

Date of Hearing: June 15, 2022

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

SB 1425 (Stern) – As Amended April 18, 2022

**SENATE VOTE:** 31-5

**SUBJECT:** Open-space element: updates.

**SUMMARY:** Requires a city or county to review and update its local open-space plan by January 1, 2026. Specifically, **this bill:**

- 1) Requires every city and county to review and update its local open-space plan by January 1, 2026.
- 2) Requires the update to include plans and an action program, as required by current law, that address all of the following:
  - a) Access to open space for all residents in a manner that considers social, economic, and racial equity, correlated with the environmental justice element or environmental justice policies in the general plan, as applicable.
  - b) Climate resilience and other cobenefits of open space, correlated with the safety element.
  - c) Rewilding opportunities, correlated with the land use element.
- 3) Provides that “rewilding opportunities” may include, but are not limited to, the following:
  - a) Opportunities to preserve, enhance, and expand an integrated network of open space to support beneficial uses, such as habitat, recreation, natural resources, historic and tribal resources, water management, and aesthetics.
  - b) Establishing a natural communities conservation plan to provide for coordinated mitigation of the impacts of new development.
- 4) Provides that no reimbursement is required by this bill, 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 bill.
- 5) Declares that the preservation of open space is a matter of statewide concern and is not a municipal affair, and that the provisions of the bill therefore apply to all cities, including charter cities.

**EXISTING LAW:**

- 1) Requires every city and county to prepare and periodically update a comprehensive, long-range general plan to guide future planning decisions.

- 2) Requires the general plan to contain seven mandatory elements: land use, circulation, housing, conservation, open-space, noise, and safety.
- 3) Requires the general plan to include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements.
- 4) Requires the open space element to include an inventory of certain categories of open-space lands and an action plan that lays out how the city or county will implement the open-space plan through specific programs.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:**

- 1) **Author’s Statement.** According to the author, “California has long been a land of opportunity and a destination for millions of people. We welcome diversity, take pride in our entrepreneurial spirit, and have a thriving economy. We should also always be reminded that our ecosystems sustain our communities, support our economy, provide for our recreation, and anchor our history, culture, and traditions.

“The worsening effects of climate change pose new land management challenges. Preserving and protecting our open space can both build climate resilience and reduce overall climate change impacts.

“The open space element of a general plan guides the comprehensive and long-range preservation of open space lands that are important to the conservation of the state’s natural resources. Unfortunately, for many cities, their open space elements are outdated. One major city in California has not updated its open space element in almost 50 years.

“In order to provide responsive planning to meet the current situation, the open space element must include measures that ensure equity, climate resilience and rewilding as imperatives to protect unique Californian habitats and species found nowhere else on Earth.”

- 2) **Bill Summary.** This bill requires every city and county to review and update its local open-space plan by January 1, 2026. The update must include plans that address all of the following:
  - a) Equity and access.
  - b) Climate resilience and other cobenefits.
  - c) Rewilding opportunities.

This bill is author sponsored.

- 3) **General Plans.** Each city and county must prepare and periodically update a comprehensive, long-range general plan to guide future planning decisions. Seven mandatory elements comprise the general plan: land use, circulation, housing, conservation, open-space, noise, and safety. General plans must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. Cities

and counties may adopt optional elements that address issues of their choosing, and once adopted, those elements have the same legal force as the mandatory elements. The general plan must be “internally consistent,” which means the various elements cannot contain conflicting information or assumptions.

Although state law spells out the plans’ minimum contents, it also specifies that local officials can address these topics to the extent to which they exist in their cities and counties, and with a level of detail that reflects local circumstances. Similarly, state law does not require cities and counties to regularly revise their general plans (except for the housing element, which must generally be revised every eight years).

- 4) **Open-space Element.** The open-space element of a general plan, also known as a local open-space plan, designates land to be kept largely unimproved to serve uses that require open spaces, including environmental preservation, natural resource production, outdoor recreation, and protection of historical sites and tribal resources. The open-space plan must include an inventory of certain categories of open-space lands and an action plan that lays out how the city or county will implement the open-space plan through specific programs. Furthermore, cities and counties can’t take land use actions, such as approving a building permit or subdivision map or adopting an open-space zoning ordinance, unless it is consistent with the local open-space plan.

Since local governments are not required to regularly update their open-space plans (except as required to maintain internal consistency within the general plan), many local governments have not made significant updates in some time. The Governor’s Office of Planning and Research circulates a survey to planning departments throughout the state, and the most recent survey in 2020 found that among the 252 cities and counties that responded, only the noise and conservation elements were older on average than the average age of open-space elements. These averages mask significant variability amongst jurisdictions. For example, the City of Los Angeles has not updated its open-space element since 1973, although it is currently in the process of considering an update.

- 5) **Related Legislation.** SB 932 (Portantino) requires the circulation element of a general plan to include specified contents related to bicycle plans, pedestrian plans, and traffic calming plans, and provides that failure to implement the plans creates a cause of action for victims of traffic violence, as specified. SB 932 is pending in this Committee.
- 6) **Arguments in Support.** California Environmental Voters writes in support, “Ensuring open space elements are up to date and reflect current needs is imperative to protect unique Californian habitats and species found nowhere else on Earth. Even though there are laws requiring updates to various elements of the general plan nothing requires the open space element be updated uniformly.”
- 7) **Arguments in Opposition.** None on file.

## REGISTERED SUPPORT / OPPOSITION:

### Support

Active San Gabriel Valley  
Audubon California

Bolsa Chica Land Trust  
California Environmental Voters  
California Native Plant Society  
City of Thousand Oaks  
Council of Mexican Federations in North America  
Defenders of Wildlife  
Endangered Habitats League  
Environmental Center of San Diego  
Friends of The Inyo  
Great Old Broads for Wilderness  
Greenbelt Alliance  
Hispanic Access Foundation  
LA Waterkeeper  
Midpeninsula Regional Open Space District  
Morongo Basin Conservation Association  
Physicians for Social Responsibility - San Francisco Bay Area Chapter  
Tuolumne River Trust  
Wildcoast

**Opposition**

None on file

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