

**Introduced by Senator Portantino**February 7, 2022

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An act to amend Sections 65300.5 and 65302 of the Government Code, relating to land use.

## LEGISLATIVE COUNSEL'S DIGEST

SB 932, as introduced, Portantino. General plans: circulation element: bicycle and pedestrian plans and traffic calming plans.

Existing law states the Legislature's intention that a county or city general plan and the elements and parts of that general plan comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.

This bill would emphasize the intent of the Legislature to fight climate change with these provisions.

Existing law, the Planning and Zoning Law, requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including a circulation element. Existing law requires the circulation element to consist of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities. Existing law requires the legislative body, upon any substantive revision of the circulation element, to modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan. Existing law defines "users of streets, roads, and highways" to mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

Commencing January 1, 2023, this bill would require the legislative body, upon any substantive revision of the circulation element, to ensure that a modified circulation element additionally includes bicycle and pedestrian plans and traffic calming plans. By adding to the duties of county and city officials in the administration of their land use planning duties, this bill would impose a state-mandated local program.

This bill would require a county or city to include in its modified circulation element a map of the high injury network within its boundaries and would further require a county or city to identify and prioritize safety improvements that may be implemented within 15 years that would address serious and injurious traffic collisions. This bill would increase or decrease the 15-year implementation period based on whether the measures introduced by a county or city work to reduce its percentage of traffic violence.

This bill would state the intent of the Legislature to create an annual grant program, relating to the above provisions, to award funding to any county or city upon a showing of its implementation of timely and effective short-term efforts to mitigate bicycle, pedestrian, and other human-powered transportation injuries and fatalities, as provided.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65300.5 of the Government Code is  
2 amended to read:  
3 65300.5. (a) In construing the provisions of this article, the  
4 Legislature intends that the general plan and elements and parts  
5 thereof comprise an integrated, internally consistent and compatible  
6 statement of policies for the adopting agency.  
7 (b) *The Legislature intends that the provisions of this article,*  
8 *as stated in paragraph (4) of subdivision (g) of Section 65302,*  
9 *support and encourage communities in reaching the state's*  
10 *environmental and climate objectives. Climate change causes*  
11 *catastrophic threats to lives, property, and resources in California,*

1 *and continues to affect all parts of the Californian economy and*  
2 *environment. This provision is intended to encourage measures*  
3 *that enable communities to adapt to the impacts of climate change*  
4 *including, but not limited to, higher average temperatures,*  
5 *decreased air and water quality, the spread of infectious and*  
6 *vectorborne diseases, other public health impacts, extreme weather*  
7 *events, sea level rise, flooding, heat waves, wildfires, drought, and*  
8 *community planning and zoning development.*

9 SEC. 2. Section 65302 of the Government Code is amended  
10 to read:

11 65302. The general plan shall consist of a statement of  
12 development policies and shall include a diagram or diagrams and  
13 text setting forth objectives, principles, standards, and plan  
14 proposals. The plan shall include the following elements:

15 (a) A land use element that designates the proposed general  
16 distribution and general location and extent of the uses of the land  
17 for housing, business, industry, open space, including agriculture,  
18 natural resources, recreation, and enjoyment of scenic beauty,  
19 education, public buildings and grounds, solid and liquid waste  
20 disposal facilities, greenways, as defined in Section 816.52 of the  
21 Civil Code, and other categories of public and private uses of land.  
22 The location and designation of the extent of the uses of the land  
23 for public and private uses shall consider the identification of land  
24 and natural resources pursuant to paragraph (3) of subdivision (d).  
25 The land use element shall include a statement of the standards of  
26 population density and building intensity recommended for the  
27 various districts and other territory covered by the plan. The land  
28 use element shall identify and annually review those areas covered  
29 by the plan that are subject to flooding identified by flood plain  
30 mapping prepared by the Federal Emergency Management Agency  
31 (FEMA) or the Department of Water Resources. The land use  
32 element shall also do both of the following:

33 (1) Designate in a land use category that provides for timber  
34 production those parcels of real property zoned for timberland  
35 production pursuant to the California Timberland Productivity Act  
36 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1  
37 of Division 1 of Title 5).

38 (2) Consider the impact of new growth on military readiness  
39 activities carried out on military bases, installations, and operating  
40 and training areas, when proposing zoning ordinances or

1 designating land uses covered by the general plan for land, or other  
2 territory adjacent to military facilities, or underlying designated  
3 military aviation routes and airspace.

4 (A) In determining the impact of new growth on military  
5 readiness activities, information provided by military facilities  
6 shall be considered. Cities and counties shall address military  
7 impacts based on information from the military and other sources.

8 (B) The following definitions govern this paragraph:

9 (i) "Military readiness activities" mean all of the following:

10 (I) Training, support, and operations that prepare the members  
11 of the military for combat.

12 (II) Operation, maintenance, and security of any military  
13 installation.

14 (III) Testing of military equipment, vehicles, weapons, and  
15 sensors for proper operation or suitability for combat use.

16 (ii) "Military installation" means a base, camp, post, station,  
17 yard, center, homeport facility for any ship, or other activity under  
18 the jurisdiction of the United States Department of Defense as  
19 defined in paragraph (1) of subsection ~~(g)~~ (e) of Section 2687 of  
20 Title 10 of the United States Code.

21 (b) (1) A circulation element consisting of the general location  
22 and extent of existing and proposed major thoroughfares,  
23 transportation routes, terminals, any military airports and ports,  
24 and other local public utilities and facilities, all correlated with the  
25 land use element of the plan.

26 (2) (A) Commencing January 1, 2011, upon any substantive  
27 revision of the circulation element, the legislative body shall  
28 modify the circulation element to plan for a balanced, multimodal  
29 transportation network that meets the needs of all users of streets,  
30 roads, and highways for safe and convenient travel in a manner  
31 that is suitable to the rural, suburban, or urban context of the  
32 general plan.

33 (B) *Commencing January 1, 2023, upon any substantive revision*  
34 *of the circulation element, the legislative body shall ensure the*  
35 *modified circulation element adds or includes the following:*

36 (i) *The development of and implementation of bicycle plans,*  
37 *pedestrian plans, and traffic calming plans for which*  
38 *implementation shall commence no later than two years from the*  
39 *date the circulation element is modified. The modified circulation*  
40 *element shall:*

1 (I) Use evidence-based strategies to address injuries and  
2 fatalities resulting from bicycles, pedestrians, or any other form  
3 of human-powered transportation.

4 (II) Design a connected network that provides comfortable  
5 accommodations for persons of all ages and abilities. The network  
6 shall include Class I or Class IV bikeways on any street with a  
7 vehicle speed limit over 25 miles per hour and shall connect  
8 destinations, including, but not limited to, schools, parks, business  
9 and retail districts, and community destinations.

10 (III) Establish traffic calming measures around schools and  
11 parks, within business districts, and on any street with a vehicle  
12 speed limit equal to or less than 25 miles per hour.

13 (ii) A county or city shall have a 15-year implementation period  
14 from the date of the adoption of the modified circulation element  
15 to:

16 (I) Implement all bicycle plans, pedestrian plans, and traffic  
17 calming plans iterated in the modified circulation element.

18 (II) Construct the connected network and traffic calming  
19 measures proposed in the adopted, modified circulation element.

20 (iii) A county or city shall have an additional five to 10 years,  
21 inclusive, to complete implementation if, within the first five years  
22 of its implementation period, the county or city implements  
23 short-term mitigation measures that decrease traffic fatalities by  
24 at least 20 percent.

25 (iv) An implementation period may be reduced by up to five  
26 years upon finding a county or city is failing to implement its  
27 adopted, modified circulation element and if that failure has  
28 resulted in an increase of traffic fatalities by 10 percent or greater  
29 since the date of adoption of the modified circulation element.

30 (v) The development of and implementation of a safety plan  
31 relating to the bicycle plans, the pedestrian plans, and the traffic  
32 calming plans that shall include:

33 (I) Identify where the most collisions are occurring in the  
34 jurisdiction of the county or city and create a high injury network  
35 map that shows those identifications.

36 (II) Identify and incorporate safety improvement measures.

37 (vi) Failure to map a high injury network, identify safety  
38 improvements, incorporate those improvements into the modified  
39 circulation element, or implement proposed improvements in a  
40 timely manner shall create a cause of action for victims of traffic

1 violence within high injury areas. For the purposes of this  
2 subdivision, "high injury areas" means:

3 (I) The 10 locations within a county or city that have the highest  
4 rate of incidents of traffic violence.

5 (II) If less than 10 locations, the locations within a county or  
6 city that, when combined, account for 50.1 percent or more of all  
7 incidents of traffic violence.

8 (B)

9 (C) For purposes of this paragraph, "users of streets, roads, and  
10 highways" mean bicyclists, children, persons with disabilities,  
11 motorists, movers of commercial goods, pedestrians, users of public  
12 transportation, and seniors.

13 (c) A housing element as provided in Article 10.6 (commencing  
14 with Section 65580).

15 (d) (1) A conservation element for the conservation,  
16 development, and utilization of natural resources, including water  
17 and its hydraulic force, forests, soils, rivers and other waters,  
18 harbors, fisheries, wildlife, minerals, and other natural resources.  
19 The conservation element shall consider the effect of development  
20 within the jurisdiction, as described in the land use element, on  
21 natural resources located on public lands, including military  
22 installations. That portion of the conservation element including  
23 waters shall be developed in coordination with any countywide  
24 water agency and with all district and city agencies, including  
25 flood management, water conservation, or groundwater agencies  
26 that have developed, served, controlled, managed, or conserved  
27 water of any type for any purpose in the county or city for which  
28 the plan is prepared. Coordination shall include the discussion and  
29 evaluation of any water supply and demand information described  
30 in Section 65352.5, if that information has been submitted by the  
31 water agency to the city or county.

32 (2) The conservation element may also cover all of the  
33 following:

34 (A) The reclamation of land and waters.

35 (B) Prevention and control of the pollution of streams and other  
36 waters.

37 (C) Regulation of the use of land in stream channels and other  
38 areas required for the accomplishment of the conservation plan.

39 (D) Prevention, control, and correction of the erosion of soils,  
40 beaches, and shores.

1 (E) Protection of watersheds.

2 (F) The location, quantity, and quality of the rock, sand, and  
3 gravel resources.

4 (3) Upon the next revision of the housing element on or after  
5 January 1, 2009, the conservation element shall identify rivers,  
6 creeks, streams, flood corridors, riparian habitats, and land that  
7 may accommodate floodwater for purposes of groundwater  
8 recharge and stormwater management.

9 (e) An open-space element as provided in Article 10.5  
10 (commencing with Section 65560).

11 (f) (1) A noise element that shall identify and appraise noise  
12 problems in the community. The noise element shall analyze and  
13 quantify, to the extent practicable, as determined by the legislative  
14 body, current and projected noise levels for all of the following  
15 sources:

16 (A) Highways and freeways.

17 (B) Primary arterials and major local streets.

18 (C) Passenger and freight online railroad operations and ground  
19 rapid transit systems.

20 (D) Commercial, general aviation, heliport, helistop, and military  
21 airport operations, aircraft overflights, jet engine test stands, and  
22 all other ground facilities and maintenance functions related to  
23 airport operation.

24 (E) Local industrial plants, including, but not limited to, railroad  
25 classification yards.

26 (F) Other ground stationary noise sources, including, but not  
27 limited to, military installations, identified by local agencies as  
28 contributing to the community noise environment.

29 (2) Noise contours shall be shown for all of these sources and  
30 stated in terms of community noise equivalent level (CNEL) or  
31 day-night average sound level ( $L_{dn}$ ). The noise contours shall be  
32 prepared on the basis of noise monitoring or following generally  
33 accepted noise modeling techniques for the various sources  
34 identified in ~~paragraphs (1) to (6), to subparagraphs (A) to (F) of~~  
35 *paragraph (1)*, inclusive.

36 (3) The noise contours shall be used as a guide for establishing  
37 a pattern of land uses in the land use element that minimizes the  
38 exposure of community residents to excessive noise.

39 (4) The noise element shall include implementation measures  
40 and possible solutions that address existing and foreseeable noise

1 problems, if any. The adopted noise element shall serve as a  
2 guideline for compliance with the state's noise insulation standards.

3 (g) (1) A safety element for the protection of the community  
4 from any unreasonable risks associated with the effects of  
5 seismically induced surface rupture, ground shaking, ground  
6 failure, tsunami, seiche, and dam failure; slope instability leading  
7 to mudslides and landslides; subsidence; liquefaction; and other  
8 seismic hazards identified pursuant to Chapter 7.8 (commencing  
9 with Section 2690) of Division 2 of the Public Resources Code,  
10 and other geologic hazards known to the legislative body; flooding;  
11 and wildland and urban fires. The safety element shall include  
12 mapping of known seismic and other geologic hazards. It shall  
13 also address evacuation routes, military installations, peakload  
14 water supply requirements, and minimum road widths and  
15 clearances around structures, as those items relate to identified fire  
16 and geologic hazards.

17 (2) The safety element, upon the next revision of the housing  
18 element on or after January 1, 2009, shall also do the following:

19 (A) Identify information regarding flood hazards, including,  
20 but not limited to, the following:

21 (i) Flood hazard zones. As used in this subdivision, "flood  
22 hazard zone" means an area subject to flooding that is delineated  
23 as either a special hazard area or an area of moderate or minimal  
24 hazard on an official flood insurance rate map issued by FEMA.  
25 The identification of a flood hazard zone does not imply that areas  
26 outside the flood hazard zones or uses permitted within flood  
27 hazard zones will be free from flooding or flood damage.

28 (ii) National Flood Insurance Program maps published by  
29 FEMA.

30 (iii) Information about flood hazards that is available from the  
31 United States Army Corps of Engineers.

32 (iv) Designated floodway maps that are available from the  
33 Central Valley Flood Protection Board.

34 (v) Dam failure inundation maps prepared pursuant to Section  
35 6161 of the Water Code that are available from the Department of  
36 Water Resources.

37 (vi) Awareness Floodplain Mapping Program maps and 200-year  
38 flood plain maps that are or may be available from, or accepted  
39 by, the Department of Water Resources.

40 (vii) Maps of levee protection zones.



- 1 (viii) Areas subject to inundation in the event of the failure of  
2 project or nonproject levees or floodwalls.
- 3 (ix) Historical data on flooding, including locally prepared maps  
4 of areas that are subject to flooding, areas that are vulnerable to  
5 flooding after wildfires, and sites that have been repeatedly  
6 damaged by flooding.
- 7 (x) Existing and planned development in flood hazard zones,  
8 including structures, roads, utilities, and essential public facilities.
- 9 (xi) Local, state, and federal agencies with responsibility for  
10 flood protection, including special districts and local offices of  
11 emergency services.
- 12 (B) Establish a set of comprehensive goals, policies, and  
13 objectives based on the information identified pursuant to  
14 subparagraph (A), for the protection of the community from the  
15 unreasonable risks of flooding, including, but not limited to:
  - 16 (i) Avoiding or minimizing the risks of flooding to new  
17 development.
  - 18 (ii) Evaluating whether new development should be located in  
19 flood hazard zones, and identifying construction methods or other  
20 methods to minimize damage if new development is located in  
21 flood hazard zones.
  - 22 (iii) Maintaining the structural and operational integrity of  
23 essential public facilities during flooding.
  - 24 (iv) Locating, when feasible, new essential public facilities  
25 outside of flood hazard zones, including hospitals and health care  
26 facilities, emergency shelters, fire stations, emergency command  
27 centers, and emergency communications facilities or identifying  
28 construction methods or other methods to minimize damage if  
29 these facilities are located in flood hazard zones.
  - 30 (v) Establishing cooperative working relationships among public  
31 agencies with responsibility for flood protection.
- 32 (C) Establish a set of feasible implementation measures designed  
33 to carry out the goals, policies, and objectives established pursuant  
34 to subparagraph (B).
- 35 (3) Upon the next revision of the housing element on or after  
36 January 1, 2014, the safety element shall be reviewed and updated  
37 as necessary to address the risk of fire for land classified as state  
38 responsibility areas, as defined in Section 4102 of the Public  
39 Resources Code, and land classified as very high fire hazard  
40 severity zones, as defined in Section 51177. This review shall

1 consider the advice included in the Office of Planning and  
2 Research's most recent publication of "Fire Hazard Planning,  
3 General Plan Technical Advice Series" and shall also include all  
4 of the following:

5 (A) Information regarding fire hazards, including, but not limited  
6 to, all of the following:

7 (i) Fire hazard severity zone maps available from the Office of  
8 the State Fire Marshal.

9 (ii) Any historical data on wildfires available from local agencies  
10 or a reference to where the data can be found.

11 (iii) Information about wildfire hazard areas that may be  
12 available from the United States Geological Survey.

13 (iv) General location and distribution of existing and planned  
14 uses of land in very high fire hazard severity zones and in state  
15 responsibility areas, including structures, roads, utilities, and  
16 essential public facilities. The location and distribution of planned  
17 uses of land shall not require defensible space compliance measures  
18 required by state law or local ordinance to occur on publicly owned  
19 lands or open space designations of homeowner associations.

20 (v) Local, state, and federal agencies with responsibility for fire  
21 protection, including special districts and local offices of  
22 emergency services.

23 (B) A set of goals, policies, and objectives based on the  
24 information identified pursuant to subparagraph (A) for the  
25 protection of the community from the unreasonable risk of wildfire.

26 (C) A set of feasible implementation measures designed to carry  
27 out the goals, policies, and objectives based on the information  
28 identified pursuant to subparagraph (B), including, but not limited  
29 to, all of the following:

30 (i) Avoiding or minimizing the wildfire hazards associated with  
31 new uses of land.

32 (ii) Locating, when feasible, new essential public facilities  
33 outside of high fire risk areas, including, but not limited to,  
34 hospitals and health care facilities, emergency shelters, emergency  
35 command centers, and emergency communications facilities, or  
36 identifying construction methods or other methods to minimize  
37 damage if these facilities are located in a state responsibility area  
38 or very high fire hazard severity zone.

39 (iii) Designing adequate infrastructure if a new development is  
40 located in a state responsibility area or in a very high fire hazard

1 severity zone, including safe access for emergency response  
2 vehicles, visible street signs, and water supplies for structural fire  
3 suppression.

4 (iv) Working cooperatively with public agencies with  
5 responsibility for fire protection.

6 (D) If a city or county has adopted a fire safety plan or document  
7 separate from the general plan, an attachment of, or reference to,  
8 a city or county’s adopted fire safety plan or document that fulfills  
9 commensurate goals and objectives and contains information  
10 required pursuant to this paragraph.

11 (4) Upon the next revision of a local hazard mitigation plan,  
12 adopted in accordance with the federal Disaster Mitigation Act of  
13 2000 (Public Law 106-390), on or after January 1, 2017, or, if a  
14 local jurisdiction has not adopted a local hazard mitigation plan,  
15 beginning on or before January 1, 2022, the safety element shall  
16 be reviewed and updated as necessary to address climate adaptation  
17 and resiliency strategies applicable to the city or county. This  
18 review shall consider advice provided in the Office of Planning  
19 and Research’s General Plan Guidelines and shall include all of  
20 the following:

21 (A) (i) A vulnerability assessment that identifies the risks that  
22 climate change poses to the local jurisdiction and the geographic  
23 areas at risk from climate change impacts, including, but not limited  
24 to, an assessment of how climate change may affect the risks  
25 addressed pursuant to paragraphs (2) and (3).

26 (ii) Information that may be available from federal, state,  
27 regional, and local agencies that will assist in developing the  
28 vulnerability assessment and the adaptation policies and strategies  
29 required pursuant to subparagraph (B), including, but not limited  
30 to, all of the following:

31 (I) Information from the internet-based Cal-Adapt tool.

32 (II) Information from the most recent version of the California  
33 Adaptation Planning Guide.

34 (III) Information from local agencies on the types of assets,  
35 resources, and populations that will be sensitive to various climate  
36 change exposures.

37 (IV) Information from local agencies on their current ability to  
38 deal with the impacts of climate change.

1 (V) Historical data on natural events and hazards, including  
2 locally prepared maps of areas subject to previous risk, areas that  
3 are vulnerable, and sites that have been repeatedly damaged.

4 (VI) Existing and planned development in identified at-risk  
5 areas, including structures, roads, utilities, and essential public  
6 facilities.

7 (VII) Federal, state, regional, and local agencies with  
8 responsibility for the protection of public health and safety and  
9 the environment, including special districts and local offices of  
10 emergency services.

11 (B) A set of adaptation and resilience goals, policies, and  
12 objectives based on the information specified in subparagraph (A)  
13 for the protection of the community.

14 (C) A set of feasible implementation measures designed to carry  
15 out the goals, policies, and objectives identified pursuant to  
16 subparagraph (B), including, but not limited to, all of the following:

17 (i) Feasible methods to avoid or minimize climate change  
18 impacts associated with new uses of land.

19 (ii) The location, when feasible, of new essential public facilities  
20 outside of at-risk areas, including, but not limited to, hospitals and  
21 health care facilities, emergency shelters, emergency command  
22 centers, and emergency communications facilities, or identifying  
23 construction methods or other methods to minimize damage if  
24 these facilities are located in at-risk areas.

25 (iii) The designation of adequate and feasible infrastructure  
26 located in an at-risk area.

27 (iv) Guidelines for working cooperatively with relevant local,  
28 regional, state, and federal agencies.

29 (v) The identification of natural infrastructure that may be used  
30 in adaptation projects, where feasible. Where feasible, the plan  
31 shall use existing natural features and ecosystem processes, or the  
32 restoration of natural features and ecosystem processes, when  
33 developing alternatives for consideration. For purposes of this  
34 clause, "natural infrastructure" means using natural ecological  
35 systems or processes to reduce vulnerability to climate change  
36 related hazards, or other related climate change effects, while  
37 increasing the long-term adaptive capacity of coastal and inland  
38 areas by perpetuating or restoring ecosystem services. This  
39 includes, but is not limited to, the conservation, preservation, or  
40 sustainable management of any form of aquatic or terrestrial

1 vegetated open space, such as beaches, dunes, tidal marshes, reefs,  
2 seagrass, parks, rain gardens, and urban tree canopies. It also  
3 includes systems and practices that use or mimic natural processes,  
4 such as permeable pavements, bioswales, and other engineered  
5 systems, such as levees that are combined with restored natural  
6 systems, to provide clean water, conserve ecosystem values and  
7 functions, and provide a wide array of benefits to people and  
8 wildlife.

9 (D) (i) If a city or county has adopted the local hazard  
10 mitigation plan, or other climate adaptation plan or document that  
11 fulfills commensurate goals and objectives and contains the  
12 information required pursuant to this paragraph, separate from the  
13 general plan, an attachment of, or reference to, the local hazard  
14 mitigation plan or other climate adaptation plan or document.

15 (ii) Cities or counties that have an adopted hazard mitigation  
16 plan, or other climate adaptation plan or document that substantially  
17 complies with this section, or have substantially equivalent  
18 provisions to this subdivision in their general plans, may use that  
19 information in the safety element to comply with this subdivision,  
20 and shall summarize and incorporate by reference into the safety  
21 element the other general plan provisions, climate adaptation plan  
22 or document, specifically showing how each requirement of this  
23 subdivision has been met.

24 (5) Upon the next revision of the housing element on or after  
25 January 1, 2020, the safety element shall be reviewed and updated  
26 as necessary to identify residential developments in any hazard  
27 area identified in the safety element that do not have at least two  
28 emergency evacuation routes.

29 (6) After the initial revision of the safety element pursuant to  
30 paragraphs (2), (3), (4), and (5), the planning agency shall review  
31 and, if necessary, revise the safety element upon each revision of  
32 the housing element or local hazard mitigation plan, but not less  
33 than once every eight years, to identify new information relating  
34 to flood and fire hazards and climate adaptation and resiliency  
35 strategies applicable to the city or county that was not available  
36 during the previous revision of the safety element.

37 (7) Cities and counties that have flood plain management  
38 ordinances that have been approved by FEMA that substantially  
39 comply with this section, or have substantially equivalent  
40 provisions to this subdivision in their general plans, may use that

1 information in the safety element to comply with this subdivision,  
2 and shall summarize and incorporate by reference into the safety  
3 element the other general plan provisions or the flood plain  
4 ordinance, specifically showing how each requirement of this  
5 subdivision has been met.

6 (8) Before the periodic review of its general plan and before  
7 preparing or revising its safety element, each city and county shall  
8 consult the California Geological Survey of the Department of  
9 Conservation, the Central Valley Flood Protection Board, if the  
10 city or county is located within the boundaries of the Sacramento  
11 and San Joaquin Drainage District, as set forth in Section 8501 of  
12 the Water Code, and the Office of Emergency Services for the  
13 purpose of including information known by and available to the  
14 department, the agency, and the board required by this subdivision.

15 (9) To the extent that a county's safety element is sufficiently  
16 detailed and contains appropriate policies and programs for  
17 adoption by a city, a city may adopt that portion of the county's  
18 safety element that pertains to the city's planning area in  
19 satisfaction of the requirement imposed by this subdivision.

20 (h) (1) An environmental justice element, or related goals,  
21 policies, and objectives integrated in other elements, that identifies  
22 disadvantaged communities within the area covered by the general  
23 plan of the city, county, or city and county, if the city, county, or  
24 city and county has a disadvantaged community. The  
25 environmental justice element, or related environmental justice  
26 goals, policies, and objectives integrated in other elements, shall  
27 do all of the following:

28 (A) Identify objectives and policies to reduce the unique or  
29 compounded health risks in disadvantaged communities by means  
30 that include, but are not limited to, the reduction of pollution  
31 exposure, including the improvement of air quality, and the  
32 promotion of public facilities, food access, safe and sanitary homes,  
33 and physical activity.

34 (B) Identify objectives and policies to promote civic engagement  
35 in the public decisionmaking process.

36 (C) Identify objectives and policies that prioritize improvements  
37 and programs that address the needs of disadvantaged communities.

38 (2) A city, county, or city and county subject to this subdivision  
39 shall adopt or review the environmental justice element, or the  
40 environmental justice goals, policies, and objectives in other

1 elements, upon the adoption or next revision of two or more  
2 elements concurrently on or after January 1, 2018.

3 (3) By adding this subdivision, the Legislature does not intend  
4 to require a city, county, or city and county to take any action  
5 prohibited by the United States Constitution or the California  
6 Constitution.

7 (4) For purposes of this subdivision, the following terms shall  
8 apply:

9 (A) “Disadvantaged communities” means an area identified by  
10 the California Environmental Protection Agency pursuant to  
11 Section 39711 of the Health and Safety Code or an area that is a  
12 low-income area that is disproportionately affected by  
13 environmental pollution and other hazards that can lead to negative  
14 health effects, exposure, or environmental degradation.

15 (B) “Public facilities” includes public improvements, public  
16 services, and community amenities, as defined in subdivision (d)  
17 of Section 66000.

18 (C) “Low-income area” means an area with household incomes  
19 at or below 80 percent of the statewide median income or with  
20 household incomes at or below the threshold designated as low  
21 income by the Department of Housing and Community  
22 Development’s list of state income limits adopted pursuant to  
23 Section 50093 of the Health and Safety Code.

24 SEC. 3. It is the intent of the Legislature to create an annual  
25 grant program, and an appropriation thereof, to be awarded to any  
26 county or city for the purposes of meeting the requirements of  
27 Section 65302 of the Government Code, as amended by this act,  
28 upon a showing of its implementation of timely and effective  
29 short-term efforts to mitigate bicycle, pedestrian, and other  
30 human-powered transportation injuries and fatalities. It is the intent  
31 of the Legislature that the creation of this grant program will  
32 incentivize any county or city with few financial resources to take  
33 small, affordable steps towards fulfilling its traffic and street safety  
34 goals.

35 SEC. 4. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 a local agency or school district has the authority to levy service  
38 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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