



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: February 25, 2014

SUBJECT: Workshop on the California Environmental Quality Act (CEQA)

APPLICANT: City of Carson

REQUEST: Introductory workshop to discuss the importance of CEQA

PROPERTY INVOLVED: Citywide

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

I. Introduction

This workshop will provide the Planning Commission with an overview of the importance of CEQA. Issues to be discussed include the City's role in implementing CEQA and the legal ramifications of the City's decisions on land use projects in regards to CEQA.

II. Background

CEQA was enacted in 1970 and is considered the State's foundation for environmental law and policy. The main objectives of CEQA are:

- To disclose to decision makers and the public the significant environmental effects of proposed activities;
- To identify ways to avoid or reduce environmental damage;
- To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures;
- To disclose to the public reasons for agency approval of projects with significant environmental effects;
- To foster interagency coordination in the review of projects; and
- To enhance public participation in the planning process.

CEQA applies to all discretionary activities proposed to be carried out or approved by the City, unless an exemption applies as described in the CEQA Guidelines, Article 18 and 19.

III. Analysis

For more information, please refer to Exhibit 1, which includes articles and excerpts on CEQA.

IV. Recommendation

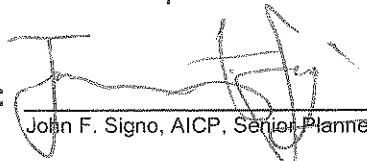
REVIEW this staff report and participate in the workshop discussion.

RECEIVE and FILE.

V. Exhibits

1. Articles and Excerpts on CEQA

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Reviewed and Approved by:


Sheri Repp, Planning Officer



a practical guide to the California Environmental Quality Act

THE PLANNING CENTER

The bottom-line definition of the California Environmental Quality Act is: an objective process to disclose and minimize environmental damage (CGL § 15002[a]). This is oversimplified, but it is nevertheless true, and it's good to have a basic understanding to maintain perspective through the complication that follows, from the definition of environment through the determination of cumulative impacts and beyond.

BACKGROUND

Throughout the 1960s, the public became more aware and more concerned about environmental issues: air pollution, water pollution, solid waste disposal, dwindling energy resources, pesticide poisoning, noise pollution, and so on ad nauseum. On January 1, 1970, President Nixon signed into law the National Environmental Policy Act (NEPA). Nine months later—four months after the first Earth Day—the California Legislature passed the California Environmental Quality Act. Both CEQA and NEPA are essentially disclosure statutes: they both require certain procedural steps to disclose the environmental effects of a project through objective processes. That is, they analyze effects, but do not advocate either approval or denial of a project. But CEQA also requires that you try to do something about environmental effects, either through mitigation or feasible alternatives to the project.

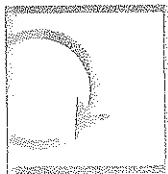
The California Natural Resources Agency and the Governor's Office of Planning and Research (OPR) are responsible for CEQA administration and oversight. Though not technically enforcement agencies, they administer some of CEQA's procedural requirements as well as updating and issuing the CEQA Guidelines. CEQA's provisions are also upheld through the public review process (if nobody sees it, it's not exactly disclosure, is it?) and, very often, "through litigation or the threat thereof" (a grim warning from the FAQs on OPR's Web site).

ONE-TWO PUNCH

CEQA has two parts: the statute and the guidelines. The statute is the law, enacted and modified by the state legislature. The guidelines are the primary rules and interpretation of CEQA, updated by OPR and adopted by the Resources Agency (PRC § 21083). The guidelines explain how to get through the process, and they discuss nuances and confusing (that is, *more* confusing) parts of the statute. They contain mandatory, advisory, and permissive directions. Courts generally defer to the guidelines, although they don't carry the same legal authority as the statute.

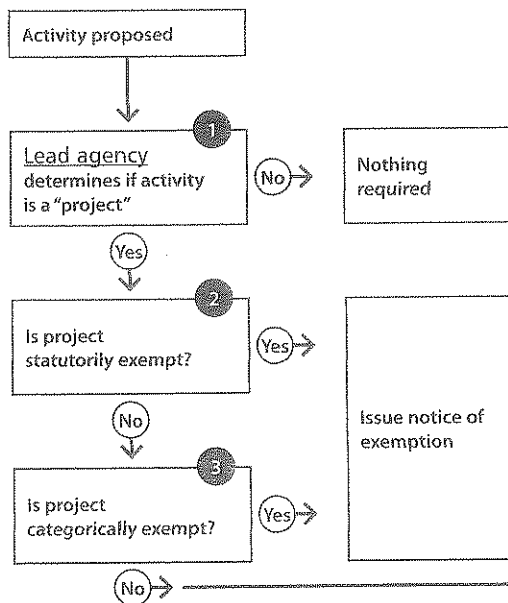
EXHIBIT NO. 01



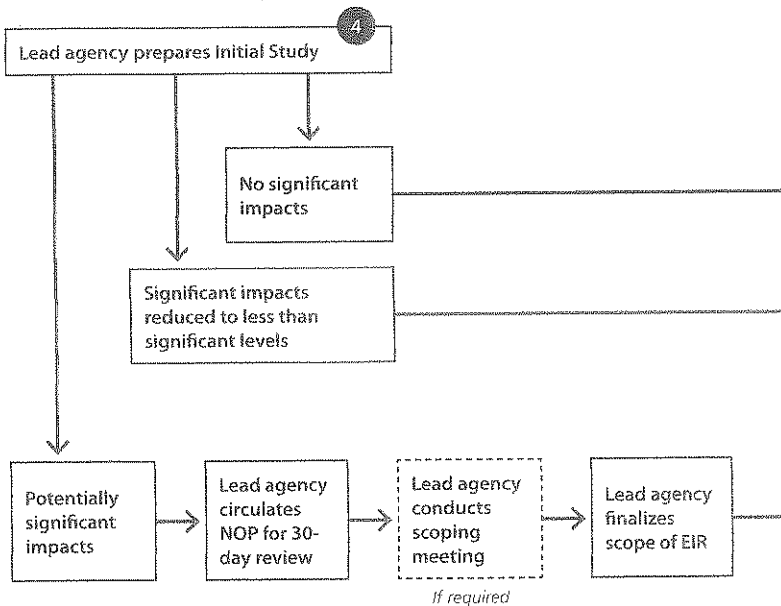


the process in a nutshell

PART I: PRELIMINARY REVIEW



PART II: PREPARE INITIAL STUDY



PART III: PREPARE ND, MND, OR EIR

PART IV: DECISION MAKING

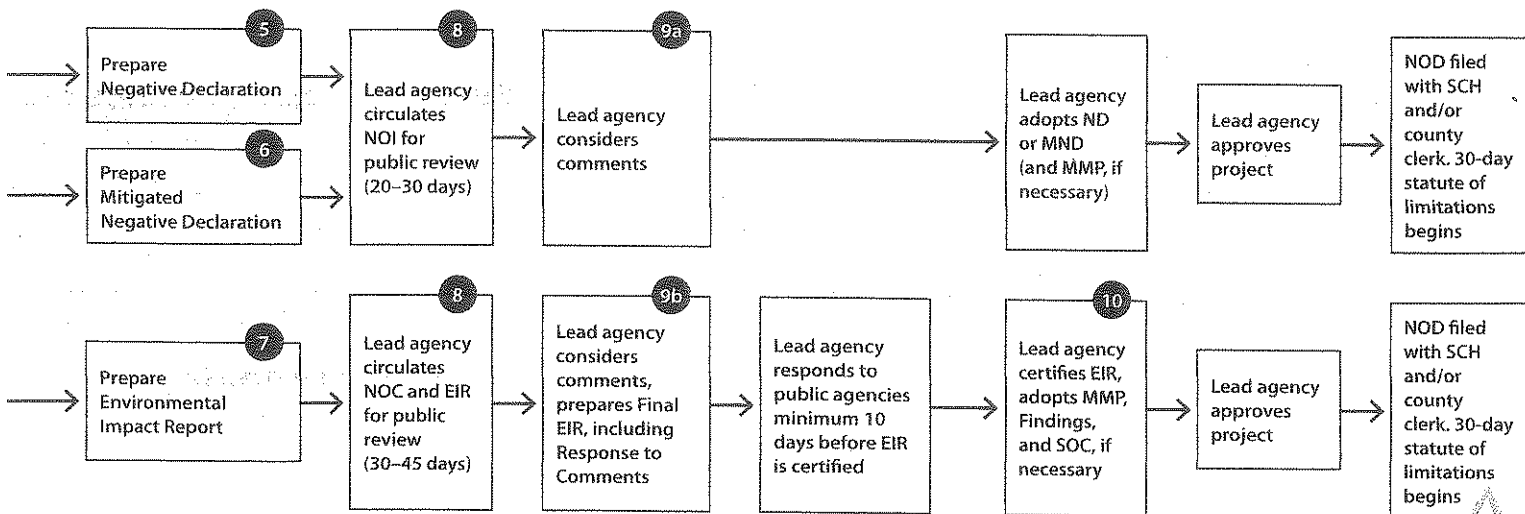
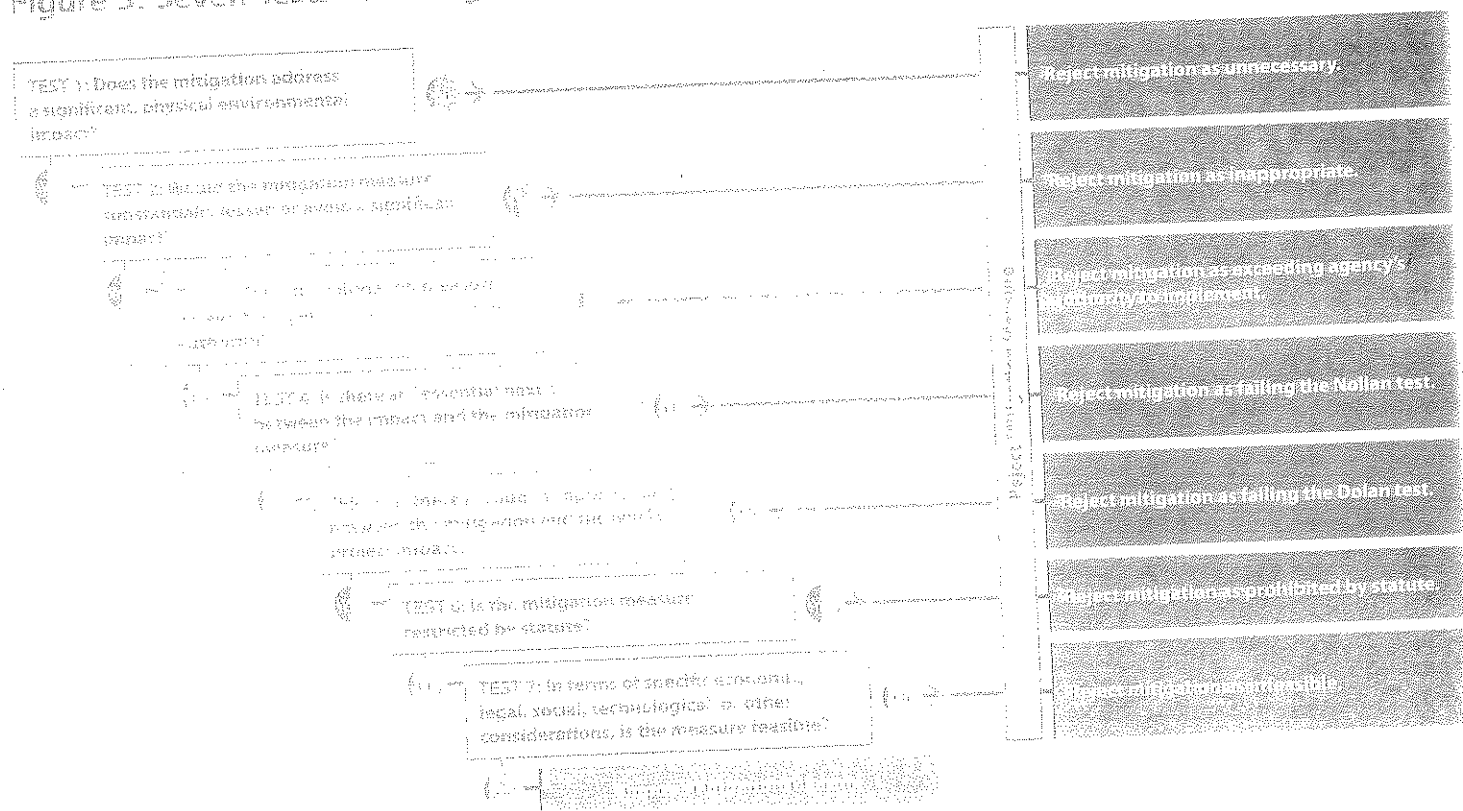


Figure 3: Seven Tests for Mitigation Measures



Mitigation measures should be direct and unambiguous, especially since they can't always be as simple as we'd like. Use direct language that compels action, and say precisely what needs to be accomplished.

Words with Teeth		No Teeth
Shall, Will		Should, Could
Require		Request, Encourage, Study further
Provide funds		Seek funding source
Comply with (e.g., performance standard)	VS.	Strive to
Prior to (e.g.; permit approval, grading)		As feasible
Require agency permit		Coordinate with agency, Consult with agency

It's possible to substitute mitigation measures after they've been approved; but strict requirements prevent any weaseling around environmental impacts after the fact (not that anybody would even *think* of doing that). First, the new measure must be as or more effective than the old one. Then, the agency must not only hold a public hearing to disclose it, it must adopt written findings that the new measure is equivalent or more effective, and that it will not cause a new or significant effect (CGL § 15074.1).

Sometimes the Mitigation Monitoring Program is circulated with the Draft EIR and sometimes with the Final EIR. It is adopted when the CEQA document is approved or when the project is approved. The recommended contents of an MMP are:

- ④ Project description
- ④ List of mitigation measures
- ④ Procedures/schedule: plan check, construction, operation
- ④ Responsibility and authority
- ④ Enforcement
- ④ Disputes, appeals, and modifications
- ④ Monitoring agreement (contract)
- ④ Database/record keeping requirements

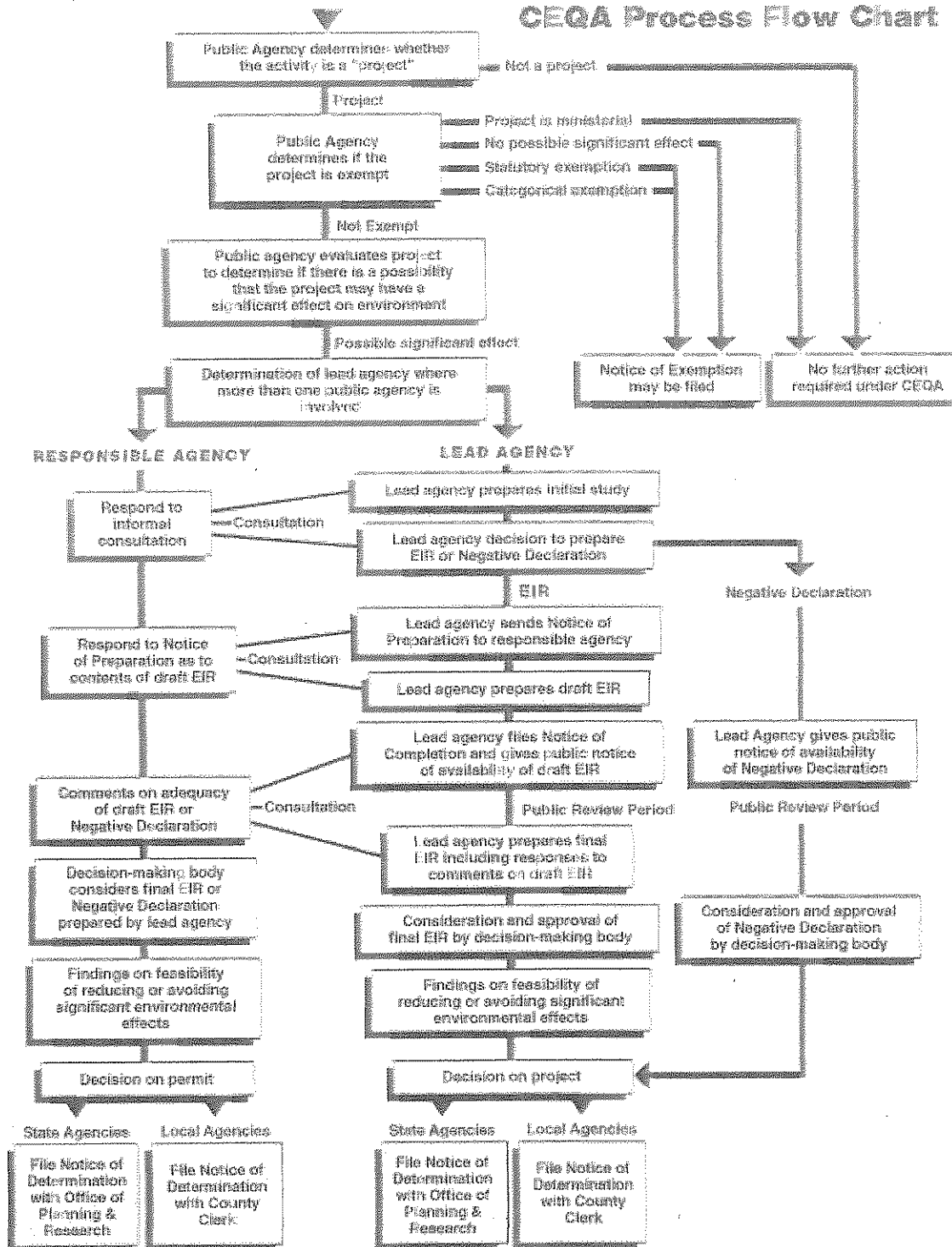
A feedback loop is not required, but it can help lead agencies gauge and improve measures' effectiveness. Figure 4 shows how the feedback loop works to improve the environmental process.

CEQA

The California Environmental Quality Act

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CEQA Process Flow Chart



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This file last modified on: Wednesday, May 25, 2005.

Document URL: <http://ceres.ca.gov/ceqa/flowchart/index.html>

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