General Plan Updates: Safety and Environmental Justice

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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

- 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

PHASE 1: Explore, Define, and Initiate
- Assess Vulnerability

PHASE 2: Define Adaptation Framework & Strategies

PHASE 3: Implement, Monitor, Evaluate, & Adjust
- Outreach & Engagement

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**

- **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”
(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.”
(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.”
(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”
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
Regulatory Requirements

- 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

- **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](http://www.srcity.org)
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
What is the WUI?

Continuum of Wildland to Urban Densities
Research Findings

- 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
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
- 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?

- 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.
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?

- **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:** Jurisdictions may wait to review their EJ Element requirements  
- **No:** Engage Partners  

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:** Engage Partners  
- **No:** Begin Drafting an EJ Element  

Engage Partners  
Jurisdictions may choose to create an optional 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?

Engage Partners
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
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, healthy food, safe and sanitary homes, and transportation choices
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 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/](http://www.climateassessment.ca.gov/)

Adaptation Clearinghouse

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

- **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)

- **$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

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