

APPENDICES

ADDRESSING COMMUNITY CONCERNS: HOW ENVIRONMENTAL JUSTICE RELATES TO LAND USE PLANNING AND ZONING

APPENDIX A

INTERVIEWEES

CALIFORNIA

Manuel Acosta, Business Development Specialist, City of Huntington Park
Bill Chow, Redevelopment/Economic Development Manager, City of Huntington Park,
Bahram Fazeli, Staff Researcher, Communities for a Better Environment
Henry Gray, Assistant Director, Community Development and Redevelopment, City of Huntington Park
Dean Hickman, Resident, Huntington Park
Yuki Kidokoro, Lead Organizer, Communities for a Better Environment
Gregory Korduner, City Manager, City of Huntington Park
Jessica Maes, Councilwoman, City of Huntington Park
Julie O' Leary, Senior Management Analyst, Community Development Department, City of Los Angeles
Veronica Soto, Business Outreach Manager, Alameda Corridor Transportation Authority
Jesus Torres, Community Organizer, Center for a Better Environment
Jorge Villanueva, Youth Program Coordinator, Center for a Better Environment
Jack Wong, Assistant City Manager, City of Huntington Park
Larry Wiggs, Consultant, Tutor Saliba Corporation

ILLINOIS

Anatoly Belogorsky, Permit Engineer, Illinois Environmental Protection Agency.
Peggy Bradley, Public Information Coordinator, Metropolitan Water Reclamation District
Juanita Charlton, Assistant Commissioner, Far South Planning District, Chicago
Kathleen Dickhut, Planner, Far South Planning District, Chicago
Marilyn Engwall, Planner, Far South Planning District, Chicago
Matthew Fortney, Engineer, Chicago Department of Environment
Katherine Greenberg, Director of Public Information, Chicago Housing Authority
Alan Keller, Manager, Northern Municipal Unit, Bureau of Water, Illinois Environmental Protection Agency
Cheryl Johnson, People for Community Recovery
Mardi Klevs, Greater Chicago Regional Team Manager, U.S. Environmental Protection Agency
Dennis McMurray, Public Information Officer, Illinois Environmental Protection Agency
Jill Murray, Office Secretary, Chicago Department of Planning and Development
Kurt Neibergall, Manager, Office of Community Relations, Illinois Environmental Protection Agency
Ken Page, Environmental Justice Officer, Illinois Environmental Protection Agency
Kimberly Worthington, Assistant Commissioner, Department of Environment, Chicago,

LOUISIANA

Kevin Belanger, Director, South Central Planning and Development Commission
Diane Brathwaite, Director, Human Resources, St. James Parish
Martha Cazaubin, South Central Planning and Development Commission
Jody Chenier, Director of Operations, St. James Parish
Janice Dickerson, Louisiana Department of Environmental Quality, Community/Industry Relations Group
Greg Ducote, Local Government Liaison, Louisiana State Coastal Zone Management
Dianne Dugas, Manager, Section of Environmental Epidemiology and Toxicology, Office of Public Health, Louisiana Department of Health and Hospitals
Albertha Hastin, Louisiana Environmental Action Network
Dale Hymel, Parish President, St. James Parish
Ray Kliebert, Director of Permitting, Office of Operations, St. James Parish
Edie Michel, Director of Economic Development, St. James Parish
Gary Miller, Louisiana Environmental Action Network
Marylee Orr, Louisiana Environmental Action Network
Richard Parro, Sanitarian Parish Manager, Office of Public Health, Louisiana Department of Health and Hospitals
Florence Robinson, Louisiana Environmental Action Network
Michael Vince, Director, Permits, Environmental Services Division, Louisiana Department of Environmental Quality
Roger Ward, Community/Industry Relations staff, Louisiana Department of Environmental Quality

PENNSYLVANIA

Patrick R. Andersen, Special Assistant to the Region III Administrator, U.S. Environmental Protection Agency
Jerome Balter, Lawyer, Public Interest Law Center of Philadelphia
Francine Carlini, Air Quality Program Manager, Pennsylvania Department of Environmental Protection
Susan Cordes, County Solid Waste Management Official, Delaware County
Herman Fryer, Chairman, Environmental Advisory Board, City of Chester
Alisa Harris, Director, Office of Environmental Advocacy, Pennsylvania Department of Environmental Protection
Susan W. Hauser, Manager, GIS & Information Services, Delaware County Planning Department
Karen Holm, Environmental Planner, Delaware County
Neil Kinsey, Local Government Policy Specialist, Governor's Center for Local Government Services
William Payne, Director, Planning Department, City of Chester
Dave Sciocchetti, Executive Director, Chester Economic Development Authority
Irshad Shaikh, Health Department, City of Chester
Dr. Masood Shaikh, Director, Health Department, City of Chester

Reverend Horace Strand, Faith Temple Holy Church
Alice Wright, Environmental Advocate for Southeast, Office of Environmental Advocacy,
Pennsylvania Department of Environmental Protection

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Susana Almanza, Director/Coordinator, People Organized in Defense of the Earth and her Resources

Greg Bolds, Planning, Assessment and Evaluation Unit, Austin/Travis County Health and Human Services

Mitzi Cotton, Legal Department, City of Austin

Blas Coy, Public Interest Counsel, Texas Commission on Environmental Quality

Jim Fernandez, Office of Environmental Equity, Office of Public Assistance, Texas Commission on Environmental Quality

Tom Forrest, Transportation and Sustainable Development, City of Austin

Alice Glasco, Director, Neighborhood Planning and Zoning Department, City of Austin

Miguel Gomez, Volunteer, People Organized for Defense of the Earth and her Resources

Lisa Gordon, Assistant City Manager, City of Austin

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Mike Heitz, Director, Watershed Protection and Development Review, City of Austin

Sylvia Herrera, Health Coordinator, People Organized for Defense of the Earth and her Resources

Stuart Hersh, Development Services Manager, City of Austin

Ricardo Soliz, Manager of the Neighborhood Planning Program, City of Austin

Marty Terry, Legal Department, City of Austin

Trish Young, Primary Care Department, Community Health Centers, City of Austin

APPENDIX B

PANEL AND STAFF BIOGRAPHIES

PANEL

Philip J. Rutledge, *Chair* - Professor Emeritus, School of Public and Environmental Affairs and former Special Assistant to the President, Indiana University. Former Director, Department of Human Resources, District of Columbia; Professor of Public Administration, Howard University; Director of Policy Analysis, National League of Cities and U.S. Conference of Mayors; Deputy Administrator, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare; Deputy Manpower Administrator, U.S. Department of Labor.

A. James Barnes - Professor and former Dean, School of Public and Environmental Affairs, and Professor, School of Law, Indiana University. Former positions with the U.S. Environmental Protection Agency: Deputy Administrator; General Counsel; Special Assistant to Administrator/Chief of Staff. Former General Counsel, U.S. Department of Agriculture; Partner, Beveridge & Diamond; Campaign Manager, Governor William G. Milliken (Michigan); Assistant to Deputy Attorney General and Special Assistant/Trial Attorney, U.S. Department of Justice.

Teodoro Benavides - City Manager, City of Dallas, Texas. Former City Manager, City of Denton, Texas. Former positions with the City of Dallas, Texas: Assistant City Manager; Director of Budget and Research Department; Assistant Director of Health and Human Services Department; Assistant Director of Capital Programs; Capital Budget Administrator; Budget Analyst.

Jonathan B. Howes - Special Assistant to the Chancellor and Professor of Planning and Policy, University of North Carolina at Chapel Hill. Former Secretary, Department of Environment, Health and Natural Resources (DEHNR), State of North Carolina; Research Professor and Director, Center for Urban and Regional Planning, University of North Carolina; Mayor, Town of Chapel Hill; Director, Urban Policy Center, Urban America, Inc.; Director, State and Local Planning Assistance, U.S. Department of Housing and Urban Development.

David Mora - City Manager, Salinas, California. Former City Manager, Oxnard, California; Manager, Los Gatos, California. Increasingly responsible positions with Santa Barbara, California, including: Director, Community Relations; Assistant to City Administrator; Deputy City Administrator.

James Murley - Director, Joint Center for Environmental and Urban Problems, Florida Atlantic University. Former Secretary and Director, Division of Resource Planning and Management, Department of Community Affairs, State of Florida; Executive Director, 1000 Friends of Florida. Former positions with the National Oceanic and Atmospheric Administration, U.S. Department of Commerce: Director, Coastal Program Office, Office of Coastal Zone Management (OCZM); Congressional Officer; Gulf Coast Regional Manager, OCZM.

Sylvester Murray - Professor of Public Administration, Cleveland State University, Former Manager, Government Consulting Services, Coopers and Lybrand; Former City Manager: City of San Diego, California; City of Cincinnati, Ohio; City of Ann Arbor, Michigan, and City of Inkster, Michigan.

Staff

Suellen Terrill Keiner - Director, Center for the Economy and the Environment, National Academy of Public Administration. Former Senior Attorney and Director, Program on Environment, Governance, and Management, Environmental Law Institute; Director of Litigation, the Environmental Policy Institute; Assistant Solicitor and Acting Deputy Assistant Secretary for Energy and Minerals, U.S. Department of Interior; Natural Resources Consultant, Council of State Planning Agencies; Attorney representing environmental and civil rights groups in citizen suits.

Ann E. Goode - Deputy Director, Center for the Economy and the Environment, National Academy of Public Administration; Environmental Protection Agency: Acting Deputy Administrator, Office of Air and Radiation; Director, Office of Civil Rights; Chief of Staff, Office of Air and Radiation; Assistant Director for Regional Affairs, Office of Atmospheric Programs.

Frances Dubrowski – Senior Consultant, Private attorney and Adjunct Faculty, University of Maryland School of Public Affairs. Former Chair of Environmental Justice Committee, American Bar Association; Co-chair, D.C. Coalition on Environmental Justice; Director of the Clean Air, Clean Water, Regulatory Reform Projects, Natural Resources Defense Council; Assistant Attorney General, Pennsylvania Department of Environmental Resources.

Donna Fletcher - Senior Consultant, Center for the Economy and the Environment, National Academy of Public Administration; Environmental Protection Agency: Senior Analyst, Office of Congressional and Intergovernmental Relations; Task Force Member, National Partnership for Reinventing Government; Analyst, Offices of Cooperative Environmental Management, Policy, Enforcement, and Ground Water Protection.

Patricia Salkin - Associate Dean and Director of the Government Law Center of Albany Law School and professor of land-use, housing law and policy, government ethics, as well as planning law; Chair-Elect of the American Bar Association's State and Local Government Law Section, Chair of the American Planning Association's Amicus Curiae Committee, and faculty for the ALI-ABA annual Land Use Institute.

Mark Hertko - Research Assistant, Center for the Economy and the Environment, National Academy of Public Administration.

Charlene Walsh - Administrative Assistant, Center for the Economy and the Environment, National Academy of Public Administration.

Joseph Aamidor - Intern, Center for the Economy and the Environment, National Academy of Public Administration.

Megan Bonner - Intern, Center for the Economy and the Environment, National Academy of Public Administration.

Anne Emory - Intern, Center for the Economy and the Environment, National Academy of Public Administration.

Tracey Harden - Intern, Center for the Economy and the Environment, National Academy of Public Administration.

APPENDIX C



State of California
Agency Secretary
CalEPA

State of California
California Environmental Protection Agency



Air Resources Board | Department of Pesticide Regulation | Department of Toxic Substances Control
Integrated Waste Management Board | Office of Environmental Health Hazard Assessment | State Water Resources Control Board | Regional Water Quality Control Board

MEMORANDUM

TO: All Cal/EPA Employees

FROM: Winston H. Hickox
Agency Secretary *Winston H. Hickox*

DATE: March 28, 2002

SUBJECT: CAL/EPA'S COMMITMENT TO ENVIRONMENTAL JUSTICE

California has long been a pioneer in taking initiative to reduce environmental and public health risks posed by air and water pollution, solid and hazardous waste management, and pesticide application. In this tradition, our Golden State stands as one of the nation's leaders on the issue of environmental justice, being one of the first states in the Nation to have passed legislation to codify environmental justice in state statute. In fact, Governor Davis signed six bills related to environmental justice since 1999.

Cal/EPA is firmly committed to the achievement of environmental justice.
Environmental justice for all Californians is an Agency priority.

Accordingly, we must continue to seek opportunities to implement environmental justice principles, especially those with a concerted, cross-media approach to ensure the integration of environmental justice into all programs, policies, and activities within our Boards, Departments, and Offices (BDOs).

Our environmental justice mission reflects the Agency's commitment to this issue:

"To accord the highest respect and value to every individual and community, the Cal/EPA and its BDOs shall conduct our public health and environmental protection programs, policies and activities in a manner that is designed to promote equality and afford fair treatment, full access and full protection to all Californians, including low income and minority populations."

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, check out www.flyyourpower.ca.gov

1001 J Street, Sacramento, CA 95814

Phone: 916-455-3845 Fax: 916-445-5401

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As I've stated before, "Protecting human health and the environment is a job that is never done" and indeed, the opportunities for analysis and action for environmental justice in California are varied and great. The goal of our mission will be attained when all Californians, regardless of race, culture, or income, enjoy the same degree of protection from environmental and health hazards and equal access to our decision-making processes.

Environmental justice is defined in statute 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." (Government Code Section 65040.12)

Statute obligates the Agency and its BDOs to do the following:

- Conduct all programs, policies, and activities within Cal/EPA and its BDOs in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the State.
- Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of all Californians, irrespective of race, culture, and income;
- Ensure greater public participation from environmental justice stakeholders in the development, adoption, and implementation of environmental regulations and policies.
- Improve research and data collection for programs relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the State.
- Identify among people of different socioeconomic classifications differential patterns of consumption of natural resources for our programs.

Clearly, there is no one simple solution to environmental injustice, but rather a host of existing procedural and programmatic tools available to address the issue. In order to achieve meaningful environmental justice, we should, as a procedural and practical matter

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- Enhance our mechanisms for public involvement and input at all levels of the decision-making process to ensure early, accessible and meaningful participation of all stakeholders (e.g. fact sheets, availability of language translation, and enhanced public outreach);
- Invest in capacity development of all stakeholders, particularly those historically not engaged in the decision making process (e.g. technical assistance at the community level and leveraging of resources to support local environmental justice efforts);
- Explore opportunities to address environmental justice within current statutory and regulatory structures and identify any necessary changes or clarifications;
- Create partnerships with stakeholders in the environmental decision-making process, understanding that environmental justice requires a collaborative approach at all levels;
- Utilize research and proactive tools and approaches to environmental justice issues, such as cumulative impact analysis and pollution prevention to inform how we prioritize, develop, and implement our efforts to reduce and/or eliminate environmental pollution and deliver the benefits of environmental protection; and
- In light of our State's current economic situation, we must be more vigilant in ensuring environmental justice remains a priority and resources continue to be directed this key issue.

I have asked each of the Boards, Departments, and Office to incorporate environmental justice into their overall strategic plans. This has been accomplished and now we need to move forward in earnest to implement those plans. To assist in our efforts, there are a number of resources I recommend you become familiar with and take advantage of as follows:

- The Interagency Working Group on Environmental Justice (IWG): I chair this Group along with the Governor's Office of Planning and Research Director, including all the heads of the Boards, Departments, and Office within Cal/EPA. The IWG is responsible for guiding programmatic and policy development related to environmental justice;

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- **The External Cal/EPA Advisory Committee on Environmental Justice:** This Committee is made up of various EJ stakeholders from community groups, environmental organizations, business, local/regional planning agencies, air districts, and Certified Unified Program Agencies to provide advice and consultation on environmental justice to Cal/EPA;
- **The Cal/EPA Environmental Justice Website** (www.cal EPA.ca.gov/EnvJust.ca/): The website contains the most current information on environmental justice concerns including a Calendar of Events on environmental justice occurring throughout the State.
- **Cal/EPA Environmental Justice Fundamentals Training Program** (<http://www.cal EPA.ca.gov/EnvJustice/training>): The training is offered at various times throughout the year to bring greater awareness of environmental justice issues within Cal/EPA.

Let's continue to work in this spirit to ensure environmental justice is not a series of paper exercises, but is a tangible goal attained for and by all Californians. The Assistant Secretary for Environmental Justice, Romel Pascual, and his staff are available to assist you. Mr. Pascual can be reached at (916) 324-8425 or via email at rpascual@cal EPA.ca.gov

I appreciate your continued support in this matter.

APPENDIX D



City of
HUNTINGTON PARK california

COMMUNITY DEVELOPMENT DEPARTMENT

6650 MILES AVENUE, ROOM 145

HUNTINGTON PARK, CA 90255

January 18, 2000

TO: Honorable Mayor and Members of the City Council

FROM: Jack L. Wong, Assistant CAO/Director of Community Development & Redevelopment

SUBJECT: Huntington Park Air Quality Improvement Task Force's (AQITF) response to the South Coast Air Quality Management District's (AQMD) findings from the MATES II study.

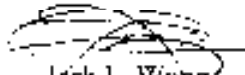
REQUEST: Staff requests that the Council approve the report prepared by the AQITF, and authorize the Mayor to forward it to the AQMD, cities in the Southeast Los Angeles area, and all other appropriate agencies.

BACKGROUND: The AQMD recently conducted an air quality study titled the Multiple Air Toxics Exposure Study II (MATES II) of the South Coast Air Basin. The study concluded that the Southeast Los Angeles area, which includes the City of Huntington Park, had the highest level of toxic air pollution in the Basin. The AQMD issued a 90 day public comment period (until February 4, 2000) to receive comments which can be incorporated into the development of future comprehensive control strategies and regulations to reduce toxic air emissions. The Huntington Park City Council agreed to convene the AQITF to respond to the MATES II study and develop a comprehensive plan to reduce toxic air emissions.

ANALYSIS: The Task Force consisted of different levels of participation from 18 individuals and/or agencies of different backgrounds (see attached list within report). The meetings consisted of technical presentations and round-table discussions, where ideas and recommendations were formed on a consensus basis from the variety of different perspectives. By virtue of the Task Force's exploration of measures to improve air quality, it became apparent that effective measures will need to be implemented at a regional level. Due to this fact, the Task Force focused on addressing the issue at a regional level, in addition to measures that could be implemented locally.

RECOMMENDATION: Staff recommends that the Council approve the attached AQITF Report, and authorize the Mayor to forward it to the AQMD, cities in the Southeast Los Angeles area, and all other appropriate agencies.

Respectfully submitted,


Jack L. Wong
Assistant CAO/Director of Community
Development & Redevelopment

January 18, 2000

HUNTINGTON PARK AIR QUALITY IMPROVEMENT TASK FORCE REPORT

BACKGROUND

The South Coast Air Quality Management District (AQMD) recently conducted an air quality study referred to as the Multiple Air Toxics Exposure Study II (MATES II) for the South Coast Air Basin, which is comprised of Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino Counties. The study monitored for over 30 toxic air pollutants, and assessed the potential risk of those pollutants. On November 5, 1999, the completed MATES II report was released to the public indicating the results.

The study indicated that since the MATES I study in 1987, air toxic levels have dropped by approximately 50%, which is a significant reduction. However, since that time, diesel particulates have been listed as a toxic cancer risk air contaminant. Mobile diesel emission contaminants, such as trucks and buses, account for approximately 70 % of the air toxics in the Basin. Twenty Percent (20%) are from mobile, primarily gasoline powered, cars and trucks, and the final 10% are from stationary sources such as refineries, plating businesses, dry cleaners, gas stations, etc. The study concluded that the Southeast Los Angeles County area, which includes the City of Huntington Park, had the greatest toxic air concentrations due to the dominance of mobile sources in this urban core. According to the study, the average cancer risk from toxic air pollutants, when continuously exposed over a 70 year lifespan, in the entire South Coast Air Basin is approximately one (1) in 715 people. For comparison, the risk to residents specifically in the Southeast Los Angeles County area is approximately one (1) in 589 people.

The AQMD has issued a 90 day public comment period (until February 4, 2000) to receive comments which can be incorporated into the development of future comprehensive control strategies and regulations to reduce toxic emissions.

As a result of the study's findings, the Huntington Park City Council agreed to convene the Huntington Park Air Quality Improvement Task Force (AQITF) for the purpose of protecting the public's health by taking a strong and proactive role to reduce the level of toxic air pollutants, and create a safe environment for residents and visitors of the community. Responsibilities of the Task Force included drafting a

response to the MATES II study, develop a comprehensive plan to reduce toxic emissions, and complete this effort by January 18, 2000.

The Task Force invited participation from government officials, community groups, residents, technical experts, and other organizations and agencies. Different levels of participation from 18 individuals and/or agencies of different backgrounds (see attached list) assisted in the Task Force's process. Six (6) meetings were scheduled to accomplish the task. The methodology of the meetings consisted of technical presentations and round table discussions, where ideas and recommendations were formed on a consensus basis from the variety of different perspectives. Due to the limited time (six weeks) given to provide comments, the Task Force sessions were intensive, yet effective given the short time period.

During the Task Force's exploration of measures to improve air quality, it became apparent that effective measures have to be implemented at a regional level. Due to this fact, the Task Force focused on addressing the issue at a regional level, in addition to measures that could be implemented locally.

The Task Force's Mission Statement and list of recommendations to help reduce toxic air pollution, which are provided as "Principles" and "Specific Measures" categories, are as follows:

MISSION STATEMENT

The Huntington Park Air Quality Improvement Task Force's purpose is to protect the public's health by taking a strong and proactive role to reduce the level of toxic air pollutants, and create a safe environment for residents and visitors of the community.

PRINCIPLES

- 1) By virtue of the Task Force's efforts in exploring measures to improve air quality, it is apparent that effective measures have to be implemented at a regional level, and a collaborative effort must be undertaken to address this concern.
- 2) That any future studies and/or reports, conducted and/or prepared by any agencies regarding air quality not identify specific cities or locations, but rather focus on general areas. Results that are overly site specific can negatively affect

- the character of a community, and can create a false sense of security to cities in the same general area with relatively the same level of air pollution.
- 3) That areas found to have the worst air pollution problems, specifically the Southeast Los Angeles County area, should be the focus of toxic air emission reducing programs and funding (by all relevant agencies including the AQMD, MTA, LAUSD, ACTA, CALTRANS, EPA, State ARB, SCAG, DMV, County, Cities, etc.). "In order for the Southeast Los Angeles County area to be equal we need an unequal (greater) amount of assistance."
 - 4) That current and/or projected air pollution mitigation measures (i.e. use of ethanol) take into consideration all aspects of implementation, including delivery methods, and mitigate those impacts. It is important to stay focused on the fundamental intentions and goals when proposing new mitigation measures.
 - 5) The intent of the Task Force's report is not to be critical of other agencies, but rather to stimulate a regional collaboration, with the understanding that other municipalities and agencies are currently addressing the issue politically and feasibly to the best of their ability.

SPECIFIC MEASURES

- 6) That the AQMD initiate and implement a more comprehensive review process with stricter regulations (i.e. a model air quality ordinance) for stationary sources emitting pollution, for all cities in the Southeast Los Angeles area. All local efforts, however, should be implemented equally on a regional basis.
 - A) Cities should consider various permit review changes in conjunction with the assistance from AQMD, such as: Longer noticing periods and additional noticing methods for the establishment of toxic emission producing projects/businesses; stricter zoning requirements; provide bi-lingual noticing when relevant; designating certain types of businesses as conditional uses requiring more detailed environmental review; use of CEQA as a base tool for additional review procedures; include questions in environmental checklists regarding use of diesel vehicles; local incentives for ridesharing/use of clean emission vehicles; implement a monetary fine for gross polluters; swift and strong enforcement methods; no diesel vehicle idling; etc.

- B) That the AQMD provide cities with a list of all establishments requiring AQMD permits, primarily potential toxic air emitting establishments (i.e. dry cleaners, chrome plating businesses, gas stations, truck terminals, etc.), whereas cities can designate them in appropriate zones, with appropriate entitlement requirements.
- C) That the AQMD Board adopt a more stringent Rule 1402 in their March (2000) Board meeting by amending the threshold to limit a million cancer risk per facility and a hazard index of 1.
- 7) That periodic mobile diesel source (i.e. trucks and buses) checkpoints be set up throughout the Southeast Los Angeles area to enforce emission standards.
- 8) That AQMD Proposed Rule 1190 consider other regulation avenues including components for any mobile source emission reduction possible, particularly for diesel, such as that all government and private companies with 10 or more diesel vehicles be required to change to cleaner burning vehicles within a specified abatement period. Funding sources may include Federal, State, Regional and/or Local sources. (Specifically, modify AQMD's Proposed Rule 1190 to include private industry.)
- 9) That all existing stationary operations emitting toxic air pollution (i.e. dry cleaners, chrome plating businesses, gas stations, etc.) be monitored, and any establishments not meeting a clean air threshold be given an abatement period to achieve standards. This should be mandated at a mass scale similar to the seismic retrofitting requirement and underground gas tank upgrading for gas stations.
- 10) That all relevant agencies (including AQMD, MTA, LAUSD, ACTA, CALTRANS, EPA, SCAG, State ARB, DMV, County, Cities, etc.) increase funding and promotion of congestion management programs, traffic projections and traffic circulation improvements (including studies and physical improvements).
- 11) That an "800" number be established and marketed throughout the Southeast L.A. area for the public to report all forms of air pollution. Immediate investigation and enforcement would be necessary.
- 12) That schools and other sensitive receptors (e.g. day care centers, hospitals, etc.) in the Southeast L.A. area install air filtration systems.

- 13) That schools in the Southeast L.A. area be consulted regarding the feasibility of implementing a health-screening program for respiratory illnesses, and monitor absences to determine how many absences are respiratory related.
- 14) That schools in the Southeast L.A. area develop "Neighborhood Schools" instead of "Mega Schools", which have the potential for greater traffic impacts.
- 15) That emphasis should be given to grants, bond initiatives, and any other financial resources, to provide additional trees, parks, and landscaping. All Southeast L.A. cities should advocate maximum green open space and landscaping for all new development, including public right-of-ways (i.e. landscaped medians). Cities can implement a citywide urban landscape element or master plan for maximum dispersion. Develop an integrated regional master plan for parks, open spaces, trails, and bikeways.
- 16) That limitations on the days of the week when diesel trucks can use thoroughfares be implemented in the Southeast L.A. area (i.e. only on odd or even days), unless designated as a clean emissions vehicle (special sticker?).
- 17) That all agencies consider more carefully sensitive receptors when initiating projects that will impact air quality.
- 18) That CALTRANS conduct a study for the 110 freeway in addition to the 710 freeway study.
- 19) That CALTRANS provide High Occupancy Vehicle (HOV) lanes and/or special Truck lanes (for clean emission designated vehicles) on the 110, 710 and other freeways.
- 20) That the AQMD create or designate a special division (liaison, etc.) to provide technical assistance and coordination specifically for the Southeast L.A. area cities.
- 21) That Proposition 10 (tobacco) funds be used for air quality and alternative fuel related improvements (and oppose the initiative to repeal Prop 10).
- 22) That all relevant agencies (including AQMD, MTA, LAUSD, ACTA, CALTRANS, EPA, SCAG, State ARB, DMV, County, Cities, etc.) provide funding for planting a maximum amount of trees and landscaping along the Alameda Corridor.

- 23) Promote and expand the Carl Moyer program (which is a funding program to convert diesel engines to heavy duty cleaner burning fuel engines).
- 24) That an inventory for entire Southeast L.A. area be taken of all toxic air emitting sources (i.e. daily diesel truck/bus count, dry cleaners, chrome plating companies, etc.) and focus on mitigating those areas in particular. (Checking SIC codes for toxic emitting sources can help achieve this.)
- 25) That the California Air Resources Board increase the regulation of diesel vehicle emissions and expedite the schedule for fuel improvement and exhaust filtering, and other emission standards. Additionally, that the ARB provide a presentation to the AQTF.
- 26) That the California Air Resources Board require diesel vehicles to pass regular smog checks similar to gas powered vehicles, and gradually phase in increasing emission standards.
- 27) That the MTA replace all diesel buses with clean air (CNG) buses as soon as possible.
- 28) That municipalities and schools in the Southeast L.A. sub-region strictly enforce the school bus "no idling" regulations.
- 29) That schools and other sensitive receptors work with the Asthma and Allergy Foundation to target the Southeast Los Angeles area for a "Breathe Mobile", which is an existing mobile program which screens and treats certain respiratory ailments.
- 30) That all relevant agencies (including AQMD, MTA, LAUSD, ACTA, CALTRANS, EPA, SCAG, State ARB, DMV, County, Cities, etc.) implement parent education programs for air pollution and related effects.
- 31) That ACTA complete a supplemental environmental review, from original EIR, addressing diesel emissions.
- 32) That Railroad Companies consider off-peak train operations in order to reduce concentration of emissions.
- 33) That incentives be created for businesses to convert to better emission control technology/equipment.

- 34) That funding to establish an alternative fuels dispensing facility for both public and private sector use be made available.
- 35) That the Southeast L.A. area COG (Gateway) explore ways to increase project review resources for improved processing, policy, technical expertise, etc.
- 36) That the AQMD do periodic monitoring of ambient air in neighboring cities to corroborate emissions findings, as well as, evaluate reduction efforts.
- 37) That SELAC (former name of Gateway COG) report from a few years ago be revisited and possibly updated.
- 38) Advocate locally, regionally, and at State and Federal level for improved regional planning and coordination and funding that can have positive impact on all sources of emissions such as:
 - A) Regional sharing of impacts from airports, truck, trains, etc. (e.g. a regional growth plan for all airports, particularly as a alternative to LAX expansion, ports and port businesses to help "pay" for impacts; etc.)
 - i. That the pending Los Angeles Airport (LAX) expansion be opposed by the Southeast Los Angeles area City Councils, because it will create an additional source of pollution to the area.
 - B) Smart growth concepts for planning and projects that provide funding and incentives for better transit oriented development particularly into regionally targeted growth areas where transit supports density, where less dense or less air impacted areas can support more growth while offsetting the pressure in high impact areas such as the Southeast L.A. cities and also allowing, for example, better opportunity/support for open space increases; tie regional housing allocation to this concept; require regional growth management elements in all general plans that addresses air quality and transportation and other shared regional issues; improve mixed use and pedestrian oriented development funding/financing/incentives/planning (i.e. less auto-dependence).
 - C) Improve funding and data sharing for GIS applications among and between all agencies that can also be used to do local and regional "what if" type analysis of uses, growth impacts, environmental impacts, transportation, etc.

- 39) Tie in Brownfield (environmentally distressed site) funding with new "clean" uses.
- 40) Pursue/advocate/implement any other sound environmental policies or projects such as: "green"/sustainable building codes; air conditioning/filtration mitigations, upgrades, or improvements for sensitive receptors or other general impact areas for all buildings but particularly schools and homes.
- 41) That the City of Huntington Park Chief Administrative Officer, or designee, coordinate a meeting comprised of City Managers/Chief Administrative Officers from those cities included in the Gateway Cities Council of Governments (COG). The meeting shall address the issues within the AQIIF report, proposed AQMD Rule 1190, and Air Toxics Control Plan, as well as other measures to reduce air pollution within the Southeastern cities sub-region.

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CHAPTER 2

Conceptualizing the General Plan

All statutory references are to the California Government Code unless otherwise noted.

Preparing or comprehensively updating a general plan is an important undertaking. The resources required of the planning agency to prepare an adequate general plan are potentially great. Yet many people outside of the planning and development world are not familiar with the general plan and the role it plays in shaping our communities. So why plan?

Part of the answer is that each city and county has a statutory responsibility to adopt a general plan, as described in Chapter 1 (§65300). Once adopted, each city or county has a duty to "periodically review and revise their general plans as circumstances warrant . . ." (§65103(a), *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553).

In addition, preparing, adopting, implementing, and maintaining the general plan serves to:

- ◆ Identify the community's land use, circulation, environmental, economic, and social goals and policies as they relate to land use and development.
- ◆ Provide a basis for local government decision-making, including decisions on development approvals and exactions.
- ◆ Provide citizens with opportunities to participate in the planning and decision-making processes of their communities.
- ◆ Inform citizens, developers, decision-makers, and other cities and counties of the ground rules that guide development within a particular community.

The general plan bridges the gap between community values, visions, and objectives and physical decisions such as subdivisions and public works projects.

The California Legislature declared in 1976 that "decisions involving the future growth of the state, most of which are made and will continue to be made at the local level, should be guided by an effective planning process, including the local general plan" (§65030.1). The Legislature has further declared that the state's land is an exhaustible resource, not just a commodity, and is essential to the economy, environment, and general well-being of the people of California (§65030). The need to balance population and economic growth with environmental quality has long been a concern of Californians. State planning law, the California Environmental Quality Act, and the Cortese-Knox-Hertzberg Local Government Reorganization Act are three examples of California's efforts to plan responsibly.

SUSTAINABLE DEVELOPMENT

Recently, the "sustainable development" and "smart growth" movements have encompassed established principles of good planning and advocated a proactive approach to future development. There is no precise definition of sustainable development, but its basic concept involves meeting the needs of current generations without compromising the needs of future generations. Sustainable development can be further defined as balancing the "Three E's": environment, economy, and equity.

"Smart growth" is a similar concept, although some feel sustainability is broader. The goals and methods of smart growth and the related "New Urbanist" movement are compatible with sustainable development.

Sustainability goals include the following:

- ◆ Decreasing urban sprawl.
- ◆ Preserving open space and prime agricultural lands.

- Creating strong economies.
- Creating compact, integrated communities.
- ◆ Ensuring the availability of affordable housing.
- ◆ Promoting alternative, less polluting modes of transportation.
- ◆ Promoting energy- and resource-efficient industry.
- ◆ Promoting waste reduction programs such as recycling.
- ◆ Developing community-driven strategic planning and collaborative regional planning.

The comprehensive, integrated, and long-term nature of the general plan makes it an ideal vehicle for implementing local sustainable development goals. While preparing or amending a general plan, sustainable development policies or programs may be addressed within the various elements of the plan. For example, policies on minimizing urban sprawl through limitations to development may be addressed in the land use element; policies for prime agricultural land preservation may be introduced in the open space element; and the transportation element may be used to address public transportation concerns.

The principles of sustainable development may also guide the overall goals of the general plan. For example, Santa Clara County's general plan addresses four themes of sustainable development in the organization of its general plan vision: social and economic well-being, managed and balanced growth, livable communities, and responsible resource conservation. The general plan's goals for social and economic well-being include achieving "a healthy, diverse economy and adequate employment opportunities" by reaching "sustainable levels of growth and job formation consistent with planned improvements in housing, transportation, urban services, and maintenance of environmental quality." Goals for the other themes also reflect the necessary balance among the social, environmental, and economic goals of sustainable development.

General plans may also be combined with other documents to promote sustainability. For

instance, the City of Pasadena uses a quality of life index to identify, measure, and set quality of life indicators for a healthier, more sustainable city. "The Quality of Life in Pasadena" index combines information from the city's general plan and other documents and addresses such topics as the environment, health, education, transportation, the economy, and employment. The concept and application of sustainable development is evolving through creative interpretation and use.

JOBS/HOUSING BALANCE

While the mandatory elements of the general plan are not statutorily required to identify specific economic issues, the physical growth of the community is clearly interrelated to its economic growth. The availability and use of land and infrastructure requirements such as housing, circulation, water, and energy are all within the purview of the general plan. Many jurisdictions develop more explicit economic development policies in an optional economic development element (as discussed in Chapter 6). One issue that cuts across several elements of the general plan is jobs/housing balance.

Relying on the automobile as our primary means of transportation has encouraged patterns of development and employment that are often inefficient. Suburbanites routinely commute 25 miles or more from their homes to their places of employment. Jobs are dispersed throughout employment regions, making public transit impractical for most people. Car trips between home and the grocery store (or the bank, the dentist, the restaurant, etc.) are longer than necessary because residential and commercial areas are not convenient to one another.

Jobs/housing balance is based on the premise that commuting, the overall number of vehicle trips, and the resultant vehicle miles traveled can be reduced when sufficient jobs are available locally to balance the employment demands of the community and when commercial services are convenient to residential areas.

Planning for a jobs/housing balance requires in-depth analyses of employment potential (existing and projected), housing demand (by income

group and corrected for regional housing opportunities), new housing production, and the relationship between employment opportunities and housing availability. Other factors such as housing costs and transportation systems must also be evaluated.

Achieving a jobs/housing balance requires controlling the location, intensity, and nature of jobs and housing in order to encourage a reduction in vehicle trips and miles traveled and a corresponding increase in the use of mass transit and alternative transportation methods such as bicycles, carpools, and walking. Strategies include locating higher-density housing near employment centers, promoting infill development, actively recruiting businesses that will utilize the local workforce, and providing affordable housing opportunities within the community. Jobs-housing provisions most directly affect the land use, circulation, and housing elements.

ENVIRONMENTAL JUSTICE

OPR is required to provide guidance to cities and counties for integrating environmental justice into their general plans (§65040.12). Environmental justice is defined in state planning 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.

The following section discusses environmental justice and its relationship to the general plan. Ideas for data and analysis and environmental justice policies are also included in the discussion of the mandatory general plan elements (Section 3).

Federal Framework

The Constitutional basis for environmental justice and all other challenges to governmental discrimination lies in the Equal Protection Clause. The Fourteenth Amendment expressly provides that the states may not "deny to any person within [their] jurisdiction the equal protection of the laws" (U.S. Constitution, amend. XIV, §1).

Environmental justice policy was spearheaded at the national level on February 11, 1994, when President Clinton signed Executive Order (E.O.) 12898 regarding "Federal Actions to Address Environmental Justice in Minority Populations and

Low-Income Populations." The executive order followed a 1992 report by the federal Environmental Protection Agency (U.S. EPA) indicating that "communities of color and low-income populations experience higher than average exposures to selected air pollutants, hazardous waste facilities, and other forms of environmental pollution." E.O. 12898 focused on environmental justice in relation to minority and low-income populations by reminding us that there are current laws that can be used to achieve environmental justice. Among the laws that were underscored include the National Environmental Policy Act (NEPA) and Title VI of the Civil Rights Act of 1964 (Title VI). Following E.O. 12898, on December 10, 1997, the Council on Environmental Quality (CEQ) released *NEPA Guidance for Federal Agencies on Key Terms in E.O. 12898*.

Title VI, as amended, prohibits any recipient (state or local entity, or public or private agency) of federal financial assistance from discriminating on the basis of race, color, or national origin in their programs or activities. Title VI itself prohibits intentional discrimination (42 USC §2000d to §2000d-7; EPA's Title VI implementing regulations, 40 CFR part 7.25). Although Title VI is broader in scope than E.O. 12898, the doctrine of environmental justice is better ensured by the executive order because it explicitly applies to low-income as well as minority populations.

State and local agencies that receive federal funding must comply with Title VI, as stated above, and by extension, E.O. 12898. This is commonly known as "federalization." In response, many state and local agencies that receive federal funding have initiated environmental justice programs of their own.

State Framework

Prior to the passage of explicit environmental justice laws in California, multiple anti-discrimination statutes were already in the books. For example, state planning law prohibits any local entity from denying any individual or group of the enjoyment of residence, landownership, tenancy, or any other land use in California because of the race, sex, color, religion, ethnicity, national origin, ancestry, lawful occupation, or age of the individual or group of individuals (§65008). In addition, the Fair Employment and Housing Act (FEHA) spe-

cilically prohibits housing discrimination on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, disability, or source of income (§12900, et seq.)

In 1999, Governor Davis signed SB 115 (Solis, Chapter 690, Statutes of 199) into law, defining environmental justice in statute and establishing OPR as the coordinating agency for state environmental justice programs. The bill further required the California Environmental Protection Agency (CalEPA) to take specified actions in designing its mission for programs, policies, and standards within the agency and to develop a model environmental justice mission statement for boards, departments, and offices within the agency by January 1, 2001. In September 2000, Governor Davis signed a related bill, SB 89 (Alarcón, Chapter 728, Statutes of 2000), which complements SB 115 by requiring the creation of an environmental justice working group and advisory group to assist CalEPA in developing an interagency environmental justice strategy. Further, SB 828 (Alarcón, Chapter 765, Statutes of 2001) added due dates for the development of CalEPA's interagency environmental justice strategy and required CalEPA to address program obstacles impeding environmental justice by December 31, 2003.

AB 1553 (Keeley, Chapter 762, Statutes of 2001) requires OPR to incorporate environmental justice considerations in the *General Plan Guidelines*. AB 1553 specified that the guidelines should address the following:

- ◆ Distributing new public facilities in an equitable manner.
- ◆ Locating hazardous industrial facilities and uses in a manner that seeks to avoid over-concentrating these uses in proximity to schools or residential dwellings.
- ◆ Avoiding locating new schools and residential dwellings in proximity to hazardous industrial facilities.
- ◆ Promoting more livable communities by expanding opportunities for transit-oriented development so that residents minimize traffic and pollution impacts from traveling for purposes of work, shopping, school, and recreation.

Forms of Inequity

Problems of environmental justice can be broken down into two categories: procedural inequity and geographic inequity. In other words, unfair treatment can manifest itself in terms of process or in terms of results.

Procedural inequity occurs when the planning process is not applied uniformly. Examples of procedural inequity include:

- ◆ "Stacking" commissions or committees with certain interests while ignoring other segments of the community.
- ◆ Holding meetings at times or locations that minimize public participation.
- ◆ Using English-only written or verbal communication when a non-English speaking population will be affected by a planning decision.
- ◆ Requiring lower levels of mitigation for projects affecting low-income or minority populations.
- ◆ Uneven enforcement of environmental rules.

Geographic inequity describes a situation in which undesirable land uses are concentrated in certain neighborhoods while the benefits are received elsewhere. It also describes a situation in which public amenities are concentrated only in certain areas. Examples of geographic inequity include:

- ◆ Certain neighborhoods have a disproportionate share of industrial facilities that handle or produce hazardous waste, while the economic benefits are distributed to other neighborhoods (in the form of jobs and tax revenue).
- ◆ Certain neighborhoods have a disproportionate share of waste disposal facilities, while the benefits of such facilities are received by the community or region as a whole.
- ◆ Community centers, parks, and open space are concentrated in certain neighborhoods.

Demographics

In order to identify inequitable distribution of either undesirable or beneficial land uses, cities and counties should identify areas with low-income

and minority populations. Planners must ask two questions in order to identify low-income and minority populations. First, what is the appropriate geographic unit of analysis? Second, what is the definition of low-income and minority?

The appropriate geographic unit will vary with the size and population density of the city or county. Typical geographic units are council/supervisory districts, neighborhoods, census tracts, and census blocks. For cities and counties with higher population density, census tracts will typically be the most useful unit of analysis. For small cities and counties with low population densities, census block may be the appropriate unit. Accurate data is usually not available below the census block level.

A geographic unit is considered low-income or minority if the low-income or minority population exceeds 30 percent or is increasing at a rate greater than the city or county as a whole. Census Data Series P-60 on Income and Poverty provides information on income levels. Minority groups may include the following Census categories: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.

Once low-income and minority populations have been identified, planners can compare the demographic data to the distribution of public facilities and potentially hazardous industrial facilities. The planning agency should work with the fire department, county environmental health department, regional water quality control board, and local air district to identify industrial facilities or uses that may pose a hazard to human health. This analysis can be used to identify inequitable distribution of beneficial public facilities and overconcentration of industrial facilities in low-income and minority neighborhoods. Geographic information systems (GIS), where available, are a powerful tool for doing this kind of analysis.

Community Participation

Community involvement in the planning process is an important part of environmental justice. Cities and counties should develop community participation strategies that allow for early and meaningful community involvement by all affected population groups. Consider strat-

egies to overcome linguistic, institutional, cultural, economic, and historical barriers to effective participation in the general plan process. Chapter 8 is dedicated to the issue of community participation and suggests methods to improve outreach to and communication with all population groups, including low-income and minority populations.

Public Facilities

Cities and counties should plan for the equitable distribution throughout the community of new public facilities and services that increase and enhance community quality of life, given the fiscal and legal constraints that restrict the siting of these facilities.

Public facilities that enhance quality of life may include parks, open space, recreational facilities (including senior and youth centers), community centers, libraries, museums, cultural centers, science centers, and zoos. Equitable distribution can be measured as the distance (or travel time) from each residential area to the facility. A geographic analysis of public facilities may reveal underserved areas in the city or county.

Some public facilities, such as parks and open space/greenbelts will be fairly numerous and should be geographically dispersed throughout the community. The facilities will usually serve one neighborhood or subdivision. Other facilities may serve several neighborhoods, such as a recreational center or branch library. The facilities should be located in neighborhood or "village" centers. Other public facilities are unique and serve the entire community, such as a central library or city museum. Unique facilities that are located in the civic center or urban core are presumed to be equitably distributed.

Fiscal constraints include the relative cost of land and the ability of public agencies to obtain financing for acquisition and construction. Legal constraints include, but are not limited to, local, state, and federal regulations for the protection of the environment, public health and safety, or the preservation of natural and cultural resources (including historical and archeological resources).

Industrial Facilities

Cities and counties should develop policies that provide for the location of industrial facilities and other uses that, even with the best available

technology, will contain or produce material that, because of its quantity, concentration, or physical or chemical characteristics, pose a significant hazard to human health and safety in a manner that seeks to avoid over-concentrating these uses in proximity to schools or residential dwellings.

Over-concentration occurs when industrial facilities or uses do not individually exceed acceptable regulatory standards for public health and safety, but when considered cumulatively with other industrial facilities and uses, pose a significant health and safety hazard to adjacent residential and school uses.

Facilities that emit, handle, store, or dispose of hazardous materials are regulated by a variety of agencies. These agencies include county environmental health departments, fire departments, air districts, regional water quality control boards, the California Department of Health Services, the California Integrated Waste Management Board, and the California Department of Toxic Substance Control (DTSC). However, cities and counties, as the primary land use authority, are primarily responsible for the location and distribution of potentially hazardous industrial facilities through the general plan and zoning ordinances.

One approach to avoiding over-concentration of potentially hazardous industrial facilities and uses in proximity to residential and school uses is the use of buffer zones. Buffer zone policies may be approached in one of two ways. The general plan land use diagram may designate transitional land uses between industrial and residential areas. Transitional uses may include open space, light industry, office uses, business parks, or service commercial uses. Buffer policies may also be aimed at individual siting decisions. For example, certain industrial uses may not be allowed within a quarter mile of a residential or school use.

One weakness of buffer policies is that it is difficult to make a priori decisions about how much distance is needed to eliminate potential health and safety hazards to residential and school. A possible solution to this problem is to make certain industrial uses conditional within a certain distance of residential or school uses. This allows the city or county to consider the potential hazards associated with individual facilities or uses. Approval of a

conditional use is discretionary and thus would be subject to CEQA. It should be noted that CEQA requires that a lead agency consult with the affected school district if any facility that would create hazardous air emissions or handle acutely hazardous material is proposed within a quarter mile of a school (Public Resources Code §21151.4).

Another policy response to over-concentration is to cap the number of potentially hazardous facilities within a certain distance of each other. For example, the state of Georgia does not allow siting of a new solid waste facility if two such facilities already exist within a two mile radius of the proposed facility.

New Residential Uses and Schools

Cities and counties should provide for the location of new schools and residential dwellings in a manner that seeks to avoid locating these uses in proximity to industrial facilities and uses that will contain or produce materials that, because of their quantity, concentration, or physical or chemical characteristics, pose a significant hazard to human health and safety.

The location of new residential and school development is the flipside of the problem discussed in the section above. Given the need for new housing and schools and given the need to make efficient use of land, how do cities and counties deal with existing over-concentration of industrial uses? When designating areas for residential development, the city or county should identify any over-concentrated industrial areas. Appropriate buffers should be placed between over-concentrated industrial areas and new residential areas. Using their authority over the approval and design of subdivisions, cities and counties may develop policies and standards related to industrial over-concentration and new subdivision approvals.

The location of new schools is of particular concern to both local governments and school districts. The general plan should identify possible locations for new schools. Such locations are approximate and do not indicate specific parcels. Identifying appropriate school locations as part of the general plan process may avoid project-level problems of proximity to industrial facilities and uses. The planning agency should work closely

with the school district to identify suitable school locations. Prior to adopting or amending a general plan, the planning agency must refer the proposed action to any school district within the area covered by the proposed action (§65352).

For their part, school districts are required to notify the planning commission of the city or county prior to acquiring property for new schools or expansion of an existing school. School districts are not bound by local zoning ordinances unless the ordinance provides for the location of schools and the city or county has adopted a general plan (§53091). School districts can override the general plan and zoning ordinances with regards to the use of property for classroom facilities by a two-thirds vote of the school board (§53094). The board cannot exercise this power for non-classroom facilities such as administrative buildings, bus storage and maintenance yards, and warehouses. If the school board exercises their override power, they must notify the city or county within 10 days (§53904).

In addition to general plan and zoning concerns, CEQA requires that the environmental document prepared for a new school identify whether the proposed site is any of the following: a current or former hazardous waste or solid waste disposal facility, a hazardous substances release site identified by DTSC, the site of one or more pipelines that carry hazardous substances, or is within a quarter mile of a facility that emits hazardous air emissions or handles acutely hazardous material (Public Resources Code §21151.8). If such facilities exist, the school board must make findings that the facilities do not endanger the public health (for those attending or employed by the proposed school) or that existing corrective measures will result in the mitigation of any health endangerment.

TRANSIT-ORIENTED DEVELOPMENT

Cities and counties should promote more livable communities by expanding opportunities for transit-oriented development (TOD) so that residents minimize traffic and pollution impacts from traveling for purposes of work, shopping, schools, and recreation.

Transit-oriented development (TOD) is a strategy that may help a community achieve its general plan goals related to circulation, housing,

environmental quality, and economic development. By improving access to jobs and housing and revitalizing existing neighborhoods, TOD can be a tool for environmental justice.

TOD is defined as moderate- to higher-density development, located within easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities designed for pedestrians without excluding the auto. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use. (*Statewide Transit-Oriented Development Study: Factors for Success in California*, California Department of Transportation, 2002).

A well-designed, vibrant TOD community can provide many benefits for local residents and businesses and the surrounding region. Compact development near transit stops can increase transit ridership and decrease rates of vehicle miles traveled (VMT), thereby yielding a good return on transit system investments. TOD can also provide mobility choices, increase public safety, increase disposable household income, reduce air pollution and energy consumption rates, help conserve resources and open space, play a role in economic development, contribute to more affordable housing, and decrease infrastructure costs.

A variety of factors need to be considered during the development and implementation of TOD. These factors include transit system design; community partnerships; understanding of local real estate markets; coordination among local, regional, and state organizations; and providing the right mix of planning and financial incentives and resources. A successful TOD will reinforce the community and the transit system. Transit operators, property owners, and residents should be involved in the development of TOD proposals.

Data to identify and assess potential locations for TOD should be collected during preparation of the land use, circulation, and housing elements of the general plan. An inventory of potential development sites within 1/4 to 1/2 mile of transit routes may reveal potential locations for TOD. Additional data may be used to verify the optimum location and mix of uses to further refine the viability of TOD at specific transit hubs. This data may in-

CASE STUDY: Integrating Transit-Oriented Development in the General Plan

The following policies from the 1998 City of Oakland General Plan illustrate how local jurisdictions can facilitate and guide transit-oriented development:

Goal: Integrate land use and transportation planning; Integrate transportation and land use planning at the neighborhood, city and regional levels by developing transit-oriented development where appropriate at transit and commercial nodes.

Objective: Provide mixed use, transit-oriented development that encourages public transit use and increases pedestrian and bicycle trips at major transportation nodes.

Policy 1: Encourage Transit-Oriented Development. Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transportation such as BART, bus, shuttle service, light rail or electric trolley, ferry and inter-city or commuter rail.

Policy 2: Guiding Transit-Oriented Development. Transit-oriented developments should be pedestrian oriented, encourage night and day time use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

Policy 3: Promoting Neighborhood Services. Promote neighborhood-serving commercial development within one-quarter to one-half mile of established transit routes and nodes.

Policy 4: Linking Transportation and Economic Development. Encourage transportation improvements that facilitate economic development.

Policy 5: Linking Transportation and Activities. Link transportation facilities and infrastructure improvements to recreational uses, job centers, commercial nodes, and social services (i.e., hospitals, parks, or community centers).

clude origin and destination studies, transit ridership projections, and data to determine the appropriate jobs to housing ratio and level of retail services. The appropriate density will support a high level of transit service. An optimal mix of uses will provide opportunities to shop, work, live, and recreate without the need for an automobile. The jobs to housing ratio should encourage commuting via transit and reduce the need for parking in the vicinity of the TOD.

Local governments can promote TOD through general plan policies that encourage supportive densities and designs and a mix of land uses. TOD-supportive policies may provide for higher land use densities, reduced parking requirements, decreased automobile levels of service, and increased transit levels of service. TOD policies may facilitate a pedestrian-oriented environment with features such as traffic calming strategies, traditional grid street patterns with smaller blocks, and architecture that relates the building to sidewalks, plazas, and parks rather than to parking.

Implementation Tools

Successful TOD implementation is dependent upon TOD-supportive general plan policies enabled by specific zoning codes, development regulations, and design guidelines. To create an effective regulatory and review environment, local jurisdictions can modify existing zoning codes to encourage TOD; tailor development regulations to individual TOD sites where appropriate; develop TOD-friendly design standards; and simplify and streamline the permit and review process.

The following planning tools are typical ways a community can implement TOD-supportive general plan policies.

Specific Plan

Specific plans are a useful zoning tool for implementing the TOD-related policies and objectives of the general plan. A specific plan can provide detailed information on land use, development

CASE STUDY: Integrating Transit-Oriented Development in the General Plan

The following policies from the agriculture and land use element of the Fresno County General Plan illustrate how local jurisdictions can facilitate and guide transit-oriented development:

Policy LU-F1 The County shall encourage mixed-use development that locates residences near compatible jobs and services.

Policy LU-F2 The County shall encourage the combination of residential, commercial, and office uses in mixed use configurations on the same site.

Policy LU-F3 The County shall promote development of higher-density housing in areas located along major transportation corridors and transit routes and served by the full range of urban services, including neighborhood commercial uses, community centers, and public services.

Policy LU-F4 The County shall selectively redesignate vacant land for higher density uses or mixed uses to facilitate infill development.

Policy LU-F5 The County shall encourage subdivision designs that site neighborhood parks near activity centers such as schools, libraries, and community centers.

Policy LU-F6 The County shall encourage the creation of activity centers including schools, libraries, and community centers in existing neighborhoods.

Policy LU-F7 The County shall seek to reduce the amount of land devoted to parking in new urban non-residential development and encourage the use of shared parking facilities.

Policy LU-F8 The County shall adopt transit- and pedestrian-oriented design guidelines and incorporate them into community plans and specific plans. The County shall review development proposals for compliance with its adopted transit- and pedestrian-oriented design guidelines to identify design changes that can improve transit, bicycle, and pedestrian access.

Policy LU-F9 The County shall plan adequate pedestrian-oriented neighborhood commercial shopping areas to serve residential development.

Policy LU-F10 The County shall encourage school districts to site new schools in locations that allow students to safely walk or bicycle from their homes, and to incorporate school sites into larger neighborhood activity centers that serve multiple purposes.

standards and infrastructure requirements in the TOD area. For a further discussion of specific plans, see Chapter 10 of this document as well as the OPR publication *The Planners Guide to Specific Plans*.

Transit Village Plan

The Transit Village Development Planning Act of 1994 (§65460, et seq.) authorizes cities and counties to prepare "transit village plans" to encourage mixed-use development in close vicinity to transit stations. Transit village plans occupy a niche similar to the community plans described in Chapter 1. What distinguishes them is their specific role in encouraging high-den-

sity, pedestrian-oriented development around transit stations.

A transit village plan must be consistent with the city or county general plan (§65460.8). The plan is adopted by resolution, like the general plan, and becomes the policy foundation for village zoning provisions, public works projects, and future subdivision activity.

To encourage pedestrian use, the entire village must be contained within a one-quarter mile radius of a transit station. The Act provides that a city or county adopting a plan will be eligible for state transportation funds but does not indicate that areas with such plans will receive priority funding. Transit villages may be excluded from con-

formance with county Congestion Management Plan level of service standards with the approval of the Congestion Management Agency.

Zoning

Transit-oriented development will typically involve changes in zoning, either as a separate action or in conjunction with a specific plan or transit village plan. The purpose of the rezoning is to specify uses and allow the necessary density and

building intensity for a successful development. Zoning changes may take the form of a new zoning district or an overlay zone. Considerations for TOD zoning include mixed uses, minimum residential densities, appropriate automobile parking standards, and optimal building setbacks to create pedestrian scale.

For more information on transit-oriented development, see the Bibliography under "Transportation and Circulation."

APPENDIX F

CALIFORNIA PLANNING AND ZONING LAWS

A. State Planning Law

The responsibility for land use planning and control rests primarily with the cities and counties in California.¹ While the State Office of Planning and Research is responsible for “developing state land use policies, coordinating planning of all state agencies, and assisting and monitoring local and regional planning,”² the Office is not vested with “any direct operating or regulatory powers over land use, public works, or other state, regional or local projects or programs.”³

B. Local Planning Requirements

Each city and county planning agency in California is required to prepare, and its legislative body is required to adopt, a comprehensive, long-term general plan for the physical development of the city or county, and for any land outside its boundaries which bears relation to its planning.⁴ The general plan may be adopted in a variety of formats—as a single document or as a group of documents—but it must address the following elements to the extent that the subject of the element exists in the planning area:⁵

- (a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land;
- (b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan;
- (c) A housing element;
- (d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
- (e) An open-space element;
- (f) A noise element, which must identify and appraise noise problems in the community. “The noise element...shall recognize...to the extent practicable...current and projected noise levels for all of the following sources: (1) Highways and freeways, (2) Primary arterials and major local streets, (3) Passenger and freight on-line railroad operations and ground rapid transit systems, (4) Commercial, general aviation, heliport, helistop, and military operations..., (5) Local industrial plants..., (6) Other ground stationary noise sources....”

(g) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction and other seismic hazards.⁶

In addition to these seven required elements, cities and counties may include any other elements and address any other subjects that relate to their physical development.⁷ With respect to the housing element, a specific article was added to the Planning and Zoning title of the Local Government Code setting forth the required contents of the element.⁸

C. Incentives for Local Planning

Incentives to encourage local planning are unnecessary because local planning is mandatory.

D. State Role in Local Planning

1. State Plan and/or Policy

The Office of Planning and Research is charged with the responsibility of developing state land use policies, coordinating planning of all state agencies, and assisting and monitoring local and regional planning.⁹ In furtherance of this mandate, the Office is directed by statute to, among other things, “engage in the formulation, evaluation and updating of long-range goals and policies for land use, population growth and distribution, urban expansion, development, open space, resource preservation and utilization, air and water quality, and other factors which shape statewide development patterns and significantly influence the quality of the state’s environment.”¹⁰ In addition to this state-level task, the Office: coordinates the technical assistance provided by state departments and agencies in regional and local planning to assure consistency with the statewide environmental goals and objectives; develops long-range policies to assist state and local agencies in meeting the challenges of growth and development and “defining the complementary roles of the state, cities, counties, school districts, and special districts with respect to such growth”; and encourages planning assistance to city, county, district and regional planning agencies; assists local governments in land use planning.¹¹ The Office is also charged with organizing California into regional planning districts.¹²

2. Approval of Local Comprehensive Plans, Zoning Ordinances

While the development and adoption of local comprehensive (general) plans is purely local in nature, the planning agency is directed—not required—to refer the proposed plan for comment by all abutting cities and counties in the area covered by the proposed plan, any special district that may be significantly affected by the adoption of the proposed plan, all school districts within the area covered by the plan, the local agency formation commission, any area wide planning agency that may be significantly affected by the plan, federal agencies that have operations or lands within the jurisdiction covered by the plan, public water districts, and the appropriate Air Quality Management District.¹³ These entities have 45 days to comment.¹⁴

3. Consistency Requirements

Zoning ordinances must be consistent with the adopted general plan.¹⁵ In addition, no local public works project and no tentative map or parcel may be approved if it is not consistent with the plan.¹⁶ Local governments in California may adopt “specific plans or other plans” in addition to the general plan, but these other plans must be consistent with the general plan.¹⁷ Although regional plans may be developed and adopted by the regional planning districts, such plans are “advisory only and shall not have any binding effect on the counties and cities located within the boundaries of the regional planning district for which the regional plan is adopted.”¹⁸ In an effort to facilitate “effective and harmonious” planning, all city, county, and other local planning agencies are required to submit to the regional planning board their general plans and/or master plans, zoning ordinances and subdivision regulations, and a similar filing requirement, for informational purposes, exists for the state agencies with respect to the regional planning boards.¹⁹ Cities and counties may submit local planning and zoning proposals to the regional planning board for advice, and such advice “shall consist of a report as to the conformance of such proposals to the regional plan, the possible effect of such proposals on other portions of the region, and any other matters which in the judgment of the board may be of assistance to the body requesting such advice.”²⁰

4. Public Participation Requirements for Localities

The California Legislature has specifically recognized the importance of public participation in land use planning, declaring it the policy of the State that, “each state, regional and local agency concerned in the planning process involve the public through public hearings, informative meetings, publicity and other means available to them, and that at such hearings and other forums, the public be afforded the opportunity to respond to clearly defined alternative objectives, policies and actions.”²¹ Specifically in the area of local plan development, the enabling statute requires that that the planning agency provide opportunities for the involvement of citizens, public agencies, public utility companies, and civic, education, and other community groups are involved as much as possible.²²

5. Reporting Requirements for Localities

City and county planning agencies are required to report annually to the City Council, the Office of Planning and Research, and the Department of Housing and Community Development.²³ The Regional Planning Board is also required to report annually to the legislative bodies and to the planning agencies of all of the counties, cities, and other governmental agencies within the region for the purpose of reporting on the status of the regional plan and notifying recipients of amendments and revisions within the past year as well as providing a report of other major activities.²⁴

6. Monitoring Requirements for Localities

Other than the responsibility of the Office of Planning and Research to check on the amount of time that has passed since the last update to a local general plan, there are no comprehensive monitoring requirements for local general plans.

7. Updates of Plans

Local planning agencies are required to “periodically review, and revise, as necessary” local general plans.²⁵ There is no specified statutory timeframe for such periodic review, although the Planning Office is required to notify cities and counties that their plans have not been revised within eight years, and the Attorney General is to be notified when plans are not revised within ten years.²⁶ The only other time frame for plan revisions relates to the housing element and requires updates to that element at least every five years.²⁷

E. Development Fees

Local governments are authorized to assess and collect impact fees from applicants for the purpose of defraying all or a portion of the cost of public facilities associated with a new development.²⁸

F. Coordination with Environmental Justice

The Office of Planning and Research is California’s coordinating agency for environmental justice programs.²⁹ No later than July 1, 2003, the Office is required to incorporate environmental justice guidelines into the next edition of the general plan guidelines for cities and counties.³⁰ The guidelines are to recommend provisions for general plans to do all of the following:

- (1) Propose methods for planning for the equitable distribution of new public facilities and services that increase and enhance community quality of life throughout the community, given the fiscal and legal constraints that restrict the siting of these facilities.
- (2) Propose methods for providing for the location, if any, of industrial facilities and uses that, even with the best available technology, will contain or produce material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant hazard to human health and safety, in a manner that seeks to avoid over-concentrating these uses in proximity to schools or residential dwellings.
- (3) Propose methods for providing the location of new schools and residential dwellings in a manner that seeks to avoid locating these uses in proximity to industrial facilities and uses that will contain or produce material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant hazard to human health and safety.
- (4) Propose methods for promoting more livable communities by expanding opportunities for transit-oriented development so that residents minimize traffic and pollution impacts from traveling for purposes of work, shopping, schools, and recreation.³¹

ENDNOTES

¹ See generally, West's Ann. Cal. Gov. Code sec. 65100 et. seq. (establishment of planning agencies, commissions, departments); West's Ann. Cal. Gov. Code sec. 65800 et. seq., (general plan and specific plan requirements); West's Ann. Cal. Gov. Code. Sec. 65800, et. seq. (zoning regulation); and West's Ann. Cal. Gov. Code sec. 66410, et. seq. (subdivision regulation).

² West's Ann. Cal. Gov. Code sec. 65035 (1997).

³ *Ibid.*

⁴ West's Ann. Cal. Gov. Code sec. 65300 (1997).

⁵ West's Ann. Cal. Gov. Code sec. 65301 (1997).

⁶ West's Ann. Cal. Gov. Code sec. 65302 (1997).

⁷ West's Ann. Cal. Gov. Code sec. 65303 (1997).

⁸ West's Ann. Cal. Gov. Code Art. 10.6 (1997).

⁹ West's Ann. Cal. Gov. Code sec. 65035 (1997).

¹⁰ West's Ann. Cal. Gov. Code sec. 65040(a) (1997).

¹¹ West's Ann. Cal. Gov. Code sec. 65040(i) and (k)-(m) (1997).

¹² West's Ann. Cal. Gov. Code sec. 65040.4 (1997).

¹³ West's Ann. Cal. Gov. Code sec. 65352 (1997).

¹⁴ *Ibid.*

¹⁵ West's Ann. Cal. Gov. Code sec. 65455 and sec. 65860 (1997).

¹⁶ West's Ann. Cal. Gov. Code sec. 65455 (1997).

¹⁷ West's Ann. Cal. Gov. Code sec. 65359 (1997).

¹⁸ West's Ann. Cal. Gov. Code sec. 65060.8 (1997).

¹⁹ West's Ann. Cal. Gov. Code sec. 65067 (1997).

²⁰ West's Ann. Cal. Gov. Code sec. 65067.2 (1997).

²¹ West's Ann. Cal. Gov. Code sec. 65033 (1997).

²² West's Ann. Cal. Gov. Code sec. 56351 (1997).

²³ West's Ann. Cal. Gov. Code sec. 65307 and sec. 65400 (1997).

²⁴ West's Ann. Cal. Gov. Code sec. 65067.3 (1997).

²⁵ West's Ann. Cal. Gov. Code sec. 65103 (1997).

²⁶ West's Ann. Cal. Gov. Code sec. 65040.6 (1997).

²⁷ West's Ann. Cal. Gov. Code sec. 65588 (1997).

²⁸ See, West's Ann. Cal. Gov. Code sec. 66000 et. seq. (1997).

²⁹ West's Ann. Cal. Gov. Code sec. 65040.12 (Cum. Supp. 2002). The Office is also charged with reviewing and evaluating information from federal agencies obtained as a result of their respective regulatory activities under federal Executive Order 12898, and from the State Working Group on Environmental Justice that was established pursuant to Public Resources Code sec. 72002. *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*
