



General Plan Updates: Safety and Environmental Justice

HCD Office Hours – SANDAG Region
June 17, 2020

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



General Plan Guidelines

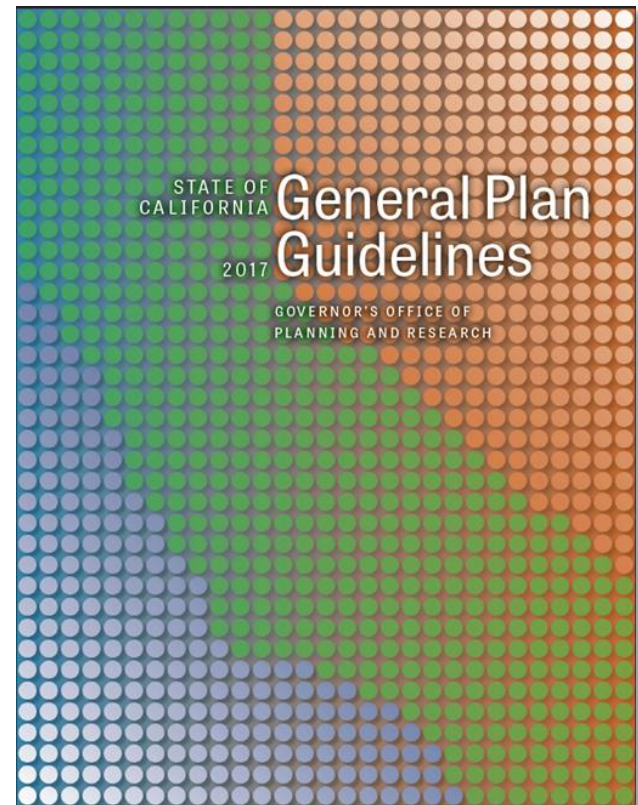
2

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



Safety Element

4

- Natural hazards: wildfire, flooding, earthquake, others
- Must identify **“unreasonable risks and policies for the protection of the community from such risks”** (Gov’t Code 65302(g)(1))
- Must address climate change vulnerability & adaptation (SB 379: Gov’t Code 65302(g)(4))
- Linkages with other mandatory elements/topics
 - ▣ Land Use, Circulation, Conservation, Open Space, Environmental Justice, others.
 - ▣ All GP elements must be internally consistent.



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 housing element update every 8 years



Safety Element: Climate Adaptation

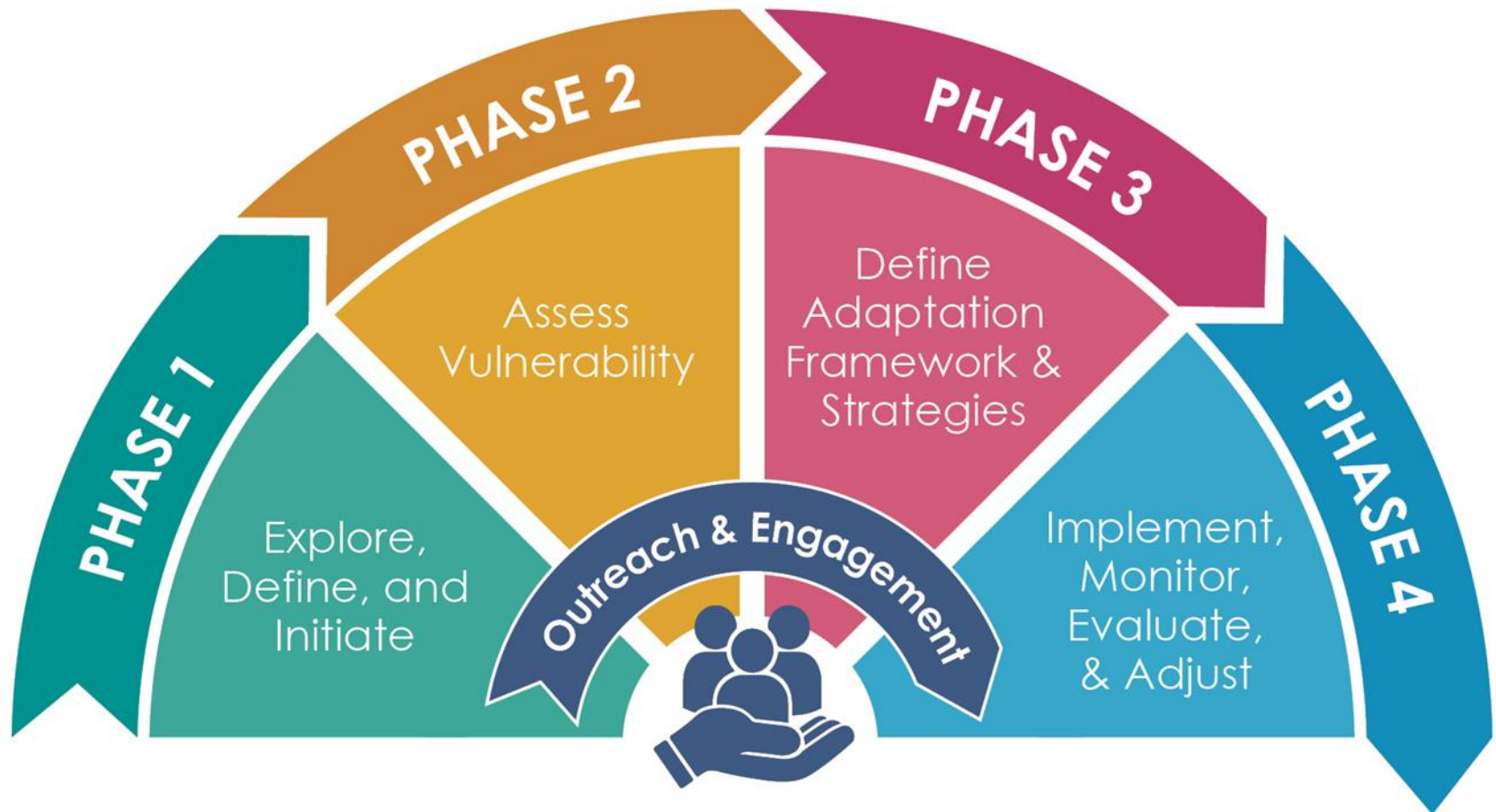
What is required?

- 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

7



Source: *California Adaptation Planning Guide 2.0*



Integrating Other Plans and Funding

OK to use existing plans for SB 379 / SB 1035 compliance

- ❑ Examples: climate adaptation plan, climate action plan, LHMP, or other plans may be used.
- ❑ Incorporation existing plan by reference, or direct incorporation of content, or both are all acceptable.
- ❑ Other plans must be consistent with statutory safety element requirements.

AB 2140: LHMP + Safety Element

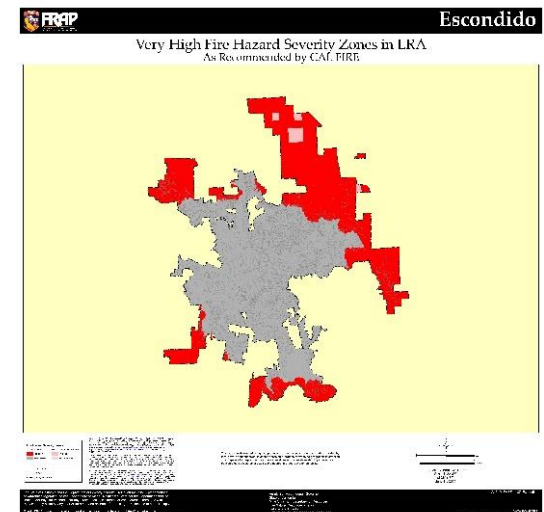
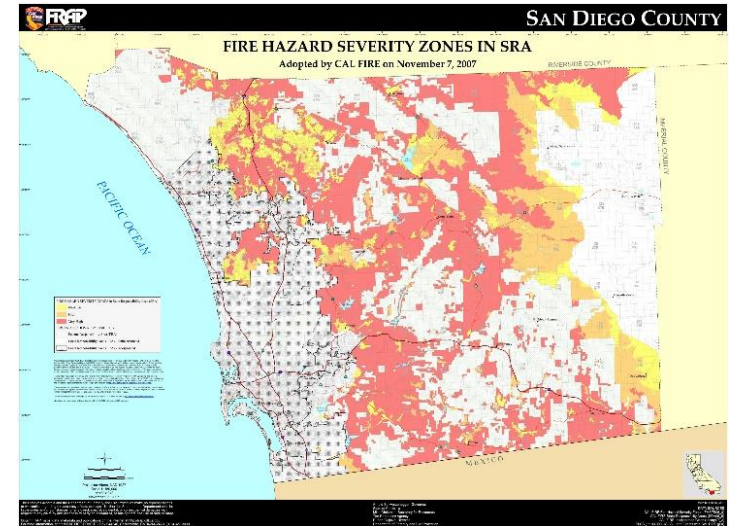
- ❑ LHMPs may be incorporated by reference into Safety Element
- ❑ Eligibility for pre-disaster mitigation funding under CA Disaster Assistance Act: State will cover up to 75% of the non-federal portion
- ❑ Opportunity for alignment of SB 379 adaptation updates with LHMP and other Safety Element updates



Safety Element: Wildfire

9

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





Wildfire Requirements: Information

10

- (1) “**Information regarding fire hazards**, including but not limited to, all of the following:
- ❑ **Fire hazard severity zone (FHSZ) maps** available from the Department of Forestry and Fire Protection [CAL FIRE].
 - ❑ **Any historical data on wildfires** available from local agencies or a reference to where the data can be found.
 - ❑ Information about wildfire hazard areas that may be available from the **United States Geological Survey**.
 - ❑ General **location and distribution of existing and planned uses of land** in very high fire hazard severity zones and in state responsibility areas, including **structures, roads, utilities, and essential public facilities**.
 - ❑ Local, state and Federal **agencies with responsibility for fire protection**, including special districts and local offices of emergency services.”



Wildfire Requirements: Policies

11

(2) “A set of goals, policies, and objectives based on the information identified in subparagraph (1) regarding fire hazards for the **protection of the community from the unreasonable risk of wildfire.**”



Wildfire Requirements: Implementation

12

- (3) “A set of **feasible implementation measures** designed to carry out the goals, policies, and objectives based on the information identified in subparagraph (2) including, but not limited to, all of the following:
- ▣ **Avoiding or minimizing** the wildfire hazards associated with new uses of land.
 - ▣ **Locating, whenever feasible, new essential public facilities outside of high fire risk areas**, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communication facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in SRA or VHFHSZ.
 - ▣ **Designing adequate infrastructure** if a new development is located in SRA or VHFHSZ, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression..
 - ▣ **Working cooperatively** with public agencies with responsibility for fire protection”



Safety Element: Mandatory Review

13

- State Board of Forestry and CAL FIRE Land Use Planning Program
 - ▣ Mandatory Safety Element Reviews (Gov't Code 65302.5)
 - ▣ Proactive outreach to local planning agencies in SRA and VHFHSZ
 - ▣ Ongoing work to support safety elements, local ordinances, compliance, and enforcement
 - ▣ 70+ safety elements reviewed since 2014

General Plan Safety Element Assessment

Board of Forestry and Fire Protection



Table of Contents

Purpose and Background	1
Methodology for Review and Recommendations	2
Safety Element Assessment	3
Sample Safety Element Recommendations	6
Fire Hazard Planning in Other Elements of the General Plan	8

September 2016

Regulatory Requirements

14

- ❑ Local VHFHSZ ordinances (GC 51179)
- ❑ Fire safety regs for subdivisions (PRC 4290)
- ❑ Tentative subdivision maps - mandatory local findings of compliance (GC 66474.02)
- ❑ Defensible space regs (Public Resources Code [PRC] 4191)
- ❑ WUI Building Code (Chapter 7A, CA Building Code)

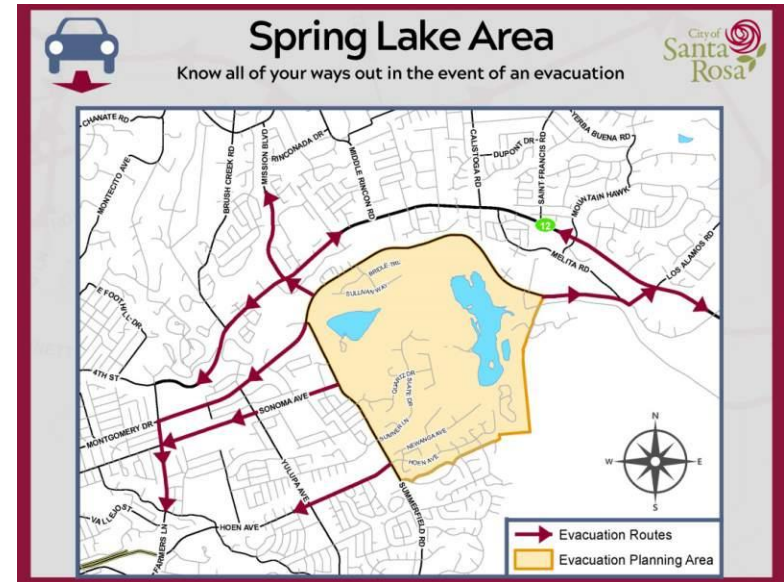


Safety Element: Evacuation Routes

15

- AB 747 (Levine, 2019)
 - ▣ Requires local governments to identify **evacuation routes** and evaluate their capacity, safety, and viability under a range of emergency scenarios.

- SB 99 (Nielsen, 2019)
 - ▣ Requires local governments to identify residential developments in hazard areas that do not have **at least two** emergency evacuation routes (i.e., ingress/egress)
 - ▣ CAL FIRE: working on survey of subdivisions without two points of ingress/egress, per PRC 4290.5. To be completed by 2021.



Source: www.srcity.org



Wildfire TA

16

- **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



Governor's Office of Planning and Research
May 2015

1



What is the WUI?



WILDLANDS



INTERMIX



INTERFACE



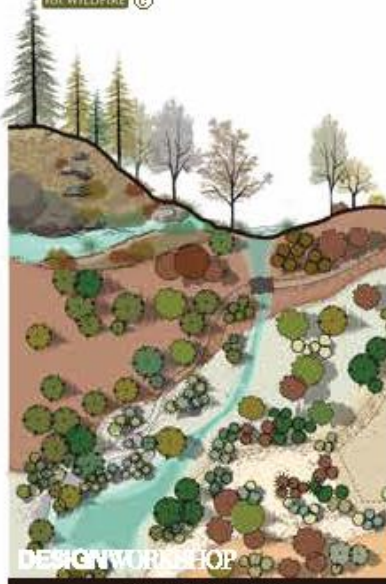
OCCLUDED



EMBER ZONE



CONTINUUM OF WILDLAND TO URBAN DENSITIES



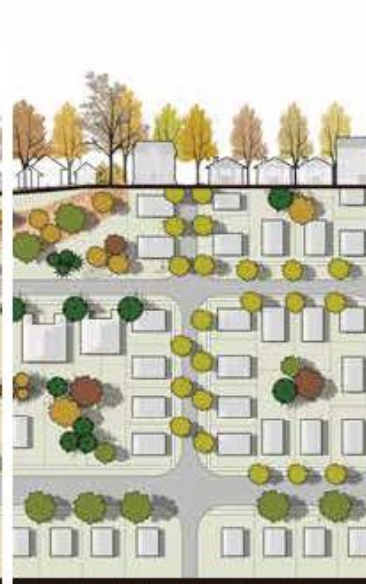
WILDLANDS



RURAL



SUBURBAN



GENERAL RESIDENTIAL



URBAN / TOWN CENTER



Research Findings

18

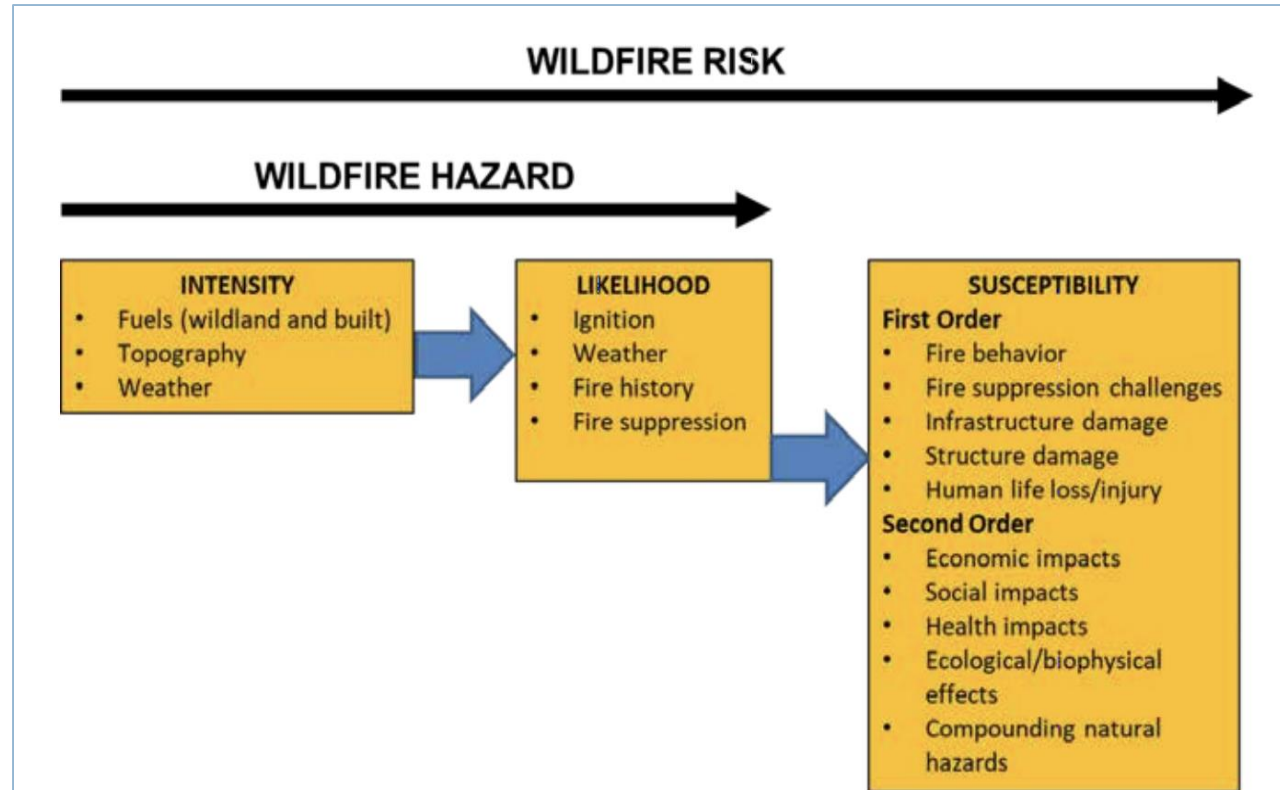
- ❑ Nearly 1/3 of California's population lives in the WUI
- ❑ Lower-density development experiencing higher wildfire losses
- ❑ Interface WUI damage appears more prevalent than intermix WUI
- ❑ Climate change: temperate change, extreme wind-driven conditions
- ❑ Ember-casting over longer distances
- ❑ Models and mapping not accounting well for non-natural conditions (i.e., homes and landscaping becoming fuel in wildfire events).
- ❑ Defensible space, WUI Code, other regs applicable are helping to reduce risk
- ❑ Insurance and financial markets are responding to recent losses and growing risks



TA Update Concepts

19

- **Early and ongoing engagement** with community and responsible agencies
- Prepare a robust **fire hazard and risk assessment**, coordinated with climate vulnerability assessment
- Identify wildfire hazards + people, values, and assets at risk



TA Update Concepts (cont'd)

20

- ❑ Land use - avoidance, smarter project siting, resilient design to reduce risk
- ❑ Increased emphasis on implementation: codes, ordinances, enforcement... but also programs, partnerships, and incentives
- ❑ Reduce risk in both existing and new development
- ❑ Harmonize conservation and fuels management to reduce hazard severity
- ❑ Access, evacuation, and shelter-in-place
- ❑ Prioritize needs of vulnerable communities in disaster preparedness, response and recovery
- ❑ **Ultimate goal: Fire-adapted and resilient communities**





Environmental Justice



What is Environmental Justice?

22

- History of environmental racism and injustice
- EJ movement emerged decades ago
- CA Government Code 65040.12
 - ▣ SB 115 (1999), amended by AB 1553 (2001)
 - ▣ “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)

23

- ❑ 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)



What must the EJ Element do?

24

4

Environmental Justice Element

Introduction

Over 9 million Californians are exposed to and at risk from high pollution, according to the Office of Environmental Health Hazard Assessment's Cal EnviroScreen tool. In addition to examining environmental hazards, Cal EnviroScreen and other tools look at assets that help protect communities from poor health. Legislation adopted in 2016, Senate Bill 1000, now requires both cities and counties that have disadvantaged communities to incorporate environmental justice (EJ) policies into their general plans, either in a separate EJ element or by integrating related goals, policies, and objectives throughout the other elements. This update, or revision if the local government already has EJ goals, policies, and objectives, must happen "upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018."

Government Code Section 65302(b)

- (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:
 - (A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.
 - (B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.
 - (C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.
- (2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.
- (3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

- **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**

SB 1000 “Process Map”

Step 1: Is an EJ Element required in my jurisdiction?

Criterion 1:

Is your jurisdiction revising or updating two or more elements concurrently?

Yes

No

Jurisdictions may wait to review their EJ Element requirements

Engage Partners

Community engagement is particularly important with respect to environmental justice because it allows groups that have often not been included in the planning process to be engaged in the decisions that impact their health and wellbeing. Community engagement should begin early in the planning stages and a variety of community partners should be consulted throughout the process.

Criterion 2:

Does your jurisdiction contain disadvantaged communities?

Yes

No

Jurisdictions may choose to create an *optional* EJ element

Begin Drafting an EJ Element

Step 2: How should I incorporate EJ into the GP?

Identify EJ Policies for Inclusion

Review Existing Policies and Programs

Jurisdictions should reflect on the following questions:

- Has this policy/program been effective? What metrics are, or should be, used to evaluate this policy/program?
- How should this policy be strengthened to integrate EJ?
- Should additional policies be created?
- What new legislation exists since this policy was created?
- What partner agencies are, or should be, working on this policy/program? What related programs can be leveraged?

Update and/or Draft New Policies

To comply with SB 1000, jurisdictions should seek to:

- Reduce pollution exposure
- Promote public facilities
- Promote food access
- Promote safe and sanitary homes
- Promote physical activity
- Reduce unique or compounded health risks
- Promote civic engagement
- Prioritize the needs of disadvantaged communities

Assess Tradeoffs

Finalize Policies and Programs

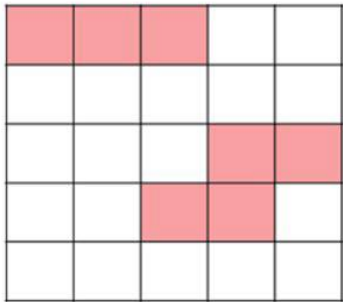
Adopt an Environmental Justice Element

Engage Partners

Engage Partners

Identifying Disadvantaged Communities

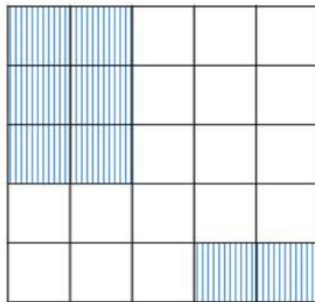
A. Check CalEnviroScreen



1.

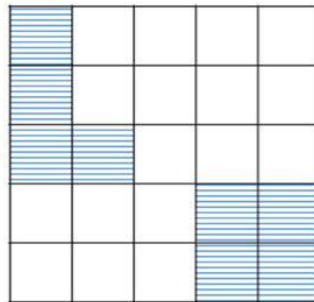
Map the planning area census tracts that have a combined score of 75% or higher in CalEnviroScreen.

B. Analyze local low-income population characteristics



2.

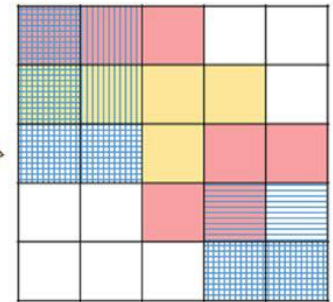
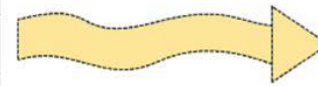
Map the planning area census tracts at or below statewide median income.



3.

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

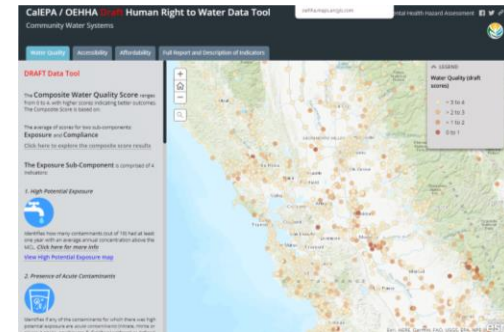
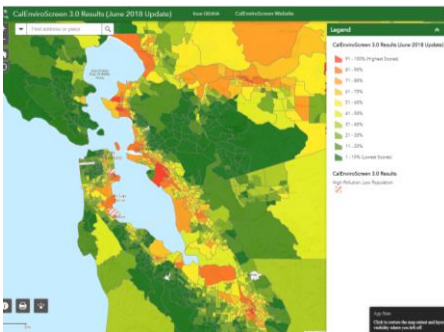
C. Analyze Local Pollution & Health Data + Engage Community



4.

Incorporate community-specific data and examine for additional pollution burden.

Environmental Justice Screen





Unique or Compounded Health Risks

27

- 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, healthy food, safe and sanitary homes, and transportation choices



EJ Case Studies & Sample Policies

28



Land Use Planning Awareness Project

Riverside public health teams with Coachella Valley youth for the land use planning awareness project

Key Themes | Environmental Exposures, Healthily Homes, Social Connections & Safety



Parks After Dark

Lighting the Way for Prevention and Intervention

Key Themes | Social Connection & Safety



Fresno's Active Transportation Plan

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

Key Themes | Active Transportation, Health & Climate Change, Social Connection & Safety



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

Key Themes | Food Access & Healthy Food Systems, Health & Climate Change



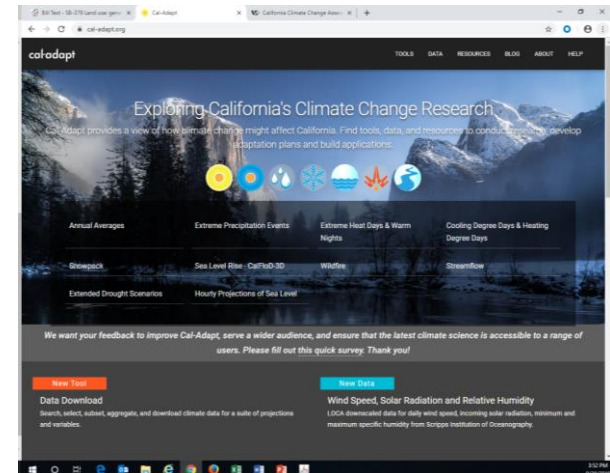
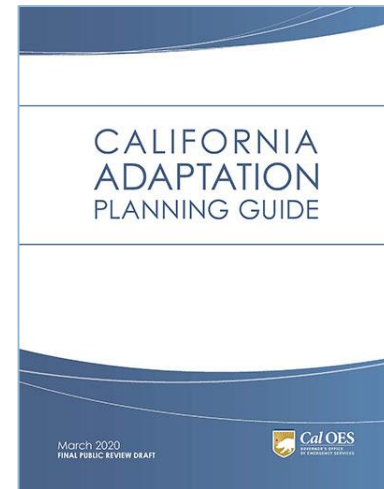
Adaptation Planning Resources

Adaptation Planning Guide

- Governor's Office of Emergency Services (OES), OPR, and others
- Version 2.0 to be finalized soon

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





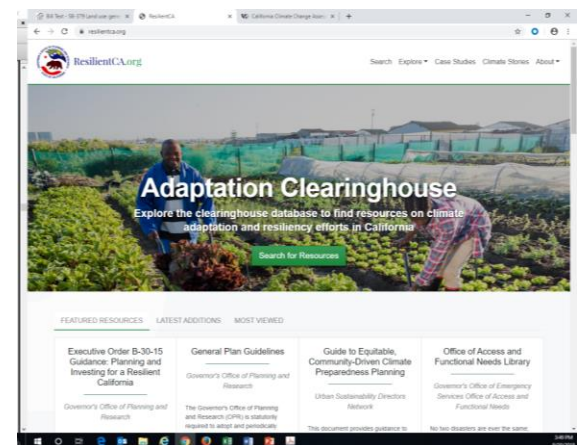
Adaptation Planning Resources

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)





Fire Hazard Planning – State Resources

31

- **WUI Planning and Enforcement: Best Practices Inventory and Case Studies (OPR and CAL FIRE)**
 - ▣ To be completed by 2022
 - ▣ Case Studies to be published in Adaptation Clearinghouse
 - ▣ Wildfire “Compass” Tool: alignment across plans, codes, and standards



Fire Hazard Planning – Other Resources

32

- **Community Planning Assistance for Wildfire (CPAW) Program**
 - Los Angeles County (2020)
 - City of Redding (2019)
 - Mariposa County (2019)
 - Mammoth Lakes (2018)
 - City of San Diego (2015)

- **Fire-Adapted Communities Learning Network**

- **APA PAS Report – “Planning the WUI” (April 2019)**



New CAL FIRE Grants (GGRF)

33

- **\$6 million: new block grant program** to county groups to support implementation of fire prevention and preparedness & community action in collaboration with UC fire advisors, resource conservation districts, and others.
- **\$1 million: new fire outreach and fire extension advisors** program in 17 selected counties
- **\$2.5 million to reimburse counties for maintenance of evacuation routes + develop standards** for evacuation routes, create and maintain signage, and other necessities.
- **\$250K training reimbursement for local county planners:** training on land use planning issues in the WUI



Thank You

34

Erik de Kok, AICP

Governor's Office of Planning & Research (OPR)

erik.dekok@opr.ca.gov

