

ASSEMBLY BILL

No. 747

Introduced by Assembly Member Eggman

February 25, 2015

An act to amend Section 65962 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 747, as introduced, Eggman. Planning and land use: Sacramento-San Joaquin Valley.

Existing law prohibits a city or county within the Sacramento-San Joaquin Valley from approving a discretionary permit or other discretionary entitlement, or a ministerial permit that would result in the construction of a new residence, for a project that is located within a flood hazard zone, unless the city or county finds, based on substantial evidence in the record, that certain criteria are met.

This bill would prohibit a city or county within the Sacramento-San Joaquin Valley from approving a discretionary permit or entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building for a project that is located within a flood hazard zone unless the city or county finds that the construction meets the criteria referenced above.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Sacramento-San Joaquin Valley.

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

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

1 SECTION 1. Section 65962 of the Government Code is
2 amended to read:

3 65962. (a) Notwithstanding any other law, after the
4 amendments required by Sections 65302.9 and 65860.1 have
5 become effective, each city and county within the Sacramento-San
6 Joaquin Valley shall not approve a discretionary permit or other
7 discretionary ~~entitlement, or a ministerial permit~~ *entitlement* that
8 would result in the construction of a new ~~residence, building or~~
9 *construction that would result in an increase in allowed occupancy*
10 *for an existing building, or a ministerial permit that would result*
11 *in the construction of a new residence*, for a project that is located
12 within a flood hazard zone unless the city or county finds, based
13 on substantial evidence in the record, one of the following:

14 (1) The facilities of the State Plan of Flood Control or other
15 flood management facilities protect the project to the urban level
16 of flood protection in urban and urbanizing areas or the national
17 Federal Emergency Management Agency standard of flood
18 protection in nonurbanized areas.

19 (2) The city or county has imposed conditions on the permit or
20 discretionary entitlement that will protect the project to the urban
21 level of flood protection in urban and urbanizing areas or the
22 national Federal Emergency Management Agency standard of
23 flood protection in nonurbanized areas.

24 (3) The local flood management agency has made adequate
25 progress on the construction of a flood protection system which
26 will result in flood protection equal to or greater than the urban
27 level of flood protection in urban or urbanizing areas or the national
28 Federal Emergency Management Agency standard of flood
29 protection in nonurbanized areas for property located within a
30 flood hazard zone, intended to be protected by the system. For
31 urban and urbanizing areas protected by project levees, the urban
32 level of flood protection shall be achieved by 2025.

33 (4) The property in an undetermined risk area has met the urban
34 level of flood protection based on substantial evidence in the
35 record.

36 (b) The effective date of amendments referred to in this section
37 shall be the date upon which the statutes of limitation specified in
38 subdivision (c) of Section 65009 have run or, if the amendments

1 and any associated environmental documents are challenged in
2 court, the validity of the amendments and any associated
3 environmental documents has been upheld in a final decision.

4 (c) This section does not change or diminish existing
5 requirements of local flood plain management laws, ordinances,
6 resolutions, or regulations necessary to local agency participation
7 in the national flood insurance program.

8 SEC. 2. The Legislature finds and declares that a special law
9 is necessary and that a general law cannot be made applicable
10 within the meaning of Section 16 of Article IV of the California
11 Constitution because of the unique land use planning considerations
12 relative to flood hazard zones in the Sacramento-San Joaquin
13 Valley.

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