

CALIFORNIA COASTAL COMMISSION

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(NOTE: This Staff Report has been updated with text edits to the Exhibits and Attachment references as of February 25, 2019.)

February 22, 2019

TO: Coastal Commission and Interested Parties

FROM: John Ainsworth, Executive Director
Sarah Christie, Legislative Director
Noaki Schwartz, Public Information Officer
Sumi Selvaraj, Coastal Program Analyst
Coastal Commission Environmental Justice Team

**SUBJECT: California Coastal Commission Environmental Justice Policy -
Final Public Review Draft and Motion and Resolution to Adopt the EJ Policy**

The Coastal Commission staff has drafted an Environmental Justice Policy memorandum ([Attachment 1](#)), for public comment, as well as the Commission's review, feedback and adoption. This policy has been revised from the initial public review draft released on August 9, 2018, and from the subsequent revised public review draft released on January 18, 2019 to incorporate and respond to substantial public comment. Staff recommends that the Commission adopt the final public review draft of the Environmental Justice Policy after hearing and considering public comment.

I. MOTION AND RESOLUTION

Motion

I move that the Commission adopt the proposed Environmental Justice Policy pursuant to the staff recommendation.

Staff recommends a YES vote on the foregoing motion. Passage of this motion will result in the Commission's adoption of the Environmental Justice Policy.

Resolution

The Commission hereby adopts the Environmental Justice Policy.

EXECUTIVE SUMMARY

This staff report includes the following:

- 1) A clean, formatted version of the Coastal Commission Environmental Justice Policy, final public review draft for adoption ([Attachment 1](#))
- 2) The final public review draft, track changes version, released February 2019, showing all of the changes made to the revised public review draft, released January 2019 in with deleted language shown in ~~strike through~~ and new language underlined ([Exhibit 1](#))
- 3) The revised public review draft, track changes version, released January 2019, showing all of the changes made to the initial public review draft, released August, 2018 with deleted language shown in ~~strike through~~ and new language underlined ([Exhibit 2](#))
- 4) The September 2018 staff report and initial public review draft ([Exhibit 3](#))
- 5) All public comment letters received on the initial and revised public review drafts ([Exhibit 4](#))
- 6) Staff response to comments ([Exhibit 5](#))

II. BACKGROUND

To develop the Environmental Justice Policy, Commission staff spent more than a year meeting with and listening to environmental justice stakeholders, including community groups, social justice leaders, and public agencies with established environmental justice programs. Staff contacted over 100 groups and individuals, by email, phone and in person. The agency formed an internal environmental justice team with staff members in every district office to serve as local points of contact, participated in racial equity and environmental justice trainings, attended community meetings, collaborated with sister agencies, created a dedicated webpage and email address, hosted webinars, developed an environmental justice newsletter and listserv, and more. As a related but independent process, the agency also developed a separate [Tribal Consultation Policy](#) in August, 2018.

Initial feedback from these meetings and outreach efforts was organized by substantive topic, including tribal concerns, coastal access, energy, climate change, staffing and hiring, policy development, permitting, housing, agency outreach and engagement, health and local governments.

Staff synthesized the comments, suggestions and requests into an initial public review draft ([Exhibit 3](#)) policy released in August 2018. The draft policy included a core policy statement followed by a series of commitments on the topics identified during the initial outreach phase. The policy was also accompanied by a detailed staff report that included a legislative history of environmental justice, a section on the Commission's historic intersections with environmental justice, initial outreach and training efforts, and more, along with supporting documents. During the 90-day public comment period, staff presented the initial public review draft at multiple Commission meetings for audiences in Fort Bragg, San Diego and San Francisco.

During this time, environmental justice team members continued to meet with stakeholders throughout the state and presented a public webinar for those who could not attend the public presentations.

Comments received during the 90-day public comment period (See [Exhibit 4](#)) were incorporated into a revised public review draft, which was released in [Spanish](#) and [English](#) in January 2019 for a 30-day public comment period which closed on February 17, 2019. At the request of multiple stakeholders and Commissioners, the revised public review draft included major additions such as a new housing section, a new local government section, and a comprehensive implementation section. Staff also added a short introduction to provide additional context, clarifications to existing sections and incorporated numerous requested changes and modifications to make the overall policy more robust. Public comments received on the revised public review draft during the 30-day review period have been incorporated into the final public review draft ([Attachment 1](#)) included in this report.

Staff prepared a detailed response to all comments received on all drafts of the Environmental Justice Policy ([Exhibit 5](#)). While all of the comments were valuable, not every comment is necessarily reflected in the policy itself. Many commenters requested additions or made comments that were specific to proposed projects or addressed particular local issues. Although many of these specific cases dealt with potential environmental justice issues, the policy itself is not intended to address the substantive merits of a specific local issue or project. The policy is intended to provide an analytical tool for the Commission to assess the potential disproportionate impacts of new development and coastal permitting decisions on traditionally marginalized communities, including historically disenfranchised communities of color. Staff met with many of these community groups who submitted comments regarding specific local issues to better understand their needs and explain how the policy may be used by Commission staff to address their concerns. Other commenter suggestions were not directly applicable to the draft policy or consistent with its intent. All comments that were incorporated into the document as substantive changes are cited in the “track changes” versions (See [Exhibit 1](#) and [Exhibit 2](#)). The “track changes” version shows newly added language in underlined text and deleted language in ~~strikethrough~~ text.

III. SUMMARY OF CHANGES TO FINAL PUBLIC REVIEW DRAFT

Introduction

In response to some public confusion to a combined staff report and draft policy, staff separated the updated, January 2019 draft (the revised public review draft) as a stand-alone document. The revised public review draft a short introduction which outlines the history of environmental justice, why the policy is necessary to bring more equity to the California coast and how this fits in with Coastal Act goals.

Policy Statement

At the request of multiple stakeholders, staff made some additions and changes to the policy statement. This includes the agency using its legal authority to ensure equitable access to clean, healthy, and accessible coastal environments for communities who that have been disproportionately overburdened by pollution or with natural resources that have been subjected to permanent damage for the benefit of wealthier communities. The statement also recognizes that coastal development should be inclusive for all who work, live, and recreate on California's coast and provide equitable benefits for communities that have historically been excluded, marginalized, or harmed by coastal development. Staff also added language making it clear that the Commission is committed to compliance and enforcement of Government Code Section 11135 and compliance with Title VI of the Civil Rights Act of 1964 and its regulations.

Coastal Access

In response to requests from stakeholders, staff added more discussion to this section. Where a local government fails to consider environmental justice when evaluating a proposed development that has the potential to adversely or disproportionately affect a historically disadvantaged group's ability to reach and enjoy the coast, that failure may be the basis for an appeal to the Coastal Commission. Similarly, where a local coastal program includes policies that implement environmental justice principles, a local government's failure to consider those principles may also be the basis of an appeal to the Coastal Commission.

Housing

In response to requests from multiple stakeholders, staff included a new section on housing. This new section includes a brief historical overview of discriminatory housing practices in California and what kind of impact this had on who lives along the coast over time.

This new section also reaffirms the Commission to encouraging affordable housing even though the Legislature removed the Coastal Act mandate to protect and provide affordable housing in 1981.¹ The Commission will do this by analyzing the cumulative impacts of incremental housing stock loss and working with local governments to adopt local coastal program policies that protect affordable housing. The Commission will also continue to seek legislative action to regain its previous authority with respect to affordable housing.

Local Government

Staff also added a new local government section in response to multiple stakeholder requests. The Commission will encourage local governments to amend their local coastal programs, port master plans, public works plans and long range development plans to address environmental justice issues. Staff will develop a list of best practices to help local government develop policies that reduce impacts on disadvantaged communities resulting from new development.

Recognizing that regional transportation policies can also discourage communities from visiting the coast, the Commission will also work with local governments and regional transit agencies

¹ The Coastal Commission voted unanimously on 03/08/17 to support AB 663 (Bloom, 2017) which would have restored the Commission's original authority to protect and provide affordable housing.

on local coastal program policies to decrease vehicle miles travelled and increase public transportation from inland areas to the coast.

Participation in the Process

Additions to this section underscore the agency's commitment to identifying and eliminating barriers to its public process. The Commission will make an effort to schedule items with significant environmental justice implications in close proximity to affected marginalized communities, at locations and times accessible to those who work during the day or lack access to private vehicles, when legal deadlines allow.

The Commission will also make an effort to schedule time for public comment at the beginning and end of meetings to maximize public comment and minimize the burden of interested parties from having to take time off of work to participate at Commission meetings. The Commission will also continue to accept public comment by email and letter. Staff will also explore alternative manners to solicit public comment and participation, such as accepting video-taped comments.

Accountability and Transparency

Creating a measure of accountability is critical to building and maintaining trust and respect with communities who have historically been left out of the public process. Staff updated this section to include a commitment to ensure that any third party studies, reports or analyses are done by reputable, independent parties, using the best available science. Staff will also assess meaningful alternatives beyond mitigation measures to re-siting projects with negative environmental health impacts in disadvantaged communities, to minimize or avoid adverse impacts to those communities. The Commission will review applicants' claims of environmental justice that are used to advance issues that may have no positive environmental justice impact on surrounding communities.

Climate Change

Staff added language to this section recognizing how some sea level rise, coastal erosion and climate adaptation measures, such as sea walls, may further reduce access to coastal recreation areas, particularly for lower-income residents living inland. The Commission also recognizes that lower-income residents and those who live in rental units are also more likely than property owners to be displaced by flooding or related impacts because they lack the funds and/or ability to rebuild, have less control over their safety, and often have limited access to insurance.

Habitat and Public Health

Staff added language in this section highlighting how heavy industrialization and environmental contamination of concentrated sections of California's coast has effectively eliminated much of the public coastal use in these areas. The Commission also commits to working with relevant public agencies to consider project impacts to air quality and soil health in disadvantaged communities, which reduce the positive health and recreational benefits associated with coastal access for pollution-burdened communities.

Implementation Section

At the request of multiple stakeholders, staff added a comprehensive implementation section that will be largely accomplished as part of the agency's next five-year plan and commits the Commission to including an environmental justice and equity section in all future strategic plan updates. These actions will be included in the 2019 update of the agency's Strategic Plan, which will include a new environmental justice and equity section. Stakeholders will have the opportunity to continue to work with the Commission on that plan in the coming months, and participate in regular reviews and updates on the Strategic Plan's progress. The new implementation section includes an extensive list of actions to advance engagement with affected communities, environmental justice staff training and support, coastal development and environmental justice and public participation. The following is a sampling of some of the goals in each section of the implementation plan:

- Engagement with Affected Communities

This section includes many goals such as the Commission's executive director committing to a quarterly call with environmental justice leaders and stakeholders. The agency will also establish a protocol for disseminating informational material that can be easily understood by disadvantaged communities identifying projects with environmental justice issues. The Commission also agrees to conduct outreach and develop relationships with community-based organizations and seek their input on identifying marginalized and disadvantaged communities that live, work and recreate near a proposed project.

- Environmental Justice Staff Training and Support

This section includes commitments such as developing a team of environmental justice and equity champions across the Coastal Commission in every major department including management. The Commission will also integrate environmental justice and equity considerations throughout the agency. The Commission will also submit requests from the Legislature for environmental justice positions that will include one senior level staff position and will focus on policy implementation, community outreach and issue identification. In addition, the agency will also provide a base level of training on equity and environmental justice issues for the entire staff and will video tape this for future staff.

- Coastal Development and Environmental Justice

This section includes a variety of commitments, including encouraging and teaching staff to incorporate environmental justice issue identification, research and analysis into their work. Staff will also develop internal criteria for early identification of project proposals that could potentially raise environmental justice concerns. The agency commits to developing an internal checklist for staff to help analyze the existence of potential environmental justice impacts associated with a proposed project. Staff will also strongly encourage local governments to amend their local coastal programs to address environmental justice issues. The Commission will seek legislation to restore Coastal Act policies protecting affordable housing.

- Public Participation

The Commission will work to make meetings more geographically accessible and affordable by adopting an annual meeting calendar that includes at least three Commission meetings per year in more inland areas accessible by public transit. Whenever possible, staff will agendize hearings that are relevant to disadvantaged communities at times and locations that are convenient for working families and will explore ways to expand public comment opportunities for these communities to encourage input. The Commission will also work to encourage broader participation by creating materials and supporting community workshops to show residents how to participate at Commission meetings.

- Immediate Next Steps

To go beyond the minimum requirements of AB2616 and fully embrace the spirit of this law, staff has planned a fully comprehensive approach to integrating the principles of environmental justice and social and racial equity throughout the agency.

This Environmental Justice Policy is the leading effort of this larger framework. It provides both the public and the Commission with a guide on how the agency will conduct the public's business, make public decisions, and ensure a more equitable procedural access. Staff is also drafting a Racial Equity Action Plan that will inform and transform the agency's internal policies, such as those related to recruitment, hiring, retention and promotion. Lastly, staff is also in the process of updating our five year Strategic Plan, which will include a new chapter on Environmental Justice and Equity. The Strategic Plan will be the document that creates ongoing accountability by identifying the specific tasks necessary to successfully implement both the Environmental Justice Policy and Equity Action Plan

Stakeholders and environmental justice groups will have multiple opportunities over the course of the coming year to provide additional input on these actions at public hearings. All future updates to the Strategic Plan will include an update to the Environmental Justice section. Commission staff will release a public engagement plan outlining the timeline, outreach tools and other details related to gathering feedback on the Strategic Plan Update and the implementation phase of the policy.

ATTACHMENT

Attachment 1 - Coastal Commission Environmental Justice Policy, Final Public Review Draft

EXHIBITS

[Exhibit 1 - Final Public Review Draft, "Track Changes" Version](#)

[Exhibit 2 - Revised Public Review Draft, "Track Changes" Version](#)

[Exhibit 3 - September 2018 Staff Report and Initial Public Review Draft](#)

[Exhibit 4 - Public Comment on Initial and Revised Public Review Drafts](#)

[Exhibit 5 – Staff Response to Public Comments \(to be posted as an addendum\)](#)

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Environmental Justice Policy

FINAL PUBLIC REVIEW DRAFT – FEBRUARY 2019

Introduction

The goal of the Commission’s Environmental Justice Policy (the “Policy”) is to provide guidance and clarity for Commissioners, staff, and the public on how the Commission will implement its recently enacted environmental justice authority² including how it will consider environmental justice in coastal development permits. The adoption and implementation of this Policy is intended to integrate the principles of environmental justice, equality, and social equity into all aspects of the Commission’s program and operations, and to ensure public confidence in the Commission’s mission, process, and commitment to coastal equity.

The California Coastal Commission’s mission statement declares:

The Commission is committed to protecting and enhancing California’s coast and ocean for present and future generations. It does so through careful planning and regulation of environmentally-sustainable development, rigorous use of science, strong public participation, education, and effective intergovernmental coordination.

Section 30006 of the Coastal Act also states that *“the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.”*

Since 1977, the Commission has worked to uphold the Coastal Act, a statute grounded in the principles of public inclusion and equity. However, despite numerous victories, the statute’s vision of coastal protection and access for all people is not fully realized. Concern remains that historically, much of the Commission’s work has been largely shaped by coastal residential, commercial and industrial landowners, without adequate consideration of those whose lives and livelihoods are connected to our coast through their labor, recreation, and cultural practices but who cannot afford to live on the coast.³

Generations of injustices towards California’s Native American communities, people of color, and other marginalized populations through forms of discriminatory land use policies, desecration of sacred lands and cultural resources, and concentration of environmental pollution has resulted in inequitable distribution of environmental benefits and burdens that still disproportionately burden these communities today. The concept of environmental justice emerged out of the civil rights movement to describe the application

² AB 2616 (Burke) (Ch. 578, Stats. 2016) amended the Coastal Act to give the Commission authority to specifically consider environmental justice when making permit decisions. This legislation also cross-references existing non-discrimination and civil rights law in the Government Code and requires the Governor to appoint an environmental justice Commissioner.

³ Morales, M. Central Coast Alliance United for a Sustainable Economy (CAUSE). July 12, 2018 comment letter re: proposed environmental justice policy.

of civil rights and social justice to environmental contexts.⁴ The term “environmental justice” is currently understood to include both substantive and procedural rights⁵, meaning that in addition to the equitable distribution of environmental benefits, underserved communities also deserve equitable access to the process where significant environmental and land use decisions are made.

Taking an environmental justice approach to coastal policy requires a fundamental re-thinking of who is connected to the coast, and how. For instance, tribal and indigenous communities with cultural ties to the coast depend on access to ancestral lands and sacred sites to maintain traditional practices, yet their unique perspectives are frequently overlooked or undervalued. Environmental justice stakeholders across the country who have been working in this policy arena for decades have noted that wherever low income communities and communities of color are predominantly concentrated in coastal regions, they are frequently disconnected from the coast itself, by both social and physical barriers. Countless people commute to the coast for work every day, to labor in homes, businesses, ports and fields. Others come to the coast for free outdoor recreation and fresh air. For them, the coast is an accessible refuge from neighborhoods, many of which are lacking parks and greenspace. Statistics show a startling lack of diversity among those who live on the California coast, and yet millions of inland residents visit and work there every day, without the means to access affordable accommodations.

Historic inequalities, as well as California’s growing population, changing demographics, socio-economic forces, judicial decisions, and policy choices have and continue to shape development patterns and population shifts that widen the disparity gap. Not only is equitable access to the coast for all Californians essential, so is protecting coastal natural resources for future generations.⁶ To fulfill the agency’s mission of protecting and preserving coastal resources for all people, the Commission adopts the following Environmental Justice Policy to inform its decisions, policies, and programs to achieve more meaningful engagement, equitable process, effective communication, and stronger coastal protection benefits that are accessible to everyone.



⁴ Environmental Justice for All: A Fifty State Survey of Legislation, Policy and Cases, fourth edition (2010).

⁵ Ibid.

⁶ Government Code 11135, the state analog to the federal Civil Rights Act of 1964.

Environmental Justice Policy

The California Coastal Commission’s commitment to diversity, equality and environmental justice recognizes that equity is at the heart of the Coastal Act, a law designed to empower the public’s full participation in the land-use decision-making process that protects California’s coast and ocean commons for the benefit of all the people. In keeping with that visionary mandate, but recognizing that the agency has not always achieved this mission with respect to many marginalized communities throughout California’s history, the Commission as an agency is committed to protecting coastal natural resources and providing public access and lower-cost recreation opportunities for everyone. The agency is committed to ensuring that those opportunities not be denied on the basis of background, culture, race, color, religion, national origin, income, ethnic group, age, disability status, sexual orientation, or gender identity.

The Commission will use its legal authority to ensure equitable access to clean, healthy, and accessible coastal environments for communities that have been disproportionately overburdened by pollution or with natural resources that have been subjected to permanent damage for the benefit of wealthier communities. Coastal development should be inclusive for all who work, live, and recreate on California’s coast and provide equitable benefits for communities that have historically been excluded, marginalized, or harmed by coastal development.

The Commission recognizes that all aspects of our mission are best advanced with the participation and leadership of people from diverse backgrounds, cultures, races, color, religions, national origin, ethnic groups, ages, income levels disability status, sexual orientation, and gender identity. The Commission is committed to compliance and enforcement of Government Code Section 11135, as well as consideration of environmental justice principles as defined in Government Code Section 65040.12, consistent with Coastal Act policies, during the planning, decision-making, and implementation of Commission actions, programs, policies, and activities. It is also the California Coastal Commission’s goal, consistent with Public Resources Code Section 30013⁷ and Government Code Section 11135, to recruit, build, and maintain a highly qualified, professional staff that reflects our state’s diversity. Further, the Commission is committed to compliance with Title VI of the Civil Rights Act of 1964 and its regulations.”

This policy uses the terms “disadvantaged” and “marginalized” interchangeably; it intends to encompass not only the definitions contemplated by SB 1000,⁸ but also to include other low-income communities and communities of color that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts. The Commission recognizes that all of these communities have assets and are valuable stakeholders, and the purpose of this policy is to empower these communities that have been historically excluded from accessing the benefits of coastal development and resources due to discriminatory implementation of local, state, and federal policies and lack of access to the process and decision makers. This policy uses the term “equity” as defined in the context of social and racial equity,⁹ where “equity” refers to the fairness of achieving outcomes for all groups and no one factor, such as race, can be used to predict outcomes.

⁷ AB 2616 (Ch. 578, Stats.2016) added Coastal Act Section 30013 findings to advance the principles of environmental justice and civil rights as part of the Coastal Act.

⁸SB 1000 (Leyva) (Ch. 587, Stats. 2016) added Government Code Section 65302(h)(4)(A), expanding the definition of “disadvantaged communities” for the purpose of General Plans to mean “an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.”

⁹ The Local & Regional Government Alliance on Race and Equity. Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas into Action. (2015)



Statement of Environmental Justice Principles

This policy is designed to achieve more meaningful engagement, equitable process, effective communication, and stronger coastal protection benefits that are accessible to everyone. It incorporates and is further implemented by the following Statement of Principles.

Respecting Tribal Concerns

The Commission respectfully acknowledges the painful history of genocide against Native American Tribes and honors the efforts of California's coastal tribes to rebuild thriving, living cultures based on traditional knowledge, languages, and practices. The Commission commits to regular and meaningful partnership to ensure that tribes are valued and respected contributors to the management of California's coast. In addition to the requirements of the Commission's formal [Tribal Notification and Consultation Policy](#), the Commission will work collaboratively with tribes to better understand the significance of local and regional cultural concerns. This includes the application of traditional ecological knowledge, as well as access to and protection of areas of cultural significance ethnobotanical resources, traditional fishing and gathering areas, and sacred sites.

Meaningful Engagement

The Commission acknowledges the critical need to communicate consistently, clearly, and appropriately with environmental justice groups and underserved communities. Because of their historic under-representation in coastal land use planning and permitting decisions, it is important to make additional efforts to inform these communities about projects with environmental justice findings implications for their neighborhoods and families. Commission staff will work to obtain and dedicate meaningful resources to reach out early and often to these communities, in language that is understandable and accessible to local communities that face limited English proficiency, lack access to formal education, and experience other obstacles to engagement. They will also augment outreach with non-traditional communication methods, for example, the use of social media, flyers, community meetings, town halls, surveys, language translation services and focus groups targeted at populations who face barriers to participation. To ensure that specific outreach efforts are effective, staff will ask community groups and organizations for their suggestions and preferences for adjusting these techniques for any given matter.





Coastal Access

Article X of the California Constitution guarantees the right of access to navigable waters for all people. The Commission also recognizes that equitable coastal access is encompassed in and protected by the public access policies in Chapter 3 of the Coastal Act. The Coastal Act's mandates to provide maximum access and recreational opportunities for all, and to protect, encourage, and provide lower-cost visitor and recreational opportunities embody fundamental principles of environmental justice. The Commission reaffirms its long-standing commitment to identifying and eliminating barriers, including those that unlawfully privatize public spaces, in order to provide for those who may be otherwise deterred from going to the beach or coastal zone. The coast belongs to everyone, and access cannot be denied or diminished on the basis of race, ethnicity, income socio-economic status, or place of residence or other factors listed in the Policy Statement.

Understanding that even nominal costs can be barriers to access preserving and providing for lower-cost recreational facilities is also an environmental justice imperative. This includes recreational opportunities such as parks, trails, surf spots, beach barbecue and fire pits, safe swimming beaches, fishing piers, campgrounds, and associated free or low-cost parking areas. The conversion of lower-cost visitor-serving facilities to high-cost facilities is also a barrier to access for those with limited income, and contributes to increased coastal inequality. The Commission will strive for a no-net-loss of lower-cost facilities in the coastal zone, while implementing a longer-term strategy to increase the number and variety of new lower-cost opportunities.

Where a local government fails to consider environmental justice when evaluating a proposed development that has the potential to adversely or disproportionately affect a historically disadvantaged group's ability to reach and enjoy the coast, that failure may be the basis for an appeal to the Coastal Commission. Similarly, where a local coastal program includes policies that implement environmental justice principles, a local government's failure to consider those principles may also be the basis of an appeal to the Coastal Commission.

Housing

The Commission acknowledges the historical use of discriminatory housing policies in California and their impact on present day demographics in the coastal zone. Home deeds often included restrictive covenants, preventing homeowners from selling or renting to certain classes of buyers, most often members of specified racial or other minority groups¹⁰. For example, a 1920's-era subdivision in Palos Verdes Estates in Los Angeles County included thirty pages of restrictions, protecting against "encroachment by any possible developments of an adverse sort," and prohibiting rent or sale to African- or Asian-American families¹¹. By the late 1970s neighborhoods that had benefited from decades of discrimination against racial minorities translated that benefit into higher property values, despite the end of widespread public and official housing discrimination¹².

The Commission recognizes that the elimination of affordable residential neighborhoods has pushed low-income Californians and communities of color further from the coast, limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homelessness.

Although the Legislature removed the Coastal Act mandate to protect and provide for affordable housing in 1981, the Commission retained the authority to encourage affordable housing. The Commission will increase these efforts with project applicants, appellants and local governments, by analyzing the cumulative impacts of incremental housing stock loss, and by working with local government to adopt local coastal program policies that protect affordable housing and promote a range of affordable new residential development types. The Commission will continue to seek legislative action to regain its previous authority with respect to affordable housing.

The Commission recognizes the myriad laws and regulations that regulate housing, including those that dictate the kinds and amounts of housing that local governments must provide in their communities. Implementation of these housing laws must be undertaken in a manner fully consistent with the Coastal Act. The Commission will work with local governments to adopt local coastal program policies that allow for a broad range of housing types including affordable housing, ADUs, transitional/supportive housing, homeless shelters, residential density bonuses, farmworker housing, and workforce/employee housing, in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act.

The Commission will also support measures that protect existing affordable housing. If the Commission staff determines that existing, affordable housing would be eliminated as part of a proposed project in violation of another state or federal law, the Commission staff will use its discretion to contact the appropriate agency to attempt to resolve the issue.

¹⁰ Bono, Marisa. "Don't You Be My Neighbor: Restrictive Housing Ordinances as the New Jim Crow." *The Modern American* 3.2 (Summer-Fall, 2007): 29-38.

¹¹ Fogelson, *Bourgeois Nightmares*, pp.5-19

¹² George Sanchez, *The History of Segregation in Los Angeles: A report on Racial Discrimination and Its Legacy*, University of Southern California

Local Government

Local governments implement Coastal Act policies at the local level through planning documents certified by the Commission. The Commission will strongly encourage local governments to amend their local coastal programs, port master plans, public works plans and long range development plans to address environmental justice issues. Staff will develop a list of best practices to help local government develop policies that reduce impacts on disadvantaged communities resulting from new development.

The Commission also recognizes the harm in communities that engage in exclusionary and discriminatory practices such as hiring security guards who have been known to enlist law enforcement to exclude communities of color from certain coastal recreation areas. The Commission will consider the historic role of such exclusionary measures when reviewing proposed local coastal policies that may have discriminatory intent or impact.

The Commission understands that regional transportation policies can discourage inland communities from visiting the coast, burdening both workers and families. The Commission will work with local governments and regional transit agencies on local coastal program policies to decrease vehicle miles travelled and increase public transportation from inland areas to the coast.



Participation in the Process

Achieving the Coastal Act's mandate for coastal protection depends on full public participation that reflects California's diversity. The Commission is committed to identifying and eliminating barriers to its public process in order to provide a more welcoming, understandable and respectful atmosphere for those who may be otherwise intimidated or deterred from taking part in government proceedings. This includes making an effort to schedule items with significant environmental justice implications in close proximity to affected underserved communities, at locations and times accessible to those

who work during the day or lack access to private vehicles, when legal deadlines allow, and providing language translation services as needed and time extensions for translators. The Commission will not engage the services of private security or law enforcement unless a credible threat to public safety has been clearly demonstrated.

The Commission will make an effort to schedule time for public comment at the beginning and end of meetings to maximize opportunity for interested parties to provide public comment and to minimize the burden of interested parties from having to take time off of work to participate at Commission meetings. The Commission will also continue to accept public comment by letter and email, including on weekends. Staff will also explore alternative manners to solicit public comment and participation, such as accepting video-taped comments. This effort and intention will need to be balanced by the practical realities of Commission member schedules, meeting duration and costs and facility availability.

The Commission will conduct a review of equitable access to and utilization of its existing programs and funding sources to ensure that disadvantaged populations are included in its efforts. The agency will also acknowledge and include environmental justice and equity principles in its educational programs, job announcements and other communication materials whenever possible.

Accountability and Transparency

Creating a measure of accountability is critical to building and maintaining trust and respect with communities who have become skeptical of government's motives or relevance to their lives. When evaluating projects, programs and activities, Commission staff shall consider, when applicable, whether and how proposed development will positively or negatively affect marginalized communities, and will be fully transparent in that analysis in staff reports and presentations. The Commission will make use of CalEnviroScreen, U.S. EPA EJSCREEN, U.S. Census data and/or similar tools and data to identify disadvantaged communities. Where project impacts to disadvantaged or overburdened communities are identified, and where otherwise consistent under the Coastal Act, civil rights and environmental justice laws, the Commission staff shall propose permit conditions to avoid or mitigate those impacts to underserved communities to the maximum extent feasible while protecting coastal resources. Analysis of mitigation measures will include consideration of the technical knowledge and lived experiences of affected communities.

Any third party studies, reports or analyses will be evaluated to ensure they have been conducted by reputable, independent parties, using the best available science. When warranted by applicable Coastal Act or LCP policies, analysis will assess meaningful alternatives beyond mitigation measures to re-siting projects with negative environmental health impacts in disadvantaged communities, to minimize or avoid adverse impacts to those communities. If viable alternatives are available, consider those in permitting decisions.

The Commission will use the powers within its authority to examine the level of inclusive access to public recreation, affordable housing and clean water in any proposed coastal

development, as well as be a voice for maximizing these benefits for disadvantaged communities during review of projects.

Climate Change

Climate change and sea level rise hazards will have disproportionate impacts on communities with the least capacity to adapt and may exacerbate existing environmental injustices and cumulative impacts from other environmental hazards. For example, underserved communities that may rely on public access for indigenous gathering activities, subsistence fishing, recreational opportunities, jobs and other economic benefits of the coastal economy will face greater impacts.

Access to cooler coastal temperatures will increasingly become a public health imperative for inland residents as the climate warms. Some sea level rise, coastal erosion and climate adaptation measures, such as sea walls, may further reduce access to public trust resources and coastal recreation areas for all residents, particularly lower income residents living inland.

Lower-income residents and those who live in rental units are also more likely to be displaced by flooding or related impacts as compared to property owners because they lack the funds and/or abilities to rebuild, have less control over their safety, and often have limited access to insurance. The expense of sea level rise adaptation measures for coastal communities could also heighten displacement of disadvantaged populations by increasing living expenses for sewer and water services.

Low-income communities are more vulnerable to climate-driven water quality and supply issues that can result from seawater intrusion, contamination from extreme storm events, and drought. The Commission will take this reality into consideration when analyzing the effectiveness and the impacts of sea level rise adaptation and mitigation measures as well as implementation of these measures. The Commission will also continue to recommend considering environmental justice when analyzing sea level rise impacts in planning and permitting decisions as stated in its adopted Sea Level Rise Policy Guidance.

Within its existing authority, the Commission will avoid the siting of hazardous facilities in flood-prone areas or areas vulnerable to seawater intrusion, prioritize the cleanup or relocation of existing hazardous facilities, and work to advance buffering measures like wetlands restoration that prevent seawater intrusion into groundwater supplies.

Habitat and Public Health

Understanding that public health and the health of natural ecosystems are inextricably intertwined, ecological impacts are felt first by disadvantaged and at-risk communities, and that there is no environmental justice without a healthy environment, the Commission will continue to prioritize the protection of coastal resources. This includes sensitive habitats, watersheds, water quality, marine biodiversity, and biological productivity. Heavy industrialization and environmental contamination of some portions of California's coast has effectively eliminated much of the public coastal use in these industrialized and contaminated areas. The Commission will also work with the relevant public agencies to

consider project impacts to air quality and soil health in disadvantaged communities which reduce the positive health and recreational benefits associated with coastal access and coastal resources for pollution-burdened communities.

The Commission's environmental justice policy shall be implemented in a manner that is fully consistent with the standards in, and furthers the goals of, Chapter 3 of the Coastal Act (the agency's legal standard of review), and certified local coastal programs. The intent will be to ensure that low-income communities and communities of color, and other disadvantaged communities are not disproportionately affected by water contamination or overuse, or diminished environmental services such as those provided by healthy ecosystems, fully-functioning wetlands, and clean waters and lands in the coastal zone.





Implementation

In order to implement the environmental justice policy, including the statement of principles, the Coastal Commission commits to the following actions, which will be largely accomplished over the course of the next five years. The Commission commits to adding a permanent section on Environmental Justice and Equity to all future Strategic Plan updates for the agency. Thus, the actions outlined in this implementation section will be included in the 2019 update of the agency's Strategic Plan, which establishes the agency's top priorities for the near-term.

Putting environmental justice and equity goals into the agency's Strategic Plan will provide the public with ongoing accountability and transparency of the Commission's efforts to incorporate environmental justice into its program. Stakeholders will have the opportunity to participate in regular reviews and updates on Strategic Plan progress at both the state and federal level to ensure the policy remains relevant, accessible and an active component of the statewide coastal program.

The following actions are not meant to be an exhaustive list but are examples of how the Commission will advance its policy goals during the initial implementation. These themes will be further explored with ample opportunities for public review during multiple hearings on the Strategic Plan Update in 2019.

Engagement with Affected Communities

1. To better balance the historic inequities surrounding disadvantaged communities' access to the planning process, the Executive Director shall host a quarterly teleconference between the Executive director and environmental justice leaders and stakeholders.
2. Partner with environmental justice leaders and groups to educate their communities about coastal issues that intersect with environmental justice. Use listservs, social media, the Commission's website and other technology to communicate with environmental justice communities. Create and maintain an environmental justice listserv of groups and individuals who have expressed an interest in getting more involved. Continuously update and enhance contacts and relationships with local, regional and statewide environmental justice advocates.
3. Establish a protocol for disseminating and receiving informational material that can be easily understood by disadvantaged communities identifying projects with environmental justice concerns.
4. Expand the Commission's communication methods to include flyers, community meetings, town halls, webinars and surveys and partner with community groups to reach out early and often.
5. Develop educational materials explaining the Coastal Act and the Commission through an environmental justice lens that can be easily adapted by staff or Commissioners for community meetings and other public speaking events.
6. Conduct outreach and develop relationships with community-based organizations and seek their input on identifying marginalized and disadvantaged communities that live, work and recreate near a proposed project.

7. As spelled out in the Tribal Consultation Policy, the Commission will work collaboratively with California Native American Tribes to better understand the significance of local and regional cultural concerns. The Commission will seek out and learn from indigenous peoples' unique historical, cultural and ecological knowledge of California's land and resources.
8. Tribal representatives will receive acknowledgement equal to that of elected officials during general public comment and public comment on specific hearing items.
9. Staff will regularly analyze barriers to implementation to environmental justice policies in conjunction with local partners and community based organizations for the purpose of compiling a report on how best to support implementation of this policy.

Environmental Justice Staff Training and Support

1. Develop a team of environmental justice and equity champions across the Coastal Commission in every major department including management. Integrate environmental justice and equity considerations throughout the agency.
2. Submit formal budget requests to add environmental justice staff positions that will focus on policy implementation, community outreach and issue identification. This will include at least one senior level staff position.
3. Designate staff in every district office of the Coastal Commission who can be the point of local contact for environmental justice groups and stakeholders. These staff members will provide more effective and personalized responses to issues and facilitate ongoing communication among staff and environmental justice communities.
4. Provide a base level of training on equity and environmental justice issues for the entire staff, which can include inviting environmental justice experts as speakers, language sensitivity training and other strategies. Video tape the training for future staff.
5. Work with experts to develop an internal, required training program for all staff and Commissioners to address unconscious bias and related issues.
6. Provide training and financial support for staff members who are willing to serve as interpreters at community meetings and local events. Include such work in the description of the employee's job duties.

7. Include environmental justice concepts and issues in the agency's relevant planning and guidance documents, including the Commission's Public Education curricula.

Coastal Development and Environmental Justice

1. Encourage and teach staff to incorporate environmental justice issue identification, research and analysis into their work. Develop internal criteria and guidance for early identification of project proposals that could raise environmental justice issues
2. Develop an internal checklist for staff to help analyze the existence of potential environmental justice impacts associated with a proposed project. Have staff identify environmental justice communities in the area and potential impacts of the project on those communities
3. Include an analysis of environmental justice issues in applicable staff reports, and, when appropriate, propose mitigation measures to avoid or fully mitigate identified impacts, in a manner that is fully consistent with Chapter 3 or local coastal program policies.
4. Strongly encourage local governments to amend their local coastal programs to address environmental justice issues. Develop a guidance memo for local governments to assist with the incorporation of environmental justice policies and develop a list of best practices to help reduce disparate impacts on vulnerable communities resulting from new development.
5. Seek additional local assistance grant funding from the Legislature to encourage local government partners to include environmental justice policies in local coastal programs.
6. Seek legislation to restore Coastal Act policies regarding affordable housing.
7. Staff will continue to work collaboratively with partner agencies, the public, and commissioners to ensure that coastal management decisions at all levels appropriately consider environmental justice concepts and values.
8. Explore ways to mitigate for historical forces that excluded low-income people from the coast, by undertaking new measures to encourage coastal access.

Public Participation

1. Make Commission meetings more geographically accessible, affordable and inviting to underserved communities by adopting an annual meeting calendar that includes at least three Commission meetings per year in more inland areas accessible by public transit. Explore ways to increase meeting accessibility through technology.
2. Whenever possible, agendize hearings that are relevant to disadvantaged communities at times and locations that are convenient for working families. Explore ways to expand public comment opportunities for these communities to encourage input.
3. Provide language-appropriate training materials describing available online resources, how Commission meetings work, how to fill out comment cards, how to report violations and file appeals, and how to apply for Whale Tail grants.
4. Encourage broader participation by creating materials and supporting community workshops to show residents how to participate at Commission meetings.
5. Host a public workshop with the Commission and Environmental Justice leaders to discuss coastal justice concepts, priorities and challenges within two years of adopting the policy.
6. To track and measure success, the Commission shall conduct a bi-annual public review on the effectiveness and progress of this policy, and amend the policy as appropriate.

Immediate Next Steps

1. Following the policy's adoption, Commission staff will begin the implementation phase of the Environmental Justice Policy. The implementation phase will include specific program objectives, implementing actions and goals, as identified above. These will be included as a new section in the Commission's Five-Year Strategic Plan Update, which will begin in 2019. Stakeholders and environmental justice groups will have multiple opportunities over the course of the year to provide additional input on these actions at public hearings, in letters and emails or through meetings with staff. All future updates to the Strategic Plan will include an update to the Environmental Justice section.
2. Commission staff will release a public engagement plan outlining the timeline, outreach tools and other details related to gathering feedback on the Strategic Plan Update and the implementation phase of the Policy

3. The Commission's Environmental Justice Team will continue to gather ideas and identify opportunities for the agency to implement environmental justice issues on an ongoing basis across the agency and throughout the districts.
4. The Commission's GARE (Government Alliance on Race and Equity) Team, in collaboration with the Environmental Justice Team and senior staff, will complete an Agency Racial Equity Action Plan in 2019 to inform and inspire greater inclusivity and diversity in all of the Commission's internal processes and functions.

Glossary of Terms

The following terms were collected from the Coastal Commission's Sea Level Rise Guidance document, the [California Coastal Act](#) and other agency sources unless otherwise noted.

Adaptation

Climate change adaptation helps individuals, communities, organizations and natural systems deal with consequences of climate change that cannot be avoided. It involves taking practical actions to manage risks from climate impacts and protect communities.

Coastal Development Permit

Generally, anything broadly considered to be "development" (defined below) in the coastal zone according to the Coastal Act requires a coastal development permit (CDP) from the Commission or local government with a certified local coastal program. The width of the coastal zone varies, but it can extend up to five miles inland from the shore, including private and public property, and three miles out to sea.

Coastal Zone

The California Coastal Act regulates development within the coastal zone. This is an area along the California coast of variable width, in some cases extending up to five miles inland and including coastal mountains.

Development

The term "development" is defined very broadly in the Coastal Act. It covers many activities, including, but not limited to, the construction, demolition, or alteration of the size of homes or other structures; the grading of earth, extraction of materials, and removal of major vegetation; the disposal of liquid or solid waste; the subdivision of land or changing of lot lines; changes in the intensity of use of water; and actions that change access to the coast, such as the placement of fencing, gates, or no parking/trespassing signs.

Disadvantaged, Marginalized

SB 1000 (Leyva) (Ch. 587, Stats. 2016) added Government Code Section 65302(h)(4)(A), expanding the definition of "disadvantaged communities" for the purpose of general plans to mean "an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation."

This policy uses the terms "disadvantaged" and "marginalized" interchangeably; it intends to encompass not only the definitions contemplated by SB 1000, but also to include other low-income and minority populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts.

Environmental Justice

“Environmental 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.

The United States has a history of racial discrimination that has persisted in multiple forms. During the 20th century, the civil rights movement sought to secure legal rights that were held but not fully realized by African Americans and other marginalized populations. The concept of environmental justice emerged out of this movement to describe the application of civil rights and social justice to environmental contexts. For example, the cumulative effect of siting a disproportionate number of toxic waste and other hazardous facilities in disadvantaged, urban communities of color has led to disproportionate impacts from pollution and lack of environmental services, such as clean drinking water, clean air, and access to parks and open space

Equity

This policy uses the term “equity” as defined in the context of social and racial equity,¹³ where “equity” refers to the fairness of achieving outcomes for all groups and no one factor, such as race, can be used to predict outcomes.

Erosion

“Erosion” is the wearing away of land by natural forces; on a beach, the carrying away of beach material by wave action, currents, or the wind. Development and other non-natural forces (e.g., water leaking from pipes or scour caused by wave action against a seawall) may create or worsen erosion problems.

Local Coastal Program

Local coastal programs (LCPs) are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the Coastal Commission. LCPs contain the ground rules for future development and protection of coastal resources in the 76 coastal cities and counties.

The LCPs specify appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as zoning ordinances). Prepared by local governments, these programs govern decisions that determine the short- and long-term conservation and use of coastal resources. While each LCP reflects unique characteristics of individual local coastal communities, regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements.

¹³ The Local & Regional Government Alliance on Race and Equity. Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas into Action (2015)

Mitigation

The term “mitigation” refers to projects, measures or programs intended to offset impacts to resources.

Traditional Ecological Knowledgeⁱ

The phrase “traditional ecological knowledge,” also called “indigenous knowledge” or “Native science,” refers to the evolving knowledge acquired by indigenous and local peoples over hundreds or thousands of years through direct contact with the environment. This knowledge is specific to a location and includes the relationships between plants, animals, natural phenomena, landscapes and timing of events that are used for lifeways, including but not limited to hunting, fishing, trapping, agriculture, and forestry. Traditional knowledge is an accumulating body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (human and non-human) with one another and with the environment. It encompasses the world view of indigenous people which includes ecology, spirituality, human and animal relationships, and more.

Vulnerable Communitiesⁱⁱ

Climate vulnerability describes the degree to which natural, built, and human systems are at risk of exposure to climate change impacts. Vulnerable communities experience heightened risk and increased sensitivityⁱⁱⁱ to climate change and have less capacity^{iv} and fewer resources to cope with, adapt to, or recover from climate impacts. These disproportionate effects are caused by physical (built and environmental), social, political, and/ or economic factor(s), which are exacerbated by climate impacts. These factors^v include, but are not limited to, race, class, sexual orientation and identification, national origin, and income inequality.

ⁱ U.S. Fish and Wildlife Service: Traditional Ecological Knowledge for Application by Service Scientists. (<https://www.fws.gov/nativeamerican/pdf/tek-fact-sheet.pdf>)

ⁱⁱ Office of Planning and Research, 2018: Defining Vulnerable Communities in the Context of Climate Adaptation.

ⁱⁱⁱ IPCC, 2014

^{iv} Ibid

^v Governor’s Office of Planning and Research, 2017.