

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 747 (Levine) – As Introduced February 19, 2019

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

SUMMARY: Requires cities and counties to address the capacity of evacuation routes in the safety element of the general plan. Specifically, **this bill:**

- 1) Requires cities and counties, in the safety element of the general plan, to address the capacity of evacuation routes under a range of emergency scenarios.
- 2) Provides that no reimbursement is required because a local agency has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of serviced mandated by this act.

EXISTING LAW:

- 1) Requires every county and city to adopt a general plan with seven mandatory elements, including the safety element.
- 2) Provides that the safety element's purpose is to protect the community from unreasonable risks from geologic hazards, flooding, and wildland and urban fires.
- 3) Requires, pursuant to the California Emergency Services Act, each city and county to prepare an Emergency Operations Plan, as specified.
- 4) Requires, pursuant to federal law, each city and county to complete a local hazard mitigation plan (LHMP) every five years.

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

COMMENTS:

- 1) **Bill Summary.** Existing law requires cities and counties to address evacuation routes in the safety element of the general plan. This bill additionally requires cities and counties to address the capacity of those evacuation routes under a range of emergency scenarios. This bill is author-sponsored.
- 2) **Author's Statement.** According to the author, "Natural disasters have long devastated California but with the effects of climate change leading to severe wildfires it is necessary for local governments to have more concise plans for large-scale and swift evacuations. The town of Paradise provides a tragic example of the importance of evacuation route capacity. In 2015, Skyway Boulevard, one of the main outbound roads, underwent lane reduction from a four to two lane road. During the Camp Fire, residents were forced to move southbound via Skyway Boulevard. By 10am that day, evacuees were forced to abandon their vehicles and proceed on foot. The 2018 Camp Fire resulted in 85 civilian casualties; the deadliest in California history. AB 747 will help save lives by requiring local governments to

preemptively plan their evacuation route capacity needs under a range of emergency scenarios.”

- 3) **Background on Safety Element and Other Local Government Plans.** 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.

Pursuant to the California Emergency Services Act, all local agencies with a certified disaster council are required to prepare an Emergency Operations Plan (EOP) that meets state and federal requirements. Local EOPs generally include information on evacuation and transportation, sheltering, hazard-specific planning, regional planning, public-private partnerships, and recovery planning.

- 4) **Recent Legislation.** SB 379 (Jackson), Chapter 608, Statutes of 2015, established a requirement in general plan law that a city or county must address climate adaptation and resiliency strategies upon the next revision of the safety element, and then continue to update the safety element, as needed, for adaptation and resiliency concerns, upon subsequent revisions of the safety element, to occur concurrently with subsequent revisions of the housing element.

SB 974 (Committee on Governance and Finance), Chapter 366, Statutes of 2016, deleted the requirement that the safety element be regularly updated as specified in SB 397, upon revisions of the housing element.

SB 1035 (Jackson), Chapter 733, Statutes of 2018, reestablished that update requirement and also required the safety element to be revised to identify new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. This revision must occur upon each revision of the housing element or LHMP, but not less than once every eight years.

5) **Policy Considerations:**

- a) **Other local government planning documents.** As mentioned above, there are several other planning documents prepared by local agencies that may cover the issue of evacuation routes and emergency planning for a hazard or disaster. These documents may be prepared by emergency operations personnel, planners, or public safety professionals, among others.

The Committee may wish to ask the author to allow flexibility for cities and counties to meet the requirements of the bill by referencing other prepared documents like the EOP or the LHMP, so that the work is not duplicated in the safety element when a plan is already in place at the local level. It is also important that these documents are consistent with each other.

- b) **Unclear start date.** It is unclear when this new duty on cities and counties would start – at the next time a city or county updates its safety element? Because of the importance of local agencies addressing evacuation routes for hazards and disasters, the Committee may wish to ask the author to specify a timeframe for implementation.

6) **Arguments in Support.** None on file.

7) **Arguments in Opposition.** None on file.

- 8) **Committee Amendments.** To address the concerns raised above, the Committee may wish to ask the author to clarify that a city or county may meet the requirements of the bill by referencing or linking to another planning document that substantially meets the requirements of the bill, and also specify an implementation date, as follows:

Strike existing requirement in bill, and instead add the following language to provisions in the safety element:

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, 2019, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2021, the safety element shall be reviewed and updated as necessary to identify evacuation routes and their capacity, safety and viability, under a range of emergency scenarios. If a city or county has adopted the local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives, a local jurisdiction may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other plan or document.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Debbie Michel / L. GOV. / (916) 319-3958