# 7 REGULATORY ENVIRONMENT

The vast range of topics addressed in the General Plan are informed by – and respond to – existing regulatory structures at the federal, State, and local levels. This section presents an overview of the myriad of programs and policies that impact the way the City addresses its General Plan topics. The material below is organized by Existing Conditions Report section topics, but a number of regulations inform more than one topic area and may appear more than once.

## 7.1 LAND USE AND COMMUNITY CHARACTER

### 7.1.1 State Regulatory Environment

This regulatory section ties in with the analysis of existing land use conditions presented in Chapter 2.0, Land Use and Community Character. Land use regulations at the State and local levels are presented here. The information in this section provides a current regulatory perspective on land use in the City and is intended to assist the General Plan Update process by providing a baseline of existing land use information to be used when formulating and considering amendments to the City's current land use pattern.

*Land Use*

## California General Plan Law

Government Code Section 65300 requires that each county and city adopt a General Plan "for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning."

The General Plan is a comprehensive long-term plan for the physical development of the county or city and is considered a "blueprint" for development. The General Plan provides a Statement of the community's development, economic, circulation, and environmental goals and includes diagrams and text setting forth objectives, standards, policies, and programs. The General Plan must contain seven State-mandated elements: Land Use, Open Space, Conservation, Housing, Circulation, Noise, and Safety. Cities and counties that have identified disadvantaged communities must also address environmental justice in their general plans. It may also contain any other elements that the county wishes to include. The land use element designates the general location and intensity of designated land uses to accommodate housing, business, industry, open space, education, public buildings and grounds, recreation areas, and other land uses.

The Governor's Office of Planning and Research (OPR) is required to adopt and periodically revise the State General Plan Guidelines (GPG) for the preparation and content of general plans for all cities and counties in California. The GPG serves as the "how to" resource for drafting a general plan. For mandatory and common optional elements of the general plan, the GPG sets out each statutory requirement in detail, provides OPR recommended policy language, and includes online links to city and county general plans that have adopted similar policies. The GPG was last updated comprehensively in 2017, and OPR continues to monitor relevant legislation and new general plan requirements that have become effective since that time. OPR continues to update the GPG and issue technical advisories that supplement the GPG to reflect new information or requirements. The City of Laguna Niguel General Plan will be prepared in accordance with all applicable laws and regulations.

*Land Use*

### California Housing Element Law

The Housing Element is one of the General Plan Elements that are mandated by the State of California (California Government Code Sections 65580 to 65589.8). California State law requires that the Housing Element consists of, "an identification and analysis of existing and projected housing needs and a Statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing" (Government Code Section 65580).

State law requires that each city and county identify and analyze existing and projected housing needs within its jurisdiction and prepare goals, policies, and programs to further the development, improvement, and preservation of housing for all economic segments of the community, commensurate with local housing needs.

*Land Use*

### Office of Planning and Research General Plan Guidelines

The Governor's Office of Planning and Research (OPR) publishes General Plan Guidelines as a "how to" for cities and counties developing their general plans. OPR released its updated guidelines in 2017, which includes legislative changes, new guidance, policy recommendations, external links to resource documents, and additional resources. For each general plan element, the guidelines discuss statutory requirements in detail, provide recommended policy language, and include examples of city and county general plans that have adopted similar policies.

*Land Use*

### General Plan Annual Progress Report

All counties and general law cities in the State are required to submit an annual report on the status of their general plan and progress in its implementation per Government Code Section 65400. The General Plan Annual Progress Report (APR) is due on April 1 and covers the previous year's 12-month reporting period. This report must be provided to both the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

*Land Use*

## California Environmental Quality Act

The California Environmental Quality Act (CEQA) was developed to protect the quality of the environment, and the health and safety of persons from adverse environmental effects. Discretionary projects are required to be reviewed consistent with the requirements of CEQA to determine if there is potential for the project to cause a significant adverse effect on the environment. Depending on the type of project and its potential effects, technical traffic, noise, air quality, biological resources, and geotechnical reports may be needed. If potential adverse effects can be mitigated, a mitigated negative declaration is required. If potentially adverse effects cannot be mitigated, an environmental impact report is required. These documents have mandated content requirements and public review times. Preparation of CEQA documents can be costly and, despite maximum time limits set forth in the Public Resources Code, can extend the processing time of a project by a year or longer.

*Land Use*

### California Subdivision Code

A subdivision is any division of land for the purpose of sale, lease or finance. The State of California Subdivision Map Act (Government Code § 66410) regulates subdivisions throughout the State. The goals of the Subdivision Map Act are as follows:

- To encourage orderly community development by providing for the regulation and control of the design and improvement of a subdivision with proper consideration of its relationship to adjoining areas.
- To ensure that areas within the subdivision that are dedicated for public purposes will be properly improved by the subdivider so that they will not become an undue burden on the community.
- To protect the public and individual transferees from fraud and exploitation.

The Map Act allows counties some flexibility in the processing of subdivisions. The City controls this process through its subdivision ordinance in the Municipal Code (Sec. 9-1-201). These regulations ensure that minimum requirements are adopted for the protection of the public health, safety and welfare; and that the subdivision includes adequate community improvements, municipal services and other public facilities.

## 7.1.2 Local Regulatory Framework

*Land Use*

### Orange County Local Agency Formation Commission

In 1963, the State Legislature created a local agency formation commission (LAFCO) for each county, with the authority to regulate local agency boundary changes. Subsequently, the State has expanded the authority of LAFCO. The goals of Orange LAFCO include delivery of effective and efficient public services such as water, sewer, public safety, and parks by local governments to Orange County residents. The Orange County LAFCO has authority over land use decisions in Orange County affecting local agency boundaries. Its authority extends to the incorporated cities, including annexation of County lands into a city, and special districts within the County.

*Land Use*

## Orange County General Plan

Orange County adopted its General Plan in 1999. The County's General Plan provides a comprehensive set of goals, policies, and implementing actions to guide the County's growth. The County's General Plan includes the following elements:

- Housing
- Land Use
- Noise
- Public Services and Facilities
- Recreation
- Resources
- Safety
- Transportation

*Land Use*

## City of Laguna Niguel General Plan

The City of Laguna Niguel adopted its General Plan in 1992. Except for the Housing and Land Use Elements, most of the elements are original per the 1992 adoption. The City's General Plan provides a comprehensive set of goals, policies, and implementing actions to guide the City's growth. The City's General Plan includes the following elements:

- Circulation
- Community Service Standards
- Housing
- Growth Management
- Land Use
- Noise
- Public Facilities
- Open Space and Parks
- Seismic/Public Safety

*Land Use*

## Gateway Specific Plan

On November 15, 2011, the Laguna Niguel City Council adopted a comprehensive update to the Laguna Niguel Gateway Specific Plan to provide for up to 2,994 residential units and 2.26 million square feet of retail, office, entertainment, hotel and other non-residential uses resulting in 28% fewer average daily trips than would have been generated under the previously approved 1999 Gateway Specific Plan. It allows existing businesses to remain, but will serve as a guide for the private market to attract and develop new land uses that will gradually transition the Gateway area into an attractive and desirable transit and pedestrian-oriented urban village where people live, work, shop, are entertained and recreate.

*Land Use*

### City of Laguna Niguel Local Coastal Program

The California Coastal Act requires each local government lying wholly or partly within the State-designated Coastal Zone to prepare a Local Coastal Program (LCP). The City's LPC is comprised of portions of the South Laguna Specific Plan and the Aliso Creek Specific Plan, both of which were certified by the California Coastal Commission prior to incorporation. After incorporation, the California Coastal Commission certified the Laguna Niguel Local Coastal Program as a single plan. The City is responsible for the issuance of Coastal Development permits in the Coastal Zone.

*Land Use*

### City of Laguna Niguel Planned Communities and Specific Plans

The City of Laguna Niguel is largely composed of master planned communities (PCs) and Specific Plan (SP) areas that were approved by the County of Orange prior to the City's incorporation in 1989. These Planned Communities are the Laguna Niguel PC, the Country Village PC, the Colinas de Capistrano PC, the Beacon Hill PC, the Bear Brand Hill PC, the Bear Brand PC, and the Narland Business Center PC. Each of the Planned Communities is implemented through Feature Plans, Area Plans, and Site Plans. Prior to incorporation, the Planned Community development plans provided policy guidance and regulatory control over development in Laguna Niguel. Currently, the Planned Communities are subject to the policies and regulations of the Laguna Niguel General Plan and the Zoning Ordinance. Portions of the City are located in the South Laguna Specific Plan area and are subject to the land use and zoning regulations of that plan.

*Land Use*

## City of Laguna Niguel Zoning Ordinance

The Laguna Niguel Zoning Ordinance (Title 9 of the Municipal Code) carries out the policies of the General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. The Zoning Ordinance is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City.

Zoning provides a legal mechanism for local government regulation of the land uses described in the General Plan. It provides specific regulations for each zoning district, such as minimum lot sizes, building heights, setbacks, lot coverages, etc., The Zoning Code also identifies which uses are permitted, potentially conditionally allowed, or prohibited in each district.For certain uses, additional regulations may apply. The Zoning Code further outlines the permitting process required to evaluate and approve specific uses within a given district.

## 7.2 UTILITIES AND COMMUNITY SERVICES

This regulatory section ties in with the analysis of existing community services and utility conditions presented in Chapter 3.0, Utilities and Community Services. The utilities and community services regulations at the federal, State, and local levels are presented here. The information in this section provides a current regulatory perspective on utilities and community services in the City and is intended to assist the General Plan Update process.

### 7.2.1 Federal Regulatory Framework

*Stormwater and Drainage*

#### Clean Water Act

The Clean Water Act (CWA), initially passed in 1972, regulates the discharge of pollutants into watersheds throughout the nation. Section 402(p) of the act establishes a framework for regulating municipal and industrial stormwater discharges under the NPDES Program. Section 402(p) requires that stormwater associated with industrial activity that discharges either directly to surface waters or indirectly through municipal separate storm sewers must be regulated by an NPDES permit.

The State Water Resources Control Board (SWRCB) is responsible for implementing the Clean Water Act and does so through issuing NPDES permits to cities and counties through regional water quality control boards. Federal regulations allow two permitting options for storm water discharges (individual permits and general permits).

*Stormwater and Drainage*

#### National Pollutant Discharge Elimination System

National Pollutant Discharge Elimination System (NPDES) permits are required for discharges to navigable waters of the United States, which includes any discharge to surface waters, including lakes, rivers, streams, bays, oceans, dry stream beds, wetlands, and storm sewers that are tributary to any surface water body. NPDES permits are issued under the Federal Clean Water Act, Title IV, Permits and Licenses, Section 402 (33 USC 466 et seq.).

The Regional Water Quality Control Board (RWQCB) issues these permits in lieu of direct issuance by the Environmental Protection Agency, subject to review and approval by the EPA Regional Administrator (EPA Region 9). The terms of these NPDES permits implement pertinent provisions of the Federal Clean Water Act and the Act's implementing regulations, including

pre-treatment, sludge management, effluent limitations for specific industries, and anti-degradation. In general, the discharge of pollutants is to be eliminated or reduced as much as practicable so as to achieve the Clean Water Act's goal of "fishable and swimmable" navigable (surface) waters. Technically, all NPDES permits issued by the RWQCB are also Waste Discharge Requirements issued under the authority of the CWA.

Construction activities in the Planning Area that could disturb more than one acre of land surface are subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ, NPDES No. CAS000002, Construction General Permit [CGP]), as amended by Order 2010-0014-DWQ and Order 2012-0006-DWQ). The CGP regulates discharges of pollutants in stormwater associated with construction activity to waters of the United States from construction sites that disturb one or more acres of land surface, or that are part of a common plan of development or sale that disturbs more than one acre of land surface. The CGP requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific BMPs designed to prevent pollutants from contacting stormwater and keep all products of erosion from moving off-site into receiving waters. The SWPPP BMPs are intended to protect surface water quality by preventing the off-site migration of eroded soil and construction-related pollutants from the construction area.

*Solid Waste*

### Resource Conservation and Recovery

The Resource Conservation and Recovery Act (RCRA) was enacted in 1976 to address the huge volumes of municipal and industrial solid waste generated nationwide. After several amendments, the current Act governs the management of solid and hazardous waste and underground storage tanks (USTs). RCRA was an amendment to the Solid Waste Disposal Act of 1965. RCRA has been amended several times, most significantly by the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRA is a combination of the first solid waste statutes and all subsequent amendments. RCRA authorizes the Environmental Protection Agency (EPA) to regulate waste management activities. RCRA authorizes states to develop and enforce their own waste management programs, in lieu of

the Federal program, if a state's waste management program is substantially equivalent to, consistent with, and no less stringent than the Federal program.

### 7.2.2 State Regulatory Framework

*Water Services*

#### California Department of Health Services

The Department of Health Services, Division of Drinking Water and Environmental Management, oversees the Drinking Water Program. The Drinking Water Program regulates public water systems and certifies drinking water treatment and distribution operators. It provides support for small water systems and for improving their technical, managerial, and financial capacity. It provides subsidized funding for water system improvements under the State Revolving Fund ("SRF") and Proposition 50 programs. The Drinking Water Program also oversees water recycling projects, permits water treatment devices, supports and promotes water system security, and oversees the Drinking Water Treatment and Research Fund for MTBE (Methyl Tertiary Butyl Ether) and other oxygenates.

*Water Services*

### Consumer Confidence Report Requirements

California Code of Regulations (CCR) Title 22, Chapter 15, Article 20 requires all public water systems to prepare a Consumer Confidence Report for distribution to its customers and to the Department of Health Services. The Consumer Confidence Report provides information regarding the quality of potable water provided by the water system. It includes information on the sources of the water, any detected contaminants in the water, the maximum contaminant levels set by regulation, violations and actions taken to correct them, and opportunities for public participation in decisions that may affect the quality of the water provided.

*Water Services*

### Urban Water Management Planning Act

The Urban Water Management Planning Act has as its objectives the management of urban water demands and the efficient use of urban water. Under its provisions, every urban water supplier is required to prepare and adopt an urban water management plan. An "urban water supplier" is a public or private water supplier that provides water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. The plan must identify and quantify the existing and planned sources of water available to the supplier, quantify the projected water use for a period of 20 years, and describe the supplier's water demand management measures. The urban water supplier should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry years. The Department of Water Resources (DWR) must receive a copy of an adopted urban water management plan.

*Water Services*

### Senate Bill 610 and Assembly Bill 901

The State Legislature passed Senate Bill (SB) 610 and Assembly Bill (AB) 901 in 2001. Both measures modified the Urban Water Management Planning Act. SB 610 requires additional information in an urban water management plan if groundwater is identified as a source of water available to an urban water supplier. It also requires that the plan include a description of all water supply projects and programs that may be undertaken to meet total projected water use. SB 610 requires a city or county that determines a project is subject to the California Environmental Quality Act (CEQA) to identify any public water system that may supply water to the project and to request identified public water systems to prepare a specified water supply assessment. The assessment must include, among other information, an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and water received in prior years pursuant to these entitlements, rights, and contracts.

AB 901 requires an urban water management plan to include information, to the extent practicable, relating to the quality of existing sources of water available to an urban water supplier over given time periods. AB 901 also requires information on the manner in which water quality affects water management strategies and supply reliability. The bill requires a plan to describe plans to supplement a water source that may not be available at a consistent level of use, to the extent practicable. Additional findings and declarations relating to water quality are required.

*Water Services*

### Senate Bill 221

Senate Bill (SB)221 adds Government Code Section 66455.3, requiring that the local water agency be sent a copy of any proposed residential subdivision of more than 500 dwelling units within five days of the subdivision application being accepted as complete for processing by the city or county. It also adds Government Code Section 66473.7, establishing detailed requirements for establishing whether a "sufficient water supply" exists to support any proposed residential subdivisions of more than 500 dwellings, including any such subdivision involving a development agreement. When approving a qualifying subdivision tentative map, the city or county must include a condition requiring availability of a sufficient water supply. The applicable public water system must provide proof of availability. If there is no public water system, the city or county must undertake the analysis described in Government Code Section 66473.7. The analysis must include consideration of effects on other users of water and groundwater.

*Wastewater*

## State Water Resources Control Board Regional Water Quality Control Board

In California, all wastewater treatment and disposal systems fall under the overall regulatory authority of the State Water Resources Control Board (SWRCB) and the nine California Regional Water Quality Control Boards (RWQCBs), who are charged with the responsibility of protecting beneficial uses of State waters (ground and surface) from a variety of waste discharges, including wastewater from individual and municipal systems. The City falls within the jurisdiction of the San Diego RWQCB.

The RWQCB's regulatory role often involves the formation and implementation of basic water protection policies. These are reflected in the individual RWQCB's Basin Plan, generally in the form of guidelines, criteria and/or prohibitions related to the siting, design, construction, and maintenance of on-site sewage disposal systems. The SWRCB's role has historically been one of providing overall policy direction, organizational and technical assistance, and a communications link to the State legislature.

The RWQCBs may waive or delegate regulatory authority for on-site sewage disposal systems to counties, cities, or special districts. Although not mandatory, it is commonly done and has proven to be administratively efficient. In some cases, this is accomplished through a Memorandum of Understanding (MOU), whereby the local agency commits to enforcing the Basin Plan requirements or other specified standards that may be more restrictive. The RWQCBs generally elect to retain permitting authority over large and/or commercial or industrial on-site sewage disposal systems, depending on the volume and character of the wastewater.

*Stormwater and Drainage*

### California Water Code

California's primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act of 1970 (Division 7 of the California Water Code) (Porter-Cologne Act). The Porter-Cologne Act grants the SWRCB and each of the RWQCBs power to protect water quality, and is the primary vehicle for implementation of California's responsibilities under the Federal Clean Water Act. The Porter-Cologne Act grants the SWRCB and the RWQCBs authority and responsibility to adopt plans and policies, to regulate discharges to surface and groundwater, to regulate waste disposal sites, and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

Each RWQCB must formulate and adopt a Water Quality Control Plan (Basin Plan) for its region. The regional plans are to conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State water policy. The Porter-Cologne Act also provides that a RWQCB may include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

*Stormwater and Drainage*

### State Water Resources Control Board (State Water Board) Storm Water Strategy

The Storm Water Strategy is founded on the results of the Storm Water Strategic Initiative, which served to direct the State Water Board's role in storm water resources management and evolve the Storm Water Program by a) developing guiding principles to serve as the foundation of the storm water program, b) identifying issues that support or inhibit the program from aligning with the guiding principles, and c) proposing and prioritizing projects that the Water Boards could implement to address those issues. The State Water Board staff created a strategy-based document called the Strategy to Optimize Management of Storm Water (STORMS). STORMS includes a program vision, missions, goals, objectives, projects, timelines, and consideration of the most effective integration of project outcomes into the Water Board's Storm Water Program.

*Solid Waste*

### California Integrated Waste Management Act (Assembly Bill 939 and Senate Bill 1322)

The California Integrated Waste Management Act of 1989 Assembly Bill (AB) 939 and Senate Bill (SB) 1322 requires every city and county in the State to prepare a Source Reduction and Recycling Element to its Solid Waste Management Plan that identifies how each jurisdiction will meet the mandatory State waste diversion goals of 25 percent by 1995 and 50 percent by 2000. The purpose of AB 939 and SB 1322 is to "reduce, recycle, and re-use solid waste generated in the State to the maximum extent feasible." The term "integrated waste management" refers to the use of a variety of waste management practices to safely and effectively handle the municipal solid waste stream with the least adverse impact on human health and the environment. The Act has established a waste management hierarchy, as follows: Source Reduction; Recycling; Composting; Transformation; and Disposal.

*Solid Waste*

### California Integrated Waste Management Board Model Ordinance

Subsequent to the Integrated Waste Management Act, additional legislation was passed to assist local jurisdictions in accomplishing the goals of AB 939. The California Solid Waste Re-use and Recycling Access Act of 1991 (§42900-42911 of the Public Resources Code) directs the California Integrated Waste Management Board (CIWMB) to draft a "model ordinance" relating to adequate areas for collecting and loading recyclable materials in development projects. The model ordinance requires that any new development project, for which an application is submitted on or after September 1, 1994, include "adequate, accessible, and convenient areas for collecting and loading recyclable materials." For subdivisions of single family detached homes, recycling areas are required to serve only the needs of the homes within that subdivision.

*Solid Waste*

### California's Mandatory Commercial Recycling Law (Assembly Bill 341)

Assembly Bill (AB) 341 directed CalRecycle to develop and adopt regulations for mandatory commercial recycling. CalRecycle initiated formal rulemaking with a 45-day comment period beginning Oct. 28, 2011. The final regulation was approved by the Office of Administrative Law on May 7, 2012. The purpose of AB 341 is to reduce greenhouse gas (GHG) emissions by diverting commercial solid waste to recycling efforts, and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California.

Beginning on July 1, 2012, businesses have been required to recycle, and each jurisdiction has implemented programs that include education, outreach, and monitoring. Jurisdictions were required to start reporting on their 2012 Electronic Annual Report (due Aug. 1, 2013) on their initial education, outreach, and monitoring efforts, and, if applicable, on any enforcement activities or exemptions implemented by the jurisdiction.

In addition to Mandatory Commercial Recycling, AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020. This is not written as a 75 percent diversion mandate for each jurisdiction. The 50 percent disposal reduction mandate still stands for cities, counties, and State agencies (including community colleges) under AB 939. CalRecycle continues to evaluate program implementation as it has in the past through the Annual Report review process for entities subject to either AB 939.

*Electricity and Natural Gas*

### California Public Utilities Commission

The California Public Utilities Commission (PUC) is the primary State agency that regulates privately owned public utilities in California. These utilities include telecommunications, electricity, natural gas, water, railroad, rail transit, and passenger transportation companies. A primary role of the PUC is to authorize utility rate changes. It also establishes service standards and safety rules, monitors the safety of utility and transportation operations, prosecutes unlawful marketing and billing activities, and oversees the merger and restructure of utility corporations.

*Electricity and Natural Gas*

### Executive Order #S-06-06 - Bioenergy Action Plan

Executive Order #S-06-06 establishes targets for the use and production of biofuels and biopower, and directs State agencies to work together to advance biomass programs in California while providing environmental protection and mitigation. The executive order establishes the following target to increase the production and use of bioenergy, including ethanol and biodiesel fuels made from renewable resources: produce a minimum of 20 percent of its biofuels within California by 2010, 40 percent by 2020, and 75 percent by 2050. The executive order also calls for the State to meet a target for use of biomass electricity, including biomass cogeneration facilities.

*Electricity and Natural Gas*

### Senate Bill 14 and Assembly Bill 64

Prior to the passage of Senate Bill (SB) 14 and Assembly Bill (AB) 64 in 2009, California law required investor-owned utilities (IOUs) and energy service providers (ESPs) to increase their existing purchases of renewable energy by 1 percent of sales per year such that 20 percent of their retail sales, as measured by usage, are procured from eligible renewable resources (including biomass cogeneration) by December 31, 2010. This is known as the Renewable Portfolio Standard (RPS).

SB 14 and AB 64 require IOUs, publicly-owned utilities (POUs), and ESPs to increase their purchases of renewable energy such that at least 33 percent of retail sales are procured from renewable energy resources by December 31, 2020. For IOUs and ESPs, this is required only if the PUC determines that achieving these targets will result in just and reasonable rates.

*Electricity and Natural Gas*

### California Code of Regulations - Title 24

Title 24, Part 6, of the California Code of Regulations is also known as California's Energy Efficiency Standards for Residential and non-residential Buildings. Title 24 was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2008 Energy Efficiency Standards went into effect on January 1, 2010. Title 24, Part 11, of the California Code of Regulations establishes the California Green Building Standards Code (CalGreen). Initially, the code requirements were voluntary; however, CalGreen became mandatory in 2011. CalGreen addresses five areas of green building: 1) planning and design, 2) energy efficiency, 3) water efficiency and conservation, 4) material conservation and resources efficiency, and 5) environmental quality. The mandatory requirements are separated into non-residential and residential projects. CalGreen also includes two optional tiers: Tier 1 and Tier 2. The tiers employ higher thresholds that jurisdictions may adopt or that projects may meet voluntarily.

*Fire Protection*

### California Occupational Safety and Health Administration

In accordance with California Code of Regulations Title 8 Sections 1270 "Fire Prevention" and 6773 "Fire Protection and Fire Equipment," the California Occupational Safety and Health Administration (Cal/OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.

*Fire Protection*

### Office of Emergency Services

The State of California passed legislation authorizing the Office of Emergency Services (OES) to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

*Parks and Recreation*

### Quimby Act

The Quimby Act (California Government Code Section 66477) states that "the legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative or parcel map." Requirements of the Quimby Act apply only to the acquisition of new parkland and do not apply to the physical development of new park facilities or associated operations and maintenance costs. The Quimby Act seeks to preserve open space needed to develop parkland and recreational facilities; however, the actual development of parks and other recreational facilities is subject to discretionary approval and is evaluated on a case-by-case basis with new residential development.

*Schools, Libraries, and Other Public Facilities*

### Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50)

The "Leroy F. Greene School Facilities Act of 1998," also known as Senate Bill (SB) 50 or SB 50 (Chapter 407, Statutes of 1998), governs a school district's authority to levy school impact fees. This comprehensive legislation, together with the $9.2 billion education bond act approved by the voters in November 1998 known as "Proposition 1A," reformed methods of school construction financing in California. SB 50 instituted a new school facility program by which school districts can apply for State construction and modernization funds. It imposed limitations on the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development, and provided the authority for school districts to levy fees at three different levels:

- Level I fees are the current statutory fees allowed under Education Code 17620. This code section provides the basic authority for school districts to levy a fee against residential and commercial construction for the purpose of funding school construction or reconstruction of facilities. These fees vary by district for residential construction and commercial construction, and are increased biannually.
- Level II fees are outlined in Government Code Section 65995.5, allowing school districts to impose a higher fee on residential construction if certain conditions are met. These conditions include having a substantial percentage of students on multi-track year-round scheduling, having an assumed debt equal to 15 to 30 percent of the district's bonding capacity (percentage is based on revenue sources for repayment), having at least 20 percent of the district's teaching stations housed in relocatable classrooms, and having placed a local bond on the ballot in the past four years which received at least 50 percent plus one of the votes cast. A Facility Needs Assessment must demonstrate the need for new school facilities for unhoused pupils is attributable to projected enrollment growth from the construction of new residential units over the next five years.
- Level III fees are outlined in Government Code Section 65995.7. If State funding becomes unavailable, this code section authorizes

a school district that has been approved to collect Level II fees to collect a higher fee on residential construction. This fee is equal to twice the amount of Level II fees. However, if a district eventually receives State funding, this excess fee may be reimbursed to the developers or subtracted from the amount of State funding.

*Schools, Libraries, and Other Public Facilities*

## California Department of Education

The California Department of Education (CDE) School Facilities Planning Division (SFPD) prepared a School Site Selection and Approval Guide that provides criteria for locating appropriate school sites in the State of California. School site and size recommendations were changed by the CDE in 2000 to reflect various changes in educational conditions, such as lowering of class sizes and use of advanced technology. The expanded use of school buildings and grounds for community and agency joint use, and concern for the safety of the students and staff members also influenced the modification of the CDE recommendations.

Specific recommendations for school size are provided in the School Site Analysis and Development Guide. This document suggests a ratio of 1:2 between buildings and land. CDE is aware that in a number of cases, primarily in urban settings, smaller sites cannot accommodate this ratio. In such cases, the SFPD may approve an amount of acreage less than the recommended gross site size and building-to-ground ratio.

Certain health and safety requirements for school site selection are governed by State regulations and the policies of the SFPD relating to:

- Proximity to airports, high-voltage power transmission lines, railroads, and major roadways;
- Presence of toxic and hazardous substances;
- Hazardous facilities and hazardous air emissions within one-quarter mile;
- Proximity to high-pressure natural gas lines, propane storage facilities, gasoline lines, pressurized sewer lines, or high-pressure water pipelines;
- Noise;
- Results of geological studies or soil analyses; and
- Traffic and school bus safety issues.

### 7.2.3 Local Regulatory Framework

*Water*

**Municipal Water District of Orange County Urban Water Management Plan (2020)**

The Municipal Water District of Orange County (MWDOC) prepared this 2020 Urban Water Management Plan (UWMP) to satisfy the UWMP Act of 1983 and the California Water Code requirements. MWDOC is a wholesale water supplier, that provides water to 28 retail water suppliers (including the City of Laguna Niguel) in Orange County using imported water supplies obtained from its regional wholesaler, Metropolitan Water District of Southern California (MET). UWMPs are comprehensive documents that present an evaluation of a water supplier's reliability over a long-term (20-25 year) period. The 2020 UWMP provides an assessment of the existing and projected water supply sources, and demands within the MWDOC's service area.

*Water*

**Moulton Niguel Water District Urban Water Management Plan (2020)**

Moulton Niguel Water District's (MNWD or District) 2020 Urban Water Management Plan (UWMP) has been prepared in accordance with the California Water Code Sections 10610 through 10657 of the Urban Water Management Planning Act (UWMP Act). UWMPs are comprehensive documents that present an evaluation of a water supplier's reliability over a long-term (20-25 year) period. The 2020 UWMP provides an assessment of the existing and projected water supply sources, and demands within the MNWD's service area.

*Wastewater*

**Sewer System Management Plan for Orange County Sanitation District (2022)**

The Orange County Sanitation District (OC San) is required to comply with the State Water Resources Control Board Order No. 2006-0003-DWQ adopted May 2, 2006, entitled statewide General Waste Discharge Requirements for Sanitary Sewer Systems. The Monitoring and Reporting Program (MRP) requires each local or regional sewer agency to appoint a legally responsible official and establish a monitoring and reporting organization to monitor and report all SSOs in accordance with the

requirements of the Order and to have the LRO certify the SSO report using the California Integrated Water Quality System (CIWQS) website in the timeframe required by the Order. The OC San has enrolled and applied for coverage and agrees to comply with all conditions and provisions of this Order.

*Stormwater and Drainage*

### Orange County Public Works, Regional Stormwater Program

The County of Orange, Orange County Flood Control District (OCFCD), and the 26 cities of North Orange County stormwater and non-stormwater discharges are regulated by Phase I MS4 Permit issued by the Santa Ana RWQCB. Similarly, the County of Orange, OCFCD, and the 10 cities of South Orange County (south of El Toro Road) stormwater and non-stormwater discharges are regulated by a Phase I Regional MS4 Permit issued by the San Diego RWQCB. The main goals for these MS4 Permits is to require the development of the stormwater program(s) to (a) effectively prohibit non-stormwater discharges into the storm drain system and (b) reduce the discharge of pollutants to the maximum extent practicable through the implementation of best management practices (BMPs) and other control strategies.

## 7.3 HAZARDS, SAFETY, AND NOISE

This regulatory section ties in with the analysis of hazards and public safety conditions presented in Chapter 4.0, Hazards, Safety, and Noise. The hazards and public safety regulations at the federal, State, and local levels are presented here. The information in this section provides a current regulatory perspective on hazards and public safety conditions in the City and is intended to assist the General Plan Update process.

### 7.3.1 Federal Regulatory Framework

*Hazardous Materials and Waste*

**Comprehensive Environmental Response, Compensation & Liability Act**

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) introduced active federal involvement to emergency response, site remediation, and spill prevention, most notably the Superfund program. The Act was intended to be comprehensive in encompassing both the prevention of, and response to, uncontrolled hazardous material releases. CERCLA deals with environmental response, providing mechanisms for reacting to emergencies and to chronic hazardous material releases. In addition to establishing procedures to prevent and remedy problems, it establishes a system for compensating appropriate individuals and assigning appropriate liability. It is designed to plan for and respond to failure in other regulatory programs and to remedy problems resulting from action taken before the era of comprehensive regulatory protection.

*Hazardous Materials and Waste*

**Resource Conservation and Recovery Act**

The Resource Conservation and Recovery Act established EPA's "cradle to grave" control (generation, transportation, treatment, storage, and disposal) over hazardous materials and wastes. In California, the Department of Toxic Substances Control (DTSC) has RCRA authorization.

*Hazardous Materials and Waste*

**Clean Air Act**

According to the Clean Air Act, the Environmental Protection Agency (EPA) has established National Emissions Standards for Hazardous Air Pollutants. Exceeding the emissions standard for a given air pollutant may cause an increase in illnesses and/or fatalities.

*Hazardous Materials and Waste*

### Clean Water Act

The Clean Water Act (CWA), which amended the Water Pollution Control Act (WPCA) of 1972, sets forth the §404 program to regulate the discharge of dredged and fill material into waters of the U.S., and the §402 National Pollutant Discharge Elimination System (NPDES) to regulate the discharge of pollutants into waters of the U.S. The §401 Water Quality Certification program establishes a framework of water quality protection for activities requiring a variety of federal permits and approvals (including CWA §404, CWA §402, FERC Hydropower and §10 Rivers and Harbors).

*Hazardous Materials and Waste*

### Environmental Protection Agency

The primary regulator of hazards and hazardous materials is the Environmental Protection Agency (EPA), whose mission is to protect human health and the environment. The County of Orange is located within EPA Region 9, which includes Arizona, California, Hawaii, and New Mexico.

*Hazardous Materials and Waste*

### Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act, as amended, is the statute regulating hazardous materials transportation in the United States. The purpose of the law is to provide adequate protection against the risks to life and property inherent in transporting hazardous materials in interState commerce. This law gives the U.S. Department of Transportation (DOT) and other agencies the authority to issue and enforce rules and regulations governing the safe transportation of hazardous materials.

*Air Traffic*

### Aviation Act of 1958

The Federal Aviation Act resulted in the creation of the Federal Aviation Administration (FAA). The FAA was charged with the creation and maintenance of a National Airspace System.

*Air Traffic*

### Federal Aviation Regulations (CFR, Title 14)

The Federal Aviation Regulations (FAR) establish regulations related to aircraft, aeronautics, and inspections and permitting.

*Fire Hazards*

### FY 2001 Appropriations Act

Title IV of the Appropriations Act required the identification of "Urban Wildland Interface Communities in the Vicinity of federal Lands that are at High Risk from Wildfire" by the U.S. Departments of the Interior and Agriculture.

*Fire Hazards*

### Disaster Mitigation Act (2000–present)

Section 104 of the Disaster Mitigation Act of 2000 (Public Law 106-390) enacted Section 322, Mitigation Planning of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which created incentives for State and local entities to coordinate hazard mitigation planning and implementation efforts and is an important source of funding for fuels mitigation efforts through hazard mitigation grants.

*Fire Hazards*

### National Incident Management System (NIMS)

The Orange County Sherrif's Department adopted NIMS, which provides a systematic, proactive approach to guide government agencies, nongovernmental organizations, and the private sector to work together to prevent, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment. NIMS improves the County's ability to prepare for and respond to potential incidents and hazard scenarios.

*Fire Hazards*

### National Fire Plan 2000

The summer of 2000 marked a historic milestone in wildland fire records for the United States. Dry conditions (across the western United States), led to destructive wildfire events on an estimated 7.2 million acres, nearly double the 10-year average. Costs in damages including fire suppression activities were approximately 2.1 billion dollars. Congressional direction called for substantial new appropriations for wildland fire management. This resulted in action plans, interagency strategies, and the Western Governor's Association's "A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment - A 10-Year Comprehensive Strategy - Implementation Plan," which collectively became known as the National Fire Plan. This plan places a priority on collaborative work within communities to reduce their risk from large-scale wildfires.

*Fire Hazards*

### Healthy Forest Initiative 2002/Healthy Forest Restoration Act 2003

In August 2002, the Healthy Forests Initiative (HFI) was launched with the intent to reduce the severe wildfires risks that threaten people, communities, and the environment. Congress then passed the Healthy Forests Restoration Act (HFRA) on December 3, 2003 to provide the additional administrative tools needed to implement the HFI. The HFRA strengthened efforts to restore healthy forest conditions near communities by authorizing measures such as expedited environmental assessments for hazardous fuels projects on federal land. This Act emphasized the need for federal agencies to work collaboratively with communities in developing hazardous fuel reduction projects and places priority on fuel treatments identified by communities themselves in their Community Wildfire Protection Plans.

*Flooding*

### Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) operates the National Flood Insurance Program (NFIP). Participants in the NFIP must satisfy certain mandated floodplain management criteria. The National Flood Insurance Act of 1968 has adopted as a desired level of protection, an expectation that developments should be protected from floodwater damage of the Intermediate Regional Flood (IRF). The IRF is defined as a flood that has an average frequency of occurrence on the order of once in 100 years, although such a flood may occur in any given year. Communities are occasionally audited by the California Department of Water Resources to insure the proper implementation of FEMA floodplain management regulations.

*Flooding*

### Rivers and Harbors Appropriation Act of 1899

One of the country's first environmental laws, this Act established a regulatory program to address activities that could affect navigation in waters of the United States.

*Flooding*

### Water Pollution Control Act of 1972

The Water Pollution Control Act (WPCA) established a program to regulate activities that result in the discharge of pollutants to waters of the United States.

*Flooding*

### Clean Water Act of 1977

The Clean Water Act (CWA), which amended the WPCA of 1972, sets forth the §404 program to regulate the discharge of dredged and fill material into waters of the U.S., and the §402 National Pollutant Discharge Elimination System (NPDES) to regulate the discharge of pollutants into waters of the U.S. The §401 Water Quality Certification program establishes a framework of water quality protection for activities requiring a variety of federal permits and approvals (including CWA §404, CWA §402, FERC Hydropower and §10 Rivers and Harbors).

*Flooding*

### Flood Control Act

The Flood Control Act (1917) established survey and cost estimate requirements for flood hazards in the Sacramento Valley. All levees and structures constructed per the Act were to be maintained locally but controlled federally. All rights-of-way necessary for the construction of flood control infrastructure were to be provided to the federal government at no cost.

Federal involvement in the construction of flood control infrastructure, primarily dams and levees, became more pronounced upon passage of the Flood Control Act of 1936.

*Flooding*

### National Flood Insurance Program

Per the National Flood Insurance Act of 1968, the National Flood Insurance Program (NFIP) has three fundamental purposes: better indemnify individuals for flood losses through insurance; reduce future flood damages through State and community floodplain management regulations; and reduce federal expenditures for disaster assistance and flood control.

While the Act provided for subsidized flood insurance for existing structures, the provision of flood insurance by FEMA became contingent on the adoption of floodplain regulations at the local level.

*Flooding*

### Flood Disaster Protection Act

The Flood Disaster Protection Act (FDPA) of 1973 was a response to the shortcomings of the National Flood Insurance Program (NFIP), which were experienced during the flood season of 1972. The FDPA prohibited federal assistance, including acquisition, construction, and financial assistance,

within delineated floodplains in non-participating NFIP communities. Furthermore, all federal agencies and/or federally insured and federally regulated lenders must require flood insurance for all acquisitions or developments in designated Special Flood Hazard Areas (SFHAs) in communities that participate in the NFIP.

Improvements, construction, and developments within SFHAs are generally subject to the following standards:

- All new construction and substantial improvements of residential buildings must have the lowest floor (including basement) elevated to or above the base flood elevation (BFE).
- All new construction and substantial improvements of non-residential buildings must either have the lowest floor (including basement) elevated to or above the BFE or dry-floodproofed to the BFE.
- Buildings can be elevated to or above the BFE using fill, or they can be elevated on extended foundation walls or other enclosure walls, on piles, or on columns.
- Extended foundation or other enclosure walls must be designed and constructed to withstand hydrostatic pressure and be constructed with flood-resistant materials, and contain openings that will permit the automatic entry and exit of floodwaters. Any enclosed area below the BFE can only be used for the parking of vehicles, building access, or storage.

*Climate Change and Resiliency Planning*

## Federal Climate Change Policy

The Environmental Protection Agency (EPA) published the latest version of the *Climate Change Indicators* report in 2016, in collaboration with more than 40 government agencies, academic institutions, and other organizations, to compile a key set of indicators related to the causes and effects of climate change. The EPA also currently administers multiple programs that encourage voluntary greenhouse gas (GHG) reductions, including "ENERGY STAR," "Climate Leaders," and Methane Voluntary

Programs. However, as of this writing, there are no adopted federal plans, policies, regulations, or laws directly regulating GHG emissions.

*Noise*

### Federal Highway Administration

The Federal Highway Administration (FHWA) has developed noise abatement criteria that are used for federally funded roadway projects or projects that require federal review. These criteria are discussed in detail in Title 23 Part 772 of the Federal Code of Regulations (23CFR772).

*Noise*

## Environmental Protection Agency

The Environmental Protection Agency EPA has identified the relationship between noise levels and human response. The EPA has determined that over a 24-hour period, an Leq of 70 dBA will result in some hearing loss. Interference with activity and annoyance will not occur if exterior levels are maintained at an Leq of 55 dBA and interior levels at or below 45 dBA. Although these levels are relevant for planning and design, and useful for informational purposes, they are not land use planning criteria because they do not consider economic cost, technical feasibility, or the needs of the community.

The EPA has set 55 dBA Ldn as the basic goal for residential environments. However, other federal agencies, in consideration of their own program requirements and goals, as well as difficulty of actually achieving a goal of 55 dBA Ldn, have generally agreed on the 65 dBA Ldn level as being appropriate for residential uses. At 65 dBA Ldn activity interference is kept to a minimum, and annoyance levels are still low. It is also a level that can realistically be achieved.

The Department of Housing and Urban Development (HUD) was established in response to the Urban Development Act of 1965 (Public Law 90-448). HUD was tasked by the Housing and Urban Development Act of 1965 (Public Law 89-117) "to determine feasible methods of reducing the economic loss and hardships suffered by homeowners as a result of the depreciation in the value of their properties following the construction of airports in the vicinity of their homes."

HUD first issued formal requirements related specifically to noise in 1971 (HUD Circular 1390.2). These requirements contained standards for exterior noise levels along with policies for approving HUD-supported or assisted housing projects in high noise areas. In general, these requirements established the following three zones:

- 65 dBA Ldn or less - an acceptable zone where all projects could be approved.
- Exceeding 65 dBA Ldn but not exceeding 75 dBA Ldn - a normally unacceptable zone where mitigation measures would be required and each project would have to be individually evaluated for approval or denial. These measures must provide 5 dBA of

attenuation above the attenuation provided by standard construction required in a 65 to 70 dBA Ldn area and 10 dBA of attenuation in a 70 to 75 dBA Ldn area.

- Exceeding 75 dBA Ldn - an unacceptable zone in which projects would not, as a rule, be approved.

HUD's regulations do not include interior noise standards. Rather a goal of 45 dBA Ldn is set forth and attenuation requirements are geared towards achieving that goal. HUD assumes that using standard construction techniques, any building will provide sufficient attenuation so that if the exterior level is 65 dBA Ldn or less, the interior level will be 45 dBA Ldn or less. Thus, structural attenuation is assumed at 20 dBA. However, HUD regulations were promulgated solely for residential development requiring government funding and are not related to the operation of schools or churches.

The federal government regulates occupational noise exposure common in the workplace through the Occupational Health and Safety Administration (OSHA) under the EPA. Noise exposure of this type is dependent on work conditions and is addressed through a facility's or construction contractor's health and safety plan. With the exception of construction workers involved in facility construction, occupational noise is irrelevant to this study and is not addressed further in this document.

### 7.3.2 State Regulatory Framework

*Hazardous Materials and Waste*

#### California Health & Safety Code

Division 20 of the Health and Safety Code establishes Department of Toxic Substances Control (DTSC) authority and sets forth hazardous waste and underground storage tank regulations. In addition, the division creates a State superfund framework that mirrors the federal program.

Division 26 of the Health and Safety Code establishes California Air Resources Board (CARB) authority. The division designates CARB as the air pollution control agency per federal regulations and charges the Board with meeting Clean Air Act requirements.

*Hazardous Materials and Waste*

### California Food and Agriculture Code

Division 6 of the California Food and Agricultural Code (FAC) establishes pesticide application regulations. The division establishes training standards for pilots conducting aerial applications as well as permitting and certification requirements.

*Hazardous Materials and Waste*

### California Water Code

Division 7 of the California Water Code, commonly referred to as the Porter-Cologne Water Quality Control Act, created the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCB). In addition, water quality responsibilities are established for the SWRCB and RWQCBs.

*Hazardous Materials and Waste*

### California Code of Regulations

Title 3 of the California Code of Regulations (CCR) pertains to the application of pesticides and related chemicals. Parties applying regulated substances must continuously evaluate application equipment, the weather, the treated lands, and all surrounding properties. Title 3 prohibits any application that would:

- Contaminate persons not involved in the application
- Damage non-target crops or animals, or any other public or private property
- Contaminate public or private property, or create health hazards on said property

Title 8 of the CCR establishes California Occupational Safety and Health Administration (Cal OSHA) requirements related to public and worker protection. Topics addressed in Title 8 include materials exposure limits, equipment requirements, protective clothing, hazardous materials, and accident prevention. Construction safety and exposure standards for lead and asbestos are set forth in Title 8.

Title 14 of the CCR establishes minimum standards for solid waste handling and disposal.

Title 17 of the CCR establishes regulations relating to the use and disturbance of materials containing naturally occurring asbestos.

Title 22 of the CCR sets forth definitions of hazardous waste and special waste. The section also identifies hazardous waste criteria and establishes regulations pertaining to the storage, transport, and disposal of hazardous waste.

Title 26 of the CCR is a medley of State regulations pertaining to hazardous materials and waste that are presented in other regulatory sections. Title 26 mandates specific management criteria related to hazardous materials identification, packaging, and disposal. In addition, Title 26 establishes requirements for hazardous materials transport, containment, treatment, and disposal. Finally, staff training standards are set forth in Title 26.

Title 27 of the CCR sets forth a variety of regulations relating to the construction, operation, and maintenance of the State's landfills. The title establishes a landfill classification system and categories of waste. Each class of landfill is constructed to contain specific types of waste (household, inert, special, and hazardous).

*Hazardous Materials and Waste*

### California Code of Regulations

The Department of Toxic Substances Control (DTSC) is primarily responsible for regulating the handling, use, and disposal of toxic materials. The SWRCB regulates discharge of potentially hazardous materials to waterways and aquifers and administers the basin plans for groundwater resources in the various regions of the State. The Regional Water Quality Control Board (RWQCB) oversees surface and groundwater. Programs intended to protect workers from exposure to hazardous materials and from accidental upset are covered under OSHA at the federal and State level (Cal OSHA) and the California Department of Health Services (DHS) at the State level. Air quality is regulated through the California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD). The State Fire Marshal is responsible for the protection of life and property through the development and application of fire prevention engineering, education, and enforcement; CAL FIRE provides fire protection services for State and privately-owned wildlands.

*Fire Hazards*

### California Strategic Fire Plan

This statewide plan is a strategic document, which guides fire policy for much of California. The plan is aimed at reducing wildfire risk through pre-fire mitigation efforts tailored to local areas through assessments of fuels, hazards, and risks.

*Fire Hazards*

### California State Multi-Hazard Mitigation Plan

The purpose of the State Multi-Hazard Mitigation Plan (SHMP) is to significantly reduce deaths, injuries, and other losses attributed to natural- and human-caused hazards in California. The SHMP provides guidance for hazard mitigation activities emphasizing partnerships among local, State, and federal agencies as well as the private sector.

*Fire Hazards*

### California Government Code

California Government Code Section 65302.5 requires the State Board of Forestry and Fire Protection to provide recommendations to a local jurisdiction's General Plan fire safety element at the time that the General Plan is amended. While not a direct and binding fire prevention requirement for individuals, General Plans that adopt the Board's recommendations will include goals and policies that provide for contemporary fire prevention standards for the jurisdiction.

California Government Code Section 51175 defines Very High Fire Hazard Severity Zones and designates lands considered by the State to be a very high fire hazard.

California Government Code Section 51189 directs the Office of the State Fire Marshal to create building standards for wildland fire resistance. The code includes measures that increase the likelihood of a structure withstanding intrusion by fire (such as building design and construction requirements that use fire-resistant building materials), provides protection of structure projections (such as porches, decks, balconies, and eaves), and structure openings (such as attics, eave vents, and windows).

*Fire Hazards*

### California Public Resources Code

The State's Fire Safe Regulations are set forth in Public Resources Code §4290, which include the establishment of State Responsibility Areas (SRA).

Public Resources Code §4291 sets forth defensible space requirements, which are applicable to anyone that …owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material (§4291(a)).

Public Resources Code § 4292-4296 and 14 CCR 1256: Fire Prevention for Electrical Utilities address the vegetation clearance standards for electrical utilities. They include the standards for clearing around energy lines and conductors, such as power-line hardware and power poles. These regulations are critical to wildland fire safety because of the substantial number of power lines in wildlands, the historic source of fire ignitions associated with power lines, and the extensive damage that results from power line caused wildfires in severe wind conditions.

*Fire Hazards*

### Assembly Bill 337

Per Assembly Bill (A)B 337, local fire prevention authorities and the California Department of Forestry and Fire Protection (CalFire) are required to identify "Very High Fire Hazard Severity Zones" (VHFHSZ) in Local Responsibility Areas (LRA). Standards related to brush clearance and the use of fire-resistant materials in fire hazard severity zones are also established.

*Fire Hazards*

### California Uniform Fire Code

The Uniform Fire Code (UFC) establishes standards related to the design, construction, and maintenance of buildings. The standards set forth in the UFC range from designing for access by firefighters and equipment, and minimum requirements for automatic sprinklers and fire hydrants, to the appropriate storage and use of combustible materials.

*Fire Hazards*

### California Code of Regulations Title 8

In accordance with California Code of Regulations (CCR), Title 8, §1270 and §6773 (*Fire Prevention* and *Fire Protection and Fire Equipment*), the Occupational Safety and Health Administration (Cal OSHA) establishes fire suppression service standards. The standards range from fire hose size requirements to the design of emergency access roads.

*Fire Hazards*

### California Code of Regulations Title 14 (Natural Resources)

Division 1.5 (Department of Forestry and Fire Protection), Title 14 of the CCR establishes a variety of wildfire preparedness, prevention, and response regulations.

*Fire Hazards*

### California Code of Regulations Title 19 (Public Safety)

Title 19 of the California Code of Regulations (CCR) establishes a variety of emergency fire response, fire prevention, and construction and construction materials standards.

*Fire Hazards*

### CaliforniaCode of Regulations Title 24 (Building Standards Code)

The California Fire Code is set forth in Part 9 of the Building Standards Code. The CA Fire Code, which is pre-assembled with the International Fire Code by the ICC, contains fire-safety building standards referenced in other parts of Title 24.

*Fire Hazards*

### California Health and Safety Code and Uniform Building Code Section 13000 et seq.

State fire regulations are set forth in §13000 et seq. of the California Health and Safety Code, which is divided into "Fires and Fire Protection" and "Buildings Used by the Public." The regulations provide for the enforcement of the UBC and mandate the abatement of fire hazards.

The code establishes broadly applicable regulations, such as standards for buildings and fire protection devices, in addition to regulations for specific land uses, such as childcare facilities and high-rise structures.

*Fire Hazards*

### California Health and Safety Code Division 11 (Explosives)

Division 11 of the Health and Safety Code establishes regulations related to a variety of explosive substances and devices, including high explosives and fireworks. Section 12000 et seq. establishes regulations related to explosives and explosive devices, including permitting, handling, storage, and transport (in quantities greater than 1,000 pounds).

*Fire Hazards*

### California Health and Safety Code Division 12.5 (Buildings Used by the Public)

This Division establishes requirements for buildings used by the public, including essential services buildings, earthquake hazard mitigation technologies, school buildings, and postsecondary buildings.

*Fire Hazards*

### CaliforniaVehicle Code §31600 (Transportation of Explosives)

Establishes requirements related to the transportation of explosives in quantities greater than 1,000 pounds, including licensing and route identification.

*Flooding*

### Assembly Bill 162

Assembly Bill (AB) 162 requires a general plan's land use element to identify and annually review those areas covered by the general plan that are subject to flooding as identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources (DWR). The bill also requires, upon the next revision of the housing element, on or after January 1, 2009, the conservation element of the general plan to identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. By imposing new duties on local public officials, the bill creates a State-mandated local program.

This bill also requires, upon the next revision of the housing element, on or after January 1, 2009, the safety element to identify, among other things, information regarding flood hazards and to establish a set of comprehensive goals, policies, and objectives, based on specified information for the protection of the community from, among other things, the unreasonable risks of flooding.

*Flooding*

### Assembly Bill 70

Assembly Bill (AB) 70 provides that a city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that it has increased the State's exposure to liability for property damage by unreasonably approving, as defined, new development in a previously undeveloped area, as defined, that is protected by a State flood control project, unless the city or county meets specified requirements.

*Flooding*

### California Government Code

The Senate and Assembly bills identified above have resulted in various changes and additions to the California Government Code. California Government Code §8589.4, commonly referred to as the Potential

Flooding-Dam Inundation Act, requires owners of dams to prepare maps showing potential inundation areas in the event of dam failure. A dam failure inundation zone is different from a flood hazard zone under the National Flood Insurance Program (NFIP). NFIP flood zones are areas along streams or coasts where storm flooding is possible from a "100-year flood." In contrast, a dam failure inundation zone is the area downstream from a dam that could be flooded in the event of dam failure due to an earthquake or other catastrophe. Dam failure inundation maps are reviewed and approved by the California Office of Emergency Services (OES). Sellers of real estate within inundation zones are required to disclose this information to prospective buyers.

*Climate Change and Resiliency Planning*

### Assembly Bill 2140

Under the Federal Disaster Mitigation Act of 2000, each municipality must develop a Local Hazard Mitigation Plan (LHMP) or participate in a multi-jurisdictional LHMP in order to be eligible for pre-disaster mitigation grants or post-disaster recovery assistance from the federal government. Assembly Bill (AB) 2140 authorizes local governments to adopt their LHMP's with the safety elements of their general plans. Integration or incorporation by reference is encouraged through a post-disaster financial incentive which authorizes the State to use available California Disaster Assistance Act funds to cover local shares of the 25 percent non-federal portion of grant-funded post-disaster projects.

*Climate Change and Resiliency Planning*

### Climate Action Program at Caltrans

Caltrans prepared a Climate Action Program in response to new regulatory directives. The goal of the Climate Action Program is to promote clean and energy efficient transportation, and provide guidance for mainstreaming energy and climate change issues into business operations. The overall approach to lower fuel consumption and $CO_2$ from transportation is twofold: (1) reduce congestion and improve efficiency of transportation systems through smart land use, operational improvements, and Intelligent Transportation Systems; and (2) institutionalize energy efficiency and greenhouse gas (GHG) emission reduction measures and technology into planning, project

development, operations, and maintenance of transportation facilities, fleets, buildings, and equipment.

The reasoning underlying the Climate Action Program is the conclusion that "the most effective approach to addressing GHG reduction, in the short-to-medium term, is strong technology policy and market mechanisms to encourage innovations. Rapid development and availability of alternative fuels and vehicles, increased efficiency in new cars and trucks (light and heavy duty), and super clean fuels are the most direct approach to reducing GHG emissions from motor vehicles (emission performance standards and fuel or carbon performance standards)."

### 7.3.3 Local Regulatory Framework

*Hazards*

#### Orange County Sherriff's Department Local Hazard Mitigation Plan 2021

The 2021 County of Orange and Orange County Fire Authority Local Hazard Mitigation Plan (LHMP) is a multi-jurisdiction plan developed jointly between the County of Orange, a local government, and the Orange County Fire Authority, a Joint Powers Authority. The document is an update to the 2015 LHMP. The purpose of the LHMP is to promote sound public policy designed to protect residents, critical facilities, infrastructure, key resources, private property, and the environment from natural hazards in unincorporated areas, fire hazards in the Fire Authority service area, and County and Fire Authority owned facilities. This policy document will increase public awareness, list resources for risk reduction and loss prevention, and identify activities to guide the County toward building a resilient, safer and sustainable community.

#### Laguna Niguel Local Hazard Mitigation Plan 2023

The City of Laguna Niguel Local Hazard Mitigation Plan (LHMP) establishes mitigation strategies (a list of actions, measures, projects) to help reduce and/or eliminate impacts from threats and hazards within the City of Laguna Niguel. The September 2023 plan is an update to the previous plan and assesses relevant existing conditions and capabilities within the City; identifies potential threats and hazards and their impacts within the

City; and proposes mitigation measures to address the impacts to the threats and hazards within the City.

*Hazard Response*

### Unified County of Orange and Orange County Operational Area Emergency Operations Plan 2019

Unified County of Orange and Orange County Operational Area Emergency Operations Plan was adopted in 2019. The Emergency Operations Plan 2019 (EOP) provides guidance and procedures for Orange County and the County as the Operational Area to prepare for and respond to emergencies that are natural, technological, conflict-related, and human-caused incidents creating situations, which all requires a coordinated response. The policy document provides guidance for management concepts, identifies organizational structures and relationships and describes responsibilities and functions of the emergency organization to protect life and property within Orange County.

*Hazard Response*

### Laguna Niguel Emergency Plan

The City of Laguna Niguel Emergency Operations Plan was adopted in 2002. This plan is designed to provide the framework for responding to major emergency disasters in the Planning Area. The main goals for this plan are to (1) prepare for, (2) respond to, and (3) recover from an emergency or disaster that affects the Planning Area.

*Hazards and Hazardous Materials*

### Laguna Niguel Municipal Code

There are various references to hazards and hazardous materials in Laguna Niguel Municipal Code. Section 9-1-45.22 discusses hazardous waste and materials. Section 6-3-220 outlines additional designations of hazardous materials. Section 6-3-260 make information available to fire departments and emergency response personnel, upon request, regarding hazardous wastes, extremely hazardous wastes and underground tanks, when the information is obtained by the health officer.

*Geology, Soils, and Seismicity*

### Laguna Niguel Grading and Excavation Code

Article 8 of the City of Laguna Niguel Municipal Code is the City's Grading and Excavation Code. The code sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and

embankments, site drainage and relevant water quality requirements, and establishes administrative requirements for issuance of permits and approvals of plans and inspection of grading construction in accordance with the requirements for grading and excavation as contained in the most recently adopted California Building Code.

*Climate Change and Resiliency Planning*

### Climate Change Scoping Plan

On December 11, 2008, CARB adopted its *Climate Change Scoping Plan* (Scoping Plan), which functions as a roadmap of CARB's plans to achieve GHG reductions in California required by Assembly Bill (AB) 32 through subsequently enacted regulations. The Scoping Plan contains the main strategies California will implement to reduce carbon dioxide-equivalent (CO2e) emissions by 169 million metric tons (MMT), or approximately 30 percent, from the State's projected 2020 emissions level of 596 MMT of $CO_2e$ under a business-as-usual scenario. (This is a reduction of 42 MMT $CO_2e$, or almost 10 percent, from 2002–2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.) The Scoping Plan also breaks down the amount of GHG emissions reductions CARB recommends for each emissions sector of the State's GHG inventory. The Scoping Plan calls for the largest reductions in GHG emissions to be achieved by implementing the following measures and standards:

- Improved emissions standards for light-duty vehicles (estimated reductions of 31.7 MMT $CO_2e$);
- The Low-Carbon Fuel Standard (15.0 MMT $CO_2e$);
- Energy efficiency measures in buildings and appliances and the widespread development of combined heat and power systems (26.3 MMT $CO_2e$); and
- A renewable portfolio standard for electricity production (21.3 MMT $CO_2e$).

CARB updated the Scoping Plan in 2013 (*First Update to the Scoping Plan*) and again in 2017. The 2013 Update built upon the initial Scoping Plan with new strategies and recommendations, and also set the groundwork to reach the long-term goals set forth by the State. Successful implementation of existing programs (as identified in previous iterations of the Scoping Plan) has allowed California to meet

the 2020 target. The 2017 Update expands the scope of the plan further by focusing on the strategy for achieving the State's 2030 GHG target of 40 percent emissions reductions below 1990 levels (to achieve the target codified into law by SB 32), and substantially advances toward the State's 2050 climate goal to reduce GHG emissions by 80 percent below 1990 levels.

The 2017 Update relies on the preexisting programs paired with an extended, more stringent Cap-and-Trade Program, to deliver climate, air quality, and other benefits. The 2017 Update identifies new technologically feasible and cost-effective strategies to ensure that California meets its GHG reduction goals.

CARB adopted the 2022 Scoping Plan Update (2022 Scoping Plan) on December 15, 2022. The 2022 Scoping Plan Update assesses progress towards the SB 32 GHG reduction target of at least 40 percent below 1990 emissions by 2030, while laying out a path to achieving carbon neutrality no later than 2045 and a reduction in anthropogenic emissions by 85 percent below 1990 levels.

*Climate Change and Resiliency Planning*

### Executive Order S-13-08

EO S-13-08 was issued on November 14, 2008. The EO is intended to hasten California's response to the impacts of global climate change, particularly sea level rise, and directs State agencies to take specified actions to assess and plan for such impacts, including requesting the National Academy of Sciences to prepare a Sea Level Rise Assessment Report, directing the Business, Transportation, and Housing Agency to assess the vulnerability of the State's transportation systems to sea level rise, and requiring the Office of Planning and Research and the Natural Resources Agency to provide land use planning guidance related to sea level rise and other climate change impacts.

The order also required State agencies to develop adaptation strategies to respond to the impacts of global climate change that are predicted to occur over the next 50 to 100 years. The adaption strategies report summarizes key climate change impacts to the State for the following areas: public health; ocean and coastal resources; water supply and flood protection; agriculture; forestry; biodiversity and habitat; and transportation and energy infrastructure. The report recommends

strategies and specific responsibilities related to water supply, planning and land use, public health, fire protection, and energy conservation.

*Noise*

**California Department of Transportation (Caltrans)**

Caltrans has adopted policy and guidelines relating to traffic noise as outlined in the Traffic Noise Analysis Protocol (Caltrans 2011). The noise abatement criteria specified in the protocol are the same as those specified by Federal Highway Administration (FHWA).

*Noise*

**Governor's Office of Planning and Research (OPR)**

OPR has developed guidelines for the preparation of general plans (Office of Planning and Research, 2017). The guidelines include land use compatibility guidelines for noise exposure.

## 7.4 CONSERVATION

This regulatory section ties in with the analysis of conservation and natural resources conditions presented in Chapter 5.0, Conservation. The conservation regulations at the federal, State, and local levels are presented here. The information in this section provides a current regulatory perspective on conservation and natural resources in the City and is intended to assist the General Plan Update process.

### 7.4.1 Federal Regulatory Framework

*Biological Resources*

**Federal Endangered Species Act**

The Federal Endangered Species Act, passed in 1973, defines an endangered species as any species or subspecies that is in danger of extinction throughout all or a significant portion of its range. A threatened species is defined as any species or subspecies that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Once a species is listed it is fully protected from a "take" unless a take permit is issued by the United States Fish and Wildlife Service. A take is defined as the harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting of wildlife species or any attempt to engage in such conduct, including modification of its habitat (16 USC 1532, 50 CFR 17.3). Proposed endangered or threatened species are those species for which a proposed regulation, but not a final rule, has been published in the Federal Register.

*Biological Resources*

### Migratory Bird Treaty Act

To kill, posses, or trade a migratory bird, bird part, nest, or egg is a violation of the Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., §703, Supp. I, 1989), unless it is in accordance with the regulations that have been set forth by the Secretary of the Interior.

*Biological Resources*

### Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 USC Section 668) protects these birds from direct take, and prohibits the take or commerce of any part of these species. The USFWS administers the act, and reviews federal agency actions that may affect these species.

*Biological Resources*

### Clean Water Act – Section 404

Section 404 of the Clean Water Act (CWA) regulates all discharges of dredged or fill material into waters of the U.S. Discharges of fill material includes the placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; and fill for intake and outfall pipes and subaqueous utility lines [33 C.F.R. §323.2(f)].

Waters of the U.S. include lakes, rivers, streams, intermittent drainages, mudflats, sandflats, wetlands, sloughs, and wet meadows [33 C.F.R. §328.3(a)]. Wetlands are defined as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" [33 C.F.R. §328.3(b)]. Waters of the U.S. exhibit a defined bed and bank, and ordinary high water mark (OHWM). The OHWM is defined by the U.S. Army Corps of Engineers (USACE) as "that line on shore established by the fluctuations of water and indicated by physical character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas" [33 C.F.R. §328.3(e)].

The USACE is the agency responsible for administering the permit process for activities that affect waters of the U.S. Executive Order 11990

is a federal implementation policy, which is intended to result in no net loss of wetlands.

*Biological Resources*

### Clean Water Act - Section 401

Section 401 of the Clean Water Act (CWA) (33 U.S.C. 1341) requires an applicant who is seeking a 404 permit to first obtain a water quality certification from the Regional Water Quality Control Board. To obtain the water quality certification, the Regional Water Quality Control Board must indicate that the proposed fill would be consistent with the standards set forth by the State.

*Biological Resources*

### Department of Transportation Act - Section 4(f)

Section 4(f) has been part of federal law since 1966. It was enacted as Section 4(f) of the Department of Transportation (DOT) Act of 1966 and set forth in Title 49 United States Code (U.S.C.), Section 1653(f). In January 1983, as part of an overall recodification of the DOT Act, Section 4(f) was amended and codified in 49 U.S.C. Section 303. This law established policy on Lands, Wildlife, and Waterfowl Refuges, and Historic Sites as follows:

It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the states, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities. The Secretary of Transportation may approve a transportation program or project (other than any project for a park road or parkway under section 204 of title 23) requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of a historic site of national, State, or local significance (as determined by the federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if: a) There is no prudent and feasible alternative to using that land; and b) The program or project includes all possible planning to minimize harm to the park,

recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

*Air Quality*

### Environmental Protection Agency

At the federal level, the Environmental Protection Agency (EPA) has been charged with implementing national air quality programs. The EPA's air quality mandates are drawn primarily from the Federal Clean Air Act (FCAA), which was enacted in 1963. The FCAA was amended in 1970, 1977, and 1990.

The FCAA required the EPA to establish primary and secondary national ambient air quality standards (NAAQS). The FCAA also required each State to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The Federal Clean Air Act Amendments of 1990 (FCAAA) added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. The EPA has responsibility to review all State SIPs to determine conformity to the mandates of the FCAAA and determine if implementation will achieve air quality goals. If the EPA determines a SIP to be inadequate, a Federal Implementation Plan (FIP) may be prepared for the nonattainment area that imposes additional control measures. Failure to submit an approvable SIP or to implement the plan within the mandated timeframe may result in sanctions being applied to transportation funding and stationary air pollution sources in the air basin.

*Air Quality*

### Federal Hazardous Air Pollutant Program

Title III of the Federal Clean Air Act (FCAA) requires the Environmental Protection Agency (EPA) to promulgate national emissions standards for hazardous air pollutants (NESHAPs). The NESHAP may differ for major sources than for area sources of HAPs (major sources are defined as stationary sources with potential to emit more than 10 tons per year [TPY] of any HAP, or more than 25 TPY of any combination of HAPs; all other sources are considered area sources). The emissions standards are to be promulgated in two phases. In the first phase (1992–2000), the EPA developed technology-based emission standards designed to produce

the maximum emission reduction achievable. These standards are generally referred to as requiring maximum available control technology (MACT). These federal rules are also commonly referred to as MACT standards, because they reflect the Maximum Achievable Control Technology. For area sources, the standards may be different, based on generally available control technology. In the second phase (2001–2008), the EPA is required to promulgate health risk-based emissions standards where deemed necessary to address risks remaining after implementation of the technology-based NESHAP standards. The FCAAA required the EPA to promulgate vehicle or fuel standards containing reasonable requirements that control toxic emissions, at a minimum to benzene and formaldehyde. Performance criteria were established to limit mobile-source emissions of toxics, including benzene, formaldehyde, and 1,3-butadiene. In addition, §219 required the use of reformulated gasoline in selected U.S. cities (those with the most severe ozone nonattainment conditions) to further reduce mobile-source emissions.

*Greenhouse Gases*

### Clean Air Act

The Federal Clean Air Act (FCAA) was first signed into law in 1970. In 1977, and again in 1990, the law was substantially amended. The FCAA is the foundation for a national air pollution control effort, and it is composed of the following basic elements: national ambient air quality standards (NAAQS) for criteria air pollutants, hazardous air pollutant standards, State attainment plans, motor vehicle emissions standards, stationary source emissions standards and permits, acid rain control measures, stratospheric ozone protection, and enforcement provisions.

The EPA is responsible for administering the FCAA. The FCAA requires the EPA to set NAAQS for several problem air pollutants based on human health and welfare criteria. Two types of NAAQS were established: primary standards, which protect public health, and secondary standards, which protect the public welfare from non-health-related adverse effects such as visibility reduction.

*Greenhouse Gases*

### Energy Policy and Conservation Act

The Energy Policy and Conservation Act of 1975 sought to ensure that all vehicles sold in the U.S. would meet certain fuel economy goals. Through

this Act, Congress established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the Act, the National Highway Traffic and Safety Administration, which is part of the U.S. Department of Transportation (USDOT), is responsible for establishing additional vehicle standards and for revising existing standards.

Compliance with federal fuel economy standards is determined on the basis of each manufacturer's average fuel economy for the portion of its vehicles produced for sale in the U.S. The Corporate Average Fuel Economy (CAFE) program, which is administered by the EPA, was created to determine vehicle manufacturers' compliance with the fuel economy standards. The EPA calculates a CAFE value for each manufacturer based on city and highway fuel economy test results and vehicle sales. Based on the information generated under the CAFE program, the USDOT is authorized to assess penalties for noncompliance.

*Greenhouse Gases*

### Energy Policy Act of 1992 (EPAct)

The Energy Policy Act of 1992 (EPAct) was passed to reduce the country's dependence on foreign petroleum and improve air quality. EPAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. EPAct requires certain federal, State, and local government, and private fleets, to purchase a percentage of light duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are included in EPAct. Federal tax deductions will be allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs.

*Greenhouse Gases*

### Energy Policy Act of 2005

The Energy Policy Act of 2005 was signed into law on August 8, 2005. Generally, the act provides for renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for a clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

*Greenhouse Gases*

### Intermodal Surface Transportation Efficiency Act

Intermodal Surface Transportation Efficiency Act (ISTEA)(49 U.S.C. § 101 et seq.) promoted the development of intermodal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that metropolitan planning organizations (MPOs), such as the Southern California Association of Governments (SCAG), were to address in developing transportation plans and programs, including some energy-related factors. To meet the ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values that were to guide transportation decisions in that metropolitan area. The planning process was then to address these policies. Another requirement was to consider the consistency of transportation planning with federal, State, and local energy goals. Through this requirement, energy consumption was expected to become a criterion, along with cost and other values that determine the best transportation solution.

*Greenhouse Gases*

### Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (23 U.S.C. § 507), renewed the Transportation Equity Act for the 21st Century (TEA-21) of 1998 (23 U.S.C.; 49 U.S.C.) through FY 2009. SAFETEA-LU authorized the federal surface transportation programs for highways, highway safety, and transit. SAFETEA-LU addressed the many challenges facing our transportation system today—such as improving safety, reducing traffic congestion, improving efficiency in freight movement, increasing intermodal connectivity, and protecting the environment—as well as laying groundwork for addressing future challenges. SAFETEA-LU promoted more efficient and effective federal surface transportation programs by focusing on transportation issues of national significance, while giving State and local transportation decision makers more flexibility to solve transportation problems in their communities. SAFETEA-LU was extended in March of 2010 for nine months, and expired in December of the same year. In June 2012, SAFETEA-LU was replaced by the Moving Ahead for Progress in the 21st Century Act (MAP-21), which will take effect October 1, 2012.

*Greenhouse Gases*

### Presidential Executive Order 13783 - Promoting Energy Independence and Economic Growth

Presidential Executive Order 13783, Promoting Energy Independence and Economic Growth (March 28, 2017), orders all federal agencies to apply cost-benefit analyses to regulations of GHG emissions and evaluations of the social cost of carbon, nitrous oxide, and methane.

*Geology, Soils, and Seismicity*

### International Building Code

The purpose of the International Building Code (IBC) is to provide minimum standards to preserve the public peace, health, and safety by regulating the design, construction, quality of materials, certain equipment, location, grading, use, occupancy, and maintenance of all buildings and structures. IBC standards address foundation design, shear wall strength, and other structurally related conditions.

*Hydrology and Water Quality*

### Clean Water Act

The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), is the primary statute governing water quality. The CWA establishes the basic structure for regulating the discharges of pollutants into the waters of the United States and gives the US Environmental Protection Agency (EPA) the authority to implement pollution control programs. The statute's goal is to regulate all discharges into the nation's waters and to restore, maintain, and preserve the integrity of those waters. The CWA sets water quality standards for all contaminants in surface waters and mandates permits for wastewater and stormwater discharges. The CWA also requires states to establish site-specific water quality standards for navigable bodies of water, and regulates other activities that affect water quality, such as dredging and the filling of wetlands. The following CWA sections assist in ensuring water quality for the water of the United States:

- CWA Section 208 requires the use of best management practices (BMPs) to control the discharge of pollutants in stormwater during construction.
- CWA Section 303(d) requires the creation of a list of impaired water bodies by states, territories, and authorized tribes; evaluation of lawful activities that may impact impaired water

bodies; and preparation of plans to improve the quality of these water bodies. CWA Section 303(d) also establishes total maximum daily loads (TMDLs), which is the maximum amount of a pollutant that a water body can receive and still safely meet water quality standards.

- CWA Section 404 authorizes the US Army Corps of Engineers to require permits that will discharge dredge or fill materials into waters in the US, including wetlands.

In California, the EPA has designated the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs) with the authority to identify beneficial uses and adopt applicable water quality objectives.

*Cultural Resources*

### National Historic Preservation Act

The National Historic Preservation Act (NHPA) is the primary federal law governing the preservation of cultural and historic resources in the United States. The law establishes a national preservation program and a system of procedural protections which encourage the identification and protection of cultural and historic resources of national, State, tribal, and local significance. A primary component of the act requires that federal agencies take into consideration actions that could adversely affect historic properties listed or eligible for listing on the National Register of Historic Places, known as the Section 106 Review Process.

*Cultural Resources*

### National Register of Historic Places

The National Register of Historic Places is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation because of their significance in American history, architecture, archeology, engineering, and culture. The National Register recognizes resources of local, State, and national significance which have been documented and evaluated according to uniform standards and criteria.

Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources. The National Register is

administered by the National Park Service, which is part of the U.S. Department of the Interior.

To be eligible for listing in the National Register, a resource must meet at least one of the following criteria:

A. Is associated with events that have made a significant contribution to the broad patterns of our history.

B. Is associated with the lives of persons significance in our past.

C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.

D. Has yielded, or may be likely to yield, information important in history or prehistory.

*Cultural Resources*

### American Indian Religious Freedom Act and Native American Graves and Repatriation Act

The American Indian Religious Freedom Act recognizes that Native American religious practices, sacred sites, and sacred objects have not been properly protected under other statutes. It establishes as national policy that traditional practices and beliefs, sites (including right of access), and the use of sacred objects shall be protected and preserved. Additionally, Native American remains are protected by the Native American Graves and Repatriation Act of 1990.

*Cultural Resources*

### Other Federal Legislation

Historic preservation legislation was initiated by the Antiquities Act of 1966, which aimed to protect important historic and archaeological sites. It established a system of permits for conducting archaeological studies on federal land, as well as setting penalties for noncompliance. This permit process controls the disturbance of archaeological sites on federal land. New permits are currently issued under the Archeological Resources Protection Act (ARPA) of 1979. The purpose of ARPA is to enhance preservation and protection of archaeological resources on public and Native American lands. The Historic Sites Act of 1935 declared

that it is national policy to "preserve for public use historic sites, buildings, and objects of national significance."

## 7.4.2 State Regulatory Framework

*Biological Resources*

### Fish and Game Code §2050-2097 - California Endangered Species Act

The California Endangered Species Act (CESA) protects certain plant and animal species when they are of special ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of the State. CESA established that it is State policy to conserve, protect, restore, and enhance endangered species and their habitats.

CESA was expanded upon the original Native Plant Protection Act and enhanced legal protection for plants. To be consistent with federal regulations, CESA created the categories of "threatened" and "endangered" species. It converted all "rare" animals into the Act as threatened species, but did not do so for rare plants. Thus, there are three listing categories for plants in California: rare, threatened, and endangered. Under State law, plant and animal species may be formally designated by official listing by the California Fish and Game Commission.

*Biological Resources*

### Fish and Game Code §1900-1913 - Native Plant Protection Act

In 1977 the State Legislature passed the Native Plant Protection Act (NPPA) in recognition of rare and endangered plants of the State. The intent of the law was to preserve, protect, and enhance endangered plants. The NPPA gave the California Fish and Game Commission the power to designate native plants as endangered or rare, and to require permits for collecting, transporting, or selling such plants. The NPPA includes provisions that prohibit the taking of plants designated as "rare" from the wild, and a salvage mandate for landowners, which requires notification of the the California Department of Fish and Wildlife (CDFW) 10 days in advance of approving a building site.

*Biological Resources*

### Fish and Game Code §3503, 3503.5, 3800 - Predatory Birds

Under the California Fish and Game Code, all predatory birds in the order Falconiformes or Strigiformes in California, generally called “raptors,” are protected. The law indicates that it is unlawful to take, posses, or destroy the nest or eggs of any such bird unless it is in accordance with the code. Any activity that would cause a nest to be abandoned, or cause a reduction or loss in a reproductive effort, is considered a take. This generally includes construction activities.

*Biological Resources*

### Fish and Game Code §1601-1603 - Streambed Alteration

Under the California Fish and Game Code, , California Department of Fish and Wildlife (CDFW) has jurisdiction over any proposed activities that would divert or obstruct the natural flow or change the bed, channel, or bank of any lake or stream. Private landowners or project proponents must obtain a "Streambed Alteration Agreement" from CDFW prior to any alteration of a lake bed, stream channel, or their banks. Through this agreement, the CDFW may impose conditions to limit and fully mitigate impacts on fish and wildlife resources. These agreements are usually initiated through the local CDFW warden and will specify timing and construction conditions, including any mitigation necessary to protect fish and wildlife from impacts of the work.

*Biological Resources*

### Public Resources Code § 21000 - California Environmental Quality Act

The California Environmental Quality Act (CEQA) identifies that a species that is not listed on the Federal or State endangered species list may be considered rare or endangered if the species meets certain criteria. Under CEQA public agencies must determine if a project would adversely affect a species that is not protected by FESA or CESA. Species that are not listed under FESA or CESA, but are otherwise eligible for listing (i.e., candidate or proposed) may be protected by the local government until the opportunity to list the species arises for the responsible agency.

Species that may be considered for review are included on a list of "Species of Special Concern," developed by the CDFW. Additionally, the California Native Plant Society (CNPS) maintains a list of plant species native to California that have low numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. List 1A contains plants that are believed to be extinct. List 1B contains plants that are rare, threatened, or endangered in California and elsewhere. List 2 contains plants that are rare, threatened, or endangered in California, but more numerous elsewhere. List 3 contains plants where additional information is needed. List 4 contains plants with a limited distribution.

*Biological Resources*

### California Wetlands Conservation Policy

In August 1993, the Governor announced the "California Wetlands Conservation Policy." The goals of the policy are to establish a framework and strategy that will:

- Ensure no overall net loss and to achieve a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in California in a manner that fosters creativity, stewardship, and respect for private property.
- Reduce procedural complexity in the administration of State and Federal wetland conservation programs.
- Encourage partnerships to make landowner incentive programs and cooperative planning efforts the primary focus of wetland conservation and restoration.

The Governor also signed Executive Order W-59-93, which incorporates the goals and objectives contained in the new policy and directs the Resources Agency to establish an Interagency Task Force to direct and coordinate administration and implementation of the policy.

*Air Quality*

### California Air Resources Board

The California Air Resources Board (CARB)is the agency responsible for coordination and oversight of State and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA), which was adopted in 1988. The CCAA requires that all air districts in the State endeavor to achieve and maintain the California Ambient Air Quality Standards (CAAQS) by the earliest practical date. The act specifies that districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources, and provides districts with the authority to regulate indirect sources.

CARB is primarily responsible for developing and implementing air pollution control plans to achieve and maintain the U.S. National Ambient Air Quality Standards (NAAQS). CARB is primarily responsible for statewide pollution sources and produces a major part of the State Implementation Plan (SIP). Local air districts are still relied upon to provide additional strategies for sources under their jurisdiction. The CARB combines this data and submits the completed SIP to EPA.

Other CARB duties include monitoring air quality (in conjunction with air monitoring networks maintained by air pollution control and air quality

management districts), establishing CAAQS (which in many cases are more stringent than the NAAQS), determining and updating area designations and maps, and setting emissions standards for new mobile sources, consumer products, small utility engines, and off-road vehicles.

*Air Quality*

### Transport of Pollutants

The California Clean Air Act, Section 39610 (a), directs the California Air Resources Board (CARB)to "identify each district in which transported air pollutants from upwind areas outside the district cause or contribute to a violation of the ozone standard and to identify the district of origin of transported pollutants." The information regarding the transport of air pollutants from one basin to another was to be quantified to assist interrelated basins in the preparation of plans for the attainment of State ambient air quality standards. Numerous studies conducted by the CARB have identified air basins that are impacted by pollutants transported from other air basins (as of 1993). Among the air basins affected by air pollution transport from the South Coast Air Basin (SCAB) are the South Central Coast Air Basin, the Mojave Desert Air Basin, the Salton Sea Air Basin, and the San Diego County Air Basin. The SCAB was also identified as an area impacted by the transport of air pollutants from the South Central Coast region.

*Air Quality*

### Toxic Air Contaminant Programs

California regulates toxic air contaminants (TACs) primarily through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). The Tanner Act sets forth a formal procedure for the California Air Resources Board (CARB) CARB to designate substances as TACs. This includes research, public participation, and scientific peer review before CARB can designate a substance as a TAC. To date, CARB has identified over 21 TACs, and adopted the EPA's list of HAPs as TACs. Most recently, diesel exhaust particulate was added to the CARB list of TACs. Once a TAC is identified, CARB then adopts an Airborne Toxics Control Measure for sources that emit that particular TAC. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate best available control technology (BACT) to minimize emissions. None of the TACs identified by CARB have a safe threshold.

The Hot Spots Act requires that existing facilities that emit toxic substances above a specified level:

1. Prepare a toxic emission inventory;

2. Prepare a risk assessment if emissions are significant;
3. Notify the public of significant risk levels; and
4. Prepare and implement risk reduction measures.

CARB has adopted diesel exhaust control measures and more stringent emission standards for various on-road mobile sources of emissions, including transit buses and off-road diesel equipment (e.g., tractors and generators). In February 2000, CARB adopted a new public transit bus fleet rule and emission standards for new urban buses. These new rules and standards provide for: 1) more stringent emission standards for some new urban bus engines beginning with 2002 model year engines, 2) zero-emission bus demonstration and purchase requirements applicable to transit agencies, and 3) reporting requirements with which transit agencies must demonstrate compliance with the urban transit bus fleet rule. Upcoming milestones include the low sulfur diesel fuel requirement, and tighter emission standards for heavy-duty diesel trucks (2007) and off-road diesel equipment (2011) nationwide. Over time, the replacement of older vehicles will result in a vehicle fleet that produces substantially less TACs than under current conditions. Mobile-source emissions of TACs (e.g., benzene, 1-3-butadiene, and diesel PM) have been reduced significantly over the last decade, and will be reduced further in California through a progression of regulatory measures (e.g., Low Emission Vehicle/Clean Fuels and Phase II reformulated gasoline regulations) and control technologies. With implementation of CARB's Risk Reduction Plan, it is expected that diesel PM concentrations will be reduced by 85 percent in 2020 from the estimated year 2000 level. Adopted regulations are also expected to continue to reduce formaldehyde emissions from cars and light-duty trucks. As emissions are reduced, it is expected that risks associated with exposure to the emissions will also be reduced.

*Greenhouse Gases*

### Assembly Bill 1493

In response to Assembly Bill (AB) 1493, , the California Air Resources Board (CARB)approved amendments to the California Code of Regulations (CCR) adding greenhouse gas GHG emission standards to California's existing motor vehicle emission standards. Amendments to CCR Title 13 Sections 1900 (CCR 13 1900) and 1961 (CCR 13 1961), and adoption of Section 1961.1 (CCR 13 1961.1), require automobile manufacturers to meet fleet average

GHG emission limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty passenger vehicle weight classes beginning with the 2009 model year. Emission limits are further reduced each model year through 2016. For passenger cars and light-duty trucks 3,750 pounds or less loaded vehicle weight (LVW), the 2016 GHG emission limits are approximately 37 percent lower than during the first year of the regulations in 2009. For medium-duty passenger vehicles and light-duty trucks 3,751 LVW to 8,500 pounds gross vehicle weight (GVW), GHG emissions are reduced approximately 24 percent between 2009 and 2016.

CARB requested a waiver of federal preemption of California's Greenhouse Gas Emissions Standards. The intent of the waiver is to allow California to enact emissions standards to reduce carbon dioxide and other greenhouse gas emissions from automobiles in accordance with the regulation amendments to the CCRs that fulfill the requirements of AB 1493. The EPA granted a waiver to California to implement its greenhouse gas emissions standards for cars.

*Greenhouse Gases*

### California Executive Orders S-3-05 and S-20-06, and Assembly Bill 32

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California's greenhouse gas (GHG) emissions to: 1) 2000 levels by 2010, 2) 1990 levels by 2020, and 3) 80 percent below 1990 levels by 2050.

In 2006, this goal was further reinforced with the passage of Assembly Bill 32 , the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that the California Air Resources Board (CARB) create a plan, which includes market mechanisms, and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." Executive Order S-20-06 further directs State agencies to begin implementing AB 32, including the recommendations made by the State's Climate Action Team.

*Greenhouse Gases*

### Assembly Bill 1007

Assembly Bill (AB) 1007 (Pavley, Chapter 371, Statutes of 2005) directed the California Energy Commission (CEC) to prepare a plan to increase the use of alternative fuels in California. As a result, the CEC prepared the State Alternative Fuels Plan in consultation with State, federal, and local agencies. The plan presents strategies and actions California must take to increase

the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-State production. The Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce greenhouse gas emissions, and increase in-State production of biofuels without causing a significant degradation of public health and environmental quality.

*Greenhouse Gases*

### Executive Order #S-06-06 - Bioenergy Action Plan

Executive Order #S-06-06 establishes targets for the use and production of biofuels and biopower, and directs State agencies to work together to advance biomass programs in California while providing environmental protection and mitigation. The executive order establishes the following target to increase the production and use of bioenergy, including ethanol and biodiesel fuels made from renewable resources: produce a minimum of 20 percent of its biofuels within California by 2010, 40 percent by 2020, and 75 percent by 2050. The executive order also calls for the State to meet a target for use of biomass electricity.

*Greenhouse Gases*

### Executive Order S-01-07 - Governor's Low Carbon Fuel Standard

Executive Order S-01-07 establishes a statewide goal to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020 through establishment of a Low Carbon Fuel Standard. The Low Carbon Fuel Standard is incorporated into the State Alternative Fuels Plan and is one of the proposed discrete early action greenhouse gas (GHG) reduction measures identified by the California Air Resources Board (CARB) pursuant to Assembly Bill (AB) 32.

*Greenhouse Gases*

### Executive Order B-30-15 - Greenhouse Gas Reduction

On April 29, 2015, Governor Jerry Brown issued Executive Order B-30-15, which establishes a State GHG reduction target of 40 percent below 1990 levels by 2030. The new emission reduction target provides for a mid-term goal that would help the State to continue on course from reducing greenhouse gas (GHG) emissions to 1990 levels by 2020 (per AB 32) to the ultimate goal of reducing emissions 80 percent under 1990 levels by 2050 (per Executive Order S-03-05). This is in line with the scientifically established levels needed in the U.S. to limit global warming below 2 degrees Celsius – the warming threshold at which scientists say there will

likely be major climate disruptions. Executive Order B-30-15 also addresses the need for climate adaptation and directs State government to:

- Incorporate climate change impacts into the State's Five-Year Infrastructure Plan;
- Update the Safeguarding California Plan, the State climate adaptation strategy, to identify how climate change will affect California infrastructure and industry, and what actions the State can take to reduce the risks posed by climate change;
- Factor climate change into State agencies' planning and investment decisions; and
- Implement measures under existing agency and departmental authority to reduce GHG emissions.

*Greenhouse Gases*

### Senate Bill 97

Senate Bill (SB) 97 (Chapter 185, 2007) required the Governor's Office of Planning and Research (OPR) to develop recommended amendments to the State California Environmental Quality Act (CEQA) Guidelines for addressing greenhouse gas emissions. OPR prepared its recommended amendments to the State CEQA Guidelines to provide guidance to public agencies regarding the analysis and mitigation of greenhouse gas emissions, and the effects of greenhouse gas emissions, in draft CEQA documents. The Amendments became effective on March 18, 2010.

*Greenhouse Gases*

### Senate Bill 375

Senate Bill (SB) 375 requires the California Air Resources Board (CARB) to develop regional greenhouse gas emission reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035. The 18 metropolitan planning organizations (MPO) in California will prepare a "sustainable communities strategy" to reduce the amount of greenhouse gas emission in their respective regions and demonstrate the ability for the region to attain CARB's reduction targets. CARB would later determine if each region is on track to meet their reduction targets. In addition, cities would have extra time -- eight years instead of five -- to update housing plans required by the State.

*Greenhouse Gases*

### Senate Bill 32

An update to Assembly Bill (AB) 32 was passed in August 2016, which extends the State's targets for reducing greenhouse gases from 2020 to 2030. Under Senate Bill (SB) 32, the State would reduce its greenhouse gas emissions to 40 percent below 1990 levels by 2030.

*Greenhouse Gases*

### Assembly Bill 1279

Assembly Bill (AB) 1279, passed in 2022, declares the State's objective to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and to achieve and maintain net negative greenhouse gas emissions thereafter. This is in addition to, and does not replace or supersede, statewide greenhouse gas emissions reduction targets.

*Geology, Soils, and Seismicity*

### California Building Standards Code

Title 24 of the California Code of Regulations, known as the California Building Standards Code (CBSC) or simply "Title 24," contains the regulations that govern the construction of buildings in California. The CBSC includes 12 parts: California Building Standards Administrative Code, California Building Code, California Residential Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Building Code, California Fire Code, California Existing Building Code, California Green Building Standards Code (CALGreen Code), and the California Reference Standards Code. Through the CBSC, the State provides a minimum standard for building design and construction. The CBSC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. It also regulates grading activities, including drainage and erosion control.

*Geology, Soils, and Seismicity*

### Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act of 1972 sets forth the policies and criteria of the State Mining and Geology Board, which governs the exercise of governments' responsibilities to prohibit the location of developments and structures for human occupancy across the trace of active faults. The policies and criteria are limited to potential hazards resulting from surface faulting or fault creep within Earthquake Fault Zones, as delineated on maps officially issued by the State Geologist. Working definitions include:

- Fault – a fracture or zone of closely associated fractures along which rocks on one side have been displaced with respect to those on the other side;
- Fault Zone – a zone of related faults, which commonly are braided and sub parallel, but may be branching and divergent. A fault zone has a significant width (with respect to the scale at which the fault is being considered, portrayed, or investigated), ranging from a few feet to several miles;
- Sufficiently Active Fault – a fault that has evidence of Holocene surface displacement along one or more of its segments or branches (last 11,000 years); and
- Well-Defined Fault – a fault whose trace is clearly detectable by a trained geologist as a physical feature at or just below the ground surface. The geologist should be able to locate the fault in the field with sufficient precision and confidence to indicate that the required site-specific investigations would meet with some success.

"Sufficiently Active" and "Well Defined" are the two criteria used by the State to determine if a fault should be zoned under the Alquist-Priolo Earthquake Fault Zoning Act.

*Geology, Soils, and Seismicity*

### Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act, passed in 1990, addresses non-surface fault rupture earthquake hazards, including liquefaction and seismically-induced landslides. Under the Act, seismic hazard zones are to be mapped by the State Geologist to assist local governments in land use planning. The program and actions mandated by the Seismic Hazards Mapping Act closely resemble those of the Alquist-Priolo Earthquake Fault Zoning Act (which addresses only surface fault-rupture hazards) and are outlined below:

The State Geologist is required to delineate the various "seismic hazard zones."

- Cities and counties, or other local permitting authority, must regulate certain development "projects" within the zones. They must withhold the development permits for a site within a zone until

the geologic and soil conditions of the site are investigated and appropriate mitigation measures, if any, are incorporated into development plans.

- The State Mining and Geology Board provides additional regulations, policies, and criteria to guide cities and counties in their implementation of the law. The Board also provides guidelines for preparation of the Seismic Hazard Zone Maps and for evaluating and mitigating seismic hazards.
- Sellers (and their agents) of real property within a mapped hazard zone must disclose that the property lies within such a zone at the time of sale.

*Geology, Soils, and Seismicity*

### California Department of Transportation Seismic Design Criteria

The California Department of Transportation (Caltrans) has Seismic Design Criteria (SDC), which is an encyclopedia of new and currently practiced seismic design and analysis methodologies for the design of new bridges in California. The SDC adopts a performance-based approach specifying minimum levels of structural system performance, component performance, analysis, and design practices for ordinary standard bridges. The SDC has been developed with input from the Caltrans Offices of Structure Design, Earthquake Engineering and Design Support, and Materials and Foundations. Memo 20-1 Seismic Design Methodology (Caltrans 1999) outlines the bridge category and classification, seismic performance criteria, seismic design philosophy and approach, seismic demands and capacities on structural components, and seismic design practices that collectively make up Caltrans' seismic design.

*Mineral and Energy Resources*

### Surface Mining and Reclamation Act of 1975

The California Department of Conservation Surface Mining and Reclamation Act of 1975 (§ 2710), also known as SMARA, provides a comprehensive surface mining and reclamation policy that permits the continued mining of minerals, as well as the protection and subsequent beneficial use of the mined and reclaimed land. The purpose of SMARA is to ensure that adverse environmental effects are prevented or minimized, and that mined lands are reclaimed to a usable condition and readily adaptable for alternative land uses. The production and conservation of minerals are encouraged, while giving consideration to values relating to

recreation, wildlife, range, and forage, as well as aesthetic enjoyment. Residual hazards to public health and safety are eliminated. These goals are achieved through land use planning by allowing a jurisdiction to balance the economic benefits of resource reclamation with the need to provide other land uses.

If a use is proposed that might threaten the potential recovery of minerals from an area that has been classified mineral resource zone 2 (MRZ-2), SMARA would require the jurisdiction to prepare a Statement specifying its reasons for permitting the proposed use, provide public notice of these reasons, and forward a copy of the Statement to the State Geologist and the State Mining and Geology Board (Cal. Pub. Res. Code Section 2762). Lands classified MRZ-2 are areas that contain identified mineral resources.

*Hydrology and Water Quality*

### California Fish and Wildlife Code

The California Department of Fish and Wildlife (CDFW) protects streams, water bodies, and riparian corridors through the streambed alteration agreement process under Section 1600 to 1616 of the California Fish and Game Code. The California Fish and Game Code establishes that "an entity may not substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river stream, or lake" (Fish and Game Code Section 1602(a)) without notifying the CDFW, incorporating necessary mitigation and obtaining a streambed alteration agreement. The CDFWs jurisdiction extends to the top of banks and often includes the outer edge of riparian vegetation canopy cover.

*Hydrology and Water Quality*

### State Updated Model Landscape Ordinance

Under Assembly Bill (AB) 1881, the updated Model Landscape Ordinance requires cities and counties to adopt landscape water conservation ordinances by January 31, 2010 or to adopt a different ordinance that is at least as effective in conserving water as the updated Model Ordinance (MO). The Orange County Municipal Code includes a section addressing landscaping water use standards.

*Hydrology and Water Quality*

### California Department of Health Services

The Department of Health Services, Division of Drinking Water and Environmental Management, oversees the Drinking Water Program. The

Drinking Water Program regulates public water systems and certifies drinking water treatment and distribution operators. It provides support for small water systems and for improving their technical, managerial, and financial capacity. It provides subsidized funding for water system improvements under the State Revolving Fund ("SRF") and Proposition 50 programs. The Drinking Water Program also oversees water recycling projects, permits water treatment devices, supports and promotes water system security, and oversees the Drinking Water Treatment and Research Fund for MTBE and other oxygenates.

*Cultural Resources*

### California Register of Historic Resources

The California Register of Historical Resources (CRHR) is a listing of all properties considered to be significant historical resources in the State. The California Register includes all properties listed or determined eligible for listing on the National Register, including properties evaluated under Section 106, and State Historical Landmarks number 770 and above. The California Register statute specifically provides that historical resources listed, determined eligible for listing on the California Register by the State Historical Resources Commission, or resources that meet the California Register criteria are resources which must be given consideration under the California Environmental Quality Act (CEQA) (see above). Other resources, such as resources listed on local registers of historic registers or in local surveys, may be listed if they are determined by the State Historic Resources Commission to be significant in accordance with criteria and procedures to be adopted by the Commission, and are nominated; their listing in the California Register is not automatic.

Resources eligible for listing include buildings, sites, structures, objects, or historic districts that retain historical integrity and are historically significant at the local, State, or national level under one or more of the following four criteria:

1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

2) It is associated with the lives of persons important to local, California, or national history;

3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or

4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to having significance, resources must have integrity for the period of significance. The period of significance is the date or span of time within which significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance.

Alterations to a resource or changes in its use over time may have historical, cultural, or architectural significance. Simply, resources must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register, if, under Criterion 4, it maintains the potential to yield significant scientific or historical information, or specific data.

*Cultural Resources*

### Public Resources Code Section 5097.5

Public Resources Code Section 5097.5 states as follows: No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological, or historical feature, situated on public lands (lands under State, county, city, district or public authority jurisdiction, or the jurisdiction of a public corporation), except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor. As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the State, or any city, county, district, authority, or public corporation, or any agency thereof.

*Cultural Resources*

### California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) requires that lead agencies determine whether projects may have a significant effect on archaeological and historical resources. This determination applies to those resources which meet specific criteria qualifying them as "unique," "important," listed on the California Register of Historic Resources (CRHR), or eligible for listing on the CRHR. If the agency determines that a project may have a significant effect on a significant resource, the project is determined to have a significant effect on the environment, and these effects must be addressed. If a cultural resource is found not to be significant under the qualifying criteria, it need not be considered further in the planning process.

CEQA emphasizes avoidance of archaeological and historical resources as the preferred means of reducing potential significant environmental effects resulting from projects. If avoidance is not feasible, an excavation program or some other form of mitigation must be developed to mitigate the impacts. In order to adequately address the level of potential impacts, and thereby design appropriate mitigation measures, the significance and nature of the cultural resources must be determined. The following are steps typically taken to assess and mitigate potential impacts to cultural resources for the purposes of CEQA:

- Identify cultural resources;
- Evaluate the significance of the cultural resources found;
- Evaluate the effects of the project on cultural resources; and
- Develop and implement measures to mitigate the effects of the project on cultural resources that would be significantly affected.

Treatment of paleontological resources under CEQA is generally similar to treatment of cultural resources, requiring evaluation of resources in a project's area of potential affect, assessment of potential impacts on significant or unique resources, and development of mitigation measures for potentially significant impacts, which may include monitoring combined with data recovery and/or avoidance.

*Cultural Resources*

### State Laws Pertaining to Human Remains

Section 7050.5 of the California Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human

remains until the county coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission. The California Environmental Quality Act (CEQA) Guidelines (Section 15064.5) specify the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the Native American Heritage Commission.

Several sections of the California Public Resources Code protect paleontological resources.

Section 5097.5 prohibits "knowing and willful" excavation, removal, destruction, injury, and defacement of any "vertebrate paleontological site, including fossilized footprints," on public lands, except where the agency with jurisdiction has granted express permission. "As used in this section, 'public lands' means lands owned by, or under the jurisdiction of, the State, or any city, county, district, authority, or public corporation, or any agency thereof."

California Public Resources Code, Section 30244 requires reasonable mitigation for impacts on paleontological resources that occur as a result of development on public lands.

The sections of the California Administrative Code relating to the State Division of Beaches and Parks afford protection to geologic features and "paleontological materials" but grant the director of the State park system authority to issue permits for specific activities that may result in damage to such resources, if the activities are in the interest of the State park system and for State park purposes (California Administrative Code, Title 14, Section 4307 – 4309).

*Cultural Resources*

### Senate Bill 18 (Burton, Chapter 905, Statutes 2004)

Senate Bill (SB) 18, authored by Senator John Burton and signed into law by Governor Arnold Schwarzenegger in September 2004, requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places ("cultural places") through local land use planning. This legislation, which amended §65040.2, §65092, §65351, §65352, and §65560, and added §65352.3, §653524, and §65562.5 to the Government Code, also requires the

Governor's Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments on how to conduct these consultations. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. This consultation and noticing requirements apply to adoption and amendment of both general plans (defined in Government Code §65300 et seq.) and specific plans (defined in Government Code §65450 et seq.).

*Cultural Resources*

### Assembly Bill 52

Assembly Bill (AB) 52, approved in September 2014, creates a formal role for California Native American tribes by creating a formal consultation process and establishing that a substantial adverse change to a tribal cultural resource has a significant effect on the environment. Tribal cultural resources are defined as:

1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

   A) Included or determined to be eligible for inclusion in the CRHR.

   B) Included in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k).

2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1 (c). In applying the criteria set forth in PRC Section 5024.1 (c) the lead agency shall consider the significance of the resource to a California Native American tribe.

A cultural landscape that meets the criteria above is also a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. In addition, a historical resource described in PRC Section 21084.1, a unique archaeological resource as defined in PRC Section 21083.2(g), or a "non-unique archaeological resource" as defined in PRC Section 21083.2(h) may also be a tribal cultural resource if it conforms with above criteria.

AB 52 requires a lead agency, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

*Cultural Resources*

### California Administrative Code, Title 14, Section 4307

This section states that "No person shall remove, injure, deface, or destroy any object of paleontological, archeological, or historical interest or value."

*Cultural Resources*

### Mills Act

Under California Government Code Section 50280 et seq., the City is authorized to enter into contracts with the owners of qualified historical properties to provide for the appropriate use, maintenance, and rehabilitation so that such properties retain their historic characters. As an incentive to entering the contract, the provisions of the Act allow the County Tax Assessor to assess the property using a different formula which typically results in a lower tax bill.

*Visual Resources and Community Image*

### California Department of Transportation – California Scenic Highway Program

California's Scenic Highway Program was created by the Legislature in 1963 to preserve and protect scenic highway corridors from change, which would diminish the aesthetic value of lands adjacent to highways. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq.

The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated. These highways are identified in Section 263 of the Streets and Highways Code. A list of California's scenic highways and map showing their locations may be obtained from the Caltrans Scenic Highway Coordinators.

If a route is not included on a list of highways eligible for scenic highway designation in the Streets and Highways Code Section 263 et seq., it must be added before it can be considered for official designation. A highway may be designated scenic depending on the extent of the natural landscape that can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view.

When a local jurisdiction nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. A scenic corridor is the land generally adjacent to and visible from the highway. A scenic highway designation protects the scenic values of an area. Jurisdictional boundaries of the nominating agency are also considered, and the agency must also adopt ordinances to preserve the scenic quality of the corridor, or document such regulations that already exist in various portions of local codes. These ordinances make up the scenic corridor protection program.

To receive official designation, the local jurisdiction must follow the same process required for official designation of State Scenic Highways. The minimum requirements for scenic corridor protection include:

- Regulation of land use and density of development;
- Detailed land and site planning;
- Control of outdoor advertising (including a ban on billboards);
- Careful attention to and control of earthmoving and landscaping; and
- Careful attention to design and appearance of structures and equipment.

### 7.4.3 Local Regulatory Framework

*Air Quality*

#### South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) shares responsibility with the California Air Resources Board (CARB) for for ensuring that all State and federal ambient air quality standards are achieved and maintained over an area of approximately 10,743 square miles. This area includes all of Orange County and Los Angeles County

except for the Antelope Valley, the non-desert portion of western San Bernardino County, and the western and Coachella Valley portions of Riverside County.

The SCAQMD reviews projects to ensure that they would not (1) cause or contribute to any new violation of any air quality standard; (2) increase the frequency or severity of any existing violation of any air quality standard; or (3) delay the timely attainment of any air quality standard or any required interim emission reductions or other milestones of any federal attainment plan.

SCAQMD is responsible for controlling emissions primarily from stationary sources. SCAQMD maintains air quality monitoring stations throughout the South Coast Air Basin. In coordination with the Southern California Association of Governments (SCAG), SCAQMD is also responsible for developing, updating, and implementing the Air Quality Management Plan (AQMP) for the South Coast Air Basin. An AQMP is a plan prepared and implemented by an air pollution district for a county or region designated as nonattainment of the national and/or California ambient air quality standards.

In 2003, an AQMP was prepared by SCAQMD to bring the South Coast Air Basin, as well as portions of the Salton Sea Air Basin under SCAQMD jurisdiction, into compliance with the 1-hour $O_3$ and $PM_{10}$ national standards. The 2003 AQMP also replaced the 1997 attainment demonstration for the federal CO standard and provided a basis for a maintenance plan for CO for the future. It also updated the maintenance plan for the federal $NO_2$ standard, which the South Coast Air Basin has met since 1992.

A subsequent AQMP for the Basin was adopted by SCAQMD on June 1, 2007. The goal of the 2007 AQMP was to lead the South Coast Air Basin into compliance with the national 8-hour $O_3$ and $PM_{2.5}$ standards. The 2007 AQMP outlined a detailed strategy for meeting the national health-based standards for $PM_{2.5}$ by 2015 and 8-hour $O_3$ by 2024 while accounting for and accommodating future expected growth. The 2007 AQMP incorporated significant new emissions inventories, ambient measurements, scientific data, control strategies, and air quality modeling. Most of the reductions were to be from mobile sources, which

are currently responsible for about 75 percent of all smog and particulate-forming emissions.

The SCAQMD approved the 2012 AQMP on December 7, 2012. The 2012 AQMP incorporated the latest scientific and technological information and planning assumptions, including the 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and updated emission inventory methodologies for various source categories. The 2012 AQMP outlines a comprehensive control strategy that meets the requirement for expeditious progress toward attainment with the 24-hour $PM_{2.5}$ federal ambient air quality standard with all feasible control measures and demonstrates attainment of the standard by 2014. The 2012 AQMP also updates the 8-hour $O_3$ control plan with new emission reduction commitments from a set of new control measures that implement the 2007 AQMP's Section 182 (e)(5) commitments. The goal of the Final 2012 AQMP is to lead the Basin into compliance with the national 8-hour $O_3$ and $PM_{2.5}$ standards.

The SCAQMD approved the Final 2016 AQMP on March 3, 2017. The 2016 AQMP includes transportation control measures developed by SCAG from the 2016–2040 RTP/SCS, as well as the integrated strategies and measures needed to meet the NAAQS. The 2016 AQMP demonstrates attainment of the 1-hour and 8-hour $O_3$ NAAQS as well as the latest 24-hour and annual $PM_{2.5}$ standards.

The SCAQMD has also prepared the 2010 Clean Communities Plan (Formerly the Air Toxics Control Plan), the Air Quality Monitoring Network Plan, the Vision for Air: A Framework for Air Quality and Climate Plan.

The SCAQMD is responsible for limiting the amount of emissions that can be generated throughout the basin by various stationary, area, and mobile sources. Specific rules and regulations have been adopted by the SCAQMD Governing Board that (1) limit the emissions that can be generated by various uses and activities; and (2) identify specific pollution reduction measures, which must be implemented in association with various uses and activities. These rules regulate the emissions of not only the federal and State criteria pollutants, but also TACs and acutely hazardous materials. The rules are also subject to ongoing refinement by SCAQMD.

Among the SCAQMD rules applicable to the project are Rule 403 (Fugitive Dust), Rule 1113 (Architectural Coatings), and Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). Rule 403 requires the use of stringent best available control measures (BACMs) to minimize $PM_{10}$ emissions during grading and construction activities. Rule 1113 requires reductions in the VOC content of coatings. Compliance with SCAQMD Rule 1403 requires the owner or operator of any demolition or renovation activity to have an asbestos survey performed prior to demolition and to provide notification to the SCAQMD prior to commencing demolition activities.

*Air Quality/ Greenhouse Gases*

### Southern California Association of Governments - Regional Transportation Plan/Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is the metropolitan planning organization (MPO) for the region in which the City of Laguna Niguel is located. Every four years, SCAG updates Connect SoCal, the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) as required by federal and State regulations.

The plan was developed through a four-year planning process involving rigorous technical analysis, extensive stakeholder engagement and robust policy discussions with local elected leaders. Connect SoCal 2024 outlines a vision for a more resilient and equitable future, with investment, policies and strategies for achieving the region's shared goals through 2050. The Plan elements that are necessary to bring this vision to fruition are organized within the pillars of Mobility, Communities, Environment and Economy. However, the conditions of the region and impacts of our decisions are all intertwined. Investment decisions for our transportation system impact the quality of our environment and the resilience of the economy, while SCAG decisions about how to develop our communities impact demands on our transportation system and our residents' access to opportunities. The most recent RTP/SCS was approved by SCAG's Regional Council in April 2024.

*Greenhouse Gases*

### South Coast Air Quality Management District (SCAQMD)

The South Coast Air Quality Management District (SCAQMD)adopted a "Policy on Global Warming and Stratospheric Ozone Depletion" on April 6, 1990. The policy commits the SCAQMD to consider global impacts in

rulemaking and in drafting revisions to the Air Quality Management Plan. In March 1992, the SCAQMD Governing Board reaffirmed this policy and adopted amendments to the policy to include the following directives:

- Phase out the use and corresponding emissions of chlorofluorocarbons, methyl chloroform (1,1,1- trichloroethane or TCA), carbon tetrachloride, and halons by December 1995.
- Phase out the large quantity use and corresponding emissions of hydrochlorofluorocarbons by the year 2000.
- Develop recycling regulations for hydrochlorofluorocarbons (e.g., SCAQMD Rules 1411 and 1415).
- Develop an emissions inventory and control strategy for methyl bromide
- Support the adoption of a California GHG emission reduction goal.

SCAQMD released draft guidance regarding interim California Environmental Quality Act (CEQA) greenhouse gas (GHG) significance thresholds in 2008. Within its October 2008 document, SCAQMD proposed the use of a percent emission reduction target to determine significance for commercial/residential projects that emit greater than 3,000 MT $CO_2e$ per year. On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold for stationary source/industrial projects where SCAQMD is the lead agency.

## 7.5 COMMUNITY HEALTH AND WELLNESS

This regulatory section ties in with the analysis of the community health and built environment conditions presented in Chapter 6.0, Community Health and Wellness. The community health and built environment regulations at the federal, State, and local levels are presented here. The information in this section provides a current regulatory perspective on community health and built environment conditions in the City and is intended to assist the General Plan Update process.

### 7.5.1 Federal Regulatory Framework

*Access to Health Care and Health Facilities*

**Affordable Care Act**

The Affordable Care Act (ACA) is a comprehensive federal health care reform law that was enacted in March of 2010. The ACA expanded the Medicaid program to cover more adults by adjusting income requirements and provides consumers with subsidies that lower costs for households with incomes between 100 percent and 400 percent of the federal poverty level. Consumer subsidies are paid in the form of "premium tax credits". The Internal Revenue Service (IRS) is responsible for tax provisions of the current ACA law and the Center for Consumer Information and Insurance Oversight (CCIIO) is responsible for overseeing the implementation of current private health insurance legislation within the ACA.

*Access to Health Care and Health Facilities*

**Medicaid/Medicare**

Medicaid is a federal program that provides health coverage to Americans. Medicaid was established in July 1965, authorized by Title XIX of the Social Security Act. The program is a federal program that also functions at the State level. Each State uses unique financial eligibility guidelines to determine if you are eligible for Medicaid coverage. In general, the Medicaid program is intended to provide health coverage for people with limited income and assets. There are Medicaid funded programs for various subgroups of people including; Older adults, People with disabilities, Children, Pregnant people, and Parents and/or caretakers of children.

Medicare is a federal health insurance program established under Title XIX in July of 1965. Medicare insurance benefits are intended for:

- People who are 65 and older
- Certain younger people with disabilities
- People with End-Stage Renal Disease

Different components of Medicare help cover specific health-related services. These services include: hospital Insurance (Medicare Part A), medical Insurance (Medicare Part B), and prescription drug coverage (Medicare Part D).

*Food Access*

#### Supplemental Nutrition Assistance Program

The Supplemental Nutrition Assistance Program (SNAP)is a federal aid program administered by the United States Department of Agriculture under the Food and Nutrition Service (FNS) agency. Benefits are distributed in the form of basic nutritional needs to low-income persons who qualify. SNAP benefits are administered through electronic debit cards (EBT), which may be used to purchase groceries at authorized SNAP retailers. The regulation is targeted toward at-risk citizens within the United States, and eligibility is limited based on income. SNAP is administered by the States, which may adapt the program to best meet their needs.

### 7.5.2 State Regulatory Framework

*Food Access*

#### California Healthy Food Financing Initiative

The California Healthy Food Financing Initiative (CHFFI) was established in 2011 to increase access to grocery stores and healthy food retailers for underserved communities. Governor Brown signed Assembly Bill (AB) 581 into law, formally creating the CHFFI. The law establishes an advisory group under the California Department of Food and Agriculture to develop recommendations for measures to increase healthy food accessibility within the State. In addition, the law functions as a private-public partnership program. The program includes the CHFFIC Fund within the State Treasurer's Office, which incorporates public and private funds to provide financing for grocery stores and other forms of healthy food retail.