



June 1, 2021  
Peter Hersh  
Riverside County Planning Department  
4080 Lemon Street  
Riverside, CA 92501

*Sent via Email*

**RE: SB 1000 Implementation in Riverside County's General Plan**

Dear Mr. Hersh, Mr. Flores, and Mr. Villalpando,

Thank you for releasing the second draft of the Environmental Justice policies along with the Environmental Justice implementation plan. We commend your team for incorporating many of the recommendations identified in our previous comment letter regarding SB 1000. We would like to build on that work and provide additional recommendations, comments and concerns we believe will further Environmental Justice in Riverside County.

**1. Provide a Clear Timeline and Community Outreach Plan in the SB 1000 Implementation Plan**

Although the Environmental Justice Implementation Plan includes adequate provisions such as requiring developers to pay EJ fees and evaluate compliance with EJ policies, it lacks specific timelines and an effective community engagement strategy.

In order to provide more clarity on the implementation process, we ask that the county include specified timelines for the submission of the EJ analysis, county review of the analysis, and community outreach campaigns. Having these time frames available ahead of time will facilitate coordination on outreach and increase transparency in the implementation process.

Additionally, the current implementation plan directs proposed developments to be presented to the local community through the existing Community Council and Municipal Advisory Committee systems. However, Eastern Coachella Valley (ECV) residents have repeatedly expressed concern over the effectiveness of these councils in representing their community

priorities. We ask that the county develop alternative outreach efforts to garner more diverse community feedback on proposed developments. These efforts should include:

- Holding at least two additional virtual community meetings during the comment period. Given that many residents are farmworkers who often work long hours, these meetings should be held at or after 5pm and provide translation for Spanish and other languages upon request..
- Develop infographic materials that describe the purpose and intent of SB 1000 implementation. These materials should be open for review by community-based organizations to ensure the language used is accessible to community members.
- The use of alternative outreach methods to inform residents of the progress of the update and to garner more diverse participation at events. These methods could include partnering with school districts to contact parents through phone or text alerts, flyer distribution at food and vaccine distribution sites, and conducting direct texting and phone banking to community residents and partnering with local broadcasters.

## **2. Follow a Joint SB 1000 and Housing/Safety Element Update Process**

The Environmental Justice statute requires the County to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include... the promotion of... safe and sanitary homes. Gov. Code §65302(h)(1)(A). This means the County must analyze the unique housing needs in Disadvantaged Communities to draft EJ policies that specifically address those housing needs. Furthermore, the Department of Housing and Community Development's Guidance to assist local governments in meeting their legal duty to Affirmatively Further Fair Housing recommends housing element outreach to be aligned with SB 1000.<sup>1</sup> Thus, we ask that the County coordinate SB 1000 compliance efforts with the 6th Cycle Housing Element update to help streamline community outreach efforts by allowing for both updates to be discussed concurrently during community meetings with residents.

## **3. Establish the Polanco Park Permitting Program to Support Affordable Housing in Rural Communities.**

Environmental justice policies should also be focused on improving the climate resilience of existing housing in Riverside County's disadvantaged communities. The Governor's Office of

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<sup>1</sup> Affirmatively Furthering Fair Housing, Guidance for All Public Entities and For Housing Elements April 2021 Update, California Department of Housing and Community Development, Pg. 10. Available at [https://www.hcd.ca.gov/community-development/affh/docs/affh\\_document\\_final\\_4-27-2021.pdf](https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf)

Planning and Research advises that in implementing SB 1000, local governments should consider local climate vulnerability.<sup>2</sup> Aging mobile home parks are particularly vulnerable to the rising temperatures and unstable climate brought about by climate change. The County must develop a plan to upgrade the infrastructure within these parks and begin transitioning mobile homes away from propane. Many mobile homes currently use expired propane tanks, which, when combined with rising temperatures and inadequate infrastructure, create an increasing hazard to community members. The County should also begin exploring programs to help residents who live in run down mobile homes replace or repair their unit before it reaches an inhabitable state. This can be done by establishing the Polanco Park Permitting Program for the ECV and other communities with mobile home parks. For more specific guidance and recommendations on housing policies and the recommended program, please refer to our comment letter from February 19 regarding the Riverside County 6th Cycle Housing Element update. We are attaching that letter here for your convenience.

**4. Riverside County Should Revise and Amend Its Zoning Ordinance To Increase Its Buffer Distances Between Polluting Land Uses and Sensitive Land Uses, Require Heightened Permit Standards for Agricultural and Industrial Uses, and Provide Project Notices in the Languages Commonly Spoken in the Disadvantaged Communities**

**A. The County Should Increase Buffer Distances Between Polluting Uses and Sensitive Land Uses to Meaningfully Reduce Health Impacts In Disadvantaged Communities**

Government Code Section 65302(h) requires the environmental justice policies to “identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include... the reduction of pollution exposure”. We are glad to see policies in the Healthy Communities Element that aim to reduce pollution exposure, such as Policy HC 16.1213 which directs the County to provide “buffer spaces and vegetative barriers between high volume roadways, transportation and train track corridors, and sensitive land uses”.<sup>3</sup> However, the required 300 feet buffer distance and its narrow application to roadways, transportation and train track corridors are insufficient to meaningfully reduce the health impacts on the various disadvantaged communities in the Eastern Coachella Valley which already suffer from pollution burdens and are seeing more warehouses and other polluting uses developed and expanded next to their homes.

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<sup>2</sup> OPR, General Plan Guidelines, Chapter 4: Required Elements, Section 4.8, Environmental Justice Element pg. 11, available at [https://www.opr.ca.gov/docs/20200706-GPG\\_Chapter\\_4\\_EJ.pdf](https://www.opr.ca.gov/docs/20200706-GPG_Chapter_4_EJ.pdf)

<sup>3</sup> Riverside County Draft Healthy Communities Element, pg. 7

For example, despite its location immediately adjacent to the Saul Martinez Elementary School, Agricultural uses are designated immediately to the East of the Disadvantaged Community of Mecca and are permitted by right pursuant to Riverside County Zoning Ordinance Section XIV.<sup>4</sup> Conventional agriculture relies heavily on pesticides and research shows that cumulative exposures can have larger than anticipated impacts on public health.<sup>5</sup> Such health impacts on nearby communities include skin, eyes, nose, and throat irritation, shortness of breath, vomiting, and headaches.<sup>6</sup> Furthermore, Industrial Uses such as Warehouses and Recycling facilities are allowed next to residential zones with a 300 foot buffer. However, warehouses located near residential neighborhoods expose community residents and those using or visiting sensitive receptor sites to air pollution, noise, traffic, and other environmental impacts.<sup>7</sup> Specifically, diesel trucks visiting warehouses emit nitrogen oxide which is a primary precursor to smog formation and a significant factor in the development of asthma, bronchitis, and lung irritation among other health impacts.<sup>8</sup> Similarly, Light Industrial Uses such as packing plants are currently operating to the West of Mecca with only a 300 foot buffer despite its location immediately adjacent to residential uses.

As pointed out in the Attorney General's letter to the County on its initial draft SB 1000 amendments, the California Air Resources Board recommends that sensitive land uses be separated from warehouses by at least 1,000 feet based on data showing that localized air pollution drops off by 80% with a 1,000 feet buffer.<sup>9</sup> Similarly, we recommend that the County enact a 1,000 foot buffer zone requirement between agricultural and industrial uses and sensitive land uses and residential zone districts. This recommendation also aligns with the Attorney General's recommendation that the Good Neighbor Policy increase the distance of the buffer to 1,000 feet.<sup>10</sup>

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<sup>4</sup> Riverside County Mapping Portal, Mecca Planning Data, General Plan Land Use *available* at [https://gisopendata-countyofriverside.opendata.arcgis.com/datasets/8cbe821ac3d342c196157363f7962f66\\_0/explore?location=33.568236%2C-116.063454%2C16.62](https://gisopendata-countyofriverside.opendata.arcgis.com/datasets/8cbe821ac3d342c196157363f7962f66_0/explore?location=33.568236%2C-116.063454%2C16.62)

<sup>5</sup> Exposure and Interaction, The Potential Health Impacts of Using Multiple Pesticides *available* at [https://law.ucla.edu/sites/default/files/PDFs/Publications/Emmett%20Institute/\\_CEN\\_EMM\\_PUB\\_Exposure%20and%20Interaction.pdf](https://law.ucla.edu/sites/default/files/PDFs/Publications/Emmett%20Institute/_CEN_EMM_PUB_Exposure%20and%20Interaction.pdf)

<sup>6</sup> Pesticide Info, What You Need to Know About Pesticides, California Department of Pesticide Regulation *available* at <https://www.cdpr.ca.gov/docs/dept/factshts/emer2.pdf>

<sup>7</sup> Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act, pg. 4., *available* at <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>

<sup>8</sup> *Id.*

<sup>9</sup> See Attorney General Office's Letter to Riverside County dated February 24, 2021. Riverside County General Plan Amendment No. 190004, Abigail Blodgett, State of California Department of Justice.

<sup>10</sup> See Attorney General Office's Letter to Riverside County dated November 13, 2019. Proposed "Good Neighbor" Policy for Logistics and Warehouse/Distribution Uses, Robert Swanson, State of California Department of Justice.

B. Riverside County Should Require Higher Standards for Permits in Agricultural Uses Located Adjacent to Disadvantaged Communities

As mentioned above, the County's EJ Policies must be tailored to reduce the unique and compounded health risks on disadvantaged communities.<sup>11</sup> Also, the Office of Planning and Research's General Plan Guidelines encourages local governments to review existing environmental justice policies, programs, and regulations, evaluate consistency with the regulations, and determine where improvements may be needed for disadvantaged communities.<sup>12</sup> However, Riverside County's Zoning Ordinance allows various uses by right - with no public review or process and no process to ensure application of appropriate mitigation - that undoubtedly increase health risks to EJ Communities.

For example, the County's Heavy Manufacturing District allows crop cultivation practices by right which commonly utilize pesticides and degrade air quality due to dust.<sup>13</sup> Furthermore, the community of Oasis is located along State Route 86 which serves as a primary trade route to Mexico and is also surrounded by Agriculture Land Use designations which separately and combined pose a significant health impact to the community.<sup>14</sup> The Agriculture Uses allowed by right surrounding Oasis include but are not limited to Orchards, Field Crops, Greenhouses, and Grazing cattle on a commercial scale.<sup>15</sup> Similarly, to the North, East, and South of the disadvantaged community of Mecca, such agricultural uses are permitted by right despite the County's Healthy Communities Element Policies to "discourage industrial and agricultural uses which produce significant quantities of toxic emission into the air, soil, and groundwater".<sup>16</sup>

Therefore, to promote consistency with Policy 16.2223, as recommended by the Office of Planning and Research's General Plan Guidelines,<sup>17</sup> Riverside County should amend the Zoning Ordinance to require a Conditional Use Permit for such uses. Doing so will also ensure that new agricultural uses are required to adhere to standards applicable to Conditional Use Permits "CUPs" issuance that prohibit uses subject to CUPs from adversely impacting nearby properties and that such uses will undergo environmental review and be subject to a public process which allows community members to inform the County of potential impacts and appropriate

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<sup>11</sup> *Id.*

<sup>12</sup> OPR, General Plan Guidelines, Chapter 4: Required Elements, Section 4.8, Environmental Justice Element pg. 13, available at [https://opr.ca.gov/docs/20202706-GPG\\_Chapter\\_4\\_EJ.pdf](https://opr.ca.gov/docs/20202706-GPG_Chapter_4_EJ.pdf).

<sup>13</sup> See Riverside County Zoning Ordinance No. 348.4913 Article XXI §12.2.

<sup>14</sup> See Figure 3 of the Eastern Coachella Valley Area Plan, pg. 17. Available at [https://planning.rctlma.org/Portals/14/genplan/2021/ECVAP\\_5521.pdf](https://planning.rctlma.org/Portals/14/genplan/2021/ECVAP_5521.pdf)

<sup>15</sup> See Riverside County Zoning Ordinance N. 348.4913 Article XIII §13.1

<sup>16</sup> See Riverside County Draft Healthy Communities Element, pg. 7 (H.C. 16.2223).

<sup>17</sup> *Id.*

mitigation measures. The County should couple this policy with the 1,000 foot buffer zones recommended above to prevent adverse health impacts on residents, especially those living in a disadvantaged community.

### **C. Ensure Translation of Notices into Spanish and other Commonly Spoken Languages**

The Zoning Ordinance's notice provisions fail to confirm that notices provided for projects subject to a CUP or a public hearing will be provided in Spanish and in other languages that are commonly spoken in surrounding communities.<sup>18</sup> Absent translation services, written notices of projects that may significantly harm disadvantaged communities do not serve their purpose to inform residents of the project and opportunities to provide input as required by Government Code Section 65040.12(e)(2) since non-English speaking residents will not be able to understand the notice. A lack of translation of notice also constitutes a potential violation of Government Code section 11135, which provides that "No person in the State of California shall, on the basis of race, national origin, ethnic group identification... be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state....".<sup>19</sup> According to the Attorney General Office's Environmental Justice at the Local and Regional Level Legal Background Memorandum, "while provision does not include the words 'environmental justice,' in certain circumstances, it can require local agencies to undertake the same consideration of fairness in the distribution of environmental benefits and burdens".<sup>20</sup> Moreover, the Attorney General's Office states that "in formulating public outreach for the general plan update, the local agency should evaluate whether regulations governing equal 'opportunity to participate' and requiring 'alternative communication services' (e.g. translations) apply".<sup>21</sup> Thus, Riverside County should ensure residents in disadvantaged communities have access to translation of Notices into Spanish and other commonly spoken languages.

## **5. Improve Inter-Agency Collaboration on Emission Reductions and Salton Sea Mitigation.**

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<sup>18</sup> See Riverside County Zoning Ordinance N. 348.4913 Article I §1.7.

<sup>19</sup> Cal. Gov. Code §11135.

<sup>20</sup> See Attorney General Office's Environmental Justice at the Local and Regional Level Legal Background Memorandum available at [https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

<sup>21</sup> *Id.*

We appreciate the inclusion of the Salton Sea in the draft policies and hope that more collaboration and coordination with the South Coast Air Quality Management District, the California Natural Resources Agency, and other organizations and agencies will continue to grow through these efforts. We agree that the Salton Sea is a complex issue and the more inter-agency support and collaboration that can come from SB 1000 implementation the more we will be able to collectively improve health and the environment for residents living near the Salton Sea. We also recommend the County include policies and implementation measures committing to actively engage in the implementation of the AB 617 programs in the ECV to expand air monitoring and significantly reduce emissions from the top air quality concerns as identified by residents. These include implementing urban greening projects, paving unpaved roads and mobile home parks, developing a pesticide notification system, creating buffer zones in between sensitive receptors and polluting land uses, and overall developing healthier land use policies in environmental justice communities. Providing support and leadership in these efforts will greatly demonstrate the County's commitment to environmental justice in disadvantaged communities like the ECV.

#### **6. Establish an Office of Enforcement and Environmental Justice**

In order to ensure compliance with EJ policies and facilitate collaboration with residents, we request the establishment of an Office of Enforcement and Environmental Justice within the County's Planning Department. This office would promote environmental justice in land use, planning, and enforcement decisions and create meaningful opportunities for low-income communities, communities of color, and other hard to reach residents and community-based organizations to participate in environmental decision making. Additional responsibilities would include ensuring the effective implementation of the County's environmental justice policies across all departments, providing updates to residents and stakeholders on the progress of SB 1000 implementation, as well as conducting continuous community outreach for all general plan activities.

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Thank you for the opportunity to continue providing feedback on the SB 1000 implementation update process. We hope the additional input will assist the county in implementing strong and equitable environmental justice policies.

Sincerely,

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Accountability**

Ana Orozco, Legal Advocate  
**Leadership Counsel for Justice and  
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Cc: Abigail Blodgett, Bureau of Environmental Justice, Office of Attorney General Rob  
Bonta, Supervisors of Riverside County