



# Getting the Deal Through in California: Community Benefits Agreements and Environmental Justice

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# Topics

- California Air Resources Board Programs
- Community Benefit Agreements
- Environmental Justice
- California Environmental Quality Act
- Title VI

# California Air Resources Board

- AB 617
- Community Air Protection Program
  - focus is to reduce exposure in communities most impacted by air pollution
  - CARB staff has already begun working closely with local air districts, community groups, and regulated industries to develop a new community-focused action framework for community protection.

# Community Selection

- First communities selected in 2018
- Richmond, West Oakland, Calexico, El Centro, Heber, South Sacramento – Florin, Portside Environmental Justice Neighborhoods (West National City, Barrio Logan, Logan Heights, and Sherman Heights), Shafter, South Central Fresno, East Los Angeles, Boyle Heights, West Commerce, Muscoy, San Bernardino, Wilmington, West Long Beach, & Carson
- Criteria for selection in [Appendix B](#) of Blueprint



**Community Benefits Agreement**

# Community Benefits Agreements

- CBA is a contract signed by community groups and a real estate developer that requires the developer to provide specific amenities and/or mitigations to the local community or neighborhood.
- Details the project's contributions to the community and ensures community support for the project
- Legally binding and directly enforceable by the signatories

# Community Benefits Agreement

- Allows for more specific and collaborative negotiations
  - Local government usually subject to regulations that may limit flexibility
  - Gives community members a direct voice in the agreement

Local government must be involved in project – permits, subsidies and development agreements

Local governments can also develop a CBA policy that directs developers to consider entering into CBAs

# CBAs can include

- CBAs may identify specific benefits the developer guarantees to residents of the affected neighborhoods
- The benefits can include well-paying jobs, affordable housing, childcare centers, health and recreational facilities, and educational improvements
- CBAs can also involve mitigation for project impacts: i.e., construction of a playground for a loss of green space



# CBA

- CBAs take effort and the process can be complex and lengthy
  - Community groups must be well represented, able to devote time to process and internal discussion, and have common goals/objectives

# CBA California Examples

- Bayview Hunters Point Core Community Benefits Agreement
  - negotiated between San Francisco community groups and Lennar Urban, the master developer of the Hunters Point Shipyard and Candlestick Point

## Staples Center CBA

- Involved sports and entertainment district in LA
  - Goal that 70% of jobs created will pay the city's living wage
  - Job opportunities to low income residents
  - Affordable housing commitment—20% of housing

# CBA Examples

- California High Speed Rail Authority
  - Based upon HSR's Community Benefit Policy to promote employment and business opportunities during construction.
  - Agreement between HSRA, skilled craft unions and contractors
  - Not actually a CBA



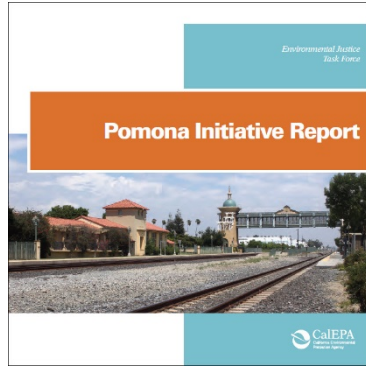
# Environmental Justice

# CalEPA Environmental Justice Task Force

- The CalEPA Environmental Justice Task Force (EJ Task Force) operates under CalEPA's Enforcement Program.
- It coordinates the compliance and enforcement work of CalEPA's boards, departments and office in areas of California that are burdened by multiple sources of pollution and are disproportionately vulnerable to its effects.
- The EJ Task Force develops new initiatives in communities where increased compliance has the potential to have the greatest impact.



# Examples of EJ Task Force Initiatives



## **Initiative: Pomona**

In 2017-2018, the Task Force conducted an initiative focused on the industrial corridor of southeast Pomona and surrounding residential neighborhoods.



## **Initiative: Oakland**

In 2016-2017, the Task Force conducted an initiative focused on the communities of East and West Oakland.

# Examples of EJ Task Force Initiatives



## **Initiative: Los Angeles**

In 2015-2016, the Task Force conducted an initiative focused on the Los Angeles communities of Boyle Heights and Pacoima.



## **Initiative: Fresno**

In 2013-2014, the Task Force selected a portion of the city of Fresno and its surrounding unincorporated area for its first initiative

# EJ Task Force Initiatives

- Pomona initiative topics
  - Background
  - Community Selection
  - Community Consultation and Priorities
  - Solid Waste
  - Water
  - Air
  - Toxics
  - Auto Dismantling
  - Pesticides
  - Supporting Community Revitalization Efforts





# Environmental Justice

- Tools
- [CalEnviroScreen 3.0](#) is a screening methodology that can be used to help identify California communities that are disproportionately burdened by multiple sources of pollution.



# California Environmental Quality Act



# California Environmental Quality Act (CEQA)

- CEQA requires that a project's significant impacts upon the environment be avoided or mitigated
- Project may have significant effect...if the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly. PRC 21083(b)(3)

# CEQA

- Must analyze cumulative impacts
- Must consider sensitive receptors
- Must consider impacts to neighborhoods

# Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d

- Prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance.
- Has been used in California by project opponents that missed the CEQA statute of limitations to challenge
- Complaint process – not litigation

# Suggestions for Moving Project Forward

- Engage with Community early and often
- Identify potential mitigation options that could be part of an agreement—helping to avoid CEQA challenge
- Avoid creating a separate project through the Agreement

# Questions?



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