

**COUNTY OF SACRAMENTO  
CALIFORNIA**

For the Agenda of:  
December 17, 2019  
Timed: 2:00 P.M.

To: Board of Supervisors

Through: Navdeep S. Gill, County Executive

From: Leighann Moffitt, Planning Director, Office of Planning and Environmental Review

Subject: PLNP2018-00119. Adopt Phase 2 Of The Environmental Justice General Plan Amendment Package. Applicant: County Of Sacramento – Office Of Planning And Environmental Review. APNs: Countywide. Environmental Determination: Exempt.

District(s): All

**RECOMMENDED ACTIONS**

1. Recognize the Exempt status of the request under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines (Attachment 11).
2. Adopt the attached Resolution amending seven elements of the Sacramento County General Plan subject to the findings listed in this report, including adoption of the Phase 2 Environmental Justice Element (Exhibit A to Resolution) and Supporting Research Document (Exhibit B to Resolution).

**BACKGROUND**

In 2016, the State Legislature adopted Senate Bill 1000 (SB 1000), the *Planning for Healthy Communities Act* which requires local municipalities with disadvantaged communities to incorporate Environmental Justice (EJ) objectives and policies into their general plans.

In response to SB 1000, the County created a new EJ Element in a two-phased approach. Phase 1 included completing most of the baseline research, scoping of existing policies, and preparing a limited number of policies. The Board of Supervisors (Board) approved the Phase 1 EJ Element on May 8, 2018. Upon adoption of the Phase 1 Element, PER commenced work for Phase 2, which included extensive public outreach and additional policy and implementation measures development.

The Phase 2 EJ Element covers the following topics:

- Prioritizing Improvements and Programs That Address the Needs of Environmental Justice Communities
- Reducing Pollution Exposure
- Promoting Public Facilities
- Healthy Food Access
- Safe and Sanitary Homes
- Physical Activity
- Crime Prevention
- Civic Engagement in the Decision-making Process

The geographic focus of the EJ Element is the four Environmental Justice Communities (EJ Communities): North Highlands/Foothill Farms, North Vineyard, South Sacramento and West Arden-Arcade (Attachment 1). The Board adopted these as part of the Phase 1 EJ Element. The Planning Commission staff report (Attachment 2) contains more detail on how the EJ Communities were identified.

#### Phases 1 and 2 Baseline Research – Supporting Research Document

The Supporting Research Document (Exhibit B to the Resolution) is a comprehensive collection of baseline research conducted by staff during Phases 1 and 2 of the EJ Element project. This research compared conditions in EJ communities with those in non-EJ areas for each of the EJ topical areas. The identified inequities between EJ communities and non-EJ areas are the focus of the Policies and Implementation Measures of the Phase 2 EJ Element.

#### Phase 2 Policy Development

Using the findings of the baseline research, PER and members of the EJ Element Advisory Committee (Advisory Committee) collaborated to develop an initial list of policies and implementation measures. Staff then made additions and modifications as a response to feedback received during an extensive and ongoing public engagement process. While most of the proposed policies and implementation measures are located in the Phase 2 EJ Element, several additions and modifications were made in other General Plan elements that fall into these categories:

- Moving existing EJ-related policies and implementation measures into the EJ Element.
- Adding new EJ-related policies and implementation measures to other General Plan elements.
- Changing existing EJ-related policies and implementation measures and keeping these in their current General Plan element.

- Moving existing EJ-related policies and implementation measures from one General Plan element to another.

Since these changes are minor and occur across several elements, staff has compiled a list of these changes instead of re-publishing entire elements (Attachment 3). Staff has also extracted a comprehensive list of all proposed Policies and Implementation measures from the draft phase 2 EJ Element (Attachment 4).

### Phase 2 Public Engagement

The County implemented an extensive and ongoing public engagement effort consisting of:

- “Pop-up” booths at community events
- A web-based survey
- Community workshops
- Meetings with “hub” organizations
- Community Planning Advisory Council (CPAC) Meetings
- Meeting with the Disability Advisory Council (DAC)
- Meeting with the Public Health Advisory Board (PHAB)
- A Planning Commission meeting
- Multiple announcements through the County’s email subscription service (GovDelivery)
- Direct contact with community-based organizations, churches and other non-profits

Staff has prepared a listing and chronology of the public outreach efforts (Attachment 5). The purpose of this effort was to confirm baseline research (ground-truthing), determine community and residents’ priorities, identify community issues, and provide a forum for residents and advocates to propose additional policy and implementation ideas. The EJ Element Advisory Committee assisted staff in planning and implementing the community workshops and conducting a web-based survey. Summaries of feedback received via these community workshops and events, meetings, and surveys are included in the Phase 2 EJ Element Appendices A-1 through A-4 (Exhibit A to the Resolution).

### CPAC Meetings and “Hub” Organization Meetings

Staff presented the General Plan amendment package for the Phase 2 EJ Element to the Community Planning Advisory Councils (CPACs) that represent EJ Communities. Table 1 lists the CPACs, the meeting dates and resulting votes.

Table 1: CPAC Meetings and Voting Results

CPAC	Date	Vote
Arden-Arcade	September 26, 2019	Recommend for Approval (4-3)
Carmichael/Old Foothill Farms	August 21, 2019	Recommend for Denial (4-3)
North Highlands/Foothill Farms	August 27, 2019	Recommend for Approval (4-0)
South Sacramento	September 18, 2019	Recommend for Approval (4-0)
Vineyard	September 3, 2019	Recommend for Approval (4-2)

The Carmichael CPAC vote for denial was based on a desire for the County to develop policies and implementation measures that were more specific and left less room for interpretation of priority of action. The vote was not against the EJ Element in general.

During the CPAC review timeframe, staff also met with two “hub” organizations and presented the draft list of policies and implementation measures. Hub organizations are groups that network with numerous other organizations in a community. Staff has compiled comments received during the CPAC and “hub” organization meetings (Attachment 6).

#### Planning Commission Hearing

On October 28, 2019, the Planning Commission reviewed the proposed amendments and recommended approval (5 yes – 0 no) (Attachment 7). Commissioners provided the following comments:

- General concerns about mandating fresh produce for convenience stores as opposed to the role of the free market, though the purpose of the mandate was commendable.
- Economic development should play an important role in any effort to revitalize EJ Communities.
- General support for EJ communities and their voice in the process.

Three people provided public testimony, two were from advocacy groups and one was from the Sacramento Metropolitan Air Quality Management District (SMAQMD). The representative from Sacramento Area Congregations Together (SacACT) supported requiring fresh produce in convenience stores and prioritizing EJ Communities for complete streets projects. The representative also emphasized the need to have a master plan or a

strategic plan for the northern portion of the West Arden-Arcade EJ Community that incorporates economic development, affordable housing and multimodal transportation strategies.

A representative from the Food Policy Council expressed support for the Implementation Measure to have the County develop a Food System Assessment and a County Food Action Plan but also challenged PER staff to do more public outreach by contacting community groups individually for this project and future projects.

The third speaker was from SMAQMD and expressed general support for the project, talked about lessons learned, described the importance of hearing from the community, and explained the efforts SMAQMD was undertaking as part of their Community Air Protection Program created by a State legislative mandate similar to SB 1000. SMAQMD staff highlighted the overlap in effort in EJ communities and the benefits of inter-agency collaboration and information sharing.

#### Additional Public Outreach

The public review draft Phase 2 EJ Element was posted to the County's project webpage on August 2, 2019 for public review ahead of the CPAC meetings. Subscribers to the County's GovDelivery EJ topic were notified by electronic bulletin of the availability and as of November 6, 2019 this topic had 1,617 subscribers. As the project proceeded through the CPACs, staff began working to modify the Element based on feedback from the CPACs and other meetings with a plan to release a second public review draft after the Planning Commission meeting.

On November 1, 2019, after finishing revisions based on feedback received throughout the process, including the Planning Commission meeting on October 28, 2019, staff released a second public review draft of the EJ Element and Supporting Research document. Both a "clean" (Exhibit A to Resolution) and "strikethrough" (Attachment 8) version were released. The strikethrough version shows the changes that were made based on feedback received subsequent to the release of the first draft. This second public review draft was also noticed to the EJ GovDelivery subscribers and posted to the County's project website. The public was encouraged both through the website and GovDelivery bulletins that additional feedback would still be considered and that another public workshop and report-back session was scheduled for November 7, 2019 in the Arden Arcade EJ community to discuss the draft.

During the November 7, 2019 workshop, staff presented changes made to the draft EJ Element, received feedback and held a working group session with participants. Staff also gave meeting participants another opportunity to

provide comments on the proposed policies and implementation measures (Attachment 9).

Notable Changes to Proposed Policies and Implementation Measures Contained in 2<sup>nd</sup> Draft Public Review Document

*Special Business License Implementation Measure Option*

To assist the County to more effectively address nuisance, criminal, and health-related impacts of businesses that sell alcohol in containers that can be carried off the premises (off-sale of liquor), staff developed implementation options for the Crime Prevention Section. One option was to have the County explore amending the Zoning Code to require convenience and liquor stores to attain a Conditional Use Permit. The second option was to refine the County's process for Public Convenience/Necessity (PCN) letters for off-sale liquor licenses. The Planning Commission staff report describes these two options that were in the 1<sup>st</sup> draft Phase 2 EJ Element, along with a third option that was developed as a result of ongoing discussions with stakeholders.

This third option would have the County explore an amendment to the County Code to establish a Special Business License for convenience markets. This would enable the County to place conditions on these Special Business Licenses to regulate nuisance, criminal and health-related impacts associated with convenience uses. The implementation of this option will not only apply to new businesses but could also apply to existing businesses when their business licenses come up for renewal. Business license renewal is required either annually or every three years depending on business type.

*Implementation Measure Requiring Convenience Stores to Provide Fresh Produce*

The Planning Commission staff report provided details on the PER proposal to require at least 15 percent of shelf space in convenience stores be reserved for healthy food products. Implementation would examine a Zoning Code amendment to establish this requirement. Some CPAC members and a Planning Commissioner expressed concerns that the market may not support the minimum 15 percent requirement. In response, staff removed the 15 percent requirement and replaced it with the statement that market studies or the proposed Countywide Food Action Plan will inform the shelf space requirement for healthy food products. Staff also expanded the potential mechanisms through which this requirement could be established to include the County Code and other regulations in addition to or instead of the Zoning Code.

*Preventing Water Pollution Sub-Section*

In response to stakeholder comments, PER staff added a sub-section in the Reduce Pollution Exposure Section on preventing water contamination. In

this sub-section, staff documented the success of existing monitoring programs in protecting water quality in the unincorporated County. Thus, staff is not proposing new policies or implementation measures for this sub-section.

#### *Assembly Bill (AB) 617 Community Air Protection Program Sub-Section*

In response to stakeholder comments, PER added a sub-section in the Reduce Pollution Exposure Section on AB 617 Community Air Monitoring. Per AB 617, the California Air Resources Board (CARB) has designated a large portion of the South Sacramento EJ Community as a high priority community for the deployment of community air monitoring. The Sacramento Metropolitan Air Quality Management District (SMAQMD) is currently conducting extensive air quality monitoring in South Sacramento. The policy and implementation measures will have the County consider General Plan and/or Zoning Code amendments to support SMAQMD in meeting AB 617 objectives, and encourage SMAQMD to recommend EJ Communities to CARB for AB 617 air quality monitoring.

#### *EJ Element Implementation Section*

An important issue for the EJ Element project is determining the most effective ways to implement the EJ Element. The Planning Commission staff report describes staff's proposal for annual implementation steps and methods to systematically embed environmental justice into its regular processes and practices. PER staff added a section on EJ Element implementation to the draft EJ Element that is consistent with the description in the Planning Commission staff report.

#### *Removing / Adding / Amending Boundaries of EJ Communities*

The planning period for this EJ Element is 2019 to 2029. Because conditions addressed by the EJ Element may change over time, staff proposes that the EJ Element be updated after the first planning period ending in 2029 on the same track as the Housing Element. Staff has also proposed criteria for adding or removing EJ Communities and amending EJ Community boundaries (Attachment 10).

#### Recommended Findings

1. The request will enable Sacramento County to meet the requirements of Senate Bill 1000, the *Planning for Healthy Communities Act* (approved in 2016) incorporated into Government Code Section 65302(h) that requires cities and counties with disadvantaged communities to incorporate Environmental Justice (EJ) policies into their general plans.
2. The General Plan Amendment Package that includes the Phase 2 Environmental Justice Element incorporates Environmental Justice

objectives and policies into the General Plan in compliance with the State mandate.

3. The General Plan Amendment Package that includes the Phase 2 Environmental Justice Element will add additional policies and implementation measures that are the result of baseline research and extensive public outreach. Conducting additional outreach is consistent with State Office of Planning and Research (OPR) guidelines on SB 1000.

### **FINANCIAL ANALYSIS**

Funding for this project is included in the Fiscal Year 2019-20 Adopted Budget and is funded by a building permit surcharge for maintenance of the General Plan. Ongoing implementation will require prioritization of County resources, particularly as annual implementation tasks are identified through continued public engagement. The responsibility for implementation lies with multiple County departments with varying funding sources and budget constraints. External funding sources such as grants may be needed to assure successful implementation of the EJ Element.

#### Attachments:

RES – Resolution Amending The EJ Element, Agriculture Element, Air Quality Element, Economic Development Element, Land Use Element, Public Facilities, And Circulation Element Of The Sacramento County General Plan

EXH – Exhibits A – G to Resolution (EXH A - Amendments to the EJ Element, EXH B – Amendments to the Supporting Research Document, EXH C – Amendments to the Agricultural Element, EXH D – Amendments to the Air Quality Element, EXH E – Amendments to the Economic Development Element, EXH F – Amendments to the Land Use Element, EXH G – Amendments to the Public Facilities Element)

ATT 1 – EJ Communities Map

ATT 2 – Planning Commission Staff Report (without attachments)

ATT 3 – Proposed Amendments to Other General Plan Elements

ATT 4 – Listing of Proposed Phase 2 EJ Element Policies and Measures

ATT 5 – Listing and Chronology of Outreach

ATT 6 – Comments Received at CPAC Meetings and Hub Organization Meetings

ATT 7 – Planning Commission Transmittal and Resolution

ATT 8 – Public Draft 1 to 2 Strikethrough Version EJ Document

ATT 9 – Comments Received At November 7, 2019 Community Meeting

ATT 10 – Changing Environmental Justice Community Status and Boundaries

ATT 11 – Notice of Exemption