

CHAPTER 85.22 ENVIRONMENTAL JUSTICE FOCUS AREAS

Sections:

85.22.010	Purpose
85.22.020	Definitions
85.22.030	Establishment
85.22.040	Applicability
85.22.050	Process and Review Procedures
85.22.060	General Development and Use Standards

85.22.010 Purpose

The purpose of this Chapter is to implement environmental justice goals and policies for applicable development projects proposed within or near an unincorporated environmental justice focus area (EJFA) established by the Policy Plan pursuant to Government Code section 65302(h).

85.22.020 Definitions

The definitions in this Section are intended to apply to this Chapter only. Any term which is not specifically defined herein shall have the definition as provided by Division 10 of this Development Code.

- (a) Development Project.** Development project means a land use application that requests either a policy plan amendment, specific plan, specific plan amendment, zoning amendment, conditional use permit, or planned development permit.
- (b) EJFA.** EJFA means an area identified on Policy Map HZ-10 (Environmental Justice & Legacy Communities). A development project is considered located near an EJFA if the exterior boundary of any portion of the subject parcel is located within 1,000 feet of an EJFA boundary.
- (c) Interested Party.** Interested party means a person, group or organization who files a written request to the Department to be on a list for mailed notice of

development projects proposed within an EJFA and said request is made pursuant to this Chapter. A written request for mailed notice shall be valid for the calendar year in which it is received and must be renewed annually. The Department shall maintain a list of interested parties for an applicant's compliance with this Chapter.

- (d) **Outreach Plan.** Outreach plan means and describes how the target audience of an EJFA will be reached and how the required content of this Chapter will be communicated and achieved.
- (e) **Predominant Language Spoken.** Predominant language spoken means a language, other than English, that is spoken by at least 10 percent of residents who are considered linguistically isolated in the EJFA or census tract as published by the California Office of Environmental Health Hazard Assessment, CalEnviroScreen 4.0 Linguistic Isolation Map, as may be amended.

85.22.030 Establishment

Identification and boundaries of an EJFA are as shown on Policy Map HZ-10 (Environmental Justice & Legacy Communities) and are available for review at the Department and posted on the Department website at <https://countywideplan.com>.

85.22.040 Applicability

- (a) This Chapter shall apply to an application for a development project located within or near an EJFA.
- (b) An application for a development project located in or near an EJFA shall not be deemed complete for processing unless the requirements of this Chapter have been met. Failure to comply with the requirements of this Chapter are grounds for denial of an application.

85.22.050 Process and Review Procedures

- (a) The following application process and review procedure shall apply to a development project proposed within or near an EJFA pursuant to Table 85-6 (EJFA Notification and Outreach Requirements), below.

Table 85-6

<i>EJFA Notification and Outreach Requirements</i>				
Category	Project Applicability	Notification Area	Outreach Plan	Outreach Meeting
(A) Project is in or within 1,000 ft of EJFA	Development project (excluding Category C amendments) for a proposed use that may have certain negative environmental or operational impacts (noise, dust, odors, operating hours, truck traffic, etc.) on the surrounding EJFA, not requiring an EIR.	Mailed notice of 1,300 feet from subject site boundaries (1/4 mile).	No	No
(B) Project is in or within 1,000 ft of EJFA	Development Project (excluding Category C amendments) for a proposed use that may have the potential for creating undesirable environmental or operational impacts (such as the use of hazardous, toxic, explosive, or flammable materials in large quantities, exposure to high levels of diesel exhaust or fumes, etc.) on the surrounding EJFA. A development project (excluding Category C amendments) that requires an environmental impact report (EIR) or health risk assessment (HRA) shall be classified in this Category.	On-site posting plus mailed notice of 2,640 feet from subject site boundaries (1/2 mile).	Yes	1
(C) Land Use Category or Zone Designation Amendment in or within 1,000 ft of EJFA ⁽¹⁾	Land Use Category or Zone Designation amendment.	On-site posting plus mailed notice of 2,640 feet from subject site boundaries (1/2 mile).	Yes	2

Notes:

(1) A compressive amendment initiated by the Director, Commission or Board shall be exempt from the notification and outreach requirements.

(b) Category Determination. Prior to acceptance of an application as complete for a development project located within or near an EJFA, the Director shall determine the category classification of the proposal in accordance with Table 85-6. The Director's determination may be appealable by the applicant to the Commission in accordance with Chapter 86.08 (Appeals). The determination of an appeal by the Commission shall be

final.

(c) Submittal Requirements. The following information is required to be made part of the application package for a development project:

(1) **Category A.** Category A application shall be processed in compliance with Chapter 85.01 (Permit Application Filing and Processing) and Chapter 85.03 (Application Procedures) with the following additional requirements:

(A) All public notices for the development project application required by this Development Code shall be provided in English and in the predominant language spoken by residents in the EJFA.

(B) All public notices required by this Development Code shall be mailed to property owners, residents, and business owners within a distance required by Table 85-6 (EJFA Notification and Outreach Requirements) from the external boundary of the development project site. Public notices shall also be mailed to interested parties requesting notice pursuant to this Chapter.

(2) **Category B and Category C.** Category B and Category C applications shall be processed in compliance with Subsection 85.22.050(c)(1) above, and shall comply with the following additional requirements:

(A) An outreach plan prepared in compliance with Subsection 85.22.050(d) (Outreach Plan Contents) below.

(B) A Health Risk Assessment (HRA) shall be required for any development project that could potentially increase the incremental cancer risk by 10 in 1 million or more in an EJFA. A Health Risk Assessment required by this Chapter shall evaluate impacts of truck traffic from the development project site to the nearest freeway.

(C) **On-site Posting Requirements.** In order to implement on-site posting as an effective form of public notification, the following rules

and standards shall apply:

- (i). **Sign Requirements.** A four-foot by eight-foot sign constructed out of laminated, durable materials, shall be installed on each of the property frontages that are visible to the public right of way. For properties that are unusually shaped, or are in a unique location, the Director may determine the location for sign posting or require additional noticing requirements.
- (ii). **Sign Content.** An on-site sign shall include a general description of the proposed development project, name of applicant, name and contact information of the project planner, and location where further information can be obtained.
- (iii). **Timing.** Within 10 calendar days of a development project being deemed complete, the project identification sign shall be installed at the site of the development project. The applicant shall upload a photograph to the EZOP portal showing the on-site sign is installed in accordance with this Chapter.
- (iv). **Maintenance.** The applicant is responsible for the replacement of any missing, damaged, or vandalized sign within five days of the notification from the County. The County may cease processing the application if the on-site sign is not maintained.
- (v). **Duration of sign posting.** An on-site sign shall be removed within 30 days of final action by the review authority, application withdrawal or application expiration.

(d) Outreach Plan Contents. An outreach plan shall consist of the following information:

- (1) A map of the development project site depicting the boundaries of the affected EJFA and identifying the location of the development project within the EJFA, or, if not within the EJFA, how far the development project is located from the EJFA boundary.
- (2) A list of interested parties that will be contacted to participate in identifying the outreach components of the plan with the goal of reaching as many property owners, residents, and business owners to participate and comment on the development project at an outreach meeting and public hearing.
- (3) A schedule of planned outreach meeting with the date, time, location (within the EJFA), agenda, names of the applicant's representatives and consultants who will attend and a description of their function.
- (4) How the applicant will provide notice to property owners, residents, business owners, and interested parties of the required outreach meeting.
- (5) How the applicant will provide interpreter services during an outreach meeting and public hearing for persons who speak limited or no English. The interpreter services shall be provided for those languages which are predominant within the affected EJFA.
- (6) How the concerns brought up by the property owners, residents, business owners, and interested parties will be documented for inclusion as part of the record of the development project. The applicant is required to show how the input from the participants at an outreach meeting will be used to improve the development project's potential impacts on the EJFA and show how the proposed project may be modified to address the concerns of the participants, as applicable. The outreach plan shall also include how the

applicant will communicate the results of the outreach meeting and any modifications to the proposed project as a result of the outreach meeting to the participants, prior to any public hearing on the application.

(e) Notification Requirements for Category B and Category C Development Projects. Notification of property owners, residents, and business owners of an outreach meeting and public hearing shall comply with the requirements of Table 85-6 (EJFA Notification and Outreach Requirements) and include the following:

(1) Outreach Meeting Requirements.

- (A) The applicant shall be responsible for providing notices of the outreach meeting to the residents, property owners, business owners and interested parties pursuant to the approved outreach plan. The applicant shall provide the Department with proof of mailing and/or posting of properties notified pursuant to the outreach plan and as required by Table 85-6 (EJFA Notification and Outreach Requirements).
- (B) The applicant shall provide, and the Department shall review and edit as necessary, a draft “Notice of Community Outreach Meeting” for each outreach meeting proposed in the outreach plan. The applicant shall provide the notice in English and in the predominant language spoken in communities within the affected EJFA.
- (C) The “Notice of Community Outreach Meeting” shall provide a general description of the development project, identify the development project location and provide the date, time, location and purpose of the outreach meeting. Notification of the outreach meeting shall be issued pursuant to the outreach plan and shall be mailed by the applicant to property owners, residents, business owners and interested parties at least 10 calendar days prior to the scheduled

outreach meeting. The applicant shall be responsible for the cost of mailing.

- (D) The applicant shall be responsible for providing additional methods of providing public notice of outreach meetings to property owners, residents and business owners within the required notification area of the EJFA through means identified in the outreach plan. Examples of methods may include posting of informational posters, distribution of flyers, advertisements in local newspapers, social media, etc.
- (E) When an application for a Category B or Category C development project is accepted by the Department as complete, the Department will notify the public of such application by posting the project description and related information on the Department's website.

(2) **Translation Requirements.** In the event a Category B or Category C development project requires the preparation of an environmental impact report pursuant to the California Environmental Quality Act, the applicant shall be responsible for obtaining translating services to translate the executive summary portion of the draft environmental impact report into the predominant non-English language spoken in the EJFA.

(3) **Public Hearing Requirements.** In addition to the requirements of Section 86.07.020 (Notice of Hearing), the following public hearing requirements shall apply to a Category B or Category C development project proposed within or near an EJFA:

- (A) At least 10 calendar days before the scheduled public hearing, the Department shall:
 - (i). Mail a notice of the meeting to all property owners, residents, and business owners within the notification area required by Table 85-6 (EJFA Notification and Outreach Requirements).

Public notices shall also be mailed to interested parties requesting notice pursuant to this Chapter.

(ii). Post a notice of the public hearing on the Department's website.

(B) The notice and posting shall be in English and in the predominant language spoken in communities within the affected EJFA.

(C) Interpreter services shall be provided at the public hearing in the non-English, predominant language spoken in the affected EJFA. Interpreter services shall be arranged by and paid for by the applicant. Failure to provide interpreter services at the public hearing may result in the public hearing being continued to a date at which such services are available.

85.22.060 General Development and Use Standards

(a) Development Standards Applicable to an EJFA. The following development standards shall apply to an EJFA:

(1) No new truck routes shall be established that result in truck access through a residential neighborhood within an EJFA.

(2) In no case shall an industrial or commercial development project be allowed to use local or residential streets for employee, client, or truck access or parking.

(b) Use Standards applicable to an EJFA. The following uses shall not be allowed in an EJFA:

(1) Hazardous Waste Facilities.