

BRIEFER 1

Concurrent General Plan Element Update Considerations

Review of Resilience Planning Legislation, Status, Considerations & Resources

January 2021

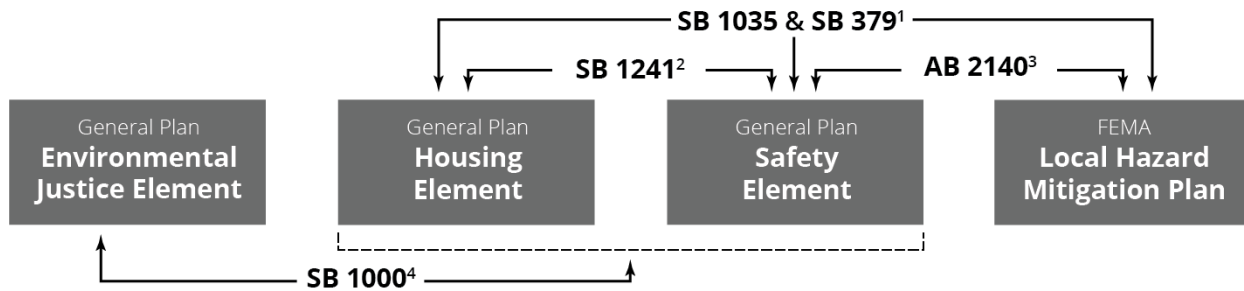
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California Resilience Planning Legislation and Implications for Bay Area Cities

Over the past decade state laws have linked hazard mitigation, climate adaptation and environmental justice with other planning efforts. Figure 1 shows the relationship between five state laws that require greater integration of resilience in local long-range planning. Many communities have other resilience related plans (e.g. community wildfire protection plans, climate adaptation plans) that can also inform the General Plan elements. Other bills, particularly those focused on wildfire risks make up a larger constellation of requirements.

Figure 1: Key Local Planning Documents and Consistency Laws.



¹ Required in all jurisdictions. Safety Element must address climate change adaptation.

² Required in 44 Bay Area jurisdictions. Safety Element must address wildfire risk.

³ Not required but incentivizes the incorporation of the LHMP in the Safety Element.

⁴ Required in at least 70 Bay Area jurisdictions. EJ element is triggered when any 2 other elements are concurrently updated.

SB 1035 (Gov. Code § 65302) and **SB 379** (Gov. Code § 65302.g.4) require all cities to address climate change adaptation and resilience in their general plan safety element. SB 379 is triggered by the next update of a jurisdiction's local hazard mitigation plan (updated every five years) or before 1/1/2022, whichever is first. SB 1035 built off SB 379, requiring the safety element be updated every eight years upon the next housing element update.

SB 1241 (Gov. Code § 65302, 65302.5) applies to communities with *very high fire hazard severity* or unincorporated communities in *state responsibility areas*. Communities subject to SB1241 need to ensure consistency between the housing and safety elements to address fire risk. **AB 2911** strengthened the local very high fire hazard severity zone designation.

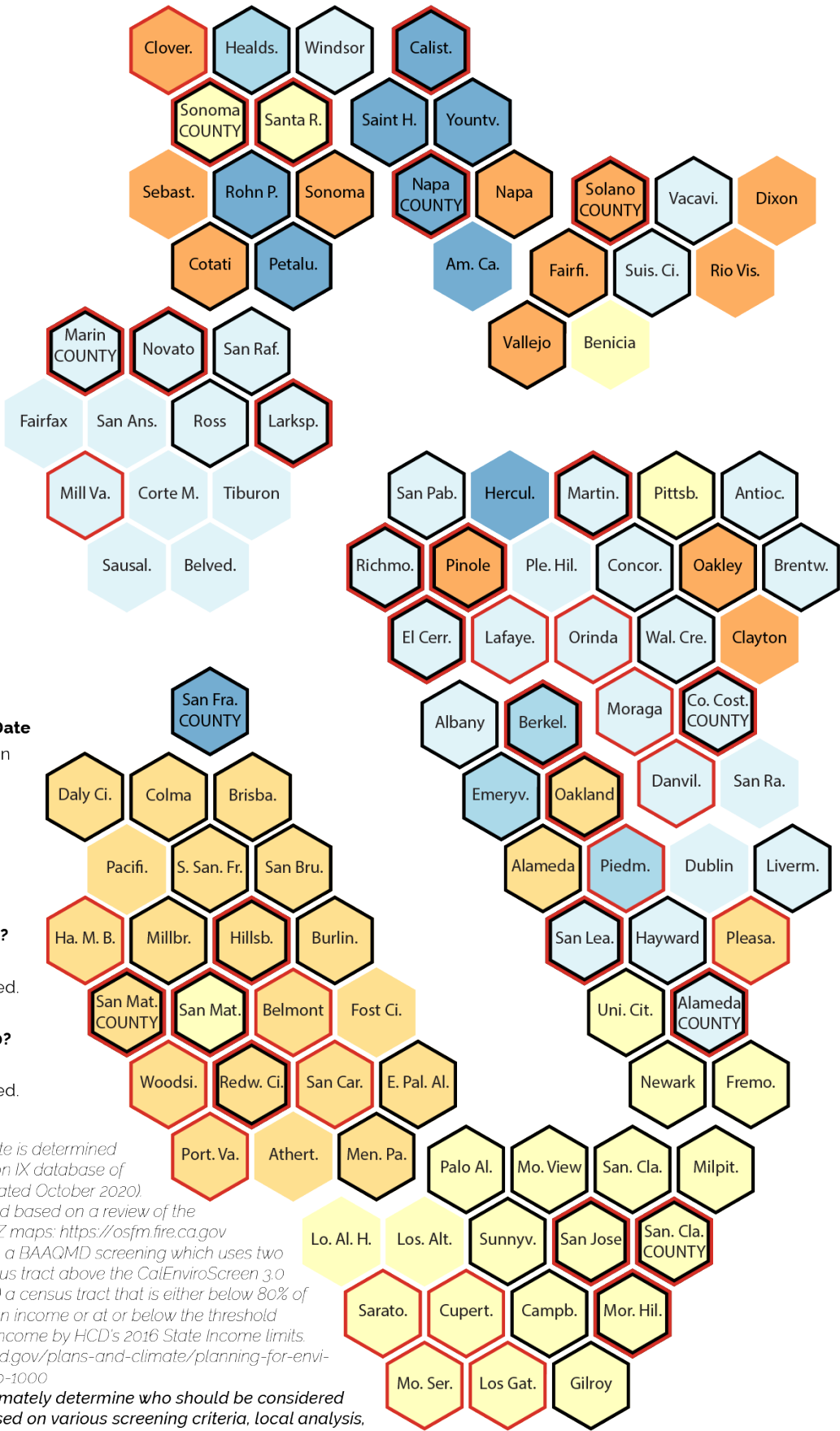
There are more wildfire bills that influence Housing and Safety Elements. In November 2020 OPR released a public review draft of the [Fire Hazard Planning Technical Advisory](#). A final draft is expected in early 2021.

AB 2140 (Gov. Code § 65302.6, 8685.9) authorizes local governments to adopt the LHMP with the general plan safety element. Integration by reference or annexation is encouraged through a post-disaster financial incentive to cover local shares of the 25% non-federal portion of grant-funded post-disaster projects when approved by the legislature.

SB 1000 (Gov. Code § 65302) requires cities with *disadvantaged communities* to add a general plan environmental justice element to reduce risks in those communities. SB 1000 is triggered when two or more general plan elements are updated concurrently. Each city does its own disadvantaged community screening. MTC used a BAAQMD methodology to provide a regional screening of jurisdictions with likely triggers.

Framing Upcoming Bay Area Resilience Planning

When LHMPs expire and which jurisdictions are subject to SB 1241 and SB 1000.



Legend

LHMP Expiration Date

- Lapsed/No Plan
- 2021
- 2022
- 2023
- 2024
- 2025

Subject to SB1241?

- Yes, impacted.
- No, not impacted.

Subject to SB1000?

- Yes, impacted.
- No, not impacted.

Sources

LHMP expiration date is determined using a FEMA Region IX database of adopted plans (updated October 2020)

SB1241 is determined based on a review of the 2007 CALFIRE FHSZ maps: <https://osfm.fire.ca.gov>

SB1000 is based on a BAAQMD screening which uses two thresholds: (i) a census tract above the CalEnviroScreen 3.0 75th percentile, or (ii) a census tract that is either below 80% of the statewide median income or at or below the threshold designated as low-income by HCD's 2016 State Income limits. <https://www.baaqmd.gov/plans-and-climate/planning-for-environmental-justice-sb-1000>

Local agencies ultimately determine who should be considered disadvantaged based on various screening criteria, local analysis, and engagement and outreach. The black border is based solely on the above screening criteria.

Key Considerations for Addressing Multiple Planning Requirements

The timing of requirements creates unique opportunities and challenges for local planning in the next few years. Jurisdictions should consider the sequence of their planning work, leveraging and integrating efforts as much as possible. HCD and OPR's *Integration Concepts for General Plan Updates* (included in Annotated Bibliography on next page) adds to these considerations.

Syncing Housing and Safety Element updates this cycle will set you up for the future.

The housing element update offers Bay Area cities a long-term opportunity for integrated planning. SB 1035 requires jurisdictions to review and as necessary update their safety element every eight years. Evacuation related bills SB 99, and AB 747 add additional motivation for a concurrent update. A concurrent housing and safety element update this cycle offers an opportunity to synchronize long-term integration.

For communities that have not yet addressed SB 379. The January 1, 2022 SB 379 deadline makes it tricky to link up Housing and Safety Element updates. As a next step consider a strategic meeting to weigh any legal risk of missing the deadline and consider if a concurrent housing and safety element update may work. For communities interested in concurrent updates but that are concerned with the legal risk of missing the SB 379 deadline, OPR does have a (rarely used) process to grant [extensions](#).

For communities that have already addressed SB 379. Other fire planning requirements might require a further update of the safety element. Despite a possible recent safety element update, another update as part of the housing element would sync up plans to meet the long-term SB 1035 requirements.

State review timeline for SB 1241 communities. Jurisdictions subject to SB 1241 must share the Draft Safety Element with the State Board of Forestry and Fire Protection. The Board is given 90 days to review and provide comments on the draft, before the jurisdiction can act.

More jurisdictions may become subject to SB 1241. CALFIRE is planning to release new fire hazard severity maps in 2021. It is possible that expanded very high zones may subject additional jurisdictions to the law.

Your Local Hazard Mitigation Plan can be a resource. Communities with an LHMP update due between 2021 and early 2023 should leverage the process and consider synchronizing the update with their housing and safety element efforts. For communities with a recent LHMP update, consider using your recent LHMP as a resource for any safety element review or update. Do not forget there is FEMA funding available to support LHMP updates.

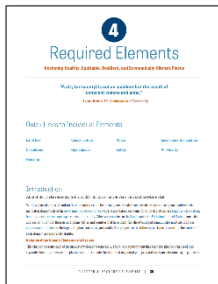
Environmental Justice Elements will be triggered in most cases. Given the joint, Housing Element and Safety Element updates, jurisdictions with disadvantaged communities should add the SB1000 requirements to their update process.

Jurisdiction approaches will be varied. SB 379 compliance as well as whether other requirements are triggered will result in jurisdictions in the region taking different approaches to meet different requirements.

Annotated Bibliography – California Resilience Planning Resources

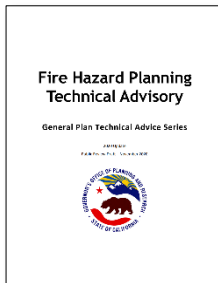
The landscape of resilience planning in California has changed over the past decade but agencies have kept pace publishing supporting resources. These five resources provide the best overview in meeting state and federal requirements. An overview of each resource is included as well as the elements MTC staff anticipate being the most helpful.

Understanding State Requirements



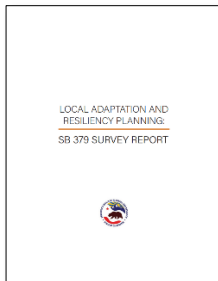
General Plan Guidelines: Required Elements (OPR, 2017)

This should be your main guidance reference for the Housing Element, Safety Element, and Environmental Justice Element. The guidance is recent, describes all the requirements, and begins to highlight resources to use in a plan update. Note: SB99 AB 747, two 2019 bills are not incorporated into this 2017 resource making the Fire Hazard Planning document an important companion resource. Environmental Justice guidance is captured in a special 2020 update. [Housing & Safety Element](#) | [Environmental Justice Element](#)



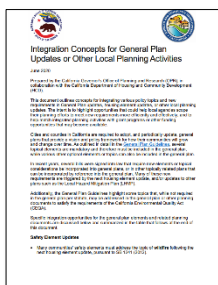
Fire Hazard Planning Technical Advisory (OPR, 2020)

The guidance summarizes fire hazard legal and regulatory requirements, and key policies, programs and guidelines. It includes specific recommendations for how to incorporate fire planning steps in general plan updates, and opportunities for alignment of fire hazard planning with other topics such as climate adaptation and local hazard mitigation plans. Finally, it includes example general plan policies and resources/tools for planning.



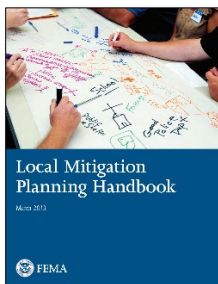
Local Adaptation and Resiliency Planning - SB 379 Survey Report (OPR 2020)

This report uses 2019 jurisdiction survey results to identify that status of SB 379 compliance and the major challenges, opportunities, and best practices that jurisdictions are facing while addressing adaptation in their planning documents. The document covers how surveyed jurisdictions are meeting requirements, how community assets and vulnerable communities are defined, and common barriers to success.



Integration Concepts for General Plan Updates... (HCD & OPR, 2020)

This resource helps scope integrated plans to meet new requirements more efficiently and effectively. It covers wildfire, climate adaptation, evacuation routes, environmental justice, and GHG mitigation. The highlight of the resource is a "Planning Integration Concepts Matrix" which succinctly presents integration opportunities for the safety, environmental justice, and housing elements, detailing key requirements, timing, and integrated policy examples.



Local Mitigation Planning Handbook (FEMA, 2013)

This resource describes FEMA approved LHMP requirements. The body of the guide provides best practice approaches; Appendix B includes a useful nine-page summary checklist for compliant plans. Given the additional resilience requirements of SB 379 for California jurisdictions we recommend this guide and others (like the California Adaptation Planning Guide) be used together to develop a FEMA approved LHMP that advances SB 379 requirements too.