

Introduced by Senator Cabaldon

February 21, 2025

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

LEGISLATIVE COUNSEL'S DIGEST

SB 828, as introduced, Cabaldon. Planning and Zoning Law: general plan: land use element.

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, and other categories of public and private uses of land, as prescribed.

This bill would make nonsubstantive changes to the provision describing the required land use element.

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

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

- 1 SECTION 1. Section 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:

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

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

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

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

(B) The following definitions govern this paragraph:

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

(I) Training, support, and operations that prepare the members of the military for combat.

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

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

3 (ii) “Military installation” means a base, camp, post, station,
4 yard, center, homeport facility for any ship, or other activity under
5 the jurisdiction of the United States Department of Defense as
6 defined in paragraph (1) of subsection (e) of Section 2687 of Title
7 10 of the United States Code.

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

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

20 (B) Upon any substantive revision of the circulation element
21 on or after January 1, 2025, the legislative body shall do all of the
22 following:

23 (i) Incorporate the principles of the Federal Highway
24 Administration’s Safe System Approach, in the circulation element
25 by including policies that aim to eliminate fatal and serious injuries
26 for all road users through a holistic view of the roadway system,
27 including provisions that account for human error, recognize
28 vulnerable road users, and promote redundant and proactive safety
29 measures.

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

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

36 (II) Use evidence-based strategies, including strategies identified
37 in the United States Department of Transportation’s Strategic
38 Highway Safety Plan to develop safety measures specific to those
39 areas that are intended to eliminate traffic fatalities, with an
40 emphasis on fatalities of bicyclists, pedestrians, and users of any

1 other form of micromobility device in the areas identified in
2 subclause (I).

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

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

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

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

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

24 (i) “Business activity district” has the same meaning as defined
25 in Section 22358.9 of the Vehicle Code.

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

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

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

34 (v) “Urbanized area” has the same meaning as defined in Section
35 21071 of the Public Resources Code.

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

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

3 (d) (1) A conservation element for the conservation,
4 development, and utilization of natural resources, including water
5 and its hydraulic force, forests, soils, rivers and other waters,
6 harbors, fisheries, wildlife, minerals, and other natural resources.

7 The conservation element shall consider the effect of development
8 within the jurisdiction, as described in the land use element, on
9 natural resources located on public lands, including military
10 installations. The conservation element shall consider the effect
11 of development within the jurisdiction, as described in the land
12 use element, on the movement of wildlife and habitat connectivity.
13 That portion of the conservation element including waters shall
14 be developed in coordination with any countywide water agency
15 and with all district and city agencies, including flood management,
16 water conservation, or groundwater agencies that have developed,
17 served, controlled, managed, or conserved water of any type for
18 any purpose in the county or city for which the plan is prepared.
19 Coordination shall include the discussion and evaluation of any
20 water supply and demand information described in Section
21 65352.5, if that information has been submitted by the water agency
22 to the city or county.

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

25 (A) The reclamation of land and waters.

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

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

30 (D) Prevention, control, and correction of the erosion of soils,
31 beaches, and shores.

32 (E) Protection of watersheds.

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

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

1 (4) Upon the adoption or next revision of one or more elements
2 on or after January 1, 2028, the conservation element shall be
3 updated to:

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

7 (B) Identify and analyze existing or planned wildlife passage
8 features, as defined in Section 158 of the Streets and Highways
9 Code, including, but not limited to, wildlife passage features
10 included in the inventory of connectivity needs on the state
11 highway system, as described in Section 158.1 of the Streets and
12 Highways Code, to ensure that planned development does not
13 undermine the effectiveness of existing and potential wildlife
14 passage features, as defined in Section 158 of the Streets and
15 Highways Code.

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

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

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

23 (E) Analyze and consider opportunities to remediate existing
24 barriers to wildlife connectivity and restore degraded habitat and
25 open space.

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

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

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

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

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

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

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

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

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

30 (iv) Other connectivity considerations, such as those outlined
31 in the State Wildlife Action Plan, habitat conservation plans
32 approved pursuant to Section 1539 of Title 16 of the United States
33 Code, natural community conservation plans approved pursuant
34 to Chapter 10 (commencing with Section 2800) of Division 3 of
35 the Fish and Game Code, regional conservation investment
36 strategies approved pursuant to Chapter 9 (commencing with
37 Section 1850) of Division 2 of the Fish and Game Code, and other
38 relevant plans, policies, and ordinances adopted by neighboring
39 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 day-night average sound level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in subparagraphs (A) to (F) of paragraph (1), inclusive.

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

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise

1 problems, if any. The adopted noise element shall serve as a
2 guideline for compliance with the state's noise insulation standards.

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

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

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

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

28 (ii) National Flood Insurance Program maps published by
29 FEMA.

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

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

34 (v) Dam failure inundation maps prepared pursuant to Section
35 6161 of the Water Code that are available from the Department of
36 Water Resources.

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

40 (vii) Maps of levee protection zones.

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

3 (ix) Historical data on flooding, including locally prepared maps
4 of areas that are subject to flooding, areas that are vulnerable to
5 flooding after wildfires, and sites that have been repeatedly
6 damaged by flooding.

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

9 (xi) Local, state, and federal agencies with responsibility for
10 flood protection, including special districts and local offices of
11 emergency services.

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

16 (i) Avoiding or minimizing the risks of flooding to new
17 development.

18 (ii) Evaluating whether new development should be located in
19 flood hazard zones, and identifying construction methods or other
20 methods to minimize damage if new development is located in
21 flood hazard zones.

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

24 (iv) Locating, when feasible, new essential public facilities
25 outside of flood hazard zones, including hospitals and health care
26 facilities, emergency shelters, fire stations, emergency command
27 centers, and emergency communications facilities or identifying
28 construction methods or other methods to minimize damage if
29 these facilities are located in flood hazard zones.

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

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

35 (3) Upon the next revision of the housing element on or after
36 January 1, 2014, the safety element shall be reviewed and updated
37 as necessary to address the risk of fire for land classified as state
38 responsibility areas, as defined in Section 4102 of the Public
39 Resources Code, and land classified as very high fire hazard
40 severity zones, as defined in Section 51177. This review shall

1 consider the advice included in the Office of Planning and
2 Research's most recent publication of "Fire Hazard Planning,
3 General Plan Technical Advice Series" and shall also include all
4 of the following:

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

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

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

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

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

20 (v) Local, state, and federal agencies with responsibility for fire
21 protection, including special districts and local offices of
22 emergency services.

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

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

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

32 (ii) Locating, when feasible, new essential public facilities
33 outside of high fire risk areas, including, but not limited to,
34 hospitals and health care facilities, emergency shelters, emergency
35 command centers, and emergency communications facilities, or
36 identifying construction methods or other methods to minimize
37 damage if these facilities are located in a state responsibility area
38 or very high fire hazard severity zone.

39 (iii) Designing adequate infrastructure if a new development is
40 located in a state responsibility area or in a very high fire hazard

1 severity zone, including safe access for emergency response
2 vehicles, visible street signs, and water supplies for structural fire
3 suppression.

4 (iv) Working cooperatively with public agencies with
5 responsibility for fire protection.

6 (D) If a city or county has adopted a fire safety plan or document
7 separate from the general plan, an attachment of, or reference to,
8 a city or county's adopted fire safety plan or document that fulfills
9 commensurate goals and objectives and contains information
10 required pursuant to this paragraph.

11 (4) Upon the next revision of a local hazard mitigation plan,
12 adopted in accordance with the federal Disaster Mitigation Act of
13 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
14 local jurisdiction has not adopted a local hazard mitigation plan,
15 beginning on or before January 1, 2022, the safety element shall
16 be reviewed and updated as necessary to address climate adaptation
17 and resiliency strategies applicable to the city or county. This
18 review shall consider advice provided in the Office of Planning
19 and Research's General Plan Guidelines and shall include all of
20 the following:

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

26 (ii) Information that may be available from federal, state,
27 regional, and local agencies that will assist in developing the
28 vulnerability assessment and the adaptation policies and strategies
29 required pursuant to subparagraph (B), including, but not limited
30 to, all of the following:

31 (I) Information from the internet-based Cal-Adapt tool.

32 (II) Information from the most recent version of the California
33 Adaptation Planning Guide.

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

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

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

4 (VI) Existing and planned development in identified at-risk
5 areas, including structures, roads, utilities, and essential public
6 facilities.

7 (VII) Federal, state, regional, and local agencies with
8 responsibility for the protection of public health and safety and
9 the environment, including special districts and local offices of
10 emergency services.

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

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

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

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

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

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

29 (v) The identification of natural infrastructure that may be used
30 in adaptation projects, where feasible. Where feasible, the plan
31 shall use existing natural features and ecosystem processes, or the
32 restoration of natural features and ecosystem processes, when
33 developing alternatives for consideration. For purposes of this
34 clause, “natural infrastructure” means using natural ecological
35 systems or processes to reduce vulnerability to climate change
36 related hazards, or other related climate change effects, while
37 increasing the long-term adaptive capacity of coastal and inland
38 areas by perpetuating or restoring ecosystem services. This
39 includes, but is not limited to, the conservation, preservation, or
40 sustainable management of any form of aquatic or terrestrial

1 vegetated open space, such as beaches, dunes, tidal marshes, reefs,
2 seagrass, parks, rain gardens, and urban tree canopies. It also
3 includes systems and practices that use or mimic natural processes,
4 such as permeable pavements, bioswales, and other engineered
5 systems, such as levees that are combined with restored natural
6 systems, to provide clean water, conserve ecosystem values and
7 functions, and provide a wide array of benefits to people and
8 wildlife.

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) Upon the next revision of the housing element on or after
25 January 1, 2020, the safety element shall be reviewed and updated
26 as necessary to identify residential developments in any hazard
27 area identified in the safety element that do not have at least two
28 emergency evacuation routes.

29 (6) After the initial revision of the safety element pursuant to
30 paragraphs (2), (3), (4), and (5), the planning agency shall review
31 and, if necessary, revise the safety element upon each revision of
32 the housing element or local hazard mitigation plan, but not less
33 than once every eight years, to identify new information relating
34 to flood and fire hazards and climate adaptation and resiliency
35 strategies applicable to the city or county that was not available
36 during the previous revision of the safety element.

37 (7) Cities and counties that have flood plain management
38 ordinances that have been approved by FEMA that substantially
39 comply with this section, or have substantially equivalent
40 provisions to this subdivision in their general plans, may use that

1 information in the safety element to comply with this subdivision,
2 and shall summarize and incorporate by reference into the safety
3 element the other general plan provisions or the flood plain
4 ordinance, specifically showing how each requirement of this
5 subdivision has been met.

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

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

20 (h) (1) An environmental justice element, or related goals,
21 policies, and objectives integrated in other elements, that identifies
22 disadvantaged communities within the area covered by the general
23 plan of the city, county, or city and county, if the city, county, or
24 city and county has a disadvantaged community. The
25 environmental justice element, or related environmental justice
26 goals, policies, and objectives integrated in other elements, shall
27 do all of the following:

28 (A) Identify objectives and policies to reduce the unique or
29 compounded health risks in disadvantaged communities by means
30 that include, but are not limited to, the reduction of pollution
31 exposure, including the improvement of air quality, and the
32 promotion of public facilities, food access, safe and sanitary homes,
33 and physical activity.

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

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

38 (2) A city, county, or city and county subject to this subdivision
39 shall adopt or review the environmental justice element, or the
40 environmental justice goals, policies, and objectives in other

1 elements, upon the adoption or next revision of two or more
2 elements concurrently on or after January 1, 2018.

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

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

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

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

18 (C) “Low-income area” means an area with household incomes
19 at or below 80 percent of the statewide median income or with
20 household incomes at or below the threshold designated as low
21 income by the Department of Housing and Community
22 Development’s list of state income limits adopted pursuant to
23 Section 50093 of the Health and Safety Code.