

CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA PRIMER WORKSHOP

INTRODUCTION

PRESENTERS



**OLIVIA
ERVIN**

Principal
M-group

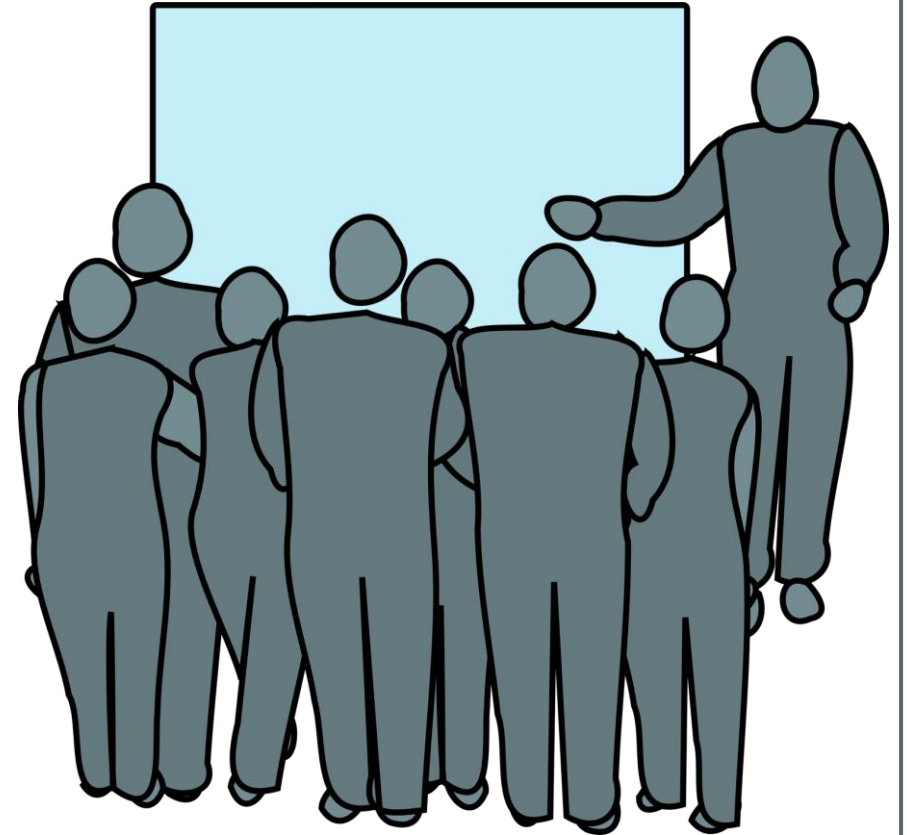


**KRYSTLE
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Principal Planner
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PRESENTATION OVERVIEW

- **Workshop Purpose and Intent**
- **CEQA at a Glance**
 - History
 - What it is, What it isn't
 - When it Applies
 - Recent Changes
 - Types of CEQA Projects
- **Environmental Impact Report (EIR)**
 - EIR Process and Procedures
 - Contents of a Draft EIR
 - Contents of a Final EIR
 - Other CEQA Considerations
 - Public Comment Opportunities
 - Lead, Responsible, Trustee Agency Roles



WORKSHOP PURPOSE AND INTENT



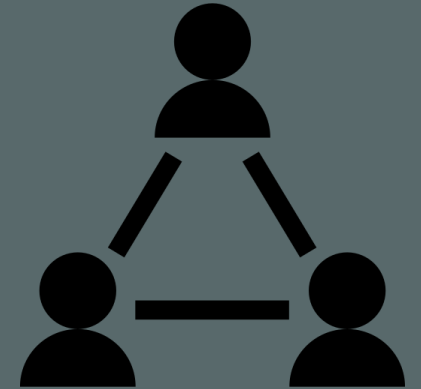
Increase
Understanding and
Awareness



Develop Practical
Skills and Tools



Enhance
Decision-Making



Promote
Transparency and
Collaboration



CEQA AT A GLANCE

- Definition/History/Intent
- Recent Changes
- What it is, What it isn't
- When it Applies
- Types of CEQA Projects



CEQA DEFINITION / HISTORY / INTENT

- California Environmental Quality Act (CEQA)
- Signed into law in 1970, modeled from the National Environmental Policy Act (NEPA)
- Informs decision-makers and the public about potential environmental effects of proposed activities
- Intended to prevent significant, avoidable environmental damage and disclose environmental impacts
- Encourages public participation and coordination among state, regional, and local agencies
- Statewide environmental protections for over 50 years



RECENT CHANGES TO CEQA

Comprehensive Updates to CEQA

- Updated Guidelines effective December 2018
- *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.
- Level of Service (LOS) to Vehicle Miles Traveled (VMT)



Aesthetics	Agriculture and Forest Resources	Air Quality
Biological Resources	Cultural Resources	Energy
Geology and Soils	Greenhouse Gas Emissions	Hazards and Hazardous Materials
Hydrology and Water Quality	Land Use and Planning	Mineral Resources
Noise	Population and Housing	Public Services
Recreation	Transportation	Tribal Cultural Resources
Utilities and Service Systems	Wildfire	Mandatory Findings of Significance

RECENT CHANGES TO CEQA

BAAQMD Updated Greenhouse Gas Emissions Thresholds

1. Projects must include, at a minimum, the following project design elements to be below GHG thresholds of significance:
 - A. Buildings (a)** The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). **(b)** The project will not result in any wasteful, inefficient, or unnecessary energy use
 - B. Transportation (a)** The project will achieve a reduction in project-generated VMT consistent with the California Climate Change Scoping Plan (currently 15 percent) or local standard. **(b)** The project will achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
2. Projects must be consistent with a local GHG reduction strategy

Procedural Changes

- Filing NODs & NOEs with Clerk and SCH now required



WHAT IT IS

A California Law: enacted in 1970 to protect the environment from potential harm caused by development projects.

An Informational Tool: An environmental review process that identifies potential impacts on the environment and proposes mitigation measures to reduce or eliminate those impacts.

A Decision-making Framework: A framework to weigh the environmental consequences of a project against its economic and social benefits before making a decision on whether to approve it.

Public Participation: An opportunity for public involvement in the environmental review process that allows individuals and organizations to comment on projects and their potential impacts.



WHAT IT ISN'T

Project Veto: CEQA does not automatically stop projects from being built, it is intended to inform decision-making, rather than grant or deny entitlements.

Stand-alone Approval Process: CEQA is separate from approvals required for a project (e.g. conditional use permit). CEQA does not guarantee project approval even if environmental impacts are adequately mitigated.

Guarantee of a Perfect Environment: CEQA strives to minimize environmental impacts, but it cannot eliminate them entirely.

Obstacle to Development: While CEQA adds a layer of complexity to projects, its intended purpose is not to act as an obstacle but rather to promote responsible and sustainable development through informed decision-making, mitigation measures, and public engagement.



WHEN CEQA APPLIES

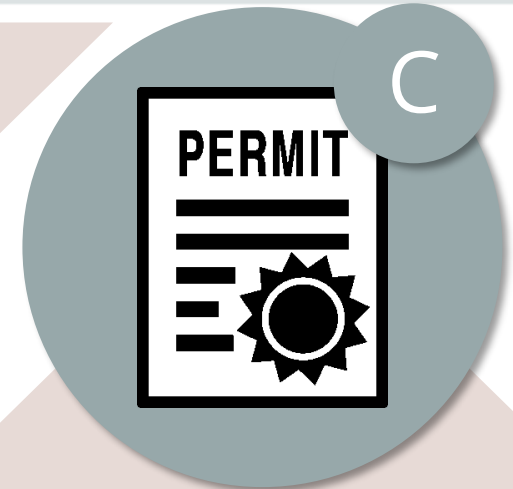
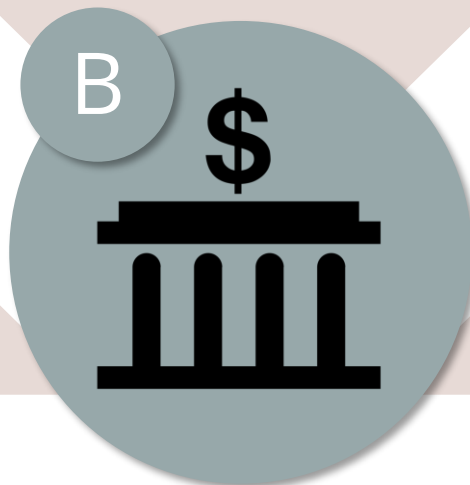
CEQA Applies to Projects, defined as:

an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:



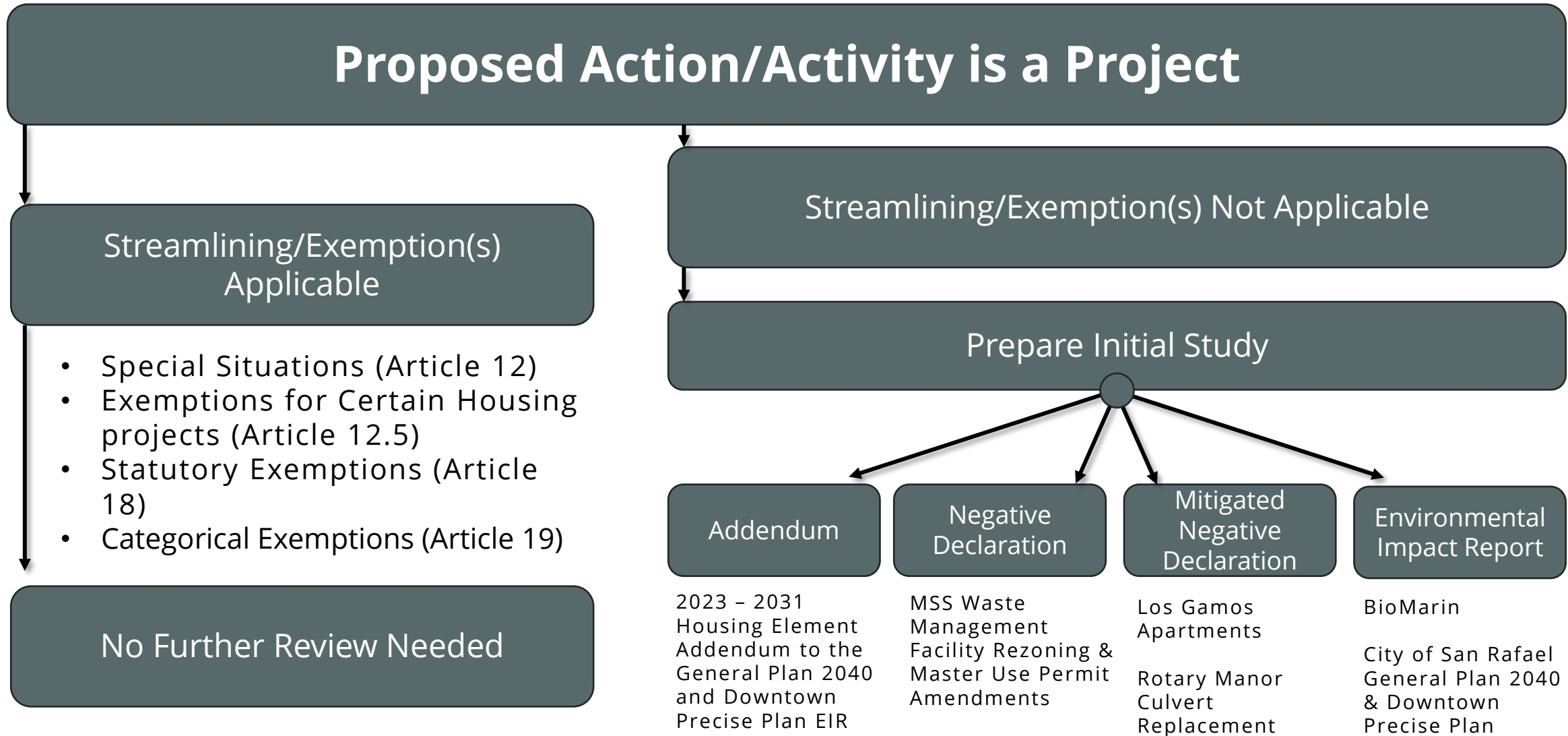
An activity directly undertaken by any public agency.

An activity which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.



An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

TYPES OF CEQA DOCUMENTS





ENVIRONMENTAL IMPACT REPORTS

- EIR Process and Procedures
- Contents of a Draft EIR
- Contents of a Final EIR
- Other CEQA Considerations
- Public Comment Opportunities
- Lead, Responsible, Trustee Agency Roles

EIR PROCESS AND PROCEDURES

1 Project Submittal

- ✓ Application(s) submitted to the City
- ✓ City Initiates Municipal Project
- ✓ City determines EIR is required

2 Initial Study and Scoping

- ✓ Prepare initial study (optional)
- ✓ Publish a Notice of Preparation (NOP)
- ✓ Hold scoping meeting

4 Draft EIR Public Review

- ✓ Notice of Completion (NOC) and Draft EIR available for public review and comment (45 days)
- ✓ Public hearing(s) may held
- ✓ Lead agency considers comments

3 EIR Preparation

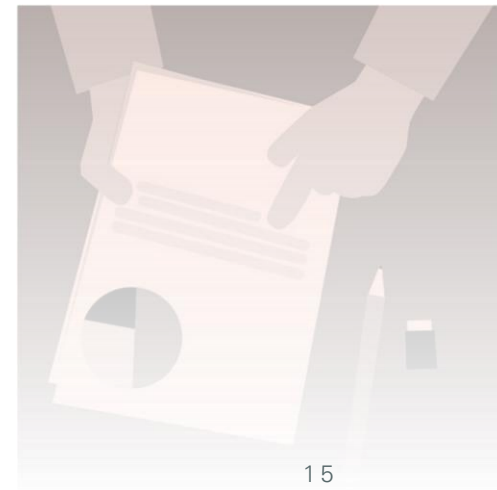
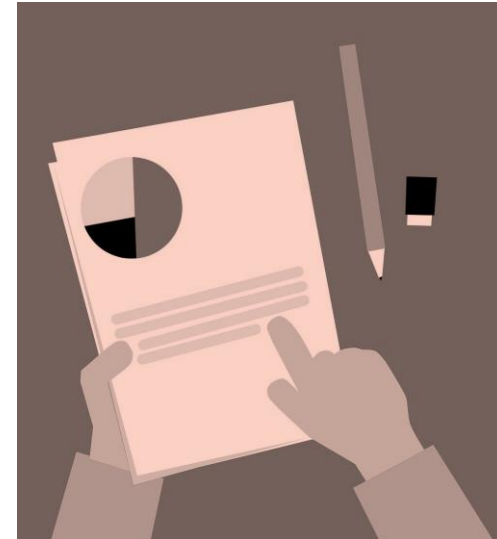
- ✓ Consultant and/or city staff prepare the EIR
- ✓ Analyze potential project impacts on various environmental factors
- ✓ Project alternatives

5 Final EIR Certification

- ✓ Final EIR certified
- ✓ Lead agency makes findings
- ✓ Lead agency adopts statement of overriding considerations, if necessary
- ✓ Compliance with mitigation measures

DRAFT EIR CONTENTS

- Summary of proposed actions and its consequences
- Project Description/Objectives
 - Location and boundaries of the proposed project
 - Objectives sought by the project
 - General description of technical, economic, and environmental characteristics
 - A statement of the intended use of the EIR (e.g. agencies expected to use the EIR; list of permits or other approvals, etc.)
- Existing Conditions (physical and regulatory)
- Analysis/Technical Studies
 - Significance thresholds
 - Significant environmental impacts, including cumulative impacts
 - Mitigation measures to minimize significant impacts
 - Alternatives
 - No project alternative
 - Reasonable alternatives
 - Feasibly attain most of the project objectives



FINAL EIR CONTENTS

- The Draft EIR or a revision of the Draft EIR
- Comments/Recommendations and Responses to Comments
 - Comments received either verbatim or summarized
 - A list of persons, organizations, and public agencies that provided comments on the Draft EIR.
 - The responses of the Lead Agency to significant environmental points raised
- Any other information added by the Lead Agency



EIR CERTIFICATION

- Significant Impacts
- Findings of Fact
 1. Changes have been required and/or incorporated and avoid or substantially lessen the significant environmental effect
 2. Changes are within the responsibility and jurisdiction of another public agency and have been/should be adopted by that agency
 3. Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives
- Statement of Overriding Considerations



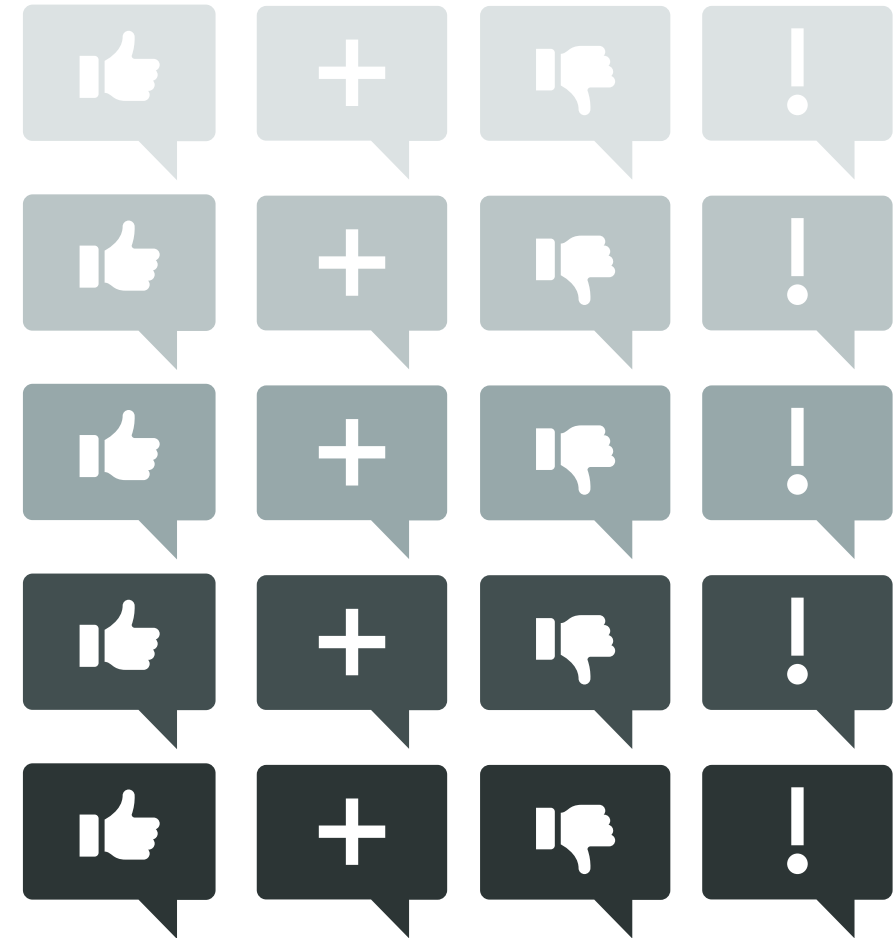
PUBLIC COMMENT OPPORTUNITIES

Formal Opportunities

- Notice of Preparation (NOP)
- Draft EIR Review and Comment (NOA/NOC)
- Public Hearing(s)

Informal Opportunities

- Community Outreach
 - Neighborhood Meetings
 - Informational Meetings
 - Workshops/Study Sessions



LEAD AGENCY ROLE

- Determine the level of environmental review
- Engage in early consultation with Responsible and Trustee Agencies
- Evaluate CEQA Compliance
 - Assess adequacy and compliance of environmental documents
 - Assessment should be based on scientific and/or factual data
- Understand Public Input
 - Address environmental concerns within the CEQA framework
 - Determine how concerns falling outside the framework of CEQA may be addressed (e.g. through project conditions of approval)
- Balance CEQA and Project Review
 - Balance environmental protection and other community needs (e.g. economic and social)



RESPONSIBLE AGENCY ROLE

- Consider Environmental Documents
- Provide Comments and Recommendations to the Lead Agency
- Reach an Independent Conclusion



SAN FRANCISCO BAY
CONSERVATION & DEVELOPMENT
COMMISSION



BAY AREA AIR QUALITY
MANAGEMENT DISTRICT



California Department of
Fish and Wildlife

TRUSTEE AGENCY ROLE

- Protect Public Trust Resources
- Review Environmental Documents to Assess Impacts on Trust Resources
- Provide Expert Recommendations



CALIFORNIA
STATE LANDS
COMMISSION



California Department of
Parks and Recreation



California Department of
Fish and Wildlife

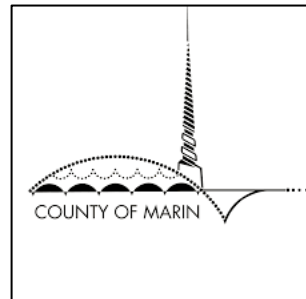
RESOURCES



opr.ca.gov/ceqa/
opr.ca.gov/ceqa/guidelines/
opr.ca.gov/ceqa/technical-advisories.html
ceqanet.opr.ca.gov/



<https://www.cityofsanrafael.org/general-plan-ceqa/>



marincounty.org/depts/ar/divisions/county-clerk/ceqa-information



THANK YOU!