

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
SB 99 (Nielsen) – As Amended April 9, 2019

SENATE VOTE: 37-0

SUBJECT: General plans: safety element: emergency evacuation routes.

SUMMARY: 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.

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 every five years to be eligible for federal disaster funding.
- 5) Requires the Director of the California Department of Forestry and Fire Protection (CAL FIRE) to designate areas of moderate, high, and very high fire hazard severity zones.

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

COMMENTS:

- 1) **Bill Summary and Author's Statement.** This bill would require the city or county, upon the next specified revision of the housing element, to review and update the safety element to include information identifying residential developments in VHFHSZs or SRAs that do not have at least two emergency evacuation routes. This bill is sponsored by the author.

According to the author, "In the midst of a disaster or rapidly moving wildfire, it is critical to have clear and publicly known evacuation routes in our most at risk cities and counties.

"In February 2017, the collapse of the Oroville Dam spillway threatened to send a torrent of water downstream and flood communities in several nearby counties, resulting in the evacuation of over 180,000 people. In November 2018, the Camp Fire struck Butte County and first responders and residents fleeing the fire blizzard were both stuck in a bottleneck as the one main road both into and out of town was not cleared enough to efficiently evacuate. Many fleeing residents were caught and overtaken by the intense flames, and in many cases lost their lives.

“It is imperative that in the shadow of the most devastating fire season in the history of California we invest in clear, effective, and efficient modes of egress for the residents who live near some of the highest risk fire zones. SB 99 will help avoid costly situations such as bottlenecks like we saw in the Camp Fire evacuation and, unfortunately, in future disasters to come.”

- 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 295 (McGuire) 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. SB 295 is scheduled to be heard in this Committee on June 19, 2019.

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 295, 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) **Policy Consideration.** While this bill deals with evacuation routes related to wildfires by limiting the scope of the bill to VHFHSZ and SRA lands, cities and counties are required to address a broader set of emergencies, like flood hazards, earthquakes, and climate resiliency, in their safety elements. These other issues may also impact a community if there is a lack of evacuation routes. The Committee may wish to consider whether the limitation in the bill to VHFHSZs and SRA lands should be removed.
- 4) **Committee Amendments.** In order to address the issue above, the Committee may wish to consider revising the bill to make the requirement of identifying areas that have less than two evacuation routes broadly applicable to any hazard identified in the safety element.
- 5) **Arguments in Support.** The American Planning Association, California Chapter, writes that planning for what has become the “new normal” during wildfire season is an important step in safeguarding our communities and that consideration of whether additional routes are needed is important.
- 6) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

American Planning Association, California Chapter

Opposition

None on file

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