

AMENDED IN ASSEMBLY AUGUST 18, 2016

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN ASSEMBLY JUNE 20, 2016

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE MARCH 30, 2016

**SENATE BILL**

**No. 1000**

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**Introduced by Senator Leyva**

(Principal coauthor: Assembly Member Medina)

February 10, 2016

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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: *safety and 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~~; *a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards, flooding, wildland and urban fires, and climate adaptation and resilience strategies. That law requires that the safety element be reviewed and updated, in the case of flooding and fire hazards, upon the next revision of the housing element after*

*specified dates or, in the case of climate adaptation and resilience strategies, upon either the next revision of a local hazard mitigation plan after a specified date or on or before January 1, 2022, as applicable. That law also requires, after the initial revision of the safety element to address flooding, fires, and climate adaptation and resilience strategies, that for each subsequent revision the planning agency review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element.*

*This bill would instead require a planning agency to review and revise the safety element to identify new information, as described above, only to address flooding and fires.*

This bill would, *in addition*, add to the required elements of the general plan an environmental justice 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, if the city, county, or city and county has a disadvantaged community. The bill would also require the environmental justice 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, identify objectives and policies to promote civil engagement in the public decisionmaking 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, or the environmental justice goals, policies, and objectives in other elements, to be adopted or reviewed upon the adoption or next revision of 2 or more elements concurrently on or after January 1, 2018. By adding to the duties of county and city officials, this bill would impose a state-mandated local program.

*(2) This bill would incorporate additional changes to Section 65302 of the Government Code, proposed by AB 2651 that would become operative only if this bill and AB 2651 are enacted and become effective on or before January 1, 2017, and this bill is chaptered last.*

*(2)*

*(3) 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  
34 territory adjacent to military facilities, or underlying designated  
35 military aviation routes and airspace.

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

5 (B) The following definitions govern this paragraph:

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

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

9 (II) Operation, maintenance, and security of any military  
10 installation.

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

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

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

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

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

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

36 (d) (1) A conservation element for the conservation,  
37 development, and utilization of natural resources including water  
38 and its hydraulic force, forests, soils, rivers and other waters,  
39 harbors, fisheries, wildlife, minerals, and other natural resources.  
40 The conservation element shall consider the effect of development

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

13 (2) The conservation element may also cover all of the  
14 following:

15 (A) The reclamation of land and waters.

16 (B) Prevention and control of the pollution of streams and other  
17 waters.

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

20 (D) Prevention, control, and correction of the erosion of soils,  
21 beaches, and shores.

22 (E) Protection of watersheds.

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

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

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

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

37 (A) Highways and freeways.

38 (B) Primary arterials and major local streets.

39 (C) Passenger and freight online railroad operations and ground  
40 rapid transit systems.

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

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

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

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

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

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

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

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

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

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

1 methods to minimize damage if new development is located in  
2 flood hazard zones.

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

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

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

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

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

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

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

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

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

34 (iv) General location and distribution of existing and planned  
35 uses of land in very high fire hazard severity zones and in state  
36 responsibility areas, including structures, roads, utilities, and  
37 essential public facilities. The location and distribution of planned  
38 uses of land shall not require defensible space compliance measures  
39 required by state law or local ordinance to occur on publicly owned  
40 lands or open-space designations of homeowner associations.

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

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

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

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

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

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

25 (iv) Working cooperatively with public agencies with  
26 responsibility for fire protection.

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

32 (4) Upon the next revision of a local hazard mitigation plan,  
33 adopted in accordance with the federal Disaster Mitigation Act of  
34 2000 (Public Law 106-390), on or after January 1, 2017, or, if a  
35 local jurisdiction has not adopted a local hazard mitigation plan,  
36 beginning on or before January 1, 2022, the safety element shall  
37 be reviewed and updated as necessary to address climate adaptation  
38 and resiliency strategies applicable to the city or county. This  
39 review shall consider advice provided in the Office of Planning

1 and Research’s General Plan Guidelines and shall include all of  
2 the following:

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

8 (ii) Information that may be available from federal, state,  
9 regional, and local agencies that will assist in developing the  
10 vulnerability assessment and the adaptation policies and strategies  
11 required pursuant to subparagraph (B), including, but not limited  
12 to, all of the following:

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

14 (II) Information from the most recent version of the California  
15 Adaptation Planning Guide.

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

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

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

24 (VI) Existing and planned development in identified at-risk  
25 areas, including structures, roads, utilities, and essential public  
26 facilities.

27 (VII) Federal, state, regional, and local agencies with  
28 responsibility for the protection of public health and safety and  
29 the environment, including special districts and local offices of  
30 emergency services.

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

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

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

39 (ii) The location, when feasible, of new essential public facilities  
40 outside of at-risk areas, including, but not limited to, hospitals and

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

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

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

9 (v) The identification of natural infrastructure that may be used  
10 in adaptation projects, where feasible. Where feasible, the plan  
11 shall use existing natural features and ecosystem processes, or the  
12 restoration of natural features and ecosystem processes, when  
13 developing alternatives for consideration. For the purposes of this  
14 clause, “natural infrastructure” means the preservation or  
15 restoration of ecological systems, or utilization of engineered  
16 systems that use ecological processes, to increase resiliency to  
17 climate change, manage other environmental hazards, or both.  
18 This may include, but is not limited to, floodplain and wetlands  
19 restoration or preservation, combining levees with restored natural  
20 systems to reduce flood risk, and urban tree planting to mitigate  
21 high heat days.

22 (D) (i) If a city or county has adopted the local hazard  
23 mitigation plan, or other climate adaptation plan or document that  
24 fulfills commensurate goals and objectives and contains the  
25 information required pursuant to this paragraph, separate from the  
26 general plan, an attachment of, or reference to, the local hazard  
27 mitigation plan or other climate adaptation plan or document.

28 (ii) Cities or counties that have an adopted hazard mitigation  
29 plan, or other climate adaptation plan or document that substantially  
30 complies with this section, or have substantially equivalent  
31 provisions to this subdivision in their general plans, may use that  
32 information in the safety element to comply with this subdivision,  
33 and shall summarize and incorporate by reference into the safety  
34 element the other general plan provisions, climate adaptation plan  
35 or document, specifically showing how each requirement of this  
36 subdivision has been met.

37 (5) After the initial revision of the safety element pursuant to  
38 paragraphs ~~(2), (3), and (4)~~ (2) and (3) upon each revision of the  
39 housing element, the planning agency shall review and, if  
40 necessary, revise the safety element to identify new information

1 *relating to flood and fire hazards* that was not available during the  
2 previous revision of the safety element.

3 (6) Cities and counties that have flood plain management  
4 ordinances that have been approved by FEMA that substantially  
5 comply with this section, or have substantially equivalent  
6 provisions to this subdivision in their general plans, may use that  
7 information in the safety element to comply with this subdivision,  
8 and shall summarize and incorporate by reference into the safety  
9 element the other general plan provisions or the flood plain  
10 ordinance, specifically showing how each requirement of this  
11 subdivision has been met.

12 (7) Prior to the periodic review of its general plan and prior to  
13 preparing or revising its safety element, each city and county shall  
14 consult the California Geological Survey of the Department of  
15 Conservation, the Central Valley Flood Protection Board, if the  
16 city or county is located within the boundaries of the Sacramento  
17 and San Joaquin Drainage District, as set forth in Section 8501 of  
18 the Water Code, and the Office of Emergency Services for the  
19 purpose of including information known by and available to the  
20 department, the agency, and the board required by this subdivision.

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

26 (h) (1) An environmental justice element, or related goals,  
27 policies, and objectives integrated in other elements, that identifies  
28 disadvantaged communities within the area covered by the general  
29 plan of the city, county, or city and county, if the city, county, or  
30 city and county has a disadvantaged community. The  
31 environmental justice element, or related environmental justice  
32 goals, policies, and objectives integrated in other elements, shall  
33 do all of the following:

34 (A) Identify objectives and policies to reduce the unique or  
35 compounded health risks in disadvantaged communities by means  
36 that include, but are not limited to, the reduction of pollution  
37 exposure, including the improvement of air quality, and the  
38 promotion of public facilities, food access, safe and sanitary homes,  
39 and physical activity.

1 (B) Identify objectives and policies to promote civil engagement  
2 in the public decisionmaking process.

3 (C) Identify objectives and policies that prioritize improvements  
4 and programs that address the needs of disadvantaged communities.

5 (2) A city, county, or city and county subject to this subdivision  
6 shall adopt or review the environmental justice element, or the  
7 environmental justice goals, policies, and objectives in other  
8 elements, upon the adoption or next revision of two or more  
9 elements concurrently on or after January 1, 2018.

10 (3) *By adding this subdivision, the Legislature does not intend*  
11 *to require a city, county, or city and county to take any action*  
12 *otherwise prohibited by the United States Constitution or the*  
13 *California Constitution.*

14 ~~(3)~~

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

17 (A) “Disadvantaged communities” means an area identified by  
18 the California Environmental Protection Agency pursuant to  
19 Section 39711 of the Health and Safety Code or an area that is a  
20 low-income area that is disproportionately affected by  
21 environmental pollution and other hazards that can lead to negative  
22 health effects, exposure, or environmental degradation.

23 (B) “Public facilities” includes public improvements, public  
24 services, and community amenities, as defined in subdivision (d)  
25 of Section 66000.

26 (C) “Low-income area” means an area with household incomes  
27 at or below 80 percent of the statewide median income or with  
28 household incomes at or below the threshold designated as low  
29 income by the Department of Housing and Community  
30 Development’s list of state income limits adopted pursuant to  
31 Section 50093.

32 *SEC. 1.5. Section 65302 of the Government Code is amended*  
33 *to read:*

34 65302. The general plan shall consist of a statement of  
35 development policies and shall include a diagram or diagrams and  
36 text setting forth objectives, principles, standards, and plan  
37 proposals. The plan shall include the following elements:

38 (a) A land use element that designates the proposed general  
39 distribution and general location and extent of the uses of the land  
40 for housing, business, industry, open space, including agriculture,

1 natural resources, recreation, and enjoyment of scenic beauty,  
2 education, public buildings and grounds, solid and liquid waste  
3 disposal facilities, *greenways, as defined in Section 816.52 of the*  
4 *Civil Code*, and other categories of public and private uses of land.  
5 The location and designation of the extent of the uses of the land  
6 for public and private uses shall consider the identification of land  
7 and natural resources pursuant to paragraph (3) of subdivision (d).  
8 The land use element shall include a statement of the standards of  
9 population density and building intensity recommended for the  
10 various districts and other territory covered by the plan. The land  
11 use element shall identify and annually review those areas covered  
12 by the plan that are subject to flooding identified by flood plain  
13 mapping prepared by the Federal Emergency Management Agency  
14 (FEMA) or the Department of Water Resources. The land use  
15 element shall also do both of the following:

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

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

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

31 (B) The following definitions govern this paragraph:

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

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

35 (II) Operation, maintenance, and security of any military  
36 installation.

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

39 (ii) “Military installation” means a base, camp, post, station,  
40 yard, center, homeport facility for any ship, or other activity under

1 the jurisdiction of the United States Department of Defense as  
2 defined in paragraph (1) of subsection (g) of Section 2687 of Title  
3 10 of the United States Code.

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

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

16 (B) For purposes of this paragraph, “users of streets, roads, and  
17 highways” mean bicyclists, children, persons with disabilities,  
18 motorists, movers of commercial goods, pedestrians, users of public  
19 transportation, and seniors.

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

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

39 (2) The conservation element may also cover all of the  
40 following:

- 1 (A) The reclamation of land and waters.
- 2 (B) Prevention and control of the pollution of streams and other
- 3 waters.
- 4 (C) Regulation of the use of land in stream channels and other
- 5 areas required for the accomplishment of the conservation plan.
- 6 (D) Prevention, control, and correction of the erosion of soils,
- 7 beaches, and shores.
- 8 (E) Protection of watersheds.
- 9 (F) The location, ~~quantity~~ *quantity*, and quality of the rock, sand,
- 10 and gravel resources.
- 11 (3) Upon the next revision of the housing element on or after
- 12 January 1, 2009, the conservation element shall identify rivers,
- 13 creeks, streams, flood corridors, riparian habitats, and land that
- 14 may accommodate floodwater for purposes of groundwater
- 15 recharge and stormwater management.
- 16 (e) An open-space element as provided in Article 10.5
- 17 (commencing with Section 65560).
- 18 (f) (1) A noise element that shall identify and appraise noise
- 19 problems in the community. The noise element shall analyze and
- 20 quantify, to the extent practicable, as determined by the legislative
- 21 body, current and projected noise levels for all of the following
- 22 sources:
  - 23 (A) Highways and freeways.
  - 24 (B) Primary arterials and major local streets.
  - 25 (C) Passenger and freight online railroad operations and ground
  - 26 rapid transit systems.
  - 27 (D) Commercial, general aviation, heliport, helistop, and military
  - 28 airport operations, aircraft overflights, jet engine test stands, and
  - 29 all other ground facilities and maintenance functions related to
  - 30 airport operation.
  - 31 (E) Local industrial plants, including, but not limited to, railroad
  - 32 classification yards.
  - 33 (F) Other ground stationary noise sources, including, but not
  - 34 limited to, military installations, identified by local agencies as
  - 35 contributing to the community noise environment.
- 36 (2) Noise contours shall be shown for all of these sources and
- 37 stated in terms of community noise equivalent level (CNEL) or
- 38 day-night average sound level ( $L_{dn}$ ). The noise contours shall be
- 39 prepared on the basis of noise monitoring or following generally

1 accepted noise modeling techniques for the various sources  
2 identified in paragraphs (1) to (6), inclusive.

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

6 (4) The noise element shall include implementation measures  
7 and possible solutions that address existing and foreseeable noise  
8 problems, if any. The adopted noise element shall serve as a  
9 guideline for compliance with the state’s noise insulation standards.

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

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

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

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

36 (ii) National Flood Insurance Program maps published by  
37 FEMA.

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

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

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

4 (3) Upon the next revision of the housing element on or after  
5 January 1, 2014, the safety element shall be reviewed and updated  
6 as necessary to address the risk of fire for land classified as state  
7 responsibility areas, as defined in Section 4102 of the Public  
8 Resources Code, and land classified as very high fire hazard  
9 severity zones, as defined in Section 51177. This review shall  
10 consider the advice included in the Office of Planning and  
11 Research’s most recent publication of “Fire Hazard Planning,  
12 General Plan Technical Advice Series” and shall also include all  
13 of the following:

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

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

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

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

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

29 (v) Local, state, and federal agencies with responsibility for fire  
30 protection, including special districts and local offices of  
31 emergency services.

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

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

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

1 (ii) Locating, when feasible, new essential public facilities  
2 outside of high fire risk areas, including, but not limited to,  
3 hospitals and health care facilities, emergency shelters, emergency  
4 command centers, and emergency communications facilities, or  
5 identifying construction methods or other methods to minimize  
6 damage if these facilities are located in a state responsibility area  
7 or very high fire hazard severity zone.

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

13 (iv) Working cooperatively with public agencies with  
14 responsibility for fire protection.

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

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

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

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

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

- 1 (II) Information from the most recent version of the California  
2 Adaptation Planning Guide.
- 3 (III) Information from local agencies on the types of assets,  
4 resources, and populations that will be sensitive to various climate  
5 change exposures.
- 6 (IV) Information from local agencies on their current ability to  
7 deal with the impacts of climate change.
- 8 (V) Historical data on natural events and hazards, including  
9 locally prepared maps of areas subject to previous risk, areas that  
10 are vulnerable, and sites that have been repeatedly damaged.
- 11 (VI) Existing and planned development in identified at-risk  
12 areas, including structures, roads, utilities, and essential public  
13 facilities.
- 14 (VII) Federal, state, regional, and local agencies with  
15 responsibility for the protection of public health and safety and  
16 the environment, including special districts and local offices of  
17 emergency services.
- 18 (B) A set of adaptation and resilience goals, policies, and  
19 objectives based on the information specified in subparagraph (A)  
20 for the protection of the community.
- 21 (C) A set of feasible implementation measures designed to carry  
22 out the goals, policies, and objectives identified pursuant to  
23 subparagraph (B) including, but not limited to, all of the following:
- 24 (i) Feasible methods to avoid or minimize climate change  
25 impacts associated with new uses of land.
- 26 (ii) The location, when feasible, of new essential public facilities  
27 outside of at-risk areas, including, but not limited to, hospitals and  
28 health care facilities, emergency shelters, emergency command  
29 centers, and emergency communications facilities, or identifying  
30 construction methods or other methods to minimize damage if  
31 these facilities are located in at-risk areas.
- 32 (iii) The designation of adequate and feasible infrastructure  
33 located in an at-risk area.
- 34 (iv) Guidelines for working cooperatively with relevant local,  
35 regional, state, and federal agencies.
- 36 (v) The identification of natural infrastructure that may be used  
37 in adaptation projects, where feasible. Where feasible, the plan  
38 shall use existing natural features and ecosystem processes, or the  
39 restoration of natural features and ecosystem processes, when  
40 developing alternatives for consideration. For the purposes of this

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

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

15 (ii) Cities or counties that have an adopted hazard mitigation  
16 plan, or other climate adaptation plan or document that substantially  
17 complies with this section, or have substantially equivalent  
18 provisions to this subdivision in their general plans, may use that  
19 information in the safety element to comply with this subdivision,  
20 and shall summarize and incorporate by reference into the safety  
21 element the other general plan provisions, climate adaptation plan  
22 or document, specifically showing how each requirement of this  
23 subdivision has been met.

24 (5) After the initial revision of the safety element pursuant to  
25 paragraphs ~~(2), (3), and (4)~~ (2) and (3) upon each revision of the  
26 housing element, the planning agency shall review and, if  
27 necessary, revise the safety element to identify new information  
28 *relating to flood and fire hazards* that was not available during the  
29 previous revision of the safety element.

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

39 (7) Prior to the periodic review of its general plan and prior to  
40 preparing or revising its safety element, each city and county shall

1 consult the California Geological Survey of the Department of  
2 Conservation, the Central Valley Flood Protection Board, if the  
3 city or county is located within the boundaries of the Sacramento  
4 and San Joaquin Drainage District, as set forth in Section 8501 of  
5 the Water Code, and the Office of Emergency Services for the  
6 purpose of including information known by and available to the  
7 department, the agency, and the board required by this subdivision.

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

13 *(h) (1) An environmental justice element, or related goals,*  
14 *policies, and objectives integrated in other elements, that identifies*  
15 *disadvantaged communities within the area covered by the general*  
16 *plan of the city, county, or city and county, if the city, county, or*  
17 *city and county has a disadvantaged community. The environmental*  
18 *justice element, or related environmental justice goals, policies,*  
19 *and objectives integrated in other elements, shall do all of the*  
20 *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 facilities, food access, safe and sanitary homes,*  
26 *and physical activity.*

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

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

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

37 *(3) By adding this subdivision, the Legislature does not intend*  
38 *to require a city, county, or city and county to take any action*  
39 *otherwise prohibited by the United States Constitution or the*  
40 *California Constitution.*

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

3 (A) “Disadvantaged communities” means an area identified by  
4 the California Environmental Protection Agency pursuant to  
5 Section 39711 of the Health and Safety Code or an area that is a  
6 low-income area that is disproportionately affected by  
7 environmental pollution and other hazards that can lead to  
8 negative health effects, exposure, or environmental degradation.

9 (B) “Public facilities” includes public improvements, public  
10 services, and community amenities, as defined in subdivision (d)  
11 of Section 66000.

12 (C) “Low-income area” means an area with household incomes  
13 at or below 80 percent of the statewide median income or with  
14 household incomes at or below the threshold designated as low  
15 income by the Department of Housing and Community  
16 Development’s list of state income limits adopted pursuant to  
17 Section 50093.

18 SEC. 2. Section 1.5 of this bill incorporates amendments to  
19 Section 65302 of the Government Code proposed by this bill and  
20 Assembly Bill 2651. It shall only become operative if (1) both bills  
21 are enacted and become effective on or before January 1, 2017,  
22 (2) each bill amends Section 65302 of the Government Code, and  
23 (3) this bill is enacted after Assembly Bill 2651, in which case  
24 Section 65302 of the Government Code, as amended by Assembly  
25 Bill 2651, shall remain operative only until the operative date of  
26 this bill, at which time Section 1.5 of this bill shall become  
27 operative, and Section 1 of this bill shall not become operative.

28 ~~SEC. 2.~~

29 SEC. 3. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 a local agency or school district has the authority to levy service  
32 charges, fees, or assessments sufficient to pay for the program or  
33 level of service mandated by this act, within the meaning of Section  
34 17556 of the Government Code.

O