DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

February 28, 2020

Cari Anderson
Air Resources Board, California Environmental Protection Agency
1001 I Street
Sacramento, California 95812

Dear Cari Anderson:

RE: Comments on the Concept Paper on the Proposed Freight Handbook

Thank you for the opportunity to comment on the Concept Paper presented by the California Air Resources Board proposing a Freight Handbook. The State Department of Housing and Community Development (HCD) has direct involvement with local land use regulation through our role reviewing and approving general plan housing elements, developing the Regional Housing Needs Allocation, and administering other housing policies and laws. In addition to promoting healthy homes, HCD is particularly focused on accelerating housing production to address California's ongoing housing affordability crisis. While HCD strongly supports efforts to reduce exposure to air pollution, including aspects of the Concept Paper addressing mitigation, we also have significant concerns with the land use "transition zones" proposed in this Concept Paper. The likely unintended consequences of these transition zones would disrupt housing production and potentially actually increase air pollution.

California faces a significant shortage of affordable housing, especially in employment-rich areas, which lengthens daily commutes in addition to compounding rising housing costs and growing inequality among Californians. The causality between the housing shortage and growing vehicle-miles-traveled (VMT) is well-documented in the Board's SB 150 Report, HCD's Statewide Housing Assessment, and abundant technical research and evidence. Most recently, the Terner Center for Housing Innovation at UC Berkeley published a study substantiating how land use regulations that restrict housing production directly increase commute distances.[1] Regression analyses demonstrate that cities that allocate more land to non-residential uses tend to have more workers than residents, and those workers are more likely to commute in from outside the city, often more than 30 minutes away. These findings are relevant to public health because growing VMT contributes to air pollution and California's largest source of greenhouse gas emissions, along with a number of other health impacts. This environmental harm is in addition to exacerbating household financial burdens with rising travel costs.

[1] "Residential Land Use Regulation and the Spatial Mismatch between Housing and Employment Opportunities in California Cities." Terner Center for Housing Innovation, University of California, Berkeley, January 2020: https://ternercenter.berkeley.edu/blog/residential-land-use-regulation-spatial-mismatch

The Concept Paper proposes recommending transition zones as an effective spatial buffer between housing and freight facilities (Pages 9-11). The Concept Paper indicates that this buffer should apply as a check against a new or expanding freight facility near existing housing. However, this recommendation would effectively disqualify from new housing development any land within 500 feet of a freight facility, since the recommendation sets aside that land for "increasing the distance between an emission source and sensitive receptors" (Page 9). If a freight operator is required to modify its proposed facility development to leave undeveloped that 500 feet to protect existing sensitive receptors, it is extremely unlikely that anti-housing plaintiffs would later allow the siting of new sensitive receptors within that 500 feet.

As a result, the Concept Paper's recommendation would likely have the effect of restricting new housing production near existing freight facilities. This would prevent housing production within a given space that is by default an employment-rich area. Such restrictions are inconsistent with the multiagency Sustainable Freight Action Plan, which does not include land use restrictions and instead recommends "incorporation of mitigation measures developed in partnership with communities and consistency with *existing* community land use plans" (emphasis added). HCD is also concerned that the Concept Paper does not define "freight facility" for purposes of recommending this buffer.

The Concept Paper acknowledges that the Freight Handbook's recommended square footage for transition zones would be non-binding on local agencies and should not be used as a substitute for site-specific assessments. However, there is evidence of similarly non-binding recommended buffers leading to affordable housing projects being delayed or altogether halted, despite those projects being proposed on appropriately zoned sites consistent with local land use plans. In the City of Claremont in 2008, for example, neighborhood opposition halted the development of a 45-unit affordable housing project on the basis that the project was within 500 feet of a freeway and this proximity contradicts a recommendation by the Air Resources Board's 2005 *Air Quality and Land Use Handbook*. This proposed development was located on a site that had been identified in Claremont's housing element for new development for low-income households. As another example, in 2008, the same 500-foot buffer recommendation from the *Air Quality and Land Use Handbook* was used to halt the development of a 69-unit multifamily project in the City of Davis, even though the project was proposed on adequate sites within the City's draft housing element update to accommodate a portion of the regional housing need for lower-income households. In addition to jeopardizing these cities' housing element compliance, more importantly, the effect of the buffer recommendation also deprived the community of needed housing affordable to low-income workers and their families.

In light of these outcomes and the documented effect of land use restrictions extending commute distances, HCD urges the Air Resources Board to consider the public health impacts of VMT growth resulting from a lack of housing options. Such health impacts include on-road exposure to air pollution and sedentary lifestyles for commuters, impacts to residents near congested high-volume roadways, and growing greenhouse gas emissions from passenger vehicles. In addition to the health impacts that are caused from lengthening commutes, restrictions on housing production also contribute to other health impacts by constraining household budgets for health care and food, and contributing to housing insecurity and homelessness.

HCD acknowledges that the health impacts resulting from exposure within 500 feet of a freight facility warrant serious attention and mitigation. However, we propose that the health impacts of restricting housing production, which accrue on a broader geographic scale, should *also* be considered.

To that effect, please find attached to this letter a list of studies substantiating:

- **Associations Between Housing Shortages and Commute Distances:** These studies substantiate how the shortage of affordable housing options in employment-rich areas directly increases commute distances and VMT. This includes regression analysis isolating *land use restrictions* as a *specific* factor that contributes significantly to increasing commute distances.

- **Associations Between Housing Insecurity and Health Impacts:** These studies substantiate negative health impacts on low-income households caused by increased commute times; a lack of stable and secure housing resulting in frequent moves and/or overcrowding; and/or periods of homelessness.

As an alternative to the "transition zone" concept, HCD fully supports the Concept Paper's discussion of mitigation measures (Pages 15-17). Such mitigation measures can be included as conditions of approval of housing developments within a given proximity to freight facilities, and may include high-efficiency indoor air filtration systems, sound walls, vegetative barriers and other barriers, and building orientation and design, consistent with CARB's 2017 Technical Advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways.* In particular, these types of mitigation measures could be implemented not only in proposed new residential development, but also in *existing* residential developments that are in close proximity to sources of air pollution (Per the Concept Paper's Scenarios A and B).

In HCD's role enforcing health and safety standards for housing construction and maintenance, HCD routinely proposes building standards for residential construction to the California Building Standards Commission and provides support to local government partners who inspect health-and-safety code violations. We would be pleased to draw on this expertise to assist the Air Resources Board in the development or assessment of effective mitigation measures, that might be included in the Freight Handbook, for any housing sited within a defined proximity to freight facilities.

Thank you for this opportunity to provide feedback on the Freight Handbook Concept Paper. HCD acknowledges that balancing the myriad of community health concerns in the regulation of land use requires a collaborative and multiagency approach, and we look forward to continuing to work with you in the development of a well-integrated advisory. Should you have any questions, please contact Josh Rosa, Manager, Policy and Program Support, at 916-531-5723.

Sincerely,

Zachary Olmstead
Deputy Director

Enclosure

ATTACHMENT A

Housing Shortages and Commute Distances

These resources substantiate the shortage of affordable housing options in employment-rich areas as a direct contributor to increases in commute distances and VMT. This includes regression analysis isolating *land use restrictions* as a *specific* factor that contributes significantly to increasing commute distances.

Durst, Noah. “Residential Land Use Regulation and the Spatial Mismatch between Housing and Employment Opportunities in California Cities.” *Terner Center for Housing Innovation, University of California, Berkeley.* January 2020: https://ternercenter.berkeley.edu/blog/residential-land-use-regulation-spatial-mismatch

Ihlanfeldt, K. (1994). The Spatial Mismatch Between Jobs and Residential Locations Within Urban Areas. Cityscape, 1(1), 219-244. https://www.huduser.gov/Periodicals/CITYSCPE/VOL1NUM1/ch11.pdf

Ogura, L. M. (2010). Effects of Urban Growth Controls on Intercity Commuting, 47(10), 2173–2193. https://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1001&context=eco_articles

Paulsen, K. (2014). Geography, policy or market? New evidence on the measurement and causes of sprawl (and infill) in US metropolitan regions. Urban Studies, 51(12), 2629-2645. https://dpla.wiscweb.wisc.edu/wp-content/uploads/sites/1021/2017/06/URPL-Lecture-Paulsen-paper.pdf

Shoag, D., & Muehlegger, E. (2015). Commuting times and land use regulations, Procedia Engineering, 107, 488–493. https://doi.org/10.1016/j.proeng.2015.06.108

Wilkerson, Pozdena, Kingsella, Buchman, Baron. “Housing Underproduction in California” *Up for Growth*. https://www.upforgrowth.org/research/housing-underproduction-california

ATTACHMENT B

Housing Insecurity and Health Impacts

These resources substantiate negative health impacts on low-income households caused by increased commute times; a lack of stable and secure housing resulting in frequent moves and/or overcrowding; and/or periods of homelessness.

Diana Becker Cutts, MD., et. al. "US Housing Insecurity and the Health of Very Young Children." *American Journal of Public Health.* August 2011. https://childrenshealthwatch.org/wp-content/uploads/DC_AJPH_2011.pdf

Choucair, Bechara. "Housing for health: Why health cannot happen without housing." *Kaiserpermanente*, August 29, 2019. https://about.kaiserpermanente.org/community-health/news/housing-for-health--why-health-cannot-happen-without-housing

Kathryn Bailey, et al. "Overcrowding and Frequent Moves Harmful to Children's Health." *Children's Health Watch.* November 2011. https://childrenshealthwatch.org/wp-content/uploads/CrowdingMultipleMoves_brief_November2011.pdf

Mammoser, Gigen. "Here's How a 10-Mile Commute Can Hurt Your Health." *Healthline*, January 29, 2019. https://www.healthline.com/health-news/heres-how-your-commute-can-hurt-your-health

Maqbool, Nabihah. "The Impacts of Affordable Housing on Health: A Research Summary." *Center for Housing Policy*, April 2015. https://www.nhc.org/publication/the-impacts-of-affordable-housing-on-health-a-research-summary/

Schuetz, Jenny. "Cost, crowding, or commuting? Housing stress on the middle class." *Brookings*, May 7, 2019. https://www.brookings.edu/research/cost-crowding-or-commuting-housing-stress-on-the-middle-class/

Taylor, Lauren. "Housing and Health: An Overview of the Literature". *Health Affairs*, June 7, 2018, Bethesda, MD. https://www.healthaffairs.org/do/10.1377/hpb20180313.396577/full/HPB_2018_RWJF_01_W.pdf

The Positive Impacts of Affordable Housing on Health: A Research Summary, Center for Housing Policy and Enterprise Community Partners, 2007. https://www.enterprisecommunity.org/download?fid=8265&nid=4141