

CEQA Basics

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Presentation Overview

What is the point of the California
Environmental Quality Act (CEQA)

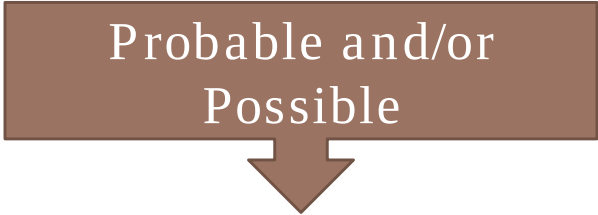
Types of CEQA Decisions

Key Concepts

Public Comments

What's the point?

Probable and/or
Possible



- Informs you of the environmental effects of the project
- To solve a project's environmental impacts if possible; or,
- To allow your consideration even if it isn't

CEQA Evaluates Change

- Change from existing conditions (not the plan...mostly)
- Short- and long-term impacts
- Direct and indirect changes
- Cumulative changes (includes other projects)
- Local and regional plans



It all starts with a *discretionary* project...

} A project means the *whole of the action*, which has the potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment.

If there is no discretionary action, CEQA is not required.

Once we have a project, then...

We must determine the level of environmental review.



Three basic outcomes:

Exempt

Initial Study to support
a Negative Declaration
(ND) or Mitigated
Negative Declaration
(MND)

Environmental Impact
Report (EIR)

Yes, the CEQA Guidelines say this...

*Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.
(15061(a))*



Types of CEQA Documents

Exemptions

- Categorical
- Statutory
- **Initial Study Leading to an ND/MND**
 - Negative Declaration (IS/ND) = Without Mitigation Measures
 - Mitigated Negative Declaration (IS/MND) = With Mitigation Measures
- **Environmental Impact Report (EIR)**
 - Programmatic
 - Project



How are CEQA determinations made?

- Knowledge of the community
- Precedent of decision makers
- Understanding of the impacts
- Results of technical studies
- Public Controversy

Exemptions

- Statutory:** Items ruled by the legislature to be exempt from CEQA. (15260–15285) and other places in the state statutes.
- Categorical:** Items in the state or local agency guidelines that are considered to have little or no environmental impact in most instances. (15300–15332)
- General:** A determination that the project will not result in direct or reasonably foreseeable indirect physical change in the environment. This is known as the *common sense* exemption. (15060(c))

Fair Argument Standard

- When must an EIR be prepared? – When it can be fairly argued, based on substantial evidence, in light of the whole record, that a project may have a significant environmental effect
- This is purposely a low threshold for EIRs
- “Fairly argued” means that there is evidence of the potential for impact in the administrative record before the agency
- Impacts = direct, indirect, and cumulative contribution impacts
- “May have” means that the evidence need not be absolute or unequivocal

CEQA Guidelines 15064[a]

Substantial Evidence

What it is:

- Facts
- Reasonable assumption predicated on facts
- Expert opinion supported by facts

What it isn't:

- Argument
- Speculation
- Unsubstantiated opinion or narrative
- Clearly inaccurate or erroneous information
- Socioeconomic impact not linked to physical environmental impact

Types of CEQA Documents

Substantial Evidence

- Exemptions
 - Statutory
 - Categorical
- Environmental Impact Reports
 - Subsequent
 - Supplement
 - Master
 - Program
 - Project
- Addendum to EIR

Fair Argument

Negative Declarations

- Negative Declaration (No Mitigation Measures)
- Mitigated Negative Declaration

Addendum to Negative Declaration

Key
Concepts –
What you
need to see
and
understand
in a CEQA
document

Baseline

Thresholds of
Significance

Mitigation

Baseline

Defined by the agency – And Stated in the Document

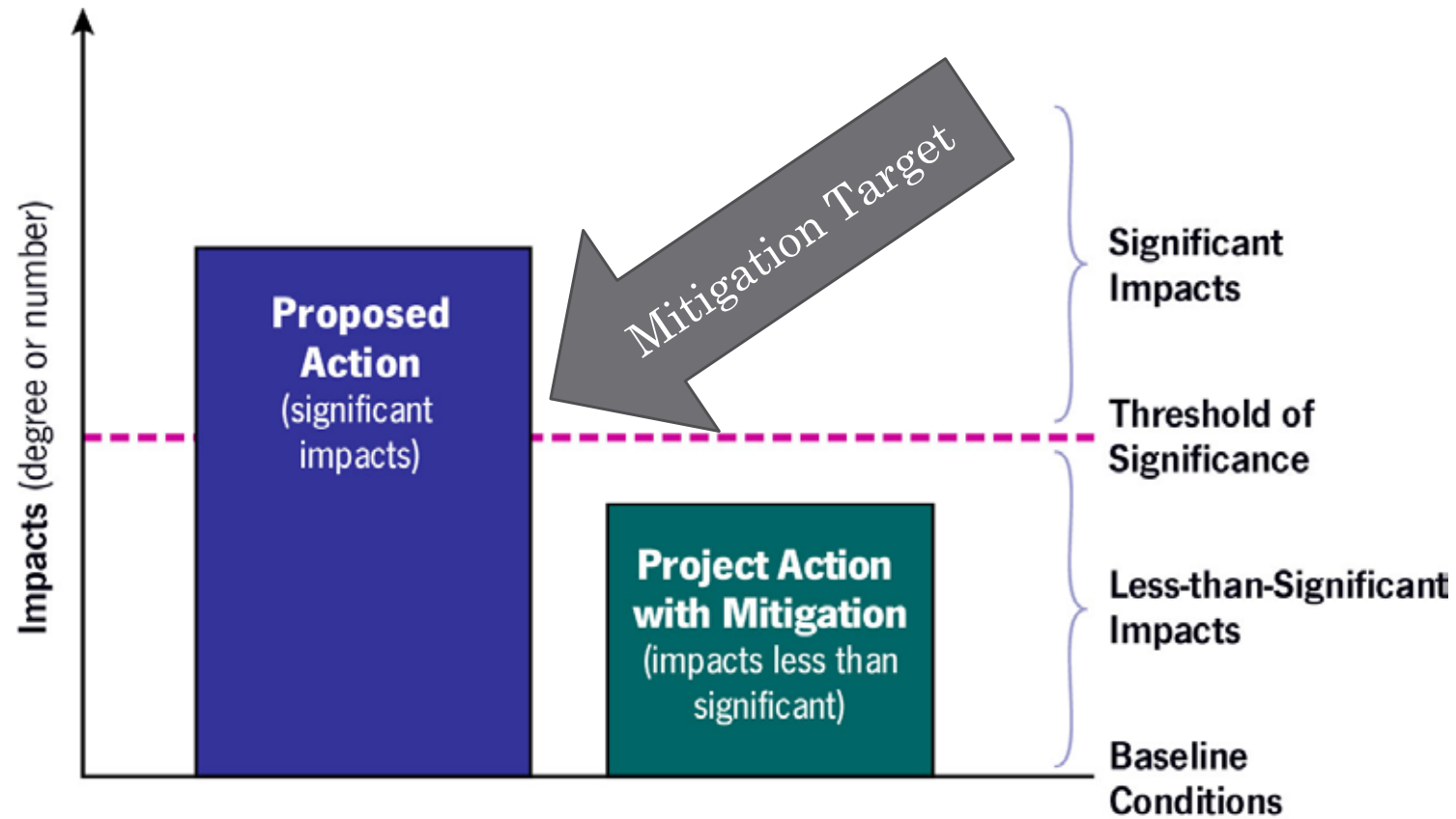
Usually 'existing conditions'

Carefully explained in the document, never assume – If the baseline is not clear, the document is not adequate

A fixed point against which change is measured



Understanding Thresholds



Mitigation Measures – Addressing Impacts

Mitigation changes the project to minimize or eliminate an environmental impact

Only in response to a significant impact disclosed in the document

All mitigation measures are conditions of approval (but not all conditions of approval are mitigation measures)

CEQA does not convey new powers to the agency

Sometimes mitigation measures also have impacts

Public Comments

- The public process is a good part of CEQA
- Embrace the passion of the community
- Not all in favor show up...and not all who oppose comment
- Beware hurrying up at the very end
- Late hits and document dumps are part of the process
- Let staff guide you, delaying a meeting is not the end of the world



What CEQA isn't...



PERFECT



AN ADVOCATE FOR
A PROJECT



THE PROJECT
ITSELF



A CHANCE TO FIX
EXISTING
PROBLEMS



AN ENCYCLOPEDIA
OF EVERYTHING
EVERYWHERE



THE ANALYSIS OF
'WORST CASE'



A DECISION
MAKER

That's it...

- CEQA evaluates how the project changes the environment
- The evaluation is circulated for public review
- If the change is above an adopted threshold, then an agency must take action to:
 - Adopt measures (mitigation) to reduce the impact below the threshold; or,
 - Make findings of overriding consideration to approve the project anyway
- The agency must consider the changes as reported in the analysis before taking action



ADDITIONAL RESOURCES

- California Office of Planning and Research (OPR)
 - <https://lci.ca.gov/>
- California Environmental Quality Act (CEQA)
 - <https://lci.ca.gov/ceqa/getting-started/>
- California Legislative Information Code Search (laws)
 - <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
- League of California Cities (Cal Cities)
 - <https://www.calcities.org/>
 - Planning and Community Development Department www.cacities.org/Member-Engagement/Professional-Departments/Planning-Community-Development
- Planning Commissioner Handbook
 - <https://www.ilgplanninghandbook.org/>
- CalEnviroScreen
 - <https://oehha.ca.gov/calenvirosc>
- Housing and Community Development (HCD)
 - www.hcd.ca.gov/
- State Department of Finance (DOF)
 - www.dof.ca.gov/Forecasting/Demographics/
- CEQAnet
 - <https://ceqanet.opr.ca.gov/>
- Institute for Local Government
 - <https://www.ca-ilg.org/>

PLANNING COMMISSIONER HANDBOOK

- New digital toolkit for Planning Commissioners
- Updated content on:
 - CEQA
 - Community Engagement
 - Legal Issues
 - Housing Laws
 - Financing
 - & More!



ILGPlanningHandbook.org

Questions?

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