

# Department of Conservation and Development

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# Contra Costa County



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March 9, 2015

Mr. Michael Kent  
C/o Contra Costa County  
Hazardous Materials Commission  
597 Center Avenue, Suite 200  
Martinez, CA 94501

*Subject: Implementation of County's Environmental Justice Policy*

Dear Mr. Kent:

This letter is in response to your recent inquiry on behalf of the Hazardous Materials Commission relating to the Department of Conservation and Development's implementation of the County's Environmental Justice policy. Your January 5, 2015 letter asked a number of questions ranging from the overall awareness of the Environment Justice policy, to how the Environmental Justice policy is applied to departmental specific activities and procedures.

Before addressing each of the eight questions contained in your 1/5/2015 letter, I would like to first provide context by describing the mission of the Department of Conservation and its specific functions in the planning process.

The Department's mission statement, which is included in our departmental Employee Handbook (May 2006, prior to formation of Department of Conservation and Development in 2008), reads as follows:

*"The Community Development Department serves the public through the formulation and implementation of the County General Plan, and related policies and programs adopted by the Board of Supervisors to guide future land use, development, and the management and conservation of resources. Our work recognizes that land use planning and the provision of infrastructure have social, environmental and economic impacts on the entire fabric of a community. We are dedicated to serving our customers and the public interest through:*

- *Encouraging public participation in planning activities;*

- *Providing balanced short- and long-term development and redevelopment of the County within the regional setting;*
- *Conserving and enhancing the physical, environmental, social, and economic resources of the County and region;*
- *Balancing a multitude of diverse public and private interests and community visions;*
- *Facilitating decision-making and solutions by providing both accurate and timely information through objective and thorough analyses; and,*
- *Collaborating with residents, other agencies, civic and business groups to promote self-sustaining communities and foster economic opportunities.”*

While the term “environmental justice” is not used in the mission statement, it does closely mirror the intent and purpose of the County’s Environmental Justice policy in that it stresses the importance of conducting the Department’s business in an open, public process.

The planning functions of the County are assigned under the County Ordinance Code to the County Planning Agency, which specifies the decision-making authority for the Board of Supervisors, County Planning Commission, and County Zoning Administrator. The Department of Conservation and Development provides staffing for the County Planning Agency. Additional planning functions have been assigned to the Department over the years as the result of plans, policies, and initiatives adopted by the Board of Supervisors. The Department’s specific planning functions are organized under the following operational units:

- **ADMINISTRATION**

DESCRIPTION: The Conservation and Development Director administers state, federal and local laws regulating all private and/or public uses of private and/or public land within the unincorporated territory of the County, and serves as County Zoning Administrator. Additionally, the Conservation and Development Director is the Chief Administrative Officer of the Contra Costa County Water Agency. This unit provides overall policy direction and leadership for department programs and activities.

- **ADVANCE PLANNING**

DESCRIPTION: Analyze proposed amendments to the County General Plan, develop special plans and programs that address changing local priorities and implement the goals and policies of the County General Plan.

- **CONSERVATION — SOLID WASTE AND RECYCLING**

DESCRIPTION: Manage County solid waste and resource recovery programs by administering solid waste collection franchises; land use planning and monitoring of permitted landfills, transfer stations and household hazardous waste facilities located in the unincorporated areas. Develop and implement source reduction, reuse and recycling programs. Jointly administer utilization of North Richmond Mitigation Fee Funding in conjunction with the City of Richmond.

- **CONSERVATION — WATER & NATURAL RESOURCES**

DESCRIPTION: Monitor relevant water related projects with potential to affect County resources. Assure, at the direction of the Board of Supervisors, County participation in

discussions on water policy issues. Plan and coordinate construction and operations/ maintenance of ship channels through dredging and disposal projects with the Army Corps of Engineers to ensure safe and efficient vessel transport. Identify, plan and coordinate upland disposal sites for beneficial reuse of dredge sediments. Coordinate wetlands and habitat preservation and enhancement, including facilitating collaborative parks/open space projects.

▪ **CURRENT PLANNING**

DESCRIPTION: Facilitate orderly land use and development consistent with the County General Plan, CEQA, other State laws, including the Permit Streamlining Act and the County Ordinance Code. Administer development permit applications (rezoning, land use permits, variances) in the unincorporated communities. Provide for the inclusion within the project review process of various County and non-County public agencies, homeowner groups, municipal advisory councils, cities and environmental groups. Monitor the implementation of residential, commercial and industrial projects to ensure compliance with the permit conditions and environmental mitigation requirements. Review proposed development for compliance with applicable Zoning Ordinance restrictions, development permits and State law requirements prior to clearing construction plans for issuance of building permits within the unincorporated areas. Provide staff services to the Airport Land Use Commission to foster compatible development in the contiguous and surrounding areas.

▪ **TRANSPORTATION PLANNING**

DESCRIPTION: Coordinate the development and implementation of the County's transportation policies with other agencies in support of the County's General Plan. Advise Current Planning and Advance Planning staff on the consistency of major development applications with the General Plan's Transportation/Circulation Element. Support implementation of the County's growth management program, including congestion management and trip reduction activities, and administration of the Measure C-88 "Return to Source" revenues comprising \$1.7 million of the budget for the remaining projects within the 7-year County Road Improvement Program. Provide transportation planning support as needed to other County agencies and organizations.

An essential function of the County Planning Agency is to hold regular meetings (or special meetings, as needed) and conduct public hearings on specific applications or proposals under its jurisdiction. The meetings of the County Planning Agency, including the Board of Supervisors, County Planning Commission, and Zoning Administrator, are all open and noticed to the public. Importantly, the County Planning Agency meetings and hearings are conducted in accordance with the County Ordinance Code and applicable State laws, which proscribe specific public noticing requirements.

**Responses to the HMC's Environmental Justice Policy Questions (1/5/2015 Letter to DCD)**

1. What is the level of awareness about the requirements of the County's Environmental Justice Policy for your Department's staff?

*Response: There is a general level of awareness. Furthermore, all employees are aware that they must treat others fairly when performing their job duties. Department employees are trained to serve the public and to treat all persons they come into contact with in a professional and fair manner regardless of a person's race, culture, or income*

*level. New employees of the Department are provided with the Employee Handbook which includes the Department's Mission Statement and departmental procedures.*

2. Does your Department have an Environmental Justice Coordinator who ensures the Department is following the Environmental Justice policy?

*Response: No. The Department does not currently have a person specifically assigned as an Environmental Justice Coordinator. Instead, the Department has elected to identify a specific staff member to perform any needed Environmental Justice coordinator-related functions based on specific circumstances and needs. For example, Deidra Dingman has acted in that capacity specifically for the purpose of the Environmental Justice-related pilot project to address illegal dumping in North Richmond.*

3. Does your Department have written department-specific procedures for implementing the Environmental Justice Policy?

*Response: The Department has not found a need to do so since our existing procedures and processes implemented to comply with requirements of State law and County Ordinance Code pertinent to our planning agency functions already suffice to ensure compliance with the County's Environmental Justice policy.*

4. What do you see as the key Environmental Justice issues your Department has to address?

*Response: Issues related to environmental justice touch upon many aspects of the Department's mission. Some more obvious examples include use permits related to industrial facilities adjacent to neighborhoods, review and approval of new residential development, transportation planning, and oversight solid waste facilities permits and franchise agreements.*

5. How is the Environmental Justice policy applied in specific activities of your Department?

*Response: The activities of the Department are conducted in accordance with the County Ordinance Code, all applicable State laws, certain Federal laws, when applicable, and, as directed by the Board of Supervisors, and environmental justice considerations are woven into the planning process. The Department implements a number of pro-active programs aimed at disadvantaged communities, which we believe address environmental justice concerns. Some examples include, Community Development Block Grant Program (CDBG), Neighborhood Preservation Program, Weatherization Program, and Affordable Housing Program.*

6. What difficulties do you see in implementing the Environmental Justice policy for your Department?

*Response: A key challenge is implementing the Environmental Justice policy while adhering to the statutory requirements and mandatory procedures the Department must follow in the regulation of land use.*

7. What are the opportunities for the public to engage in projects/programs/policies implemented by your Department? How do you make these opportunities consistent

throughout the County, and how do you accommodate segments of the community with special needs in terms of their ability to engage?

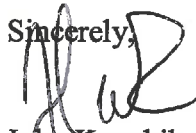
*Response: Pursuant to the County Ordinance Code and California Government Code, any member of the public is welcome to attend and provide testimony or written comments on an agenda matter before the Zoning Administrator or County Planning Commission. The Department will provide reasonable accommodations to those persons needing translation services and for persons with disabilities who wish to participate in Zoning Administrator or County Planning Commission meetings. The Department also makes a great deal of information readily accessible to the public on-line, 24-hours a day at no charge. This includes information about building and planning projects going through the County permitting processes, and agendas, staff reports, and other materials presented for consideration at public meetings of the County Planning Agency.*

8. How do you determine who are the members of the community with special needs in terms of their ability to engage?

*Response: The Department adheres to the public hearing notice requirements as detailed under the County Ordinance Code or California Government Code on planning matters being heard by the County Planning Agency. Additionally, the Building Inspection Division within the Department adheres to required noticing and hearing requirements for building and abatement projects consistent with County Ordinance Code and State law. Projects, which are subject to the California Environmental Quality (CEQA), are noticed and circulated to the general public and public agencies in a manner that is proscribed under CEQA Guidelines and the California Public Resources Code. The Department does not typically identify members of the community with special needs; rather, it reacts to requests from individuals or organizations to be specifically noticed on matters being heard by the County Planning Agency, or to receive notice of projects under CEQA review by the County. The Department posts agendas for all meetings of the County Planning Commission and Zoning Administrator on-line to the Department's webpage, and these agendas include links to the staff reports prepared for the hearing items listed on the agendas. Meetings of the County Planning Commission are video taped for broadcast on Contra Costa Television (CCTV) the government access channel for all cable television providers in the County and are then archived to the County Planning Commission's agenda webpage for viewing at any time on-line.*

I hope this letter is responsive to the Hazardous Materials Commission's inquiry related to the implementation of the County's Environmental Justice Policy by the Department of Conservation and Development. Should you have follow-up questions concerning this matter, please contact Deidra Dingman, Principal Planner, by telephone at (925) 674-7825, or by email at [deidra.dingman@dcd.cccounty.us](mailto:deidra.dingman@dcd.cccounty.us).

Sincerely,



John Kopchik  
Conservation and Development Director