

# General Plan Updates: Housing, Safety, and Environmental Justice

SCAG Housing Element Workshop August 20, 2020

Erik de Kok, AICP - Program Manager
Planning & Community Development
Governor's Office of Planning and Research (OPR)



### General Plan Guidelines

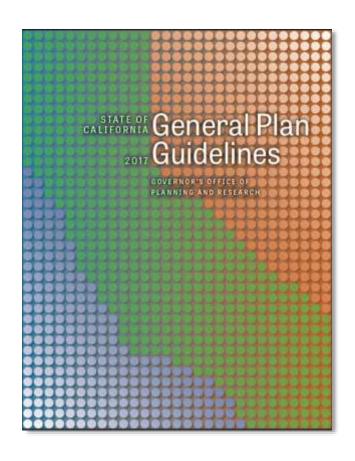
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### Required Elements

- ➤ Land Use
- > Circulation
- > Housing
- Conservation
- Open Space
- ➤ Noise
- Safety
- ➤ Air Quality\*
- Environmental
  Justice\*

### **Topical Considerations**

- Climate Change
- Public Health
- > Equity
- Resilience
- EconomicDevelopment





### 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; <u>or</u>, 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

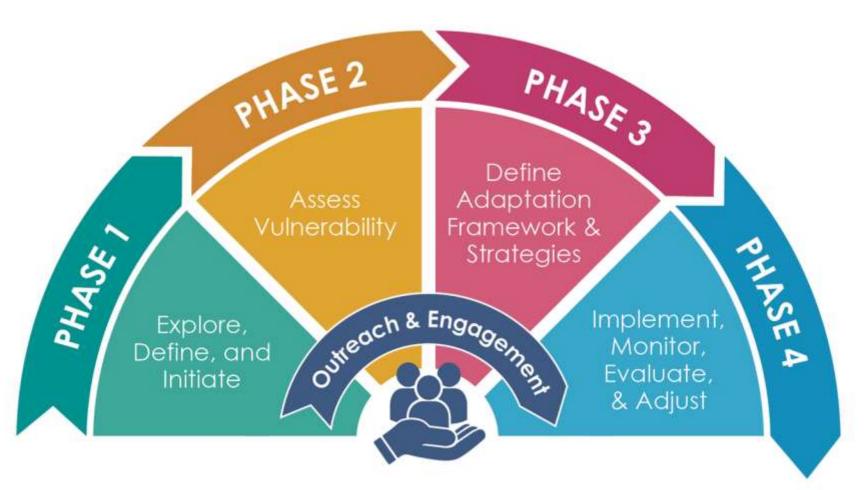
### What is required?

- A 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

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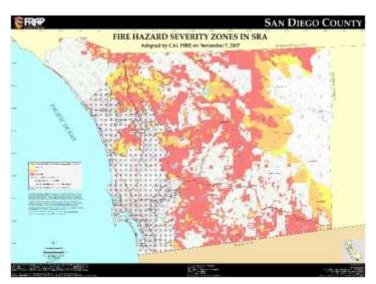


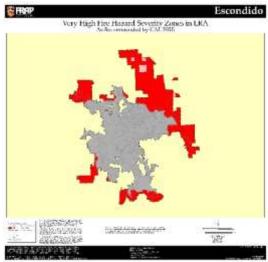
Source: California Adaptation Planning Guide 2.0



## 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"







# Wildfire TA Update

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### □ 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

Fire Hazard Planning

### Fire Hazard Planning

**General Plan Technical Advice Series** 



overnor's Office of Planning and Research

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# Safety Element: Evacuation Routes

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### **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.





### SB 1000 (Leyva, 2016)

- 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?



### **Environmental Justice Element**

### Introduction

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### Securement Code Section 9535350

- (1) An environmental justice skencer, or related grain, policies, and objectives integrated in other decrease, that inherities disableatinged communities within the area meeted by the general plant of the city, manny, or city and county than a disableatinged constantly. The environmental justice elements, or related environmental justice grain, policies, and objectives integrated in other elements, shall do all of the following:
  - (ii) Menth objectives and policies to reduce the unique or compossible health role in final-samped communities by many that heliable, but are not leaded to, the reduction of policities exposure, including the improvement of are quality, and the premations of public leadings, find acress, sele and sensing betters, and physical activity.
- (B) Menth observes and policies to present and engagement in the public detailmensking precise.
- (C) Manife objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.
- (2) A city county, or only and country without to this subclimates shall adopt or review the environmental justice sharpers, or the environmental justice goals, policies, and objectives to other elements, upon the adoption or next sevenum of two or more elements concurrently on or after junuary 1, 2019.
- (5) By adding this subdivision, the Legislature does not intend to respons a city, country, or city and country to take any action published by the Denied States Constitution or the California Constitution.

CHAPTER A: EXPURED LLEMENTS | 126

- 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



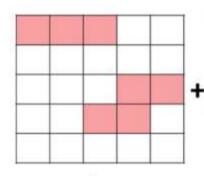
### Identifying Disadvantaged Communities

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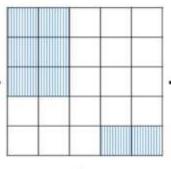
# A. Check CalEnviroScreen

# B. Analyze local low-income population characteristics

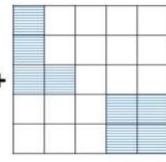
# C. Analyze Local Pollution & Health Data + Engage Community



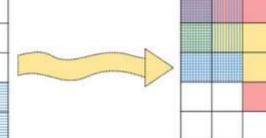
Map the planning area census tracts that have a combined score of 75% or higher in CalEnviroScreen.



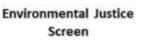
Map the planning area census tracts at or below statewide median income.



Map the area at or below the Department of Housing and Community Development's state income limits.



Incorporate communityspecific data and examine for additional pollution burden.









### Unique or Compounded Health Risks

- 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 <u>may</u> be incorporated by reference into Safety Element
- Incorporation by reference = eligibility for predisaster mitigation funding
- Opportunity for alignment of SB 379, SB 99,
   and AB 747 updates with LHMP





### Integration Concepts for General Plan Updates or Other Local Planning Activities

June 201

Prepared by the California Governor's Office of Planning and Research (OPR), at collaboration with the California Department of Housing and Community Development HCD).

This document outlines concepts for integrating various policy topics and new expairments in General Plan updates, housing element updates, or other local planning updates. The interior to be published opportunities that could help local agencies scope their planning efforts to meet new requirements more efficiently and effectively, and to help match integrated planning activities with grant programs or other funding constitutions that may be constitution that may be constitution to the constitution of the constitution o

Clies and counties in California are required to adopt, and periodically update, general plans that provide a vision and policy transversit for from their communities self grow and change over time. As outlined in detail in the <u>Cases of California</u> several topical elements are mandatory and therefore must be included in the general plan, while various other optional elements or topics can also be included in the general plan.

In recent years, soveral bills were signed into law that require new elements or topical considerations be incorporated into general plans, or in other topically related plans that can be incorporated by reference into the general plans. Many of these time requirements are triggered by the next bound reference plans auch as the Liced Hisboard Mingation Plan (LHMP).

Additionally, the General Plan Guidelines highlight some topics that, while not required in the general plan per statute, may be addressed in the general plan or other planning documents to sellistly the requirements of the California Environmental Quality Act (CEQA).

Specific integration opportunities for the general plan elements and related planning documents are discussed below and summarized in the table that follows at the end of this document.

### Safety Element Updates

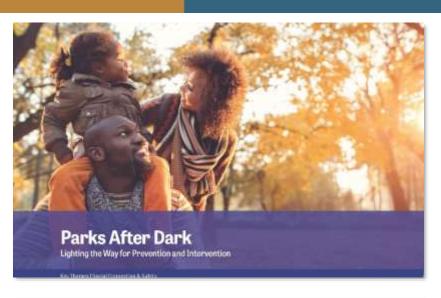
 Many communities safety elements must address the topic of wildfire following the next housing element update, pursuant to S8 1241 (2012).

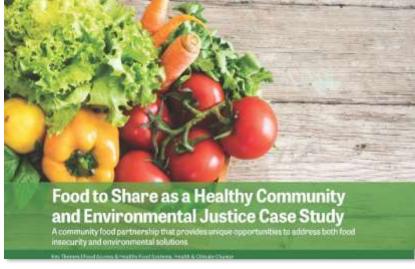


### EJ Case Studies & Sample Policies











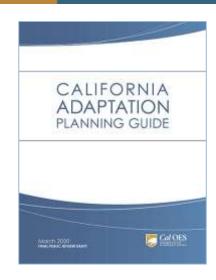
### Adaptation Planning Resources

### 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/



### **Adaptation Clearinghouse**

- resilientca.org
- Managed by OPR under the Integrated Climate Adaptation and Resilience Program (ICARP)





### Thank You!

Erik de Kok
Program Manager
Planning & Community Development
erik.dekok@opr.ca.gov





### Site Check: New State Mapping Tool

August 20, 2020

Helen Campbell, AICP
Senior Planner
Governor's Office of Planning and Research (OPR)



### What is Site Check?

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- 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

### <u>sitecheck.opr.ca.gov</u> opr-ceqa-early-access









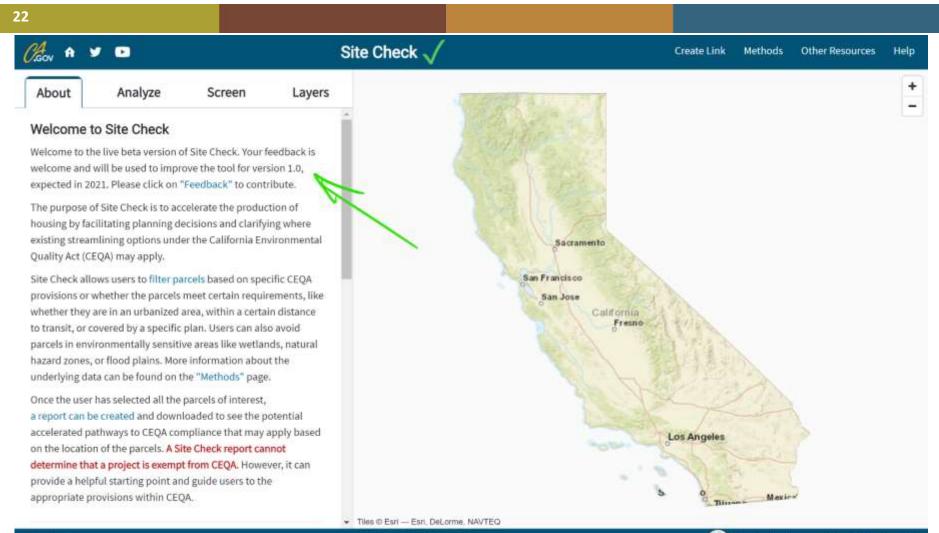






Feedback

### **Beta Version**



Created by Conservation Biology Institute



# We Welcome Your Input

### Welcome to Site Check

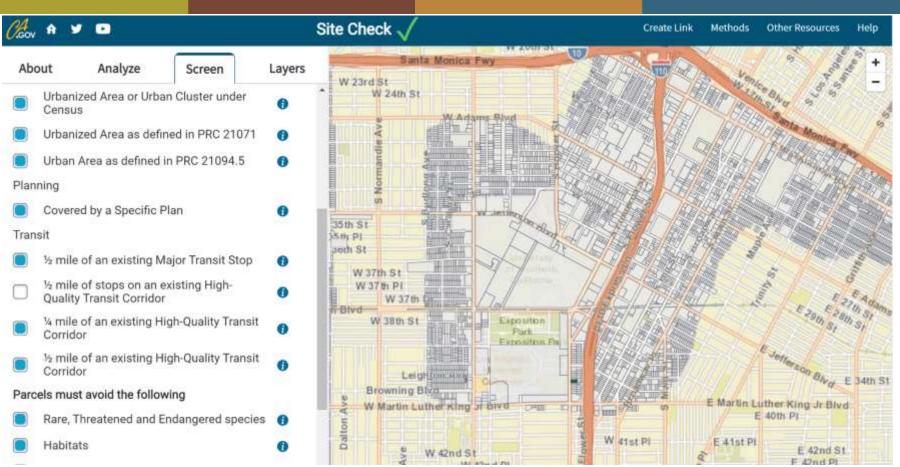
Welcome to the live beta version of Site Check. Your feedback is welcome and will be used to improve the tool for version 1.0, expected in 2021. Please click on "Feedback" to contribute.



Wa	s the tool easy to use?
	Yes
	No
Do	you think you would use the tool again?
	Yes
	No
	Not Sure Yet
Но	w would you improve the tool?
	w would you improve the tools
Dic	I you find any errors in the tool?
	l you find any errors in the tool?
0	you find any errors in the tool? Yes
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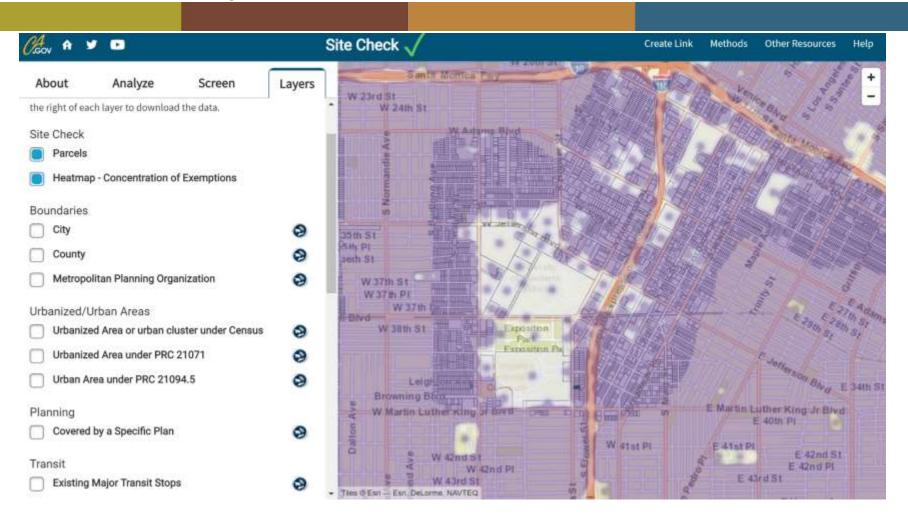


### Screen





# Layers: Heatmap of CEQA Exemptions





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# Layers: Transit

Site Check Other Resources Create Link Methods Santa Monica Pwy About Analyze Screen Layers W 23rd St covered by a opecino risin W 24th St Transit Existing Major Transit Stops Existing Stops along the High-Quality Transit Corridors **Existing High-Quality Transit Corridors** Planned Major Transit Stops in Regional 35th St Transportation Improvement Program Sty PI Planned Stops along the High-Quality Transit such St Corridors in Regional Transportation Improvement W 37th St Planned High-Quality Transit Corridors in Regional W 37th PL Transportation Plan F Blvd W 38th St Exposition **Environmental Constraints** Pink Exposition Fla Special Habitats Legend Wetlands Leightxwcarin Browning Blyxt **Existing Major Transit** Earthquake/Seismic Hazard zone W Martin Luther King or Bivd Stops State Conservancy Boundary W tist Pl **Existing High-Quality** Riparian Areas W 42nd S **Transit Corridors** W 42nd Pl Landslide Hazard Corridor W 43rd S



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# Layers: Special Habitat

Site Check Create Link Methods Other Resources Santa Monica Fwy About Analyze Screen Layers W 23rd St Flanned Stops along the high-quality fransit W 24th St Corridors in Regional Transportation Improvement Planned High-Quality Transit Corridors in Regional Transportation Plan **Environmental Constraints** Special Habitats California Grassland and Wetlands Flowerfields. 35th St California Foothill and Valley Earthquake/Seismic Hazard zone Malp PI ... Forests and Woodlands auth St State Conservancy Boundary California Foothill and Coastal Rock W 37th St Outcrop Vegetation Riparian Areas W 37th PI Big Sagebrush Scrub Landslide Hazard Blvd American Southwest Rigarian W 38th St Forest and Woodland 0 Flood Plain Alpine Vegetation Flood Plain This layer represents areas designated as zone A, A99, AE, AH, Leighton man Zone A Browning Blvz. AO, & VE in the National Flood Hazard Layer published by the Zone A99 W Martin Luther King of Bivd Federal Emergency and Management Agency (10/15/2019). Zone AE The flood hazard areas included are the 1 percent chance per year flood zones or 100-year flood hazard areas. W 41st Pt W 42nd St Zone AO W 42nd Pi Zone VE



# Analyze

28 Site Check Create Link Methods Other Resources Help Natural Park History Museum About Analyze Screen Layers State Dr Select Parcels California Select parcels by choosing them from the map, searching for APN Science Center. number or address, or selecting all parcels within an area. Search by APN or Address Legend Select from Map **Existing Major Transit** Stops ₹ Shape @ Single Box **Existing High-Quality Transit Corridors** Create projects Corridor Optionally group parcels into a project by selecting two or more Special Habitats parcels and clicking the add project button. Wet Mountain Meadow - Romove Selected - Add Project Western Upland Grasslands Subalpine Aspen Forests and Pine Blvd Woodlands Create report Sparsely Vegetated Desert Dune Click "Create Report" for a summary of which streamlining Shadscale-Saltbush Scrub provisions your parcels and projects may qualify for. Salt Marsh W 41st St Create Report Pacific Northwest Subalpine Forest



### Street View

29 Site Check Create Link Methods Other Resources Help About Analyze Screen Layers parcels and clicking the add project button. Add Project Remove Selected Address 3940 S FIGUEROA ST, LOS 5037032027 ANGELES 90037 W Martin Luther King J W 40th PI W 41st St Legend Google **Existing Major Transit** Create report 5037032027 ADDRESS 3940 S FIGUEROA ST Stops Click "Create Report" for a summary of which streamlining LOS ANGELES CA 90037 provisions your parcels and projects may qualify for. hide street view **Existing High-Quality Transit Corridors** Unselect Cancel Create Report Corridor



### **CEQA Fast Track: 13 Provisions**

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### 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

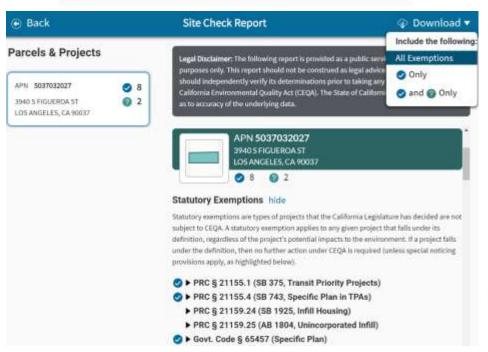
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### Legend

A check mark @ means the tool determined the parcel met the spatial requirements for a CEOA provision.

A question mark (a) 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 @ 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 area" 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)

) Infil

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 endangerment 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

tik Report



### Other Resources

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### 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

Close



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### INTRODUCTION

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### MINISTERIAL OR "BY RIGHT" PROJECTS ARE NOT SUBJECT TO CEQA

CECA applies when a governmental agency can esercize judgment in deciding whether and how to carry out or approve a project. This makes the project. "doctetionary" (CECA Guidelines 5.15352). Where the fave requires a governmental agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is called "ministerial," and CECA does not apply (CECA Guidelines 3.1526%). \$153691

State and local laws and guidelines should be consulted when determining whether a project may be ministerial.





# Share/Save your work



### 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
    - OPR YouTube Channel
- SB 743 Viewable Big Data VMT Layers
  - September, OPR SB 743 Website
- 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?





### Thank You

# Helen Campbell, AICP Governor's Office of Planning & Research (OPR) helen.campbell@opr.ca.gov

