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Are Bay Area Cities Inclusive? Evaluating How San Francisco Bay Area Cities Can Address Environmental Justice Challenges by Strengthening Their Engagement Practices with Low-Income and Minority Communities through the California Environmental Quality Act Process

Kenneth Antonio Rosales
San Jose State University

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ARE BAY AREA CITIES INCLUSIVE?

EVALUATING HOW SAN FRANCISCO BAY AREA CITIES CAN ADDRESS ENVIRONMENTAL JUSTICE CHALLENGES BY STRENGTHENING THEIR ENGAGEMENT WITH LOW-INCOME AND MINORITY COMMUNITIES THROUGH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PROCESS

by

KENNETH ROSALES | DECEMBER 2015 | SAN JOSE STATE UNIVERSITY

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PRACTICES WITH LOW-INCOME AND MINORITY COMMUNITIES THROUGH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT PROCESS**

**A PLANNING REPORT
PRESENTED TO
THE FACULTY OF THE DEPARTMENT OF
URBAN AND REGIONAL PLANNING**

SAN JOSÉ STATE UNIVERSITY

**IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE
MASTER OF URBAN PLANNING**

BY

**KENNETH ANTONIO ROSALES
DECEMBER 2015**

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INTRODUCTION

ADDRESSING ENVIRONMENTAL JUSTICE IN THE SAN
FRANCISCO BAY AREA

INTRODUCTION

Motivation Behind this Research

The United States of America. Some people may think of words such as “freedom”, “justice”, or “democracy” when they hear the name of this country. Others may think “genocide”, “colonialism”, “racism” or “classism.” These perspectives may vary from person to person based on their personal realities or experiences. However, one thing that holds true is that America is still healing from the wounds of its sinister past. Across the nation, low-income and minority communities continue to experience disproportionate negative impacts across a combination of social, economic, health, and environmental realms (Stewart, Bacon, and Burke 2014, 267). Examples of these hazardous impacts include, but are not limited to, elevated exposure to air pollution and toxic hazardous waste releases or the stresses involved in living in dilapidated neighborhoods and the inaccessibility to open spaces (Morello-Frosch and Lopez 2006, 181; Marshall 2008, 5499). This phenomenon is known as an environmental injustice.

This study primarily focuses on the San Francisco Bay Area, home of one the most racially and economically diverse regions in California and the technology capital of the United States. The Bay Area faces major challenges, including population growth, gentrification, housing displacement, poverty, suburban sprawl, and climate change (Association of Bay Area Governments and Metropolitan Transportation Commission 2013, 1-6). Effective inclusionary city planning and state regulatory processes such as California’s environmental review law, the California Environmental Quality Act (CEQA), can play critical roles in addressing these complex challenges.

The matrix of obstacles in the Bay Area combined with its diverse demography made the region a suitable location to study how planning departments engage low-income and minority communities. The Bay Area also provided the opportunity to discover the potential tools and strategies cities currently implement to improve inclusive engagement within the CEQA process.

This research aimed to answer the following research question:

How can San Francisco Bay Area cities effectively increase the meaningful participation of low-income and minority communities through the CEQA process to address environmental justice issues?

The research question prompted the following hypothesis:

The level of pursuit to practice effective strategies to increase the meaningful participation of low-income and minority communities in the CEQA process may vary from city to city in the Bay Area. It is postulated that some cities’ actions may be minimally effective when attempting to include minority and low-income communities in the CEQA process because they may lack the informational resources, experience,

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organizational capacity, funds, interest, and/or incentive to properly address environmental justice through CEQA processes. Thus, this hypothesis suggests that there is room for cities to improve their professional practice.

In order to answer and test the research question and hypothesis a phone interview survey was conducted with 12 participating Bay Area city planning departments.

A Road Map to this Report

Chapter 1: Environmental Justice in California- A Brief History of the Movement and its Current State sets the background of the environmental justice movement starting from its conception in the United States to its expansion to the west coast. This chapter defines environmental justice in detail and highlights its impact on federal, state, and city policies, particularly in California's environmental review law known as the California Environmental Quality Act (CEQA). Lastly, Chapter 1 discusses concepts, theories, and principles in academic research.

Chapter 2: An Opportunity to Address EJ Impacts by Involving Low-Income and Minority Communities in CEQA Processes explains CEQA's intent, process, and how environmental justice fits within the framework of CEQA law by drawing upon academic literature. Chapter two also discusses how EJ advocates have influenced the CEQA process. Lastly, this chapter takes a closer look at how the National Environmental Policy Act (NEPA) has considered EJ and what lessons can be applied to the CEQA process.

Chapter 3: The San Francisco Bay Area Region- The Home of Innovation and Diversity Yet Environmentally Unjust? orients the reader with geographic and demographic information pertinent to the focus of the research area and highlights environmental injustices unique to the Bay Area.

Chapter 4: Preparing for Interviews with City Officials to Explore Linkages Between EJ and CEQA's Public Participation Process discusses the research question and hypothesis in greater depth. This chapter also describes the document analysis methods used to create adequate phone interview questions for participating Bay Area cities. Moreover, chapter four explains how the document analysis findings set the framework for conducting qualitative analysis methods of Bay Area phone interview responses.

Chapter 5: How Bay Area Cities Are Involving Low-Income and Minority Communities to Address Environmental Justice in CEQA Processes delves into the results and qualitative analysis of the phone interview responses from 12 Bay Area cities. More specifically, chapter 5

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five discusses how Bay Area cities are meeting environmental justice requirements under CEQA law and it examines the practices Bay Area cities employ when engaging low-income and minority communities. Most importantly, chapter five cross-analyzes how the phone interview responses weigh against the research question and hypothesis of this planning report.

Chapter 6: Onward Forward- The Power of Policies, Tools, and Strategies provides recommendations, shortcomings of this study, opportunities for further research, a summary of key findings, and closing thoughts.

CHAPTER 1

ENVIRONMENTAL JUSTICE IN CALIFORNIA: A BRIEF HISTORY OF THE MOVEMENT

CHAPTER 1 ENVIRONMENTAL JUSTICE IN CALIFORNIA

Chapter one provides a background of the environmental justice movement starting from its conception in the United States to its expansion to the west coast. This chapter defines environmental justice in detail and highlights its impact on federal, state, and city policies, particularly in California's environmental review law known as the California Environmental Quality Act (CEQA). Lastly, Chapter one discusses concepts, theories, and principles in academic research.

1.1: Defining Environmental Justice and a Look into the Movement's Beginnings

Under California state law, environmental justice is defined as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies” (Harris 2012, 1). This definition became active in 1999 when Governor Gray Davis signed SB 115 in response to President Clinton's Executive Order 12898 in 1994.

Clinton's Executive Order was a call to all federal agencies to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States” (Peter 2001, 529, 536-537; United States Department of Housing and Urban Development 2015).

Image Source: <http://tiny.cc/y5am5x>

President Clinton signing Executive Order 12898 in 1994

Extensive literature has suggested that environmental disparities in the United States are strongly correlated with people's socioeconomic status, race, ethnicity, health, and educational attainment (American Psychology Association 2015, 1–2; House and Williams 2000, 89–91). Historically, according to Alan Ramo, professor of law at Golden Gate University, the origins of the environmental justice movement came from “the grassroots resistance to a pervasive pattern of siting the most dangerous, polluting facilities in communities with predominantly low-income residents and minorities.” Ramo further explains, “This trend is driven in large part by zoning requirements, low property costs, and the fact that many low-income communities lack the political clout to effectively

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oppose these projects” (Ramo 2005, 91). Ross and Leigh (2000, 372, 374) tend to agree; they have found that “zoning policy has played a major role in creating the plight of today’s inner city; in its various forms; it has affected the pattern of residential segregation... A major land use issue whose resolution is critical to the revitalization of inner cities and minority communities is that of the environmental remediation and economic redevelopment of brownfields.”

One of the first environmental justice cases that sparked national attention and prompted Clinton’s Executive Order 12898 took place in 1982 in Warren County, North Carolina. A predominantly African American community was impacted by the illegal dumping of “32,000 cubic yards of soil contaminated with polychlorinated biphenyls (PCBs) along North Carolina roadsides” by the Ward Transformer Company (Farrell 2007, 114). From this time forward, the environmental justice movement grew and peaked in 1991 when the renowned “People of Color Environmental Summit” in California gathered hundreds of organizations and people throughout the United States. The summit fostered discussion on solving environmental injustices throughout the country by devising cutting-edge public policies (Bass 1998, 84). This gathering helped craft several pieces of legislation in Congress and Clinton’s Executive Order 12898 (Bass 1998, 84).

Warren County, NC Protesters 1982

1.2: Understanding Environmental Justice as a Theory and in Practice

Researchers have identified and defined a series of theories and principles that help shape the concept of environmental justice. These paradigms were developed to help environmental justice practitioners, decision makers, and other researchers combat environmental injustices. They include:

- 1) Distributional justice
- 2) Procedural justice

- 3) Corrective justice
- 4) Entitlements approach
- 5) Precautionary principle

The following sections discuss each theory in full, or at least provide a definition.

1.2.1: Distributional Justice

Distributional justice (DJ) is an egalitarian, or equity-based, ideology whereby distribution of harm and benefits should be equal across a population, not a subpopulation above or below another (Turner and Wu 2002, 10). Thus, this idea substantiates that the allocation of environmental hazardous projects should not be allocated in an already burdened community. In environmental justice (EJ) research, this practice has historically evolved from a regulatory analysis tool known as risk assessments (Morello-Frosch et al. 2002, 150). In its EJ-adapted form, risk assessments initially evaluated the spatial distribution of hazardous waste facility locations in low-income and minority communities versus affluent, White communities (Morello-Frosch, Pastor, and Sadd 2002, 58; Morello-Frosch et al. 2002, 153). Moreover, the assessment would evaluate a single criterion, such as a pollutant typically found from hazardous waste dump sites, across the varying demographic groups. More recently, however, risk assessments have evolved into a more comprehensive tool known as cumulative environmental impact analysis. This tool assesses multiple impacts at once, such as several air pollution data from monitoring stations, stress indicators, segregation indices, spatial mismatches, and/or accessibility to open space (Morello-Frosch and Lopez 2006, 181; Stewart, Bacon, and Burke 2014, 267; Marshall 2008, 5499).

Cumulative environmental impact analysis (CEIA) provided researchers a scientific understanding about how low-income and minority communities disproportionately experience multiple burdens at once in their daily lives (Morello-Frosch, Pastor, and Sadd 2002, 58; Morello-Frosch et al. 2002, 153; Morello-Frosch and Lopez 2006, 181; Stewart, Bacon, and Burke 2014, 267; Marshall 2008, 5,499; Tang 2009, 97; Connelly and Richardson 2005, 402; Su et al. 2012, 86). Moreover, distributional justice research has provided solutions to these public health disparities. For example, Konisky (2009, 118) found that regulatory agencies can reduce air pollution impacts in low-income and minority communities by increasing the efficiency of their enforcement operations to ensure that emission standards are not exceeded and that high rates of compliance with environmental laws and regulations are reached.

The literature on DJ questioned whether risk assessment research was generalizable. For example, Morello-Frosch, Pastor, and Sadd (2002, 13 and 16) conducted public health risk assessments of ambient air toxic exposure of children in the Los Angeles Unified School District and concluded

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that their “results cannot be generalizable beyond Los Angeles.” Moreover, similar research such as in Su et al. (2012, 80) and Stewart, Bacon, and Burke (2012, 267, 276) recommended more community-focused research such as setting up local ambient air pollution monitoring stations to gather more precise data collection. Therefore, the key limitation to DJ is that each region or community is different and should be considered uniquely when conducting risk assessments.

One study argued that risk assessment tools should be used to adequately identify disparities in subpopulations (Turner and Wu 2002, 26–27). Other literature, such as Banzhaf (2011, 4) and Dinkins (1995, 352–353) supported this view. Dinkins (1995, 352–353) suggested that “when examining claims that government agencies treat minorities differently, one must objectively examine the data to determine if these claims are substantiated.” However, several other studies disputed that risk assessment is a controversial topic among policy-makers and the general public. These two groups believe risk assessment alone is not enough to address EJ (Morello-Frosch, Pastor, and Sadd 2002, 58; Morello-Frosch et al. 2002, 153; Stewart, Bacon, and Burke 2014, 276; Connelly and Richardson 2005, 395–396). The literature suggested fair public participation processes can help address inaccessibility to environmental benefits and avoid negative impacts in historically disenfranchised communities. Researchers also recommended precautionary frameworks whereby policy makers and decision makers consider the prevention of detrimental impacts a priority, as opposed to alleviating the damage that has been done (Mor., Pas., and Sad. 2002, 58; Mor. et al. 2002, 153; Stew., Bac., and Bur. 2014, 276; Con. and Rich. 2005, 395–396).

Schweizer (2008, 44) provided a different perspective of risk assessment. This research articulated that advocates throughout the United States have successfully pressured agencies to research how polluting sources affect low-income and minority communities, which has resulted in disproportionate impacts when compared to affluent, White communities. Bullard and Johnson (2000, 556) further discussed that advocates have historically focused on the siting of hazardous waste facilities or projects that prompt air pollution near minority and low-income communities. Overall, Schweizer and Bullard and Johnson conveyed that EJ advocates have given government agencies a framework that provokes them to answer questions such as “who gets what, when, why, and how much?” (Bullard and Johnson 2000, 559).

Many studies recommended that it is important for government authorities to understand the perspectives EJ advocates embody by moving beyond DJ. Although EJ organizations have provided empirical results of their own that have been “an important political rallying” maneuver, they believe DJ can go only so far (Foster 1998, 788). For example, Shilling, London, and Lievanos (2009, 702) deliberated EJ advocates’ views of the government’s structure and function being modeled after a highly regarded rational system. This organization is often represented as an academically certified, science-based, expert-legitimized, regulatory, and male/White classified framework. Meanwhile localized, experiential, native, and street or citizen science, is often judged as female/non-White frameworks, and thus, has been dismissed. The rational model is believed to have disempowered

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communities and the overall big picture to identify and address disproportionate environmental health impacts (Shil., Lon., and Lie. 2009, 702). Thus, as Foster (1998, 838–839) and Shil., Lon., and Lie. (2009, 700) argued, the EJ movement has worked hard to create a self-determined and sustained community identity which can provide a voice for low-income and minority communities, a greater political consciousness, a new participatory body, and a more just democratized system into public processes that can help undo past marginalization and injustice. In short, the literature suggests that EJ advocates need government agencies to fully recognize their long-ignored concerns beyond the limited and available science.

1.2.2: Procedural Justice

Procedural justice (PJ) refers to an open and fair process whereby communities' right to effectively participate in all components of a process must be evident, regardless of their demographic backgrounds and type of knowledge and expertise (Turner and Wu 2002, 10). Research communicated that PJ can (Morello-Frosch, Pastor, and Sadd 2002, 61; Morello-Frosch et al. 2002, 153; Tang et al. 2009, 105; Stewart, Bacon, and Burke 2014, 276):

Image Source: <http://tiny.cc/dvbm5x>

- 1) Help develop politically and economically sustainable developments and long-term regulations and enforcement mechanisms.
- 2) Clear up future uncertainty and problems by facilitating joint, equal, and just participation of decision makers, developers, and affected communities without power interference.
- 3) Promote alternative assessments that can include neighborhood improvement and hazard diversion away from overburdened communities.
- 4) Establish monitoring practices, such as community-based active monitoring of air pollutants.

Mount Dioxin” in Pensacola, Florida provides a case to examine the application of PJ. This case illustrates a successful collaboration between local EJ advocates and the U.S. Environmental

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Protection Agency to resolve a difficult environmental problem (Bullard and Johnson 2000, 564–565). Successful advocacy-organizing efforts made by the Citizens Against Toxic Exposure (CATE) had the backing of more than 100 grassroots organizations to relocate an entire residential area of 358 households away from the Escambia Wood Treating Superfund site, which held a 225,000 cubic yard mound of dioxin (Bullard and Johnson 2000, 564–565). Although the EPA

initially sought partial relocation, the collaboration between CATE and agency planners eventually developed a landmark solution that became the pilot for mass relocation projects in the United States. Rather than implementing a full cleanup of Mount Dioxin, they created a cost-efficient resolution to rezone the area into light industry (Bullard and Johnson 2000, 564–565). This example serves as an effective partnership among communities and governing bodies that can be replicated throughout the country.

Image Source: <http://www.cate.ws/mtd.html>

Mount Dioxin in Pensacola, FL

The literature provided an indirect procedural justice framework for its processes, whereby agencies should (Shilling, London, and Lievanos 2009, 706–707):

- 1) View environmental justice implications from the perspective of understanding their broad visions of a fair democratic governance and not viewing their intentions merely as a process, a constraint, or something to cautiously control.
- 2) Accommodate adequate resources for all stakeholders.
- 3) Provide enough time before decisions are made to engage in genuine dialogue for collaborative solutions.
- 4) Distribute power equally among all parties during decision making.

1.2.3: Corrective Justice

Corrective justice calls for policies to go beyond being “fair” by considering, addressing, and compensating for the harms inflicted onto disenfranchised communities from past environmentally degrading decisions (Milman 2004, 4–5). This is also known as restorative justice, communicative justice, or retributive justice. Moreover, corrective justice aims to hold the environmental injustice “damage doers” accountable (Mil. 2004, 4–5).

1.2.4: Entitlements Approach

The entitlements approach is a concept whereby all individuals should have fair and adequate access to environmental goods and services. Many environmental justice practices and principles overlap and can serve as meaningful tools for policy makers and decision makers to use. For example, the entitlements approach can work with DJ when data show that it is imperative to avoid placing a significant air polluting project in an overburdened community so that it can have equal access to clean air. Meanwhile, the entitlements approach also works well with PJ by avoiding toxic impacts altogether (Turner and Wu 2002, 10).

1.2.5: Precautionary Principle

The precautionary principle is an ideology whereby policy makers and decision makers consider the prevention of detrimental impacts a priority, as opposed to alleviating damage that has been done (Turner and Wu 2002, 10). Morello-Frosch et al. (2002) provided a framework whereby the overlap of EJ and the precautionary principle can overcome disparities by:

- 1) Prioritizing prevention of adverse public health outcomes over uncertainty in science and incomplete data from risk assessments, especially in overburdened communities.
- 2) Shifting the burden of proof from the public to the proponent of the harmful activity.
- 3) Promoting PJ and democratic decision making when a community’s environmental health is discussed.

1.3 Environmental Justice in California

California (CA) has an extensive list of environmental injustices. Through a California Environmental Quality Act (CEQA) lawsuit, Latino communities historically affected by hazardous waste dump sites in Kettleman City in Kings County were able to stop a toxic waste incinerator project in 1993 proposed by Chemical Waste Management, Inc., which was approved by the county in 1988 (Cole, 2005, 93;

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Environmental Justice Atlas 2014; California Office of Planning and Research 2003, 1). Other examples include CEQA lawsuits filed by Latino communities in South Central and East Los Angeles against the Vernon Waste Incinerator project proposed by a company known as California Thermal Treatment Systems from 1987–1990 (Reynolds 2005, 95-96).

Kettleman City Rally

Studies reveal that low-income neighborhoods and those of color are more exposed to air pollutants and climate change risk than affluent, White communities (Berkhout, Hertin, and Jordan 2002, 83–95; Chakraborti 2009, 674–697; Krieg and Faber 2004, 667–694; Neidell 2004, 1209–1236; Su et al. 2012, 79–87). Marquez (2007, 1) revealed that these patterns have existed as early as the 1970s. Further, Marquez found that the air quality impact analyses within CEQA environmental impact reports (EIRs) in San Jose, CA’s low-income and Latino communities were less adequately produced than those of affluent, White neighborhoods.

A sample of controversial California environmental justice case studies support these claims, such as:

- 1) **Barrio Logan**, a 90 percent minority community in San Diego, CA, that historically has and still suffers from toxic air contaminants mainly due to inadequate and antiquated zoning laws that do not separate residential communities from industries (Holtzman 2004).
- 2) **Bayview/Hunters Point, San Francisco**, is an African American and low-income community that sits “within a three-mile radius of 120 toxic sites, creating a toxic concentration four times greater than any other San Francisco neighborhood” (Ressler 2004).
- 3) **The Recent Shift to Suburbanized Poverty** in the San Francisco Bay Area. The gentrification and housing displacement of low-income and minority communities has resulted in the migration of these groups to Bay Area suburbs (Cravens et al. 2009, 39; Sour Sourian 2012, 3; Kneebone and Berube 2014; and National Environmental Justice Advisory Council 2006, i).

Chapter 1 Recap and What is Ahead

This chapter delved into the definition and several concept of EJ. It also discussed a general overview of the status of EJ in California. Chapter 2 makes the connection with Chapter 1 by discussing how inclusionary city planning and state regulatory processes such as California's environmental review law, the California Environmental Quality Act (CEQA), can play critical roles in addressing EJ in California cities.

CHAPTER 2

AN OPPORTUNITY TO ADDRESS EJ IMPACTS BY
INVOLVING LOW-INCOME AND MINORITY COMMUNITIES
IN CEQA PROCESSES

CHAPTER 2 AN OPPORTUNITY TO ADDRESS EJ IMPACTS

This chapter explains CEQA's intent, process, and how environmental justice fits within the framework of CEQA law by drawing upon academic literature. Chapter two also discusses how EJ advocates have influenced the CEQA process. Lastly, this chapter takes a closer look at how the National Environmental Policy Act (NEPA) has addressed EJ and what lessons can be applied to the CEQA process.

2.1: Understanding CEQA's Intent and Process

The California Environmental Quality Act (CEQA) is a California law passed in 1970 that followed the National Environmental Policy Act (NEPA) in requiring “state and local agencies to identify significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible” (California Natural Resources Agency 2014). The term “actions” refers to projects or developments that “may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment” (California Environmental Resources Evaluation System 2015). Under what is usually known as “discretionary approval,” a lead governmental agency of a project has the power to deny a requested permit from public or private developers (Cal. Nat. Res. Agen. 2014). A project identified as “nonexempt” indicates that there may be environmental impacts from its activities, and thus, it must undergo a preliminary environmental review process known as an initial study (Cal. Env. Res. Eval. Sys. 2015). See Figure 1 for a visual aid of the CEQA process.

The California Department of Fish and Wildlife succinctly explains that the purpose of CEQA is to:

- Disclose to the public the significant environmental effects of a proposed discretionary project, through the preparation of an initial study (IS), negative declaration (ND), or environmental impact report (EIR).
- Prevent or minimize damage to the environment through development of project alternatives, mitigation measures, and mitigation monitoring.
- Disclose to the public the agency decision making process utilized to approve discretionary projects through findings and statements of overriding consideration.
- Enhance public participation in the environmental review process through scoping meetings, public notice, public review, hearings, and the judicial process.
- Improve interagency coordination through early consultations, scoping meetings, notices of preparation, and State Clearinghouse review. (California California Department of Fish and Wildlife 2014; Association of Environmental Professionals 2014, 1–2)

CHAPTER 2 AN OPPORTUNITY TO ADDRESS EJ IMPACTS

Figure 1: CEQA Process Flowchart

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2.1.1: The Initial Study, Negative Declaration, and Environmental Impact Report

The purpose of the initial study (IS) is to identify significant impacts on the environment caused by a proposed project. However, if no significant impact is identified, then the project becomes a “negative declaration” (ND) or a “mitigated negative declaration” (MND). These “declarations” must describe “why the project will not have a significant impact and may require the project to incorporate a number of measures (called mitigation measures) ensuring that there will be no such impact” (Cal. Env. Res. Eval. Sys. 2001a).

If a proposed project is considered to have “significant impacts” on the environment through an IS, then an environmental impact report (EIR) must be drafted within one year to find further environmental impacts and feasible alternatives to mitigate and monitor the identified impacts. Reasonable time extensions are permitted (Cal. Env. Res. Eval. Sys. 2001b).

Leading Up to the EIR

Before an EIR is drafted, a Notice of Preparation must be produced by the lead agency. A total of 30 days is given to “scope” the range of environmental implications the project may cause. This scoping process takes place with “all responsible agencies, trustee agencies,” and the state of California’s Governor’s Office of Planning and Research (OPR) and includes the identification of opportunities for the public to participate (Cal. Env. Res. Eval. Sys. 2001b). If any of these agencies requests a “scoping meeting,” the lead agency must fulfill the request. During “environmental scoping,” the lead and responsible agency(ies) may “also consult with other persons and organizations which may be concerned with the environmental effects of the project,” but are not required by law to do so (Cal. Env. Res. Eval. Sys. 2001b).

Inside the EIR

Once the draft of an EIR is completed, a notice of completion must be filed with the OPR Clearinghouse. A public notice and an opportunity for the public to review and comment for 45 days (extensions are permitted) also must be provided (California Environmental Resources Evaluation System 2001a). An EIR is an assessment of potential environmental impacts in various categories or “resource areas”, including (California Natural Resources Agency 2009):

- 1) aesthetics
- 1) agricultural resources
- 2) air quality

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- 3) biological resources
- 4) cultural resources
- 5) geology/soils
- 6) greenhouse gases
- 7) hazards and hazardous materials
- 8) hydrology/water quality
- 9) land use/planning
- 10) mineral resources
- 11) noise
- 12) population/housing
- 13) public services
- 14) recreation
- 15) transportation/traffic
- 16) utilities/services systems
- 17) mandatory findings of significance

Resource areas are also known as environmental factors per CEQA's "Appendix G Environmental Checklist Form." Each resource area is required to assess and determine whether the proposal would either result in (California Natural Resources Agency 2009):

- 1) no impact
- 2) a less than significant impact
- 3) a less than significant impact with mitigation incorporated
- 4) a potentially significant impact

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Other mandatory CEQA considerations include (California State Water Resources Control Board 2014, 7–1 – 7–5):

- 1) identification and discussion of significant environmental impacts
- 2) identification of mitigation measures
- 3) significant unavoidable impacts
- 4) significant irreversible environmental changes
- 5) growth-inducing impacts
- 6) potential secondary effects
- 7) effects not found to be significant

A wide array of consulting firms specialize in each technical topic of an EIR. Consulting firms are hired by the lead agency (Tang, Bright, and Brody 2009, 96–106).

2.2: A Glimpse at Environmental Justice in CEQA Law and Processes

Although “California was one of the first states in the nation to codify environmental justice in statute”, current guidelines in CEQA law and its regulatory guidelines do not explicitly address health as a priority nor do they contain language about environmental justice (California Environmental Protection Agency 2014; Human Impact Partners 2013, 2–3). Additionally, there is no environmental justice resource area in an initial study or in EIRs, unlike many of NEPA’s environmental impact statements (NEPA’s version of an EIR). For example, the Bay Delta Conservation Plan has included an environmental justice section in its joint EIR/environmental impact statement (EIS) because NEPA directs federal agencies to include an environmental justice resource area, while the EIR does not (Bay Delta Conservation Plan 2013, 59). California’s Office of the Attorney General and OPR, however, have recently bolstered their efforts to encourage regional and local governments to include environmental justice and health components in CEQA processes (Harris 2012, 1–6; California Governor’s OPR 2003). They provide resources such as the “Environmental Justice at the Local and Regional Level Legal Background” fact sheet that can help guide lead agencies to ensure that they are abiding by environmental justice provisions within CEQA law. See Appendix A for a copy of this fact sheet.

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2.2.1: Social and Economic Factors as EJ Requirements in CEQA

Cities must effectively respond to EJ issues in CEQA processes by analyzing social and economic factors that may lead to significant physical impacts on the environment caused by projects. King (n.d, 9) discussed how cities often have a misconception that the environment is a separate sphere from the people and the economy. Other researchers such as Hsiao et al. (2012, 2) argued that the best and only reason why a social element would be considered in CEQA is through human health implications as outlined in the Guidelines section 15065(d). However, King (No Date, 9) and the majority of researchers disagreed with this statement. For example, King explained how practitioners in reality often use this CEQA guideline as their “out” in analyzing projected impacts on human health because the language loosely used the word “determine” as opposed to a more concrete word such as “analyze.” Ramo (2013, 64), the University of California Hastings Law Research Institute, American Bar Association (2010, xiii and 33), and Corburn (2006, 145) expanded King’s argument by referencing CEQA Guidelines and Statutes sections 15064(e) and 15131(b), which outlines how social or economic effects that lead to physical changes in the environment must be addressed and analyzed if there are significant impacts. However, the literature did not clearly articulate where in the CEQA process the analysis of social and economic effects must be incorporated, although some authors, such as Ramo (2013, 61, 64), referenced either the Initial Study/Negative Declaration or the Environmental Impact Report (EIR) phases.

2.2.2: Cumulative Impacts as EJ Requirements in CEQA

Known as cumulative impacts, cities must integrate EJ concerns in CEQA processes by analyzing a project’s past, current, and future environmental impacts (Figure 2). Ramo (2013, 68) suggested that lead agencies must assess whether cumulative impacts from a project require an EIR pursuant to CEQA

Guidelines and Statute 15604(i). He further expanded how essential this Guideline and Statute is for EJ considerations for instances in which, for example, a low-income community resides near toxic hot spots or in an incrementally degrading area (Ramo 2013, 68).

Figure 2: Cumulative Impacts Diagram

2.2.3: Environmental Setting Sections as EJ Requirements in CEQA

Cities must incorporate EJ considerations in CEQA by clearly reporting impacts in the environmental setting sections of environmental review documents. In practice, however, this application has been implemented in a “pro forma” fashion since practitioners often fail to address social and economic impacts and mitigations measures in every resource area (e.g., air quality or transportation) (n.d, 8–9).

Ramo (2013, 79) nonetheless explained how environmental settings in EIRs play an important role in meeting EJ requirements by comparing the existing environmentally degraded conditions of a project area against the additional impacts the project may bring about. For example, if there is a failure to find all current pollutants or stresses that a community may currently experience, the EIR would be considered inadequate (Ramo 2013, 79). Whether this is a requirement for ISs and NDs is a discussion that the literature was missing.

2.2.4: Public Participation as EJ Requirements in CEQA

Studies indicated that cities may have to include EJ applications in CEQA by having an early public participation process while requiring all CEQA documents to be in readable and accessible forms. Ramo (2013, 61) mentioned that an IS can help identify and determine preliminary potential significant impacts from a project, which in turn requires the production of an EIR. Although not clear, this could possibly imply that EJ factors also must or should be considered early in the process. Ramo (2013, 71) further hinted at this possibility by alluding to CEQA Guidelines 15004, which suggests that negative declarations and EIRs “should be prepared as early as feasible in the planning process” so that findings of potential environmental, social, and economic impacts can help shape a project or its alternatives. The literature also highlighted CEQA Statutes and Guidelines 15140, which requires that all CEQA documents throughout the process be written in plain English, the primary language within the affected community, and/or with readable graphics in a timely manner (Hill 2009, 351; Ramo 2013, 71).

2.2.5 : EJ Advocates Influence CEQA Processes

Researchers suggested that cities rely on EJ advocates to use a combination of DJ and PJ measures to ensure that they are in CEQA compliance. For example, Ramo (2005, 91–92; 2013, 68, 71) discussed how advocates have utilized CEQA law in order to adequately address environmentally unjust projects through:

- Cumulative impacts
- The nexus between social and economic effects that lead to physical changes on the environment.

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- Introducing nondiscriminatory project alternatives to avoid or mitigate significant impacts on overburdened communities.
- Public participation processes through public hearings.
- Readable and useful documentation released to the public as early as possible for public commenting.
- Disclosure of all impacts along with mitigations and alternatives in EIRs.

2.3: Learning Lessons from CEQA's "Parent Law": NEPA

The literature focused on the effectiveness of two federal resources that provide procedural guidance on how to include EJ measures during federal environmental review processes. The first is known as the "Council on Environmental Quality (CEQ) Guidance on Environmental Justice under NEPA" published in 1997. The second is the Federal Environmental Protection Agency's (EPA) "Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis," published in 1998. The literature also examined NEPA's limitations in addressing EJ during public processes and its approach when determining project alternatives and mitigation measures.

2.3.1: EPA's NEPA/EJ Guidance Document Preferred over the CEQ's

Bass (1998, 88) and Outka (2006, 607) found that the EPA guidance report is much more powerful than the CEQ document. Bass expressed that although both reports recommend ways that EJ should be incorporated in every step of the NEPA process, the EPA document still includes much more detailed procedures on how to practice EJ assessments by considering demographic, economic, and historical zoning factors. Outka further substantiated Bass' perspective by stating that the EPA document specifically recommends EJ issues to be detected and addressed in the environmental assessment and environmental impact statement processes. On the other hand, Outka explained that the CEQ report only recommends the bare minimum ways for identifying a disproportionately adverse impact. For example, the CEQ document articulates that a significant impact finding would not stop a project or an agency's action from moving ahead (Outka 2006, 607). Additionally, Ramo (2013, 48–50) preferred the EPA guidelines over the CEQ because it recommends focused analysis for cumulative impacts and accounts for the historical marginalization of low-income and minority communities. Regardless of which guidance document is used, however, Johnson (1997, 575) generally felt that inclusive practices are being enforced more often today than before. For example, agencies were once only required to disseminate public notices either through the Federal Register and/or the legal section of a newspaper (Johnson 1997, 575).

Critique on EPA's EJ Guidance Document

Several studies critiqued the EPA guidance report by evaluating how it can limit effective EJ applications into the NEPA process. For example, Ramo (2013, 50) illustrated how even after 12 years (now 14), the EPA still has not taken the next step in finalizing a basic draft that explains “how states should conduct a demographic analysis.” Bass (1998) added that although both guidance documents provide a pathway to address EJ, they still lack more detail in demographic assessment and an interagency “across-the-board” approach. For instance, Bass (1998, 90–91), Outka (2006, 613), and Johnson (1997, 589) all discussed how federal agencies may have their own “functional equivalent” EJ protocols that make them exempt from NEPA requirements. To remedy this potential problem, Bass (1998, 87) recommended a set of standardized EJ assessment questions all agencies should cover in order to identify social, economic, and health impacts on low-income and minority communities.

Lack of Case Studies in EJ Guidance Documents

Although the literature reviewed included a description and an analysis of the guidance documents, none provided a clear, specific example of when a federal government agency had utilized it in an effective (or defective) manner. The closest, but still unclear, case study in which one of the guidance documents might have been used during a NEPA process was in Homer, Louisiana. Due to considerable public participation in the environmental impact statement phase, the Nuclear Regulatory Commission (NRC) denied the Louisiana Energy Services' plan to build a uranium enrichment plant in a community that was 97 percent extremely poor and African American (Bass 1998, 88–89; Rechtschaffen 2003, 124). Rechtschaffen (2003, 124) explained that “community groups challenging the decision in an administrative appeal presented evidence that the NRC's review process was racially discriminatory because, at each successive stage, the communities under consideration for the project became poorer and more predominantly African American.” It was unclear whether both Rechtschaffen (2003) and Bass (1998) were making the point that either the CEQ or EPA guidance documents aided the NRC in implementing effective outreach practices. In other words, the researchers were vague about how the guidance documents assisted federal agencies in implementing inclusive practices with disenfranchised communities during NEPA processes.

2.3.4: Gaps in NEPA's Public Participation Processes

Research focused on how NEPA's structure limits the response to EJ concerns. These drawbacks were found during the environmental assessment (EA) and findings of no significant impact (FONSI) phases of the NEPA process and through functional equivalent and statutory exemption clauses of NEPA law. NEPA's FONSI is CEQA's version of a negative declaration. Meanwhile, a functional equivalent grants certain projects exemption from the NEPA process because other

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agency procedures or legislation would make the project operate under similar circumstances as NEPA (Outka 2006, 613). In other words, functional equivalents attempt to avoid redundancy. A categorical exclusion, on the other hand, is another form of a NEPA exemption except that it is specific to an action historically known to not cause individual or cumulative significant effects on the environment (Outka 2006, 612).

Johnson (1997, 575) and Outka (2006, 608–10) warned that because 99 percent of NEPA projects undergo the EA phase as opposed to the EIS, public participation levels are low in NEPA (Outka 2006, 608–10; Johnson 1997, 584). Such agency actions are not required during an EA stage (not even a public notice), but are in an EIS (Outka 2006, 608–10; Johnson 1997, 584). Both Outka (2006, 609) and Johnson (1997, 575) stressed that failure to include public participation early in the NEPA process when communities do not carry any weight and an agency has already made its decision poses a great EJ concern for people who have been historically disenfranchised. This is especially problematic if projects do not regularly undergo an EIS. Moreover, Johnson (1997, 584) expressed that the “EA stage is the point at which it is decided whether the proposed action significantly affects the human environment, such that the agency must prepare an EIS.” Thus, Johnson and Outka recommended that more public participation strategies used in the EIS process should also be practiced in the EA/FONSI stage. Rechtschaffen (2003, 122) agreed with Outka and Johnson by using an example in Texas. Public meetings jumped from 25 percent to 89 percent when the Texas legislature required the state environmental agency to disseminate a public notice for completed development permit applications rather than at the entitlements stage of the permit process. Additionally, the amount of public comments received increased from 10 percent to 15 percent.

Lastly, Outka (2006, 614–615) cautioned that exemptions from NEPA procedures, such as functional equivalents and categorical exclusion requirements, can possibly deny an affected community the chance to ever participate in a public process.

2.3.5: NEPA and Project Alternatives and Mitigation Measures

Studies suggested that federal agencies may not respond to EJ issues during NEPA because the law does not require decision makers to choose the most socially or environmentally sensitive project alternative and mitigation measures (Bass 1998, 90; Johnson 1997, 605; Outka 2006, 80; Rechtschaffen 2003, 123–124). Consequently, Outka (2006, 605), Johnson (1997, 582), and Kinoshy (2015, 40, 209) described NEPA as being more procedural than action-oriented in nature.

Ramo (2013, 50–51), nonetheless, discussed how an agency’s “failure to identify a significant impact that could have been identified through proper EJ analysis would be a violation of NEPA and a potential civil rights violation, as would the failure to consider mitigation of that impact or an alternative that would avoid that impact.” This substantiates that ensuring the involvement of

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impacted communities from beginning to end of the NEPA process is crucial in fully identifying and addressing EJ concerns. One study, however, analyzed several examples of state environmental policy acts (SEPA, such as CEQA) and found that Minnesota does the exact opposite of NEPA: it prohibits projects to move forward if the environment and the public's health, safety, and welfare are negatively impacted unless a feasible alternative is found (Johnson 1997, 598).

Chapter 2.3.6: NEPA and its Relevance to California Cities and CEQA

Research studies about NEPA are relevant to California cities not only because NEPA and CEQA processes are very similar, but because learning NEPA's strengths and limitations in reviewing EJ concerns can help evaluate CEQA's shortcomings. This in turn, could possibly provide enhanced procedural and analytical recommendations for cities to use during its IS and EIR drafting phases.

The CEQ and EPA guidance documents can provide California cities a possible avenue to improve how they address EJ during CEQA procedures. Further, the literature provided other resources CA cities can apply to CEQA processes. For example, CA cities can utilize the "Guidelines and Principle for Social Impact Assessment" published by the Interorganizational Committee on Guidelines and Principles for Social Impact Assessment and the new "Plan EJ" 2014 guidance document created by the EPA (Bass 1998, 91; Konisky 2015, 249–250).

NEPA's limits to implementing adequate public participation can also be a problem for California cities. For example, NEPA's EA/FONSI phases are similar to CEQA's IS/ND processes. Although no studies were found on this topic, projects in CA may undergo the IS/ND stage much more often than the EIR. If this is the case, then the public's opportunity to engage in the CEQA process is reduced because although a public review period is required when a ND has been proposed, no response to the public is required by a lead agency as it is for an EIR (Association of Environmental Professionals 2014, 138, 148 - 151, and 159). Likewise, NEPA's exemptions are similar to CEQA's functional equivalent and categorical exemption laws (Assoc. of Env. Prof. 2014, 225 and 238).

CEQA is much more advanced than NEPA in many regards, such as its analytical requirements for significant impact determination, project alternatives, and mitigation measures. The literature, nonetheless provided examples of where the CEQA law itself is a limiting factor in fully addressing EJ problems (Johnson 1997, 597–599). For instance, adopting Minnesota's SEPA project approval requirements into CEQA law would change the dynamic of a decision makers thought process. It would aim to choose the most environmentally sensitive project alternative, and therefore, protect both the human and natural environments by considering health and social impacts.

Chapter 2 Recap and What is Ahead

Drawing from academic literature, chapter two helped explain how environmental justice requirements are weaved into CEQA law and processes. Further, it discussed how California cities can either apply effective EJ practices while avoiding harmful strategies. The next chapter sets the stage of this report's research area, the San Francisco Bay Area region located in the state of California. Later, chapters four and five examine how the concepts, theories, laws, practices, and strategies described in this chapter are implemented in the Bay Area.

CHAPTER 3

THE SAN FRANCISCO BAY AREA REGION:
THE HEART OF INNOVATION AND DIVERSITY, YET
ENVIRONMENTALLY UNJUST?

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The San Francisco Bay Area is commonly known as the home of the Silicon Valley or the “cradle” of innovation in the United States where successful giant tech industries such as Google, Facebook, Netflix, Oracle, and Cisco systems first started. At the same time, the Bay Area is one of the most racially diverse regions in California. Cities such as Hayward, San Jose, Richmond, and Santa Clara have been ranked as some of the most ethno-racially and linguistically diverse communities in the country (Brekke 2015). Yet the region faces major challenges, including population growth, gentrification, housing displacement, poverty, suburban sprawl, and climate change (Association of Bay Area Governments and Metropolitan Transportation Commission 2013, 1–6). Effective and inclusionary city planning and California Environmental Quality Act (CEQA) processes play critical roles in addressing this mosaic of challenges. This complexity, combined with the region’s racial and ethnic makeup, makes the San Francisco Bay Area an ideal location to study how cities engage communities of various cultural backgrounds in environmental justice issues that may negatively affect them. Additionally, the region provides opportunities to consider potential tools and strategies to improve inclusionary engagement and outcomes within the CEQA process.

The sections ahead discuss how the Bay Area is a suitable location for this research report and provides examples of environmental injustices in the region.

3.1: The Case for the Bay Area as an Ideal Study Site

The Bay Area is a region in northern California that sits along the coast of the Pacific Ocean and surrounds the San Francisco, Suisun, and San Pablo estuaries (Bay Conservation and Development Commission 2007). With a population of about 7.2 million, the region has nine counties and 101 cities, including San Francisco and San Jose, two of the largest cities in the Bay Area (Association of Bay Area Governments 2015). In terms of ethnic composition, 40 percent of Bay Area residents are White, 23 percent are Hispanic or Latino, 23 percent are of Asian descent, 6 percent are African American, and the remainder are either Native Americans, Alaska Native, Native Hawaiian and Pacific Islanders, some other race, or of two or more other races (Association of Bay Area Governments 2015). Meanwhile, about nine percent of Bay Area residents live in poverty. According to “Plan Bay Area,” about “one-fifth of the Bay Area’s total population lives in areas with large numbers of low-income and minority populations” (Assoc. of Bay Area Gov. and the Metro. Transp. Comm. 2013, 6).

The Bay Area attracts people not only from elsewhere in the U.S., but from worldwide points of origin. The population of the Bay Area is projected to grow to about nine million by the year 2040 (Assoc. Bay Area Gov. and the Metro. Transp. Comm. 2013, 1). Latinos are expected to become the majority, growing from 23 percent to 35 percent of the total Bay Area population by 2040 (Figure 3) (Assoc. Bay Area Gov. and the Metro. Transp. Comm. 2013, 8). Asians are expected to increase from 21 percent to 24 percent by 2040 (Assoc. Bay Area Gov. and the Metro. Transp. Comm. 2013,

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8). Meanwhile, the 40 percent out of the 2.6 million households in the Bay Area that are in the low and very-low income categories are expected to increase to 43 percent by 2040 (Figure 4) (Assoc. Bay Area Gov. and the Metro. Transp. Comm. 2013, 37).

Known as “communities of concern,” metropolitan organizations in the Bay Area have identified areas where low-income and minority communities reside. Moreover, communities of concern are defined as “concentrations of socioeconomically disadvantaged or vulnerable populations” in the San Francisco Bay Area (Assoc. of Bay Area Gov. and the Metro. Transp. Comm. 2013, 20; California Department of Transportation, Division of Transportation Planning, Office of Policy Analysis & Research 2003, 134).

Sources: 2010 Census, California Department of Finance, ABAG

Image Source: Assoc. Bay Area Gov. and the Metro. Transp. Comm. 2013, 8

Figure 3: Share of Bay Area by Race and Ethnicity, 2010 and 2040

Sources: U.S. Census; Karen Chapple and Jacob Wegmann, *Evaluating the Effects of Projected Job Growth on Housing Demand*, 2012

Image Source: Assoc. Bay Area Gov. and the Metro. Transp. Comm. 2013, 8

Figure 4: Bay Area Households by Income Category

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To visualize where these groups of people are in the Bay Area, refer to the following figures:

1) Figure 5 produced by the California Environmental Protection Agency and Office of Environmental Health Hazards Assessment (CA OEHHHA) (2014, 3) highlights the concentration of minority groups, or non-White communities, in the Bay Area.

2) Figure 6 crafted by the Metropolitan Transportation Commission (MTC) (2001a) illustrates where in the Bay Area low-income communities are located.

3) Figure 7 also published by MTC (2001b) shows where communities of concern are in the Bay Area.

4) Figure 8 depicts geospatial linguistic isolation of communities that speak less English “less than very well.” Map created by the United States Census Bureau (2012).

5) Figure 9 by the Bay Area Air Quality Management District (BAAQMD) (2014, 6, 14) depicts Bay Area communities most impacted by air pollution, such as carcinogenic toxic air contaminants (diesel particulates, benzene, formaldehyde, and others), particulate matter 2.5 ($PM_{2.5}$), and ozone.

6) Figure 10, also by BAAQMD (2014, 17) displays Bay Area communities most at risk for getting cancer, most exposed by $PM_{2.5}$ and ozone pollutants individually.

7) Figure 11, is an online map known as “CalEnviroScreen 2.0” that uses a comprehensive set of data to depict communities impacted and most vulnerable to environmental injustice related problems (CA OEHHHA) (2015, 10). For example, CalEnviroScreen 2.0 weighs population data from low-income, minority, and sensitive (children, elderly, etc) communities, including other negatively impacted socioeconomic groups against exposures to seven indicators of pollution (from air, water, food soil) and environmental effect indicators such as lack of access to ecosystem services and stress from living in environmentally degraded places.

Race/Ethnicity

Population non-white or Hispanic/Latino (%)

Figure 5: Race/Ethnicity Map of the Bay Area

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Figure 6: MTC Map of Bay Area Communities in Poverty

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Figure 7: MTC Map of Bay Area Communities of Concern

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Linguistic Isolation Tracts 2012

Ability to speak English (less than "very well") for the population 5 years and over by language spoken at home at Census Tract level. ACS 2012 (5 year).

Eduardo Escalona, Region IV GIS/IT Team; Source: U.S. Census Bureau ACS 2012 (5 year) | Esri, HERE, DeLorme, NGA, USGS | Esri, HERE, DeLorme

Figure 8: Census Bureau Linguistic Isolation Map

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Figure 9: BAAQMD Map of Communities Most Impacted by Air Pollution

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Figure 10: BAAQMD Map of Bay Area communities at risk of cancer and exposed to PM_{2.5} and Ozone.

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CalEnviroScreen 2.0 Map of Impacted Communities in the Bay Area

Figure 11: CalEnviroScreen 2.0 Map of Most Impacted and Vulnerable Communities in the Bay Area.

3.1.2. Two Environmental Justice Challenges Unique to the Bay Area

Chevron Refinery in Richmond CA

Richmond is predominantly a working class, low-income, African American, and diverse minority community (Communities for a Better Environment 2014). Although several Chevron facilities are sited in Richmond, the most notable one is a 3,000-acre refinery, which has been documented to have caused several health risks to Richmonders. Storing more than “11 million pounds of toxic, explosive, and corrosive chemicals” near highly populated areas of Richmond, the refinery has been prone to significant mishaps (Sherman 2004). There have been reports of 304 accidents between 1989–1995, including leaks, toxic gas releases, spills, fires, flaring, air contamination, and explosions (Sherman 2004). All

of this contributes to “high rates of asthma, cancer, and heart disease among Richmond residents” (Communities for a Better Environment 2014). The most recent tragedy was in 2012 where a massive explosion hospitalized 15,000 Richmonders and 19 workers (Communities for a Better Environment 2014). While Chevron’s refinery continues to be Richmond’s largest local polluter and the biggest industrial greenhouse gas emitter in California, the company is continuing to find ways to expand its facilities (Communities for a Better Environment 2014; Sherman 2004). Local EJ organizers, however, have pushed back against the expansion proposals and have filed lawsuits for the injustices inflicted on the disenfranchised communities living in Richmond (Communities for a Better Environment 2014).

Source: <http://tiny.cc/>

Chevron Refinery Explosion in Richmond, CA

CHAPTER 3 THE SAN FRANCISCO BAY REGION

Asbestos in Alviso, San Jose CA

Home to a sewage treatment plant and several capped and active landfills, the predominant Latino community of Alviso sits at the southern tip of the San Francisco Bay (Worth 2001). The entire town was considered to be a Superfund site in 1986 by the Environmental Protection Agency (EPA) after “2,500 dump-truck loads of asbestos rocks” were used to build flood-control levees in response to El Niño storms (Rogers 2010; Worth 2001). The serpentine rock is known to cause lung diseases and cancer either immediately or years after exposure (Rogers 2010). Moreover, asbestos was found in four dirt truck yard parking lots and three closed landfills (Rogers 2010). Asbestos concentrations were up to 40 percent, well above EPA’s acceptable levels of 1 percent. “Air tests in 1987 found asbestos levels in Alviso’s air up to six times higher than air outside the community (Rogers 2010).

Until recently, between 1994 and 2011, cleanup efforts made by the EPA have improved the health of Alviso residents (Rogers 2010). However, Alviso is under constant attack from environmental injustices. For example, San Jose’s original intent when annexing Alviso was to build an airport, but the proposal did not go through (Butler 2001). Nonetheless, the City of San Jose City Council voted to approve the “world’s largest internet supply complex” proposed by US DataPort in 2001. This complex will generate energy and diesel energy pollutants equivalent to 180,000 homes (Butler 2001). However, it is unclear if the internet server project has been constructed. Few reports in 2003 have confirmed the construction of a new power plant that would support US DataPort, but not the server itself (Zapler 2003).

Alviso was declared a Superfund site in 1986 after asbestos was found in three places: rocks in a levee, in dirt truck yards and in former landfills. After years of cleanup, new tests of air and soil by the Environmental Protection Agency have found no significant health risk.

Map Illustrating Asbestos Releases in Alviso

Chapter 3 Recap and What is Ahead

This chapter discussed the disproportionate burdens Bay Area low-income and minority communities face on a day-to-day basis. The power of data, maps, and local stories all contributed into the illustration of how the Bay Area is an ideal location for this research report. The following chapter delves into the methods employed in this study, including the outcomes of a select few.

CHAPTER 4

PREPARING FOR INTERVIEWS WITH CITY OFFICIALS TO
EXPLORE LINKAGES BETWEEN EJ AND CEQA'S PUBLIC
PARTICIPATION PROCESS

CHAPTER 4 PREPARING FOR INTERVIEWS WITH CITY OFFICIALS

Chapter four discusses this report’s research question and hypothesis. This chapter also describes the document analysis methods used to create adequate phone interview questions for participating Bay Area cities. Moreover, chapter four explains how the document analysis findings set the framework for conducting qualitative analysis methods of Bay Area phone interview responses.

4.1: The Research Question

How can San Francisco Bay Area cities effectively increase the meaningful participation of low-income and minority communities through the CEQA process to address environmental justice issues?

The words “meaningful participation” in this report’s research question is defined in President Clinton’s Executive Order 12898 as:

(1) People have an opportunity to participate in decisions about activities that may affect their environment and/or health; (2) the public’s contribution can influence the regulatory agency’s decision; (3) its concerns will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected. (United States Environmental Protection Agency 2015)

This research focused on numbers one and four of Executive Order 12898’s definition of “meaningful participation.”

4.2: Developing a Hypothesis to Address the Research Question

Since there is no environmental justice resource area covered in CEQA, many environmental and social justice advocacy organizations have found CEQA-related environmental impact assessment processes to be incomplete. A resource area is also known as an environmental factor per CEQA’s “Appendix G Environmental Checklist Form” (City of Irwindale 2009, 3.7–1). Therefore, these organizations have taken action. For example, they have filed lawsuits on sustainable communities strategies (SCS) developed by regional governments in response to California Senate Bill 375 (Steinberg) passed in 2008. Senate Bill 375, the Sustainable Communities Act “supports the state’s climate action goals to reduce greenhouse gas (GHG) emissions through coordinated transportation and land use planning with the goal of more sustainable communities” (CA Air Resources Board 2015). Legal settlements were reached in 2011 and 2014 for the SCS EIRs produced by the San Diego area and the San Francisco Bay Area. Organizations involved in the court decisions were environmental non-profits like the Sierra Club, Center for Biological Diversity, Earthjustice, and

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Communities for a Better Environment (Hsiao et al. 2012, 2; Dawid 2014). In the case of the San Francisco Bay Area, a press release issued by Earthjustice (2014) described the court order as an injunction for the Bay Area metropolitan planning organization's SCS EIR to:

- Require more honest accounting of the plan's effects on greenhouse gas emissions;
- Provide the public with information on how the areas targeted for housing growth, the "Priority Development Areas," will be able to grow successfully and sustainably into the future (i.e., whether they are adequately served by public transportation, whether they are susceptible to sea-level rise).
- Examine how freight movement in the area harms already vulnerable communities, and take measures to mitigate those harms.

The press release addressed an environmental justice concern in the third bullet point. As Maya Golden-Krasner, a staff attorney for the Communities for a Better Environment organization described, "This settlement requires the agencies to create a real plan for reducing the harmful pollution from trucks and trains moving freight through already highly polluted communities" (EarthJustice 2014).

California Attorney General Kamala Harris has responded to this EJ-related deficiency by clarifying the current EJ requirements needed in EIRs. She illustrated how EIRs "should pay special attention to whether a project might cause additional impacts to communities that are already affected by, or particularly vulnerable to, environmental impacts like air and water pollution" (California Department of Justice 2015). Furthermore, Harris has reminded local and regional governments about OPR's recommendation to "squarely address environmental justice" in all planning efforts (California Department of Justice 2015). Harris (2012, 3) also communicated that "specific provisions of CEQA and its Guidelines" require local lead agencies to consider "how the environmental and public health burdens of a project might specially affect certain communities." Similar to what research has shown, Harris discussed how the following EIR sections must include EJ-related requirements:

- 1) environmental setting
- 2) cumulative impact
- 3) alternatives
- 4) mitigation

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Otherwise, agencies need to transparently describe why projects with unmitigated significant impacts were approved in their statements of overriding consideration (Harris 2012, 3–6).

The National Environmental Policy Act (NEPA) oftentimes requires environmental justice assessments for projects that are federally funded or on federal land. Particularly in transportation impact review, this work has been well documented since the late 1990s and has expanded to the rest of NEPA's impact assessment process, with its own resource area (Forkenbrock and Schweitzer 1999, 96_111; Walker 2010, 315; United States Department of Housing and Urban Development 2014, 39). While NEPA creates a clear path to assess EJ, CEQA makes it convoluted. In conjunction with California public resource codes, CEQA's EJ requirements are buried deep within its long list of provisions. This framework assumes local governments will make a good-faith effort to practice environmental justice requirements. However, since practitioners may not be aware of such regulations, organizations are forced to file lawsuits on such EJ inadequacies. Consequently, California State agencies respond to this void by reminding local governments to follow existing EJ requirements.

Based on this context, the hypothesis to this planning report is that the level of pursuit to practice effective strategies to increase the meaningful participation of low-income and minority communities in the CEQA process may vary from city to city. I postulate that the effective actions taken by cities to include minority and low-income communities in the CEQA process depend on the resources, experience, organizational capacity, funds, interest, and/or incentive planning departments have in order to properly address environmental justice through CEQA processes. Thus, this hypothesis suggests that there is room for cities to improve their professional practice.

4.3: Methods to Answer the Research Question and Test the Hypothesis

Three sets of qualitative methods were employed in this study:

- 1) A document analysis of guides or tools published by California state agencies. These resources needed to provide local jurisdictions direction on how to adequately address environmental justice requirements through the California Environmental Quality Act (CEQA).
- 2) The production of phone interview questions for Bay Area cities based upon on the findings gleaned from the document analysis.
- 3) The implementation and analysis of phone interview surveys with 10 Bay Area planning directors in order to answer the research question and test the hypotheses.

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The phone interview survey questions were asked of planning directors in Bay Area cities because they are involved in deciding the planning department's strategic approach to CEQA processes. Cities with at least a 30 percent minority population and 10 percent persons in poverty were selected for phone interviews. This protocol targeted jurisdictions that may often encounter low-income and minority communities in the CEQA process. Setting these limits to phone interviews also allowed adequate time to complete this study.

A number of coding and theming methods were used in order to categorize the document analysis and the interview findings as comprehensibly as possible.

For a more specific descriptions of the methods, please go to Appendix B. The phone interview questions can be found in Appendix C. Other phone interview supporting materials are located in Appendices D, E, F, and G.

See Figure 12 for the experimental design of this report. It describes the overall structure of this study by encapsulating everything discussed from the first chapter to this current chapter.

Figure 12: Experimental Design of this Research Report

4.4: The Lack of Guidance on Addressing EJ Through CEQA

No best practices document for environmental justice considerations under CEQA was found. Nonetheless, four best practices documents that included general rather than specific discussions on environmental justice and CEQA were found and analyzed:

- 1) **California Air Pollution Control Officers Association** - “Model Policies for Greenhouse Gases in General Plans”
- 2) **California Office of Environmental Health Hazard Assessment** – “Indicators of Climate Change in California: Environmental Justice Impacts”
- 3) **California Department of Transportation, Division of Transportation Planning Office of Policy Analysis & Research** – “Environmental Justice in Transportation Planning and Investments”
- 4) **California Environmental Protection Agency and Office of Environmental Health Hazard Assessment** – “Cumulative Impacts: Building a Scientific Foundation”

These best practices documents referred to other resources CEQA practitioners can use regarding EJ theory and practice; go to the Reference List section of this report in order to find these resources online. It must be noted that most of these were either found or referred from the State of California Attorney General’s Office website, including in Harris’ (2012, 3, 6) “Environmental Justice at the Local and Regional Level: A Legal Background.”

4.4.1: Document Analysis Coding Results

Themes

Two themes emerged from the document analysis of the four resources:

- 1) **Environmental Justice Assessment Tools** – Instruments that can aid public sector planners to measure social, economic, health, or physical impacts on low-income and minority communities per Initial Study or EIR section.
- 2) **Low-Income and Minority Engagement Best Practices** – Strategies or tactics public sector planning practitioners can utilize when conducting public outreach with low-income and minority communities in the CEQA process.

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Subthemes and Codes

The document analysis revealed a trending pattern of three subthemes of environmental justice assessment tools:

- 1) **Transportation Impact Assessment** – Any form of transportation analysis that identifies a negative effect on the environment, therefore, people.
- 2) **Cumulative Impact Assessment** – Analysis methodology that evaluates a multitude of impacts on the environment (includes people) at once. For example, a community can breathe in multiple pollutants at once or have no access to open space and local city parks.
- 3) **Climate Change Impact Assessment** – The measurement of impacts from climate change that negatively affects the environment and people.

Seven codes were created under the Environmental Justice Assessment Tool Theme (theme 1) to categorize what the assessment tools (subthemes) analyzed:

- 1) **Human Health Indicators and Vulnerabilities** – Data that may impact the health of subgroups. For example: access to aesthetically pleasing areas, proximity to polluting emission sources, life expectancy rates, asthma prevalence, exposure to urban heat, cancer risks, or percentage of low-weight births.
- 2) **Social and Economic Indicators** – Factors that identify, quantify, or impact specific groups of people or their economic status. Examples include: percentage of low-income and minority populations, population changes by race and ethnicity, community capacity, poverty levels, property values, or housing price-to-wage-relationships.
- 3) **Alternative Transportation Choices** – Information that helps determine mobility and/or safety of subgroups, such as: pedestrian and bicycle facility conditions, traffic calming measures, or transit travel time to job centers.
- 4) **Compliance Indicators** – Information about enforceable violations pollution-emitting facilities have undertaken.
- 5) **Community Health Objective Targets** – Goals that cities and communities create together to reach a healthy state.
- 6) **Community-Initiated Assessments** – A solution to limited pollution data by working with Community Based Organizations and residents to monitor and collect pollution information.

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- 7) **Environmental Indicators and Vulnerabilities** – Environmental Setting information about the natural habitat people depend on, such as air or water. These factors include: air quality, noise, canopy cover, vegetative cover, or community-level temperature data.

Meanwhile the Low-Income and Minority Engagement Best Practices Theme (theme 2) had one subtheme:

- 1) **Active and Inclusive Outreach** – Agencies that are proactive in providing an open and equitable participation process.

Theme 2 had nine codes:

- 1) **Guiding Principles** – A code of ethics or honor when working with low-income and minority communities, such as: sincerity, trust, solicitation of participation, clear purpose, scheduling, and process, and a vow to eliminate or mitigate any potential adverse impacts.
- 2) **Meeting Organizing** – Guidelines for coordinating an informal public input meeting with minority and low-income communities, including: consideration of time of the meeting (e.g., for people who work more than one job), accessible and familiar meeting venues, and providing services such as child care or free transit passes.
- 3) **Collaboration with Community-Based Organizations** – Utilizing available resources from experts who are highly acquainted with the community.
- 4) **Communication Strategies** – Ensuring that information is understood through nontraditional means, such as verbal and printed translations or graphics.
- 5) **Outreach Media** – Advertising project or community meetings through nontraditional media that will be accessed by low-income and minority communities, such as church bulletins, ethnic media, or school handouts.
- 6) **Public Input Meeting Designs** – Informal meeting arrangements that foster participation and retrieval of questions, concerns, comments, or recommendations. Practices include: brainstorming sessions, visioning processes, charrettes, small group-facilitated dialogues, or thought-provoking graphic materials or presentations.
- 7) **Cognizance of Community's Experiences** – Being thoughtful of a community's past experiences with top-down, undemocratic government processes can help advance better processes. For instance, some people have never attended a public meeting and lack experience in such settings, or they may not attend because they feel inadequate in providing meaningful input. These are challenges CEQA practitioners can consider when undertaking public participation processes.

- 8) **Outreach Tabling** – Like outreach media, CEQA practitioners can table at nontraditional areas to reach minority and low-income subgroups, such as at senior centers, PTA meetings, sporting events, religious congregations, local schools, or at transit stops.

4.4.2: CEQA Laws Connected to Codes Under Theme 1- “Environmental Justice Assessment Tools”

The best practice documents analyzed in this study can assist CEQA practitioners to meet EJ considerations under CEQA law. For example, Harris (2012, 3) refers to CEQA Statutes and Guidelines Section 15064(a), (b), and (e) and discusses that an EIR is required if there is a significant impact on the physical environment resulting from social and economic factors. Three key words- “social”, “economic”, and “environment”- in these CEQA laws are directly connected with two of the following codes identified in the document analysis:

- 1) social and economic indicators
- 2) environmental indicators and vulnerabilities.

According to CEQA Statutes and Guidelines 15064(b) and 15300.2(a) and California Public Resource Code Section 21083(b)(3) the identification of significant impacts, including cumulative impacts, must be addressed in the Environmental Setting of an IS and/or EIR (Harris 2012, 3). The cumulative impacts in CEQA, however, should not be mistaken for the definition of an impact assessment. In CEQA, a cumulative impact is defined as “the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (Harris 2012, 4). All codes identified in this analysis were connected with the above mentioned CEQA laws (Table 1). However, the remaining five codes were linked with other CEQA laws (Table 2). Please turn to the following pages to view the tables.

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Table 1: “Blanket” CEQA Laws Related to All Codes for Theme 1, “Environmental Justice Assessment Tools”

Table Created by Author

CEQA Laws	CEQA Law Descriptions
Kings County Farm Bureau v. City of Hanford (California Appellate Court), CEQA Statutes and Guidelines Section 15064 (b), and 15300.2(a)	Where the project is located, or its “setting,” is highly dependent on whether the project may have significant impacts (Harris 2012, 3; Ramo (2013, 79). For example, if there is a community that is sensitive to a particular pollutant or has been exposed to such contaminants, then a project should be considered significant.
CEQA Statutes and Guidelines Section 15131(a)-(c), 15604(e), and 15382	“Although CEQA focuses on impacts to the physical environment, economic and social effects may be relevant in determining significance under CEQA” (Harris 2012, 4; University of California Hastings Law Research Institute, American Bar Association 2010, xiii and 33; Corburn 2006, 145; Ramo 2013, 61, 64, and 68).
California Public Resource Code Section 21083(b)(3)	A project’s impact may seem insignificant on its own, but if other past, current, and future projects are accounted for, then they are “cumulatively considerable” and significant (Harris 2012, 3; Ramo 2013, 70).

Table 2: CEQA Laws Related to Specific Codes for Theme 1, “Environmental Justice Assessment Tools”

Table Created by Author

Analyzed Codes	CEQA Laws	CEQA Law Descriptions
Human Health Indicators and Vulnerabilities	<ul style="list-style-type: none"> California Public Resource Code Section 21002 California Public Resource Code Section 21083(b)(3) CEQA Statutes and Guidelines Section 15126.2 	<ul style="list-style-type: none"> Humans are a part of the environment (Harris 2012, 2) Indirect or direct significant impacts on the environment from a project will also have adverse effects on people (Harris 2012, 2). Significant impacts caused by projects could be hazardous to people (Harris 2012, 2).

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Analyzed Codes	CEQA Laws	CEQA Law Descriptions
Social and Economic Indicators	<ul style="list-style-type: none"> • See “blanket laws” from table one. • CEQA Statutes and Guidelines 15004 	<ul style="list-style-type: none"> • See blanket laws from table one. • Negative Declarations and EIRs “should be prepared as early as feasible in the planning process.” Findings of potential environmental, social, and economic impacts or findings can help shape a project or its alternatives (Ramo 2013, 61)
Alternative Transportation Choices	<ul style="list-style-type: none"> • Public Resource Code Section 21000 (d) 	<ul style="list-style-type: none"> • Health and safety of people as a threshold and any adverse impacts must be prevented (Harris 2012, 2).
Community Health Objective Targets	<ul style="list-style-type: none"> • See “Human Health Indicators and Vulnerabilities” code 	<ul style="list-style-type: none"> • See “Human Health Indicators and Vulnerabilities” code
Compliance Indicators	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines Section 15097(a) • CEQA Statutes and Guidelines Section 15126.4 (a)(2) 	<ul style="list-style-type: none"> • Local agencies need to adopt mitigation and monitoring or reporting programs from significant impacts identified in a project (Harris 2012, 5). • “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments” (Harris 2012, 5).

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Analyzed Codes	CEQA Laws	CEQA Law Descriptions
Community-Initiated Assessments	<ul style="list-style-type: none"> Guidelines Section 15097(a) 	<ul style="list-style-type: none"> See “Compliance Indicators” code above.
Environmental Indicators and Vulnerabilities	<ul style="list-style-type: none"> California Public Resource Code Section 21000(g) 	<ul style="list-style-type: none"> “Major consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian” (Harris 2012, 3).

4.4.3: CEQA Laws Connected to Codes from Theme 2- “Low-Income and Minority Engagement Best Practices”

Many of the codes under Theme 2-Low-Income and Minority Engagement Best Practices also work in conjunction with CEQA law. For example, according to the 2014 CEQA Statutes and Guidelines section 15002 (j), a Lead Agency is required to promote and respond to comments from the public when:

- 1) A negative declaration or mitigated negative declaration is determined (detailed under Section 15073 (a).
- 2) The lead agency has consulted with member(s) of the public who requested a written notice (Section 15086 (b)(2)).
- 3) A draft EIR is completed and if a member(s) of the public comments on it (Sections 15087(1)(a) and 15088) (Assoc. of Env. Prof. 2014, 114, 139, and 148–150).

Under the 2014 CEQA Statutes and Guidelines section 15021 it is recommended, but not required, for a lead agency to organize public participation meetings (Assoc. of Env. Prof. 2014, 215). See Table 3 and Table 4 for more connections between the analyzed codes and CEQA laws.

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Table 3: “Blanket” CEQA Laws Related to All Codes for Theme 2, “Low-Income and Minority Engagement Practices”

Table Created by Author

CEQA Laws	CEQA Law Descriptions
CEQA Statutes and Guidelines Sections 15002(j)	Public notice, input solicitation and/or response to public comments are required under Sections 15073, 15087, and 15088. Other sections relevant to this are 15105 and 15072 (Association of Environmental Professionals 2014, 113).
CEQA Statutes and Guidelines Section 15073	“A lead agency shall provide a notice of intent to adopt a negative declaration or mitigated negative declaration to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by the lead agency of the negative declaration or mitigated negative declaration to allow the public and agencies the review period provided under Section 15105” (Association of Environmental Professionals 2014, 139).
CEQA Statutes and Guidelines Sections 15072 and 15105	A public review period is required when a Negative Declaration (ND) or Mitigated Negative Declaration (MND) has been proposed for no less than 20 days by a Lead Agency (Association of Environmental Professionals 2014, 138 and 159). However, no response to the public is required during a public review period for NDs or MNDs.
CEQA Statutes and Guidelines Section 15087	Public notice must be disseminated when a draft EIR is available. Specific verbatim requirements of the notice is defined in this section and the law encourages providing additional notices (Association of Environmental Professionals 2014, 148-151).
CEQA Statutes and Guidelines Section 15088, 15088.5 and 15105	A public review period is required when a draft EIR is available for 30 days and if it is recirculated if major changes to a project has been made. “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response” (Association of Environmental Professionals 2014, 150-151, 159).

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Table 4: CEQA Laws Related to Specific Codes for Theme 2, “Low-Income and Minority Engagement Practices”

Table Created by Author

Analyzed Codes	CEQA Laws	CEQA Law Descriptions
Guiding Principles	<ul style="list-style-type: none"> Communities for a Better Environment v. City of Richmond, 2010 California Appellate Court, 4th District Federation of Hillside and Canyon Assns. v. City of Los Angeles , 2000 83 California Appellate Court, 4th District 1252, 1261 CEQA Statutes and Guidelines Sections 15064 	<ul style="list-style-type: none"> Requirement to have an open public participation process when developing mitigation measures (Harris 2012, 5). “The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded” (Harris 2012, 5). It is required for a Lead Agency to “consider the views held by the public” in determining impacts are significant during the Initial Study phase of a CEQA process (Association of Environmental Professionals 2014, 215).
Meeting Organizing	<ul style="list-style-type: none"> CEQA Statutes and Guidelines Section 15201 	<ul style="list-style-type: none"> Public participation either through formal or informal meetings are highly recommended throughout the CEQA process, but not required (Association of Environmental Professionals 2014, 215).
Collaboration with Community-Based Organizations	<ul style="list-style-type: none"> CEQA Statutes and Guidelines section 15083 CEQA Statutes and Guidelines section 15064(c) 	<ul style="list-style-type: none"> Highly recommends to seek early consultation about project impacts during the drafting of an EIR (Association of Environmental Professionals 2014, 146) See “Guiding Principles” code above.

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Analyzed Codes	CEQA Laws	CEQA Law Descriptions
Communication Strategies	<ul style="list-style-type: none"> CEQA Statutes and Guidelines Section 15140 El Pueblo Para el Aire y Agua Limpio v. County of Kings, 1991, California Superior Court 	<ul style="list-style-type: none"> EIRs must be understandable by public (Association of Environmental Professionals 2014, 146). EIRs and other CEQA documents such as public hearing notices, and public testimony invitations should be translated in the primary language of an affected community (Ramo 2013, 71; Environmental Law Reporter 1992).
Outreach Media	<ul style="list-style-type: none"> CEQA Statutes and Guidelines Section 15097(a) and (b) 	<ul style="list-style-type: none"> Public notice is recommended through various means and at the discretion of the Lead Agency (Association of Environmental Professionals 2014, 146).
Public Input Meeting Designs	<ul style="list-style-type: none"> CEQA Statutes and Guidelines 15201. 	<ul style="list-style-type: none"> See “blanket” laws above.
Cognizance of Community’s Experiences	<ul style="list-style-type: none"> CEQA Statutes and Guidelines 15201. 	<ul style="list-style-type: none"> See “blanket” laws above
Outreach Tabling	<ul style="list-style-type: none"> CEQA Statutes and Guidelines 15201. 	<ul style="list-style-type: none"> See “blanket” laws above

4.5: Using the Available Best Practices Documents, Scholarly Articles, and CEQA Law to Create Phone Interview Survey Questions

In addition to the document analysis, 20 peer-reviewed articles and 10 other journal articles were reviewed, analyzed, and synthesized. These resources provided the opportunity to explore how cities can effectively respond to EJ concerns through CEQA processes. Moreover, these documents assisted with the formation of survey questions to Bay Area cities.

The phone interview questions considered the following criteria:

- 1) CEQA compliance for low-income and minority community engagement and environmental justice impact analyses based on the literature review and document analysis conducted.
- 2) Best strategies and practices for low-income and minority community engagement during CEQA processes from the document analysis. Please note that best practices or strategies are not necessarily required under CEQA, but may be encouraged, and thus, up to the discretion of cities to implement.
- 3) Research question and hypothesis of this research.

In total, 17 questions were created among which:

- 1) Six were related to CEQA compliance
- 2) Eight were associated with best practices of low-income and minority engagement during CEQA processes.
- 3) Three helped answer the research question and hypothesis of this report (Table 3).

Appendix C includes all the questions asked during the phone interview process, including the script used when interviewing participants. Appendix D includes the instructions and questions provided to interviewees when they agreed to partake in the phone survey.

4.5.1: An Example of Tying CEQA-Related Laws to Phone Interview Questions

The following example illustrates how the document analysis influenced the phone interview questions to include CEQA laws. For example, question 2 asked the following:

How often does your department consider low-income and minority communities' ability to understand CEQA-related information on proposed projects that may affect them?

Always, Mostly, Sometimes, Rarely, Never?

Would you like to add any comments to your response?

Question 2 is connected to three key CEQA-related laws, including:

- 1) CEQA Statutes and Guidelines Section 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" (Assoc. of Env. Prof. 2014, 146).
- 2) *El Pueblo Para el Aire y Agua Limpio v. County of Kings*, 1991, California Superior Court- EIRs and other CEQA documents such as public hearing notices and public testimony invitations should be translated in the primary language of an affected community (Ramo 2013, 71; Environmental Law Reporter 1992).
- 3) *Communities for a Better Environment v. City of Richmond*, 2010 California Appellate Court, 4th District- Requirement to have an open and accessible public participation process with affected neighborhoods when developing mitigation measures (Harris 2012, 5).

Below is a table that can help explain how each question is connected to a CEQA law or more (Table 5). In turn, the information in Table 5 provided guidance about whether or not a city may possibly be in violation as discussed in chapter five.

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Table 5: Cross-Analyzing the Phone Interview Questions with CEQA-Related Laws

Phone Interview Questions	Related CEQA Laws	CEQA Law Descriptions
<p>Question 2:</p> <p>How often does your department consider low-income and minority communities' ability to understand CEQA-related information on proposed projects that may affect them?</p> <p>Always, Mostly, Sometimes, Rarely, Never?</p> <p>Would you like to add any comments to your response?</p>	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines Section 15140 • El Pueblo Para el Aire y Agua Limpio v. County of Kings, 1991, California Superior Court • Communities for a Better Environment v. City of Richmond, 2010 California Appellate Court, 4th District 	<ul style="list-style-type: none"> • "EIRs shall be written in plain language and may use appropriate graphics so that decision makers and the public can rapidly understand the documents" (Association of Environmental Professionals 2014, 146). • EIRs and other CEQA documents such as public hearing notices, and public testimony invitations should be translated in the primary language of an affected community (Ramo 2013, 71; Environmental Law Reporter 1992). • Requirement to have an open and accessible public participation process with affected neighborhoods when developing mitigation measures (Harris 2012, 5).
<p>Question 2b(i):</p> <p>When considering low-income and minority communities' ability to understand CEQA-related information, does your department produce any of the following communication practices? For example, does your department produce: Plain-English Documents?</p>	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines Section 15140- 	<ul style="list-style-type: none"> • See above in Question 2.

Table Created by Author

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Phone Interview Questions	Related CEQA Laws	CEQA Law Descriptions
<p>Question 2b(ii):</p> <p>When considering low-income and minority communities...does your department produce: Translated Documents?</p>	<ul style="list-style-type: none"> CEQA Statutes and Guidelines Section 15140- 	<ul style="list-style-type: none"> See above in Question 2.
<p>Question 2b(iii):</p> <p>When considering low-income and minority communities...does your department produce: Translation services at community and public meetings?</p>	<ul style="list-style-type: none"> El Pueblo Para el Aire y Agua Limpio v. County of Kings, 1991, California Superior Court- 	<ul style="list-style-type: none"> See above in Question 2.
<p>Question 2b(iv):</p> <p>When considering low-income and minority communities...does your department produce: Readable graphics in documents?</p>	<ul style="list-style-type: none"> CEQA Statutes and Guidelines Section 15140- 	<ul style="list-style-type: none"> See above in Question 2.

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Phone Interview Questions	Related CEQA Laws	CEQA Law Descriptions
<p>Question 3:</p> <p>How often does your department involve potentially affected low-income and minority communities to identify, mitigate, and avoid significant impacts caused by project in the CEQA process?</p>	<ul style="list-style-type: none"> Communities for a Better Environment v. City of Richmond, 2010 California Appellate Court, 4th District Harris (2012, 5)- 	<ul style="list-style-type: none"> See above in Question 2. "Where a local agency adopts a monitoring or reporting program related to the mitigation of impacts to a particular community or sensitive subgroup, its monitoring and reporting necessarily should focus on data from that community or subgroup."
<p>Question 3e(iv):</p> <p>How early in the CEQA process does your department typically involve low-income and minority communities to identify, mitigate, and avoid significant impacts? For example, does your department involve these communities during the: Negative Declaration Process?</p>	<ul style="list-style-type: none"> CEQA Statutes and Guidelines 15004 CEQA Statutes and Guidelines Sections 15072 and 15105 	<ul style="list-style-type: none"> Negative Declarations and EIRs "should be prepared as early as feasible in the planning process." Findings of potential environmental, social, and economic impacts or findings can help shape a project or its alternatives (Ramo (2013, 61). A public review period is required when a Negative Declaration has been proposed for no less than 20 days (Neg Dec) or Mitigated Neg Dec is proposed by a Lead Agency (Association of Environmental Professionals 2014, 138 and 159). However, no response to the public is required during a public review period for Neg Decs or Mitigated Neg Decs.

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Phone Interview Questions	Related CEQA Laws	CEQA Law Descriptions
<p>Question 3e(vi):</p> <p>How early in the CEQA process...For example, does your department involve these communities during the: Draft EIR public review period process?</p>	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines 15004 • CEQA Statutes and Guidelines Section 15088, 15088.5 and 15105 	<ul style="list-style-type: none"> • See Question 3e(iv) above. • A public review period is required when a draft EIR is available for 30 days and if it is recirculated if major changes to a project has been made. "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response" (Association of Environmental Professionals 2014, 150-151,159)
<p>Question 3e(vii):</p> <p>How early in the CEQA process ... For example, does your department involve these communities during the decision making Process?</p>	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines Section 15074 • CEQA Statutes and Guidelines Sections 15090 and 15088 	<ul style="list-style-type: none"> • "Prior to approving a project, the decision making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process" (Association of Environmental Professionals 2014, 140) • "Prior to approving a project the lead agency shall certify that ... the final EIR was presented to the decision making body of the lead agency, and that the decision making body reviewed and considered the information contained in the final EIR prior to approving the project" (Association of Environmental Professionals 2014, 152). EIRs include inputs provided by the public, therefore decision makers should account for the public's comments (Association of Environmental Professionals 2014, 150).

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Phone Interview Questions	Related CEQA Laws	CEQA Law Descriptions
<p>Question 4:</p> <p>How often does your department advise CEQA-related information (including formal public meetings and hearings) to low-income and minority communities about a proposed project that can affect them?</p> <p>Always, Mostly, Sometimes, Rarely, Never?</p> <p>Would you like to add any comments to your response?</p>	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines Section 15073 • CEQA Statutes and Guidelines Section 15087 	<ul style="list-style-type: none"> • “A lead agency shall provide a notice of intent to adopt a negative declaration or mitigated negative declaration to the ... sufficiently prior to adoption by the lead agency of the negative declaration or mitigated negative declaration to allow the public and agencies the review period provided under Section 15105” (Association of Environmental Professionals 2014, 139). • Public notice must be disseminated when a draft EIR is available. Specific verbatim requirements of the notice is defined in this section and the law encourages providing additional notices (Association of Environmental Professionals 2014, 148–151).
<p>Question 4b(iii):</p> <p>When advertising CEQA-related information to low-income and minority communities, does your department employ any of the following practices? For example, does your department: Distribute multilingual Notice of Intent, Notice of Preparation, and Notice of Availability documents?</p> <p>Such as Project Exemptions/ Determination, Intent to Adopt a Negative Declaration, Preparation/ Availability of Initial Studies (Neg Dec/Mitigated Neg Dec) or Draft Environmental Impact Report?</p>	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines Section 15140 • El Pueblo Para el Aire y Agua Limpio v. County of Kings, 1991, California Superior Court 	<ul style="list-style-type: none"> • See above in Question 2 • See above in Question 2

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Phone Interview Questions	Related CEQA Laws	CEQA Law Descriptions
<p>Question 6:</p> <p>Although environmental justice is not a specific resource area in CEQA, how often does your department incorporate social, economic, and/or health analyses to find potentially significant impacts on the environment from a proposed project in a low-income and minority community?</p>	<ul style="list-style-type: none"> • Kings County Farm Bureau v. City of Hanford (California Appellate Court), CEQA Statutes and Guidelines Section 15064 (b), and 15300.2(a) • CEQA Statutes and Guidelines Section 15131(a)-(c), 15604(e), and 15382 • California Public Resource Code Section 21083(b)(3) • California Public Resource Code Section 21002 • CEQA Statutes and Guidelines Section 15126.2 	<ul style="list-style-type: none"> • Where the project is located, or its “setting,” is highly dependent on whether the project may have significant impacts (Harris 2012, 3; Ramo (2013, 79). For example, if there is a community that is sensitive to a particular pollutant or has been exposed to such contaminants, then a project should be considered significant. • “Although CEQA focuses on impacts to the physical environment, economic and social effects may be relevant in determining significance under CEQA” (Harris 2012, 4) Other sources include: University of California Hastings Law Research Institute, American Bar Association 2010, xiii, 33; Corburn 2006, 145; Ramo 2013, 61, 64, 68. • A project’s impact may seem insignificant on its own, but if other past, current, and future projects are accounted for, then they are “cumulatively considerable” and significant (Harris 2012, 3; (Ramo 2013, 70). • Humans are a part of the environment (Harris 2012, 2). • Significant impacts caused by projects could be hazardous to people (Harris 2012, 2).

4.5.2: An Example of How Document Analysis Helped Craft Phone Interview Questions on Best Strategies and Practices

The document analysis in this research helped create the questions used in the phone interviews. For example, question 3(b)(i) asked:

When working with low-income and minority communities to identify, mitigate, and avoid significant impacts in CEQA processes, does your department employ any of the following public input strategies? For example, does your department implement:

- i. Door-to-Door Questionnaires
- ii. Phone Surveys
- iii. Mail Surveys
- iv. Community Meetings
- v. Tabling in nontraditional locations, such as sporting events or religious congregations

The strategies and practices weaved into the phone interview questions derived from the following codes developed in the document analysis:

- **Public Input Meeting Designs** – Informal meeting arrangements that foster participation and retrieval of questions, concerns, comments, or recommendations; and
- **Outreach Tabling** – Like outreach media, CEQA practitioners can table at nontraditional areas to reach minority and low-income subgroups, such as at senior centers, PTA meetings, sporting events, religious congregations, local schools, or at transit stops.

Again, a table was developed to easily reference which question originated from which codes developed during the document analysis phase or, in other cases, from the literature review (Table 6). This table provides the rest of the phone interview questions that were asked of each city participant.

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Table 6: Cross-Analyzing the Phone Interview Questions with Document Analysis Codes and Scholarly Literature

Table Created by Author

Phone Interview Questions	Relationship to Codes and/or Literature Review	Description of Codes and/or Literature Review Information
<p>Question 3(b)(i):</p> <p>When working with low-income and minority communities to identify, mitigate, and avoid significant impacts in CEQA processes, does your department employ any of the following public input strategies? For example, does your department implement:</p> <ul style="list-style-type: none"> • Door-to-Door Questionnaires • Phone Surveys • Mail Surveys • Community Meetings • Tabling in non-traditional locations, such as sporting events or religious congregations 	<ul style="list-style-type: none"> • Public Input Meeting Designs • Outreach Tabling 	<ul style="list-style-type: none"> • “Informal meeting arrangements that foster participation and retrieval of questions, concerns, comments, or recommendations • Like outreach media, CEQA practitioners can table at non-traditional areas to reach minority and low-income sub-groups, such as at senior centers, PTA meetings, sporting events, religious congregations, local schools, or at transit stops

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Phone Interview Questions	Relationship to Codes and/or Literature Review	Description of Codes and/or Literature Review Information
<p>Question 3(c)(i-iv)- In regard to “Community Meetings” as a public input strategy, does your department implement any of the following accessibility practices when organizing meetings with low-income and minority communities? For example, does your department consider:</p> <ul style="list-style-type: none"> • Avoiding multi-cultural holidays • Holding meetings in low-income and minority communities, such as local libraries or schools • Providing child-care services • Providing free transit passes to access the meeting 	<ul style="list-style-type: none"> • Meeting Organizing 	<ul style="list-style-type: none"> • Guidelines for coordinating an informal public input meeting with minority and low-income communities, including: consideration of time of the meeting (e.g., for people who work more than one job), accessible and familiar meeting venues, and providing services such as child care or free transit passes.

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Phone Interview Questions	Relationship to Codes and/or Literature Review	Description of Codes and/or Literature Review Information
<p>Question 3(d)(i-iii):</p> <p>More on “Community Meetings” - how does your department design community meetings to solicit participation with low-income and minority communities? For example, does your department implement:</p> <ul style="list-style-type: none"> • Small groups facilitated dialogues • Brainstorming sessions • Charrettes 	<ul style="list-style-type: none"> • Public Input Meeting Designs 	<ul style="list-style-type: none"> • Informal meeting arrangements that foster participation and retrieval of questions, concerns, comments, or recommendations. Practices include: brainstorming sessions, visioning processes, charrettes, small-group facilitated dialogues, or thought-provoking graphic materials or presentations.
<p>Question 3(e)(i-iii and v):</p> <p>How early in the CEQA process does your department typically involve low-income and minority communities to identify, mitigate, and avoid significant impacts? For example, does your department involve these communities during the:</p> <ul style="list-style-type: none"> • Project determination process • Project exemption process • Initial Study process • Early Environmental Impact Report (EIR) Scoping process 	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines 15004 • Bass (1998, 88 –89) 	<ul style="list-style-type: none"> • Negative Declarations and EIRs “should be prepared as early as feasible in the planning process” (Ramo (2013, 61). Although this connected to a CEQA Guideline, it is not mandatory to involve the public during project determination, project exemption, initial study analysis, or early EIR Scoping processes. Curiously enough, however, how early are cities going beyond the minimum requirements? • Bass (1998, 88 –89) stated “environmental justice should be incorporated into NEPA at every stage of the environmental review process ... Some agencies place a very strong emphasis on public involvement ... at the scoping and public notice phases.” This could also be applied with CEQA since its and outgrowth of NEPA.

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Phone Interview Questions	Relationship to Codes and/or Literature Review	Description of Codes and/or Literature Review Information
<p>Question 4(b)(i–ii and iv–ii) :</p> <p>When advertising CEQA-related information to low-income and minority communities, does your department employ any of the following practices? For example, does your department:</p> <p>Distribute multilingual:</p> <ul style="list-style-type: none"> • Calendars of a proposed project's CEQA process • Invitations to community or public meetings <p>Even further, does your department disseminate CEQA project information through non-English speaking :</p> <ul style="list-style-type: none"> • Church bulletins • Radio stations • Television stations • Newsletters 	<ul style="list-style-type: none"> • Outreach Media • Bass (1998, 88–89) 	<ul style="list-style-type: none"> • Advertising project or community meetings through nontraditional media that will be accessed by low-income and minority communities, such as church bulletins, ethnic media, or school handouts. • Bass (1998, 88–89) discussed the CEQ's "recommendation for considering environmental justice" such as advertising public participation by sending out messages through ethnically-based newsletters, radio stations, local newspapers, and churches.

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Phone Interview Questions	Relationship to Codes and/or Literature Review	Description of Codes and/or Literature Review Information
<p>Question 5:</p> <p>How often does your department work with community-based organizations (aka CBOs) to engage low-income and minority communities during the CEQA process? Always, mostly, sometimes, rarely, never?</p> <p>Prompt, if needed: Such as nonprofit organizations that collaborate with low-income and minority communities</p>	<ul style="list-style-type: none"> • Collaboration with Community-Based Organizations 	<ul style="list-style-type: none"> • Utilizing available resources from experts who are highly acquainted with the community.
<p>Question 5(b)(i-v):</p> <p>When working with CBOs, does your department implement any of the following strategies to engage low-income and minority communities during the CEQA process? For example, when working with CBOs do they help your department with:</p> <ul style="list-style-type: none"> • Advertising • Translating • Organizing community meetings • Gathering public input • Conducting Community Assessments 	<ul style="list-style-type: none"> • Collaboration with Community-Based Organizations • Foster (1998, 788), Ramo (2005, 91–92; 2013, 68, 71), Schweizer (2008, 44), and Bullard and Johnson (2000, 564–565) 	<ul style="list-style-type: none"> • Utilizing available resources from experts who are highly acquainted with the community. • Described that advocacy organizations have provided helpful empirical results of their own, including insightful and powerful recommendations and demands when engaging in public processes throughout the United States.

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Phone Interview Questions	Relationship to Codes and/or Literature Review	Description of Codes and/or Literature Review Information
<p>Question 6(b)(i-iv):</p> <p>Does your department utilize any of the following analysis resources to identify potentially significant impacts on low-income and minority communities caused by a project undergoing the CEQA process? For example, does your department utilize:</p> <ul style="list-style-type: none"> • Bay Area Air Quality Management District's "Community Air Risk Evaluation Program," • Office of Environmental Health Hazards Assessment's (OEHHA) "Indicators of Climate Change in California: Environmental Justice Impacts" • OEHHA's "Cumulative Impacts: Building a Scientific Foundation," • OEHHA's Enviroscreen 2.0 	<ul style="list-style-type: none"> • Harris (2013, 3, 6) 	<ul style="list-style-type: none"> • Highly recommended these resources be utilized by cities for environmental justice considerations during the CEQA process.

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Phone Interview Questions	Relationship to Codes and/or Literature Review	Description of Codes and/or Literature Review Information
<p>Question 7:</p> <p>How does the amount of resources your department receive affect the actions taken to include low-income and minority communities in CEQA public participation processes?</p> <p>Prompt: Such as access to resources, including, but not limited to translators, cultural sensitivity training, or funding</p> <p>Prompt if not mentioned: Does your department have an annual budget for low-income and minority community engagement during CEQA processes?</p>	<ul style="list-style-type: none"> Hypothesis Shilling, London, and Lievanos 2009, 702-703 and 706-707) 	<ul style="list-style-type: none"> The level of pursuit to practice effective strategies to increase the meaningful participation of low-income and minority communities in the CEQA process may vary from city to city. I postulate that the effective actions taken by cities to include minority and low-income communities in the CEQA process depend on the resources, experience, organizational capacity, funds, interest, and/or incentive planning departments have in order to properly address environmental justice through CEQA processes. Thus, this hypothesis suggests that there is room for cities to improve their professional practice. Shilling, London, and Lievanos recommended that in order to successfully implement environmental justice principles agencies should “provide sufficient resources for all stakeholder parties to participate,” including a budget.
<p>Question 8:</p> <p>How is your department changing its strategies to include low-income and minority communities in CEQA processes?</p>	<ul style="list-style-type: none"> Answers Research Question 	<ul style="list-style-type: none"> How can San Francisco Bay Area cities effectively increase the meaningful participation of low-income and minority communities through the CEQA process to address environmental justice issues?
<p>Question 9 – Apart from what you’re already doing, in an ideal situation what else could you do to strengthen engagement strategies to include low-income and minority communities in CEQA processes?</p>	<ul style="list-style-type: none"> Answers Research Question 	<ul style="list-style-type: none"> How can San Francisco Bay Area cities effectively increase the meaningful participation of low-income and minority communities through the CEQA process to address environmental justice issues?

4.6: Document Analysis Codes, Literature, and CEQA Law as Predetermined Themes in Qualitative Analysis

Most of the codes created in the document analysis were converted into predetermined themes. These predetermined themes guided the qualitative analysis process of the phone interview responses. Weighing the predetermined themes against the phone interview responses then prompted the creation of subthemes and codes. See Figure 13 for an illustration of the qualitative analysis process in the following page. Go to Appendix H to view qualitative analysis tables used to collect and assess phone interview response data.

The following defines each predetermined theme. Note that the theme descriptions are adapted versions of the codes developed in the document analysis:

- 1) **Community Meeting Strategies/Practices** – Guidelines planning practitioners can use to work off when coordinating an informal public input meeting with minority and low-income communities. They include: consideration of time of the meeting (e.g. people who work three jobs), accessible and familiar meeting locations, and providing services such as child care or free transit passes.
- 2) **Public Input Collection Strategies/Practices** – Informal meeting arrangements that foster participation and retrieval of questions, concerns, comments, or recommendations. Some of these practices include: brainstorming sessions, visioning processes, charrettes, small groups facilitated dialogues, or thought-provoking graphic materials or presentations.
- 3) **Communication Practices/Strategies** – Ensuring that necessary information being revealed is understood through nontraditional means, such as through verbal and printed translations or understandable graphics and pictures.
- 4) **Collaboration with Community Based Organizations** – Utilizing available resources from experts who are highly acquainted with the community.
- 5) **Project Information Dissemination** – Advertising project or community meetings through nontraditional media that will be observed by low-income and minority communities, such as church bulletins, a diversity of ethnic media, or school handouts. CEQA practitioners can also table at nontraditional areas to reach minority and low-income subgroups, such as at senior centers, PTA meetings, sporting events, religious congregations, local schools, or at transit stops.

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Figure 13: Qualitative Analysis Process

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- 6) **Department Resources and Level of Effectiveness** – Hypothesis that cities’ actions to include minority and low-income communities in the CEQA process depend on the resources, experience, organizational capacity, funds, interest, and/or incentive planning departments have in order to properly address environmental justice through CEQA processes.
- 7) **Increase in Meaningful Participation** – How San Francisco Bay Area cities can effectively increase the meaningful participation of low-income and minority communities through the CEQA process.
- 8) **Social, Economic, and/or Health Analyses** – Analyzing health, social, and/or economic data to determine whether the findings indicate that a project(s) may have significant impacts on the environment.
- 9) **CEQA Compliance** – Ensuring that strategies and practices performed by cities are in compliance with CEQA Guidelines and Statutes.
- 10) **Cognizance of Community’s Experiences** – Being thoughtful of a community’s past experiences with top-down, undemocratic government processes can help advance better processes. Further, some people may not have ever been to a public meeting or may not go because they feel they may not provide meaningful input. These are challenges CEQA practitioners can consider when undertaking public participation processes.

Table 7 demonstrates how each question is connected to each pre-determined theme. To refer to the exact questions asked, go to Appendix C..

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Table 7: Related Predetermined Themes Per Phone Interview Question

Table Created by Author

Abbreviated Phone Interview Questions	Related Pre-Determined Theme
Questions 2a and b	<ul style="list-style-type: none">• Communication Practices/Strategies
Questions 3a-e	<ul style="list-style-type: none">• Community Meeting Strategies/Practices;• Public Input Collection Strategies/Practices; and• Cognizance of Community's Experiences
Questions 4a and b	<ul style="list-style-type: none">• Project Information Dissemination
Questions 5a-b	<ul style="list-style-type: none">• Collaboration with Community Based Organizations
Questions 6a-b	<ul style="list-style-type: none">• Social, Economic, and/or Health Analyses
Question 7	<ul style="list-style-type: none">• Hypothesis- Department Resources and Room for Improvement
Question 8	<ul style="list-style-type: none">• Research Question
Question 9	<ul style="list-style-type: none">• Research Question

Chapter 4 Recap and What is Ahead

This chapter discussed methods employed for the document analysis, including the qualitative analysis of the phone interview surveys. In addition, Chapter 4 provided the outcomes of the document analysis and how it created a framework for the phone interview questions and the analysis of survey responses. The following chapter describes the qualitative results from the phone interviews.

CHAPTER 5

HOW BAY AREA CITIES ARE INVOLVING LOW-
INCOME AND MINORITY COMMUNITIES TO ADDRESS
ENVIRONMENTAL JUSTICE IN CEQA PROCESSES

This chapter delves into the results and qualitative analysis of the phone interview responses from 12 Bay Area cities. More specifically, chapter 5 five discusses how Bay Area cities are meeting environmental justice requirements under CEQA law and it examines the practices Bay Area cities employ when engaging low-income and minority communities. Most importantly, chapter five cross-analyzes how the phone interview responses weigh against the research question and hypothesis of this planning report.

Suchapters 5.2 through 5.4.1 in particular examine the existing conditions of how Bay Area cities engage with low-income and minority communities to address environmental justice issues in the CEQA process. The existing conditions are depicted as:

- 1) Graphs of the phone interview responses from Bay Area cities.
- 2) Direct quotes pulled from the phone interviews that uncover the reasons behind their responses.

Subchapters 5.4.2 and 5.4.3 discuss the qualitative results of the research question and hypothesis by analyzing direct quotes made by the Bay Area phone interviewees.

5.1: Phone Interviews with Bay Area Cities

Twelve Bay Area cities out of the 15 that were contacted participated in the phone interview survey. Four participating cities were located in the east Bay Area and another four in the northeast Bay. Although no north or southeast Bay cities participated in this research, at least one city in west, northwest, and southwest locations were interviewed (Figure 14).

Interviewing planning directors was the ideal intent of this research due to their involvement in strategic decision making for overall planning department operations. However, not every planning director was available. There were other cases where recently appointed planning directors did not have relevant experiences in a planning department, and therefore, selected “lower level” staff to participate in the survey. Nonetheless, five planning directors participated while one deputy director, six planning managers, and one associate planner partook in the phone interview survey. One east Bay city interview had two participants, a planning director and a planning manager which increased the total amount of people surveyed to 13. The associate planner was the only interviewee who had not been involved in any strategic decision making of how their department engages low-income and minority communities during the CEQA process.

The phone interview data revealed that every Bay Area city implemented at least three required CEQA laws that address environmental justice. However, not every single city practiced at least one EJ-related practice that went “above and beyond” CEQA requirements. Planning departments also shared effective strategies and practices to engage low-income and minority communities. Two of them include changing municipal codes to reflect an equitable approach

Figure 14: Map of Research Area and Subareas

Map Created by Author

Map Data Sources: Association of Bay Area Governments, U.S. Bureau of Reclamation, California Department of Conservation, California Department of Fish and Game, California Department of Forestry and Fire Protection, and California Natural Resources Agency

to outreaching low-income and minority communities and/or creating new departments that address race and equity issues throughout a city. The latter can change the whole dynamic of how low-income and minority communities are considered in almost every public process, including CEQA. Moreover, the results from the hypothesis found that cities can utilize cost-effective ways to include low-income and minority communities in CEQA processes. For example, creating, fostering, and partnering with an active community, such as CBOs or neighborhood commissions, can build on the capacity of low-income and minority groups to effectively participate in CEQA processes and serve as a long-term effective and sustainable resource.

5.2: Determining if Bay Area Cities are Meeting EJ Requirements Under CEQA

It is highly suggested that the reader refer to Appendix J or Table 5 (Appendix I for full table) for this section in order to see which CEQA law each question refers to. This is particularly important to note because some questions that had a range of choices for interviewees to pick from also had a CEQA requirement tied to them. In other words, if an interviewee responded negatively by not choosing “always” for question six then they would be non-compliant with one court ruling, over seven CEQA Guidelines and Statutes, and over three California Public Resource Codes. For example, question six reads:

Although environmental justice is not a specific resource area in CEQA, how often does your department incorporate social, economic, and/or health analyses to find potentially significant impacts on the environment from a proposed project in a low-income and minority community?

Three examples of CEQA-related laws tied to question 6 include:

- 1) **CEQA Statutes and Guidelines Section 15131(a)–(c), 15604(e), and 15382** – Social and/or economic impacts analyses can help determine whether a project may have significant impacts that can lead to physical changes to the environment (Harris 2012, 4; University of California Hastings Law Research Institute, American Bar Association 2010, xiii and 33; Corburn 2006, 145; Ramo 2013, 61, 64, 68).
- 2) **California Public Resource Code Section 21083(b)(3)** – Indirect or direct significant impacts on the environment from a project will also have adverse effects on people (Harris 2012, 2).
- 3) **Kings County Farm Bureau v. City of Hanford (California Appellate Court), CEQA Statutes and Guidelines Section 15064 (b), and 15300.2(a)** – Where the project is located, or its “setting,” is highly dependent on whether the project may have significant impacts (Harris 2012, 3; Ramo (2013, 79). For example, if there is a community that is sensitive to a particular pollutant or has been exposed to such contaminants, then a project should be considered significant.

Moreover, some questions either prompted a straightforward “yes” or “no” response from cities while others needed to be analyzed. Just as with the example of question six above, if cities answered “no” then they were not meeting some form of CEQA requirement(s). The following sections illustrate the outcome of the phone interviews through several sets of bar graphs. The shorter the bar, the more “no” responses cities made to the questions asked. Conversely, the longer the bar, the more “yes” responses.

5.2.2: Results for Questions with EJ Requirements in CEQA

Figure 15 through Figure 18 illustrate how Bay Area cities responded to the sum of all the questions related to EJ requirements under CEQA. Figure 17 depicts the Likert scale responses Bay Area cities made for question six.

Figure 15: Total “Yes” Responses from Bay Area Cities to All CEQA-Required Phone Interview Questions Listed By City

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Figure 16: "Total Yes" Responses from Bay Area Cities to All CEQA-Required Phone Interview Questions Listed By the Question Asked

Figure 17: Responses to Question Six- Although environmental justice is not a specific resource area in CEQA, how often does your department incorporate social, economic, and/or health analyses to find potentially significant impacts on the environment from a proposed project in a low-income and minority community?

Graph Created by Author

Figure 18: Responses to Question 4- How often does your department advertise CEQA-related information (including formal public meetings and hearings) to low-income and/or minority communities about a proposed project that can affect them?

5.3: How Cities Went “Above and Beyond” CEQA Requirements

Positive responses to any phone interview not tied to an EJ requirement under CEQA meant that cities go “above and beyond” than what is needed. In other words, some of the strategies and practices asked for in the phone-interviews are recommended by CEQA, but not required. For example, holding a community meeting during any stage of the CEQA process is recommended, but not required as outlined under CEQA Statutes and Guidelines Sections 15201 (Assoc. of Env. Prof. 2014, 114, 139, 148-150, and 215).

5.3.1 Results for Questions that went Above and Beyond CEQA Requirements

Figure 19 through Figure 23 display the strategies and practices Bay Area cities implement that go beyond CEQA requirements.

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Figure 19: Total "Yes" Responses from Bay Area Cities to All "Above and Beyond" CEQA Requirement Questions Listed By City

Figure 20: Total "Yes" Responses from Bay Area Cities to All "Above and Beyond" CEQA Requirement Questions Listed By Each Question

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Figure 21: Responses to Question 2- How often does your department consider low-income and/or minority communities' ability to understand CEQA-related information on proposed projects that may affect them?

Figure 22: Responses to Question 3- How often does your department involve potentially affected low-income and/or minority communities to identify, mitigate, and avoid significant impacts caused by project in the CEQA process?

Figure 23: Responses to Question 5- How often does your department work with community-based organizations (aka CBOs) to engage low-income and/or minority communities during the CEQA process?

Chapter 5.4: Quantifying, Categorizing, and Interpreting Phone Interview Responses

Since most of the questions prompted simple “yes” or “no” answers, only the most insightful open-ended responses were selected for analysis.

A total of 88 open-ended responses were qualitatively analyzed through a series of categories, themes, subthemes, and codes. Organizing and defining these qualitative analysis “groupings” aided in a clearer examination of the numerous open-ended responses made by Bay Area cities.

There were a total of 26 categories, themes, subthemes, and codes analyzed. However, only 15 of these qualitative analysis groupings will be discussed:

- 1) Six of which were the most prominent throughout the in-depth responses;
- 2) Six of which were directly related to the research question and hypothesis; and
- 3) Four of which were not the most prominent, but provided the most unique information.

The six most prominent qualitative analysis groupings created are defined as:

- 1) **C1ST6C1 Case-by-Case Engagement** – Planning departments that typically do not “target” low-income and minority community engagement, but rather engage the population as a whole “equally.” If low-income and minority communities are in the vicinity of the projects, then they are included in the engagement process;
- 2) **C1ST7 Community Capacity Building** – How planning departments work with local organizations to engage low-income and minority communities during CEQA processes to support or build community capacity;
- 3) **C1ST5 City Outreach Requirements or Guidelines** – Some cities have to follow direct jurisdiction-wide public outreach policies, which may or may not be related to CEQA;
- 4) **C1ST3 City-Community Interactions** – How planning departments interact with low-income and minority communities whether it is to solicit participation through innovative solutions to language barriers, organizing community meetings, advertising information, and/or seeking input throughout CEQA processes; and
- 5) **C2T1 Social, Economic, and/or Health Analysis**- Planning departments that feel CEQA law either does not have enough “teeth” or is not a conducive tool for cities to provide quality engagement with low-income and minority communities.

The six qualitative analysis groupings that mostly related to answering the research question and hypothesis were:

- 1) **C1ST8: Resource-Based Actions** – How resources may or may not affect planning departments’ implementation of strategies and actions to engage low-income and minority communities throughout CEQA processes.
- 2) **C1ST3C1 Wishful Actions** – When a planning department desires to implement a particular practice or strategy with/for low-income and minority.
- 3) **C1ST8C1 Lack of Fundraising or Budgeting** – When a planning department does not proactively search for funding sources to budget and further increase the engagement of low-income and minority communities that are disproportionately burdened during CEQA processes.
- 4) **C1ST8C2 Doing Everything They Can** – When a planning department claims that it is doing everything it can with the resources it has to engage low-income and minority communities during CEQA processes.

- 5) **C1ST8C3 Former Reliance on State Funding** – Planning departments that depended heavily on funding from state funded programs or taxes such as the Redevelopment Agency or Prop 13 and are now seeking new ways to fund neighborhood improvements.
- 6) **C1ST8C4 Fully Financed Projects from Developers** – Planning departments that work with developers who completely fund their own private projects, including CEQA process costs.

Lastly, the three unique qualitative analysis groupings:

- 1) **C1ST2 Action from City Demographic Knowledge** – How planning departments utilize demographic and/or geospatial data to determine whether low-income and minorities may be disproportionately impacted by a project through CEQA processes.
- 2) **C1ST1C1 Theoretical Intent Different from Practice** – When planning departments implement CEQA as a procedural law rather than its original intent to solicit participation in order to identify, mitigate, and avoid significant impacts from a project. Departments may also utilize an alternative means or approach to reach the similar intent of CEQA.
- 3) **C1ST6C2 Equal Treatment Trap** – When a planning department treats an overall population equally while not recognizing that low-income and minority communities typically share a disproportionate amount of environmental impacts and may not have the same opportunities or access to engage in CEQA processes.
- 4) **C1ST6C3 Engagement Based on Large or Citywide Impacts** – Departments that typically provide more outreach engagement services, such as childcare or translations when a project is of a citywide concern (e.g. General Plan or Downtown Plan).

To review all of the qualitative analysis groupings in detail, refer to Appendix K.

The following sections of this chapter explore the layers of meaning in the open-ended phone interview responses from Bay Area cities. Their stories are shared in the form of quotes and were analyzed using the qualitative analysis groupings.

5.4.1: Unearthing the Stories Behind the Phone Interviews

Project Size Influence

If it's something like a housing element where it affects the whole city, we definitely translate those public notices.

– Northeast Bay Area Planning Manager

It's case-by-case because you may go into a community meeting that may have a heavy Spanish-speaking population of Spanish residents and you're going to want to provide some form of interpretation or make a particular notice in Vietnamese or you may go to one that may be well educated.

– South Bay Area Planning Manager

On those large projects? Yes, we do involve low-income and minority communities to identify, mitigate, and avoid significant impacts caused by a project, but on most projects we do not, probably have to say sometimes

– Northeast Bay Area Associate Planner

Predicting Community Involvement

The quotes above demonstrate that the level of engagement cities have with low-income and minority communities is highly dependent on the size and location of a project.

The northeast Bay Area associate planner provided perspective on large versus small projects. For example, larger projects can be as big as a station area plan, a housing element of a general plan as the northeast Bay Area planning manager mentioned above, or a baseball stadium. Meanwhile a small project could be the development of shopping center or a grocery store.

However, the question remains, why should low-income and minority communities only “sometimes” be engaged in certain processes? This is a form of exclusion or an unequal access to participation, which violates the environmental justice theory of procedural justice. As stated below, an east Bay Area deputy director provided a strategy to ameliorate this potential problem by “testing” whether a low-income and minority community may become more heavily involved in a project regardless of its size rather than not doing anything at all.

So, for high profile or impactful projects, there will be, oftentimes, community input very early on in the process, before any analysis is done, then we would get feedback after analysis is done where there's potential impacts identified, get their feedback on how to mitigate those impacts, information throughout the process. On a smaller project, it might just be notifying them after a lot of this analysis has been done, and just seeing their feedback. So, it really varies a lot.

– East Bay Area Deputy Director

A west Bay Area environmental review division director provided an example that ensures project affected low-income and minority communities are involved regardless of a project's size. In this example, the west Bay planning department may utilize multilingual noticing to observe whether the project may pique the interest of low-income and/or minority communities that speak English as a second language. See below.

We might use the notices to determine if further translation was needed ... And then if we did need to translate, we would extend the comment period so that we could take care of that timing.

– West Bay Area Environmental Review Division Director

The same city also went as far as to translate entire EIRs, if necessary.

If we were doing a project, say in [City Area], which actually, there's not a whole lot of development in [City Area], but if we were doing a project there, we would at least translate the notices and then probably work with someone to determine if we needed to do full translation of the whole Environmental Impact Report.

– West Bay Area Environmental Review Division Director

Targeting Specific Communities

Many planning departments made it clear that they do not target specific communities, and thus, treat them equally to the overall population.

A majority of our city is on the lower-income level and it's mostly a minority community, so we look at the whole community, equally ... We basically try to treat them all the same

– Northeast Bay Area Planning Manager

The word “target” was brought up by many Bay Area cities even though the term was not included in any phone interview question. They were more about how low-income and minority communities are engaged throughout different phases of the CEQA process, particularly when a project may potentially impact them. A south Bay planning manager provided insight on this topic below.

It’s not like we’re having a targeted meeting with the African American community, we’re having a targeted meeting with the Vietnamese community, we’re having an all-encompassing meeting which depends on who decides to show up.

– South Bay Area Planning Manager

“Whoever decides to show up” is key phrase in the south Bay city quote above because there may be people who may not have equal access to the information, particularly non-English speakers and the uneducated. However, one city made it clear that targeting is essentially inevitable.

“Yeah, yeah. And I guess we do do some targeting because we do do multilingual materials. So, I guess, in a way, you could say we do target.”

– East Bay Area Deputy Director

Treating Everyone Equally

A southwest Bay Area planning manager took the discussion of targeting a step further by delving into the problem of treating the overall community “equally.” The southwest Bay planning manager’s quote below connects with the theory of procedural justice. However, this quote also relates to distributional justice and the concept of the entitlements approach since an equality-based model of community engagement does not consider the disproportionate burdens low-income and minority communities experience.

If you treat everyone equally, you’re going to get disparate results, because if equally means that everything is going to be in English, then the people that don’t speak English, then equal treatment does them a disservice ... I’d say that you have to be responsive to the diversity within your community and certain groups need additional outreach, because otherwise, they are not going to be at the table. Or alternatively, you have to designate the advocates for that group, and those advocates will be there to support them ... You have got to remember, one of the biggest obstacles is that, if you’re poor in the Bay area, you might have three or four jobs. So, how are you going to participate when you have three or four jobs? Because it’s inconceivable for a lot of these people to be able to participate.

– Southwest Bay Area Planning Manager

However, the word “equal,” may not mean the same to every city. For example, an east Bay city follows their local ordinance to translate documents in order for people to have equal access to public information. Skip to chapter 5.4.2 for a larger discussion on the definition of equality.

If we know that a particular community is present, then we will proactively translate. The city has an equal access ordinance that specifies which languages are required to translate into based upon the population of the speakers in the city.

– East Bay Area Deputy Director

Disseminating Public Notices

Low-income and minority communities are part of the overall population of [City Name] and we try to make sure that our documents are understandable to everybody ... If we ever got a request to translate into another language, we would do so, although we never have.

– East Bay Area Planning Director

To remedy the problem of not getting low-income and minority communities “at the table” as the southwest Bay planning manager discussed, some cities provide bilingual mailing notices about CEQA-related projects to residents and owners 300-1,000 feet from a project area. However, many cities do not send out bilingual notices, thus, stripping any incentive for non-English speakers to engage in a process they do not feel welcome to participate in. Instead of being proactive, many cities wait for people to request certain needs, but what if, for example, a community does not speak English? How would they know what they are requesting for?

Whatever that is, usually it’s a mail notice to surrounding property owners and residents and businesses and advertising in the paper and a poster on the site. But again, all in English.

– Northeast Bay Area Planning Manager

Most cities provide a combination of CEQA-related notices through mail, newspapers, and posters. However, they are only in English. Nonetheless, some cities are proactive or at the very least are planning to be proactive.

We then, in addition to that, on all of our notices have something down at the bottom, that currently, unfortunately, right now is only in English, but we are translating it

into multiple languages that says, “If you would like to receive this information in another language, contact us.”

– East Bay Area Deputy Director

Low Engagement Turnouts

Turn-out becomes a problem when cities organize community meetings and do not actively engage disproportionately burdened communities. For example, some cities do not have community meetings near the project area, but instead at city hall.

I don’t really recall us doing any specific outreach to the community to engage them to make sure that they attended the meeting. I just remember the first meeting that we had, we only had like four people for the scoping meeting show up.

– Northeast Bay Area Associate Planner

We usually like to have our meetings at large public areas. Usually it’s City Hall, but I can’t think of a time where we’ve really had to have really big groups of people. We just don’t get that many people to those things. So we only organize community meetings.

– Northeast Bay Area Associate Planner

Building Communities Capacity

A southwest Bay Area planning manager and others provided insight about the benefits of working with community-based organizations (CBOs). For example, CBOs have assisted these cities in providing translation services, collecting community input, organizing community meetings, or just simply getting the word out about a project undergoing the CEQA process.

Community-based organizations have been really wonderful partners, we’re just unbelievably happy with what they’ve been able to do for us

– Southwest Bay Area Planning Manager

On the other hand, some cities have absolutely no community capacity when it comes to environmental justice.

It’s interesting, I’ve been here just a few months and haven’t encountered a real strong community-based organization ... Usually, those are grassroots-type organizations ... generally find a way to partner and communicate and work ... but [City Name]’s

agenda avoids this ... I'm a little surprised frankly, now that I think about it ... there isn't a large people voice out there. We do engage with the environmental community, nonprofit environmental groups, but they're not ... Again, they're strictly natural environment. They're not pursuing social justice issues at all.

– Northeast Bay Area Planning Director

Some cities have responded to this problem by having commissions made up of neighborhood leaders.

We have an active neighborhood council we meet with at their monthly meetings ... It's a volunteer-based board with all the neighborhoods, we felt that the residents of the neighborhood would know more about their community than what we would.

– East Bay Area Planning Manager

Other cities that do not have community capacity feel that they need a “neighborhood council” so that they can provide a platform for low-income and minority communities to engage in.

What I have found in a lot of low-income and minority communities is there's sort of an intimidation of the process and what it takes to be engaged ... One approach I've had success in the past, including in [Formerly Employed City], is promotion of neighborhood associations. Where you assist in the formation and management of local neighborhood associations where you create these advisory boards essentially ... So forming neighborhood associations that get people where you can digest it, put it into a lay speak where they can understand it, put it to where they have a voice for participation could be and should be and then you can bring it a step further and bring in a multilingual environment, but it takes an organization up front ... And a little bit of professional staff helps to go a long ways and giving people the confidence, giving them a platform for their voice

– Northeast Bay Area Planning Director

Social and Economic Analysis

One potential and critical component of why a handful of cities may not feel incentivized or think there is no need to extend their engagement strategies and practices with low-income and minority communities is because they may be unaware of social and economic analysis requirements under CEQA. As discussed throughout this report, CEQA mandates social and economic components of analysis to adequately identify, mitigate, and avoid significant impacts on the physical environment, which also include people.

First of all, social and economic factors are not covered by CEQA as you may know ... There's nothing in the CEQA checklist about social or economic issues ... because in terms of social and economics I would say "never" because those aren't CEQA topics.

– East Bay Area Planning Director

Some cities, however, regardless of whether or not they conduct social and/or economic analyses during the CEQA process take action based on their general knowledge of the city's demographic layout.

One, we rely on our knowledge of the city, and we also, during the review process, adjust as necessary based upon what we're discovering during the process ... I'd say, generally, our planners know the city's demographics ... If there's a situation where we believe we need a tool, we don't have a standard tool that we regularly use, I think we would look for an appropriate tool on a case by case basis.

– East Bay Area Deputy Director

Meanwhile, other cities may utilize Census data or detailed demographic information from every neighborhood in their city.

We do use Census data, but we don't look it up for each development project. We already know what it is ... We have detailed demographic information about all neighborhoods of the city. We use it as necessary to respond to City Council priorities

– East Bay Area Planning Director

Strengthening CEQA Law

Several cities expressed concerns about how CEQA is either:

- 1) Inadequate for public engagement practices.
- 2) A fearful practice due to threats of litigation.
- 3) More procedural than prescriptive.
- 4) Too technical

Moreover, many Bay Area cities expressed that CEQA does not have enough "teeth" for cities to ensure they have adequately included low-income and minority communities. Below is a series of quotes from multiple planning departments on this topic.

CEQA part is very regimented. It's a mechanical, procedural tool that has evolved away from its initial purpose ... Its initial purpose was actually bringing about greater participation, because of the fear of litigation, if you look at when projects are challenged in court, they're not challenged based off the local decision made, they're based off the adequacy of the EIR ... So, cities I've worked at treated the EIR as this sort of very hands off thing that you want to do, as neat and tidy and clean as possible, and then all the local, sort of politicking or community engagement occurs around the actual decision to approve or not, whether this is a good project for the city, not whether the environmental impacts have been resolved, because that's a whole separate language and yeah.

– Northeast Bay Area Planning Director

I've been doing CEQA now for 35 years, I guess, both here and in [Neighboring City Name], I don't really think CEQA is the best tool for reaching people about projects ... "One of the big things that's touted about CEQA is that it provides opportunities for community input ... that may be the case for cities that don't try to engage their community in any other way, but every city that I know of has already has a pretty robust way of involving their citizens ... CEQA doesn't really add much, it certainly doesn't for us ... "Low-income and minority are part of the overall community and we address them, but CEQA is not the best way to do it in my opinion. There are many other strategies for engaging the community besides CEQA.

– East Bay Area Planning Director

"To be honest, Kenneth, we don't usually have meetings just on the CEQA impact, or the environmental impact. We have it on our projects that include and allow discussions on the environmental impact. Most of the time we get comments at meetings on the actual projects and some of those comments relate to the environmental impacts like traffic, or air quality, noise, those types of things."

– East Bay Planning Director and Planning Manager

The State requirements may need to be a little bit more, what's the word, comprehensive to make sure that we're not just doing the noticing but we're doing other things to get the word out and to get input on how particular projects could impact the community ... Because we do know that we have a large minority population, we do include on our notices in churches and things like that, social organizations. But, we don't do anything else beyond what's required in the CEQA guidelines ... Because our city is very much a minority community, we're about 25 percent per sector, so we

really do ... Our nationality should I say, so we really do have a mix here ... We're one of the most diverse cities in the country, and yet we do things the same way as a city that isn't as diverse, like Orange County. So we have to change our ordinance to reflect the population that we have, because we can't lean to the State requirements. We need to consider our population."

– Northeast Planning Manager

5.4.2: Bay Area Cities Share Wisdom on Meaningful Participation Practices with Low-Income and Minority Communities

Other than the strategies and practices just discussed above, this report's research question was the driving force in uncovering other effective EJ engagement strategies cities utilize during CEQA processes.

As a reminder, the research question to this report was:

How can San Francisco Bay Area cities effectively increase the meaningful participation of low-income and minority communities through the CEQA process to address environmental justice issues?

Questions 8-9 in the phone interview survey were particularly related to the research question:

- How is your department changing its strategies to include low-income and minority communities in CEQA processes?
- Apart from what you're already doing, in an ideal situation what else could you do to strengthen engagement strategies to include low-income and minority communities in CEQA processes?

Using State Models

As quoted below by a northeastern Bay Area planning manager, some cities have modeled after environmental justice practices implemented by state agencies. This could be a "step above" from NEPA's CEQ guidance document since state policies tend to be more stringent and more relevant to the Bay Area than federal policies.

Whenever we have projects that may propose incompatible uses next to each other like industrial and residential, particularly in waterfront areas we will utilize environmental justice analysis modeled by the State Lands Commission in the future.

– Northeast Bay Area Planning Manager

Working with CBOs

Some other cities are working with CBOs to co-productively and innovatively apply cutting-edge policies for the benefit of disenfranchised communities.

Well, two things. We are in the process of trying to develop what we call Guidelines for Healthy Development, which are guidelines for, how to minimize the impact, or improve health when development projects are proposed. It does look at things like food, and access to healthcare, and open space, and noise, and pollution, and crime, and a whole range of things ... this is looking at strategies to minimize health impacts as well as promote health equity ... We're interested in figuring out ways to ... when we have a hearing, a public meeting or something, ahead of time, we're prepared and we already have, for example, the materials translated into other languages. We're not waiting for people to ask that. So that's something that we're also doing.

– East Bay Area Deputy Director

Equality Versus Equity

An eastern Bay Area city has taken an intriguing approach in addressing EJ by creating a department solely focused on equity and race issues. Which, in terms of CEQA, could strengthen their engagement practices with low-income and minority communities. Moreover, this new department provides this city an opportunity to enhance social and economic assessments in environmental review documents.

[City Name] City Council, a few months ago, created [Name of Department Focused on Equity and Race Issues] ... And our delivery of service in the planning department is really based more, in the past, on an equality model than an equity model; treat everybody the same ... With that department, there might be more changes in how we do things.

– East Bay Area Deputy Director

A closer look at the quote above brings back the discussion set forth about “equality.” Since this term continues to resurface, it is important to avoid confusion by defining equality and distinguishing it from equity. According to Dictionary.com, the following are the definitions for each:

- 1) Equality – “As great as; the same as; like or alike in quantity; evenly proportioned or balanced; uniform in operation or effect.” (Dictionary.com 2015a)
- 2) Equity – “The quality of being fair or impartial; fairness; impartiality; something that is fair and just.” (Dictionary.com 2015b)

As the east Bay Area deputy director explained above, equality is based on treating “everybody the same.” A southwest Bay Area planning manager earlier in this report explained that this model can “get disparate results, because if equally means that everything is going to be in English, then the people that do not speak English, then equal treatment does them a disservice.” Conversely, equity seems to tackle “the root of the problem” by making fairness and justice the primary goal since the circumstances from some groups are not at an equal plane than others.

Inclusive Engagement Practices

A southwest Bay Area planning manager shared the following strategies and practices that may aide other cities struggling to engage low-income and minority communities during CEQA processes:

- Canvassing communities during cultural celebrations.
- Publishing a staff manual for low-income and minority engagement during CEQA processes.
- Producing multilingual synopsis descriptions of a project in CEQA-related notices.

Below are the quotes associated with the practices listed above.

Avoid multicultural holidays? No, we try to involve ourselves in those ... We try to bring materials to those events because that’s a really good opportunity to disseminate information and gain input ... That’s usually the best opportunity we might have.

– Southwest Bay Area Planning Manager

So, we have low-income and minority engagement strategies in a manual we’ve created as a tool for staff to use.

– Southwest Bay Area Planning Manager

We provide a short synopsis in other languages, but we don’t translate the official notice.

– Southwest Bay Area Planning Manager

A northwest planning director was adamant about sharing a strategy they use that targets public outreach to the youth , which in effect, “trickles down” to their parents.

“What we have done in past strategies is that ... Are things that I mentioned to you and that is we will have workshops with translators at the community center in the neighborhood in which our concentration of low income residents live. And we’ve

done other things like, as I mentioned, used a school district to distribute notices to parents because that seems to be a more effective way of getting the attention of the adult community than trying to post something on a website and things of that nature.”

– Northwest Bay Area Planning Director

Working with Developers

In regard to private projects, some cities felt that clear communication lines with developers is key. For example, some cities advise developers to build relationships and create a platform of shared interests and understanding in order to gain support of their projects. Other cities, however, use the power of their municipal code to require project applicants to pay for the costs of public outreach

So the city, the public, doesn’t foot the bill for any of this stuff, it’s all paid for by the developers ... unless the developer said, “I’m not paying for that” in which case we would stop processing their project.

– East Bay Area Planning Director

Early Engagement Processes

In question 3e, cities were asked how early in the CEQA process they involve low-income and minority communities to gain input on a project. A west Bay Area city provided insight on how beneficial it is to start earlier than later to grasp what their concerns are on a project.

So we send out ... We actually send out a notice ... For all [CEQA phases] but the very smallest projects we send out a notice, essentially, at the time that we start working on the project ... So we get it very early and people respond to ... People who have an interest in the project will contact us and respond and it’s a very good read on what people’s concerns are.

– West Bay Area Environmental Review Division Director

Meanwhile, other cities rather leave the public input process strictly out of CEQA from fear of litigation. Some cities also feel that their residents may have a better relationship with City Council members, and thus, rather leave all public engagement to the decision making process.

The decision making process is much more local, the actual approval of a project. And even though we don’t target those communities, there’s a closer connection through our ... We do have neighborhood meetings around projects. Council

members are more directly involved with our communities and solicit outreach on their own. So that process is a lot more engaging of all populations.

– Northeast Bay Area Planning Director

EIR Public Testimony

Lastly, a unique way of gathering input from low-income and minority communities is practiced by a northeast Bay Area city where they hold EIR only public testimony hearing in case people do not want to or cannot submit their concerns or comments in writing.

During the Draft EIR public Review process, we typically will hold a public comment meeting to allow people to make verbal comments so they don't have to submit something in writing ... We typically don't put a cap on it. It's not like a public hearing where you have three minutes. We'll usually allow them you know to come up and give whatever, comments they have.

– Northeast Bay Area Planning Manager

5.4.3: Bay Area City Insights on How Resources Affect Their Ability to Provide Meaningful Participation

In addition to discussing the research question of this report, this study must “go full circle” by bringing back the topic of the hypothesis.

Once again, the hypothesis to this planning report is as follows:

The level of pursuit to practice effective strategies to increase the meaningful participation of low-income and minority communities in the CEQA process may vary from city to city. I postulate that the effective actions taken by cities to include minority and low-income communities in the CEQA process depend on the resources, experience, organizational capacity, funds, interest, and/or incentive planning departments have in order to properly address environmental justice through CEQA processes. Thus, this hypothesis suggests that there is room for cities to improve their professional practice.

The definition of “meaningful participation” is defined as following from Executive Order 12898:

Meaningful involvement means that: (1) people have an opportunity to participate in decisions about activities that may affect their environment and/or health;

(2) the public's contribution can influence the regulatory agency's decision; (3) their concerns will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected. (United States Environmental Protection Agency 2015)

The definition of “meaningful participation” coupled with the theory of procedural justice provided this report a basic framework to collect data. Planning directors and planning staff in the Bay Area were interviewed to uncover how they seek out and facilitate involvement with low-income and minority communities while providing them an opportunity to engage in the CEQA process. In other words, this research focused on numbers one and four of the meaningful involvement definitions. This report did not investigate whether or not CEQA-approved projects had the “meaningful” influence in regulatory agency or decision making processes. Moreover, this report did not verify whether or not decision makers actually sought out involvement of low-income and minority communities.

In sum, the hypothesis to this research report has been partially correct in postulating that cities' actions were directly affected by their available resources; however, this is not true for every city and all situations. For example, a city may claim that resources are not affecting their engagement with low-income and minority communities while believing they are making a positive impact in adequately involving these communities. However, another city may also not have an abundance of resources, but are strategizing and practicing engagement work with low-income and minority communities in many more ways and through effective means. Therefore, the hypothesis was also correct in theorizing there is room for cities to improve.

Resource Constrained Cities

Yeah. It's [resources] probably got a lot to do with it ... I mean, most of the staff was gone from days before when there was redevelopment involved. But it's just, it's difficult to have any additional outreach when we're trying to keep the lights on at city hall ... So, for CEQA in the planning level review, there's some things that we do, but honestly we're doing what we can to comply with the existing codes and requirements ... I think we're doing a pretty good job. I mean if we had community based organizations that would be something to work with ... I mean, we do have our challenges. There are problems with crime in certain areas of town more affecting the low-income neighborhoods. But those aren't things that I'm able to deal with in planning a new development ... It's difficult. I wish there was an easier way to get people to give input. But, I mean a lot of [City Name] is a bedroom community. People are working. They have other interests elsewhere. I do get new development from time to time that might impact somebody directly. But I just don't get the public input on most things. When we do, we do what we can to accommodate that.

But usually the resources or the items or the accommodations that we're trying to make are ... We've got many more people that are ready to translate than people asking to be translated for example.

– Northeast Bay Area Associate Planner

Although the northeast Bay Area city above felt that resources were a constraint, overall, they felt they were doing a good job. However, at the same time, they are not getting low-income and minority communities involved. A closer look at the number of practices this city implements reveals that they do not implement much to pique the interest of these communities. Out of the 44 strategies and practices asked about in the phone interviews, this northeast Bay Area city only implements 17 of them. For example, this city:

- Does not conduct surveys to gather input.
- Does not provide childcare services for working families.
- Often times hosts community meetings at city hall rather than at the project location.
- Does not work with CBOs during the CEQA process

Moreover, although this northeastern Bay Area city knew they had a lack of community capacity, they did not express any effort or plans to build upon this void.

Despite the fact that this particular northeast Bay Area city knew they harbor a working class/bedroom community, they did not mention that they would shift their community meeting schedules to fit their residents' needs. For example, other cities were very quick to mention that they implemented this strategy.

When we have bigger projects we'll try to have meetings that are both like early evening, weekdays, or even on a Saturday.

– East Bay Area Planning Director and Planning Manager

Another city with limited resources was a southwest Bay Area city. However, they implemented 31 out of the 44 strategies and practices asked during the phone interview. They work closely with CBOs who help them translate documents, provide translation services, organize community meetings, and collect input. The CBOS essentially fill resource gaps the southwest Bay Area city could not do on their own.

I think funding being most critical, it just makes our processes more difficult and greater and slower. So, if we don't have staff available to process documents, the documents will sit there and it'll be processed at a slower pace ... we don't have the resources to translate a hundred-page document into Spanish, so we do an executive summary ... It's all a matter of funding, and so, if we don't have enough resources available then it's very hard to translate. That's why we're not translating in Tongan and Samoan. Um, we have done phone, door-to-door, and mail surveys. We don't do it regularly no. We don't have the resources to do that ... And we only, for the last two years, have been at a positive cash roll. We laid off 15 percent of the staff.

– Southwest Bay Area Planning Manager

Another northeast Bay Area city was severely resource-constrained, who unlike the former, did not feel they were doing an adequate job in engaging low-income and minority communities. This other northeast Bay Area city believes that the California state mandated dissolution of the Redevelopment Agency and Proposition 13 funds has hit disenfranchised communities the hardest while the more affluent cities are doing well.

“We are extremely constrained financially. We have a city of 100,000 people and we have the smallest staffing ratio in the county if not the region. So we do not have the luxury of strategizing beyond the basic statutory requirements of CEQA for outreach ... In an ideal setting, we would have access to all of those things. I had an opportunity in my career, I worked for [another city], which is a much more affluent city with a lot more resources, and you could do anything you want to do, you have the financial resources to bring in translators to do anything you needed for a project and we did. Here in [City Name], that's not even an option, I mean we just simply are operating on such a shoestring budget ... At the end of the day its resources. You can draw a parallel to our school system, the schools that need the most resources have the least. And it's ... Gosh, you could trace it back to Prop 13 and the ability to tax locally. There's just a lot inequity and it's ... The nicer, wealthier communities are getting nicer and wealthier and the developing communities are slipping behind even further. And I would peg a lot of it on the dissolution of the Redevelopment Agency recently by the state of California, that's a huge impact on lower income communities

– Northeast Bay Area Planning Director

Nonetheless, cities have been adapting to these resource constraints. For example, an east Bay Area city has been looking to developers to front the monies for community benefits agreements (CBA). CBAs are defined as a requirement for developers “to provide the community with certain benefits,

which could include donations to poor school districts, a promise to employee a certain amount of local and poor residents, the construction of affordable housing complexes, and many other benefits. In return, the community organizations and residents encourage the local government to approve the development process” (The Public Law Center 2011, 2).

I would say a lot. I really would. Yes, I would, I definitely would. Because I think every project or developer that approaches a city and comes to talk to us about a project, we always talk about Community Benefits because we know with the Redevelopment [Agency], with it no longer being a valid tool, there’s really no way that cities at the local level can pay for a lot of the resources that are necessary to keep it from going into disarray or having blighted spots within the city and everything like that. So we have to look at several different tools. So, we try to form a partnership with the developer in the community to see how best [low-income and minority communities] would benefit from their actions. So, I would say a lot. A lot more than other cities. I think that I have worked for.

– East Bay Area Planning Manager

Resource Rich Cities

A northwest Bay Area city was the outlier sample of this study. They are as a northeast Bay Area city discussed, an affluent city that has the resources, but not the need or opportunity to expand their outreach to low-income and minority communities.

That’s interesting that we were included in this study considering this is a fairly affluent county, but I’m assuming you’re probably referring to a concentration of residents that live in a neighborhood called The [Area Name], which is our highest density residential area in [County Name], and it is the one area where we have the highest percentage of low income ... And it goes back to the focus of your interview, involvement and a low income and minority community in the CEQA process. We rarely have a situation where there’s direct and ... Where’s projects that are within a certain neighborhood where that outreach is critical. So it goes back to being kind of on a case-by-case basis. So I just want to make sure that’s clear cause when I refer to sometimes it doesn’t mean that we don’t do it. It’s just that we rarely have the opportunity that comes up where we ... Where we need to do it.

– Northwest Bay Area Planning Director

Some cities other than the northwest Bay Area city felt that they were well-resourced to engage low-income and minority communities throughout CEQA processes. A west Bay Area city in particular shared their experiences about how the structure of their planning department is formatted gives

them an advantage to go “above and beyond” CEQA requirements in order to adequately engage low-income and minority communities. This city has an environmental review division within its planning department.

I would say that we are relatively well-positioned to reach out to low-income and minority communities because of the resources that we have as a large city ... Our primary responsibility is to make sure we're complying with the state law, so and that can be a very big nut all on its own, making sure that we're complying, and so there's the issue that I mentioned to you earlier, which is just that we kind of sometimes ... Sometimes it's hard for us to feel comfortable going above and beyond if we're concerned at all about what it's going to do in terms of expectations and in terms of just making sure that we get our compliance right. It would probably be great to do, say, small-group workshops at public meetings, but that's pretty hard to do, and still get the CEQA process right. So that's our limiter ... Another resource that we have that not many other jurisdictions have is that ... And I've mentioned this already, but that we have ... Because we have this separate CEQA group, we also have a group in the planning department that is devoted to long-range planning, and they are doing a lot of outreach. A big part of their role is to do outreach in communities. So we're not entirely relying on the CEQA process to do this

– West Bay Area Environmental Review Division Director

The other city that had an environmental review team was a south Bay Area city. However, this city differed greatly from the west Bay Area city in the results of the phone interview survey. While the west Bay Area city implemented 22 out of the 44 strategies and practices asked in the phone survey, City 3 only implemented 9. Thus, suggesting that a department's structure could possibly have varied results. However, the south Bay Area city did not share any insights on how resources may affect their activities to engage low-income and minority communities.

Chapter 5 Recap and What is Ahead

This chapter revealed the results of the phone interviews, the research question, and the hypothesis. The next chapter provides a discussion about policy recommendations from this study. Chapter 6 is also the final chapter in this report and includes key limitations and opportunities for further research.

CHAPTER 6

ONWARD FORWARD:
THE POWER OF POLICIES, TOOLS, AND STRATEGIES

CHAPTER 6 ONWARD FORWARD

Chapter six is the final “stop” of this report. Several policy recommendations to local and state agencies are discussed here. This chapter also outlines the limitations of this study, discusses the opportunities for future research, and ends with concluding thoughts.

6.1: This Report Could be Used as a Guidance Document

Cities can use this report as a comprehensive “guide book” for engaging low-income and minority communities throughout the CEQA process while meeting EJ requirements. This report can also advise California state agencies, such as the Governor’s Office of Planning and Research (OPR), on publishing a resource that assists cities with fulfilling EJ regulations under CEQA. Although this document does not yet exist, there are several published materials made available by various state and federal agencies. Refer to the reference list section of this report to access some of these documents.

6.2: Recommendations to Increase Meaningful Engagement with Low-Income and Minority Communities and Addressing EJ during CEQA Processes

Recommendation #1 - Bridging EJ Theory with Practice

The findings in this study discussed the environmental justice movement through a variety of concepts, approaches, and principles. They include:

- 1) Distributive justice (DJ)
- 2) Procedural justice (PJ)
- 3) Corrective justice (CJ)
- 4) Entitlements approach (EA)
- 5) The precautionary principle (PP)

EJ theories can provide cities with a broad understanding about the importance of the EJ movement. It can also set a basis of consciousness or guiding principles in all of the work cities implement throughout the CEQA process. For example, although DJ helps measure the disproportionate impacts a project may have on a disenfranchised community by collecting pollution data, it may not have an impact on decisions being made (Mor., Pas. and Sadd 2002, 58; Mor. et al. 2002, 153; Stew., Bac., and Bur. 2014, 276). According to the PP, agencies, decision makers, and policy makers can adopt the prevention of such detrimental impacts a priority rather than having to alleviate the damage in the future (Mor., Pas., and Sadd 2002, 58; Mor. et al. 2002, 153; Stew., Bac., and Bur. 2014, 276; Con. and Rich. 2005, 395-396; Tur. and Wu 2002, 10). Ideally, decisions made on this topic would follow a PJ model where an open and fair process whereby communities, regardless of their demographic backgrounds and type of knowledge and expertise, can effectively participate in all components of a process (Turner and Wu 2002, 10).

Recommendation #2- Learning from CEQA's "Parent Law"

Bay Area city planning departments can also learn how closely connected CEQA is to its "mother", the National Environmental Policy Act (NEPA). Although no extensive (in number) and robust (in-depth) literature regarding CEQA was found in this report, studies about NEPA were often encountered. Document analyses and law reviews conducted by researchers about federal resource documents used in NEPA processes not only provided guidance in crafting questions asked to Bay Area cities for this research, but it can help Bay Area cities and state agencies produce a comprehensive EJ guidance report. Examples of this tool include the "Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis" and the "Council on Environmental Quality (CEQ) Guidance on Environmental Justice under NEPA." These resources could be duplicated or modeled in a way that is pertinent to CEQA.

Learning about NEPA-related literature can help state agencies and cities cross-analyze the weaknesses found in the NEPA process and overcome the relevant challenges parallel to CEQA processes. For example, NEPA's flaws in public participation can also be a limitation for California cities in their response to EJ concerns. NEPA's structure limits its response to EJ impacts in the Environmental Assessment (EA) and Findings of No Significant Impact (FONSI) phases. About 99 percent of NEPA projects undergo the EA phase as opposed to the EIS, and thus, public participation levels are low in NEPA (Outka 2006, 608-610; Johnson 1997, 575, 584). Such agency actions for public participation are not required during an EA stage (for example, not even a public notice), but are in an EIS (Outka 2006, 608-610; Johnson 1997, 584).

Now, in terms of CEQA, the EA/FONSI process is virtually the same as CEQA's initial study (IS)/negative declaration and mitigated negative declaration (ND/MND) phases. Although a public review period is required when an ND or MND has been proposed, no response to the public is required during a public review period like there is for an EIR (Assoc. of Env. Prof. 2014, 138,

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150-151, and 159). As Outka (2006, 609) and Johnson (1997, 575) stressed, failure to include public participation early in the NEPA process, but rather later when communities do not carry any weight and an agency has already made its decision, poses a great EJ concern for people who have been historically disenfranchised. This is especially problematic if projects do not regularly undergo an EIS. Moreover, Johnson (1997, 584) expressed that the “EA stage is the point at which it is decided whether the proposed action significantly affects the human environment, such that the agency must prepare an EIS.” This limitation draws a parallel to CEQA if no responses to comments are required in the ND/MND processes.

Therefore, state agencies such as the Governor’s Office of Planning and Research (OPR) can take the lead in producing a best practices resource while training local jurisdictions on how to use this hypothetically new CEQA/EJ guidance document.

Recommendation #3- Clear and More Effective Direction Needed from OPR

Several Bay Area cities discussed how they tend to only meet “minimum requirements” for CEQA, and therefore, have suggested that CEQA needs “more teeth” in order for them to adequately involve low-income and minority communities. In this case, it is important to refer to state policies, that have been enacted by California.

After a series of five vetoed EJ bills from governor Pete Wilson in the 1990s, Senate Bill 115 (SB 115) was passed by Governor Gray Davis in 1999 marking California’s first EJ policy (Pete 2001, 15). SB 115 was a response to President Clinton’s Executive Order 12898 (EO 12898) where California defined EJ and made OPR the lead state agency for the “implementation of environmental justice programs” (Pete 2001, 25; Cal. Dept. of Transp., Div. of Transp. Plan. Off. of Pol. Ana. & Res. 2003, 35, 38, 103). SB 115 essentially gives OPR the power to include clear EJ topics or resource areas in CEQA processes through its social and economic analyses requirements (Cal. Dept. of Transp., Div. of Transp. Plan. Off. of Pol. Ana. & Res. 2003, 35, 38, 103). However, in 2000, the lead OPR representative stated that “there are no plans to initiate the incorporation of environmental justice into the general plans guidelines or CEQA guidelines at this time, but OPR will respond to any legislative mandate” (Pete 2001, 34).

This research found that nine out of 12 cities stated that they do not incorporate social, economic, and/or health analyses throughout their CEQA processes. Some cities even declared that social and economic analyses in particular are not required in CEQA. Clearly, there is a disconnect between the theory and the practice here that must be bridged. Perhaps, rather than having social and economic considerations scattered throughout CEQA and California laws, EJ can be its own resource area in Appendix G of an IS, which would then be reflected in an EIR while having a “best practices” resource document to refer to for adequate participation with low-income and

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minority communities. A clear resource area and a guidance report are two strategies that would complement each other. The former would allow low-income and minority communities to easily refer to impacts that would affect them from a proposed project while both train city staff and provide clear direction.

Using the land use resource area of CEQA as an example, three questions must be answered in order to determine what level of impact a project may have on the existing land use of the area (Figure 24). A set of questions can be created for EJ purposes. To illustrate, Figure 25 shows the United States Department of Energy's NEPA checklist for considering socioeconomic impacts.

As a basic framework for OPR to develop an EJ resource area, the following could be considered when crafting questions for CEQA impact determination (e.g. less than significant impact, potentially significant impact, etc.):

- 1) Income levels (Bass 1998, 90).
- 2) Racial makeup (Bass 1998, 90).
- 3) Ethnicity makeup (Bass 1998, 90).
- 4) Languages spoken (Bass 1998, 90).
- 5) Housing by type, value, and age in the area (Bass 1998, 90).
- 6) Vicinity, exposure, and/or vulnerability to all mobile and stationary pollutants (Morello-Frosch and Lopez 2006, 181).
- 7) Potential impact in accessing environmental resources, such as public parks (Stewart, Bacon, and Burke 2014, 267).
- 8) Potential business closures (Harris 2012, 4).
- 9) Potential physical deterioration of a community (Harris 2012, 4).
- 10) Potential division of a community (Harris 2012, 4). Please note that this topic is also discussed in the land uses resource area, which would then be transferred to this proposed EJ resource area.
- 11) Comparison of how the above factors weigh against community, city, county, and state-wide factors (Bass 1998, 90).
- 12) Extent of effect on low-income and minority people (Bass 1998, 90).
- 13) Cumulative impacts. This analysis is already part of mandatory findings of significance, but was included in this list due to its significance to EJ (Ramo 2013, 68).

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	☐	☐	☐	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐

Image Source: <http://bit.ly/1Qiz2zC>

Figure 24: CEQA Appendix G Initial Study Checklist for Land Use

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List 1: General	Yes	No	N/A	Page	Adequacy Evaluation and Comments
2.8.0 SOCIOECONOMIC CONSIDERATIONS					
2.8.1 Does the EA consider potential effects on land use patterns, consistency with applicable land use plans, and compatibility of nearby uses?					
2.8.2 Does the EA consider possible changes in the local population due to the proposed action?					
2.8.3 Does the EA consider potential economic impacts, such as effects on jobs and housing, particularly in regard to disproportionate adverse effects on minority and low-income communities?					
2.8.4 Does the EA consider potential effects on public water and wastewater services, stormwater management, community services, and utilities?					
2.8.5 Does the EA evaluate potential noise effects of the proposed action and the application of community noise level standards?					

Image Source: <http://1.usa.gov/1OVBQkU>

Figure 25: U.S. Department of Energy Environmental Assessment Checklist for Socioeconomic Considerations

Recommendation #4: Cities Can Take EJ and CEQA Matters “Into their Own Hands”

But, we don’t do anything else beyond what’s required in the CEQA guidelines ... Because our city is very much a minority community, we’re about 25% per sector, so we really do ... Our nationality should I say, so we really do have a mix here ... We’re one of the most diverse cities in the country, and yet we do things the same way as a city that isn’t as diverse, like Orange County. So we have to change our ordinance to reflect the population that we have, because we can’t lean to the State requirements. We need to consider our population.”

– Northeast Planning Manager

Learning from Bay Area cities about what they do to include low-income and minority communities has been the crux of this report. Some Bay Area cities have put “matters into their own hands” by adopting ordinances that enhance public participation in CEQA processes. Moreover, one city

has created a department that specifically addresses race and equity issues throughout their city. It seems that, together, these two strategies can not only increase public participation throughout the CEQA process, but also specifically include low-income and minority communities “at the table” of discussion. For example, as an east Bay Area city mentioned, “equality” has been the framework planning departments have been modeled after, as opposed to “equity.” As a southwest Bay Area city expressed, treating everyone equally tends to lead to disservices such as when public notices written in English are distributed equally to affected communities that may not be understood by non-English speakers. Thus, leading to an inequity.

Bay Area cities` can implement a combination of robust public outreach practices where they involve communities as early as the project determination phase per their municipal code while having a department of equity and race. Low-income and minority communities must then be included in the process or at the very least considered if a project may significantly affect them.

Recommendation #5: Resource-Effective Practices for Cities

Cities struggling to meet EJ requirements in CEQA also find it difficult “to keep the lights on at city hall,” as a northeast Bay Area city put it. However, there are possible cost-effective ways to, for example, collect low-income and minority community input or equitably disseminate information throughout CEQA processes. For example, several cities have found that partnering with CBOs can be a large resource-saving way to “get the word out” about a project or collecting input through door-to-door surveys. Granted, perhaps some cities may not have any community capacity whatsoever. Although it would be a large up-front cost, savings may be made in the future if planning departments form neighborhood commissions that prevent pollution, reduce public health costs, and promote the advancement of their neighborhood. As a northeast Bay Area city suggested, the promotion of neighborhood commissions can also help thwart intimidation of public processes, provide a voice for the historically voiceless, and train community leaders with the knowledge to effectively influence decision making process.

Other small tips cities have shared in this report include the cost evasion in translating entire public notices and environmental review documents for projects affecting low-income and minority communities. For example, planning departments can provide short translated synopses with a number to call for more information, rather than just translated text that reads “for more information regarding this project, call this number.” Further, using a southwest Bay Area city as an example, producing translated executive summaries rather than translated EIRs can be a resource-saver and a way to possibly pique the community’s interest for further involvement.

When collecting input, planning departments such as a southwest Bay Area city, sometimes effectively canvass at multicultural festivals to collect input rather than organizing community meetings, or alternatively, use these celebrations as a gateway to invite these people to community

meetings. This strategy can lead to high turn-outs, which would be the “biggest bang for your buck” rather than spending money in a community meeting that has only three or four of the “regulars” participating in the process.

Other recommendations for resource-savings that Bay Area cities practice include:

- 1) Bearing the costs of outreach onto the developers. Some cities may have to change their municipal code for this practice.
- 2) Forming community benefits agreements as a response to the California mandated dissolution of the Redevelopment Agency to effectively mitigate impacts in low-income and minority communities.

Chapter 6.3: Shortcomings of the Study and Opportunities for Future Research

As with any study, there are limiting factors that contribute to the quality of its outcomes. However, these shortcomings can provide the opportunity to build on what has been found by “filling in the gaps.” The following lists variables that were not included in this research, a brief description of how they could have been beneficial to this planning report, and thus, how they can lead to future research:

- 1) **Balanced Interviews** – Providing an objectively well-balanced set of interviews is important to any research study. In other words, collecting inputs from the public sector could be very limiting when attempting to “paint the entire picture.” Collecting the perspectives from nonprofit organizations, for example, could have shed light in validating what planning departments are actually practicing and failing to address, or conversely, what they were doing well. Another party that could have had valid viewpoints would be consulting agencies who often prepare environmental review documents. These consulting firms could have more thoroughly answered how they include social and economic considerations into their reports. Further, developers could have incorporated the financial constraints or challenges to meeting environmental justice related requirements.
- 2) **Verifying Data Collected** – The data collected in this research was more anecdotal than factual. For example, public records and data could have been evaluated before and after the phone interviews were conducted, which in turn, would have provided the ability in running more reliable data through quantitative methods. Moreover, this research failed to conduct “follow-up” research of publicly available data or observational data (e.g. attending community meetings), which could have aided in verifying the interview responses from the phone interviews.

- 3) **Targeting Cities** – A more targeted approach to selecting cities could have provided a much more in-depth analysis of phone interview responses. For example, researching information and data for Bay Area cities that have had long-standing environmental justice problems could have been selected. Further, this strategy coupled with conducting research to verify phone interview responses made by cities could have led to a more reliable and thorough outcome of qualitative analyses.

6.4: Closing Thoughts

This report provided background of the environmental justice (EJ) movement in the United States, California, and the San Francisco Bay Area. It also included the academic theory of EJ and the practices of EJ implemented by agencies and cities in the National Environmental Policy Act (NEPA) and more specifically, in the California Environmental Quality Act (CEQA). In particular, this report collected the existing conditions of what 12 San Francisco Bay Area planning departments were doing to address environmental justice issues for low-income and minority communities in the CEQA process.

This planning report, however, had two areas of focus:

- 1) **The Research Question** – How can San Francisco Bay Area cities effectively increase the meaningful participation of low-income and minority communities through the CEQA process to address environmental justice issues?
- 2) **The Hypothesis** – The effective actions taken by cities to include minority and low-income communities in the CEQA process depend on the resources, experience, organizational capacity, funds, interest, and/or incentive planning departments have in order to properly address environmental justice through CEQA processes.

This report prescribes cities to adopt environmental justice academic research as guiding principles in the work they do when undergoing CEQA processes with low-income and minority communities. The phone interview data revealed that every Bay Area city implemented at least three required CEQA laws that address environmental justice. However, not every single city practiced at least one EJ-related practice that went “above and beyond” CEQA requirements. Planning departments also shared effective strategies and practices to engage low-income and minority communities. Two of them include changing municipal codes to reflect an equitable approach to outreaching low-income and minority communities and/or creating new departments that address race and equity issues throughout a city. The latter can change the whole dynamic of how low-income and minority communities are considered in almost every public process, including CEQA.

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Cities are challenged by the restraint of their resources. The hypothesis of this report covered this topic and found that cities can utilize cost-effective ways to include low-income and minority communities in CEQA processes. For example, creating, fostering, and partnering with an active community, such as CBOs or neighborhood commissions, can build on the capacity of low-income and minority groups to effectively participate in CEQA processes and serve as a long-term effective and sustainable resource.

The United States has made some great strides over the last 400 years. They range from abolishing slavery and Jim Crow laws to adopting Executive Order 12898 and SB 115 in California, stopping hazardous waste dump site projects in Kettleman City, California, and cleaning up asbestos in Alviso, San Jose, California. However, as this report shows, there is still a long way to go until we reach an equitable society. Particularly when the San Francisco Bay Area or the “mecca” of diversity and innovation may not be meeting several state requirements on environmental justice, it can be disheartening or discouraging to observe slow and delayed progress. Nonetheless, it is important to remember that something can be done, today. The fate rests in our hands in creating a the path towards a future where people do not have to suffer from environmentally degrading and unconscious decisions simply because of the complexion of their skin or how much money they make. Hopefully, this report can provide advocates, state agencies, cities, academic circles, and consulting agencies a rich set of information or guidance to address environmental injustices in the CEQA process.

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APPENDIX A CEQA/EJ FACT SHEET

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE

Environmental Justice at the Local and Regional Level **Legal Background**

Cities, counties, and other local governmental entities have an important role to play in ensuring environmental justice for all of California's residents. Under state law:

“[E]nvironmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(Gov. Code, § 65040.12, subd. (e).) Fairness in this context means that the *benefits* of a healthy environment should be available to everyone, and the *burdens* of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.

Many local governments recognize the advantages of environmental justice; these include healthier children, fewer school days lost to illness and asthma, a more productive workforce, and a cleaner and more sustainable environment. Environmental justice cannot be achieved, however, simply by adopting generalized policies and goals. Instead, environmental justice requires an ongoing commitment to identifying existing and potential problems, and to finding and applying solutions, both in approving specific projects and planning for future development.

There are a number of state laws and programs relating to environmental justice. This document explains two sources of environmental justice-related responsibilities for local governments, which are contained in the Government Code and in the California Environmental Quality Act (CEQA).

Government Code

Government Code section 11135, subdivision (a) provides in relevant part:

No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, 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....

While this 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 discussed above. Where, for example, a general plan update is funded by or receives financial assistance from the state or a state agency, the local government should take special care to ensure that the plan's goals, objectives, policies

and implementation measures (a) foster equal access to a clean environment and public health benefits (such as parks, sidewalks, and public transportation); and (b) do not result in the unmitigated concentration of polluting activities near communities that fall into the categories defined in Government Code section 11135.¹ In addition, in formulating its 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. (See Cal. Code Regs., tit. 22, §§ 98101, 98211.)

Government Code section 11136 provides for an administrative hearing by a state agency to decide whether a violation of Government Code section 11135 has occurred. If the state agency determines that the local government has violated the statute, it is required to take action to “curtail” state funding in whole or in part to the local agency. (Gov. Code, § 11137.) In addition, a civil action may be brought in state court to enforce section 11135. (Gov. Code, § 11139.)

California Environmental Quality Act (CEQA)

Under CEQA, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects” (Pub. Res. Code, § 21002.) Human beings are an integral part of the “environment.” An agency is required to find that a “project may have a ‘significant effect on the environment’” if, among other things, “[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]” (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines,² § 15126.2 [noting that a project may cause a significant effect by bringing people to hazards].)

CEQA does not use the terms “fair treatment” or “environmental justice.” Rather, CEQA centers on whether a project may have a significant effect on the physical environment. Still, as set out below, by following well-established CEQA principles, local governments can further environmental justice.

CEQA’s Purposes

The importance of a healthy environment for all of California’s residents is reflected in CEQA’s purposes. In passing CEQA, the Legislature determined:

- “The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.” (Pub. Res. Code, § 21000, subd. (a).)
- We must “identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached.” (*Id.* at subd. (d).)

¹ To support a finding that such concentration will not occur, the local government likely will need to identify candidate communities and assess their current burdens.

² The CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, et seq.) are available at <http://ceres.ca.gov/ceqa/>.

- “[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.” (*Id.* at subd. (g).)
- We must “[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.” (Pub. Res. Code, § 21001, subd. (b).)

Specific provisions of CEQA and its Guidelines require that local lead agencies consider how the environmental and public health burdens of a project might specially affect certain communities. Several examples follow.

Environmental Setting and Cumulative Impacts

There are a number of different types of projects that have the potential to cause physical impacts to low-income communities and communities of color. One example is a project that will emit pollution. Where a project will cause pollution, the relevant question under CEQA is whether the environmental effect of the pollution is significant. In making this determination, two long-standing CEQA considerations that may relate to environmental justice are relevant – setting and cumulative impacts.

It is well established that “[t]he significance of an activity depends upon the setting.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 [citing CEQA Guidelines, § 15064, subd. (b)]; see also *id.* at 721; CEQA Guidelines, § 15300.2, subd. (a) [noting that availability of listed CEQA exceptions “are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.”]) For example, a proposed project’s particulate emissions might not be significant if the project will be located far from populated areas, but may be significant if the project will be located in the air shed of a community whose residents may be particularly sensitive to this type of pollution, or already are experiencing higher-than-average asthma rates. A lead agency therefore should take special care to determine whether the project will expose “sensitive receptors” to pollution (see, e.g., CEQA Guidelines, App. G); if it will, the impacts of that pollution are more likely to be significant.³

In addition, CEQA requires a lead agency to consider whether a project’s effects, while they might appear limited on their own, are “cumulatively considerable” and therefore significant. (Pub. Res. Code, § 21083, subd. (b)(3).) “[C]umulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future

³ “[A] number of studies have reported increased sensitivity to pollution, for communities with low income levels, low education levels, and other biological and social factors. This combination of multiple pollutants and increased sensitivity in these communities can result in a higher cumulative pollution impact.” Office of Environmental Health Hazard Assessment, *Cumulative Impacts: Building a Scientific Foundation* (Dec. 2010), Exec. Summary, p. ix, available at <http://oehha.ca.gov/ej/cipa123110.html>.

projects.” (*Id.*) This requires a local lead agency to determine whether pollution from a proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probable future projects. Accordingly, the fact that an area already is polluted makes it *more likely* that any additional, unmitigated pollution will be significant. Where there already is a high pollution burden on a community, the “relevant question” is “whether any additional amount” of pollution “should be considered significant in light of the serious nature” of the existing problem. (*Hanford, supra*, 221 Cal.App.3d at 661; see also *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 [holding that “the relevant issue ... is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools.”])

The Role of Social and Economic Impacts Under CEQA

Although CEQA focuses on impacts to the physical environment, economic and social effects may be relevant in determining significance under CEQA in two ways. (See CEQA Guidelines, §§ 15064, subd. (e), 15131.) First, as the CEQA Guidelines note, social or economic impacts may lead to physical changes to the environment that are significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (a).) To illustrate, if a proposed development project may cause economic harm to a community’s existing businesses, and if that could in turn “result in business closures and physical deterioration” of that community, then the agency “should consider these problems to the extent that potential is demonstrated to be an indirect environmental effect of the proposed project.” (See *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 446.)

Second, the economic and social effects of a physical change to the environment may be considered in determining whether that physical change is significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (b).) The CEQA Guidelines illustrate: “For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.” (*Id.* at § 15131, subd. (b); see also *id.* at § 15382 [“A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”])

Alternatives and Mitigation

CEQA’s “substantive mandate” prohibits agencies from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that would substantially lessen or avoid those effects. (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134.) Where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project’s impacts to that community or subgroup. (See CEQA Guidelines, § 15041, subd. (a) [noting need for “nexus” between required changes and project’s impacts].)

Depending on the circumstances of the project, the local agency may be required to consider alternative project locations (see *Laurel Heights Improvement Assn. v. Regents of University of*

California (1988) 47 Cal.3d 376, 404) or alternative project designs (see *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1183) that could reduce or eliminate the effects of the project on the affected community.

The lead agency should discuss and develop mitigation in a process that is accessible to the public and the affected community. “Fundamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval; but rather, an open process that also involves other interested agencies and the public.” (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.) Further, “[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” (CEQA Guidelines, § 15126.4, subd. (a)(2).)

As part of the enforcement process, “[i]n order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented,” the local agency must also adopt a program for mitigation monitoring or reporting. (CEQA Guidelines, § 15097, subd. (a).) “The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Where a local agency adopts a monitoring or reporting program related to the mitigation of impacts to a particular community or sensitive subgroup, its monitoring and reporting necessarily should focus on data from that community or subgroup.

Transparency in Statements of Overriding Consideration

Under CEQA, a local government is charged with the important task of “determining whether and how a project should be approved,” and must exercise its own best judgment to “balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian.” (CEQA Guidelines, § 15021, subd. (d).) A local agency has discretion to approve a project even where, after application of all feasible mitigation, the project will have unavoidable adverse environmental impacts. (*Id.* at § 15093.) When the agency does so, however, it must be clear and transparent about the balance it has struck.

To satisfy CEQA’s public information and informed decision making purposes, in making a statement of overriding considerations, the agency should clearly state not only the “specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits” that, in its view, warrant approval of the project, but also the project’s “unavoidable adverse environmental effects[.]” (*Id.* at subd. (a).) If, for example, the benefits of the project will be enjoyed widely, but the environmental burdens of a project will be felt particularly by the neighboring communities, this should be set out plainly in the statement of overriding considerations.

The Attorney General's Office appreciates the leadership role that local governments have played, and will continue to play, in ensuring that environmental justice is achieved for all of California's residents. Additional information about environmental justice may be found on the Attorney General's website at <http://oag.ca.gov/environment>.

APPENDIX B OVERVIEW OF METHODS AND SELECTED RESULTS OF DOCUMENT ANALYSIS

Methods to Answer the Research Question and Test the Hypothesis

This study was qualitative in nature and had three sets of methods. The first included research, document analysis, content analysis, and qualitative analysis of California documents or tools that provide guidance on how local jurisdictions can address environmental justice (EJ) through the California Environmental Quality Act (CEQA). This process would help gather a collection of best practices and strategies of engagement with low-income and minority communities. Such documents have been published by OPR, AGO, and/or the California Environmental Protection Agency (Cal EPA) and were searched for in this research.

Other potentially useful documents that were searched for, but not published by the State of California include those from Bay Area cities that were selected for a phone interview survey in this research. Organizations like the Association of Environmental Planners (AEP) have annually published the “CEQA Statutes and Guidelines” handbook and have often held several conferences, trainings, and workshops about CEQA on a wide range of topics. Other similar organizations were the Planning and Conservation League (PCL) and CEQA Works. Documents were also searched for through the websites of these organizations.

The second method was to create a set of phone interview survey questions based upon findings gleaned from the first method.

The third method consisted of the implementation of phone interview surveys with at least 10 ten Bay Area cities in order to answer the research question and test the hypotheses by collecting the data described later in this section. Cities were contacted afterwards via email for any clarifications. Once the phone interviews were conducted, they were then transcribed and the data collected was analyzed qualitatively.

The phone interview survey questions can be found in Appendix C and they were asked of Planning Directors in cities in the San Francisco Bay Area region that with at least 30% minority population and a 10% of persons in poverty. This criteria was created in order to select cities that may often work with low-income and minority communities in the CEQA process. These protocols also implement in order to meet the time constraints of completing the study. Planning Directors were the key interviewees since they are involved in deciding the planning department’s strategic approach to CEQA processes.

Method 1- Research Best Practices Reports for Specific Linkages to EJ Assessment and Engagement During CEQA Processes

Research for “best practices” documents was conducted in order to collect, document, and analyze assessment tools used for environment justice and strategies and practices on how local governments can effectively engage with low-income and minority communities during the CEQA process. Documents searched for were sourced from publicly and online available resources either by web searching or contacting relevant California state government agencies, California cities, or California-based environmental or planning organizations.

The collected data provided relevant information needed to draft effective phone interview questions for Bay Area city planning departments. This method is known as “document analysis,” which is defined as “a systematic procedure for reviewing or evaluating documents—both printed and electronic (computer-based and Internet-transmitted) material” (Bowen 2009, 27).

The following websites were searched to find the “best practices” reports:

- 1) California Environmental Protection Agency – <http://www.calepa.ca.gov/>
- 2) California’s Governor’s Office of Planning and Research – <http://www.opr.ca.gov/>
- 3) California Office of the Attorney General – <http://oag.ca.gov/>
- 4) Association of Environmental Professionals: California and San Francisco Bay Chapters – <https://www.califaep.org/> and <http://sf.califaep.org/>
- 5) Planning and Conservation League – <http://www.pcl.org/index.html>
- 6) CEQA Works – <http://ceqaworks.org/>

If adequate materials needed for this research were not found, then relevant agencies, cities, or organizations were contacted in order to request access for such documents through email or phone. The following websites were used in case “troubleshooting” was necessary:

- 1) California Environmental Protection Agency <http://www.calepa.ca.gov/contactus/>
- 2) California’s Governor’s Office of Planning and Research http://www.opr.ca.gov/s_contact.php
- 3) California Office of the Attorney General – <http://oag.ca.gov/>

- 4) Association of Environmental Professionals: California and San Francisco Bay Chapters – <https://www.califaep.org/about-aep/contact-us>
- 5) Planning and Conservation League – <http://www.pcl.org/about/contact.html>
- 6) CEQA Works – <http://ceqaworks.org/contact/>

Methods of Data Analysis

The following table was used to guide, organize, and analyze collected documents:

Document Analysis Matrix (Source: Author)

Document Source and Name	Year Published	Best Practices Strategies	Paraphrased strategies	Corresponding CEQA Guidelines/ Statute	Cities that Implement Best Practices	Barriers for Use of Best Practices	Resources Available to Implement the Best Practice	Page #	Document URL
Cal EPA									
Cal OPR									
Cal OAG									
AEP									
PCL									
CEQA Works									
Other Resources Not Listed									

Environmental Justice Engagement Strategies and Practice Columns

Relevant best practices and strategies were “copied and pasted” into the table above as documented word for word from each “best practices” report. Each strategy was then paraphrased and matched to its corresponding CEQA statute or law, if any. If the meaning of the practices or strategies were unclear, the source agency and/or organization or the San Jose State University Department of Urban and Regional Planning Department advisers of this research were contacted.

The following research sources were used to conduct adequate qualitative and content analyses methods:

- 1) Babbie, Earl. 2013. *The Practice of Social Research, Thirteenth Edition*. Belmont, CA: Wadsworth Cengage Learning.
- 2) Burnard, Susan. 2008. “Analyzing and Presenting Qualitative Data.” *British Dental Journal*. 204, no. 8: 429–432. Accessed March 10, 2014. <http://www.nature.com/bdj/journal/v204/n8/full/sj.bdj.2008.292.htm>.

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- 3) Morse, Janice M. 2008. "Confusing Categories and Themes." *Qualitative Health Research* 18, no. 6 (June): 727–728. Accessed November 1, 2015. <http://qhr.sagepub.com/content/18/6/727.full.pdf> Nixon, Hilary. 2014. Youtube. "Analyzing Qualitative Data." San Jose State University, March 10. Accessed February 9, 2015. <https://www.youtube.com/watch?v=BnDUARfEu5I>.
 - 4) Trochim, M.K, William. 2006. Research Methods Knowledge Base. "Deduction and Induction," October 12. Accessed February 9, 2015. <http://www.socialresearchmethods.net/kb/dedind.php>.
 - 5) Saldana J. 2009. The Coding Manual for Qualitative Researchers. Los Angeles, CA: SAGE.

Analyzing Best Practice Documents

Based on the research of best practices documents, potential patterns were grouped and defined in themes, subthemes, and codes to organize the large amount of information collected. Phone interview survey questions were then created as part of the second research method. Once themed and coded, the following questions taken from Burkowitz (1997) helped guide the analysis:

- What patterns and common themes emerge in responses dealing with specific items?
- How do these patterns (or lack thereof) help to illuminate the broader study question(s)?
- Are there any deviations from these patterns? If yes, are there any factors that might explain these atypical responses?
- What interesting stories emerge from the responses? How can these stories help to illuminate the broader study question(s)? (Burkowitz 1997)

To understand the differences between categories, codes, themes, and sub-themes, the following are the different classifications of these qualitative analysis "groupings":

- 1) **Categories** – Often used interchangeably as themes, a category "is a collection of similar data sorted into the same place, and this arrangement enables the researchers to identify and describe the characteristics of the category ... categories are important for determining what is in the data (the "what"). So they are used in ethnography and in the initial analytic phase of grounded theory." (Morse 2008, 727).
- 2) **Codes** – Is the process "whereby raw data can be transformed into standardized form suitable for machine processing and analysis" or "classifying ... individual pieces of data"

(Babbie 2013, 335 and 396). Codes are typically the subsets of categories and subcategories (Saldana 2009, 9).

- 3) **Themes** – A theme “is a meaningful ‘essence’ that runs through the data ... To identify a theme, the researcher reads the interview or document paragraph by paragraph, asking, “What is this about?” and thinking interpretively” (Morse 2008, 727). Subthemes may emerge as smaller units of a theme (Nixon 2014).

There are several ways to code, they include (Babbie 2013, 336, 397-398):

- 1) **Open Coding** – Is the “initial classification and labeling of concepts” .
- 2) **Axial Coding** – Is the “reanalysis of the results of open coding ... aimed at identifying the important, general concepts.”
- 3) **Selective Coding** – Is the building from the “results of open coding and axial coding to identify the central concept that organizes the other concepts.”
- 4) **Manifest Coding** – Is the “visible surface content” where a researcher may count the number of times a certain key word appears in a text or interview.
- 5) **Latent Coding** – Is the investigating the “underlying meaning of communications, as distinguished from their manifest content.”

The document analysis process used in the first method of this report used a combination of qualitative and content analyses defined as the following:

- 1) **Content Analysis** – The “study of recorded human communications, such as books, websites, paintings, and laws” (Babbie 2013, 330).
- 2) **Qualitative Analysis** – Is the “nonnumerical examination an interpretation of observations, for the purpose of discovering underlying meanings and patterns of relationships” (Babbie 2013, 390).

There are two different approaches to content and qualitative analyses: induction and deduction:

- 1) **Induction** – A bottom-up approach where a researcher looks at “specific observations to broader generalizations and theories” (Trochim 2006). In regards to codes, the inductive approach essentially has the “data itself drive the structure” to form conclusions, relationships, differences, etc (Nixon 2014).

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- 2) **Deduction** – The opposite of induction where researchers work with a top-down approach by starting out with a theory or generalization then form a hypothesis, conduct observations, and consequently conclude their results (Trochim 2006). Coding in deductive theory usually calls for a “predetermined framework” (Nixon 2014).

On the topic of induction, researchers often refer to the “Grounded Theory Method (GTM),” which is “an inductive approach to research introduced by Barney Glaser and Anselm Strauss, in which theories are generated solely from an examination of data rather than being derived deductively” (Babbie 2013, 392). In GTM, observations are constantly compared. This process is known as “constant comparative method” (Babbie 2013, 392).

In this report, the definitions for themes and subthemes were used in the place of the same definitions of categories and subcategories. A combination of deduction and induction methods were used once the documents analyzed were found. In regards to deduction, a predetermined framework was developed by searching specifically for:

- 1) **Environmental Justice Analysis Tools** – The purpose of this investigation was to find out analysis methods cities may be able to use during CEQA processes that would consider the identification, avoidance, or mitigation of significant impacts on low-income and minority communities.
- 2) **Low-Income and Minority Community Engagement Strategies and Practices** – Any EJ-related strategy or practice cities could utilize in the CEQA process that would provide meaningful participation for low-income and minority communities were searched for.

The GTM approach was also used when sifting through the best practices documents by using the following coding phases:

- 1) **Manifest Coding** – Key words were specifically searched for, such as: outreach, engagement, community meetings, advertising, translations, public input, low-income and minority communities, and environmental justice, analysis, and assessment.
- 2) **Open, Axial, and Selective Coding** – Paragraphs where key words were found were coded and colored uniquely. The paragraphs were to contain strategies, practices, or tools.

All codes were transferred to Microsoft Excel spreadsheets for organizational, analysis, and graphic display purposes.

The following questions helped guide what class of information to look for when creating phone interview questions in the second set of methods:

- 1) How do best practices differ by organization or agency?
- 2) How do best practices differ by CEQA statutes and guidelines?
- 3) How do best practices differ by examples (or city experiences) used?
- 4) How do the best practices differ by the potential barriers in achieving the strategies recommended?

Method 2- Creating Preliminary and Finalized Questions Based on Best Practices Research

The table below helped organize the production of preliminary phone interview questions:

Process for Creating Preliminary Phone Interview Question (Source: Author)

Document Source and Name	Document Title/Year Published	Themed/Coded Best Practices	Corresponding CEQA Guidelines/Statutes	Preliminary Questions for Survey	Finalized Questions	Page #	Document URL
Cal EPA							
Cal OPR							
Cal OAG							
AEP							
PCL							
CEQA Works							
Other Resources Not Listed							

The final set of phone interview questions were formulated in a way that avoids the overlapping of questions. The original intent of this report was to have 15 questions in order to respect the busy schedules of the participating planning directors. The final questions were a direct outgrowth of the codes created in the document analysis. Therefore, each question had a corresponding code. In the end, a total of 18 questions were asked. Go to Appendix C to review the questions asked to planning directors.

Literature Review and Phone Interview Questions

In addition to the analyses of best practices documents for the purpose of generating phone interview questions, a literature review was conducted. The goal of the literature review was to explore how cities can effectively respond to EJ concerns through California Environmental Quality Act (CEQA) processes. Since there was a lack of literature pertaining to the linkages between city implementation of EJ requirements in CEQA with low-income and minority communities, the scope of the evaluated literature only reviewed relatable studies using the following themes as guides to search for studies:

-
- 1) How Cities Can Identify, Respond, and Address EJ Concerns in CEQA Processes
 - 2) City Reliance on Advocates to Effectively Apply EJ in CEQA Processes
 - 3) Applying NEPA's EJ Practices in California Cities and CEQA

The first theme of the literature's discussion attempted to answer the following two questions that directly connect to the literature's goal:

- How can cities effectively respond to environmental justice issues in CEQA processes?
- To what extent are Environmental Justice issues identified and addressed during the CEQA process?

The second theme sought answers through the work of EJ advocacy stakeholders by asking: to what extent do cities rely on advocates/outside stakeholders to raise Environmental Justice issues during the CEQA process?

Like the second theme, the third theme also explored relatable answers to this literature's goal by delving into the National Environmental Policy Act's (NEPA) processes:

- How do federal agencies effectively respond to Environmental Justice issues in National Environmental Policy Act (NEPA) processes?
- Is this literature relevant to California and cities?

The studies reviewed were evaluated, synthesized, and explored for key findings and limitations in their methods, results, and conclusions. Furthermore, the literature was also reviewed to assess whether they were generalizable.

Method 3- Conducting Phone Interview with Bay Area Cities and Analyzing Their Responses through Qualitative and Content Analyses

Using the final set of questions drafted from the first and second method, a phone interview was attempted to be organized with all Planning Directors of San Francisco Bay Area cities that fit the below criteria. These were based on the California Department of Finance and the 2010 U.S. Census Bureau data from the Bay Area Census website:

- Had a minority population of at least 30 percent – 2010 U.S. Census, Bay Area Census.
- Had a "persons below poverty level" of 10 percent or higher – 2006–2010 American Community Survey U.S. Census Bureau data.

The 2014 California Department of Finance population data were used to have a listing of all cities in the Bay Area. The 2010 U.S. Census data were utilized to record all the San Francisco Bay Area cities that fit the minority and poverty criteria filters. Each city was assigned ID numbers (no particular order).

The collected qualitative data was planned to provide the opportunity to:

- 1) Analyze how cities were performing in outreach and engaging their low-income and minority communities based in accordance with CEQA laws that include environmental justice requirements.
- 2) Answer the study's research question and to test the hypothesis.

Searching for City Planner Interviewees and Drafting a Phone/Email Script

The following steps were taken when looking for and scheduling interviews with planning directors:

- 1) Review the contact information of planning directors via their city websites prior to calling and emailing them.
- 2) Create email and phone scripts, which include a description of the project and its purpose, the survey methods, university association, examples of one to two questions asked in the survey, and a request for a confirmation of participation (Appendices E, F, and G).
- 3) Contact planning directors via email and phone once the email/phone scripts were created. If their information was not found online, the planning department office number was reached to ask the receptionist for guidance.
- 4) Provide a summary for the purpose of the research, confidentiality information, sample phone interview questions, a request to become part of the phone interview, and to schedule a date for the phone interview to planning directors once reached via email or phone.
- 5) Send the following to participants once a date was set up with the planning director: a) an institutional review board consent form (Appendix E); b) phone interview questions (Appendix D) for their convenience; and c) pertinent information needed for the implementation of the phone interview (Appendix G).

Confidentiality by Redacting Phone Interview Transcripts

All transcriptions from the phone survey were redacted. The interviewer's name, the interviewee's name, and city location were redacted in the following ways:

- 1) Interviewer
- 2) Interviewee
- 3) City ID#, as created from random selection for survey participation; and
- 4) San Francisco Bay Area Region – north, northwest, northeast, southwest, southeast, east, or west.
- 5) See below for an example of what 1–4 this looks like:

City ID# 6

Location: South-east San Francisco Bay Area Region

[Interviewer]: Do you have any further questions?

[Interviewee]: Yes, but I have to go. I'll email you.

Using the Document Analysis to Guide Qualitative Analysis from Bay Area City Phone Interview Responses

The document analysis from the first method provided guidance in figuring out which code best corresponded to which CEQA-related laws. This information was then weighed against each phone interview response cities provided to investigate whether cities were compliant with CEQA law or if they went “above and beyond” the law.

As mentioned earlier, the codes crafted from the first method were turned into phone interview questions. Thus, the questions themselves provided an opportunity to act as a guide to the analysis of the responses given by cities. In this case, the codes developed from the first method (document analysis, etc) were transformed into predetermined themes that were weighed against the phone interview responses from Bay Area cities in order to organize the data into subthemes and codes.

For the purpose of this third method, a mix of analysis approaches were used. Each of the groupings were ordered in a hierarchical fashion. To make sense of this complicated set of analysis characterizations, refer to the following definitions used in this report:

- 1) **Categories** were created as a derivation of the themes created from the document analysis, which explain the “what” of the data that was analyzed. Categories were the first level of qualitative and content analysis.
- 2) **Predetermined-Themes** used in this method were subcategories that also explained the “what” of the data analyzed from the document analysis, but in a deeper fashion or sub level. The subthemes and codes discussed below were created based on the predetermined themes as a way of uncovering or characterizing the “stories” of each phone interview response made by cities. Predetermined themes were the second level of qualitative and content analysis.
- 3) **Subthemes** were created from latent, open, axial, and selective coding strategies, which helped uncover the underlying meaning from the phone interview responses, including the their characterizations. Subthemes were the third level of qualitative and content analysis;
- 4) **Codes** were crafted as the sublevel of subthemes, and thus, were the fourth level of analysis.

Because the creation of subthemes and codes in method 3 were an outgrowth of the predetermined themes and the phone interview responses, the entire process can be considered deductive. However, one can argue that this approach is also inductive because GTM was used. Therefore, a mix of deduction and induction was used.

The following questions helped guide the analysis in method 3:

- 1) How do the amount of responses, which include strategies and practices, differ between cities?
- 2) How do the responses differ between cities?
- 3) How do the strategies the respondents provide to outreach and engage low-income and minority communities match CEQA guidelines and statutes?

Method 1 Results: Patterns and Connections of Findings for Theme 1 – “Environmental Justice Assessment Tools”

The most prevalent code types across all documents for the first theme included:

- 1) Human Health Environmental Indicators and Vulnerabilities;
- 2) Social and Economic Indicators; and
- 3) Environmental Indicators Vulnerabilities

However, this did not imply that one code had more value over others. Rather, the codes that appeared more often throughout the document analysis could be utilized by CEQA practitioners in conjunction with the less prevalent codes. In other words, all the codes complement one another. For example, the California Environmental Protection Agency and the Office of Environmental Health Hazard Assessment (2010, vii and 64) mentioned that pollution data available from Cumulative Impact tools, such as the “United States EPA’s Environmental Justice Strategic Enforcement Assessment Tool” (EJSEAT) helps determine possible impacts in low-income or minority communities. However, it is limited and quickly outdated, thus, new, improved, and specific data is needed (California Environmental Protection Agency and the Office of Environmental Health Hazard Assessment 2010, vii and 64). A recommended way of overcoming an obstacle like EJSEAT, the document analysis suggests, could be through the employment of strategies under the Community-Initiated Assessment (subtheme 2, code 6) and Community Health Objective codes (theme 2, code 5). An example of the former was performed between East Oakland residents and Communities for a Better Environment (documented in “Cumulative Impacts Report of East Oakland”) where they conducted a “community-level inventory of sources of air pollution to determine whether any of the sources were listed in inventories maintained by ARB [Air Resources Board] and the Bay Area Air Quality Management District” (California Environmental Protection Agency and Office of Environmental Health Hazard Assessment 2010, 64). Their study found major gaps in ARB’s inventory methods that undermined the actual range of air pollution impacts the East Oakland community experienced (California Environmental Protection Agency and the Office of Environmental Health Hazard Assessment, 64). Further demonstrating how analyzed codes can work in combination, local benchmark reduction targets as implemented in San Francisco’s Department of Public Health’s “Healthy Development Measurement Tool” can be used in Oakland’s community inventory. Therefore, once again, illustrating how all codes in the analysis are equally important (California Environmental Protection Agency and Office of Environmental Health Hazard Assessment 2010, 64–65, 66–67).

The outlier code in this analysis was the Alternative Transportation Choices code, primarily because the amount of information came from the “Environmental Justice in Transportation Planning and Investments” document. Nonetheless, this document was comprehensive and included four of the seven codes. Further, it provided a wide range of examples of how transit agencies and jurisdictions conducted EJ transportation impact assessment. For example, it highlighted the Association of Bay Area Government’s (ABAG) Livability Footprint Equity Analysis for its Smart Growth Strategy/ Regional Livability Footprint Project (California Department of Transportation, Division of Transportation Planning Office of Policy Analysis & Research 2003, 139). In this project ABAG’s inclusive public participation process led to the creation of performance measures for five low-income and minority neighborhoods that included equity measure. The metrics included an estimate of how well transit services matched the demands of the neighborhoods. Results of this analysis led to comparison of existing conditions versus future impact of alternative projects (California Department of Transportation, Division of Transportation Planning Office of Policy Analysis & Research 2003, 139).

The most exhaustive type of assessment (or subtheme) was in the “Cumulative Impacts: Building a Scientific Foundation” document in which six of the seven codes were identified, with the Alternative Transportation Choices code being the excluded. This made sense since cumulative impact (CI) is defined by California Environmental Protection Agency (Cal/EPA) as “the exposures, public health or environmental effects from the combined emissions and discharges, in a geographic area, including environmental pollution from all sources, whether single or multimedia, routinely, accidentally, or otherwise released. Impacts will take into account sensitive populations and socioeconomic factors, where applicable and to the extent data are available” (California Environmental Protection Agency and Office of Environmental Health Hazard Assessment 2010, vii).

The “Environmental Justice in Transportation Planning and Investments” document had four codes:

- 1) Environmental Indicators/Vulnerabilities
- 2) Alternative Transportation Choices
- 3) Social and Economic Demographic Indicators
- 4) Human Health Indicators and Vulnerabilities

Meanwhile, the “Indicators of Climate Change in California: Environmental Justice Impacts” identified only three codes:

- 1) Human Health Indicators and Vulnerabilities

-
- 2) Social and Economic Demographic Indicators
 - 3) Environmental Indicators and Vulnerabilities

Barriers to Practice

The California Office of Environmental Health Hazard Assessment's "Indicators of Climate Change in California: Environmental Justice Impacts" document detailed many limitations about the tools it recommended using, ranging from missing or outdated data or flawed method in the retrieval of the data (2010, 16, 21, 29, 103). For example, it discussed "the lack of California-specific data—in particular, community-level data—needed to examine disparities among income or racial groups precluded the development of more indicators" (California Office of Environmental Hazard Health Assessment 2010, ii). Another instance of this limitation included Urban Heat Island data in which infrared images in California are not frequently recorded while climate monitors are primarily located in nonresidential areas (California Office of Environmental Hazard Health Assessment 2010, 29). In response, the California Environmental Protection Agency and California Office of Environmental Health Assessment intends to put together a separate "Precautionary Approaches" document, which will entail how to "take anticipatory action to protect public health or the environment if a reasonable threat of serious harm exists, even if absolute scientific evidence is not available to assess the exact risk" (California Environmental Protection Agency and California Office of Environmental Health Assessment 2010, vii).

The "Environmental Justice in Transportation Planning and Investments" document described that the "great paradox of the environmental review process with regard to environmental justice is that, on one hand, environmental assessment can be an incredibly powerful analytical tool in the consideration of environmental justice issues, while on the other hand, the scope of legally-mandated review of social and economic effects underlying environmental justice is constrained by the relevant environmental quality laws" (California Department of Transportation, Division of Transportation Planning Office of Policy Analysis & Research 2003, 103). This piece went on to conclude that although CEQA overall is procedural, it nonetheless documents disproportionate impacts from physical changes on the environment, such as air pollution, which can be utilized as an effective tool (California Department of Transportation, Division of Transportation Planning Office of Policy Analysis & Research 2003, 103).

The "Environmental Justice in Transportation Planning and Investments" document provided the only limitation found in CEQA's public participation process during the document analyses. It discussed how EJ advocates have viewed the public participation process in CEQA as being too late (California Department of Transportation, Division of Transportation Planning Office of Policy Analysis & Research 2003, 103). They believe that the best opportunity to provide a meaningful

stake and scope, such as to recommend EJ-specific mitigations or alternatives, in a project is usually early in the planning phases rather than the environmental review documentation phases (California Department of Transportation, Division of Transportation Planning Office of Policy Analysis & Research 2003, 103). If effective public outreach practices are implemented, such as those analyzed as codes in this review, they can have a positive impact on the project as a whole and support from all communities while reducing the burden on disproportionately impacted communities (California Department of Transportation, Division of Transportation Planning Office of Policy Analysis & Research 2003, 103).

Method 1 Results: Patterns and Connections of Findings for Theme 2- “Low-Income and Minority Community Engagement Practices”

The most common sets of codes identified in the documents in the second theme were:

- 1) Guiding Principles, Collaboration with Community-Based Organizations
- 2) Communication Strategies
- 3) Outreach Media

Again, although more codes were mentioned throughout the analyzed documents, no single code was more important than another. Instead, each code complemented one another. For example, a public agency can have great communication strategies by translating important documents, but may have a poor turn-out because of inadequate outreach strategies. Only two documents were analyzed. The document that provided most information about inclusive public processes was the “Environmental Justice in Transportation Planning and Investments.” All eight codes were drawn from this document while the other document, “Model Policies for Greenhouse Gases in General Plans,” drew only four codes:

- 1) Guiding Principles
- 2) Collaboration with Community-Based Organizations
- 3) Communication Strategies
- 4) Outreach Media

The “Environmental Justice in Transportation Planning and Investments” document provided an example of poor public engagement in Santa Clara County where planners of a construction project at an I-880 interchange failed to actively seek how a pedestrian crossing in the area would

obstruct people's mobility (California Department of Transportation, Division of Transportation Planning Office of Policy Analysis & Research 2003, 55, 59). After City of Milpitas staff made a site visit to the area, they discovered over 100 low-income workers use it every morning and evening to travel to and from work. Low-income or minority individuals have a history of not voicing their concerns for inadequate services because of factors such as language barriers and intimidation, thus the document suggested that it should be a planner's responsibility to interact with all groups of a community (California Department of Transportation, Division of Transportation Planning Office of Policy Analysis & Research 2003, 55, 59).

APPENDIX C PHONE INTERVIEW SURVEY SCRIPT AND QUESTIONS

PHONE INTERVIEW SCRIPT

Interview Description and Background

I anticipate that our interview will last 40 or 50 minutes.

Before I ask my questions, let me remind you about why I'm interviewing you. The purpose of this research is to collect data on how San Francisco Bay Area cities are engaging low-income and minority communities in the California Environmental Quality Act (CEQA) process in order to ascertain existing conditions and provide recommendations to planning professionals about environmental justice issues.

I hope that you will feel comfortable speaking freely during the interview, because your name and the name of the city you're employed in will not be included in any public documents or discussion of this research project. The final research report will categorize the interviewed cities by a random ID number and its geographic region (e.g. north, south, east, or west). Nothing you say will be connected with your department's name.

I would like to record our interview today. The recording is strictly for transcription purposes. The transcriptions will be redacted and stored in a password protected computer. The recordings will be deleted once this process has been completed. Is it ok for me to record the interview?

If the person says no, gently say- "I want to ensure that your responses are accurate by avoiding any possible mistakes I would make through writing."

Do you have any questions before we get started?

Okay, let's get started.

Definitions

For the preparation of this interview, I provided you an email attachment with pertinent definitions and the survey questions. Would you like me to read the definitions before we begin?

Minority is defined as an ethnic person of color and who is:

Prompt, if interviewee asks for exact definition.

Black (a person having origins in any of the Black racial groups of Africa); Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race); Native American (an American Indian, Eskimo, Aleut, or Native Hawaiian); Pacific-Asian (a person whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, or the United States Trust Territories of the Pacific or including the Northern Marianas); Asian-Indian (a person whose origins are from India, Pakistan, or Bangladesh).¹

Low-income is defined by the U.S. Census Bureau for individuals living in poverty:

Prompt, if interviewee asks for exact definition.

Following the Office of Management and Budget's (OMB) Statistical Policy Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index (CPI-U). The

¹ Adapted from California Public Contract Code Section 2050(c).

California State Legislature, *Public Resource Code Section 2050-2057*, accessed July 16, 2015, <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pcc&group=02001-03000&file=2050-2057>.

official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).²

Question/Answer Procedures

I am now going to talk about the question and answer procedures.

The bulk of the interview questions ask for the level of involvement your department implements in a particular engagement strategy with low-income and minority communities in the CEQA process. The selection of responses are ordered in the following way: “always, sometimes, cannot choose/refuse to reply, rarely, and never.” You will also have the opportunity to make comments on your choice.

Each question has a follow-up question involving a list of practices your department employs. Please respond with a “yes” or a “no” to each verbally listed practice. If a practice(s) your department uses is missing in the list, please list and describe the practice(s) when asked. You are also welcome to add any other additional comments based on your selection of practices.

Survey Questions

I will now begin asking the survey questions.

- 1) In three sentences or less, please describe your role in the California Environmental Quality Act (CEQA) process for your city’s projects?

Prompt, if this isn’t mentioned: How long have you been the Planning Director for this city?

- 2) How often does your department consider low-income and minority communities’ ability to understand CEQA-related information on proposed projects that may affect them?

Prompt, if needed: Such as considering non-English speaking or low-educational attainment communities

- ☐ Always
- ☐ Mostly
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Cannot Choose/Refuse to Reply

- a. Would you like to add any comments to your response?
- b. When considering low-income and minority communities’ ability to understand CEQA-related information, does your department produce any of the following communication practices? For example, does your department produce:
 - a. Plain-English documents (*yes or no?*)
 - b. Translated documents (*yes or no?*)
 - c. Translation services at community and public meetings (*yes or no?*)
 - d. Readable graphics in documents (*yes or no?*)
 - e. Other- If you communicate with these communities in other ways, please list and describe them.
 - f. Cannot Choose/Refuse to Reply

² United States Census Bureau, *Poverty Definitions*, June 25, 2015, accessed July 16, 2015, <http://www.census.gov/hhes/www/poverty/methods/definitions.html>

Prompt: Before we continue, please feel free to take a moment to add any comments to your selection of practices

- 3) How often does your department involve potentially affected low-income and minority communities to identify, mitigate, and avoid significant impact caused by project in the CEQA process?
- ☐ Always
 - ☐ Mostly
 - ☐ Sometimes
 - ☐ Rarely
 - ☐ Never
 - ☐ Cannot Choose/Refuse to Reply
- a. Would you like to add any comments to your response?
- b. When working with low-income and minority communities to identify, mitigate, and avoid significant impacts in CEQA processes, does your department employ any of the following public input strategies? For example, does your department implement:
- i. Door-to-Door Questionnaires *(yes or no?)*
 - ii. Phone Surveys *(yes or no?)*
 - iii. Mail Surveys *(yes or no?)*
 - iv. Community Meetings *(yes or no?)*
 - v. Tabling in non-traditional locations, such as sporting events or religious congregations *(yes or no?)*
 - vi. Other- If your department collects low-income and minority community input information in other ways, please list and describe them
 - vii. Cannot Choose/Refuse to Reply

Prompt: Before we continue, please feel free to take a moment to add any comments to your selection of practices

- c. In regard to “Community Meetings” as a public input strategy (*if not selected, skip to e*), does your department implement any of the following accessibility practices when organizing meetings with low-income and minority communities? For example, does your department consider:
- i. Avoiding multi-cultural holidays *(yes or no?)*
 - ii. Holding meetings in low-income and minority communities, such as local libraries or schools *(yes or no?)*
 - iii. Providing child-care services *(yes or no?)*
 - iv. Providing free transit passes to access the meeting *(yes or no?)*
 - v. Other- If your department implements other accessibility strategies when organizing meetings with low-income and minority communities in other ways, please list and describe them.
 - vi. Cannot Choose/Refuse to Reply

Prompt: Before we continue, please feel free to take a moment to add any comments to your selection of practices

- d. More on “Community Meetings” - how does your department design community meetings to solicit participation with low-income and minority communities? For example, does your department implement:

- i. Small groups facilitated dialogues *(yes or no?)*
- ii. Brainstorming sessions *(yes or no?)*
- iii. Charrettes *(yes or no?)*
- iv. Other- If your department implements other community meeting designs, please list and describe them
- v. Cannot Choose/Refuse to Reply

Prompt: Before we continue, please feel free to take a moment to add any comments to your selection of practices

- e. How early in the CEQA process does your department typically involve low-income and minority communities to identify, mitigate, and avoid significant impacts? For example, does your department involve these communities during the:

- i. Project determination process *(yes or no?)*
- ii. Project exemption process *(yes or no?)*
- iii. Initial Study process *(yes or no?)*
- iv. Negative Declaration process *(yes or no?)*
- v. Early Environmental Impact Report (EIR) Scoping process *(yes or no?)*
- vi. Draft EIR public review period process *(yes or no?)*
- vii. Decision-Making process *(yes or no?)*
- viii. Other- If your department involves low-income and minority communities at another stage(s) in the CEQA process, please list and describe them *(yes or no?)*

Prompt: Before we continue, please feel free to take a moment to add any comments to your selection of practices

- 4) How often does your department advertise CEQA-related information (including formal public meetings and hearings) to low-income and minority communities about a proposed project that can affect them?

- ☐ Always
- ☐ Mostly
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Cannot Choose/Refuse to Reply

- a. Would you like to add any comments to your response?

- b. When advertising CEQA-related information to low-income and minority communities, does your department employ any of the following practices? For example, does your department:

Distribute multi-lingual **repeat per item**:

- i. Calendars of a proposed project’s CEQA process *(yes or no?)*
- ii. Invitations to community or public meetings *(yes or no?)*
- iii. Notice of Intent, Notice of Preparation, and Notice of Availability documents *(yes or no?)*

Prompt, if needed: Such as Project exemptions/determination, Intent to Adopt a Negative Declaration, Preparation/Availability of Initial Study or Draft Environmental Impact Report.

- i. Cannot Choose/Refuse to Reply

Disseminate CEQA project information through non-English speaking **repeat per item**:

- ii. Church bulletins *(yes or no?)*
- iii. Radio stations *(yes or no?)*
- iv. Television stations *(yes or no?)*
- v. Newsletters *(yes or no?)*
- vi. Cannot Choose/Refuse to Reply
- vii. Other- If your department implements other CEQA advertising practices for low-income and minority communities in other ways, please list and describe them.

Prompt: Before we continue, please feel free to take a moment to add any comments to your selection of practices

- 5) How often does your department work with community-based organizations (aka CBOs) to engage low-income and minority communities during the CEQA process?

Prompt, if needed: Such as non-profit organizations that collaborate with low-income and minority communities

- i. Always
 - ii. Mostly
 - iii. Sometimes
 - iv. Rarely
 - v. Never
 - vi. Cannot Choose/Refuse to Reply
- a. Would you like to add any comments on your response?
- b. When working with CBOs, does your department implement any of the following strategies to engage low-income and minority communities during the CEQA process? For example, when working with CBOs do they help your department with:
- i. Advertising *(yes or no?)*
 - ii. Translating *(yes or no?)*
 - iii. Organizing community meetings *(yes or no?)*
 - iv. Gathering public input *(yes or no?)*
 - v. Conducting community assessments *(yes or no?)*
 - vi. Other- If your department works with CBOs in other ways, please list and describe them
 - vii. Cannot Choose/Refuse to Reply

Prompt: Before we continue, please feel free to take a moment to add any comments to your selection of practices

- 6) Although environmental justice is not a specific resource area in CEQA, how often does your department incorporate social, economic, and/or health analyses to find potentially significant impacts on the environment from a proposed project in a low-income and minority community?

Prompt, if needed: Such as Cumulative, Climate Change, or Transportation Impact Assessments using social, economic, health, and/or compliance indicators

- ☐ Always
- ☐ Mostly
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Cannot Choose/Refuse to Reply

- a. Would you like to add any comments to your response?
- b. Does your department utilize any of the following analysis resources to identify potentially significant impacts on low-income and minority communities caused by a project undergoing the CEQA process? For example, does your department utilize:
- i. Bay Area Air Quality Management District's "Community Air Risk Evaluation Program," (*yes or no?*)
 - ii. Office of Environmental Health Hazards Assessment's (OEHHA) "Indicators of Climate Change in California: Environmental Justice Impacts" (*yes or no?*)
 - iii. OEHHA's "Cumulative Impacts: Building a Scientific Foundation," (*yes or no?*)
 - iv. OEHHA's Enviroscreen 2.0 (*yes or no?*)
 - v. Other- If your department utilizes other analysis resources, please list and describe them each.
 - vi. Cannot Choose/Refuse to Reply

Prompt: Before we continue, please feel free to take a moment to add any comments to your selection of practices

We are getting close to the end of the interview. The last four questions will be open-ended. Are you ready?

- 7) How does the amount of resources your department receive affect the actions taken to include low-income and minority communities in CEQA public participation processes?

Prompt: Such as access to resources, including, but not limited to translators, cultural sensitivity training, or funding

Prompt if not mentioned: Does your department have an annual budget for low-income and minority community engagement during CEQA processes?

- 8) How is your department changing its strategies to include low-income and minority communities in CEQA processes?
- 9) Apart from what you're already doing, in an ideal situation what else could you do to strengthen engagement strategies to include low-income and minority communities in CEQA processes?
- 10) Is there anything else you would like to add about how your city considers and engages low-income and minority communities in the CEQA process?

Would you like a copy of this project when completed?

I want to thank you one last time for participating in this survey interview. I understand that you are very busy and I want to make sure that you know that I am very grateful and appreciative of your time. Your responses are going to be very helpful not only for my thesis, but for the planning, environmental, and social academic communities and practitioners throughout the Bay Area. Thanks again and have a great day.

APPENDIX D COPY OF PHONE INTERVIEW SURVEY QUESTIONS FOR PARTICIPANTS

PHONE INTERVIEW QUESTIONS *Planning Director's Copy*

Definitions- Please consider the following definitions for the purpose of this phone interview survey with the researcher.

Minority is defined as an ethnic person of color and who is:

Black (a person having origins in any of the Black racial groups of Africa); Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race); Native American (an American Indian, Eskimo, Aleut, or Native Hawaiian); Pacific-Asian (a person whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, or the United States Trust Territories of the Pacific or including the Northern Marianas); Asian-Indian (a person whose origins are from India, Pakistan, or Bangladesh).¹

Low-income is defined by the U.S. Census Bureau for individuals living in poverty:

Following the Office of Management and Budget's (OMB) Statistical Policy Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).²

Survey Questions

- 1) In three sentences or less, please describe your role in the California Environmental Quality Act (CEQA) process for your city's projects?

Prompt, if this isn't mentioned: How long have you been the Planning Director for this city?

- 2) How often does your department consider low-income and minority communities' ability to understand CEQA-related information on proposed projects that may affect them?

Prompt, if needed: Such as considering non-English speaking or low-educational attainment communities

- ☐ Always
- ☐ Mostly
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Cannot Choose/Refuse to Reply

- a. Would you like to add any comments to your response?

¹ Adapted from California Public Contract Code Section 2050(c).
California State Legislature, *Public Resource Code Section 2050-2057*, accessed July 16, 2015,
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pcc&group=02001-03000&file=2050-2057>.

² United States Census Bureau, *Poverty Definitions*, June 25, 2015, accessed July 16, 2015,
<http://www.census.gov/hhes/www/poverty/methods/definitions.html>.

- b. When considering low-income and minority communities' ability to understand CEQA-related information, does your department produce any of the following communication practices? For example, does your department produce:

- ☐ Plain-English documents
- ☐ Translated documents
- ☐ Translation services at community and public meetings
- ☐ Readable graphics in documents
- ☐ Other- If you communicate with these communities in other ways, please list and describe them.
- ☐ Cannot Choose/Refuse to Reply

Prompt: Please feel free to take a moment to add any comments to your selection of practices

- 3) How often does your department involve potentially affected low-income and minority communities to identify, mitigate, and avoid significant impact caused by project in the CEQA process?

- ☐ Always
- ☐ Mostly
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Cannot Choose/Refuse to Reply

- a. Would you like to add any comments to your response?

- b. When working with low-income and minority communities to identify, mitigate, and avoid significant impacts in CEQA processes, does your department employ any of the following public input strategies? For example, does your department implement:

- ☐ Door-to-Door Questionnaires
- ☐ Phone Surveys
- ☐ Mail Surveys
- ☐ Community Meetings
- ☐ Tabling in non-traditional locations, such as sporting events or religious congregations
- ☐ Other- If your department collects low-income and minority community input information in other ways, please list and describe them
- ☐ Cannot Choose/Refuse to Reply

Prompt: Please feel free to take a moment to add any comments to your selection of practices

- c. In regard to "Community Meetings" as a public input strategy (*if not selected, skip to e*), does your department implement any of the following accessibility practices when organizing meetings with low-income and minority communities? For example, does your department consider:

- ☐ Avoiding multi-cultural holidays
- ☐ Holding meetings in low-income and minority communities, such as local libraries or schools
- ☐ Providing child-care services
- ☐ Providing free transit passes to access the meeting
- ☐ Other- If your department implements other accessibility strategies when organizing meetings with low-income and minority communities in other ways, please list and describe them.
- ☐ Cannot Choose/Refuse to Reply

Prompt: Please feel free to take a moment to add any comments to your selection of practices

- d. More on “Community Meetings” - how does your department design community meetings to solicit participation with low-income and minority communities? For example, does your department implement:

- ☐ Small groups facilitated dialogues
- ☐ Brainstorming sessions
- ☐ Charrettes
- ☐ Other- If your department implements other community meeting designs, please list and describe them
- ☐ Cannot Choose/Refuse to Reply

Prompt: Please feel free to take a moment to add any comments to your selection of practices

- e. How early in the CEQA process does your department typically involve low-income and minority communities to identify, mitigate, and avoid significant impacts? For example, does your department involve these communities during the:

- ☐ Project determination process
- ☐ Project exemption process
- ☐ Initial Study process
- ☐ Negative Declaration process
- ☐ Early Environmental Impact Report (EIR) Scoping process
- ☐ Draft EIR public review period process
- ☐ Decision-Making process
- ☐ Other- If your department involves low-income and minority communities at another stage(s) in the CEQA process, please list and describe them

Prompt: Please feel free to take a moment to add any comments to your selection of practices

- 4) How often does your department advertise CEQA-related information (including formal public meetings and hearings) to low-income and minority communities about a proposed project that can affect them?

- ☐ Always
- ☐ Mostly
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Cannot Choose/Refuse to Reply

- a. Would you like to add any comments to your response?

- b. When advertising CEQA-related information to low-income and minority communities, does your department employ any of the following practices? For example, does your department:

Distribute multi-lingual :

- ☐ Calendars of a proposed project's CEQA process
- ☐ Invitations to community or public meetings
- ☐ Notice of Intent, Notice of Preparation, and Notice of Availability documents

Prompt, if needed: Such as Project exemptions/determination, Intent to Adopt a Negative Declaration, Preparation/Availability of Initial Study or Draft Environmental Impact Report.

- ☐ Cannot Choose/Refuse to Reply

Disseminate CEQA project information through non-English speaking :

- ☐ Church bulletins
- ☐ Radio stations
- ☐ Television stations
- ☐ Newsletters
- ☐ Cannot Choose/Refuse to Reply

- ☐ Other- If your department implements other CEQA advertising practices for low-income and minority communities in other ways, please list and describe them.

Prompt: Please feel free to take a moment to add any comments to your selection of practices

- 5) How often does your department work with community-based organizations (aka CBOs) to engage low-income and minority communities during the CEQA process?

Prompt, if needed: Such as non-profit organizations that collaborate with low-income and minority communities

- ☐ Always
- ☐ Mostly
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Cannot Choose/Refuse to Reply

- a. Would you like to add any comments on your response?

- b. When working with CBOs, does your department implement any of the following strategies to engage low-income and minority communities during the CEQA process? For example, when working with CBOs do they help your department with:

- ☐ Advertising
- ☐ Translating
- ☐ Organizing community meetings
- ☐ Gathering public input
- ☐ Conducting community assessments
- ☐ Other- If your department works with CBOs in other ways, please list and describe them
- ☐ Cannot Choose/Refuse to Reply

Prompt: Please feel free to take a moment to add any comments to your selection of practices

-
- 6) Although environmental justice is not a specific resource area in CEQA, how often does your department incorporate social, economic, and/or health analyses to find potentially significant impacts on the environment from a proposed project in a low-income and minority community?

Prompt, if needed: Such as Cumulative, Climate Change, or Transportation Impact Assessments using social, economic, health, and/or compliance indicators

- ☐ Always
- ☐ Mostly
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Cannot Choose/Refuse to Reply

- a. Would you like to add any comments to your response?
- b. Does your department utilize any of the following analysis resources to identify potentially significant impacts on low-income and minority communities caused by a project undergoing the CEQA process? For example, does your department utilize:
- ☐ Bay Area Air Quality Management District's "Community Air Risk Evaluation Program,"
 - ☐ Office of Environmental Health Hazards Assessment's (OEHHA) "Indicators of Climate Change in California: Environmental Justice Impacts"
 - ☐ OEHHA's "Cumulative Impacts: Building a Scientific Foundation,"
 - ☐ OEHHA's Enviroscreen 2.0
 - ☐ Other- If your department utilizes other analysis resources, please list and describe them each.
 - ☐ Cannot Choose/Refuse to Reply

Prompt: Please feel free to take a moment to add any comments to your selection of practices

- 7) How does the amount of resources your department receive affect the actions taken to include low-income and minority communities in CEQA public participation processes?

Prompt: Such as access to resources, including, but not limited to translators, cultural sensitivity training, or funding

Prompt if not mentioned: Does your department have an annual budget for low-income and minority community engagement during CEQA processes?

- 8) How is your department changing its strategies to include low-income and minority communities in CEQA processes?
- 9) Apart from what you're already doing, in an ideal situation what else could you do to strengthen engagement strategies to include low-income and minority communities in CEQA processes?
- 10) Is there anything else you would like to add about how your city considers and engages low-income and minority communities in the CEQA process?

APPENDIX E IRB CONSENT FORM

**SAN JOSÉ STATE
UNIVERSITY**

College of Social Sciences

Department of Urban and
Regional Planning

One Washington Square
San José, California 95192-0185
Voice: 408-924-5882
Fax: 408-924-5872
urbplan@email.sjsu.edu

www.sjsu.edu

Planning Director Participation Consent Form

Title of Study: Are Bay Area Cities Inclusive? Evaluating How San Francisco Bay Area Cities Engage Low-Income and Minority Communities Through the California Environmental Quality Act Process to Address Environmental Justice Issues

Name of Researcher: Kenneth Rosales, San Jose State University Master of Urban and Regional Planning Candidate

Purpose: The purpose of this research is to collect data on how San Francisco Bay Area cities are engaging low-income and minority communities in the California Environmental Quality Act (CEQA) process in order to ascertain existing conditions and provide recommendations, through qualitative analysis methods, to planning professionals about environmental justice issues.

Procedures:

- 1) You have been asked to participate in a phone interview survey that aims to evaluate how the city you are employed in engages with minority and low-income communities in the CEQA process and offer the researcher possible best practice strategies to recommend to planning and environmental professionals in California.
- 2) The researcher will schedule an appropriate day and time for a phone interview with you either by email or phone.
- 3) You will be asked roughly 17 questions in order to explore the level of involvement your department implements a variety of engagement strategies with low-income and minority communities in the CEQA process. You will have the opportunity to make comments on your choice.
- 4) You will also be asked which types of engagement tactics are utilized by your department when working with low-income and minority communities. You will be able to add any other additional comments based on your selection of tactics.
- 5) The phone interview should not take more than 40 or 50 minutes.

Potential Risks, Benefits, and Compensation:

- 1) Participating in the phone interview involves no risk to you.
- 2) There is no direct benefit to you from participating in this phone interview except to the extent to which you value sharing your experience and aiding other planning and environmental professionals on how to effectively engage low-income and minority communities in the CEQA process to address environmental justice.
- 3) There is no compensation for participation.

Confidentiality and Participant Rights:

- 1) Although the information that results from this phone interview will be published, your name and the name of the city you work for will not be included. The final research report will categorize the interviewed cities by a random ID number and its geographic region (e.g. north, south, east, or west). Nothing you say will be connected with your department's name.
- 2) Your participation in this study is completely voluntary. You can refuse to participate in the entire study or any part of the study without any negative effect on your relations with San Jose State University. You also have the right to skip any question you do not wish to answer. This consent form is not a contract. It is a written explanation of what will happen during the study if you decide to participate. You will not waive any rights if you choose not to participate, and there is no penalty for stopping your participation in the study.

Questions or Problems: You are encouraged to ask questions at any time during this study.

- 1) For further information about the study, please contact Kenneth Rosales, (650) 303-3625 or kenneth.a.rosales@gmail.com
- 2) Complaints about the research may be presented to Hilary Nixon, Ph.D, Chair, San Jose State University Department of Urban and Regional Planning (408) 924-5852
- 3) For questions about participants' rights or if you feel you have been harmed in any way by your participation in this study, please contact Dr. Pamela Stacks, Associate Vice President of Graduate Studies and Research, San Jose State University, at (408) 924-2427.
- 4) You will receive a copy of this consent form for your records.

Thank you for participating in this research!

Sincerely,
Kenneth Rosales
Urban and Regional Planning Department
San Jose State University
One Washington Square
San Jose, CA 95192-0185

The California State University:
Chancellor's Office
Bakersfield, Channel Islands, Chico, Dominguez Hills,
East Bay, Fresno, Fullerton, Humboldt, Long Beach,
Los Angeles, Maritime Academy, Monterey Bay,
Northridge, Pomona, Sacramento, San Bernardino,
San Diego, San Francisco, San Jose, San Luis Obispo,
San Marcos, Sonoma, Stanislaus

APPENDIX F SCRIPT TO SEARCH FOR PARTICIPANTS

Email and Phone Script When Searching for a Planning Director to Conduct Online Survey and Phone Interviews

Request for a Phone Interview about Low-Income and Minority Community Engagement in CEQA Processes

Hello [Name of Contact],

I am contacting you to ask for your help, experience, and expertise. I am a Master of Urban and Regional Planning student at San Jose State University and I am in the process of conducting my research project.

My study involves the evaluation of how San Francisco Bay Area cities are engaging low-income and minority communities in the California Environmental Quality Act (CEQA) process to address environmental justice issues. My goal is to ascertain the existing conditions of this information and provide recommendations to planning professionals.

I would like to ask you some questions about [City Name's] experiences with low-income and minority community engagement in CEQA processes, such as:

- How often does your department involve potentially affected low-income and minority communities to identify, mitigate, and avoid significant caused by project in the CEQA process?
- How early in the CEQA process does your department typically involve low-income and minority communities to identify, mitigate, and avoid significant impacts?
- How is your department changing its strategies to include low-income and minority communities in CEQA processes?

I am hoping to schedule a time soon when you could spare 40 or 50 minutes to answer some questions for me about low-income and minority community engagement in CEQA processes.

Please confirm if you would you like to participate.

Thank you very much for your time and help.

Kindest Regards,

Kenneth Rosales

APPENDIX G CONFIRMATION SCRIPT FOR PARTICIPANTS

Email and Phone Script after Confirming

Phone Interview Participation with Planning Director

Confirmation for Phone Interview about Low-Income and Minority Engagement in CEQA Processes

Hello [Mr./Ms./ LastNameofContact]

Thank you very much for confirming to participate in a phone interview survey. This email provides you some more information about the interview and its purpose.

My study explores and investigates the strategies and practices San Francisco Bay Area cities are using to address environmental justice issues by engaging low-income and minority communities in the California Environmental Quality Act (CEQA) process.

I hope that you will feel comfortable speaking freely during the phone interview, because our communications are confidential:

- Your name will NOT be included in any public documents or discussion of this research project
- The final report will include your city only as a cardinal direction of the San Francisco Bay Area (north, northwest, southeast, etc) and a random ID number.
- NOTHING you say will be connected with your department's name

The phone interview should not take more than 40 or 50 minutes. As an example, some of the questions that will be asked during the phone interview include:

- How often does your department involve potentially affected low-income and minority communities to identify, mitigate, and avoid significant impacts caused by projects in the CEQA process?
- How early in the CEQA process does your department typically involve low-income and minority communities to identify, mitigate, and avoid significant impacts?
- How is your department changing its strategies to include low-income and minority communities in CEQA processes?

In case you need familiarity with the subject or need to prepare, I have conveniently attached a copy of all the questions that will be asked during the phone interview, including pertinent definitions. Feel free to use this attachment during the phone interview as guidance.

More detailed instructions, including consent information is also attached for your preparation and records.

Thanks again for your time and help. I look forward to our interview on [include date and time, send Google Invite].

Kindest Regards,

Kenneth Rosales

Table Example 1: This table was used to collect all phone interview responses in numerical form and compare the results between cities. If a city answered “yes”, then they would be given a “1” in the table. If they a city answered “no”, then their response translated to a “0.” A likert scale response was the exception to this rule

[illegible]

Table Example 2: This table was used to collect and analyze all phone interview responses to verify if they were in compliance with EJ laws in CEQA.

		CEQA Compliance (Y/N) and CEQA Statutes/Guidelines, CA Public Resource Code, or Precedence Court Case Section Numbers
City	Response	
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

As a result, the *Journal of Management Education* is pleased to announce that the 2016 *Journal of Management Education* Best Article Award will be presented to the authors of the article, "The Effect of the Social Desirability Bias on the Ethical Decision-Making Process: A Meta-Analysis," by David A. Brown, Jr., and David A. Harrison, Jr. The authors of the article are from the University of Mississippi and the University of North Carolina, respectively. The award is presented to the author(s) of the article judged to be the best article published in the journal during the year. The award is presented to the author(s) of the article judged to be the best article published in the journal during the year. The award is presented to the author(s) of the article judged to be the best article published in the journal during the year.

[illegible][illegible]

APPENDIX I CHAPTER 5 DETAILED TABLES

Connection Between Document Analysis Theme 1 Codes and CEQA Laws

Blanket CEQA Laws for all Codes:

Please note that most of the following information references Harris' (2012) "Environmental Justice at the Local and Regional Level: Legal Background" from the California Department of Justice. This document is rich in summarizing how EJ is connected to many CEQA laws.

Kings County Farm Bureau v. City of Hanford (California Appellate Court), CEQA Statutes and Guidelines Section 15064 (b), and 15300.2(a)- Where the project is located, or its "setting," is highly dependent on whether the project may have significant impacts (Harris 2012, 3; Ramo (2013, 79). For example, if there is a community that is sensitive to a particular pollutant or has been exposed to such contaminants, then a project should be considered significant.

CEQA Statutes and Guidelines Section 15131(a)-(c), 15604(e), and 15382- "Although CEQA focuses on impacts to the physical environment, economic and social effects may be relevant in determining significance under CEQA" (Harris 2012, 4; University of California Hastings Law Research Institute, American Bar Association 2010, xiii and 33; Corburn 2006, 145; Ramo 2013, 61, 64, and 68).

California Public Resource Code Section 21083(b)(3)- A project's impact may seem insignificant on its own, but if other past, current, and future projects are accounted for, then they are "combatively considerable" and significant (Harris 2012, 3; (Ramo 2013, 70).

Relationship Between Codes and CEQA Laws:

<i>Analyzed Codes</i>	<i>CEQA Laws</i>
Human Health Indicators and Vulnerabilities	<ul style="list-style-type: none"> California Public Resource Code Section 21002- Humans are a part of the environment (Harris 2012, 2). California Public Resource Code Section 21083(b)(3)- Indirect or direct significant impacts on the environment from a project will also have adverse effects on people (Harris 2012, 2). CEQA Statutes and Guidelines Section 15126.2- Significant impacts caused by projects could be hazardous to people (Harris 2012, 2).
Social and Economic Indicators	<ul style="list-style-type: none"> See blanket laws above. CEQA Statutes and Guidelines 15004- Negative Declarations and EIRs "should be prepared as early as feasible in the planning process." Findings of potential environmental, social, and economic impacts or findings can help shape a project or its alternatives (Ramo (2013, 61)
Alternative Transportation Choices	<ul style="list-style-type: none"> Public Resource Code Section 21000 (d)- Health and safety of people as a threshold and any adverse impacts must be prevented (Harris 2012, 2).
Community Health Objective Targets	<ul style="list-style-type: none"> See "Human Health Indicators and Vulnerabilities" code.
Compliance Indicators	<ul style="list-style-type: none"> CEQA Statutes and Guidelines Section 15097(a)- Local agencies need to adopt mitigation and monitoring or reporting programs from significant impacts identified in a project (Harris 2012, 5).

	<ul style="list-style-type: none"> CEQA Statutes and Guidelines Section 15126.4 (a)(2)- “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments” (Harris 2012, 5).
Community-Initiated Assessments	<ul style="list-style-type: none"> CEQA Statutes and Guidelines Section 15097(a)- Local agencies need to adopt mitigation and monitoring or reporting programs from significant impacts identified in a project (Harris 2012, 5).
Environmental Indicators and Vulnerabilities	<ul style="list-style-type: none"> California Public Resource Code Section 21000(g)- “Major consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian” (Harris 2012, 3).

Connection Between Document Analysis Theme 2 Codes and CEQA Laws

Blanket CEQA Laws for all Codes:

Please note that most of the following information references Harris’ (2012) “Environmental Justice at the Local and Regional Level: Legal Background” from the California Department of Justice. This document is rich in summarizing how EJ is connected to many CEQA laws.

CEQA Statutes and Guidelines Sections 15002(j)- Public notice, input solicitation and/or response to public comments are required under Sections 15073, 15087, and 15088. Other sections relevant to this are 15105 and 15072 (Association of Environmental Professionals 2014, 113).

CEQA Statutes and Guidelines Section 15073- “A lead agency shall provide a notice of intent to adopt a negative declaration or mitigated negative declaration to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by the lead agency of the negative declaration or mitigated negative declaration to allow the public and agencies the review period provided under Section 15105” (Association of Environmental Professionals 2014, 139).

CEQA Statutes and Guidelines Sections 15072 and 15105- A public review period is required when a Negative Declaration has been proposed for no less than 20 days (Neg Dec) or Mitigated Neg Dec is proposed by a Lead Agency (Association of Environmental Professionals 2014, 138 and 159). However, no response to the public is required during a public review period for Neg Decs or Mitigated Neg Decs.

CEQA Statutes and Guidelines Section 15087- Public notice must be disseminated when a draft EIR is available. Specific verbatim requirements of the notice is defined in this section and the law encourages providing additional notices (Association of Environmental Professionals 2014, 148-151).

CEQA Statutes and Guidelines Section 15088, 15088.5 and 15105- A public review period is required when a draft EIR is available for 30 days and if it is recirculated if major changes to a project has been made. “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response” (Association of Environmental Professionals 2014, 150-151,159)

Relationship Between Codes and CEQA Laws:

Analyzed Codes	CEQA Laws
Guiding Principles	<ul style="list-style-type: none"> • <i>Communities for a Better Environment v. City of Richmond</i>, 2010 California Appellate Court, 4th District- Requirement to have an open public participation process when developing mitigation measures (Harris 2012, 5). • <i>Federation of Hillside and Canyon Assns. v. City of Los Angeles</i>, 2000 83 California Appellate Court, 4th District 1252, 1261- “The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded” (Harris 2012, 5). • CEQA Statutes and Guidelines Sections 15064- It is required for a Lead Agency to “consider the views held by the public” in determining impacts are significant during the Initial Study phase of a CEQA process (Association of Environmental Professionals 2014, 215).
Meeting Organizing	<ul style="list-style-type: none"> • <u>CEQA Statutes and Guidelines Section 15201-</u> Public participation either through formal or informal meetings are highly recommended throughout the CEQA process, but not required (Association of Environmental Professionals 2014, 215).
Collaboration with Community-Based Organizations	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines section 15083- Highly recommends to seek early consultation about project impacts during the drafting of an EIR (Association of Environmental Professionals 2014, 146). • See “Guiding Principles” code above, particularly CEQA Statutes and Guidelines section 15064(c)
Communication Strategies	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines Section 15140- EIRs must be understandable by public (Association of Environmental Professionals 2014, 146). • <u>El Pueblo Para el Aire y Agua Limpio v. County of Kings, 1991, California Superior Court-</u> EIRs and other CEQA documents such as public hearing notices, and public testimony invitations should be translated in the primary language of an affected community (Ramo 2013, 71; Environmental Law Reporter 1992).
Outreach Media	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines Section 15097(a) and (b)- Public notice is recommended through various means and at the discretion of the Lead Agency (Association of Environmental Professionals 2014, 146).
Public Input Meeting Designs	<ul style="list-style-type: none"> • See “blanket” laws above, particularly CEQA Statutes and Guidelines 15201.

Cognizance of Community's Experiences	<ul style="list-style-type: none"> See “blanket” laws above, particularly CEQA Statutes and Guidelines 15201.
Outreach Tabling	<ul style="list-style-type: none"> See “blanket” laws above, particularly CEQA Statutes and Guidelines 15201.

Cross-Analyzing the Phone Interview Questions with CEQA-Related Laws	
Phone Interview Questions	CEQA-Law Attached to Phone Interview Questions
<p>Question 2- How often does your department consider low-income and minority communities’ ability to understand CEQA-related information on proposed projects that may affect them?</p> <p>Always, Mostly, Sometimes, Rarely, Never?</p> <p>Would you like to add any comments to your response?</p>	<ul style="list-style-type: none"> <u>CEQA Statutes and Guidelines Section 15140-</u> “EIRs shall be written in plain language and may use appropriate graphics so that decision makers and the public can rapidly understand the documents” (Association of Environmental Professionals 2014, 146). <u>El Pueblo Para el Aire y Agua Limpio v. County of Kings, 1991, California Superior Court-</u> EIRs and other CEQA documents such as public hearing notices and public testimony invitations should be translated in the primary language of an affected community (Ramo 2013, 71; Environmental Law Reporter 1992).
<p>Question 2b(i)- When considering low-income and minority communities’ ability to understand CEQA-related information, does your department produce any of the following communication practices? For example, does your department produce: Plain-English Documents?</p>	<ul style="list-style-type: none"> <u>CEQA Statutes and Guidelines Section 15140-</u> “EIRs shall be written in plain language and may use appropriate graphics so that decision makers and the public can rapidly understand the documents” (Association of Environmental Professionals 2014, 146). <u>El Pueblo Para el Aire y Agua Limpio v. County of Kings, 1991, California Superior Court-</u> EIRs and other CEQA documents such as public hearing notices and public testimony invitations should be translated in the primary language of an affected community (Ramo 2013, 71; Environmental Law Reporter 1992).
<p>Question 2b(ii)- When considering low-income and minority communities...does your department produce: Translated Documents?</p>	<ul style="list-style-type: none"> <u>CEQA Statutes and Guidelines Section 15140-</u> “EIRs shall be written in plain language and may use appropriate graphics so that decision makers and the public can rapidly understand the documents” (Association of Environmental Professionals 2014, 146). <u>El Pueblo Para el Aire y Agua Limpio v. County of Kings, 1991, California Superior Court-</u> EIRs and other CEQA documents such as public hearing notices and public testimony invitations should be translated in the primary language of an affected community (Ramo 2013, 71; Environmental Law Reporter 1992).

Question 2b(iv)- When considering low-income and minority communities...does your department produce: **Readable graphics in documents?**

- CEQA Statutes and Guidelines Section 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” (Association of Environmental Professionals 2014, 146).

Question 3- How often does your department involve potentially affected low-income and minority communities to identify, mitigate, and avoid significant impacts caused by project in the CEQA process?

- CEQA Statutes and Guidelines Section 15097(a)- Local agencies need to adopt mitigation and monitoring or reporting programs from significant impacts identified in a project (Harris 2012, 5).
- CEQA Statutes and Guidelines Section 15126.4 (a)(2)- “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments” (Harris 2012, 5).
- Communities for a Better Environment v. City of Richmond, 2010 California Appellate Court, 4th District- Requirement to have an open and accessible public participation process with affected neighborhoods when developing mitigation measures (Harris 2012, 5).
- Federation of Hillside and Canyon Assns. v. City of Los Angeles, 2000 California Appellate Court, 4th District- “The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded” (Harris 2012, 5).
- Harris (2012, 5)- “Where a local agency adopts a monitoring or reporting program related to the mitigation of impacts to a particular community or sensitive subgroup, its monitoring and reporting necessarily should focus on data from that community or subgroup.”

Question 3e(iv)- How early in the CEQA process does your department typically involve low-income and minority communities to identify, mitigate, and avoid significant impacts? For example, does your department involve these communities during the: **Negative Declaration Process?**

- CEQA Statutes and Guidelines 15004- Negative Declarations and EIRs “should be prepared as early as feasible in the planning process.” Findings of potential environmental, social, and economic impacts or findings can help shape a project or its alternatives (Ramo (2013, 61).
- CEQA Statutes and Guidelines Sections 15072 and 15105- A public review period is required when a Negative Declaration has been proposed for no less than 20 days (Neg Dec) or Mitigated Neg Dec is proposed by a Lead Agency (Association of Environmental Professionals 2014, 138 and 159). However, no response to the public is required during a public review period for Neg Decs or Mitigated Neg Decs.

Question 3e(vi)- How early in the CEQA process...For example, does your department involve these communities during the: **Draft EIR public review period process?**

- CEQA Statutes and Guidelines 15004- Negative Declarations and EIRs “should be prepared as early as feasible in the planning process.” Findings of potential environmental, social, and economic impacts or findings can help shape a project or its alternatives (Ramo (2013, 61).
- CEQA Statutes and Guidelines Section 15088, 15088.5 and 15105- A public review period is required when a draft EIR is available for 30 days and if it is recirculated if major changes to a project has been made. “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response” (Association of Environmental Professionals 2014, 150-151,159)

Question 3e(vii)- How early in the CEQA process...For example, does your department involve these communities during the: **Decision-Making Process?**

- CEQA Statutes and Guidelines Section 15074-“Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process” (Association of Environmental Professionals 2014, 140)
- 15090 and 15088- “Prior to approving a project the lead agency shall certify that...the final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project” (Association of Environmental Professionals 2014, 152). EIRs include inputs provided by the public, therefore decision-makers should account for the public’s comments (Association of Environmental Professionals 2014, 150).

Question 4- How often does your department advertise CEQA-related information (including formal public meetings and hearings) to low-income and minority communities about a proposed project that can affect them?

Always, Mostly, Sometimes, Rarely, Never?

Would you like to add any comments to your response?

- CEQA Statutes and Guidelines Section 15073- “A lead agency shall provide a notice of intent to adopt a negative declaration or mitigated negative declaration to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by the lead agency of the negative declaration or mitigated negative declaration to allow the public and agencies the review period provided under Section 15105” (Association of Environmental Professionals 2014, 139).
- CEQA Statutes and Guidelines Section 15087- Public notice must be disseminated when a draft EIR is

	<p>available. Specific verbatim requirements of the notice is defined in this section and the law encourages providing additional notices (Association of Environmental Professionals 2014, 148-151).</p>
<p>Question 4b(iii)- When advertising CEQA-related information to low-income and minority communities, does your department employ any of the following practices? For example, does your department: Distribute multi-lingual Notice of Intent, Notice of Preparation, and Notice of Availability documents?</p> <p>Such as Project Exemptions/Determination, Intent to Adopt a Negative Declaration, Preparation/Availability of Initial Studies (Neg Dec/Mitigated Neg Dec) or Draft Environmental Impact Report?</p>	<ul style="list-style-type: none"> • CEQA Statutes and Guidelines Section 15140- EIRs must be understandable by public (Association of Environmental Professionals 2014, 146). • <u>El Pueblo Para el Aire y Agua Limpio v. County of Kings, 1991, California Superior Court-</u> EIRs and other CEQA documents such as public hearing notices, and public testimony invitations should be translated in the primary language of an affected community (Ramo 2013, 71; Environmental Law Reporter 1992).
<p>1) Question 6- Although environmental justice is not a specific resource area in CEQA, how often does your department incorporate social, economic, and/or health analyses to find potentially significant impacts on the environment from a proposed project in a low-income and minority community?</p>	<ul style="list-style-type: none"> • <u>Kings County Farm Bureau v. City of Hanford (California Appellate Court), CEQA Statutes and Guidelines Section 15064 (b), and 15300.2(a)-</u> Where the project is located, or its “setting,” is highly dependent on whether the project may have significant impacts (Harris 2012, 3; Ramo (2013, 79). For example, if there is a community that is sensitive to a particular pollutant or has been exposed to such contaminants, then a project should be considered significant. • <u>CEQA Statutes and Guidelines Section 15131(a)-(c), 15604(c), and 15382-</u> “Although CEQA focuses on impacts to the physical environment, economic and social effects may be relevant in determining significance under CEQA” (Harris 2012, 4) Other sources include: University of California Hastings Law Research Institute, American Bar Association 2010, xiii and 33; Corburn 2006, 145; Ramo 2013, 61, 64, and 68. • <u>California Public Resource Code Section 21083(b)(3)-</u> A project’s impact may seem insignificant on its own, but if other past, current, and future projects are accounted for, then they are “cumulatively considerable” and significant (Harris 2012, 3; Ramo 2013, 70). • <u>CEQA Statutes and Guidelines 15004-</u> Negative Declarations and EIRs “should be prepared as early as feasible in the planning process.” Findings of potential environmental, social, and economic impacts or findings can help shape a project or its alternatives (Ramo (2013, 61)

	<ul style="list-style-type: none"> • <u>California Public Resource Code Section 21002</u>- Humans are a part of the environment (Harris 2012, 2). • <u>California Public Resource Code Section 21083(b)(3)</u>- Indirect or direct significant impacts on the environment from a project will also have adverse effects on people (Harris 2012, 2). • <u>CEQA Statutes and Guidelines Section 15126.2</u>- Significant impacts caused by projects could be hazardous to people (Harris 2012, 2). • <u>CEQA Statutes and Guidelines 15004</u>- Negative Declarations and EIRs “should be prepared as early as feasible in the planning process.” Findings of potential environmental, social, and economic impacts or findings can help shape a project or its alternatives (Ramo (2013, 61). • <u>Public Resource Code Section 21000 (d)</u>- Health and safety of people as a threshold and any adverse impacts must be prevented (Harris 2012, 2). • <u>CEQA Statutes and Guidelines Section 15097(a)</u>- Local agencies need to adopt mitigation and monitoring or reporting programs from significant impacts identified in a project (Harris 2012, 5). • <u>CEQA Statutes and Guidelines Section 15126.4 (a)(2)</u>- “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments” (Harris 2012, 5). • <u>CEQA Statutes and Guidelines Section 15097(a)</u>- Local agencies need to adopt mitigation and monitoring or reporting programs from significant impacts identified in a project (Harris 2012, 5). • <u>California Public Resource Code Section 21000(g)</u>- “Major consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian” (Harris 2012, 3).
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Cross-Checking Phone Interview Questions with Document Analysis Codes and Scholarly Literature	
<i>Phone Interview Questions</i>	<i>Best Strategies and Practices Codes from Document Analysis and Scholarly Literature Tied to Phone Interviews</i>

Question 3(b)(i)- When working with low-income and minority communities to identify, mitigate, and avoid significant impacts in CEQA processes, does your department employ any of the following public input strategies? For example, does your department implement:

- Door-to-Door Questionnaires
- Phone Surveys
- Mail Surveys
- Community Meetings
- Tabling in non-traditional locations, such as sporting events or religious congregations

- **Public Input Meeting Designs-** Informal meeting arrangements that foster participation and retrieval of questions, concerns, comments, or recommendations; and
- **Outreach Tabling-** Like outreach media, CEQA practitioners can table at non-traditional areas to reach minority and low-income sub-groups, such as at senior centers, PTA meetings, sporting events, religious congregations, local schools, or at transit stops;

Question 3(c)(i-iv)- In regard to “Community Meetings” as a public input strategy, does your department implement any of the following accessibility practices when organizing meetings with low-income and minority communities? For example, does your department consider:

- Avoiding multi-cultural holidays
- Holding meetings in low-income and minority communities, such as local libraries or schools
- Providing child-care services
- Providing free transit passes to access the meeting

- **Meeting Organizing-** Guidelines for coordinating an informal public input meeting with minority and low-income communities, including: consideration of time of the meeting (e.g., for people who work more than one job), accessible and familiar meeting venues, and providing services such as child care or free transit passes.

Question 3(d)(i-iii)- More on “Community Meetings” - how does your department design community meetings to solicit participation with low-income and minority communities? For example, does your department implement:

- Small groups facilitated dialogues
- Brainstorming sessions
- Charrettes

- **Public Input Meeting Designs-** Informal meeting arrangements that foster participation and retrieval of questions, concerns, comments, or recommendations. Practices include: brainstorming sessions, visioning processes, charrettes, small-group facilitated dialogues, or thought-provoking graphic materials or presentations.

Question 3(e)(i-iii and v)- How early in the CEQA process does your department typically involve low-income and minority communities to identify, mitigate, and avoid significant impacts? For example, does your department involve these communities during the:

- Project determination process
- Project exemption process
- Initial Study process
- Early Environmental Impact Report (EIR) Scoping process

- **CEQA Statutes and Guidelines 15004-** Negative Declarations and EIRs “should be prepared as early as feasible in the planning process” (Ramo (2013, 61). Although this connected to a CEQA Guideline, it is not mandatory to involve the public during project determination, project exemption, initial study analysis, or early EIR Scoping processes. Curiously enough, however, how early are cities going beyond the minimum requirements?

	<ul style="list-style-type: none"> • Bass (1998, 88-89) mentioned, “environmental justice should be incorporated into NEPA at every stage of the environmental review process...Some agencies place a very strong emphasis on public involvement...at the scoping and public notice phases.” This could also be applied with CEQA since its and outgrowth of NEPA.
<p>Question 4(b)(i-ii and iv-vii)- When advertising CEQA-related information to low-income and minority communities, does your department employ any of the following practices? For example, does your department:</p> <p>Distribute multi-lingual:</p> <ul style="list-style-type: none"> • Calendars of a proposed project’s CEQA process • Invitations to community or public meetings <p>Even further, does your department disseminate CEQA project information through non-English speaking</p> <ul style="list-style-type: none"> • Church bulletins • Radio stations • Television stations • Newsletters 	<ul style="list-style-type: none"> • Outreach Media- Advertising project or community meetings through non-traditional media that will be accessed by low-income and minority communities, such as church bulletins, ethnic media, or school handouts. • Bass (1998, 88-89) discussed the CEQ’s “recommendation for considering environmental justice” such as advertising public participation by sending out messages through ethnically-based newsletters, radio stations, local newspapers, and churches.
<p>Question 5 How often does your department work with community-based organizations (aka CBOs) to engage low-income and minority communities during the CEQA process? Always, mostly, sometimes, rarely, never?</p> <p>Prompt, if needed: Such as non-profit organizations that collaborate with low-income and minority communities</p>	<ul style="list-style-type: none"> • Collaboration with Community-Based Organizations- Utilizing available resources from experts who are highly acquainted with the community.
<p>Question 5(b)(i-v)- When working with CBOs, does your department implement any of the following strategies to engage low-income and minority communities during the CEQA process? For example, when working with CBOs do they help your department with:</p> <ul style="list-style-type: none"> • Advertising • Translating • Organizing community meetings • Gathering public input 	<ul style="list-style-type: none"> • Collaboration with Community-Based Organizations- Utilizing available resources from experts who are highly acquainted with the community. • Foster (1998, 788), Ramo (2005, 91-92; 2013, 68 and 71), Schweizer (2008, 44), and Bullard and Johnson (2000, 564-565)-Described that advocacy organizations have provided helpful empirical results of their own, including insightful and powerful

<ul style="list-style-type: none"> • Conducting Community Assessments 	<p>recommendations and demands when engaging in public processes throughout the United States.</p>
<p>Question 6(b)(i-iv)- Does your department utilize any of the following analysis resources to identify potentially significant impacts on low-income and minority communities caused by a project undergoing the CEQA process? For example, does your department utilize:</p> <ul style="list-style-type: none"> • Bay Area Air Quality Management District’s “Community Air Risk Evaluation Program,” (• Office of Environmental Health Hazards Assessment’s (OEHHA) “Indicators of Climate Change in California: Environmental Justice Impacts” • OEHHA’s “Cumulative Impacts: Building a Scientific Foundation,” • OEHHA’s Enviroscreen 2.0 	<ul style="list-style-type: none"> • Harris (2013, 3 and 6) highly recommended these resources be utilized by cities for environmental justice considerations during the CEQA process.
<p>Question 7- How does the amount of resources your department receive affect the actions taken to include low-income and minority communities in CEQA public participation processes?</p> <p>Prompt: Such as access to resources, including, but not limited to translators, cultural sensitivity training, or funding</p> <p>Prompt if not mentioned: Does your department have an annual budget for low-income and minority community engagement during CEQA processes?</p>	<ul style="list-style-type: none"> • Hypothesis- The level of pursuit to practice effective strategies to increase the meaningful participation of low-income and minority communities in the CEQA process may vary from city to city. I postulate that the effective actions taken by cities to include minority and low-income communities in the CEQA process depend on the resources, experience, organizational capacity, funds, interest, and/or incentive planning departments have in order to properly address environmental justice through CEQA processes. Thus, this hypothesis suggests that there is room for cities to improve their professional practice. • Shilling, London, and Lievanos 2009, 702-703 and 706-707) recommended that in order to successfully implement environmental justice principles agencies should “provide sufficient resources for all stakeholder parties to participate,” including a budget.
<p>Question 8- How is your department changing its strategies to include low-income and minority communities in CEQA processes?</p>	<ul style="list-style-type: none"> • Answers Research Question- How can San Francisco Bay Area cities effectively increase the meaningful participation of low-income and minority communities through the CEQA process?
<p>Question 9 Apart from what you’re already doing, in an ideal situation what else could you do to strengthen engagement strategies to include low-income and minority communities in CEQA processes?</p>	<ul style="list-style-type: none"> • Answers Research Question- How can San Francisco Bay Area cities effectively increase the meaningful participation of low-income and minority communities through the CEQA process?

Phone Interview Questions →											
	Question 2	Question 3	Question 4	Question 5	Question 6	Question 7	Question 8	Question 9	Question 10	Question 11	Question 12
	2b(i)	2b(ii)	2b(iii)	2b(iv)	3e(iv)	3e(v)	3e(vi)	3e(vii)	4b(iii)	Question 6	
0 = No 1= Yes											
CEQA Laws Related to Phone Interview Questions →	15140 • El Pueblo Para el Aire y Agua Limpio v. County of California Superior Court 15140 • El Pueblo Para el Aire y Agua Limpio v. County of California Superior Court 15140 • El Pueblo Para el Aire y Agua Limpio v. County of California Superior Court Sections 15073a, 15126.4(a)(2), 15097(a)(b), Federation of Hillside and Canyon Assns. v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1261, and/or Kings,1991, Kings,1991, Communities for a Better Environment v. City of Richmond, 2010 California Appellate Court, 4th District										
	City ID ↓	0	1	1	1	0	1	1	1	1	9
	City1- East Bay Area	0	1	1	1	1	1	1	1	0	9
	City2- Northeast Bay Area	0	1	1	1	1	1	1	1	0	9
	City3- South Bay Area	0	1	1	1	0	0	0	0	0	5
	City4- East Bay Area	0	1	0	0	1	1	1	1	0	6
	City5- Southwest Bay Area	1	1	1	1	1	1	1	0	0	9
	City6- Northwest Bay Area	1	1	1	1	1	1	1	1	0	11
	City7- Northeast Bay Area	0	0	0	1	0	0	1	1	0	4
	City8- Northeast Bay Area	0	1	1	0	0	0	1	1	0	5
	City9- West Bay Area	0	0	1	0	1	1	1	1	1	9
	City10- Northeast Bay Area	0	1	0	1	0	0	1	1	0	4
City11 East Bay Area	0	0	1	1	0	0	1	1	1	7	
City12 East Bay Area	0	1	1	1	1	1	1	1	0	8	
Total	2	9	9	9	5	6	11	11	3	3	

APPENDIX K DEFINITIONS FOR QUALITATIVE ANALYSIS GROUPINGS

CATEGORIES DEVELOPED FROM PHONE INTERVIEWS:

C1 CATEGORY 1: Community Outreach and Engagement Strategies and Practices-

How San Francisco Bay Area cities are engaging low-income and minority communities in CEQA processes to address environmental justice issues. In addition, how San Francisco Bay Area cities can effectively increase meaningful participation of their engagement with low-income and minority communities.

C2 CATEGORY 2: Environmental Justice Assessment Tools- Tools San Francisco Bay Area cities use to analyze the disproportionate impacts projects may have on low-income and minority communities during the CEQA process.

C3 CATEGORY 3: Interviewee-Specific Operations- The role(s) the interviewees play in their planning department during CEQA processes.

PRE-DETERMINED THEMES FROM DOCUMENT ANALYSIS:

Category 1 Themes:

C1T1 Theme 1: Community Meeting Strategies/Practices- Guidelines to work off when coordinating an informal public input meeting with minority and low-income communities. They include: consideration of time of the meeting (E.g. people who work three jobs), accessible and familiar meeting locations, and providing services such as child care or free transit passes.

C1T2 Theme 2: Public Input Collection Strategies/Practices- Informal meeting arrangements that foster participation and retrieval of questions, concerns, comments, or recommendations. Some of these practices include: brainstorming sessions, visioning processes, charrettes, small groups facilitated dialogues, or thought-provoking graphic materials or presentations.

C1T3 Theme 3: Communication Practices/Strategies- Ensuring that necessary information being revealed is understood through non-traditional means, such as through verbal and printed translations or understandable graphics and pictures.

C1T4 Theme 4: Collaboration with Community Based Organizations- Utilizing available resources from experts who are highly acquainted with the community.

C1T5 Theme 5: Project Information Dissemination- Advertising project or community meetings through non-traditional media that will be observed by low-income and minority communities, such as church bulletins, a diversity of ethnic media, or school handouts. CEQA practitioners can also table at non-traditional areas to reach minority and low-income sub-groups,

such as at senior centers, PTA meetings, sporting events, religious congregations, local schools, or at transit stops.

C1T6 Theme 6: Hypothesis- Department Resources and Level of Effectiveness- The level of pursuit to practice effective strategies to increase the meaningful participation of low-income and minority communities in the CEQA process may vary from city to city. I postulate that cities' actions may range from being highly, moderately, or minimally effective when attempting to include minority and low-income communities in the CEQA process. However, I anticipate that a majority of cities will be in the moderate to minimal section of the spectrum because they may lack the informational resources, experience, organizational capacity, funds, interest, and/or incentive to properly address environmental justice through CEQA processes. Thus, these hypotheses suggest that there is room for cities to improve their professional practice.

C1T7 Theme 7: CEQA Compliance- Ensuring that strategies and practices performed by cities are in compliance with CEQA Guidelines and Statutes.

C1T8 Theme 8: Cognizance of Community's Experiences- Being thoughtful of a community's past experiences with top-down, undemocratic government processes can help advance better processes. Further, some people may not have ever been to a public meeting or may not go because they do not think they may not provide meaningful input. These are challenges CEQA practitioners can consider when undertaking public participation processes.

Category 2 Themes:

C2T1 Theme 1: Social, Economic, and/or Health Analyses- Analyzing health, social, and/or economic data to determine whether the findings indicate that a project(s) may have significant impacts on the environment and in turn, on people.

C2T2 Theme 2: CEQA Compliance- Ensuring that strategies and practices performed by cities are in compliance with CEQA Guidelines and Statutes.

SUBTHEMES DEVELOPED FROM PHONE INTERVIEWS

Category 1 Sub-Themes Weighed Against Pre-Determined Themes:

C1ST1 Sub-Theme 1: CEQA Inadequacies- Planning departments that feel CEQA law either does not have enough "teeth" or is not a conducive tool for cities to provide quality engagement with low-income and minority communities.

C1ST2 Sub-Theme 2: Action from City Demographic Knowledge- How planning departments utilize demographic and/or geospatial data to determine whether low-income and minorities may be disproportionately impacted by a project through CEQA processes.

C1ST3 Sub-Theme 3: City-Community Interactions- How planning departments interact with low-income and minority communities whether it is to solicit participation through

innovative solutions to language barriers, organizing community meetings, advertising information, and/or seeking input throughout CEQA processes.

C1ST4 **Sub-Theme 4: Developer-City Culture-** How planning departments' relationships with developers play a role in the strategies and practices used to engage low-income and minority communities in CEQA processes for projects that may disproportionately affect them.

C1ST5 **Sub-Theme 5: City Outreach Requirements or Guidelines-** Some cities have to follow direct jurisdiction-wide public outreach policies, which may or may not be related to CEQA.

C1ST6 **Sub-Theme 6: Approaches to Engagement-** How planning departments strategically their approach with low-income and minority communities whether it is to solicit participation through innovative solutions to language barriers, organizing community meetings, advertising information, and/or seeking input throughout the CEQA process.

C1ST7 **Sub-Theme 7- Community Capacity Building-** How planning departments work with local organizations to engage low-income and minority communities during CEQA processes to support or build community capacity.

C1ST8 **Sub-Theme 8: Resource-Based Actions-** How resources may or may not affect planning departments' implementation of strategies and actions to engage low-income and minority communities throughout CEQA processes.

C1ST9 **Sub-Theme 9: City Interpretations and Actions to CEQA Requirements-** How planning departments follow CEQA Guidelines and Statutes when engaging low-income and minority communities, including their practices of analyzing impacts that may disproportionately impact these communities.

Category 2 Sub-Themes Weighed Against Pre-Determined Themes:

C2ST1 **Sub-Theme 1: Reliance on Consultants-** How planning departments utilize consultants for analysis of CEQA environmental review processes and how it affects their judgement in engaging or considering low-income and minority communities.

C2ST2 **Sub-Theme 2: City Interpretations and Actions to CEQA Requirements-** How planning departments follow CEQA Guidelines and Statutes when engaging low-income and minority communities, including their practices of analyzing impacts that may disproportionately impact these communities.

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CODES DEVELOPED FROM PHONE INTERVIEWS

Category 1 Codes under Sub-Themes

- **Sub-Theme 1: CEQA Inadequacies-** Planning departments that feel CEQA law either does not have enough “teeth” or is not a conducive tool for cities to provide quality engagement with low-income and minority communities.
 - **C1ST1C1 Code 1: Theoretical Intent Different from Practice-** When planning departments implement CEQA as a procedural law rather than its original intent to solicit participation in order to identify, mitigate, and avoid significant impacts from a project. Departments may also utilize an alternative means or approach to reach the similar intent of CEQA.
- **Sub-Theme 3: City-Community Interactions-** How planning departments interact with low-income and minority communities whether it is to solicit participation through innovative solutions to language barriers, organizing community meetings, advertising information, and/or seeking input throughout the CEQA process.
 - **C1ST3C1 Code 1: Wishful Actions-** When a planning department desires to implement a particular practice or strategy with/for low-income and minority communities throughout the CEQA process, but cannot due to some limitation.
 - **C1ST3C2 Code 2: Unawareness-** When a planning department is unaware of a particular practice or resource for CEQA and low-income and minority community engagement that was put into their attention during the phone interview of this research.
 - **C1ST3C3 Code 3: Short-sightedness-** When a planning department has not looked ahead to enhance their public outreach practices with low-income and minority communities during CEQA processes.
 - **C1ST3C4 Code 4: Focus on Technological Outreach Advancements-** Planning departments that primarily focuses on advancing public outreach through CEQA processes by catering to people who are privileged in having access to modern technology.
- **Sub-Theme 6: Approaches to Engagement-** How planning departments strategically plan engagement with low-income and minority communities whether it is to solicit participation through innovative solutions to language barriers, organizing community meetings, advertising information, and/or seeking input throughout the CEQA process.
 - **C1ST6C1 Code 1: Case-by-Case Engagement-** Planning departments that typically do not “target” low-income and minority community engagement, but rather engage the population as a whole “equally.” If low-income and minority communities are in the vicinity of the projects, then they are included in the engagement process.
 - **C1ST6C2 Code 2: Equal Treatment Trap-** When a planning department treats an overall population equally while not recognizing that low-income and minority communities typically share a disproportionate amount of environmental impacts and may not have the same opportunities or access to engage in CEQA processes.
 - **C1ST6C3 Code 3: Engagement Based on Large or City-Wide Impacts-** Departments that typically provide more outreach engagement services, such as childcare

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- or translations when a project is of a city-wide concern (e.g. General Plan or Downtown Plan).
- **C1ST6C4 Code 4: Cognizance of Potential Environmental Injustice-** When planning departments acknowledge that low-income and minority groups typically share a disproportionate burden of impacts than compared to the overall population.
 - **C1ST6C5 Code 5: CEQA Too Technical for Participation Trap-** When departments express a negative and hopeless mentality or approach to the relationship between CEQA's technical nature and public engagement processes, and thus, believe that CEQA is mutually exclusive or not conducive to adequate community participation.
 - **C1ST6C6 Code 6: Recognition-** When a planning department gives credit to “street science,” and thus, see community inputs as expert opinions during CEQA processes since they experience their communities day-to-day and will endure the effects of the proposed project.
- **Sub-Theme 8: Resource-Based Actions-** How resources affect planning departments' implementation of strategies and actions to engage low-income and minority communities throughout CEQA processes.
 - **C1ST8C1 Code 1: Lack of Fundraising or Budgeting-** When a planning department does not proactively search for funding sources to budget and further increase the engagement of low-income and minority communities that are disproportionately burdened during CEQA processes.
 - **C1ST8C2 Code 2: Doing Everything They Can-** When a planning department claims they are doing everything they can with the resources they have to engage low-income and minority communities during CEQA processes.
 - **C1ST8C3 Code 3: Former Reliance on State Funding-** Planning departments that depended heavily on funding from state funded programs or taxes such as the Redevelopment Agency or Prop 13 and are now seeking new ways to fund neighborhood improvements.
 - **C1ST8C4 Code 4: Fully Financed Projects from Developers-** Planning departments that work with developers who completely fund their own private projects, including CEQA process costs.
 - **Sub-Theme 9: City Interpretations and Actions to CEQA Requirements-** How planning departments follow CEQA Guidelines and Statutes when engaging low-income and minority communities, including their practices of analyzing impacts that may disproportionately impact these communities.
 - **C1ST9C1 Code 1: Going Beyond CEQA Requirements-** When a planning department implements practices or strategies further than what CEQA law requires, whether it's advertising CEQA-related information through non-traditional means, holding community meetings, or collecting public input.
 - **C1ST9C2 Code 2: Implementing CEQA Minimum Requirements-** When a planning department implements practices or strategies that meet what CEQA law calls for and does not make an effort to go beyond it.
 - **C1ST9C3 Code 3 Below CEQA Compliance-** When a planning department does not follow the minimum requirements of CEQA's community engagement strategies or practices.

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- **C1ST9C4 Code 4: Concurrent CEQA and Planning Processes-** Planning departments, under CEQA law, have to conduct CEQA and planning processes at the same time.

- *Category 2 Codes under Sub-Themes*

- **Sub-Theme 1: Reliance on Consultants-** How planning departments utilize consultants for analysis and how it affects their judgement in engaging or considering low-income and minority communities.
- **Sub-Theme 2: City Interpretations and Actions to CEQA Requirements-** How planning departments follow CEQA Guidelines and Statutes when engaging low-income and minority communities, including their practices of analyzing impacts that may disproportionately impact these communities.
 - **C2ST2C1 Code 1: Going Beyond CEQA Requirements-** When a planning department implements practices or strategies further than what CEQA law requires, whether it's advertising CEQA-related information through non-traditional means, holding community meetings, or collecting public input.
 - **C2ST2C2 Code 2: Implementing CEQA Minimum Requirements-** When a planning department implements practices or strategies that meet what CEQA law calls for and does not make an effort to go beyond it.
 - **C2ST2C3 Code 3 Below CEQA Compliance-** When a planning department does not follow the minimum requirements of CEQA's community engagement strategies or practices.
 - **C2ST2C4 Code 4: Concurrent CEQA and Planning Processes-** Planning departments, under CEQA law, have to conduct CEQA and planning processes at the same time.