

AMENDED IN ASSEMBLY JUNE 20, 2016

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE MARCH 30, 2016

SENATE BILL

No. 1000

Introduced by Senator Leyva

(Principal coauthor: Assembly Member Medina)

February 10, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1000, as amended, Leyva. Land use: general plans: environmental justice.

(1) The Planning and Zoning 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. That law requires this general plan to include several elements, including, among others, land use, open-space, safety, and conservation elements, which are required to meet specified requirements.

This bill would add to the required elements of the general plan an environmental justice ~~element~~ *element, or related goals, policies, and objectives integrated in other elements*, that identifies disadvantaged communities, as defined, within the area covered by the general plan of the city, county, or city and ~~county~~ *county, if the city, county, or city and county has a disadvantaged community*. The bill would also require the environmental justice ~~element~~ *element, or related environmental justice goals, policies, and objectives integrated in other elements*, to

identify objectives and policies to reduce the *unique or compounded* health risks in disadvantaged communities, as specified, ~~and to identify objectives and policies to promote civil engagement in the public decisionmaking process.~~ *process, and identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.* The bill would require the environmental justice ~~element~~ *element, or the environment justice goals, policies, and objectives in other elements,* to be adopted or reviewed upon the adoption or next revision of ~~the housing element~~ *two or more elements* on or after January 1, 2018. *The bill would authorize a city, county, or city and county that has adopted an environmental justice element, or environmental justice goals, policies, and objection in other elements in its general plan or related documents that substantially complies with the above described requirements to use that information to comply with these requirements* By adding to the duties of county and city officials, this bill would impose a state-mandated local program.

(2) 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

1 of land and natural resources pursuant to paragraph (3) of
2 subdivision (d). The land use element shall include a statement of
3 the standards of population density and building intensity
4 recommended for the various districts and other territory covered
5 by the plan. The land use element shall identify and annually
6 review those areas covered by the plan that are subject to flooding
7 identified by flood plain mapping prepared by the Federal
8 Emergency Management Agency (FEMA) or the Department of
9 Water Resources. The land use element shall also do both of the
10 following:

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

16 (2) Consider the impact of new growth on military readiness
17 activities carried out on military bases, installations, and operating
18 and training areas, when proposing zoning ordinances or
19 designating land uses covered by the general plan for land, or other
20 territory adjacent to military facilities, or underlying designated
21 military aviation routes and airspace.

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

26 (B) The following definitions govern this paragraph:

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

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

30 (II) Operation, maintenance, and security of any military
31 installation.

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

34 (ii) “Military installation” means a base, camp, post, station,
35 yard, center, homeport facility for any ship, or other activity under
36 the jurisdiction of the United States Department of Defense as
37 defined in paragraph (1) of subsection (g) of Section 2687 of Title
38 10 of the United States Code.

39 (b) (1) A circulation element consisting of the general location
40 and extent of existing and proposed major thoroughfares,

1 transportation routes, terminals, any military airports and ports,
2 and other local public utilities and facilities, all correlated with the
3 land use element of the plan.

4 (2) (A) Commencing January 1, 2011, upon any substantive
5 revision of the circulation element, the legislative body shall
6 modify the circulation element to plan for a balanced, multimodal
7 transportation network that meets the needs of all users of streets,
8 roads, and highways for safe and convenient travel in a manner
9 that is suitable to the rural, suburban, or urban context of the
10 general plan.

11 (B) For purposes of this paragraph, “users of streets, roads, and
12 highways” mean bicyclists, children, persons with disabilities,
13 motorists, movers of commercial goods, pedestrians, users of public
14 transportation, and seniors.

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

17 (d) (1) A conservation element for the conservation,
18 development, and utilization of natural resources including water
19 and its hydraulic force, forests, soils, rivers and other waters,
20 harbors, fisheries, wildlife, minerals, and other natural resources.
21 The conservation element shall consider the effect of development
22 within the jurisdiction, as described in the land use element, on
23 natural resources located on public lands, including military
24 installations. That portion of the conservation element including
25 waters shall be developed in coordination with any countywide
26 water agency and with all district and city agencies, including
27 flood management, water conservation, or groundwater agencies
28 that have developed, served, controlled, managed, or conserved
29 water of any type for any purpose in the county or city for which
30 the plan is prepared. Coordination shall include the discussion and
31 evaluation of any water supply and demand information described
32 in Section 65352.5, if that information has been submitted by the
33 water agency to the city or county.

34 (2) The conservation element may also cover all of the
35 following:

36 (A) The reclamation of land and waters.

37 (B) Prevention and control of the pollution of streams and other
38 waters.

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

1 (D) Prevention, control, and correction of the erosion of soils,
2 beaches, and shores.

3 (E) Protection of watersheds.

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

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

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

13 (f) (1) A noise element that shall identify and appraise noise
14 problems in the community. The noise element shall analyze and
15 quantify, to the extent practicable, as determined by the legislative
16 body, current and projected noise levels for all of the following
17 sources:

18 (A) Highways and freeways.

19 (B) Primary arterials and major local streets.

20 (C) Passenger and freight online railroad operations and ground
21 rapid transit systems.

22 (D) Commercial, general aviation, heliport, helistop, and military
23 airport operations, aircraft overflights, jet engine test stands, and
24 all other ground facilities and maintenance functions related to
25 airport operation.

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

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

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

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

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

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

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

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

23 (i) Flood hazard zones. As used in this subdivision, "flood
24 hazard zone" means an area subject to flooding that is delineated
25 as either a special hazard area or an area of moderate or minimal
26 hazard on an official flood insurance rate map issued by the Federal
27 Emergency Management Agency (FEMA). The identification of
28 a flood hazard zone does not imply that areas outside the flood
29 hazard zones or uses permitted within flood hazard zones will be
30 free from flooding or flood damage.

31 (ii) National Flood Insurance Program maps published by
32 FEMA.

33 (iii) Information about flood hazards that is available from the
34 United States Army Corps of Engineers.

35 (iv) Designated floodway maps that are available from the
36 Central Valley Flood Protection Board.

37 (v) Dam failure inundation maps prepared pursuant to Section
38 8589.5 that are available from the Office of Emergency Services.

- 1 (vi) Awareness Floodplain Mapping Program maps and 200-year
2 flood plain maps that are or may be available from, or accepted
3 by, the Department of Water Resources.
- 4 (vii) Maps of levee protection zones.
- 5 (viii) Areas subject to inundation in the event of the failure of
6 project or nonproject levees or floodwalls.
- 7 (ix) Historical data on flooding, including locally prepared maps
8 of areas that are subject to flooding, areas that are vulnerable to
9 flooding after wildfires, and sites that have been repeatedly
10 damaged by flooding.
- 11 (x) Existing and planned development in flood hazard zones,
12 including structures, roads, utilities, and essential public facilities.
- 13 (xi) Local, state, and federal agencies with responsibility for
14 flood protection, including special districts and local offices of
15 emergency services.
- 16 (B) Establish a set of comprehensive goals, policies, and
17 objectives based on the information identified pursuant to
18 subparagraph (A), for the protection of the community from the
19 unreasonable risks of flooding, including, but not limited to:
 - 20 (i) Avoiding or minimizing the risks of flooding to new
21 development.
 - 22 (ii) Evaluating whether new development should be located in
23 flood hazard zones, and identifying construction methods or other
24 methods to minimize damage if new development is located in
25 flood hazard zones.
 - 26 (iii) Maintaining the structural and operational integrity of
27 essential public facilities during flooding.
 - 28 (iv) Locating, when feasible, new essential public facilities
29 outside of flood hazard zones, including hospitals and health care
30 facilities, emergency shelters, fire stations, emergency command
31 centers, and emergency communications facilities or identifying
32 construction methods or other methods to minimize damage if
33 these facilities are located in flood hazard zones.
 - 34 (v) Establishing cooperative working relationships among public
35 agencies with responsibility for flood protection.
- 36 (C) Establish a set of feasible implementation measures designed
37 to carry out the goals, policies, and objectives established pursuant
38 to subparagraph (B).
- 39 (3) Upon the next revision of the housing element on or after
40 January 1, 2014, the safety element shall be reviewed and updated

1 as necessary to address the risk of fire for land classified as state
2 responsibility areas, as defined in Section 4102 of the Public
3 Resources Code, and land classified as very high fire hazard
4 severity zones, as defined in Section 51177. This review shall
5 consider the advice included in the Office of Planning and
6 Research’s most recent publication of “Fire Hazard Planning,
7 General Plan Technical Advice Series” and shall also include all
8 of the following:

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

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

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

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

17 (iv) General location and distribution of existing and planned
18 uses of land in very high fire hazard severity zones and in state
19 responsibility areas, including structures, roads, utilities, and
20 essential public facilities. The location and distribution of planned
21 uses of land shall not require defensible space compliance measures
22 required by state law or local ordinance to occur on publicly owned
23 lands or ~~open space~~ *open-space* designations of homeowner
24 associations.

25 (v) Local, state, and federal agencies with responsibility for fire
26 protection, including special districts and local offices of
27 emergency services.

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

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

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

37 (ii) Locating, when feasible, new essential public facilities
38 outside of high fire risk areas, including, but not limited to,
39 hospitals and health care facilities, emergency shelters, emergency
40 command centers, and emergency communications facilities, or

1 identifying construction methods or other methods to minimize
2 damage if these facilities are located in a state responsibility area
3 or very high fire hazard severity zone.

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

9 (iv) Working cooperatively with public agencies with
10 responsibility for fire protection.

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

16 (4) Upon the next revision of a local hazard mitigation plan,
17 adopted in accordance with the federal Disaster Mitigation Act of
18 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
19 local jurisdiction has not adopted a local hazard mitigation plan,
20 beginning on or before January 1, 2022, the safety element shall
21 be reviewed and updated as necessary to address climate adaptation
22 and resiliency strategies applicable to the city or county. This
23 review shall consider advice provided in the Office of Planning
24 and Research’s General Plan Guidelines and shall include all of
25 the following:

26 (A) (i) A vulnerability assessment that identifies the risks that
27 climate change poses to the local jurisdiction and the geographic
28 areas at risk from climate change impacts, including, but not limited
29 to, an assessment of how climate change may affect the risks
30 addressed pursuant to paragraphs (2) and (3).

31 (ii) Information that may be available from federal, state,
32 regional, and local agencies that will assist in developing the
33 vulnerability assessment and the adaptation policies and strategies
34 required pursuant to subparagraph (B), including, but not limited
35 to, all of the following:

36 (I) Information from the Internet-based Cal-Adapt tool.

37 (II) Information from the most recent version of the California
38 Adaptation Planning Guide.

1 (III) Information from local agencies on the types of assets,
2 resources, and populations that will be sensitive to various climate
3 change exposures.

4 (IV) Information from local agencies on their current ability to
5 deal with the impacts of climate change.

6 (V) Historical data on natural events and hazards, including
7 locally prepared maps of areas subject to previous risk, areas that
8 are vulnerable, and sites that have been repeatedly damaged.

9 (VI) Existing and planned development in identified at-risk
10 areas, including structures, roads, utilities, and essential public
11 facilities.

12 (VII) Federal, state, regional, and local agencies with
13 responsibility for the protection of public health and safety and
14 the environment, including special districts and local offices of
15 emergency services.

16 (B) A set of adaptation and resilience goals, policies, and
17 objectives based on the information specified in subparagraph (A)
18 for the protection of the community.

19 (C) A set of feasible implementation measures designed to carry
20 out the goals, policies, and objectives identified pursuant to
21 subparagraph (B) including, but not limited to, all of the following:

22 (i) Feasible methods to avoid or minimize climate change
23 impacts associated with new uses of land.

24 (ii) The location, when feasible, of new essential public facilities
25 outside of at-risk areas, including, but not limited to, hospitals and
26 health care facilities, emergency shelters, emergency command
27 centers, and emergency communications facilities, or identifying
28 construction methods or other methods to minimize damage if
29 these facilities are located in at-risk areas.

30 (iii) The designation of adequate and feasible infrastructure
31 located in an at-risk area.

32 (iv) Guidelines for working cooperatively with relevant local,
33 regional, state, and federal agencies.

34 (v) The identification of natural infrastructure that may be used
35 in adaptation projects, where feasible. Where feasible, the plan
36 shall use existing natural features and ecosystem processes, or the
37 restoration of natural features and ecosystem processes, when
38 developing alternatives for consideration. For the purposes of this
39 clause, “natural infrastructure” means the preservation or
40 restoration of ecological systems, or utilization of engineered

1 systems that use ecological processes, to increase resiliency to
2 climate change, manage other environmental hazards, or both.
3 This may include, but is not limited to, floodplain and wetlands
4 restoration or preservation, combining levees with restored natural
5 systems to reduce flood risk, and urban tree planting to mitigate
6 high heat days.

7 (D) (i) If a city or county has adopted the local hazard
8 mitigation plan, or other climate adaptation plan or document that
9 fulfills commensurate goals and objectives and contains the
10 information required pursuant to this paragraph, separate from the
11 general plan, an attachment of, or reference to, the local hazard
12 mitigation plan or other climate adaptation plan or document.

13 (ii) Cities or counties that have an adopted hazard mitigation
14 plan, or other climate adaptation plan or document that substantially
15 complies 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, climate adaptation plan
20 or document, specifically showing how each requirement of this
21 subdivision has been met.

22 (5) After the initial revision of the safety element pursuant to
23 paragraphs (2), (3), and (4) upon each revision of the housing
24 element, the planning agency shall review and, if necessary, revise
25 the safety element to identify new information that was not
26 available during the previous revision of the safety element.

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

36 (7) Prior to the periodic review of its general plan and prior to
37 preparing or revising its safety element, each city and county shall
38 consult the California Geological Survey of the Department of
39 Conservation, the Central Valley Flood Protection Board, if the
40 city or county is located within the boundaries of the Sacramento

1 and San Joaquin Drainage District, as set forth in Section 8501 of
 2 the Water Code, and the Office of Emergency Services for the
 3 purpose of including information known by and available to the
 4 department, the agency, and the board required by this subdivision.

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

10 (h) (1) An environmental justice ~~element~~ *element, or related*
 11 *goals, policies, and objectives integrated in other elements*, that
 12 identifies disadvantaged ~~communities, as identified by the~~
 13 ~~California Environmental Protection Agency pursuant to Section~~
 14 ~~39711 of the Health and Safety Code or as defined in Section~~
 15 ~~79505.5 of the Water Code~~, *communities* within the area covered
 16 by the general plan of the city, county, or city and ~~county~~: *county,*
 17 *if the city, county, or city and county has a disadvantaged*
 18 *community*. The environmental justice ~~element~~ *element, or related*
 19 *environmental justice goals, policies, and objectives integrated in*
 20 *other elements*, shall ~~identify~~ *do all of the following*:

21 (A) *Identify* objectives and policies to reduce the *unique or*
 22 *compounded* health risks in disadvantaged communities by means
 23 that include, but are not limited to, the reduction of pollution
 24 exposure, including the improvement of air quality, and the
 25 promotion of public ~~amenities, facilities,~~ food access, ~~healthier~~
 26 *safe and sanitary* homes, and physical activity. ~~The environmental~~
 27 ~~justice element shall also identify~~

28 (B) *Identify* objectives and policies to promote civil engagement
 29 in the public decisionmaking process. ~~A~~

30 (C) *Identify objectives and policies that prioritize improvements*
 31 *and programs that address the needs of disadvantaged*
 32 *communities*.

33 (2) A city, county, or city and county *subject to this subdivision*
 34 shall adopt or review the environmental justice ~~element~~ *element,*
 35 *or the environmental justice goals, policies, and objectives in other*
 36 *elements*, upon the adoption or next revision of ~~the housing element~~
 37 *two or more elements* on or after January 1, 2018. ~~For~~

38 (3) A city, county, or city and county *that has adopted an*
 39 *environmental justice element, or environmental justice goals,*
 40 *policies, and objectives in other elements, in its general plan or*

1 *related documents, that substantially complies with this subdivision*
2 *may use that information to comply with this subdivision.*

3 (4) For purposes of this subdivision, the following terms shall
4 apply:

5 ~~(1) “Public amenities” include, but are not limited to, public~~
6 ~~facilities, adequate public services, and infrastructure, including,~~
7 ~~but not limited to, sewers, water supply, transit infrastructure,~~
8 ~~including, but not limited to, sidewalks and walkways, bike paths,~~
9 ~~signage, roads, streets, and public lighting.~~

10 (A) *“Disadvantaged communities” means an area identified by*
11 *the California Environmental Protection Agency pursuant to*
12 *Section 39711 of the Health and Safety Code or an area that is a*
13 *low-income area that is disproportionately affected by*
14 *environmental pollution and other hazards that can lead to*
15 *negative health effects, exposure, or environmental degradation.*

16 ~~(2)~~

17 (B) ~~“Public facilities” include, but are not limited to, community~~
18 ~~centers, drinking water supply facilities, waste and storm water~~
19 ~~treatment systems, public transportation facilities, and other~~
20 ~~publicly owned facilities that provide services to communities.~~
21 *includes public improvements, public services, and community*
22 *amenities, as defined in subdivision (d) of Section 66000.*

23 ~~(3) “Public services” include, but are not limited to, the operation~~
24 ~~and maintenance of public facilities, public transportation, and fire~~
25 ~~protection.~~

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 a local agency or school district has the authority to levy service
29 charges, fees, or assessments sufficient to pay for the program or
30 level of service mandated by this act, within the meaning of Section
31 17556 of the Government Code.