

MEMORANDUM

DATE March 16, 2021
TO Contra Costa County staff
FROM PlaceWorks
SUBJECT Context for Draft General Plan Goals, Policies, and Actions on Environmental Justice

This memo provides context and background information for the revised draft environmental justice goals, policies, and actions for Envision Contra Costa 2040; the revised draft policy guidance will be presented to the Board of Supervisors Sustainability Committee on March 22, 2021. Environmental justice is a new legal requirement for the General Plan, but more importantly it is also one of the topics of greatest concern to county residents. This topic is complex and far-reaching, and the policies and actions crafted by the County will have a direct effect on the lives and health of many people.

Throughout California, low-income communities and communities of color have experienced a combination of historic discrimination, negligence, and political and economic disempowerment. As a result, they are struggling with both a disproportionate burden of pollution and health impacts, as well as disproportionate social and economic disadvantages such as poverty or housing instability. SB 1000 was enacted to respond to this inequity by both alleviating pollution and health impacts and compelling cities and counties to include the voices of previously marginalized residents in long-range planning decisions.

Legislation Summary

SB 1000, the Planning for Healthy Communities Act, passed in 2016, requires that General Plans address **environmental justice** in **disadvantaged communities** (DACs) within the area covered by the General Plan.

“Environmental justice” is defined in California law as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. “Environmental justice” includes, but is not limited to, all of the following:

- (A) The availability of a healthy environment for all people.

- (B) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
- (C) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.
- (D) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.¹

“Disadvantaged communities” are defined as low-income areas that are disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation. Based on community feedback, the revised draft policy guidance uses the term “Impacted Community” instead of “disadvantaged community.” This term was suggested by a community member; it conveys the intended meaning clearly and succinctly, while avoiding the negativity associated with the term “disadvantaged.” “Impacted” implies that the environmental justice issues are not inherent to the community and that they can be addressed and conditions changed.

Environmental justice goals, policies, and objectives must do the following:

- Reduce the unique or compounded health risks in Impacted Communities by reducing pollution exposure and promoting public improvements, public services, community amenities, access to quality food, safe and sanitary homes, and physical activity.
- Promote civil engagement in the public decision-making process.
- Prioritize improvements and programs that address the needs of Impacted Communities.

SB 1000 defines DACs per Health and Safety Code Section 39711, specifying CalEnviroScreen as the primary screening method for identifying these communities. Interactive CalEnviroScreen mapping is available online at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>.

¹ California Government Code 65040.12.

CalEnviroScreen quantifies a range of factors related to the combination of pollution burden and population characteristics (such as poverty, educational attainment, or age) and arrives at a score for every Census tract. In general, the higher the score, the more impacted a community is. Census tracts in the highest quartile of scores (75 to 100) are disadvantaged communities under SB1000.² In Contra Costa County, the following communities are identified by CalEnviroScreen as Impacted Communities:

- North Richmond
- Montalvin Manor, Tara Hills, and Bayview
- Rodeo
- Crockett
- Vine Hill/Mountain View
- Bay Point

Sources for the Draft Goals, Policies, and Actions

A number of sources were consulted to compile the draft goals, policies, and actions, including, but not limited to:

- Most importantly, input from the many residents and community advocates who have attended 20+ meetings in Impacted Communities, countywide meetings, and Sustainability Commission meetings so far.
- Environmental Justice Assessment Tool developed by the Contra Costa County Sustainability Commission.
- General Plan Guidelines prepared by the Governor’s Office of Planning and Research.
- The SB1000 Toolkit prepared by the California Environmental Justice Alliance and PlaceWorks.
- Draft and adopted General Plans from other communities in California.

² Note that this does not refer to the same methodology used to identify “disadvantaged unincorporated communities” under SB 244. Both use median income as one criterion, but SB 244 is focused on safe and adequate infrastructure while SB 1000 is focused on disproportionate impacts of environmental pollution.

- Comment letters from the Attorney General’s office on the environmental justice components of other County General Plans currently underway.
- Policy suggestions from environmental advocates submitted to the County by a consortium of local and regional organizations.
- AB 617 Community Emission Reduction Plans (CERPs)

The most recent draft goals, policies, and actions were published on October 2, 2020. Since then, the County has engaged residents of Impacted Communities through a variety of methods to refine the policy guidance to reflect what Impacted Community members want and need for their communities. During this time, County DCD staff also continued to coordinate with staff from other County departments, resulting in additional refinements. Finally, the revisions also incorporate previous Sustainability Committee feedback from its September 29, 2020, meeting.

Recommendations

Under SB 1000, the General Plan Update process must address specific topics in the new/updated goals, policies, and actions, including the following:

- **Pollution exposure and air quality.** Existing policies could be expanded to target Impacted Communities, the specific pollutants of concern in those communities, and mitigation approaches for new development that could place sensitive receptors in areas with exposure to pollutants.
- **Public facilities.** The new environmental justice components of the General Plan should ensure that Impacted Communities have adequate access to public facilities and services, in part by promoting public improvements in those communities.
- **Access to quality food.** The County should include policies to promote projects that would improve access to affordable and nutritious food in Impacted Communities.
- **Safe and sanitary homes.** The General Plan Housing Element works to ensure access to housing, including affordable housing, and includes policies that promote safe and sanitary homes. These policies could be expanded to address the following:
 - Ensuring that affordable housing projects meet health and safety standards that are consistent with market-rate housing.
 - Expanding efforts to repair and rehabilitate substandard housing in Impacted Communities.
 - Remediating lead-based paint, mold, mildew, asbestos, and other contaminants.
 - Expanding enforcement of public health-related codes in Impacted Communities.
- **Physical activity.** The County could expand existing policies in the General Plan Open Space Element to target an equitable distribution of physical activity opportunities (i.e., access to parks

and open space). This effort could build on projects identified in the County's Capital Road Improvement and Preservation Program, in addition to specific mobility plans that focus on identifying and creating safer and more comfortable streetscapes and facilities for pedestrians and bicyclists in Impacted Communities.

- **Civic engagement.** The County should include new and expanded policies that promote greater public participation in its planning processes, and which specifically target Impacted Communities, including:
 - Using culturally appropriate approaches, language, and context.
 - Considering the convenience of meeting times/locations for community members.
 - Using social media and other communication techniques for those without time to attend public meetings.
 - Providing translation services and childcare when needed.
 - Exploring new pop-up or community-based outreach methods.
 - Leveraging existing events and meetings to meet people where they already are.
- **Prioritization of improvements and programs that address the needs of Impacted Communities.** Policies to prioritize improvements and programs that serve Impacted Communities should address the following:
 - Whether improvements/programs meet an important community need. Under-served communities have needs and priorities that may be distinct from those of the public at large. The equity of projects and investments should be assessed based on whether and how well they address these priority needs.
 - Whether benefits to the local community are significant.
 - Whether low-income residents are the primary beneficiaries.
 - Whether improvements/programs avoid substantial burdens, like increasing toxic exposures, causing a net loss of affordable housing, or displacing residents or local businesses.

Related Topics

Although SB 1000 lists specific topics that must be addressed, the concept of environmental justice can be implemented in many different ways; new policies and programs that improve sustainability, protect community health, and support high-quality jobs (for example) will also advance environmental justice in the county. A successful approach to environmental justice will be ambitious, broad, and holistic. Therefore, the draft policy guidance to be reviewed at the March 22, 2021, Sustainability Committee meeting is not intended to be the only "environmental

justice” policy guidance in the updated General Plan. This draft guidance includes goals, policies, and actions that most directly and specifically respond to the legislative requirements for this topic.

In addition to the policy topics explicitly required by SB 1000, related and supportive policies will address:

- Climate resilience in Impacted Communities.
- Mixed use development that provides services and jobs near housing.
- Preventing displacement and gentrification when Impacted Neighborhoods are improved and enhanced.
- Providing a range of housing types for households at a range of income levels, including “missing middle” housing types.
- Multimodal transportation that serves residents who don’t drive and offers opportunities for safe physical activity.
- Public safety and security, including crime prevention through environmental design (CPTED).
- Green building requirements that reduce indoor air pollution and improve health outcomes.
- Emergency and community services that are responsive to the needs of residents and businesses in Impacted Communities.

We expect more topics to emerge and be included in the Draft General Plan as we continue to coordinate with County staff, the Sustainability Commission, Planning Commission, Board of Supervisors, and, of course, the affected communities.

Updates to the Climate Action Plan and the Zoning Code will also reflect the General Plan’s commitment to environmental justice.

Format and Organization

The Board of Supervisors has directed that four themes should be woven throughout the updated General Plan so that they are addressed comprehensively: environmental justice, sustainability, public health, and economic development. In the revised draft of the environmental justice policy guidance, the draft goals, policies, and actions are presented within the relevant General Plan element (e.g., Health and Safety Element).

Note that the Housing Element will be prepared separately from the rest of the elements in order to meet specific State deadlines and statutory requirements. However, SB 1000 requires the County to address safe and sanitary homes. The current Housing Element, adopted in 2014,

already includes a number of policies and programs that address safe and sanitary homes. Any new housing-related policies and actions that are developed through this process will be shared with County housing staff to be incorporated into the Housing Element Update, which must be completed by January 2023.

As shown in the revised draft policy guidance, policies and actions that focus on environmental justice are denoted with an environmental justice icon; they will be consolidated in an appendix of the Draft General Plan so they can all be reviewed in one place. This approach worked well for the City of Stockton's recent General Plan.

The revised draft goals, policies, and actions include only *countywide* guidance. The General Plan will also include a set of **community profiles** that contain policy guidance specific to each community. Each Impacted Community, as well as many other communities in the County, will get its own community profile. The policy guidance in each community profile is tailored to the specific issues and needs of each community, as directed by community members through a series of meetings in each community held in 2019 and 2020. In addition, the community profiles for the mapped Impacted Communities contain important contextual information about the specific sources of pollution, health outcomes, and socioeconomic concerns that contribute to each community's status as an Impacted Community.

To see the draft community profiles for five of the six mapped Impacted Communities, please visit the following link: envisioncontracosta2040.org/documents/#community-profiles. Note that these are still open to further change based on County staff feedback and ongoing dialog with community members. The Vine Hill/Mountain View profile is not yet drafted.

A Note on Wording

The updated General Plan will adhere to the following conventions for goals, policies, and actions:

- **Goal:** Describes the general desired result that the County seeks to create through implementation of its General Plan. Goals typically are ambitious and inspirational. A goal can be supported by any number of policies and/or actions.
 - Most of the goals in the existing General Plan start with "To..." (i.e., the goal is "to" achieve X), but not all. To avoid the redundancy of beginning each goal with "To," goals will now start with what the County is trying to achieve, phrased as a noun.
- **Policy:** Guides decision-making as the County works to achieve a goal. Policies, once adopted, represent statements of County regulation. A policy is on-going and requires no further implementation. The General Plan's policies set out the standards that will be used by County staff, the Planning Commission, and Board of Supervisors in their review of land development

projects and in decision-making about County actions. Words like *require, encourage, promote, allow*, etc. indicate policies. A policy does not have to be mandatory.

- Many of the existing policies are statements of things that “shall be” done. To reduce the number of words required, the new General Plan will use an active voice. For example, existing Land Use Element Policy 3-1 would read “Support and stimulate housing infill...” instead of “Housing infill shall be supported and stimulated...”
- **Action:** A measure, procedure, or technique intended to help to achieve a specified goal. The County must take additional steps to accomplish each action in the General Plan. Words like *complete, adopt, amend, prepare, publish, collaborate with*, etc. indicate actions. An action is something concrete that can and will be completed and “checked off” (literally or metaphorically). There is not a 1:1 correspondence between policies and actions. Some policies may not require actions to implement; some actions may implement more than one policy.
- These are called “implementation measures” in the existing General Plan. Existing implementation measures use the active voice, and this approach will be maintained.