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February 24, 2021

Via E-mail

Robert Flores
Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
RFlores@rivco.org

RE: Riverside County General Plan Amendment No. 190004

Dear Mr. Flores:

Thank you for the opportunity to comment on Riverside County's Revised Draft Environmental Justice Policies, which will be considered for approval under General Plan Amendment No. 190004 ("EJ Policies"). We appreciate the County's efforts to engage with community members to discuss the EJ Policies, as requested in our October 24, 2018 letter regarding the first public draft of the EJ Policies.¹ However, we believe the EJ Policies would be improved if they incorporated feedback the County has received from community members, included implementation measures, and addressed the requirements in Riverside County's Good Neighbor Policy for the logistics, warehouse, and distribution industries. Therefore, we respectfully request that Riverside County further revise its EJ Policies before they are brought to the Planning Commission for consideration.²

¹ From May through October 2019, Riverside County Planning Staff held six workshops to discuss environmental justice and collect input from the public. These workshops were held in different areas throughout the County and were advertised via notices in English and Spanish. In January and February 2021, Riverside County Planning Staff provided three additional opportunities for the public to discuss the EJ Policies during online meetings. The County posted information about these workshops and meetings on its new environmental justice website and shared public notices directly with known stakeholders.

² The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of California. *See* Cal. Const., art. V, § 13; Gov. Code §§ 12511, 12600-12612; *D'Amico v. Board of Medical Examiners*, 11 Cal.3d 1, 1415 (1974).

I. The EJ Policies Should Incorporate Community Feedback

California law defines environmental justice to include “at a minimum, the meaningful consideration of recommendations from communities most impacted by pollution into environmental and land use decisions.” Gov. Code § 65040.12(e)(2). Riverside County Planning Staff has collected feedback on the EJ Policies from community members over the past two years, but the latest version of the EJ Policies is not substantially different from the original 2018 draft. For example, the revised EJ Policies do not have any new policies in several policy categories, including civic engagement, pollution exposure, and physical activity. Further, according to the January 26, 2021 letter from the Leadership Council for Justice and Accountability and five other community groups that engaged in Riverside County’s public workshops, “we have seen little to no changes made to the Environmental Justice policies based on the input provided by community residents or organizations since 2018.” Riverside County should summarize the feedback it has received from the public regarding its EJ Policies, explain how it has addressed these comments (or explain why it has not made certain revisions), and adjust its EJ Policies to reflect the important input it has received from community members. This process will promote transparency as the County develops its EJ Policies and ensure that the EJ Policies match the real, on-the-ground pollution burdens and unique needs of the disadvantaged communities in its jurisdiction.

II. The County Should Develop and Finalize the EJ Implementation Plan in Conjunction with the EJ Policies

Senate Bill 1000 (“SB 1000”) requires local governments with disadvantaged communities to develop an environmental justice element or related goals, policies, and objectives (collectively, an “EJ element”) in its general plan that meet certain requirements. Gov. Code § 65302(h)(1). The EJ element must “reduce the unique or compounded health risks in disadvantaged communities” by reducing pollution exposure, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity. *Id.* § 65302(h)(1)(A). To meet these requirements, an EJ element should include specific and targeted measures that implement the policies in a local government’s EJ element. These implementation measures are essential for ensuring that a government’s environmental justice-related plans translate into actual improvements for disadvantaged communities.

Here, Riverside County’s EJ Policies states that the County will develop an “EJ Implementation Plan” at an unspecified later date. This Plan will be published as an Appendix to the General Plan, so “it is not part of [the Healthy Communities Element] and is not otherwise part of the General Plan.” Instead, the County views the future Plan as “an administrative document that can be modified as the County gains experience in interpreting and evaluating development and related activity for compliance with EJ policies without having to process a general plan amendment for any changes to the document.” Our October 24, 2018 letter to Riverside County requested that Riverside County present its Implementation Plan to the public as part of its General Plan Update for the EJ Policies, but Riverside County did not do so.

While we understand the desire to have an EJ Implementation Plan that can be improved as needed, we are concerned the County's approach will result in an unreasonably delayed Plan that is created without input from the communities most impacted by the EJ Policies. Public participation is a crucial step to developing effective and meaningful EJ policies and implementation measures. As such, the County should present its EJ Implementation Plan to the public now, when community members are already considering and commenting on the EJ Policies. The Implementation Plan should include target deadlines for the implementation measures and performance standards to encourage accountability. Moreover, Riverside County should include in its Policies a requirement to notify the public of any future revisions to the Implementation Plan and provide stakeholders with ample opportunities to provide comments. These changes to Riverside County's approach for its EJ Implementation Plan will ensure that the County does not delay creating the most impactful part of its EJ Policies – the Plan that is necessary for the County to realize its important EJ goals for disadvantaged communities – and will make the Plan stronger because it benefits from the public's input.

III. The EJ Policies Should Incorporate and Strengthen the Requirements from Riverside County's Good Neighbor Policy

As a part of the SB 1000 compliance process, the Office of Planning and Research's ("OPR") General Plan Guidelines encourage local governments to review existing environmental justice policies, programs, and regulations to identify applicable regulations, evaluate consistency with the regulations, and determine where improvements may be needed for disadvantaged communities given their unique burdens and needs.³ Riverside County's Good Neighbor Policy for Logistics and Warehouse/Distribution Uses ("Good Neighbor Policy"), which was approved by the Board of Supervisors on November 19, 2019, should be included in the analysis.⁴ The Good Neighbor Policy was created to provide "a framework through which large-scale logistics and warehouse projects can be designed and operated in a way that lessens their impact on surrounding communities and the environment." This goal is achieved with a number of development and operational criteria to reduce the impacts from these developments on sensitive receptors, such as a 300-foot buffer zone between sensitive receptors and loading docks (Paragraph 3.1) the placement of truck driveways on streets that do not have sensitive receptors (Paragraph 3.3), and a requirement for specific truck routes that avoid traveling near sensitive receptors (Paragraph 4.6).

While the EJ Policies include some general measures that will overlap with these requirements, the EJ Policies do not incorporate or address any of the specific requirements from

³ OPR, General Plan Guidelines, Chapter 4: Required Elements, Section 4.8: Environmental Justice Element (June 2020), pg. 13, *available at* https://opr.ca.gov/docs/20200706-GPG_Chapter_4_EJ.pdf.

⁴ See Riverside County, Board of Supervisors Policy F-3, *available at* <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf>.

the Good Neighbor Policy. For example, Policy HC 16 “encourage[s] developments that pose potential health and safety hazards to be located away from sensitive receptors,” but does not state which types of developments must comply with this policy, which hazards must be addressed, or specify the necessary distance for protecting sensitive receptors. The EJ Policies also do not include any guidelines or standards for truck routes or truck driveways. Riverside County should revise its EJ Policies to be consistent with and reflect the standards in its own Good Neighbor Policy. Further, the County should revise its EJ Policies to be more protective than the Good Neighbor Policy as necessary to address the unique pollution burdens and needs of the disadvantaged communities in its jurisdiction, especially since these communities are already severely and disproportionately impacted by pollution from the logistics, warehouse, and distribution industries.

IV. Conclusion

Thank you for considering our suggestions for stronger EJ Policies and the EJ Implementation Plan in Riverside County. Please do not hesitate to reach out to me if you have any questions throughout the remainder of your planning process or would like to discuss these issues further.

Sincerely,

A handwritten signature in black ink, appearing to read "Abigail Blodgett", with a long horizontal flourish extending to the right.

ABIGAIL BLODGETT
Deputy Attorney General

For XAVIER BECERRA
Attorney General