SB 1000: Environmental Justice and the General Plan

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2017 Speaker Series
June 23, 2017
Session Panelists

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Session Overview

• What is environmental justice (EJ)?
• What are the new requirements of SB 1000 for general plans?
• What guidance is available from the State?
• What are some best practices for incorporating EJ considerations into the planning process?
  – General Plan Updates?
  – Implementation?
EJ Definitions

U.S. EPA:

“EJ is the *fair treatment and meaningful involvement* of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of *environmental laws, regulations, and policies*. EPA has this goal for all communities and persons across this nation. It will be achieved when everyone enjoys:

- **the same degree of protection** from environmental and health hazards, and
- **equal access to the decision-making process** to have a healthy environment in which to live, learn, and work.”

Source: https://www.epa.gov/environmentaljustice
EJ Definitions

Cal EPA:

“The principles of EJ call for fairness, regardless of race, color, national origin or income, in the development of laws and regulations that affect every community's natural surroundings, and the places people live, work, play and learn.

Beyond the fair treatment called for in code, leaders in the EJ movement work to include those individuals disproportionately impacted by pollution in decision making processes.

The aim is to lift the unfair burden of pollution from those most vulnerable to its effects.”

Source: http://www.calepa.ca.gov/EnvJustice/
APA: EJ is a Planning Issue

- EJ issues are at the core of land use and investment decisions

- **Planners are in a unique position** to address EJ concerns and ensure that EJ principles are reflected in the local land use planning and decision-making process

- **Planners and local officials should provide traditionally underrepresented populations with an active and meaningful role** in the future development of their communities and neighborhoods through active participation in the development of comprehensive plans.

Source: Environmental Justice and Land Use Planning, APA PAS QuickNotes No. 26, 2010
SB 1000 (Leyva, 2016)

- Amends CA Government Code, Section 65302
  - Adds EJ as a new elements (topics) that must be included in a general plan
- Requires “an environmental justice element or related goals, policies, and objectives integrated in other elements”
- Applies to any city or city with areas defined as a “disadvantaged community”
- The EJ element or equivalent must “identify disadvantaged communities within the area covered by the general plan of the city, county, or city and county”
SB 1000 (Leyva, 2016)

• “Disadvantaged Communities” are defined as:
  o “an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code”
    [Any census tracts with CalEnviroScreen scores in 75th percentile or higher]
  o “or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.”
SB 1000 (Leyva, 2016)

• Timing for SB 1000 compliance:
  o “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.”
SB 1000 (Leyva, 2016)

• Substance of EJ Element or equivalent:
  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
    - the promotion of public facilities
    - food access
    - safe and sanitary homes
    - physical activity.”
SB 1000 (Leyva, 2016)

- Substance of EJ Element or equivalent (continued):

B. “Identify objectives and policies to promote civil engagement in the public decision-making process.”

C. Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.