

CEQA TRAINING

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City of Sacramento Planning Commission

May 2010



Environmental Planning Services EPS

- Currently staff of 6 planners in the Community Development Department
- Responsible for the enforcement of the California Environmental Quality Act (CEQA)
- Environmental review for:
 - Private development projects in the City
 - Capital Improvement Projects of other departments within the City
 - Review environmental documents prepared by other agencies for projects within the City

CEQA

California Environmental Quality Act (1972)

A statute that requires State and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

Statute

- Public Resources Code Sections 21000 et seq.

Guidelines

The Guidelines are the regulations that explain and interpret the law for both the public agencies required to administer CEQA and for the public generally.

- California Code of Regulations Section 15000 et seq.
- Adopted by the Secretary for Resources

Purpose of CEQA

- Inform decision makers and public about the potential significant environmental effects of a proposed activity
- Identify ways the environmental damage can be avoided or reduced to a less-than-significant level
- Prevent significant, avoidable damage to the environment by requiring changes in project through the use of alternatives or mitigation measures
- Disclose to the public the reasons why a governmental agency approved a project if significant environmental effects are involved.

Who must comply with CEQA

A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project."

A project is an activity undertaken by a public agency or a private activity which must receive some discretionary approval (meaning that the agency has the authority to deny the requested permit or approval) from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Most proposals for physical development in California are subject to the provisions of CEQA, as are many governmental decisions which do not immediately result in physical development (such as adoption of a general or community plan).

Every development project which requires a discretionary governmental approval will require at least some environmental review pursuant to CEQA.

Who enforces CEQA?

CEQA is a self-executing statute. Public agencies are entrusted with compliance with CEQA.

While the Resources Agency is charged with the adoption of CEQA Guidelines, and assists public agencies in the interpretation of CEQA, it is each public agency's duty to determine what is, and is not, subject to CEQA.

The Agency does not enforce CEQA, nor does it review for compliance with CEQA the many state and local agency actions which are subject to CEQA.

How it Works

Is it a “project” as defined by CEQA?

if “Yes”

Three Types of CEQA Documents

1. Project is exempt from CEQA

- a. Statutory exemptions
- b. Categorical exemptions

2. Negative Declaration (ND)

a. Negative Declaration: Project is designed to eliminate all environmental impacts or the impacts are determined to be less than significant

b. Mitigated Negative Declaration: All significant effects can be mitigated to a less than significant level (MND).

3. Environmental Impact Report (EIR)

There are impacts that remain significant after implementation of all feasible mitigation measures.

Opportunities for Public Comment on an EIR

- **Notice of Preparation (NOP):** A brief notice sent by a Lead Agency that it will prepare an EIR. Purpose is to solicit guidance from Responsible and Trustee agencies as to the scope of content of the environmental information to be included in the EIR. (30 days)
- As a matter of policy the City sends the NOP to stakeholders, as well as, residents, property owners, business owners within 500 feet of the property boundary.
- **Scoping Meeting:** Meeting held by Lead Agency to receive comments on the issues to be covered in the EIR.
- **Draft EIR:** 45-day comment period. Notice of Completion sent to same mailing list as NOP.
- **Final EIR:** available at least 10 days prior to public hearing for approval of a project.
- **Public Hearings:** CPC and CC

Opportunities for Public Comment on a ND or MND

Notice of Intent to Adopt a ND or MND (NOI): A brief notice sent by a Lead Agency of the intent to adopt a ND or MND. Notice sent to Responsible and Trustee agencies, stakeholders, as well as, residents, property owners, business owners within 500 feet of the property boundary (30 days).

Draft ND or MND: 20 or 30 day review period.

Public Hearings : CPC and CC.

Initial Study

Checklist prepared by a Lead Agency to provide information about a project to use as the basis for deciding whether to prepare an Negative Declaration or EIR.

EIR

Assists in the preparation of a EIR by focusing the EIR on the effects determined to be significant. Explains the reasons for determining that potentially significant effects would not be significant.

Facilitates the environmental assessment early in the design of a project.

ND or MND

Provides the documentation of the factual basis for the finding in a ND that a project would not have a significant effect on the environment.

Basic Impact Analysis

- Physical Setting
- Regulatory Context
- Threshold of Significance
- Methodology
- Impact
- Mitigation
- Determination

Draft EIR versus Final EIR

Draft EIR (DEIR)

The document circulated for review. Contains:

The project description

Environmental setting

Consideration of project level and cumulative environmental impacts

Mitigation measures

Alternatives to the project

Lists of the significant and significant and unavoidable impacts

Significant irreversible environmental impacts

Growth inducing impacts

Final EIR (FEIR)

Contains:

Changes to the text of the DEIR in response to the comments

Revisions to the text initiated by the Lead Agency

Comments received on the DEIR

Lead Agency responses to the Comments

Mitigation Monitoring Plan

What is CPC Role?

ND or MND (Record of Decision) CPC takes the final action on the project

The Planning Commission reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the project, and the comments received during the public review process and the hearing on the Project. The Planning Commission determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.

Based on its review of the MND and on the basis of the whole record, the Planning Commission finds that the MND reflects the Planning Commission's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.

Adopts the ND or MND (and Mitigation Monitoring Plan)

EIR

CPC makes a recommendation to the CC regarding approval of a project

CPC forwards a recommendation to the CC whether to certify an EIR and whether conditions should be placed on a project.

Master EIR

- Streamlines later environmental review (Guidelines 15175 et seq.)
- Evaluates cumulative impacts, growth-inducing effects, and irreversible significant impacts that would occur with project
- For projects described in the MEIR, Initial Study may be sufficient
- Re-certify the MEIR every 5 years

Statement of Overriding Considerations

A project may not be approved as submitted if feasible alternatives or mitigation measures are able to substantially lessen the significant environmental effects of the project.

Does the EIR mitigate all significant impacts to a less than significant level?

- If yes: EIR certified prior to any project approval.
- If no: Lead agency must adopt a statement of overriding considerations (economic, legal, social, technological and other benefits) & certify the EIR for project approval.

Time Estimates

Negative Declaration

- Notice of Intent:
- Notice of
- Public Review: 20 or 30 days
- Usual: 4 to 6 months

Environmental Impact Report

- Notice of Preparation: 30 days
- Notice of Availability: 30 to 45 days
- Responses to agencies: 10 days
- Usual: 9 to 12 months

Resources

- CEQA Web Site:
<http://ceres.ca.gov/ceqa/>
- EPS Senior Staff:
 - Ellie Buford, Manager (808-5935)
 - Tom Buford, Senior Planner (808-7931)
 - Jennifer Hageman, Senior Planner (808-5538)