



March 28, 2016

Senator Leyva  
Room 4061  
State Capitol  
Sacramento, California 95814

SUBJECT: **SUPPORT IF AMENDED - SB 1000 (LEYVA) NEW ENVIRONMENTAL JUSTICE ELEMENT IN LOCAL GENERAL PLANS – IN SENATE GOVERNANCE AND FINANCE COMMITTEE**

Dear Senator Leyva:

The American Planning Association, California Chapter (APA California) has taken a support if amended position on your bill, SB 1000. SB 1000 would add to the required elements of a General Plan an environmental justice element that identifies and appraises the burdens of undesirable land uses within disadvantaged communities or that impact a long list of particular populations.

APA California believes that it's important to consider how various land uses will impact each other as part of the planning process. For new projects, existing requirements in the General Plan and General Plan Guidelines, CEQA, and project approval process already have provisions that cover such impacts. The Guidelines currently do not suggest stand-alone elements, but include in the checklist several questions regarding the impact of planned land uses, infrastructure and facilities on people, regardless of their disadvantaged or other special status.

However, we oppose a state mandate to include a new element within the General Plan.

Updating the General Plan to add a brand new element is extremely expensive, requiring not just the adoption of the new element, but a review of the entire General Plan and underlying zoning to ensure internal consistency among each of the required elements. Such a major change would also likely require an EIR. These costs would have to be incurred even if the new element's content is similar to what can be found in other elements of the General Plan, existing law, or related documents.

The bill's requirement to appraise "the burdens of undesirable land uses within disadvantaged communities or that disproportionately impact a particular population on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability in order to reduce pollution exposure, improve air quality and promote food access, healthier homes, and physical activity" is extremely broad and detailed for a provision in the General Plan – most of these impacts could only be determined when

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considering impacts of an actual development project.

In addition, most of the incompatible uses outlined in the Fact Sheet on the bill appear to be impacts related to long-standing legacy facilities and surrounding communities, or to schools placed near hazardous facilities. New housing next to a refinery, for example, would not be able to meet CEQA or air and health impact requirements now in place. However, those existing, operating facilities can't simply be closed and their impacts can't be fixed with a plan. Exploring what to do with existing housing next to a fixed, operating facility, would be helpful, perhaps through additional questions in the General Plan Guidelines' checklist. In addition, it should be noted that cities and counties do not control the ultimate decisions of school districts related to their school site locations.

APA suggests as an alternative that the bill require local agencies to conduct an impact analysis and develop proposed actions related to impacts of undesirable uses on adjacent or surrounding communities consistent with the General Plan Guidelines. The city or county should be allowed to meet this requirement within existing General Plan elements, as the local agency deems appropriate. We would suggest the term "undesirable uses" be clearly defined in the bill, as we understand is currently being drafted. The bill should also clarify that if a city or county has adopted a similar policy in its General Plan or related document that is consistent with the requirements of the bill, no new General Plan changes/updates would be required. These amendments will greatly simplify the amount of detail needed in the General Plan analysis, and substantially reduce the costs to implement these requirements.

We appreciate the meeting with your staff to discuss our concerns and hope that we can work together to address the goals of your bill within existing General Plan elements, and move our position to full support.

We look forward to working with your office on this issue. If you have any questions, please contact APA California's lobbyist, Lauren De Valencia with Stefan/George Associates, 916-443-5301 or [lauren@stefangeorge.com](mailto:lauren@stefangeorge.com).

Sincerely,

John Terell

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cc: the Governor, OPR, Senate Governance and Finance Committee

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