable
6 to the rural, suburban, or urban context of the general plan, pursuant
7 to subdivision (b) of Section 65302.

8 (1) In developing guidelines, the office shall consider how
9 appropriate accommodation varies depending on its transportation
10 and land use context, including urban, suburban, or rural
11 environments.

12 (2) The office may consult with leading transportation experts
13 including, but not limited to, bicycle transportation planners,
14 pedestrian planners, public transportation planners, local air quality
15 management districts, and disability and senior mobility planners.

16 (i) (1) Upon the next revision of the guidelines pursuant to
17 subdivision (j), the office may prepare and amend the guidelines
18 to contain advice, developed in consultation with the Department
19 of Food and Agriculture, for improving the health of Californians
20 by increasing access to healthy affordable food. This advice may
21 include, but is not limited to, information on how a city or county
22 may choose, if relevant, to address the following issues:

23 (A) Access to full and discount grocery stores.

24 (B) Access to urban farming.

25 (C) Access to community or school gardens.

26 (D) Access to farmers' markets.

27 (E) Access to affordable food, including food retail spaces that
28 accept CalFresh benefits received under the federal Supplemental
29 Nutrition Assistance Program of the federal Food and Nutrition
30 Act of 2008 pursuant to Chapter 10 (commencing with Section
31 18900) of Part 6 of Division 9 of the Welfare and Institutions Code,
32 or benefits received under the California Special Supplemental
33 Food Program for Women, Infants, and Children, as provided for
34 in Article 2 (commencing with Section 123275) of Chapter 1 of
35 Part 2 of Division 106 of the Health and Safety Code.

36 (F) Access to transportation near grocery stores, including, but
37 not limited to, bus stops or other mass transportation stops near
38 the grocery store, free or low-cost shuttles to and from the grocery
39 store, taxi vouchers, and carpool programs.

1 (2) The information included in the next revision of the
2 guidelines pursuant to this subdivision shall be made applicable
3 to a city or county only at the discretion of its legislative body.

4 (j) The office shall provide for regular review and revision of
5 the guidelines established pursuant to this section.

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