

Chapter 85.22 Environmental Justice Focus Areas

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85.22.010 Purpose

The purpose of this Chapter is to implement environmental justice goals, policies, and objectives for development projects proposed within or near an unincorporated environmental justice focus area (EJFA) established by the Countywide Plan pursuant to Government Code Subsection 65302(h). EJFA boundaries are established and modified through the Policy Plan and are identified on Policy Map HZ-10 (Environmental Justice & Legacy Communities), available for review at the offices of the Clerk of the Board of Supervisors and the Department and on the Department's website.

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 submitted by an applicant that requests a Policy Plan amendment, Specific Plan, Specific Plan amendment, Land Use Zoning District amendment, Planned Development Permit or Conditional Use Permit for a parcel that is within or near an EJFA.

(b) **ENVIRONMENTAL JUSTICE FOCUS AREA.** Environmental justice focus

1 area or EJFA means an area identified on Policy Map HZ-10 (Environmental Justice &
2 Legacy Communities) of the Policy Plan. A development project shall be considered
3 located near an EJFA if the exterior boundary of any portion of the subject parcel is
4 located within 1,000 feet of an EJFA boundary using a direct straight-line method from
5 property line to property line.

6 (c) **INTERESTED PARTY.** Interested party means a person, group, or
7 organization that files a written request for notice of a development project in compliance
8 with Subsection 85.03.080(a)(2).

9 (d) **OUTREACH PLAN.** An outreach plan describes how the target audience
10 of an EJFA will be notified of a development project and how the required content as
11 specified in Section 85.22.050 (Outreach Plan) and notification requirements as set forth
12 in Table 85-6 (Notification and Outreach Requirements) of this Chapter will be
13 communicated and achieved.

14 (e) **PREDOMINANT LANGUAGE SPOKEN.** Predominant language spoken
15 means a language, other than English, that is spoken at home by at least 40 percent of
16 residents in the EJFA or census tract as published by the United States Census Bureau,
17 as may be amended.

18 **85.22.030 Applicability**

19 (a) This Chapter shall apply to a development project located within or near an
20 EJFA. Near shall mean the exterior boundary of any portion of the subject parcel is
21 located within 1,000 feet of an EJFA boundary using a direct straight-line method from
22 property line to property line.

23 (b) Except as otherwise provided, the development project must meet all
24 requirements of this Chapter before an application can be scheduled for a public hearing.
25 Failure to meet these requirements shall result in the denial of an application without
26 prejudice.

27 (c) **Exemptions.** Notwithstanding anything to the contrary, a development
28 project shall be exempt from the requirements of this Chapter if either of the following

1 applies:

2 (1) The development project proposes a residential use that does not
3 require a General Plan or Land Use Zoning District amendment. For purposes of this
4 subsection, a use qualifies as a residential use if listed in the residential category of
5 Tables 82-4, 82-7, 82-11, 82-17, or similar land use table regulated by a specific plan that
6 is applicable to the subject property.

7 (2) The development project qualifies for a Minor Use Permit and is not
8 excluded by Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit).
9 For purposes of this subsection, a development project shall qualify for a Minor Use
10 Permit even if the development project is processed as a Conditional Use Permit due
11 solely to controversy in accordance with Chapter 85.06 (Conditional Use Permit/Minor
12 Use Permit).

13 (3) The development project is initiated by the Director, Commission, or
14 Board.

15 **85.22.040 Process and Review Procedures**

16 (a) In addition to the requirements of Chapter 85.01 (Permit Application Filing
17 and Processing) and Chapter 85.03 (Application Procedures), the following information is
18 required to be part of the application Form and Information Packet for a development
19 project. Unless otherwise specified, an application subject to this Chapter shall not be
20 deemed complete for processing until the required information identified herein has been
21 submitted for review: *Outreach Plan*. An outreach plan shall be prepared in compliance
22 with Section 85.22.060 (Outreach Plan).

23 (b) *Health Risk Assessment*. All projects within an EJFA shall be required to
24 submit an air quality analysis. If the air quality analysis determines that a development
25 project could potentially increase the incremental individual cancer risk by 10 in 1 million
26 or more in an EJFA, a health risk assessment shall be required. To the extent applicable,
27 a health risk assessment required by this Chapter shall evaluate impacts of truck traffic
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from the development project site to the nearest freeway.

85.22.050 Outreach Plan and Notification Requirements

(a) A development project shall comply with the notification and outreach requirements identified in Table 85-6 (Notification and Outreach Requirements) and the applicable requirements of Sections 85.22.060 through 85.22.100.

TABLE 85-6 | NOTIFICATION AND OUTREACH REQUIREMENTS

Requirement	Project Size/Type	Standard	Section
NOTIFICATION			
Notification Area	20 acres or less	300 ft.; minimum 30 properties ⁽¹⁾	85.22.060
	20.1–160 acres	700 ft.; minimum 100 properties ⁽¹⁾	
	More than 160 acres	1,300 ft.; minimum 300 properties ⁽¹⁾	
Notification Recipients	All development projects	Owners, occupants, interested parties	85.22.060
PROJECT IDENTIFICATION			
Project Identification Sign	All development projects	4 ft. × 8 ft.	85.22.070
PUBLIC OUTREACH			
Outreach Meetings	All development projects	1 Meeting Minimum ⁽²⁾	85.22.080

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Development projects involving a General Plan or Zoning Amendment	2 Meetings Minimum ⁽²⁾
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NOTES:

(1) The minimum number of properties shall be determined by extending the applicable notification area until the minimum number of properties is reached.

(2) The County will require additional public outreach if the proposed development project changes substantively in use, scale, or intensity from the proposed development project presented at a previous public outreach meeting. Any changes made will be documented for presentation at Public Hearings.

(b) *Outreach Plan Contents.* An applicant shall submit an outreach plan demonstrating how the applicable requirements of Table 85-6 (Notification and Outreach Requirements) will be satisfied. The outreach plan shall at a minimum include the following:

(1) *Project Identification Map.* 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) *Notification Area.* A map identifying the notification area required by Table 85-6 and the properties located within the notification area.

(3) *Notification Recipients.* A list of the property owners and occupants to be notified in accordance with Section 85.22.060 (Public Notification). The Department shall provide the applicant with the applicable list of interested parties.

(4) *Outreach Meeting Schedule and Agenda.* A proposed schedule for each outreach meeting required by Table 85-6 (Notification and Outreach Requirements), including the proposed date, time, and location within the affected EJFA; a draft agenda; and the names of applicant representatives and consultants who will attend the meeting, including a description of their role.

1 (5) *Additional Outreach Methods.* A description of any additional
2 outreach methods proposed in accordance with Section 85.22.080 (Outreach Meetings),
3 which may include informational posters, flyers, advertisements in local newspapers,
4 social media, or other methods intended to reach the affected community.

5 (6) *Language Access.* A description of how the applicant will provide
6 translated materials and interpreter services required by this Chapter for the predominant
7 language spoken by residents in the EJFA other than English.

8 **85.22.060 Public Notification**

9 (a) *Notice Responsibility.* The applicant shall prepare and provide all mailing
10 labels and notification materials necessary to provide notice in accordance with this
11 Chapter and the Department-provided submittal checklist and shall be responsible for the
12 cost of mailing or delivery. The Department shall mail or deliver the required notice.

13 (b) *Recipients.* Mailed public notice shall be given by first-class mail or delivery
14 to:

15 (1) Property owners of surrounding properties within the notification area
16 required by Table 85-6 (Notification and Outreach Requirements), based on the address
17 shown on the latest equalized tax assessment roll;

18 (2) Occupants of surrounding properties within the notification area
19 required by Table 85-6 (Notification and Outreach Requirements), at the physical street
20 address of the affected property to the extent available; and

21 (3) Interested parties requesting notice pursuant to this Chapter.

22 (c) *Language.* All mailed public notices required by this Chapter shall be provided
23 in English and in the predominant language spoken by residents in the EJFA.

24 (d) *Department Website Posting.* When a development project is accepted by the
25 Department as complete, the Department will notify the public of the application by
26 posting the project description and related information on the Department's website.

27 (e) *Public Hearings.* In addition to the requirements of Section 86.07.020
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(Notice of Hearing), the following requirements shall apply to public hearings before the Commission or Board:

(1) At least 10 calendar days before the scheduled public hearing, the Department shall mail or deliver notice in accordance with this Section.

(2) The Department shall post notice of the public hearing on the Department's website. The posting shall be provided in English and in the predominant language spoken by residents in the affected EJFA.

(3) Interpreter services shall be provided at the public hearing in the predominant language spoken by residents in the affected EJFA. The applicant shall be responsible for arranging and paying for the required interpreter services.

85.22.070 On-Site Project identification Signs

(a) *Sign Requirements.* A four-foot by eight-foot project identification sign constructed out of laminated, durable, and weatherproof materials shall be installed by the applicant on each of the project site frontages that are visible to the public road right of way. For properties that are unusually shaped, are in a unique location, or do not have any lot frontages that are visible to the public road right of way, the Director may determine the location for sign posting or require additional noticing requirements.

(b) *Sign Content.* An on-site project identification sign shall be constructed to the specifications shown in Figure 85-2. Specific project information text shall be approved by the Department. Public hearing information shall be posted at least 10 days prior to the date of the scheduled hearing.

Figure 85-2



(c) *Timing.* Within 10 business days of a development project being deemed complete, the required project identification sign or signs shall be installed at the site of the development project by or on behalf of the applicant. The applicant shall upload a photograph to the official project record showing the on-site sign is installed in accordance with this Chapter.

(d) *Maintenance.* The applicant is responsible for the replacement of any missing, damaged, or vandalized sign within five business days of being discovered by the applicant or after being notified by the Department. The Department may cease processing the application if a required on-site sign is not maintained.

(e) *Duration of Sign Posting.* An on-site project identification sign shall be removed by the applicant within 30 calendar days of final action by the review authority or withdrawal of the application.

85.22.080 Outreach Meetings

(a) *Notice Responsibility.* Notice of an outreach meeting required by Table 85-6 (Notification and Outreach Requirements) in accordance with Section 85.22.060 (Public Notification) and the approved outreach plan. The applicant shall comply with the

1 following:

2 (1) The applicant shall prepare and provide all mailing and notification
3 materials in accordance with the Outreach Plan Checklist provided by the Department.
4 The Department shall mail the required notice.

5 (2) The applicant shall prepare a "Notice of Community Outreach
6 Meeting" for review and approval by the Department. The notice shall include a general
7 description of the development project, the project location, and the date, time, location,
8 and purpose of the outreach meeting.

9 (3) The applicant shall be responsible for the cost of mailing or delivery.

10 (b) *Additional Outreach Methods.* The applicant shall be responsible for
11 providing additional methods of public notice of outreach meetings to property owners
12 and occupants of surrounding properties and interested parties within the required
13 notification area of the EJFA through means identified in the outreach plan. Examples of
14 methods may include posting of informational posters, distribution of flyers,
15 advertisements in local newspapers, social media, etc.

16 (c) *Interpreter Services.* The applicant shall provide interpreter services for
17 those languages which are predominant within the affected EJFA.

18 **85.22.090 General Development and Use Standards**

19 (a) *Use Standards Applicable to an EJFA.* The following uses shall not be allowed
20 in an EJFA:

21 (1) Hazardous Waste Facilities/Operations.
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