
CONSENT

Bill No: AB 1409
Author: Levine (D)
Introduced: 2/19/21
Vote: 21

SENATE GOVERNANCE & FIN. COMMITTEE: 5-0, 6/17/21
AYES: McGuire, Nielsen, Durazo, Hertzberg, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 77-0, 5/6/21 (Consent) - See last page for vote

SUBJECT: Planning and zoning: general plan: safety element

SOURCE: Author

DIGEST: This bill requires cities and counties to update their safety element to identify evacuation locations.

ANALYSIS:

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 the federal Disaster Mitigation Act of 2000, each city and county to complete a local hazard mitigation plan (LHMP) 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 (VHFHSVs).
- 6) 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 an LHMP, on or after January 1, 2022, or, if a local jurisdiction has not adopted an LHMP, beginning on or before January 1, 2022.
- 7) Allows a county or city that has adopted an LHMP, 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.

This bill requires each city and county to periodically review and update its safety element to identify evacuation locations under a range of emergency scenarios. This revision must occur according to the timeline required by existing law for updated safety elements.

Background

Fire Hazard Severity Zones. CAL FIRE provides wildland fire protection on non-federal lands outside cities. To meet this duty, the State Board of Forestry and Fire Protection (Board) designates the State Responsibility Area (SRA) every five years. Within SRA lands, the Director of CALFIRE designates VHFHSZs. After the 1991 Oakland-Berkeley firestorm, the Legislature required CALFIRE to designate VHFHSZs in the Local Responsibility Area (LRA). These maps must be updated every five years (current maps date to 2007).

Landowners in the SRA and VHFHSZs must follow specified fire prevention practices and meet standards developed by the Board (AB 337, Bates, 1992). These practices and standards include maintaining defensible space of 100 feet around structures, performing certain activities to reduce the amount of flammable material near and on structures, and meeting specific building standards developed by CAL FIRE and the Department of Housing and Community Development that help a structure withstand ignition and reduce fire risk.

Planning and permitting. Every county and city must adopt a general plan with seven mandatory elements: 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. Most of cities' and counties' major land use decisions—

subdivisions, zoning, public works projects, use permits—must be consistent with their general plans. Development decisions must carry out and not obstruct a general plan’s policies.

The Planning and Zoning Law says that the safety element’s purpose is to protect the community from unreasonable risks from geologic hazards, flooding, and wildland and urban fires. In 2012, the Legislature expanded the safety elements’ contents for fire risks on land classified as SRAs and VHFHSZs to include assessment of risks, objectives, and feasible implementation measures (SB 1241, Kehoe, Chapter 311, Statutes of 2012).

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 8/17/21)

American Planning Association, California Chapter

OPPOSITION: (Verified 8/17/21)

None received

ARGUMENTS IN SUPPORT: According to the author, “In 2019, AB 747 (Levine) was successfully chaptered into law to adequately address the need for sufficient evacuation routes during a full-scale emergency. Now, AB 1409 would ensure those that evacuate using these routes have a specified evacuation location. California faces a daunting task in contending with prolonged wildfire seasons and natural disasters facilitated by climate change. This, coupled with increased development in the wildland-urban interface, requires communities to adequately address the need for sufficient evacuation locations during a full-scale emergency. AB 1409 will help save lives by requiring local governments to proactively plan evacuation locations under a range of emergency scenarios. The safety element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, wildfire hazards and other concerns.”

ASSEMBLY FLOOR: 77-0, 5/6/21

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris,

Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca
Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua,
Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Mullin

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8/18/21 14:13:54

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