

September 13, 2021

Ms. Dahvia Lynch, AICP CEP, Development Services Director  
City of San Marcos,  
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San Marcos CA 92069  
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**RE: Sierra Club North County Group comments on Draft  
Environmental Justice General Plan Element.**

Dear Ms. Lynch:

Sierra Club North County Group (NCG) appreciate the opportunity to comment on the draft document. NCG welcomes the opportunity to comment on this additional element.

As an opening curious point, the introduction to the element is misleading. It reads, ... *While the City of San Marcos does not have any disadvantaged communities within its Planning Area...* when we believe it is intended to state that there are no census tracts that are considered CalEnviroScreen-designated Disadvantaged Communities (DAC)'. The lack of officially designated DACs does not and should not mean that there are not significant areas needing substantial improvements and attention. The official designation is only for those areas of the state in the highest of the highest areas. It does not mean that areas with CalEnviroScreen demonstrated impacts are unworthy of strong health and justice based actions.

For example, the City of Escondido, which also has no officially designated tracts, proactively adopted a designation of Priority Investment Neighborhoods to include any census tract with a 50% or more impact ranking in CalEnviroScreen 3.0. We recommend the City of San Marcos does the same as there are at least two census tracts (6073020021 and 18) with scores higher than 55%.

One reason we suggest that specific, vulnerable areas be specifically identified is that a more coherent set of policies and actions can be taken. Too many of the draft policies are very generic, apply to the entire city (even in areas that may not need the actions). For example, EJ-2.6 to develop a citywide system of parks and recreational amenities... is a great goal and we support it but does not really require that improvements be made in under-resources areas. It would be easier to effectively focus resources if key areas needing specific attention were defined and actions committed there.

In the assessment of asthma rates (page 5 of EJ Background document), the inclusion of less impacted areas dilutes the real problem in San Marcos. The document states that asthma rates are better than California and County averages. However, reviewing <https://oehha.ca.gov/calenviroscreen/indicator/asthma> shows San Marcos census tracks with 14-15% higher asthma risks than the state.

NCG appreciates many of the policies, but recommends the following amendments and additions listed below.

**1. Policies should be strengthened to avoid location of housing within 500 feet of a freeway and other major polluters.**

Development locations within 500 feet of a major freeway or heavily trafficked road are hazardous for human health and should not be used to house vulnerable residents. The California Air Resources Board (CARB) did a Land Use Guidance document in 2005 and its guidance is clear:

Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.<sup>1</sup>

While not a regulation, this guidance is heavily based on extensive science that underpins the recommendation and should be adopted as part of good planning. In fact, the hazard area is 1,000 feet from a freeway, which would be a more healthful buffer to adopt.

Then, in 2017, a CalEPA and CARB Technical Advisory was issued which cited evidence that the risks were actually higher than the 2005 report found. It states:

In spite of past successes and ongoing efforts to improve near roadway air quality in California, exposure to traffic pollution is still a concern because pollution concentrations and exposure levels near high-volume roadways continue to indicate that there is a lingering public health concern. In addition, the Office of Environmental Health Hazard Assessment (OEHHA) recently revised its methodology for risk assessment in order to estimate more accurately the health impacts of exposure. **This reanalysis has resulted in a revision of cancer risks from exposure to toxic air contaminants, including those emitted by transportation-related sources, to significantly higher levels...** (emphasis added)

These recent studies highlight the importance of protecting at-risk populations/communities from traffic emissions and indicate that exposure reduction strategies may be needed to protect **people that live and spend time in environments that are more than 500 feet from high volume roadways.**<sup>2</sup> (emphasis added)

Further, they found that the air quality concerns will persist even with changes to regulations and technology.<sup>3</sup>

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<sup>1</sup>AIR QUALITY AND LAND USE HANDBOOK: A COMMUNITY HEALTH PERSPECTIVE, April, 2005  
<https://ww3.arb.ca.gov/ch/handbook.pdf>, page 4

<sup>2</sup> Technical Advisory, Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways  
[https://ww3.arb.ca.gov/ch/rd\\_technical\\_advisory\\_final.pdf](https://ww3.arb.ca.gov/ch/rd_technical_advisory_final.pdf), page 14

<sup>3</sup> Ibid

The Advisory does discuss the kind of development and measures that may be appropriate for these locations.

... In fact, planners and developers may want to consider siting non-sensitive uses and developments that will be primarily used and occupied during the daytime—such as commercial uses and offices. ... commercial and office buildings are often equipped with indoor filtration systems that can remove particulates from the air inhaled by building occupants, and these buildings are more likely to have permanently closed or sealed windows. This means that, when these buildings are sited close to roads, people that spend time in them are less likely to breathe harmful pollutants and experience negative health impacts.<sup>4</sup>

In light of this evidence, NCG requests the following draft environmental justice policies should be amended as follows:

**Policy EJ-1.10** Require new sensitive-use development, such as schools, day care centers and hospitals **to be located a minimum of 500-feet away from** mobile and stationary toxic air contaminants. **Outside of the 500-ft buffer building must** be designed with consideration of site and building orientation, location of trees, and incorporation of appropriate technology (i.e., ventilation and filtration) for improved air quality to lessen any potential health risks.

**Policy EJ-1.23** Avoid locating sensitive uses near established hazardous materials users or industrial areas where incompatibilities would result **such as within a minimum of 500-ft from these areas.** ~~, except in cases where appropriate safeguards have been developed and implemented.~~ (See Policy S-4.4)

**While the CARB guidance is only a 500-ft buffer, the science clearly shows that 1,000-foot buffer is indicated. We support a 1,000-foot buffer as being more health protective, but 500-feet is the minimum.**

## **2. Adapt and Include Policies from the Environmental and Housing Justice Policy Platform**

An invaluable document has been release by the California Environmental Justice Alliance (CEJA) titled, [Environmental and Housing Justice Policy Platform](#). The Policy Platform has many relevant policy recommendations that are applicable to San Marcos. We hope you will review this document and adapt from it those policies that will strengthen this Environmental Justice Element as it related to housing.

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<sup>4</sup> Ibid

We have made suggestions below regarding how these policies might be added to the EJ Element.

### **Safe siting of housing**

The Policy Platform speak to promotion of healthy land use compatibility and ensure housing is not sited on or near toxic or polluted land. We have addressed this in our comments above.

### **Advance Smart Growth and avoid sprawl**

Policies to implement Goal EJ-2 should more proactively develop green infrastructure in most vulnerable areas.

- San Marcos should advance solutions for bioregional governance that promote harmony between housing/human communities and regional ecosystems and natural areas by completing and adopting its SubArea plan of the MHCP.
- Create connectivity between people's homes and the places where people need to go by ensuring all communities have access to safe, reliable, affordable, and clean public transportation, active transportation networks, and shared mobility options. Solutions should be well-designed to reduce private vehicle use and guard against sprawling development patterns.
- Establish sustainable growth strategies and restrictions on development coupled with strong anti-displacement protections for housing, to prevent development in greenfield areas and limit environmentally degrading urban sprawl while also guarding against neighborhood gentrification and displacement.

### **Climate resilient and energy efficient housing**

Creation and promotion of climate-resilient housing policies could be added to Goal EJ-1

- Upgrades to existing housing need to happen at scale while ensuring accessibility for the most vulnerable communities, especially renters and mobile homeowners or renters. Establish and increase funding for programs that provide climate and natural disaster-resilient retrofits for affordable rental housing and low-income homeowners.
- Advance housing electrification and solarization funding, incentives, and programs targeted to low-income communities and communities of color to reduce indoor air quality hazards and support a just energy transition.

### **Anti-displacement policies and increased affordable housing creation**

Since San Marcos has a high percentage of renters, anti-displacement policies will be important to include and can build on San Marcos' existing inclusionary housing ordinance. Some of those suggested in the Policy Platform include:

- Policies that seek to revitalize and densify neighborhoods at risk of gentrification should be paired with strong inclusionary housing requirements, anti-displacement safeguards, and other protections for existing residents. Such policies should prioritize communities with high concentrations of rent burdened households.
- To accurately and equitably identify neighborhoods most vulnerable to gentrification, develop a community outreach process to meaningfully involve current residents in the creation of maps that reflect their lived experiences on the ground.
- Pair incentives for multifamily decarbonization and weatherization upgrades with anti-displacement measures. Examples include covenants requiring landlords who receive grants to maintain affordable rents, or pairing building retrofit funds with affordable housing acquisition funds to convert distressed or vacant properties into climate resilient housing. Invest in climate-resilient infrastructure for underserved communities.

### **Ensure strong tenant protections and services**

- Provide community-driven housing rights education and outreach in locally-spoken languages, rental assistance, and ongoing support for tenants.
- San Marcos already contracts with Legal Aid and should codify a right to counsel in housing court for all renters who face eviction. Access to legal representation levels the playing field for low-income renters facing resourced landlords who can afford to hire counsel and increases positive outcomes for tenants who are more likely to resolve their cases without being evicted.
- Protect tenants from predatory and illegal landlord behavior, such as harassment, neglecting to make repairs in order to drive tenants out, including increasing proactive code enforcement programs with safeguards to ensure that repairs do not lead to displacement or homelessness for existing renters

### **Embed equity and center community voices in decision-making**

Maybe the most important thing an Environmental Justice element can do is ensure that impacted residents have a voice and agency in the decisions that affect them. While we appreciate Goal EJ-6 to promote Civil (should this be Civic?) Engagement, it should be more specific. For example, even with a high percentage of Spanish speakers in San Marcos, Spanish-language or commitment to language interpretation is not mentioned in this section. The Policy Platform makes the following policy recommendations that should be considered and added.

- When making plans and decisions related to housing and land use, local governments should facilitate democratic and participatory processes that center the voices and needs of low-income and BIPOC residents who are most vulnerable to displacement and climate disasters. Such processes require:
  - cultivating trust between local decision-makers and residents to promote collaborative decision making, and
  - sufficient budgets for community-driven planning activities

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- Develop formal partnerships with community-based organizations, particularly grassroots base-building groups that serve impacted community residents, to co-lead successful community engagement and planning efforts.
- Develop long-range planning documents in collaboration with sensitive and EJ community residents to integrate their needs and experiences to shape effective housing policy. Plans should develop meaningful metrics to assess the effectiveness of their engagement efforts and implementation progress of their long-range plans.
- Require housing developers to inform local residents in locally-spoken languages about the potential impacts of their projects on the surrounding community and provide channels for residents' concerns and feedback.
- Ensure equitable access to public information and meetings related to a proposed development by using means of communications that are accessible to all residents (such as providing notices and other materials in locally-spoken languages, recruiting multilingual and culturally competent outreach workers, scheduling meetings in areas and at times that maximize attendance and accessibility, and provide interpretation during meetings).
- Reject policies that shorten public comment periods and undermine full consideration of residents' input.

Thank you for the opportunity to comment on this document.

Sincerely,



Alan Geraci, Member  
Sierra Club NCG Executive Committee



Laura Hunter, Chair  
Sierra Club NCG Conservation Committee

**References:**

[Draft San Marcos EJ Element](#)

[Environmental and Housing Justice Policy Platform.](#)