Frequently Asked Questions (FAQ)

1. Where can I download the full report?
   a. Read the full report here at CalGreenZones.org

2. I missed the webinar! How can I get a copy of the webinar recording?
   a. Yes, the webinar was recorded. You can find the recording here.

3. Can you share the PowerPoint slides from the webinar?
   a. Yes, you can view the slides here.

4. What is “community-led decision-making?”
   a. Local Control: Is the belief that cities and counties have the right to make land use planning decisions without significant oversight by state agencies.
   b. Community-Led Decision-Making: Is a meaningful process by which governmental entities proactively work with and directly address the needs and priorities of affected EJ community residents when making decisions.

Webinar Q&A: Community Questions

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Land Use Solutions

1. How much of a business building a facility is up to city planners, or city government, if the land use fits the permitted uses and it's a private land sale or lease? We were told the city does not have the authority to stop a specific facility because of the type of business that it is. (From I. Zlatar)
Some uses are by right, which means that they are subject to a basic ministerial approval process that only looks at a limited number of standards. For instance, the City of Sacramento’s zoning code allows warehouses more than ½ mile away from light rail platforms to be approved by right with certain limitations, in areas zoned for heavy industrial activities. However, a city or county has the authority to change their zoning code to increase the types of uses that are subject to discretionary review, or to add conditions that a ministerial or discretionary project need to meet, so that project proponents must meet environmental and health standards. In our “Rethinking Local Control” report, we put forth a number of similar recommendations (see: page 30 on “Solutions for Healthier Land Use Planning”), such as requiring Conditional Use Permits for industrial uses, and creating health and safety overlay zones or buffers to provide separations between harmful and sensitive land uses. Strong community organizing and key data on health impacts would be important to ensure that decisions are made well.

2. **Do you know if it has ever been successfully argued that there should be a blocking of new pollution permits in places that are already disadvantaged (for example, they are in the highest percentiles of CalEnviroScreen scores)?** Like not just “take into account” they are disadvantaged in a general way, but actually implementing a bright line rule that would prohibit new permits in census tracts with high scores. (From Y. Lam)

Some jurisdictions, including the City of Los Angeles through its Clean Up Green Up (CUGU) Ordinance (see: pages 24-25 in our report for the CUGU case study), require minimum distances between certain land uses and sensitive receptors, as well as between like uses (for instance, there is a required 500-foot separation between specific types of auto-related uses, not only from residential zones, but also from one another). However, there are exceptions for certain already-in-place land uses that have been grandfathered in; they become legal non-conforming uses and can continue to operate, although if they stop operations for six months (time periods may be different in other jurisdictions) they are not allowed to re-open. Additionally, CUGU does require Conditional Use Permits for new refineries or those that expand substantially beyond the sites that they already control.

Other jurisdictions have placed a cap on the number of specific types of land uses within a certain area (for example, limits on pawn shops and check cashing establishments within a city boundary); however, we are not sure if this type of policy has been applied to polluting land uses. In most communities, these are many uses that require Conditional Use Permits, so there is more latitude on placing restrictions on them.

As mentioned during the webinar, a related concept can be found in National City’s Amortization Ordinance (see: case study on pages 21-22 in the report). EJ community leaders were successful in getting the city to develop and pass this Ordinance, which allows the Planning Commission to identify and prioritize certain nonconforming land uses for phasing out over time, based upon certain criteria and factors. You can learn more about National City’s property ranking system for the Westside Specific Plan here.
Oil and Gas Wells

3. *I live in Montebello and we are experiencing impacts from oil and gas wells.* (From Y. Martinez Watson)

We are so sorry to hear that you’re being impacted by oil and gas wells in Montebello. One potential solution could be a CRPE-sponsored bill, **AB 345 (Muratsuchi)**, which, if signed into law, would require the CA Department of Natural Resources to create an EJ program that would address gaps in existing programming. As of April 24, 2020, the bill requires the Department to “adopt regulations to protect public health and safety near oil and gas extraction facilities,” and consider a setback distance of 2,500 feet between oil and gas sites and sensitive land uses. In response to requests from EJ communities impacted by oil and gas pollution across the state, CA Geologic Energy Management Division (CalGEM) is also undertaking a rulemaking process to expand public health protections for communities near oil and gas production operations including potentially limiting operations near sensitive receptors.

You can also submit public comments to oil and gas regulator CalGEM about the impacts you’re experiencing and the protections you would like to see in your community as they consider expanding public health policies across the state.

4. How has compliance of the distance between wells and the community of Arvin been since this victory by CBA? (From J. Padilla)

In our “Rethinking Local Control” Report *(see: case study on page 26)*, we discuss the Committee for a Better Arvin’s lawsuit against the City after the City enacted the new oil and gas ordinance. We have not been made aware of any new oil and gas proposals since our successful litigation in May 2019.

Planning for EJ: SB 1000 (2016) and SB 1070 (2020)

5. How can we support the advancement of SB 1070? Could you share a fact-sheet/website re. SB 1070 so we have the info to submit a letter of support to the legislature? (From D. Morales)

Thank you so much for offering support for SB 1070 (Leyva). Unfortunately, due to our state’s urgent need to address the ongoing COVID-19 crisis, SB 1070 will not be moving forward this year. We look forward to working with the bill’s author, Senator Leyva, to get it reintroduced again in 2021. For more information on SB 1070 (Leyva), you can check out our draft fact sheets in English and Spanish.

6. Do SB 1000 and/or SB 1070 make reference to CalEnviroScreen in terms of how to identify disadvantaged communities? (From Y. Lam)
SB 1000 (Leyva, 2016) does mention CalEnviroScreen in part of its definition of disadvantaged communities (DACs):

(A) “Disadvantaged communities” means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

SB 1070 (which is now slated for reintroduction in 2021) would still define disadvantaged communities by including “areas identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code” (CalEnviroScreen). However, the bill would also define DACs by allowing additional data, tools, and public input from community members to be used to identify disadvantaged communities.

Each city and county will take a distinct approach to identifying DACs, since each process must address specific local issues and dynamics. While jurisdictions may use different tools and metrics to create a final map of disadvantaged communities, all processes should be rooted in conversations and data gathering with EJ community members who have important insight to share. A few resources for identifying DACs are below:

- PlaceWorks’ presentation explains how they worked with the County of San Bernardino to create a composite map of DACs using a number of criteria and tools - including a regional ranking of CalEnviroScreen census tracts and a regional water quality tool.
- In 2018, CEJA and PlaceWorks partnered to create the SB 1000 Implementation Toolkit to assist with the identification of disadvantaged communities, among other requirements of the law. You can download our SB 1000 toolkit here.

7. **When working with SB 1000, have you seen the push for racial equity within the process by staff? If not, how can we guarantee that from SB 1070?**

The State of California defines environmental justice as “the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies,” among other provisions. In order to implement SB 1000 according to the state’s definition of EJ, racial equity and other equity goals should be addressed through the implementation of the law.

When local governments do decide to engage in racial equity work, this decision is usually the result of community members’ recommendations and effective advocacy efforts. For instance, in one northern California city, local residents have asked both city and county staff to undergo racial equity training in order to be truly effective in implementing the spirit and intent of SB 1000. Beyond SB 1000 however, some local governments have adopted positions such as
Diversity and Equity Inclusion Managers, or created Race and Gender Action Plans to guide city efforts.

When SB 1070 is reintroduced in 2021, the law would require local governments to incorporate feedback from EJ community residents into the final EJ Element or General Plan. When community residents articulate the need for greater racial equity via goals, policies, or objectives within the General Plan, or during the process to implement SB 1000, local governments should ensure that such recommendations are reflected in the final policy.

8. Can any of the panelists expand on the community engagement, communication, and decision-making goals that are being advocated for (or are likely to be included in) with the development of SB 1070? (From C. Downing)

SB 1070 would clarify that local governments are required to meaningfully involve residents of disadvantaged communities in the development and implementation of the EJ Element in accordance with the state’s definition of environmental justice. To implement this requirement, SB 1070 would require local governments to adopt and implement a public engagement plan that meets certain baseline criteria for community involvement. Among other things, these criteria include: 1. Holding community meetings in DACs to solicit input before, during, and after the development of a draft EJ Element; 2. Providing notice to the public and holding meetings in a manner designed to reach those living and working in DACs (in English and in locally-spoken languages); and 3. Making materials relating to the EJ Element’s development available on a public website.

Finally, SB 1070 would require that public input be meaningfully considered during the development of the EJ Element’s goals, policies, objectives, etc., and that the final EJ Element reflects the public’s input.

9. Are panelists aware of best practices for frequency of evaluating which local communities are considered designated disadvantaged communities within their jurisdiction? In particular, is the relatively low frequency of amendments or updates to general plans a concern for keeping EJ communities accurately identified in the future? (From C. Downing)

SB 1000 states that the trigger for the law’s implementation is based upon the “adoption or next revision of two or more elements concurrently.”¹ The goal was for local governments to engage in SB 1000 implementation if they are working on a significant update of their General Plan (which is likely to involve two or more elements). For instance, while Housing Elements must be updated on a regular schedule, SB 379 (2015) requires a review and a possible update of the Safety Element to address climate adaptation and resiliency upon an update of the Housing Element.² A revision of both the Housing and Safety Elements would trigger SB 1000 implementation if a city or county contains disadvantaged communities. In terms of best

¹ SB 1000 (Leyva, 2016) https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1000
practices, we encourage local decision-makers to partner with EJ community residents to determine the best processes and schedule for identifying disadvantaged communities and for implementing the law.

Community Engagement and Government Decision-Making

10. **What are some ways to enable community engagement in municipalities that are proceeding with project approvals during the COVID19 pandemic?** I have been troubled to see cities moving forward with general plan updates after cancelling meetings, choosing to only allow email/online comments rather than postpone and reschedule meetings. I’ve also seen planning commissions moving forward with warehouse projects, telling the public to participate through Zoom. This seems to ignore that some don’t have access to the internet and computers, especially when libraries are closed. With the Brown Act being suspended by the Governor it is very concerning that community members are not having adequate access to voice their views. Please share specific strategies. (From A. Rehn)

CEJA organizations have made the following recommendations to ensure that the public will be meaningfully involved in government decision-making processes during the “Shelter-in-Place” (SIP) order:

- Leadership Counsel for Justice and Accountability and other allies submitted a letter to the State Legislature to request specific accommodations that will allow the public to engage in and comment during legislative hearings. Leadership Counsel also created mini public participation guides that can be shared on social media in English and in Spanish.
- As more and more people use Zoom for video conferencing, training for community members becomes essential. Leadership Counsel created the following guides in English (Part 1 and Part 2) and in Spanish (Part 1 and Part 2).
- Some equity-focused best practices for public participation during the SIP order include:
  - Deferring on non-essential matters and decisions that may cause harm to local communities;
  - Moving forward with decision-making and planning if it’s related to safeguarding public health, especially for low-income communities and communities of color;
  - Making sure there are not only video teleconferencing options (with two-way communication), but also dial-in telephone options so that the public can participate in meetings and hearings (especially those without internet access);
  - Translating written materials and providing interpretation in different languages to reduce barriers to participation;
  - Providing ample time for submitting public comment and letters on decisions;
  - Creating a fair process and securing the resources necessary to ensure the public’s full engagement during meetings and hearings;
Working with local community-based organizations and advocates to determine whether or not to move forward on a decision-making process.

11. How do you work with groups that represent local government agencies (e.g. counties) when they are in opposition of a policy that would benefit community involvement?

We hope that the case studies and recommendations from our “Rethinking Local Control” report can be useful in educating government entities and related groups on the importance of incorporating community-led decision-making in their work. As always, strong grassroots organizing campaigns and coordinated media strategies are key to winning important EJ policies. Part of this work includes educating and building relationships with decision-makers so that they can fully understand why they should support your cause (and how they can educate their colleagues).

In order to preserve all of your legal rights to challenge a government decision you disagree with, prioritize building and submitting a written record of your positions early on in a policy planning process to relevant decision-makers. Write your positions as specifically as you can, describe the injuries your community will incur if decision-makers adopt a bad decision, and, if possible, cite relevant legal support for your arguments. These comments do not need to be submitted or prepared by an attorney to preserve your rights to legal challenge and to be persuasive. However, attorneys can offer helpful support to this process.

Filing a Public Records Act request with a local government agency can also be an effective tool to apply pressure to a decision-maker, collect useful information for your advocacy, and bring greater transparency to decision-making processes. This information and pressure can support shifting a decision-maker’s early thinking on a policy and potentially the outcome.

12. What are your thoughts on particularly effective strategies to engage community members? Do you have some examples you can share? (From L. Baroody)

When it comes to community engagement, strategies that promote higher-level involvement (i.e., community-led decision-making: see rubrics here and here) are the most meaningful and are more likely to produce sound decisions.

In our “Rethinking Local Control” report, we recommended two key strategies for promoting greater community-led decision-making at the local, regional, or state levels: 1. Establishing community advisory boards to inform government decisions; and 2. Creating EJ positions within a decision-making body such as a board, a task force, or a commission. Some examples include forming a General Plan Advisory Committee that has significant EJ representation, or having a certain number of EJ representatives as staff or on the board of a regional air pollution control district.
In addition to our recent report, another useful resource is CEJA and PlaceWorks’ SB 1000 Implementation Toolkit, which provides resources for integrating EJ-focused goals and practices into the planning process. Chapter 4 of the toolkit highlights a number of best practices for community engagement, such as: 1. Hiring community-based organizations who have expertise on local issues and maintain good relationships with local residents; 2. Hiring local residents (Promotoras) to conduct outreach and lead community engagement activities; and 3. Utilizing activities and strategies that allow community members to become partners in the development of plans or decisions. More examples of community engagement activities can be found in Chapter 4 of the toolkit.

In general, successful community engagement strategies will be based on open and honest communication and collaboration with the public as thought partners, transparency regarding the process, authentic relationship building and deep listening, and respect for EJ community members’ experiences and expertise, among other values. Sufficient time, staffing, and resources must be allocated for community engagement in order to support a successful process.

13. *Can you share any effective strategies in explaining confusing/jargon-filled developmental plans to a community (Spanish, low-income, etc.)? (From A. Diaz-Correa)*

Ideally, the process for engaging in co-learning and leadership development alongside community members would occur over the long-term. Community-based organizations that hold regularly scheduled neighborhood meetings will provide people-friendly definitions for jargon (translated into locally-spoken languages), while also supporting residents’ understanding of technical terms so that they can successfully navigate meetings or hearings. Strategies such as storytelling (explaining how concepts can play out in real life), using visuals and imagery, leading games and interactive workshops, and providing community-friendly toolkits can all help residents in becoming more familiar with technical language and the planning process. A few organizational examples are highlighted below:

- The Environmental Health Coalition (EHC) breaks down planning terms by using more commonly understood words and by relating planning concepts to people’s daily experiences. For example, concerned families can learn about city planning and the built environment by looking at their own homes: analogies can be made between how families organize and maintain their living spaces and how we can maintain our cities.
- Leadership Counsel for Justice and Accountability employs a variety of strategies to provide lessons on planning concepts during regular community meetings, including the following techniques: 1. Using interactive workshops and games to explain what land use is and how General Plans work; 2. Providing 1-page fact sheets on different topics or policy issues (in multiple languages); and 3. Engaging members in open conversations to break down planning terms so that residents feel comfortable asking questions and expressing their understanding of the topic.
• Physicians for Social Responsibility-Los Angeles (PSR-LA) has hosted ground truthing workshops using their land use board game, digital hazard-mapping tool, and other activities to help simplify and teach residents about land use planning.

• The Alliance for Community Transit – Los Angeles (ACT-LA) launched an equitable community planning campaign, during which they released a toolkit and website with resources to help community members better actively engage in the community planning process. They also hosted a series of workshops to walk users through the toolkit as well as train advocates on how to train others in equitable community planning.

In addition, depending on the planning process issue, some California statutes require the planning agency to translate their documents into the languages of impacted populations and into an accessible format. An additional strategy is to request translation, interpretation, and accessible communication formats in writing from the planning agency.

14. Can you give an example of a successful official EJ role/rep in local or regional government that was able to help the jurisdiction make better land use decisions? (From H. Currier)

Ideally, EJ reps would be able to leverage their positions to influence the following outcomes: 1. Getting decision-makers to listen to EJ community members’ expertise and include their recommendations in the final decisions (see recommendations on page 27 of our “Rethinking Local Control” report); 2. Advocating for EJ priorities by educating decision-makers on the issues and by sharing key tools, evidence, and data; 3. Convincing a local or regional agency (such as a planning department) to do stronger community engagement or to involve residents in strategies for improving their neighborhoods (e.g., ground-truthing projects to inform a decision or policy); 4. Securing greater resources so that community members can effectively participate in a public process; and 5. Getting EJ community residents to be represented on decision-making bodies, such as advisory committees, boards, commissions, etc.

The Environmental Health Coalition (EHC), based in the San Diego/Tijuana area, has worked with a number of EJ representatives and local elected officials who have served as good allies to EJ communities. While not an appointed EJ rep, Georgette Gomez, San Diego City Council Member and current council president, has been highly responsive to community leaders’ requests for interpretation at Community Planning Group Meetings, and has advocated for the city budget to include funding for meeting interpreters to allow non-English speakers to have a strong voice. EHC also organized a local campaign to get three EHC leaders elected to the Barrio Logan Community Planning Group, so that community residents can have more of a say in development permits and the community plan update. Lastly, EHC Executive Director Diane Takvorian was appointed to the California Air Resources Board (CARB) in 2018 and has advocated for greater protections and regulations that can serve EJ communities across the state.

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3 See e.g. CEQA Guidelines § 15140, “EIRs shall be written in plain language and may use appropriate graphics so that decision makers and the public can rapidly understand the documents.”
15. **Does anyone have suggestions for raising awareness of the importance of community involvement (of those impacted by EJ concerns) in communities that have a lot of racial segregation and disparity?** For example, when the majority of census tracts in a county are not vulnerable to EJ impacts but certain census tracts are severely impacted. Leading to lack of prioritization of that minority because the overall county doesn't meet CalEnviroScreen or other definitions of an EJ community.

It goes without saying that it’s always important to have good data that can highlight disproportional environmental impacts (and cumulative impacts) in low-income neighborhoods and communities of color. However, in addition to utilizing CalEnviroScreen data layers or doing a county-based ranking of CalEnviroScreen census tracts, there are a number of additional tools that can also be used to show disproportionate burdens in certain neighborhoods. *(For more information on different ways to identify disadvantaged communities, see Chapter 3 of CEJA and PlaceWorks’ SB 1000 Implementation Toolkit.)*

In general, strong advocacy campaigns that are rooted in resident-led organizing, legal advocacy, a strong media strategy, and good working relationships with supportive decision-makers are the best way to instigate most policy change.

We hope that the case studies and recommendations from our “Rethinking Local Control” report can help to inform government actors on the practical importance of listening to the voices and recommendations of affected EJ community residents.

**California Environmental Quality Act (CEQA)**

16. **Are you able to share studies that debunk CEQA being a key barrier to housing production and underscore local decision-making being the actual culprit?** Thank you for all you do! *(From J. Rodriguez)*

Thank you for your support! You can find more information about CEQA [here on our website](#) - including our “CEQA and Housing” fact sheet (see our Myths vs. Facts section).

For more information, you can also look at the following reports that we used for our fact sheet:
- California State Legislature, Senate Committee on Judiciary and Senate Committee on Environmental Quality (2019). *Just the Facts: An Evidence-Based Look at CEQA Streamlining and CEO’s Role in Development*.
17. **What happens with affordable housing projects that have been inhibited/delayed on the grounds of CEQA? How can we advocate for affordable housing projects to be built in our communities without undermining EJ principles?** Thanks for explaining the CEQA myths, wondering how we can expand on this dialogue. (From J. Nguyen)

From an EJ perspective, housing justice issues are also environmental justice issues, so the values and processes that housing justice groups advocate for are the same or similar to those that EJ groups want (and a number of EJ groups are also involved in housing justice campaigns). As a general best practice, it’s always important to consult with local community members to ask for their insight and opinions, and to develop strategies and solutions based upon residents’ housing needs - especially for low-income neighborhoods and communities of color. If community members want an affordable housing project to be built, they can organize a campaign to advocate for the project: meet with decision-makers, engage in media strategies, mobilize residents to testify at hearings, etc.

If a housing development is being challenged because community members believe that it should undergo a full environmental impact report (EIR) instead of, say, a mitigated negative declaration (MND), it may be because the project would likely result in one or more significant environmental impacts that would directly affect people’s health. It is important to sufficiently analyze potential environmental impacts in order to safeguard the health of those who would be living in those housing developments. Each situation should be judged on a case-by-case basis to determine the best process for moving forward.

One thing to note is that: if an individual or a group wants to slow down a project or stop it from being built, they can utilize a number of laws other than CEQA to do so. In other words, CEQA is not really the problem, since any law or tool can be abused at times. Instead of watering down or weakening CEQA, we need to make sure that it can produce its intended outcomes.

However, there are also a number of positive ways to advocate for affordable housing projects in your community, such as: 1. Enforcing local governments’ housing plans and fair housing requirements so that communities can access the affordable housing they need; 2. Investing in infrastructure and services that can facilitate housing development in under-resourced communities; 3. Advocating for stronger tenant protections, such as by eliminating restrictions on local rent control laws and guaranteeing a right to counsel in housing court; and 4. Establishing strong anti-displacement and local hire requirements for new development and as a condition for receiving state funding.

You can find more information about CEQA [here on our website](#) - including our fact sheet on “CEQA and Housing.”
Elections and Current Political Climate

18. **2020 is an election year, seats across the state/local jurisdictions will open, can you share insight on how to align EJ community needs/campaigns to civic engagement strategies?** Political will is crucial for the implementation of all these provisions, what is working in your communities? (From R. Flores)

Given that an unprecedented crisis is occurring during a big election year, many social justice organizations are advocating for the following principles to be upheld to protect the voting rights of underrepresented communities: 1. Maintaining the public’s access to different voting options, no matter one’s background; 2. Engaging in mass public education so that infrequent voters can be informed of any changes in the voting process; and 3. Advancing social equity throughout all aspects of the voting process, from engaging in outreach and education, to supporting voters of any background.

In general, EJ groups will engage candidates that are running for office or electeds that are currently in office by inviting them to engage in direct conversations with EJ community residents, who can educate them on important local issues. Key strategies include leading EJ community tours or “toxic tours,” holding meetings with the candidates, organizing town hall meetings, and other educational events.

19. **I am very concerned at the way the Trump administration and local businesses are using stay at home to flaunt environmental law and weaken environmental policy. How can we organize to address this?** (From A. Jolly)

It is true that federal-level environmental rollbacks are taking place, and that industry has been capitalizing on this moment to call for pauses and delays in critical regulatory processes. This is why it is even more important for us to organize in California to uphold state and local environmental standards, and to continue regulatory processes that are aimed at protecting environmental and public health. There are various strategies for organizing around this issue, such as sending letters and doing advocacy with the Newsom administration and regulatory agencies, to counter industry’s harmful narrative that prioritizes the economic well-being of oil/gas executives over the health and safety of the public. Calling upon local elected officials to speak to the issue is another way to get the message across to the Governor and his staff.

Additionally, it’s important to engage in media campaigns to both highlight the public health risks that would occur if California fails to uphold environmental standards, and explain why it is important to continue important regulatory processes, especially during this pandemic. Online petitions and op-ed articles, etc., can be utilized to ensure that community members’ voices and demands are uplifted. Throughout all of these strategies, lifting up the narratives of the communities that will be most impacted by environmental justice issues and COVID-19 should be centered.