

AMENDED IN SENATE APRIL 7, 2015

**SENATE BILL**

**No. 379**

---

---

**Introduced by Senator Jackson**

February 24, 2015

---

---

An act to amend Section 65302 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 379, as amended, Jackson. Land use: general plan: safety element.

The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards, flooding, and wildland and urban fires.

This bill would, upon the next revision of the housing element on or after January 1, 2017, require the safety element to be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to that city or county. The bill would require the update to include a set of goals, policies, and objectives based on ~~the most current information available regarding climate change adaptation and resiliency~~ *a vulnerability assessment identifying the risks that climate change poses to the local jurisdiction and specified information from federal, state, regional, and local agencies*. By imposing new duties on cities and counties, the 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 of the Government Code is  
2 amended to read:

3 65302. The general plan shall consist of a statement of  
4 development policies and shall include a diagram or diagrams and  
5 text setting forth objectives, principles, standards, and plan  
6 proposals. The plan shall include the following elements:

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

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

30 (2) Consider the impact of new growth on military readiness  
31 activities carried out on military bases, installations, and operating  
32 and training areas, when proposing zoning ordinances or  
33 designating land uses covered by the general plan for land, or other

1 territory adjacent to military facilities, or underlying designated  
2 military aviation routes and airspace.

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

7 (B) The following definitions govern this paragraph:

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

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

11 (II) Operation, maintenance, and security of any military  
12 installation.

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

15 (ii) “Military installation” means a base, camp, post, station,  
16 yard, center, homeport facility for any ship, or other activity under  
17 the jurisdiction of the United States Department of Defense as  
18 defined in paragraph (1) of subsection ~~(e)~~ (g) of Section 2687 of  
19 Title 10 of the United States Code.

20 (b) (1) A circulation element consisting of the general location  
21 and extent of existing and proposed major thoroughfares,  
22 transportation routes, terminals, any military airports and ports,  
23 and other local public utilities and facilities, all correlated with the  
24 land use element of the plan.

25 (2) (A) Commencing January 1, 2011, upon any substantive  
26 revision of the circulation element, the legislative body shall  
27 modify the circulation element to plan for a balanced, multimodal  
28 transportation network that meets the needs of all users of streets,  
29 roads, and highways for safe and convenient travel in a manner  
30 that is suitable to the rural, suburban, or urban context of the  
31 general plan.

32 (B) For purposes of this paragraph, “users of streets, roads, and  
33 highways” mean bicyclists, children, persons with disabilities,  
34 motorists, movers of commercial goods, pedestrians, users of public  
35 transportation, and seniors.

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

38 (d) (1) A conservation element for the conservation,  
39 development, and utilization of natural resources including water  
40 and its hydraulic force, forests, soils, rivers and other waters,

1 harbors, fisheries, wildlife, minerals, and other natural resources.  
2 The conservation element shall consider the effect of development  
3 within the jurisdiction, as described in the land use element, on  
4 natural resources located on public lands, including military  
5 installations. That portion of the conservation element including  
6 waters shall be developed in coordination with any countywide  
7 water agency and with all district and city agencies, including  
8 flood management, water conservation, or groundwater agencies  
9 that have developed, served, controlled, managed, or conserved  
10 water of any type for any purpose in the county or city for which  
11 the plan is prepared. Coordination shall include the discussion and  
12 evaluation of any water supply and demand information described  
13 in Section 65352.5, if that information has been submitted by the  
14 water agency to the city or county.

15 (2) The conservation element may also cover all of the  
16 following:

17 (A) The reclamation of land and waters.

18 (B) Prevention and control of the pollution of streams and other  
19 waters.

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

22 (D) Prevention, control, and correction of the erosion of soils,  
23 beaches, and shores.

24 (E) Protection of watersheds.

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

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

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

34 (f) (1) A noise element that shall identify and appraise noise  
35 problems in the community. The noise element shall analyze and  
36 quantify, to the extent practicable, as determined by the legislative  
37 body, current and projected noise levels for all of the following  
38 sources:

39 (A) Highways and freeways.

40 (B) Primary arterials and major local streets.

1 (C) Passenger and freight online railroad operations and ground  
2 rapid transit systems.

3 (D) Commercial, general aviation, heliport, helistop, and military  
4 airport operations, aircraft overflights, jet engine test stands, and  
5 all other ground facilities and maintenance functions related to  
6 airport operation.

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

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

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

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

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

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

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

- 1 (A) Identify information regarding flood hazards, including,  
2 but not limited to, the following:
- 3 (i) Flood hazard zones. As used in this subdivision, “flood  
4 hazard zone” means an area subject to flooding that is delineated  
5 as either a special hazard area or an area of moderate or minimal  
6 hazard on an official flood insurance rate map issued by the Federal  
7 Emergency Management Agency (FEMA). The identification of  
8 a flood hazard zone does not imply that areas outside the flood  
9 hazard zones or uses permitted within flood hazard zones will be  
10 free from flooding or flood damage.
  - 11 (ii) National Flood Insurance Program maps published by  
12 FEMA.
  - 13 (iii) Information about flood hazards that is available from the  
14 United States Army Corps of Engineers.
  - 15 (iv) Designated floodway maps that are available from the  
16 Central Valley Flood Protection Board.
  - 17 (v) Dam failure inundation maps prepared pursuant to Section  
18 8589.5 that are available from the Office of Emergency Services.
  - 19 (vi) Awareness Floodplain Mapping Program maps and 200-year  
20 flood plain maps that are or may be available from, or accepted  
21 by, the Department of Water Resources.
  - 22 (vii) Maps of levee protection zones.
  - 23 (viii) Areas subject to inundation in the event of the failure of  
24 project or nonproject levees or floodwalls.
  - 25 (ix) Historical data on flooding, including locally prepared maps  
26 of areas that are subject to flooding, areas that are vulnerable to  
27 flooding after wildfires, and sites that have been repeatedly  
28 damaged by flooding.
  - 29 (x) Existing and planned development in flood hazard zones,  
30 including structures, roads, utilities, and essential public facilities.
  - 31 (xi) Local, state, and federal agencies with responsibility for  
32 flood protection, including special districts and local offices of  
33 emergency services.
- 34 (B) Establish a set of comprehensive goals, policies, and  
35 objectives based on the information identified pursuant to  
36 subparagraph (A), for the protection of the community from the  
37 unreasonable risks of flooding, including, but not limited to:
- 38 (i) Avoiding or minimizing the risks of flooding to new  
39 development.

1 (ii) Evaluating whether new development should be located in  
2 flood hazard zones, and identifying construction methods or other  
3 methods to minimize damage if new development is located in  
4 flood hazard zones.

5 (iii) Maintaining the structural and operational integrity of  
6 essential public facilities during flooding.

7 (iv) Locating, when feasible, new essential public facilities  
8 outside of flood hazard zones, including hospitals and health care  
9 facilities, emergency shelters, fire stations, emergency command  
10 centers, and emergency communications facilities or identifying  
11 construction methods or other methods to minimize damage if  
12 these facilities are located in flood hazard zones.

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

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

18 (3) Upon the next revision of the housing element on or after  
19 January 1, 2014, the safety element shall be reviewed and updated  
20 as necessary to address the risk of fire for land classified as state  
21 responsibility areas, as defined in Section 4102 of the Public  
22 Resources Code, and land classified as very high fire hazard  
23 severity zones, as defined in Section 51177. This review shall  
24 consider the advice included in the Office of Planning and  
25 Research's most recent publication of "Fire Hazard Planning,  
26 General *Plan* Technical Advice Series" and shall also include all  
27 of the following:

28 (A) Information regarding fire hazards, including, but not limited  
29 to, all of the following:

30 (i) Fire hazard severity zone maps available from the Department  
31 of Forestry and Fire Protection.

32 (ii) Any historical data on wildfires available from local  
33 agencies or a reference to where the data can be found.

34 (iii) Information about wildfire hazard areas that may be  
35 available from the United States Geological Survey.

36 (iv) General location and distribution of existing and planned  
37 uses of land in very high fire hazard severity zones and in state  
38 responsibility areas, including structures, roads, utilities, and  
39 essential public facilities. The location and distribution of planned  
40 uses of land shall not require defensible space compliance measures

1 required by state law or local ordinance to occur on publicly owned  
2 lands or open space designations of homeowner associations.

3 (v) Local, state, and federal agencies with responsibility for fire  
4 protection, including special districts and local offices of  
5 emergency services.

6 (B) A set of goals, policies, and objectives based on the  
7 information identified pursuant to subparagraph (A) for the  
8 protection of the community from the unreasonable risk of wildfire.

9 (C) A set of feasible implementation measures designed to carry  
10 out the goals, policies, and objectives based on the information  
11 identified pursuant to subparagraph (B) including, but not limited  
12 to, all of the following:

13 (i) Avoiding or minimizing the wildfire hazards associated with  
14 new uses of land.

15 (ii) Locating, when feasible, new essential public facilities  
16 outside of high fire risk areas, including, but not limited to,  
17 hospitals and health care facilities, emergency shelters, emergency  
18 command centers, and emergency communications facilities, or  
19 identifying construction methods or other methods to minimize  
20 damage if these facilities are located in a state responsibility area  
21 or very high fire hazard severity zone.

22 (iii) Designing adequate infrastructure if a new development is  
23 located in a state responsibility area or in a very high fire hazard  
24 severity zone, including safe access for emergency response  
25 vehicles, visible street signs, and water supplies for structural fire  
26 suppression.

27 (iv) Working cooperatively with public agencies with  
28 responsibility for fire protection.

29 (D) If a city or county has adopted a fire safety plan or document  
30 separate from the general plan, an attachment of, or reference to,  
31 a city or county's adopted fire safety plan or document that fulfills  
32 commensurate goals and objectives and contains information  
33 required pursuant to this paragraph.

34 (4) Upon the next revision of the housing element on or after  
35 January 1, 2017, the safety element shall be reviewed and updated  
36 as necessary to address climate adaptation and resiliency strategies  
37 applicable to the city or county. This review shall consider advice  
38 provided in the Office of Planning and Research's ~~most recent~~  
39 General Plan Guidelines and shall include all of the following:

- 1 (A) ~~The most current information available regarding climate~~  
2 ~~change adaptation and resiliency, as appropriate.~~ (i) *A vulnerability*  
3 *assessment that identifies the risks that climate change poses to*  
4 *the local jurisdiction.*
- 5 (ii) *Information that may be available from federal, state,*  
6 *regional, and local agencies that will assist in developing the*  
7 *vulnerability assessment and the adaptation policies and strategies*  
8 *required pursuant to subparagraph (B), including, but not limited*  
9 *to, all of the following:*
- 10 (I) *Information from the Internet-based Cal-Adapt tool.*  
11 (II) *Information from the most recent version of the California*  
12 *Adaptation Planning Guide.*
- 13 (III) *Information from local agencies on the types of assets,*  
14 *resources, and populations that will be sensitive to various climate*  
15 *change exposures.*
- 16 (IV) *Information from local agencies on their current ability to*  
17 *deal with the impacts of climate change.*
- 18 (V) *Historical data on natural events and hazards, including*  
19 *locally prepared maps of areas subject to previous risk, areas that*  
20 *are vulnerable, and sites that have been repeatedly damaged.*
- 21 (VI) *Existing and planned development in identified at-risk*  
22 *areas, including structures, roads, utilities, and essential public*  
23 *facilities.*
- 24 (VII) *Federal, state, regional, and local agencies with*  
25 *responsibility for the protection of public health and safety and*  
26 *the environment, including special districts and local offices of*  
27 *emergency services.*
- 28 (B) *A set of adaptation and resilience goals, policies, and*  
29 *objectives based on the information identified pursuant to specified*  
30 *in subparagraph (A) for the protection of the community.*
- 31 (C) *A set of feasible implementation measures designed to carry*  
32 *out the goals, policies, and objectives identified pursuant to*  
33 *subparagraph (B) including, but not limited to, all of the following:*
- 34 (i) *Methods to avoid or minimize climate change impacts*  
35 *associated with new uses of land.*
- 36 ~~(ii) An identification of high-risk areas within the city or county.~~  
37 ~~(iii)~~
- 38 (ii) *The relocation, when feasible, of new essential public*  
39 *facilities outside of high-risk at-risk areas, including, but not*  
40 *limited to, hospitals and health care facilities, emergency shelters,*

1 emergency command centers, and emergency communications  
2 facilities, or identifying construction methods or other methods to  
3 minimize damage if these facilities are located in ~~high-risk~~ *at-risk*  
4 areas.

5 ~~(iv)~~

6 *(iii)* The designation of adequate infrastructure if a new  
7 development is located in ~~a high-risk~~ *an at-risk* area, including,  
8 but not limited to, safe access for emergency response vehicles.

9 ~~(v)~~

10 *(iv)* Guidelines for working cooperatively with relevant local,  
11 *regional*, state, and federal agencies.

12 (D) If a city or county has adopted a plan or document separate  
13 from the general plan, an attachment of, or reference to, the plan  
14 or document that fulfills commensurate goals and objectives and  
15 contains information required pursuant to this paragraph.

16 (5) After the initial revision of the safety element pursuant to  
17 paragraphs (2), (3), and (4) upon each revision of the housing  
18 element, the planning agency shall review and, if necessary, revise  
19 the safety element to identify new information that was not  
20 available during the previous revision of the safety element.

21 (6) Cities and counties that have flood plain management  
22 ordinances that have been approved by FEMA that substantially  
23 comply with this section, or have substantially equivalent  
24 provisions to this subdivision in their general plans, may use that  
25 information in the safety element to comply with this subdivision,  
26 and shall summarize and incorporate by reference into the safety  
27 element the other general plan provisions or the flood plain  
28 ordinance, specifically showing how each requirement of this  
29 subdivision has been met.

30 (7) Prior to the periodic review of its general plan and prior to  
31 preparing or revising its safety element, each city and county shall  
32 consult the California Geological Survey of the Department of  
33 Conservation, the Central Valley Flood Protection Board, if the  
34 city or county is located within the boundaries of the Sacramento  
35 and San Joaquin Drainage District, as set forth in Section 8501 of  
36 the Water Code, and the Office of Emergency Services for the  
37 purpose of including information known by and available to the  
38 department, the agency, and the board required by this subdivision.

39 (8) To the extent that a county’s safety element is sufficiently  
40 detailed and contains appropriate policies and programs for

1 adoption by a city, a city may adopt that portion of the county's  
2 safety element that pertains to the city's planning area in  
3 satisfaction of the requirement imposed by this subdivision.

4 SEC. 2. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 a local agency or school district has the authority to levy service  
7 charges, fees, or assessments sufficient to pay for the program or  
8 level of service mandated by this act, within the meaning of Section  
9 17556 of the Government Code.

O