

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
SB 295 (McGuire) – As Amended April 4, 2019

SENATE VOTE: 38-0

SUBJECT: General plans: safety element.

SUMMARY: Clarifies that a city or county may comply with the requirement in existing law to regularly update its safety element by attaching or referring to a local hazard mitigation plan.

EXISTING LAW:

- 1) Requires every county and city to adopt a general plan with certain 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 most cities' and counties' major land use decisions – subdivisions, zoning, public works projects, use permits – to be consistent with their general plans.
- 4) Requires the safety element to contain specified information on climate adaptation and resiliency strategies applicable to that city or county, including:
 - a) 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 existing and planned development in identified at-risk areas;
 - b) A set of adaptation and resilience goals, policies, and objectives for the protection of the community based on the identified climate risks; and,
 - c) A set of feasible implementation measures designed to carry out those goals, policies, and objectives.
- 5) Requires cities and counties to revise their safety elements to include this information upon the next update of a city or county's local hazard mitigation plan (LHMP) after January 1, 2017, or by January 1, 2022, if the city or county has not adopted an LHMP.
- 6) Allows a city or county that has adopted an LHMP or other planning document that meets the above requirements to incorporate the LHMP or other plan by reference in the general plan instead of revising the safety element.
- 7) Requires 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.
- 8) Requires this revision to occur upon each revision of the housing element or LHMP, but not less than every eight years.

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary and Author's Statement.** This bill clarifies that a city or county may comply with the requirement in existing law to regularly update its safety element by attaching or referring to a local hazard mitigation plan. In order to meet the requirements, the hazard mitigation plan must contain the required information referenced in safety element law, and must have been updated within the time frame that current law requires for a safety element update. This bill is sponsored by the author.

According to the author, "Risks to communities change over time: new development springs up in already risk-prone areas, and changing climate conditions mean that new areas can become subject to new risks. State law says that locals must periodically update their safety elements to incorporate new information on flood, fire, and climate risks. Since many local governments have adopted LHMPs that already contain the information that must be included in the safety element, the Legislature allowed them to incorporate those plans by reference into the safety element. But the law is unclear on whether future updates can be handled the same way. SB 295 clarifies that if local governments keep their LHMPs updated in accordance with the schedule for safety element updates, they don't have to separately update their safety element."

- 2) **Related Legislation and Chaptering Issues.** AB 747 (Levine) requires 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 a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 on or after January 1, 2020, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2021. AB 747 allows a county or city that has adopted a local hazard mitigation plan, 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. The bill is currently pending in the Senate Appropriations Committee.

SB 99 (Nielsen) requires identification in the safety element of residential developments in a very high fire hazard severity zone (VHFHSZ) or state responsibility area (SRA) that do not have at least two emergency evacuation routes. SB 99 is scheduled to be heard on June 19, 2019, in this Committee.

SB 182 (Jackson) imposes certain fire hazard planning responsibilities on local governments and requires cities and counties to make specified findings on fire standards prior to permitting development in a VHFHSZ. SB 182 is currently pending in the Assembly Housing and Community Development Committee.

Because this bill and AB 747, SB 99, and SB 182 all amend the same code section [Government Code 65302], the authors of these measures will need to address chaptering issues should the bills continue to progress through the legislative process.

3) **Support Arguments.** None on file.

4) **Opposition Arguments.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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