General Plan Updates: Housing, Safety, and Environmental Justice

SCAG Housing Element Workshop
August 20, 2020

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General Plan Guidelines

Required Elements
- Land Use
- Circulation
- Housing
- Conservation
- Open Space
- Noise
- Safety
- Air Quality*
- Environmental Justice*

Topical Considerations
- Climate Change
- Public Health
- Equity
- Resilience
- Economic Development
Safety Element: Climate Adaptation

**SB 379 (2015)** – safety element must address climate vulnerability and adaptation
- Timing: upon next update to the *local hazard mitigation plan* on or after January 1, 2017; or, by January 1, 2022 if no local hazard mitigation plan.
- OK to incorporate other plans by reference

**SB 1035 (2018)** - added regular review and update to flood, fire hazards, and climate adaptation portions of the safety element
- Timing: upon next *housing element update*, and every 8 years
Safety Element: Climate Adaptation

What is required?

A. A **vulnerability assessment** that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including (but not limited to) an assessment of how climate change may affect the risks identified in the safety element.

B. **Adaptation and resilience goals, policies, and objectives** based on the findings of the vulnerability assessment.

C. Feasible **implementation measures** designed to carry out the goals, policies, and objectives.
Adaptation Planning Process

Source: California Adaptation Planning Guide 2.0
Safety Element: Wildfire

- **SB 1241 (2012):** Added mandatory wildfire requirements for jurisdictions in State Responsibility Area and Very High Fire Hazard Severity Zone.
- **Gov’t Code 65302(g)(3):**
- Applies to 189 cities and 52 counties in CA.
- Effective date: safety element must be updated “upon next housing element update on or after 1/1/2014.”
AB 2911 (2018):

- Requires OPR to update the Fire Hazard Planning General Plan Technical Advice Series ("Wildfire TA")
- Land use strategies to protect buildings, infrastructure, and communities
- Alignment with LHMPs, CWPPs, and SB 379 adaptation requirements
- More examples, best practices and case studies, tools, and resources
Safety Element: Evacuation Routes

AB 747 (Levine, 2019)

- Must update safety element to identify evacuation routes and evaluate their capacity, safety, and viability under a range of emergency scenarios.
- Timing: Upon the next revision of a local hazard mitigation plan on or after January 1, 2022, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022

SB 99 (Nielsen, 2019)

- Must update safety element to identify residential developments in hazard areas that do not have at least two emergency evacuation routes (i.e., ingress/egress)
- Timing: upon the next revision of the housing element on or after January 1, 2020
- Related effort: CAL FIRE conducting statewide survey of subdivisions without two points of ingress/egress, per PRC 4290.5. To be completed by 2021.

Source: www.srcity.org
Environmental Justice
What is Environmental Justice?

- CA Government Code 65040.12
  - “Environmental justice means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”
- OPR identified as lead State agency for coordination of EJ across State agencies
- OPR first developed and published EJ guidance in 2003.
Requires cities and counties with disadvantaged communities to address environmental justice (EJ) in their general plans

May be a separate EJ element, or integrated into other general plan elements, or both

Timing: upon adoption or revision of two or more elements concurrently on or after January 1, 2018

Government Code 65302(h)

OPR released updated EJ guidance in June 2020, supersedes prior EJ guidance in General Plan Guidelines
What must the EJ Element do?

- Identify disadvantaged communities using one or more definitions
- Address and reduce the unique or compounded health risks in disadvantaged communities by:
  - Reducing pollution exposure, including improving air quality
  - Promoting public facilities
  - Promoting food access
  - Promoting safe and sanitary homes
  - Promoting physical activity
- Promote civic engagement in the public decision-making process
- Prioritize improvements and programs that address the needs of disadvantaged communities
Identifying Disadvantaged Communities

A. Check CalEnviroScreen

B. Analyze local low-income population characteristics

C. Analyze Local Pollution & Health Data + Engage Community

1. Map the planning area census tracts that have a combined score of 75% or higher in CalEnviroScreen.
2. Map the planning area census tracts at or below statewide median income.
3. Map the area at or below the Department of Housing and Community Development’s state income limits.
4. Incorporate community-specific data and examine for additional pollution burden.

Environmental Justice Screen
What are the disproportionate environmental burdens or other conditions that lead to “unique or compounded health risks”?

- Pollution exposure
  - Air pollution – localized conditions
  - Water pollution – contamination of, or lack of access to safe drinking water
  - Brownfields and soil contamination
  - Pesticides in rural or adjacent areas
  - Other health hazards

- Inequitable access to public facilities and services, healthy food, safe and sanitary homes, and transportation choices
Integrating Other Plans and Funding

HCD Local Early Action Planning (LEAP) Grants

- Primary purpose: Accelerate housing production
- Other eligible activities may include updates to general plan, zoning, other actions that complement and support housing production
- See OPR/HCD joint guidance on integration

AB 2140: LHMP + Safety Element

- LHMPs may be incorporated by reference into Safety Element
- Incorporation by reference = eligibility for pre-disaster mitigation funding
- Opportunity for alignment of SB 379, SB 99, and AB 747 updates with LHMP
EJ Case Studies & Sample Policies

Land Use Planning Awareness Project
Riverside public health teams with Coachella Valley youth for the land use planning awareness project.

Parks After Dark
Lighting the Way for Prevention and Intervention

Fresno’s Active Transportation Plan
Residents achieve win to create greater equity in Fresno’s Active Transportation Plan

Food to Share as a Healthy Community and Environmental Justice Case Study
A community food partnership that provides unique opportunities to address both food insecurity and environmental solutions.
Adaptation Planning Resources

Adaptation Planning Guide
- Governor’s Office of Emergency Services (OES), OPR, and others
- Version 2.0 now available

Cal-Adapt (cal-adapt.org)
- Online tool for viewing and obtaining downscaled climate change data and related datasets
- UC Berkeley Geospatial Innovation Facility, funded by CA Energy Commission
Adaptation Planning Resources

California’s Fourth Climate Change Assessment
- [www.climateassessment.ca.gov/](http://www.climateassessment.ca.gov/)

Adaptation Clearinghouse
- [resilientca.org](http://resilientca.org)
- Managed by OPR under the Integrated Climate Adaptation and Resilience Program (ICARP)
Thank You!

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Site Check: New State Mapping Tool

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What is Site Check?

- Mapping and analysis tool funded by the California Department of Housing and Community Development (HCD) through the SB 2 Planning Grants Program
- Developed by OPR and the Conservation Biology Institute
- The purpose of Site Check is to accelerate the production of housing by
  - facilitating planning decisions; and
  - clarifying where existing streamlining options under the California Environmental Quality Act (CEQA) may apply.
- Helpful first step in the CEQA process. Cannot be used for CEQA determinations

[mapping link] sitecheck.opr.ca.gov
opr-ceqa-early-access

[MPOs + COGs]
Welcome to Site Check

Welcome to the live beta version of Site Check. Your feedback is welcome and will be used to improve the tool for version 1.0, expected in 2021. Please click on "Feedback" to contribute.

The purpose of Site Check is to accelerate the production of housing by facilitating planning decisions and clarifying where existing streamlining options under the California Environmental Quality Act (CEQA) may apply.

Site Check allows users to filter parcels based on specific CEQA provisions or whether the parcels meet certain requirements, like whether they are in an urbanized area, within a certain distance to transit, or covered by a specific plan. Users can also avoid parcels in environmentally sensitive areas like wetlands, natural hazard zones, or flood plains. More information about the underlying data can be found on the "Methods" page.

Once the user has selected all the parcels of interest, a report can be created and downloaded to see the potential accelerated pathways to CEQA compliance that may apply based on the location of the parcels. A Site Check report cannot determine that a project is exempt from CEQA. However, it can provide a helpful starting point and guide users to the appropriate provisions within CEQA.
Welcome to Site Check

Welcome to the live beta version of Site Check. Your feedback is welcome and will be used to improve the tool for version 1.0, expected in 2021. Please click on "Feedback" to contribute.
Screen
Layers: Heatmap of CEQA Exemptions
Layers: Transit
Layers: Special Habitat

This layer represents areas designated as zone A, A99, AE, AH, AO, & VE in the National Flood Hazard Layer published by the Federal Emergency and Management Agency (10/15/2019). The flood hazard areas included are the 1 percent chance per year flood zones or 100-year flood hazard areas.
Analyze

Select Parcels
Select parcels by choosing them from the map, searching for APN number or address, or selecting all parcels within an area.

Search by APN or Address
Start typing APN or address...

Select from Map
- Single
- Box
- Shape

Create projects
Optionally group parcels into a project by selecting two or more parcels and clicking the add project button.

Create report
Click "Create Report" for a summary of which streamlining provisions your parcels and projects may qualify for.
Street View

[Image of a street view tool interface with options to add project, view address, and create a report. The interface includes a map with layers such as existing major transit stops and high-quality transit corridors.]
CEQA Fast Track: 13 Provisions

- **Statutory Exemptions**
  - PRC § 21155.1 (SB 375, Transit Priority Projects)
  - PRC § 21155.4 (SB 743, Specific Plan in TPAs)
  - PRC § 21159.24 (SB 1925, Infill Housing)
  - PRC § 21159.25 (AB 1804, Unincorporated Infill)
  - Govt. Code § 65457 (Specific Plan)

- **Categorical Exemptions**
  - CEQA Guidelines § 15303 (Class 3, Small Structures)
  - CEQA Guidelines § 15332 (Class 32, Infill Development Projects)

- **Streamlining**
  - PRC § 21094.5 (SB 226, Infill Streamlining)
  - PRC § 21099 (SB 743, Aesthetics & Parking)
  - PRC § 21155.2 (SB 375, SCEA)
  - PRC § 21159.28 (SB 375, Growth Inducing & Cumulative Impacts)
  - CEQA Guidelines § 15064.3 (SB 743, VMT Threshold)
  - CEQA Guidelines § 15183 (Planning and Zoning Consistency)
**Report**

**Legend**
- A check mark (✓) means the tool determined the parcel met the spatial requirements for a CEQA provision.
- A question mark (?) indicates (1) the spatial requirements may have been met but must be further verified by the user or (2) that there are no spatial requirements for that provision.
- An (x) means the tool determined that the site did not meet the CEQA spatial requirements.

**Low Vehicle Travel Area**

Within a Low Vehicle Travel Area.

“Low vehicle travel areas” means a traffic analysis zone that exhibits a below average existing level of travel as determined using a regional travel demand model. For residential projects, travel refers to either home-based or household vehicle miles traveled per capita. For commercial and retail projects, travel refers to non-work attraction trip length; however, where such data are not available, commercial projects reference either home-based or household vehicle miles traveled per capita.

**User must determine the remaining requirements:**

- **Type of Housing**
  - Residential or Mixed-Use (undefined)
- **Infill**
  - Site either has been previously developed or a vacant site that adjoins existing qualified urban uses on at least seventy-five percent of the site’s perimeter.
  - “Adjoins” includes uses that are separated only by an improved public right-of-way.
- **SCS Consistency**
  - Since this is within the boundaries of an MPO, the project must be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in the applicable Sustainable Communities Strategy.
- **Soil and Water Remediation**
  - If the project site is included on any list compiled pursuant to GOV § 65962.5, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary remediation assessment or comparable document that identifies remediation appropriate for the site.
- **Residential Units Near High-Volume Roadways and Stationary Sources**
  - If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume...
Other Resources

For practitioner’s tips from Ascent Environmental:

- Statutory Exemptions for Housing Projects
- Categorical Exemptions for Housing Projects

For more information on how to use a CEQA exemption or streamlining provision, please see AEP’s CEQA Portal Topic Paper.

Not all CEQA provisions that may apply to a housing project have been included in this tool. Site Check is focused on the CEQA provisions that cover a variety of housing types. Based on the specifics of the project, users should also consider the following provisions:

- Affordable Housing - PRC § 21159.23 - CEQA statutory exemption for construction, conversion, or use of residential housing consisting of 100 or fewer units that is affordable to low-income households.
- Agricultural Employee Housing - PRC § 21159.22 - CEQA statutory exemption for the construction, conversion, or use of residential housing for agricultural employees.
- Motel to Supportive Housing Conversions - PRC § 21080.50 - CEQA statutory exemption for the conversion of a hotel, motel, apartment hotel, transient occupancy residential structure, or hostel for transitional and supportive housing. This exemption expires on January 1, 2025.
- Existing Facility Reuse - Class 1, CEQA Guidelines § 15301 - CEQA categorical exemption for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical systems, or equipment that are not capable of producing a significant alteration of existing public or private structures.
Share/Save your work

Site Check

Link

Save or send this link to save your work or share it with others.

https://sitecheck.opr.ca.gov/s/2rPrC
What’s Next?

- **Beta Launch, August 2020**
  - 8/26, 12pm Site Check: OPR Webinar Wednesdays
    - Sign up via OPR Announcements [opr.ca.gov/e-lists.html](http://opr.ca.gov/e-lists.html)
    - [OPR YouTube Channel](http://opr.ca.gov)

- **SB 743 Viewable Big Data VMT Layers**
  - September, [OPR SB 743 Website](http://opr.ca.gov)

- **1.0 Launch, Early 2021**
  - Alignment with any statutory changes, ie AB 2323, improved data, big data on VMT
  - Potential expansions include:
    - Other regulatory streamlining for housing created by the Legislature
    - Incorporating housing funding streams with location requirements
What’s Really Next?

LIVING THAT SITE CHECK LIFE

URBAN AREAS

INFILL PARCEL
Thank You

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