



General Plan Environmental Justice Guidelines: Do They Apply To You?

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On June 24, 2020, the California Office of Planning and Research (OPR) issued updated General Plan Guidelines for use by cities and counties in developing land use planning documents. The Guidelines are intended to implement SB 1000, which requires the safety elements of general plans to be updated to address floodplain hazards, fire safety, and related environmental justice concerns. The Guidelines are OPR's first attempt to provide comprehensive guidance to local jurisdictions on how to incorporate environmental justice considerations into their general plans.

The requirement that cities and counties address environmental justice as part of land use planning decisions is a major departure from prior land use planning requirements that also has implications for environmental review of development projects under the California Environmental Quality Act (CEQA).

OPR's Key Recommendations

The 2020 General Plan Guidelines provide that "jurisdictions with disadvantaged communities" are required to incorporate environmental justice goals, policies, and programs into their general plan whenever two or more elements of a general plan are being revised concurrently.

While the Guidelines do not define "disadvantaged community," they do set out a multi-step process for local jurisdictions to utilize in order to determine whether they include a disadvantaged community.

With respect to jurisdictions that do not include a disadvantaged community, the Guidelines state that it is "good planning practice" for such jurisdictions to consider incorporating environmental justice considerations into their general plans.

The Guidelines explicitly require that the Environmental Justice Element consider climate change and its effect on health and public safety and whether disadvantaged communities would be disproportionately impacted by such changes. The Guidelines further contemplate that environmental justice considerations should include a broad range of initiatives, including but not limited to: the development of public facilities; the promotion of food access, safe and sanitary homes, and physical activities to reduce any unique or compounded health risks faced by disadvantaged communities; and the promotion of civic engagement in the public decision-making process, among other initiatives.

The Guidelines also encourage cities and counties to undertake expanded public outreach and community involvement processes when amending their general plan documents.

What Does This Mean for Local Jurisdictions and Project Proponents?

For a city or county that is either required to undertake or voluntarily undertakes a General Plan amendment to include an Environmental Justice Element, it is prudent to commence the community outreach and involvement process early in the development of the amendment.

For development projects, the new Guidelines have the potential to create additional complexity during the entitlement phase, as well as new litigation risks. This is because CEQA requires an evaluation of a project's consistency with the applicable General Plan policies that aim to protect the environment. To the degree that the specific goals, objectives, or policies of the Environmental Justice Element seek to protect the environment, which will certainly be the case with respect to those goals, objectives and policies that relate to the control of harmful pollutants, disproportionate climate change impacts on disadvantaged communities, and reduction of vehicle miles traveled, a project's consistency with such goals, objectives, and policies will have to be addressed as part of CEQA review. Additionally, the Guidelines have the potential to blur the distinction between purely socioeconomic effects of development – which CEQA does not require be considered as part of an environmental impact assessment – and the indirect environmental consequences of socioeconomic effects. The resulting uncertainty regarding the appropriate scope of environmental review will likely be addressed by the courts.