

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1409 (Levine) – As Introduced February 19, 2021

SUBJECT: Planning and zoning: general plan: safety element.

SUMMARY: Requires the safety element to be reviewed and updated as necessary to identify evacuation locations. Specifically, **this bill:**

- 1) Requires, upon the next revision of a local hazard mitigation plan, as specified, on or after January 1, 2022, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element adopted pursuant to subdivision (g) of Section 65302 to be reviewed and updated as necessary to identify evacuation locations under a range of emergency scenarios. A county or city that has adopted a local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives may use that information in the safety element to comply with this section and, in that event, shall summarize and incorporate into the safety element that other plan or document.
- 2) Provides that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

FISCAL EFFECT: This bill is keyed fiscal and contains a state mandated local program.

COMMENTS:

- 1) **Bill Summary and Author’s Statement.** This bill requires the safety element to be reviewed and updated as necessary to identify evacuation locations. According to the author, “In 2019, AB 747 (Levine) was successfully chaptered into law to adequately address the need for sufficient evacuation routes during a full-scale emergency. Now, AB 1409 would ensure those that evacuate using these routes have a specified evacuation location.

“California faces a daunting task in contending with prolonged wildfire seasons and natural disasters facilitated by climate change. This, coupled with increased development in the wildland-urban interface, requires communities to adequately address the need for sufficient evacuation locations during a full-scale emergency. AB 1409 will help save lives by requiring local governments to proactively plan evacuation locations under a range of emergency scenarios.”

This bill is sponsored by the author.

- 2) **Background.** The safety element of the general plan establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards. It is the major tool for identifying hazards that should be considered in preparing the land use element and the other elements of the general plan, and should be consulted before making land use decisions. These policies and plans are usually supported by detailed maps

of fault zones, mudslides, flooding, dam collapse inundation areas, ground subsidence, vegetation density/slope combinations for fire risk, and other safety-related concerns.

Counties that contain a State Responsibility Area (SRA) and any city or county containing a Very High Fire Hazard Severity Zone (Zone) must submit its safety element for review and comment by the State Board of Forestry and Fire Protection and any local agencies that provide fire protection to the city or county.

Local agencies are also required, as a precondition for federal hazard mitigation grants, to prepare a local hazard mitigation plan (LHMP) every five years. Local agencies can work together on a multi-jurisdictional basis for the LHMP and submit it to the Governor's Office of Emergency Services (Cal OES) for review. LHMPs are essential in identifying and developing strategies to mitigate risks and vulnerabilities associated with disasters. Cal OES provides technical assistance to local governments in the development of these plans required under the federal Disaster Mitigation Act of 2000, and assists with integrating hazard identification, risk assessments, risk management, and loss prevention into a comprehensive approach to hazard mitigation.

AB 747 (Levine), Chapter 681, Statutes of 2019, required each city or county to review and update its safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. This revision must occur either upon the next revision of an LHMP, adopted in accordance with the federal Disaster Mitigation Act of 2000 on or after January 1, 2022, or, if a local jurisdiction has not adopted an LHMP, beginning on or before January 1, 2022. The bill allowed a county or city that has adopted an LHMP, emergency operations plan, or other document that fulfills commensurate goals and objectives to summarize and incorporate into the safety element that other plan or document.

- 3) **Arguments in Support.** The American Planning Association, California Chapter, in support, writes, "Unfortunately, California faces a daunting task in contending with prolonged wildfire seasons and natural disasters facilitated by climate change. These new threats will require communities to reassess evacuation options and, as this bill requires, ensure that viable evacuation locations are identified for residents to shelter in place, in the event of an emergency."
- 4) **Arguments in Opposition.** None on file.
- 5) **Double-Referral.** This bill is double-referred to the Emergency Management Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

American Planning Association, California Chapter

Opposition

None on file

Analysis Prepared by: Angela Mapp / L. GOV. / (916) 319-3958