

The Environmental Review Process



What is CEQA ?

- **California Environmental Quality Act:**

- state law passed in 1970
- a process triggered by a discretionary action to identify the environmental effects of a project



Purpose of CEQA

- Inform decision-makers and the public about the possible environmental effects of projects
- Identify ways environmental impacts can be avoided or reduced
- Prevent or avoid impacts to the environment through alternatives or mitigation



City's CEQA Responsibility



Reviews are required to

- Maintain independence and objectivity while conducting an unbiased impact analysis
- Produce a legally defensible document
- Avoid any recommendation to approve or deny a project



Areas of potential impact*

- Land Form Alteration & Visual Quality
- Transportation & Circulation
- Hydrology & Water Quality
- Health & Human Safety
- Air Quality
- Geology & Soils
- Archaeology
- Noise
- Cumulative Effects

Biology

Energy

Paleontology

Land Use

*Partial list



We Analyze a Project to

- **Identify potential environmental effects**
- **Determine the type of environmental document to be prepared:**
 - Exemption
 - Negative Declaration
 - Mitigated Negative Declaration
 - Environmental Impact Report



Initial Determination Review

- Review submitted plans and related material
- Begin the Initial Study Checklist using in-house resources
- Visit the project site
- Review potential findings against the Significance Criteria
- Complete the Initial Study Checklist



Significance Thresholds

- Adoption by council not required by CEQA
- Thresholds provide staff with guidance on determining the significance of an impact
- Thresholds provide consistency
- If an impact is determined to be significant, mitigation or an Environmental Impact Report is required
- Updated from time to time based on changes in CEQA and court cases



EAS Coordinates With:

- Within DSD (Regulator)

- fire prevention officer
- transportation engineers
- hydrology/water quality engineers
- geologists
- biologists
- historical resources specialists
- noise experts
- permit planners
- landscape planners

- Planning Department

- long range planners
- Multiple Species Conservation Program staff

- Other Regulators

- U.S. Fish and Wildlife Service
- Army Corps of Engineers
- California Department of Fish and Game
- Regional Water Quality Control Board
- County Environmental Health
- County Air Pollution Control District



Exemptions

- **Statutory Exemptions (Granted by the State)**
 - Used to exempt ministerial building permits)
 - emergency projects
 - pipelines less than a mile regardless of impacts
 - feasibility and planning studies.
- **Categorical Exemptions**
 - Used to exempt certain types of discretionary projects where there is no “reasonable possibility” for a significant impact (e.g., existing facilities, information collection and In-fill development).

Examples of Exemptions:

- A liquor license in an existing convenience store
- Evening educational classes in an existing commercial building
- Converting an apartment to a condo
- Adding a second story guest quarters above an existing garage



Potential Impacts Identified

- Request technical reports
- Reports should indicate whether an impact would result or not
- Reports should include mitigation
- Reports should indicate whether the mitigation would reduce the impact to below a level of significance



No significant environmental impacts identified

- Negative Declaration prepared



Environmental impacts identified - but can be mitigated

- Mitigated Negative Declaration (MND) prepared
- MND includes mitigation measures



Completing the document

- Initial Study Checklist
- Initial study
- Negative Declaration (no impacts)
- Mitigated Negative Declaration (impacts)
- Public review
- Response to comments
- Final



Drafting mitigation

- Trigger: Prior to the issuance of a building permit
- Contact: the applicant
- Requirement: shall mitigate for one acre of Tier I coastal sage scrub by



Significant environmental impacts – but they cannot be mitigated

- Environmental Impact Report (EIR) prepared
- EIR includes mitigation measures



Preparation of an EIR

- **Notice of Preparation with attached Scoping letter**
- **Scoping meeting**
- **Staff prepares EIR (or) consultant prepares**
- **Consultant prepared-screen checks**
- **Public review**
- **Response to comments**
- **Final**



Cumulative Impacts

- **Effects that would worsen existing significant impacts**
- **Analysis includes research into closely related past, present and reasonably foreseeable future projects**



Significance of Cumulative Impacts

- **Cumulative impacts may not be significant if the project complies with a previously approved plan or mitigation program's requirements**
- **Specific mitigation measures may reduce an impact, but not to below a level of significance**



Findings

- **Must be included in all EIRs where there is a significant unmitigated impact**
- **Must make at least one of three findings found in CEQA Section 15091**
- **Not required until EIR is finalized (not part of public review)**



STATEMENT OF OVERRIDING CONSIDERATIONS

- Requires the decision making agency to balance the economic, legal, social, technological or other benefits of the project against the unavoidable environmental impacts of the project



Comparison: EIRs and MNDs

EIRs

- project may be approved with significant unmitigated impacts
- project alternatives are analyzed
- Cumulative impacts are separately analyzed
- Findings and Statement of Overriding Considerations must be adopted

MNDs

- all significant impacts mitigated through conditions of project approval
- no project alternatives are analyzed
- Cumulative impact analysis required but no separate, explicit discussion required
- Findings and Statement of Overriding Considerations not required

Similarities:

Same technical reports and level of analysis

Same mitigation measures: adoption, nexus, and rough proportionality



Public Review



- 20-30 days for ND or MND
- 30-45 days for EIR
- Environmental document revised if necessary
- Final document distributed 14 days before first public hearing



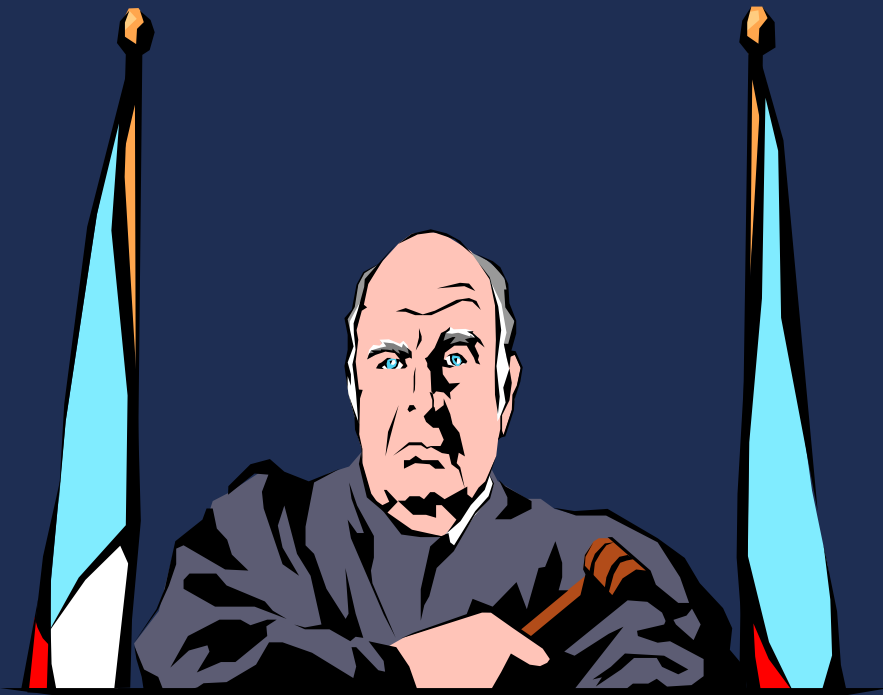
Recirculation....

Conditions under which we would recirculate an environmental document:

- A new significant impact requiring new mitigation is identified.
- Change in circumstances occur which would result in a new or significantly increased impact.



Public Hearing



- **Certify/adopt environmental document**
- **Adopt Mitigation, Monitoring and Reporting Program (MMRP)**
- **Adopt EIR Findings and Statement of Overriding Considerations**
- **Approve or deny project**





Environmental Appeals Regulations



Environmental Appeals Regulations Why?

CEQA amended to require the City to facilitate appeals to Council of:

- Exemptions
- Negative Declarations
- Mitigated Negative Declarations
- Environmental Impact Reports



Environmental Appeals Regulations Scope

- **Does not allow appeals of:**
 - Actions deemed to be “not a project” as defined in CEQA
 - CEQA actions not listed in the legislation:
 - Including use of previously-certified documents, addenda
 - Decisions already subject to Council approval or appeal to Council:
 - Including Process 4 and 5 decisions and decisions outside of the Land Development Code permit process



Environmental Appeals Regulations Appeal Hearings

- **Public Noticing Required**
- **By a majority vote, the Council may:**
 - Deny the appeal and uphold the determination
 - Grant the appeal and make superseding environmental determination or CEQA findings
 - Grant the appeal, set aside the determination, and remand for re-consideration by DSD Director or Planning Commission



NOTICE OF DETERMINATION

- **Must be filed within 5 days of the end of the appeal period**
- **Must include the appropriate filing fee for the County (exemption or Fish and Game No Effect Determination Form for documents)**
- **Must include the appropriate fee for the California Department of Fish and Game**



Questions?

