



Appendix C

New state legislation related to General Plans

AB 52 (Gatto, 2014)

Specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. Requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested consultation to the lead agency in writing

AB 1505 (Ducheny, 1999) | Farmworker housing

Requires the housing element to identify adequate sites for farmworker housing.

Amends Sections 51238, 51238.5, 65580, 65583, and 65950 of, and adds Section 51230.2 to, the Government Code.

AB 2838 (Hertzberg, 2000) | Local agency formation commissions

Provides that a LAFCO require as a condition to annexation that a city prezone the territory to be annexed, and requires that approval of the annexation be consistent with planned and probable use based upon review of the general plan and pre zoning designations. Also authorizes the LAFCO to review the consistency of a proposal within a city's general plan when a proposed action would require the extension of critical services.

Amends and adds several sections of multiple state codes.

AB 2292 (Dutra, 2002) | General plans: residential density

Prohibits a city or county from reducing the residential density for any parcel to a density that is below the density that was utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Adds Section 65863 to the Government Code.

SB 1468 (Knight, 2002) | General plans: military facilities

Requires specified elements (land use, open space, and circulation) to incorporate consideration of military facilities and readiness activities. Also requires that, in counties with a military airport, the county's general plan and any applicable specific plans be consistent with safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.

Amends Sections 65040.2, 65302, 65302.3, 65560, and 65583 of, and adds Section 65040.9 to, the Government Code, amends Section 21675 of the Public Utilities Code.



AB 1108 (Pavley, 2002) | Environmental quality: scoping meetings: military areas.

Requires a CEQA lead agency to submit notices to the military service if a project includes a general plan amendment and is within specific boundaries of a low-level flight path, military impact zone, or special use airport.

Amends Section 21083.9 of, and adds Sections 21098 and 21098.1 to, the Public Resources Code.

SB 18 (Burton, 2004) | Traditional tribal cultural places

Requires agencies to consult with California Native American tribes, and provide opportunities for involvement to tribes, during the preparation or amendment of the general plan.

Amends Section 815.3 of the Civil Code, amends Sections 65040.2, 65092, 65351, 65352, and 65560 of, adds Sections 65352.3, 65352.4, and 65562.5 to the Government Code.

AB 3065 (Kehoe, 2004) | General plan: safety element

See also SB 1241 (Kehoe, 2012)

Revises safety element requirements for state responsibility areas and very high fire hazard severity zones. Also requires that the safety element be submitted to the State Board of Forestry and Fire Protection and to local agencies that provide fire protection to territory in the city or county.

Amends Section 65302 of, and repeals and adds Section 65302.5 of, the Government Code, and repeals Section 4128.5 of the Public Resources Code.

SB 926 (Knight, 2004) | Economic development

Makes several changes to planning and general plan law, including changes to procedure for military consultation, and requires consultation with DOC and OES prior to preparation of safety element.

Amends and adds several sections of multiple state codes.

SB 1462 (Kuehl, 2004) | Military readiness activities: special use airspace

Requires the planning agency, during preparations to adopt or substantially amend a general plan, to refer the proposed action to branches of the US Armed Forces when the proposed action lies within 1,000 feet of a military installation, within special use airspace, or beneath a low-level flight path.

Amends Sections 65352, 65404, 65940, and 65944 of the Government Code.

AB 1268 (Wiggins, 2004) | Land use

Authorizes the text and diagrams in the land use element that address the location and extent of land uses and the zoning ordinances that implement these provisions to express community intentions regarding urban form and design.

Adds Section 65302.4 to the Government Code.



AB 2140 (Hancock, 2006) | General plans: safety element

Authorizes a city or county to adopt with its safety element a federally specified local hazard mitigation plan, and limits the state share for projects eligible under the CA Disaster Assistance Act unless a local jurisdiction has adopted a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act as part of its safety element.

Adds Sections 8685.9 and 65302.6 to the Government Code.

AB 1019 (Blakeslee, 2007) | Land use: annexation: housing

Authorizes an agreement on a revised determination of regional housing needs if an annexation of unincorporated land to a city occurs after the council of governments, or the department for areas with no council of governments, has made its final allocation.

Amends Section 65584.07 of the Government Code.

AB 162 (Wolk, 2007) | Land use: water supply

Requires specified elements to address flood hazards and identify areas that may accommodate floodwater for purposes of groundwater recharge and stormwater management. Requires safety element to address flood hazards as specified.

Amends Sections 65302, 65303.4, 65352, 65584.04, and 65584.06 of, and adds Sections 65300.2 and 65302.7 to, the Government Code.

AB 1358 (Leno, 2008) | Planning: circulation element: transportation

Requires a city or county, 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, in a manner that is suitable to the rural, suburban, or urban context of the general plan.

Amends Sections 65040.2 and 65302 of the Government Code.

SB 375 (Steinberg, 2008) | Transportation planning: travel demand models: sustainable communities strategy: environmental review

Requires regional transportation plans to include a sustainable communities strategy. Also makes various changes to timing for review and revision of housing elements.

Amends and adds several sections of multiple state codes.

AB 45 (Blakeslee, 2009) | Distributed generation: small wind energy systems

Authorizes a county to adopt an ordinance that provides for the installation of small wind energy systems outside an urbanized area, and to establish a process for the issuance of conditional use permits for these systems.

Adds and repeals Article 2.11 (commencing with Section 65893) of, and repeals the heading of Article 2.11 (commencing with Section 65892.13) of, Chapter 4 of Division 1 of Title 7 of the Government Code.



SB 575 (Steinberg, 2009) | Local planning: housing element

Requires a local government to review its housing element as frequently as appropriate, but no less often than required by a specified schedule.

Amends Sections 65080, 65583, and 65588 of the Government Code, and amends Section 75123 of the Public Resources Code.

SB 812 (Ashburn, 2010) | Developmental services: housing

Requires a local government to include needs of individuals with a developmental disability in the housing element's analysis of special housing needs.

Amends Section 65583 of the Government Code.

SB 226 (Simitian, 2011) | Environmental quality

Limits the application of CEQA in the case of the approval of an infill project that satisfies specified standards if an EIR was certified for a planning level decision, including the enactment or amendment of a general plan, community plan, specific plan, or zoning code. Also authorizes the referral of a proposed action to adopt or substantially amend a general plan to a city or county bordering the city or county within which the project is located to be conducted concurrently with the CEQA scoping meeting.

Amends Section 65919.10 of the Government Code, and amends Sections 21083.9 and 21084 of, and adds Sections 21080.35, 21094.5, 21094.5.5, and 25500.1 to, the Public Resources Code.

SB 244 (Wolk, 2011) | Local government: land use: general plan: disadvantaged unincorporated communities.

Requires the land use element to include analysis of the presence of island, fringe, or legacy unincorporated communities. Subsequently amended by SB 1090 (2012).

Amends Sections 56375, 56425, and 56430 of, and adds Sections 53082.5, 56033.5, and 65302.10 to, the Government Code, and adds Section 13481.7 to the Water Code.

SB 1090 (Comm. On Governance and Finance, 2012) | Local government: omnibus bill

Amends statutory language added by SB 244 (2011). Requires the update of the land use element to be based on specified available data and to include identification of each island or fringe community that is a disadvantaged unincorporated community.

Amends and adds several sections of multiple state codes.



SB 1241 (Kehoe, 2012) | Land use: general plan: safety element: fire hazard impacts

See also AB 3065 (Kehoe, 2004)

Revises safety element requirements for state responsibility areas and very high fire hazard severity zones and requires the safety element to take into account specified considerations, including the most recent version of the Office of Planning and Research’s “Fire Hazard Planning” document.

Amends Sections 65302 and 65302.5 of, and adds Sections 65040.20 and 66474.02 to, the Government Code, and adds Section 21083.01 to the Public Resources Code.

SB 743 (Steinberg, 2013) | Environmental Quality

Addresses several topics, including aesthetics and parking for certain infill projects. Also requires the Office of Planning and Research to update the Guidelines Implementing the California Environmental Quality Act to replace existing requirements for studying transportation impacts under CEQA.

SB 1462 (Comm. On Governance and Finance, 2014) | Local government: omnibus bill

Eliminates the requirement that the noise element recognize the guidelines established by the Office of Noise Control.

Amends and adds several sections of multiple state codes.

AB 1690 (Gordon, 2014) | Local planning: housing elements

Authorizes a city or county to accommodate the very low and low-income housing need on sites designated for mixed uses if those sites allow 100% residential use and require that residential use occupy 50% of the total floor area of a mixed-use project.

AB 1739 (Dickinson, 2014) | Groundwater management

Requires, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and consider certain specified groundwater plans and refer a proposed action to certain specified groundwater management agencies.

Amends and adds several sections of multiple state codes.

AB 52 (Gatto, 2014) | Native Americans: California Environmental Quality Act

Specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. Requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested consultation to the lead agency in writing.



AB 2501 (Bloom, 2016) | Housing: density bonuses

Requires the local government to adopt procedures and timelines for processing a density bonus application, provide a list of documents and information required to be submitted with the application in order for it to be deemed complete, and notify the applicant whether it is complete. Specifies the definition for the term “density bonus.” Requires the local government to provide the requested concessions or incentives unless it finds that the concession or incentive does not result in cost reductions, to provide for affordable housing costs or rents for the targeted units, as specified. Expands the definition of housing development definition to include mixed-use housing.

Together, the following bills make several changes to housing element law:

SB 575 (Torlakson, 2005)

AB 1390 (Jones, 2005)

SB 1087 (Florez, 2005)

AB 1233 (Jones, 2005)

AB 2634 (Lieber, 2006)

SB 253 (Torlakson, 2005)

AB 2572 (Emmerson, 2006)

AB 382 (Committee on Housing and Community Development, 2007)

AB 2135 (Ting, 2014)