



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

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CONSENT  
June 5, 2007

Honorable Members of the  
Law and Legislation Committee

**Title:** Legislative Position: Support AB 1358 relating to amendments to Sections 65040.2 and 65302 of the Government Code, related to planning

**Location/Council District:** Citywide

**Recommendation:** Staff recommends the committee adopt a support position on AB 1358.

**Contact:** Azadeh Doherty, Principal Planner, Transportation Department, 808-3137;  
Greg Sandlund, Assistant Planner, Planning Department, 808-8931

**Presenters:** None

**Department:** Transportation

**Division:** Office of the Director

**Organization No:** 3416

## Description/Analysis

**Issue:** If approved, this bill will require the legislative body of a city or county, upon any revision of the circulation element of the general plan, to modify the circulation element to specify how this element will provide for the routine accommodation of all users of public transportation defined to include motorists, pedestrians, bicyclists, children, individuals with disabilities, seniors, and users of public transit.

**Policy Considerations:** Endorsement of AB 1358 is consistent with the goal of the City's Strategic Plan which is to achieve sustainability and livability and to expand economic development throughout the City.

**Environmental Considerations:** Endorsement of AB 1358 has no adverse environmental impacts.

**Committee/Commission Action:** None

**Rationale for Recommendation:** The endorsement of AB 1358 is consistent with the City's existing transportation and planning policies. The City of Sacramento actively supports the Smart Growth principles and the development of a multi-modal transportation system. The City has adopted a Bicycle Master Plan, a Pedestrian Master Plan, an ADA Implementation Plan and also works closely with its regional partners to ensure that Sacramento's transportation system supports all modes of travel. These multi-modal transportation policies will be emphasized in the Circulation Element of the City's new General Plan and are incorporated in the planning, design, construction and operation of our transportation system.

**Financial Considerations:** None as result of this action.

**Emerging Small Business Development (ESBD):** There are no ESBD considerations as no goods or services are being purchased.

Respectfully Submitted by: Francesca L. Halbakken  
Francesca L. Halbakken  
Operations Manager

Approved by: Jerry Way  
Jerry Way  
Director of Transportation

Approved by: Carol Shearly  
Carol Shearly  
Director of Planning

Recommendation Approved:

Gustavo F. Vina  
GUSTAVO F. VINA  
Assistant City Manager

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**Attachment 1**

**Sample Letter**

June 5, 2007

The Honorable Dave Jones  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0009

Subject: Support for Assembly Bill 1358: Planning: Circulation Element:  
Transportation

Dear Assemblymember Jones:

On behalf of the City of Sacramento, I am pleased to express the City's strong support of Assembly Bill 1358, an act to amend Sections 65040.2 and 65302 of the Government Code related to planning and transportation.

Endorsement of AB 1358 is consistent with the City's existing transportation and planning policies. The City of Sacramento actively supports the Smart Growth Principles and development of a multi-modal transportation system. The City has adopted a Bicycle Master Plan, a Pedestrian Master Plan, an ADA Implementation Plan and works closely with its regional partners to ensure that Sacramento's transportation system supports all modes of travel. These multi-modal transportation policies will be emphasized in the Circulation Element of the City's new General Plan and are incorporated through planning, design, construction and operation of our transportation system.

Sincerely,

Sandy Sheedy, Chair  
Law and Legislation Committee

cc: Senator Darrell Steinberg  
Senator Dave Cox  
Assembly Member Roger Niello  
Assembly Member Alan Nakanishi  
Mayor Fargo and City Councilmembers  
David Jones, Emanuels and Jones and Associates

Attachment 2

BILL NUMBER: AB 1358 AMENDED  
BILL TEXT

AMENDED IN ASSEMBLY APRIL 23, 2007  
AMENDED IN ASSEMBLY APRIL 9, 2007

INTRODUCED BY Assembly Member Leno  
(Coauthor: Assembly Member Levine)

FEBRUARY 23, 2007

An act to amend Sections 65040.2 and 65302 of the Government Code, relating to planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as amended, Leno. Planning: circulation element: transportation.

(1) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including a circulation element consisting 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, all correlated with the land use element of the plan.

This bill would require, commencing January 1, 2009, that the legislative body of a city or county, upon any revision of the circulation element of the general plan, modify the circulation element to specify how this element will provide for the routine accommodation of all users of the *highway and public transportation system*, defined to include motorists, pedestrians, bicyclists, children, individuals with disabilities, seniors, and users of public transportation. For this purpose, routine accommodation is defined to mean that, in the planning, design, construction, reconstruction, or operation of highways and other transportation infrastructure, local agencies fully consider and accommodate all users of the *highway and public transportation system* as needed to provide for reasonably safe and convenient travel. By requiring new duties of local officials, this bill would impose a state-mandated local program.

Existing law establishes in the Office of the Governor the Office of Planning and Research with duties that include developing and adopting guidelines for the preparation of and content of mandatory elements required in city and county general plans.

(2) This bill would require the office, on or before January 1, 2009, to prepare or amend guidelines for a legislative body to include in the circulation element of its general plan routine accommodation of all users of the *highway and public transportation system* and in doing so to consider how appropriate accommodation varies depending on its transportation and land use context. It would authorize the office, in developing

these guidelines, to consult with leading transportation experts, including, but not limited to, bicycle transportation planners, pedestrian planners, public transportation planners, local air quality management districts, and disability and senior mobility planners.

(3) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known and may be cited as the California Complete Streets Act of 2007.

SEC. 2. The Legislature finds and declares all of the following:

(a) The California Global Warming Solutions Act of 2006, enacted as Chapter 488 of the Statutes of 2006, sets targets for the reduction of greenhouse gas emissions in California to slow the onset of human-induced climate change.

(b) The California Energy Commission has determined that transportation represents 41 percent of total greenhouse gas emissions in California.

(c) According to the United States Department of Transportation's 2001 National Household Travel Survey, 41 percent of trips in urban areas nationwide are two miles or less in length, and 66 percent of urban trips that are one mile or less are made by automobile.

(d) Shifting the transportation mode share from single passenger cars to public transit, bicycling, and walking must be a significant part of short- and long-term planning goals if the state is to achieve the reduction in the number of vehicle miles traveled and in greenhouse gas emissions required by current law.

(e) Walking and bicycling provide the additional benefits of improving public health and reducing treatment costs for conditions associated with reduced physical activity including obesity, heart disease, lung disease, and diabetes. Medical costs associated with physical inactivity were estimated by the State Department of Health Care Services to be \$28 billion in 2005.

(f) The California Blueprint for Bicycling and Walking, prepared pursuant to the Supplemental Report of the Budget Act of 2001, sets the goal of a 50 percent increase in bicycling and walking trips in California by 2010, and states that to achieve this goal, bicycling and walking must be considered in land use and community planning, and in all phases of transportation planning and project design.

(g) In order to fulfill the commitment to reduce greenhouse gas emissions, make the most efficient use of urban land and transportation infrastructure, and improve public health by encouraging physical activity, transportation planners must find innovative ways to reduce vehicle miles traveled and to shift from short trips in the automobile to biking, walking, and use of public transit.

SEC. 3. Section 65040.2 of the Government Code is amended to read:

65040.2. (a) In connection with its responsibilities under subdivision (1) of Section 65040, the office shall develop and adopt guidelines for the preparation of and the content of the mandatory elements required in city and county general plans by Article 5 (commencing with Section 65300) of Chapter 3. For purposes of this section, the guidelines prepared pursuant to Section 50459 of the Health and Safety Code shall be the guidelines for the housing element required by Section 65302. In the event that additional elements are hereafter required in city and county general plans by Article 5 (commencing with Section 65300) of Chapter 3, the office shall adopt guidelines for those elements within six months of the effective date of the legislation requiring those additional elements.

(b) The office may request from each state department and agency, as it deems appropriate, and the department or agency shall provide, technical assistance in readopting, amending, or repealing the guidelines.

(c) The guidelines shall be advisory to each city and county in order to provide assistance in preparing and maintaining their respective general plans.

(d) The guidelines shall contain the guidelines for addressing environmental justice matters developed pursuant to Section 65040.12.

(e) The guidelines shall contain advice including recommendations for best practices to allow for collaborative land use planning of adjacent civilian and military lands and facilities. The guidelines shall encourage enhanced land use compatibility between civilian lands and any adjacent or nearby military facilities through the examination of potential impacts upon one another.

(f) The guidelines shall contain advice for addressing the effects of civilian development on military readiness activities carried out on all of the following:

- (1) Military installations.
- (2) Military operating areas.
- (3) Military training areas.
- (4) Military training routes.
- (5) Military airspace.
- (6) Other territory adjacent to those installations and areas.

(g) By March 1, 2005, the guidelines shall contain advice, developed in consultation with the Native American Heritage Commission, for consulting with California Native American tribes for all of the following:

(1) The preservation of, or the mitigation of impacts to, places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

(2) Procedures for identifying through the Native American Heritage Commission the appropriate California Native American tribes.

(3) Procedures for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects.

(4) Procedures to facilitate voluntary landowner participation to preserve and protect the specific identity, location, character, and use of those places, features, and objects.

(h) The office shall provide for regular review and revision of

the guidelines established pursuant to this section.

(i) (1) On or before January 1, 2009, the office shall prepare or amend guidelines for a legislative body to include in the circulation element of its general plan routine accommodation of all users of the ~~transportation system~~ *highway and public transportation*. In developing guidelines, the office shall consider how appropriate accommodation varies depending on its transportation and land use context, including urban, suburban, or rural environments, and may consult with leading transportation experts including, but not limited to, bicycle transportation planners, pedestrian planners, public transportation planners, local air quality management districts, and disability and senior mobility planners.

(2) For purposes of this subdivision, the following terms have the following meanings:

(A) "Routine accommodation" means that, in the planning, design, construction, reconstruction, or operation of highways and other transportation infrastructure, local agencies fully consider and accommodate all users of the ~~transportation system~~ *highway and public transportation* as needed to provide for reasonably safe and convenient travel.

(B) "All users of the ~~transportation system~~ *highway and public transportation*" means motorists, pedestrians, bicyclists, children, individuals with disabilities, seniors, and users of public transportation.

SEC. 4. Section 65302 of the Government Code is amended to read:

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

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to those areas. The land use element shall also do both of the following:

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

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

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

on information from the military and other sources.

(B) The following definitions govern this paragraph:

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

(I) Training, support, and operations that prepare the men and women of the military for combat.

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

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

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

(b) (1) A circulation element consisting 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, all correlated with the land use element of the plan.

(2) Commencing January 1, 2009, upon any revision of the circulation element of the general plan, the legislative body shall modify the circulation element to specify how this element will provide for the routine accommodation of all users of the ~~transportation system~~ *highway and public transportation*.

(3) For purposes of this subdivision, the following terms have the following meanings:

(A) "Routine accommodation" means that, in the planning, design, construction, reconstruction, or operation of highways and other transportation infrastructure, local agencies fully consider and accommodate all users of the ~~transportation system~~ *highway and public transportation* as needed to provide for reasonably safe and convenient travel.

(B) "All users of the ~~transportation system~~ *highway and public transportation*" means motorists, pedestrians, bicyclists, children, individuals with disabilities, seniors, and users of public transportation.

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

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies that have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county. The conservation element may also cover the following:

(1) The reclamation of land and waters.

(2) Prevention and control of the pollution of streams and other

waters.

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

(4) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(5) Protection of watersheds.

(6) The location, quantity and quality of the rock, sand and gravel resources.

(7) Flood control.

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

(f) A noise element which shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Services and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(1) Highways and freeways.

(2) Primary arterials and major local streets.

(3) Passenger and freight on-line railroad operations and ground rapid transit systems.

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

(5) Local industrial plants, including, but not limited to, railroad classification yards.

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

Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

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

The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

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

(1) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation and the Office of Emergency Services for the purpose of including information known by and available to the department and the office required by this subdivision.

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

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.