

AMENDED IN ASSEMBLY JULY 3, 2025

AMENDED IN SENATE MAY 1, 2025

AMENDED IN SENATE MARCH 26, 2025

SENATE BILL

No. 629

Introduced by Senator Durazo
(Principal coauthors: Senators Cortese, Menjivar, Pérez, Reyes,
Smallwood-Cuevas, and Stern)

February 20, 2025

An act to amend ~~Section~~ *Sections 51178 and 65302* of, and to add Sections 51179.5 and 51182.5 to, the Government Code, relating to wildfires.

LEGISLATIVE COUNSEL'S DIGEST

SB 629, as amended, Durazo. Wildfires: fire hazard severity zones: defensible space, vegetation management, and fuel modification enforcement.

Existing law requires the State Fire Marshal to identify areas of the state as moderate, high, and very high fire hazard severity zones based on specified criteria. Existing law requires the State Fire Marshal to periodically review the areas in the state identified as very high fire hazard severity zones, as specified. Existing law requires a local agency, within 30 days after receiving a transmittal from the State Fire Marshal that identifies those fire hazard severity zones, to make the information available for public review and comment, and to present the information in a format that is understandable and accessible to the general public, including, but not limited to, maps. Existing law requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure in a very high fire hazard severity zone to take certain fire risk

management measures, including maintaining defensible space of 100 feet from each side of the structure, except as provided. Existing law requires the Office of the State Fire Marshal to develop a model defensible space program, as provided, that includes, but is not limited to, specified components, including enforcement mechanisms for compliance with and maintenance of defensible space requirements. Existing law includes among these enforcement mechanisms, among other things, site inspections.

This bill would require the factors on which the fire severity zones are based to include areas within the perimeter of a wildfire that burned 1,000 or more acres, destroyed more than 10 structures, or resulted in a fatality, and to include areas at risk for an urban conflagration that accounts for the potential for structures to serve as a fuel source that extends the ember cast outside of wildland ~~areas~~ *areas and areas where agricultural land affects fire hazard*. The bill would require the State Fire Marshal to update the designations in the next review and all subsequent reviews, and to publish the model and methodology used to develop the fire hazard severity zones on its internet website at least 60 days before finalizing those designations.

~~This bill would require a city or county to designate, by ordinance, an area in its jurisdiction that is within the perimeter of a wildfire described above occurring on or after January 1, 2025, as a very high fire hazard severity zone within a specified timeframe, but would authorize a city or county to exclude such an area if it makes findings, as specified, that none of the state fire protection standards, as defined, are necessary for effective fire protection within the area. The bill would authorize a city or county to include areas within its jurisdiction that were not burned in such a wildfire as a very high, high, or moderate fire hazard severity zone, as specified. At least 60 days before adopting an ordinance designating an area burned in such a wildfire as a very high fire hazard severity zone, the bill would require the city or county to transmit a draft of the ordinance to the Office of the State Fire Marshal and to every local agency that provides fire protection to any area within the jurisdiction of the city or county to review and recommend changes, as specified. The bill would require the city or county to consider those recommendations and, if it does not accept those recommendations, to communicate in writing its reasons for not accepting those recommendations, as specified. The bill would authorize the Office of the State Fire Marshal to request a consultation with the city or county to discuss the rejected recommendations and the city's or county's~~

~~response, and would prohibit the city or county from adopting the draft ordinance until after that consultation. The bill would also authorize the Office of the State Fire Marshal to allege to the Attorney General that the city or county is in violation of state law if, following the consultation and a specified notice by the Office of the State Fire Marshal, the city or county adopts the draft ordinance without the changes proposed by the office. The bill would require the city or county to amend the map of fire hazard severity zones provided by the State Fire Marshal, and to post a notice, as specified, identifying the location of the amended map, and post the amended map on its internet website. By requiring local agencies to take specific actions regarding fire hazard severity zones, this bill would impose a state-mandated local program.~~

This bill would require the State Fire Marshal to designate any area that is within the perimeter of a wildfire described above occurring on or after January 1, 2025, as a post-wildfire safety area, as defined, and to transmit a map of the post-wildfire safety area to any local agency with jurisdiction over territory in the designated area within a specified timeframe. Within a certain timeframe following the transmission of the map by the State Fire Marshal, this bill would require the designation of a post-wildfire safety area to trigger the application of state fire protection standards, as defined, in the area. The bill would exempt any designation of a post-wildfire safety area by the State Fire Marshal from the rulemaking provisions of the Administrative Procedure Act. The bill would require a local agency to, within 10 business days of receiving the map, post a notice at the office of the county recorder, county assessor, and city or county planning agency identifying the location of the post-wildfire safety area, and to post the map on its internet website. By requiring local agencies to take specified actions regarding post-wildfire safety areas, this bill would impose a state-mandated local program.

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 specified risks. Existing law requires, upon the next revision of the housing element on or after January 1, 2014, the safety element to be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas and land classified as very high fire hazard severity zones, as defined.

This bill would additionally require the safety element to be reviewed and updated as necessary to address the risk of fire for land classified as a post-wildfire safety area. By requiring local entities to take specified actions regarding the safety elements of their general plans, this bill would impose a state-mandated local program.

This bill would, beginning January 1, 2027, require each local or state fire authority or designee authorized to enforce vegetation management requirements to establish, fund, and implement ~~an enforcement~~ *a wildfire community safety program to educate community members and* verify ongoing compliance with the defensible space, vegetation management, and fuel modification requirements established by specified regulations. The bill would authorize those enforcing agencies to charge a fee sufficient to cover the costs of administering the program and providing any inspections conducted by the enforcing agency. The bill would also require each enforcing agency to *educate community members and to* inspect and document compliance for each affected property or structure at least once annually, except as provided, and to submit *information on the implementation of the wildfire community safety program, including data on defensible space inspections and* ~~compliance~~ *compliance*, to a reporting platform established by the Director of Forestry and Fire Protection for defensible space and home hardening assessment data. By requiring local fire authorities to take certain actions with regard to enforcement programs for defensible space, vegetation management, and fuel modification requirements, this 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. (a) The Legislature finds and declares all of the
2 following:

3 (1) Numerous studies indicate that two of the most important
4 factors for increasing the survivability of homes in the face of
5 wildfire are building to the state's wildland-urban interface (WUI)
6 building standards and maintaining defensible space as required
7 by Section 4290 of the Public Resources Code. Homes built to
8 these standards are up to 40 percent less likely to be destroyed by
9 a wildfire. These measures are critical in reducing property loss,
10 protecting lives, and aiding firefighting efforts.

11 (2) Building to the WUI building standards is cost effective.
12 Several studies demonstrate that building to the WUI standards
13 costs the same as, or less than, building to the standards that apply
14 in the rest of the state.

15 (3) Building to the WUI building standards and maintaining
16 defensible space also qualifies homeowners for discounts on their
17 insurance under the Safer from Wildfire Framework developed by
18 the Department of Insurance.

19 (4) Only homes in certain fire hazard severity zones designated
20 by the State Fire Marshal must be built to the WUI building
21 standards and maintain defensible space. Similarly, the state's
22 standards for fire safe roads for new development and legislative
23 requirements to plan for and mitigate the threat of wildfire also
24 only apply in those zones.

25 (5) Current maps of fire hazard severity zones do not account
26 for the potential for homes and other buildings to act as fuel and
27 spread wildfire. Accordingly, significant areas that have burned
28 in wildfires in recent years are not included in a fire hazard severity
29 zone, including Coffey Park in the County of Sonoma.

30 (b) This act shall be known and may be cited as the Keeping
31 Communities Safe from Wildfire Act of 2025.

32 SEC. 2. Section 51178 of the Government Code is amended
33 to read:

34 51178. (a) The State Fire Marshal shall identify areas in the
35 state as moderate, high, and very high fire hazard severity zones
36 based on consistent statewide criteria and based on the severity of
37 fire hazard that is expected to prevail in those areas. Moderate,
38 high, and very high fire hazard severity zones shall be based on

1 fuel loading, slope, fire weather, and other relevant factors
2 including all of the following:

3 (1) Areas where winds have been identified by the Office of the
4 State Fire Marshal as a major cause of wildfire spread.

5 (2) Areas burned in a wildfire, as defined in subdivision (a) of
6 Section 51179.5.

7 (3) Areas at risk for an urban conflagration that accounts for
8 the potential for structures to serve as a fuel source that extends
9 the ember cast outside of wildland areas.

10 (4) *Areas where agricultural land affects fire hazard.*

11 (b) The State Fire Marshal shall, at least 60 days before
12 finalizing the designations pursuant to subdivision (a), publish the
13 model and methodology used to develop the fire hazard severity
14 zones on its internet website.

15 (c) The State Fire Marshal shall update the designations as
16 required under paragraphs (2) and (3) of subdivision (a), and
17 publish the model and methodology in accordance with subdivision
18 (b), in the next review and all subsequent reviews made pursuant
19 to Section 51181.

20 SEC. 3. Section 51179.5 is added to the Government Code, to
21 read:

22 51179.5. (a) For purposes of this section:

23 (1) “Area burned in a wildfire” means any land area included
24 within the perimeter of a wildfire, as shown on an incident map
25 posted on the internet website of the Department of Forestry and
26 Fire Protection, that meets any of the following conditions:

27 (A) The wildfire burned 1,000 or more acres.

28 (B) The wildfire destroyed more than 10 structures.

29 (C) The wildfire resulted in one or more fatalities.

30 (2) *“Post-wildfire safety area” means an area burned in a*
31 *wildfire as designated pursuant to subdivision (b).*

32 ~~(2)~~

33 (3) “State fire protection standards” means all of the following,
34 or their successor provisions:

35 (A) Chapter 7A of the California Building Code (Title 24 of the
36 California Code of Regulations).

37 (B) Chapter 49 of the California Fire Code.

38 (C) Section R337 of the California Residential Code.

39 (D) Chapter 12-7A of the California Referenced Standards Code.

(E) Subchapter 2 (commencing with Section 1270) of Chapter 7 of Division 1.5 of Title 14 of the California Code of Regulations.

(F) Article 3 (commencing with Section 1299) of Subchapter 3 of Chapter 7 of Division 1.5 of Title 14 of the California Code of Regulations.

(G) Regulations implementing an ember-resistant zone pursuant to paragraph (2) of subdivision (c) of Section 51182.

(b) (1) For wildfires occurring on or after January 1, 2025, ~~a city or county shall designate, by ordinance, the State Fire Marshal shall designate~~ any area burned in a wildfire ~~in its jurisdiction as a very high fire hazard severity zone post-wildfire safety area and shall transmit a map of the post-wildfire safety area to any local agency with jurisdiction over territory in the designated area~~ within ~~120~~ 90 days of the wildfire reaching 100 percent containment, or by May 1, 2026, whichever is later.

~~(e) As part of the ordinance adopted pursuant to subdivision (b), a city or county may, at its discretion, do any of the following:~~

~~(1) Include areas within the jurisdiction of the city and county that were not burned in a wildfire as a very high fire hazard severity zone if the city or county makes a finding supported by substantial evidence in the record that any of the state fire protection standards are necessary for effective fire protection within the area.~~

~~(2) Include areas within the jurisdiction of the city and county that were not burned in a wildfire as moderate and high fire hazard severity zones, respectively.~~

~~(3) Exclude areas within the jurisdiction of the city and county that were burned in a wildfire and that would otherwise be designated within the very high fire hazard severity zone pursuant to subdivision (b), following a finding supported by clear and convincing evidence in the record that none of the state fire protection standards are necessary for effective fire protection within the area.~~

~~(d) At least 60 days before adopting an ordinance pursuant to subdivision (b), the city or county shall transmit a draft of the ordinance to the Office of the State Fire Marshal and to every local agency that provides fire protection to any area within the jurisdiction of the city or county.~~

~~(e) (1) The Office of the State Fire Marshal shall review the draft ordinance and may recommend changes to the city or county~~

1 within 60 days of its receipt regarding whether the ordinance
2 complies with subdivision (b).

3 (2) A local agency that provides fire protection to any area
4 within the jurisdiction of the city or county may review the draft
5 ordinance and may recommend changes to the city or county within
6 60 days of its receipt regarding whether the ordinance complies
7 with subdivision (b).

8 (f) (1) Before adopting a draft ordinance pursuant to subdivision
9 (b), a city or county shall consider the recommendations, if any,
10 made by the Office of the State Fire Marshal and any local agency
11 that provides fire protection to any area within the jurisdiction of
12 the city or county. If the city or county does not accept all or some
13 of those recommendations, if any, the city council or board of
14 supervisors shall communicate in writing to the Office of the State
15 Fire Marshal or the local agency, as applicable, its reasons for not
16 accepting the recommendations.

17 (2) If the city or county does not adopt recommended changes
18 from the Office of the State Fire Marshal concerning its draft
19 ordinance, the Office of the State Fire Marshal, within 15 days of
20 receipt of the city's or county's written response, may request, in
21 writing, a consultation with the city or county to discuss the
22 recommendations and the city's or county's response. The
23 consultation may be conducted in person, electronically, or
24 telephonically. If the Office of the State Fire Marshal requests a
25 consultation pursuant to this paragraph, the city or county shall
26 not adopt the draft ordinance until after consulting with the Office
27 of the State Fire Marshal. The consultation shall occur no later
28 than 30 days after the Office of the State Fire Marshal's written
29 request.

30 (3) If the recommendations from the Office of the State Fire
31 Marshal or a local agency that provides fire protection to any area
32 within the jurisdiction of the city or county are not available within
33 the time limits required by this section, the city or county may act
34 without those recommendations.

35 (g) (1) The city or county shall send a copy of an ordinance
36 adopted pursuant to this section to the Office of the State Fire
37 Marshal within 30 days of adoption.

38 (2) If, following the consultation described in subdivision (f),
39 the city or county adopts the draft ordinance without the changes
40 proposed by the Office of the State Fire Marshal, the Office of the

1 State Fire Marshal may allege to the Attorney General that the city
2 or county is in violation of state law. The Office of the State Fire
3 Marshal shall notify the city or county at least 15 days before
4 making an allegation to the Attorney General.

5 (h) The city or county shall amend a map described in
6 subdivision (g) of Section 51179 pursuant to the ordinance adopted
7 pursuant to this section and shall post a notice at the office of the
8 county recorder, county assessor, and county planning agency
9 identifying the location of the amended map. The amended map
10 shall also be posted on the internet website of the city or county.

11 (i) Nothing in this section shall be construed to authorize a city
12 or county to exclude any area designated as a fire hazard severity
13 zone pursuant to Section 51178.

14 (2) *The designation of a post-wildfire safety area by the State*
15 *Fire Marshal pursuant to this subdivision shall be exempt from*
16 *the rulemaking provisions of Chapter 3.5 (commencing with*
17 *Section 11340) of Part 1 of Division 3 of Title 2.*

18 (c) *The local agency shall, within 10 business days of receiving*
19 *the map transmitted pursuant to subdivision (b), and in a manner*
20 *consistent with subdivision (g) of Section 51179, post a notice at*
21 *the office of the county recorder, county assessor, and city or*
22 *county planning agency identifying the location of the post-wildfire*
23 *safety area. The map of the post-wildfire safety area shall also be*
24 *posted on the internet website of the local agency.*

25 (d) *The designation of a post-wildfire safety area pursuant to*
26 *subdivision (b) shall trigger the application of the state fire*
27 *protection standards in a post-wildfire safety area 30 days*
28 *following the transmission of the map by the State Fire Marshal*
29 *pursuant to subdivision (b).*

30 (e) *A city or county with territory in a post-wildfire safety area*
31 *shall comply with paragraph (3) of subdivision (g) of Section 65302*
32 *according to the schedule provided in that subdivision.*

33 SEC. 4. Section 51182.5 is added to the Government Code, to
34 read:

35 51182.5. (a) For the purposes of this section, the following
36 terms shall have the following meanings:

37 (1) “Adequate progress” means the enforcing agency is taking
38 ~~concrete~~ *progressive* steps reasonably calculated to achieve funding
39 and implementation of the ~~enforcement~~ *wildfire community safety*
40 *program* by the date specified in subdivision (b).

1 (2) “Enforcing agency” means the local or state fire authority
2 or designee authorized to enforce vegetation management
3 requirements.

4 (b) Beginning January 1, 2027, an enforcing agency shall
5 establish, fund, and implement ~~an enforcement~~ *a wildfire*
6 *community safety* program to *educate community members and*
7 verify ongoing compliance, within the enforcing agency’s
8 jurisdiction, with the defensible space, vegetation management,
9 and fuel modification requirements established pursuant to the
10 following or their successor provisions:

11 (1) Chapter 7A of the California Building Code (Title 24 of the
12 California Code of Regulations).

13 (2) Chapter 49 of the California Fire Code.

14 (3) Section R337 of the California Residential Code.

15 (4) Chapter 12-7A of the California Referenced Standards Code.

16 (5) Subchapter 2 (commencing with Section 1270) of Chapter
17 7 of Division 1.5 of Title 14 of the California Code of Regulations.

18 (6) Article 3 (commencing with Section 1299) of Subchapter 3
19 of Chapter 7 of Division 1.5 of Title 14 of the California Code of
20 Regulations.

21 (7) Regulations implementing an ember-resistant zone pursuant
22 to paragraph (2) of subdivision (c) of Section 51182.

23 (c) The enforcing agency may charge a fee sufficient to cover
24 the costs of administering the program and providing any
25 inspections conducted by the enforcing agency.

26 (d) (1) The enforcing agency shall *educate community members*
27 *and* inspect and document compliance for each affected property
28 or structure at least once annually. *If access to an affected property*
29 *is limited or an inspection is deemed an act of trespassing on*
30 *private property, the enforcing agency may provide notice to the*
31 *affected property and may use alternative methods to conduct the*
32 *inspection, including, but not limited to, the use of aerial imagery*
33 *or other technologies.*

34 (2) The enforcing agency shall submit *information on the*
35 *implementation of the wildfire community safety program,*
36 *including* data on defensible space inspections and compliance
37 pursuant to this ~~section~~ *section*, to the defensible space and home
38 hardening assessment reporting platform established by the
39 Director of Forestry and Fire Protection pursuant to subdivision
40 (c) of Section 4291.5 of the Public Resources Code.

1 (e) An enforcing agency that adopts a finding, based on
2 substantial evidence in the record and before January 1, 2027, that
3 demonstrates adequate progress may delay compliance with the
4 requirement to document compliance annually in subdivision (d)
5 until no later than January 1, 2029.

6 *SEC. 5. Section 65302 of the Government Code is amended to*
7 *read:*

8 65302. The general plan shall consist of a statement of
9 development policies and shall include a diagram or diagrams and
10 text setting forth objectives, principles, standards, and plan
11 proposals. The plan shall include the following elements:

12 (a) A land use element that designates the proposed general
13 distribution and general location and extent of the uses of the land
14 for housing, business, industry, open space, including agriculture,
15 natural resources, recreation, and enjoyment of scenic beauty,
16 education, public buildings and grounds, solid and liquid waste
17 disposal facilities, greenways, as defined in Section 816.52 of the
18 Civil Code, and other categories of public and private uses of land.
19 The location and designation of the extent of the uses of the land
20 for public and private uses shall consider the identification of land
21 and natural resources pursuant to paragraph (3) of subdivision (d).
22 The land use element shall include a statement of the standards of
23 population density and building intensity recommended for the
24 various districts and other territory covered by the plan. The land
25 use element shall identify and annually review those areas covered
26 by the plan that are subject to flooding identified by flood plain
27 mapping prepared by the Federal Emergency Management Agency
28 (FEMA) or the Department of Water Resources. The land use
29 element shall also do both of the following:

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

35 (2) Consider the impact of new growth on military readiness
36 activities carried out on military bases, installations, and operating
37 and training areas, when proposing zoning ordinances or
38 designating land uses covered by the general plan for land, or other
39 territory adjacent to military facilities, or underlying designated
40 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 members
8 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 (e) 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) Upon any substantive revision of the circulation element
31 on or after January 1, 2025, the legislative body shall do all of the
32 following:

33 (i) Incorporate the principles of the Federal Highway
34 Administration’s Safe System Approach, in the circulation element
35 by including policies that aim to eliminate fatal and serious injuries
36 for all road users through a holistic view of the roadway system,
37 including provisions that account for human error, recognize
38 vulnerable road users, and promote redundant and proactive safety
39 measures.

(ii) Develop bicycle plans, pedestrian plans, and traffic calming plans based on the policies and goals in the circulation element that shall address all of the following for any urbanized area within the scope of the general plan:

(I) Identify safety corridors and any land or facility that generates high concentrations of bicyclists or pedestrians.

(II) Use evidence-based strategies, including strategies identified in the United States Department of Transportation's Strategic Highway Safety Plan to develop safety measures specific to those areas that are intended to eliminate traffic fatalities, with an emphasis on fatalities of bicyclists, pedestrians, and users of any other form of micromobility device in the areas identified in subclause (I).

(III) Set goals for initiation and completion of all actions identified in the plans within 25 years of the date of adoption of the modified circulation element based upon projected development activities within urbanized areas within the scope of the general plan and projected availability of revenues.

(C) (i) A county or city shall begin implementation of the modified circulation element plan specified in subparagraph (B) within two years of the date of adoption of the plan.

(ii) A county or city shall regularly review the progress towards and identify impediments to completing implementation of the plan for a multimodal transportation network, including all bicycle plans, pedestrian plans, and traffic calming plans iterated in the modified circulation element, and the construction of any related infrastructure.

(iii) A county or city shall consider revising the circulation element if, following the review under clause (ii), the county or city determines it will not reach the goals of the bicycle, pedestrian, or traffic calming plans within 25 years of the date of adoption of the modified circulation element.

(D) For the purposes of this paragraph, the following definitions shall apply:

(i) "Business activity district" has the same meaning as defined in Section 22358.9 of the Vehicle Code.

(ii) "Land facilities that generate high concentrations of bicyclists or pedestrians" has the same meaning as described in Section 22358.7 of the Vehicle Code.

(iii) “Micromobility device” means a bicycle, electric bicycle, or motorized scooter as those terms are defined and described in Division 1 (commencing with Section 100) of the Vehicle Code.

(iv) “Safety corridor” has the same meaning as defined in Section 22358.7 of the Vehicle Code.

(v) “Urbanized area” has the same meaning as defined in Section 21071 of the Public Resources Code.

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

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

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

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

(A) The reclamation of land and waters.

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

(C) Regulation of the use of land in stream channels and other 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 (4) Upon the adoption or next revision of one or more elements
12 on or after January 1, 2028, the conservation element shall be
13 updated to:

14 (A) Identify and analyze connectivity areas, permeability, and
15 natural landscape areas within the jurisdiction, as those terms are
16 defined in Section 158 of the Streets and Highways Code.

17 (B) Identify and analyze existing or planned wildlife passage
18 features, as defined in Section 158 of the Streets and Highways
19 Code, including, but not limited to, wildlife passage features
20 included in the inventory of connectivity needs on the state
21 highway system, as described in Section 158.1 of the Streets and
22 Highways Code, to ensure that planned development does not
23 undermine the effectiveness of existing and potential wildlife
24 passage features, as defined in Section 158 of the Streets and
25 Highways Code.

26 (C) (i) Consider the impacts of development and the barriers
27 caused by development to wildlife and habitat connectivity.

28 (ii) For the purposes of this subparagraph, “wildlife” has the
29 same meaning as defined in Section 89.5 of the Fish and Game
30 Code.

31 (D) Avoid, minimize, or mitigate impacts and barriers to wildlife
32 movement to the extent feasible.

33 (E) Analyze and consider opportunities to remediate existing
34 barriers to wildlife connectivity and restore degraded habitat and
35 open space.

36 (5) If a city, county, or city and county has already included
37 policies in existing plans, including its certified local coastal plan,
38 that meet the requirements of paragraph (4), the city, county, or
39 city and county may incorporate the plan by reference into the
40 general plan to comply with this section.

(6) In preparing to update the conservation element, the city, county, or city and county may do any of the following:

(A) Consider incorporating appropriate standards, policies, and feasible implementation programs such as wildlife-friendly fencing and lighting, buffers from sensitive resources, prohibitions on invasive plants, habitat connectivity overlay zones, and compact development standards, or consider whether adoption of ordinances is necessary to feasibly implement these standards, policies, and implementation programs, and include goals to adopt any necessary ordinances.

(B) Consult with the Department of Fish and Wildlife, any California Native American tribe that is on the contact list maintained by the Native American Heritage Commission and that has traditional lands located within the city, county, or city and county's jurisdiction, and any open-space district that owns lands designated for conservation within the city, county, or city and county's jurisdiction. Upon receiving a request for consultation, the department, tribe, or district may, in its sole discretion, accept or refuse to consult, based on the priority of natural resources impacted or other factors.

(C) Consider relevant best available science as appropriate, including, but not limited to, peer-reviewed literature, citable publicly available datasets, publicly sourced online datasets, and information and reports from government agencies, California Native American tribes, and academic institutions.

(D) Consider the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity, including, but not limited to, any of the following:

(i) Habitat linkages and wildlife corridors, such as those identified and summarized in the Areas of Conservation Emphasis, as defined by subdivision (a) of Section 1851 of the Fish and Game Code, and in regional habitat connectivity assessments.

(ii) Wildlife corridors, such as migration corridors identified by global positioning system collar studies.

(iii) Wildlife movement barriers, such as connectivity areas, as defined by subdivision (a) of Section 158 of the Street and Highways Code, and barriers identified by the Department of Fish and Wildlife's Restoring California's Wildlife Connectivity report.

(iv) Other connectivity considerations, such as those outlined in the State Wildlife Action Plan, habitat conservation plans approved pursuant to Section 1539 of Title 16 of the United States Code, natural community conservation plans approved pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code, regional conservation investment strategies approved pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code, and other relevant plans, policies, and ordinances adopted by neighboring jurisdictions.

(7) In preparing to update the conservation element, the city, county, or city and county may consult with other appropriate local, state, or federal agencies, or academic institutions, as deemed appropriate by the city or county.

(8) The city, county, or city and county may meet the requirements in paragraphs (4) through (6), inclusive, in a separate component or section of the general plan entitled a wildlife connectivity element.

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

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

(A) Highways and freeways.

(B) Primary arterials and major local streets.

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

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

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

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

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or

1 day-night average sound level (L_{dn}). The noise contours shall be
2 prepared on the basis of noise monitoring or following generally
3 accepted noise modeling techniques for the various sources
4 identified in subparagraphs (A) to (F) of paragraph (1), inclusive.

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

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

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

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

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

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

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

39 (iii) Information about flood hazards that is available from the
40 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 6161 of the Water Code that are available from the Department of
5 Water Resources.

6 (vi) Awareness Floodplain Mapping Program maps and 200-year
7 flood plain maps that are or may be available from, or accepted
8 by, the Department of Water Resources.

9 (vii) Maps of levee protection zones.

10 (viii) Areas subject to inundation in the event of the failure of
11 project or nonproject levees or floodwalls.

12 (ix) Historical data on flooding, including locally prepared maps
13 of areas that are subject to flooding, areas that are vulnerable to
14 flooding after wildfires, and sites that have been repeatedly
15 damaged by flooding.

16 (x) Existing and planned development in flood hazard zones,
17 including structures, roads, utilities, and essential public facilities.

18 (xi) Local, state, and federal agencies with responsibility for
19 flood protection, including special districts and local offices of
20 emergency services.

21 (B) Establish a set of comprehensive goals, policies, and
22 objectives based on the information identified pursuant to
23 subparagraph (A), for the protection of the community from the
24 unreasonable risks of flooding, including, but not limited to:

25 (i) Avoiding or minimizing the risks of flooding to new
26 development.

27 (ii) Evaluating whether new development should be located in
28 flood hazard zones, and identifying construction methods or other
29 methods to minimize damage if new development is located in
30 flood hazard zones.

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

33 (iv) Locating, when feasible, new essential public facilities
34 outside of flood hazard zones, including hospitals and health care
35 facilities, emergency shelters, fire stations, emergency command
36 centers, and emergency communications facilities or identifying
37 construction methods or other methods to minimize damage if
38 these facilities are located in flood hazard zones.

39 (v) Establishing cooperative working relationships among public
40 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~~. *51177, and land*
10 *classified as a post-wildfire safety area, as defined in Section*
11 *51179.5*. This review shall consider the advice included in the
12 Office of Planning and Research's most recent publication of "Fire
13 Hazard Planning, General Plan Technical Advice Series" and shall
14 also include all of the following:

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

17 (i) Fire hazard severity zone maps available from the Office of
18 the State Fire Marshal.

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

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

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

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

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

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

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

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

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

15 (iv) Working cooperatively with public agencies with
16 responsibility for fire protection.

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

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

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

37 (ii) Information that may be available from federal, state,
38 regional, and local agencies that will assist in developing the
39 vulnerability assessment and the adaptation policies and strategies

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

1 shall use existing natural features and ecosystem processes, or the
2 restoration of natural features and ecosystem processes, when
3 developing alternatives for consideration. For purposes of this
4 clause, “natural infrastructure” means using natural ecological
5 systems or processes to reduce vulnerability to climate change
6 related hazards, or other related climate change effects, while
7 increasing the long-term adaptive capacity of coastal and inland
8 areas by perpetuating or restoring ecosystem services. This
9 includes, but is not limited to, the conservation, preservation, or
10 sustainable management of any form of aquatic or terrestrial
11 vegetated open space, such as beaches, dunes, tidal marshes, reefs,
12 seagrass, parks, rain gardens, and urban tree canopies. It also
13 includes systems and practices that use or mimic natural processes,
14 such as permeable pavements, bioswales, and other engineered
15 systems, such as levees that are combined with restored natural
16 systems, to provide clean water, conserve ecosystem values and
17 functions, and provide a wide array of benefits to people and
18 wildlife.

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

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

34 (5) Upon the next revision of the housing element on or after
35 January 1, 2020, the safety element shall be reviewed and updated
36 as necessary to identify residential developments in any hazard
37 area identified in the safety element that do not have at least two
38 emergency evacuation routes.

39 (6) After the initial revision of the safety element pursuant to
40 paragraphs (2), (3), (4), and (5), the planning agency shall review

1 and, if necessary, revise the safety element upon each revision of
2 the housing element or local hazard mitigation plan, but not less
3 than once every eight years, to identify new information relating
4 to flood and fire hazards and climate adaptation and resiliency
5 strategies applicable to the city or county that was not available
6 during the previous revision of the safety element.

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

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

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

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

38 (A) Identify objectives and policies to reduce the unique or
39 compounded health risks in disadvantaged communities by means
40 that include, but are not limited to, the reduction of pollution

1 exposure, including the improvement of air quality, and the
2 promotion of public facilities, food access, safe and sanitary homes,
3 and physical activity.

4 (B) Identify objectives and policies to promote civic engagement
5 in the public decisionmaking process.

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

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

13 (3) By adding this subdivision, the Legislature does not intend
14 to require a city, county, or city and county to take any action
15 prohibited by the United States Constitution or the California
16 Constitution.

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

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

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

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

34 ~~SEC. 5.~~

35 *SEC. 6.* No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 a local agency or school district has the authority to levy service
38 charges, fees, or assessments sufficient to pay for the program or
39 level of service mandated by this act, within the meaning of Section
40 17556 of the Government Code.

1 However, if the Commission on State Mandates determines that
2 this act contains other costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O