

HLC ENVIRONMENTAL REVIEW/ CEQA DISCUSSION OUTLINE

October 9, 2013

WHAT IS CEQA?

CEQA is the California Environmental Quality Act, enacted in 1970. CEQA requires agencies to consider the environmental consequences of decisions that involve changes to the physical environment. The primary purposes of CEQA are to:

1. Provide information about significant environmental effects of projects.
2. Identify ways that significant environmental effects can be avoided or reduced through project redesign or mitigation measures.

WHAT IS ENVIRONMENTAL REVIEW?

Environmental review is the project evaluation process undertaken by agencies to identify a project's potential environmental impacts and ways to reduce impacts, and to report the results of the analysis prior to a project approval.

Topics considered under environmental review include natural resources (*air quality, water resources, vegetation & wildlife, scenic resources & open space*); cultural resources; hazards (*geologic, earthquake, & soil hazards; public safety risks, hazardous materials, wildfire & flooding hazards*); transportation, noise, and public facilities & services.

CEQA EXEMPTIONS

CEQA exempts some projects from environmental review requirements:

- **Not a "Project" under CEQA:** Actions involving no discretionary approval, or funding or implementation by a public agency.
- **Statutory Exemptions:** Projects specified by State Legislature to be exempt (e.g., emergency actions).
- **Categorical Exemptions:** Types of minor projects described by the State Resources Department and City list that typically do not result in significant environmental impacts. Categorical exemptions cannot be used if a significant impact would result.
- **General Rule Exemption:** If it can be shown with certainty that the project has no possibility of significant environmental impacts, it can be found exempt.
- **CEQA Guidelines §15183 Exemptions (Projects Consistent with General Plan):** Projects with new development (new nonresidential square footage or new residential units) qualify for an exemption from further environmental review if:
 - (1) They are consistent with the General Plan development density evaluated in the 2011 General Plan Program Environmental Impact Report, and
 - (2) Any potentially significant project-specific impacts are addressed through existing development standards.

Section 15183 exemptions are determined by staff based on the preliminary review process. A decision-maker CEQA finding is required for a Section 15183 exemption. City Council General Plan environmental findings for cumulative citywide traffic impacts remain applicable for the project.

STAFF ROLES:

Conduct preliminary review (environmental checklist; require any technical reports)

Determine whether a project qualifies for a CEQA exemption, and which type.

[Exemption determinations may be appealed following project decisions per regular appeal process.]

HLC ROLES:

HLC accepts archaeological resource and historic structures reports for adequacy.

Staff exemption determinations are provided for HLC information for design review decisions.

For §15183 exemptions, HLC makes a CEQA finding prior to project approval.

INITIAL STUDIES AND NEGATIVE DECLARATIONS (NDs) OR ENVIRONMENTAL IMPACT REPORTS (EIRs)

If a project does not qualify for a CEQA exemption, an Initial Study is prepared to determine what type of CEQA document is required.

- A Negative Declaration is prepared if the Initial Study concludes that the project would result in no significant environmental impacts.
- An EIR is prepared if significant impacts may result.

STAFF ROLE: Preparation of Initial Study.

Determination of ND or EIR, and scoping hearing if required.

Preparation and public review process for Draft ND or EIR.

Preparation of Final ND or EIR and responses to comment.

(CEQA document determinations and the adequacy of analysis may be appealed following project decisions per the regular City project appeal process.)

HLC ROLE: Assist staff as needed in CEQA determinations involving historic structures as part of design review decisions.

Consider environmental impact analysis that informs a design review decision, along with staff recommendations, consultant reports, and public comments about impact significance.

DECISION-MAKER ROLE: For NDs: Decision-maker for the project adopts a Final ND.

For EIRs: Planning Commission certifies EIRs, and the project decision-maker makes EIR findings.