

The image shows the cover of a spiral-bound notebook. The cover is a light beige or tan color with a fine, woven texture. A silver metal spiral binding is visible along the left edge. The text is centered on the cover in a black serif font. The title 'CEQA 101' is the largest and most prominent. Below it, the text 'City of Sacramento Planning Academy' is arranged in two lines. At the bottom, the date 'September 17, 2008' is displayed.

CEQA 101

City of Sacramento
Planning Academy

September 17, 2008

Purpose of CEQA 101

- Overview of the purpose and role of CEQA
- Introduce the primary CEQA documents
- Review CEQA analysis
- Introduce CEQA procedure and timetable
- Answer Questions

CEQA Law and Regulations

- CEQA: California Environmental Quality Act
- Statute: Public Resources Code Sections 21000 et seq.
- Guidelines: Adopted by the Governor's Office of Planning and Research

Initial CEQA Process:

1. Is it a **project**? If yes, then ask:
2. Is it **exempt**? If not, then ask:
3. Who is the **Lead Agency**?
4. Lead Agency prepares an **Initial Study**.

CEQA Concept: Basic Terms

- CEQA Lingo:
 - Project
 - Exempt
 - Lead Agency
 - Potentially Significant
 - Significant or Less Than Significant
 - Significant and Unavoidable

CEQA Concept: Project

- Activity has potential for a direct **physical change** or a reasonably foreseeable indirect physical change in the **environment**
- Activity involves a **discretionary approval** by a public agency:
 - Requires the exercise of judgment or deliberation
 - Ministerial approvals require little or no judgment by a public official & are not projects.

CEQA Concept: Project (cont.)

- Activity is one of the following types of activities:
 - Activities directly undertaken by a public agency;
 - Activities that are supported (in whole or in part) by public agency; or
 - An activity involving the issuance of a lease, permit, license, certificate or other entitlement for use by a public agency

CEQA Concept: Ministerial Project

A project is ministerial if it:

“involves little or no personal judgment by the public official as to the wisdom or manner of carrying out the project.”

Definition of a “ministerial” project. *See* CEQA Guidelines §15369

CEQA Concept: Ministerial Project (cont.)

Examples of Ministerial Permits include:

- Automobile registrations
- Dog licenses
- Marriage licenses

*See CEQA Guidelines
§15268*

Actions Presumed to be Ministerial include:

- Issuance of building permits
- Issuance of business licenses
- Approval of final subdivision maps
- Approval of individual utility service connections/disconnections

CEQA Concept: Exemption

Types of Exemptions:

- Statutory Exemption
 - **Statutory exemption:** types of projects for which the California Legislature has provided a blanket exemption from CEQA procedures & policies
 - Statutory exemptions are found in various places in the California Code
 - Section 15282 of the CEQA Guidelines lists current statutory exemptions

CEQA Concept: Exemptions (cont.)

- **Categorical Exemptions**

- Descriptions of types of projects which the Secretary of the Resources Agency has determined do not have a significant effect on the environment
- Examples: repair or maintenance of existing facilities, new gardening or landscaping
- Article 19 of the CEQA Guidelines

CEQA Concept: Exemptions (cont.)

Categorical Exemptions:

- Unlike statutory exemptions, categorical exemptions are not absolute. There are exceptions to the exemptions depending on the nature or location of the project
- No exemption for project with cumulative impacts, or reasonable possibility of having significant impact (Section 15300.2 Guidelines)

CEQA Concept: Lead Agency

- The Lead Agency:
 - Public Agency
 - Principal responsibility for carrying out or approving the project
 - The project may have a significant effect on the environment

Basic Impact Analysis (SIMC)

- Setting (physical and regulatory)
- Impact (threshold of significance)
- Mitigation (feasible)
- Conclusion



CEQA Concept: Project Description

- Describes each of the actions to be taken that would affect the physical environment
- Establishes the basis for the review of potential impacts
- Identifies agency approvals that would be required to implement the proposed project

CEQA Concept: Setting

- Physical setting: Provides the “baseline” for changes that the project would have on the physical environment
- Regulatory: Describes the federal, state and local statutes, regulations and rules that apply to the project

CEQA Concept: Impact

- CEQA Lingo:
 - Threshold of significance
 - Mitigation
 - Mitigated to a less than significant level
 - Negative Declaration
 - Mitigated Negative Declaration
 - Environmental Impact Report

CEQA Concept: Impact (cont.)

Can all significant effects be mitigated to a less than significant level?

- If yes: Negative Declaration
Mitigated Negative Declaration
- If no: Prepare Environmental Impact Report (EIR)

CEQA Concept: Impact (cont.)

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

- If yes: EIR must be 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.

CEQA Concept: Mitigation

- Mitigation of a significant impact:
 - Avoids the impact altogether
 - Minimizes the impact
 - Rectifies the impact by repairing or restoring
 - Reduces the impact over time by preservation and maintenance during the project
 - Compensates by replacing or providing substitute resources or environments

CEQA Concept: Mitigation

- Public agencies should not approve projects if there are **feasible alternatives or mitigation** measures
- “Feasible”: Capable of being accomplished in a **successful** manner within a **reasonable period of time**, taking into account **economic, environmental, social and technological factors**

CEQA Concept: EIR

- CEQA Lingo:
 - Draft EIR
 - Alternatives to the project
 - No project alternative
 - Environmentally superior alternative
 - Public Comment Period
 - Response to Comments
 - Final EIR

CEQA Concept: EIR Procedure

- Magic Words:
 - Notice of Preparation (NOP)
 - Notice of Completion (NOC)
 - Notice of Availability (NOA)
 - Notice of Determination (NOD)
 - Statement of Overriding Considerations
 - Findings
 - Mitigation Monitoring Program