

AMENDED IN ASSEMBLY JUNE 20, 2022

AMENDED IN SENATE MAY 4, 2022

AMENDED IN SENATE MARCH 23, 2022

SENATE BILL

No. 932

Introduced by Senator Portantino

February 7, 2022

An act to amend Sections 65300.5 and 65302 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 932, as amended, Portantino. General plans: circulation element: bicycle and pedestrian plans and traffic calming plans.

Existing law states the Legislature's intention that a county or city general plan and the elements and parts of that general plan comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.

This bill would emphasize the intent of the Legislature to fight climate change with these provisions.

Existing law, the Planning and Zoning Law, requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including a circulation element. Existing law requires the circulation element to consist of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities. Existing law requires the legislative body, upon any substantive revision of the circulation element, to modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways

for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan. Existing law defines “users of streets, roads, and highways” to mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

This bill would require the legislative body, upon ~~the next~~ *any* substantive revision of the circulation element, on or ~~before June 30, 2024,~~ *after January 1, 2025*, to develop or update the plan for a balanced, multimodal transportation network, as specified, and to ensure that the plan includes bicycle and pedestrian plans and traffic calming plans for any urbanized area, as defined, within the scope of the county or city general plan. By adding to the duties of county and city officials in the administration of their land use planning duties, this bill would impose a state-mandated local program.

This bill would require a county or city to begin implementation of the plan within 2 years of the date of adoption of the plan. The bill would allow a county or city to have ~~20~~ 25 years to implement the plan. This bill would increase the ~~20-year~~ *25-year* implementation period based on whether the measures introduced by a county or city work to reduce its percentage of traffic violence within a specified period of time. The bill would allow a county or city that fails to comply with the implementation provisions due to unforeseen circumstances to be exempt from the provisions upon a written finding, as specified.

Commencing January 1, ~~2024,~~ *2025*, this bill would allow a person injured within the ~~right-of-way~~ *right-of-way, in specified areas*, in a collision with a motor vehicle to have a cause of action for failure to comply with these provisions against specified counties. The bill would make this cause of action inoperative after January 1, 2028.

This bill would state the intent of the Legislature to create an annual grant program, relating to the above provisions, to award funding to any county or city upon a showing of its implementation of timely and effective short-term efforts to mitigate bicycle, pedestrian, and other ~~human-powered transportation~~ *micromobility device, as defined*, injuries and fatalities, as provided. *The bill would define various terms for its purposes.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 65300.5 of the Government Code is
2 amended to read:

3 65300.5. (a) In construing the provisions of this article, the
4 Legislature intends that the general plan and elements and parts
5 thereof comprise an integrated, internally consistent and compatible
6 statement of policies for the adopting agency.

7 (b) The Legislature intends that the provisions of this article,
8 as stated in paragraph (4) of subdivision (g) of Section 65302,
9 support and encourage communities in reaching the state's
10 environmental and climate objectives. Climate change causes
11 catastrophic threats to lives, property, and resources in California,
12 and continues to affect all parts of the Californian economy and
13 environment. This provision is intended to encourage measures
14 that enable communities to adapt to the impacts of climate change
15 including, but not limited to, higher average temperatures,
16 decreased air and water quality, the spread of infectious and
17 vectorborne diseases, other public health impacts, extreme weather
18 events, sea level rise, flooding, heat waves, wildfires, ~~drought, and~~
19 ~~community planning and zoning development.~~ *and drought.*

20 SEC. 2. Section 65302 of the Government Code is amended
21 to read:

22 65302. The general plan shall consist of a statement of
23 development policies and shall include a diagram or diagrams and
24 text setting forth objectives, principles, standards, and plan
25 proposals. The plan shall include the following elements:

26 (a) A land use element that designates the proposed general
27 distribution and general location and extent of the uses of the land
28 for housing, business, industry, open space, including agriculture,
29 natural resources, recreation, and enjoyment of scenic beauty,
30 education, public buildings and grounds, solid and liquid waste
31 disposal facilities, greenways, as defined in Section 816.52 of the
32 Civil Code, and other categories of public and private uses of land.
33 The location and designation of the extent of the uses of the land
34 for public and private uses shall consider the identification of land
35 and natural resources pursuant to paragraph (3) of subdivision (d).

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

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

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

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

24 (B) The following definitions govern this paragraph:

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

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

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

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

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

37 (b) (1) A circulation element consisting of the general location
38 and extent of existing and proposed major thoroughfares,
39 transportation routes, terminals, any military airports and ports,

1 and other local public utilities and facilities, all correlated with the
2 land use element of the plan.

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

10 (B) Upon ~~the next~~ any substantive revision of the circulation
11 element on or after ~~June 30, 2024,~~ *January 1, 2025*, the legislative
12 body shall develop or update the plan for a balanced, multimodal
13 transportation network required by subparagraph (A), and shall
14 ensure the plan includes the following for any urbanized ~~area, as~~
15 ~~defined in Section 21071 of the Public Resources Code,~~ *area* within
16 the scope of the general plan:

17 ~~(i) The development of and implementation of bicycle plans,~~
18 ~~pedestrian plans, and traffic calming plans for which~~
19 ~~implementation shall commence no later than two years from the~~
20 ~~date the circulation element is modified. The modified circulation~~
21 ~~element.~~ *The bicycle plans, pedestrian plans, and traffic calming*
22 *plans shall address all of the following:*

23 ~~(I) Use evidence-based strategies intended to eliminate traffic~~
24 ~~fatalities, with an emphasis on fatalities of bicyclists, pedestrians,~~
25 ~~and users of any other form of human-powered transportation.~~

26 ~~(II)~~
27 ~~(I) Identify safety corridors and any land or facility that~~
28 ~~generates high concentrations of bicyclists or pedestrians, as those~~
29 ~~terms are defined in Section 22358.7 of the Vehicle Code, and~~
30 ~~include safety measures specific to those areas.~~ *pedestrians.*

31 ~~(II) Use evidence-based strategies to develop safety measures~~
32 ~~specific to those areas that are intended to eliminate traffic~~
33 ~~fatalities, with an emphasis on fatalities of bicyclists, pedestrians,~~
34 ~~and users of any other form of micromobility device in the areas~~
35 ~~identified in subclause (I).~~

36 ~~(III) Establish traffic calming measures around schools and~~
37 ~~parks, and within business activity districts, as defined in Section~~
38 ~~22358.9 of the Vehicle Code.~~ *districts.*

1 (ii) (I) A county or city shall begin implementation of the
2 modified circulation element plan within two years of the date of
3 adoption of the plan.

4 (II) A county or city shall complete implementation of the plan
5 for a multimodal transportation network, including all bicycle
6 plans, pedestrian plans, and traffic calming plans iterated in the
7 modified circulation element, and the construction of any related
8 infrastructure, within ~~20~~ 25 years of the date of adoption of the
9 modified circulation element.

10 (III) A county or city shall have an additional 10 years to
11 complete implementation if the circulation element contains
12 measures that decrease traffic fatalities by at least 20 percent within
13 the first 5 years of its implementation period, and the county or
14 city implements those measures within those 5 years.

15 (IV) A county or city shall not be required to comply with the
16 requirements of this clause upon making a written finding based
17 on substantial evidence that its failure to comply with the
18 requirements of this clause are the result of unforeseen
19 circumstances outside of the control of the county or city.

20 (iii) (I) Beginning January 1, ~~2024~~, 2025, failure by a county
21 or city to comply with the requirements of this subparagraph shall
22 create a cause of action for bicyclists, pedestrians, and users of
23 any other form of ~~human-powered transportation~~ micromobility
24 device injured within the right-of-way *in the areas identified in*
25 *subclause (I) of clause (i)* in a collision with a motor vehicle ~~in~~
26 ~~high injury areas~~ in the Counties of Alameda, Contra Costa, Los
27 Angeles, Orange, Riverside, Sacramento, San Bernardino, San
28 Diego, San Francisco, and Santa Clara. ~~For the purposes of this~~
29 ~~subdivision, “high injury areas” means:~~

30 ~~-(ia) The 10 locations within a county or city that have the~~
31 ~~highest rate of incidents of injuries to bicyclists, pedestrians, and~~
32 ~~users of any other form of human-powered transportation.~~

33 ~~-(ib) If less than 10 locations, the locations within a county or~~
34 ~~city that, when combined, account for 50.1 percent or more of all~~
35 ~~incidents of injuries to bicyclists, pedestrians, and users of any~~
36 ~~other form of human-powered transportation.~~

37 (II) This clause shall become inoperative on January 1, 2028.

38 (iv) *For the purposes of this subparagraph, the following*
39 *definitions shall apply:*

1 (I) “Business activity district” has the same meaning as defined
2 in Section 22358.9 of the Vehicle Code.

3 (II) “Land facilities that generate high concentrations of
4 bicyclists or pedestrians” has the same meaning as described in
5 Section 22358.7 of the Vehicle Code.

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

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

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

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

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

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

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

38 (A) The reclamation of land and waters.

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

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

3 (D) Prevention, control, and correction of the erosion of soils,
4 beaches, and shores.

5 (E) Protection of watersheds.

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

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

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

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

20 (A) Highways and freeways.

21 (B) Primary arterials and major local streets.

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

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

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

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

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

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

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

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

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

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

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

33 (ii) National Flood Insurance Program maps published by
34 FEMA.

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

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

- 1 (v) Dam failure inundation maps prepared pursuant to Section
- 2 6161 of the Water Code that are available from the Department of
- 3 Water Resources.
- 4 (vi) Awareness Floodplain Mapping Program maps and 200-year
- 5 flood plain maps that are or may be available from, or accepted
- 6 by, the Department of Water Resources.
- 7 (vii) Maps of levee protection zones.
- 8 (viii) Areas subject to inundation in the event of the failure of
- 9 project or nonproject levees or floodwalls.
- 10 (ix) Historical data on flooding, including locally prepared maps
- 11 of areas that are subject to flooding, areas that are vulnerable to
- 12 flooding after wildfires, and sites that have been repeatedly
- 13 damaged by flooding.
- 14 (x) Existing and planned development in flood hazard zones,
- 15 including structures, roads, utilities, and essential public facilities.
- 16 (xi) Local, state, and federal agencies with responsibility for
- 17 flood protection, including special districts and local offices of
- 18 emergency services.
- 19 (B) Establish a set of comprehensive goals, policies, and
- 20 objectives based on the information identified pursuant to
- 21 subparagraph (A), for the protection of the community from the
- 22 unreasonable risks of flooding, including, but not limited to:
- 23 (i) Avoiding or minimizing the risks of flooding to new
- 24 development.
- 25 (ii) Evaluating whether new development should be located in
- 26 flood hazard zones, and identifying construction methods or other
- 27 methods to minimize damage if new development is located in
- 28 flood hazard zones.
- 29 (iii) Maintaining the structural and operational integrity of
- 30 essential public facilities during flooding.
- 31 (iv) Locating, when feasible, new essential public facilities
- 32 outside of flood hazard zones, including hospitals and health care
- 33 facilities, emergency shelters, fire stations, emergency command
- 34 centers, and emergency communications facilities or identifying
- 35 construction methods or other methods to minimize damage if
- 36 these facilities are located in flood hazard zones.
- 37 (v) Establishing cooperative working relationships among public
- 38 agencies with responsibility for flood protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (II) Information from the most recent version of the California
2 Adaptation Planning Guide.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (6) After the initial revision of the safety element pursuant to
37 paragraphs (2), (3), (4), and (5), the planning agency shall review
38 and, if necessary, revise the safety element upon each revision of
39 the housing element or local hazard mitigation plan, but not less
40 than once every eight years, to identify new information relating

1 to flood and fire hazards and climate adaptation and resiliency
2 strategies applicable to the city or county that was not available
3 during the previous revision of the safety element.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 SEC. 3. It is the intent of the Legislature to create an annual
32 grant program, and an appropriation thereof, to be awarded to any
33 county or city for the purposes of meeting the requirements of
34 Section 65302 of the Government Code, as amended by this act,
35 upon a showing of its implementation of timely and effective
36 short-term efforts to mitigate bicycle, pedestrian, and other
37 ~~human-powered transportation injuries and fatalities; micromobility~~
38 ~~device injuries and fatalities, as that term is defined in subclause~~
39 ~~(III) of clause (iv) of subparagraph (B) of paragraph (2) of~~
40 ~~subdivision (b).~~ It is the intent of the Legislature that the creation

1 of this grant program will incentivize any county or city with few
2 financial resources to take small, affordable steps towards fulfilling
3 its traffic and street safety goals.

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

O