

**CITY OF ALBANY  
PLANNING AND ZONING AGENDA  
STAFF REPORT**

Agenda date: 1/27/09

Prepared by: JB

Reviewed by: \_\_\_\_\_

ITEM/ 7b

SUBJECT: **Preliminary Draft CEQA Guidelines for Greenhouse Gas Emissions**

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**RECOMMENDATION**

**Recommendation**

For discussion only.

**Background**

The City of Albany is required to comply with the requirements of the California Environmental Quality Act before taking action on projects that result in a physical change in the environment. The proposed changes to CEQA represent one of the first actual manifestations of recent laws approved by the State Legislature and the Governor to address climate change and greenhouse gases.

Attached are several summaries of the changes prepared by law firms specializing in land use issues. From staff's perspective, the most important aspects of the proposed changes are in the changes to the Initial Study checklist (Appendix G in the attachment), which forms the foundation of every CEQA review. In addition to new questions requiring a project be evaluated for the generation of greenhouse gases, the changes in the Transportation/Traffic questions are important to note. For example, any substantial increase in vehicle trips would be considered a significant impact (triggering an EIR). Currently, the increase is evaluated in the context of roadway capacity. In addition, the analysis of parking is eliminated from the checklist.

## Abbott & Kindermann Land Use Law Blog

LAND USE, ENVIRONMENTAL, AND REAL ESTATE LAW IN CALIFORNIA



# Abbott & Kindermann Land Use Law Blog

Posted at 9:28 AM on January 9, 2009 by Abbott & Kindermann

## No Surprises in Draft CEQA Guidelines for Greenhouse Gas Emissions

By Leslie Z. Walker

Six months after releasing its Technical Advisory CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act Review (see OPR on CEQA and Climate Change: Local Agencies Continue to Bear the Heat), the Governor's Office of Planning and Research issued Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions on January 8, 2009. The Guideline amendments were developed in response to Senate Bill 97 (Chapter 185, Statutes 2007; Pub. Resources Code, § 21083.05) which directs OPR to develop draft CEQA Guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions by July 1, 2009.

The Guideline amendments ("Amendments") provide direction on how to determine the significance of, and mitigate the effects of, greenhouse gas emissions ("GHG"). (Guidelines, §§ 15064.4 & 15126.4 subd. (c).) Additionally, the Amendments provide some assurance for agencies relying on general plan and other program level documents and expand the definition of regional plan to include, among other things, the sustainable communities strategy required by last year's SB 375. (Chapter 728, Statutes 2008.) (See SB 375: A Subtle Shift in the State-Local Long Range Planning Paradigm.) Finally, the Amendments add GHG to the Environmental Checklist listed in Appendix G.

### Significance

The Amendments explain both how an agency should "describe, calculate, or estimate" a project's GHG, and what the agency should consider in determining the significance of the emissions. The Amendments allow agencies to identify emissions by either selecting a "model or methodology" to quantify the emissions or relying on "qualitative or other performance based standards." (Guidelines, § 15064.4 (b).) When assessing the significance of GHG emissions, lead agencies should consider the extent to which the project:

- Could help or hinder attainment of the state's goals of reducing greenhouse gas emissions to 1990 levels by the year 2020;
- May increase the consumption of energy resources, especially fossil fuels;
- May result in increased energy efficiency of and a reduction in overall greenhouse gas emissions from an existing facility;
- Impacts or emissions exceed any threshold of significance that applies to the project; (Guidelines, § 15064.4 (c)) and

- Produces GHG emissions which would be cumulatively considerable. (Guidelines, § 15130 (f).)

### Mitigation

Consistent with CEQA's provision that a public agency should not approve a project if there is a feasible alternative or feasible mitigation measure available which would substantially lessen the significant environmental effects of the project, the Amendments provide that, "[l]ead agencies should consider all feasible means of mitigating greenhouse gas emissions." (Pub. Resources Code, § 21002 & Guidelines, § 15126.4 (c)(1).) Mitigation may include:

- Project features, project design, or other measures which are incorporated into the project to substantially reduce energy consumption or greenhouse gas emissions;
- Compliance with the requirements in a previously approved plan or mitigation program for the reduction or sequestration of greenhouse gas emissions; and
- Measures that sequester carbon or carbon-equivalent emissions. (Guidelines, § 15126.4 subd. (c) (2)-(4).)

The Amendments further provide that if off-site measures or the purchase of carbon offsets are proposed as mitigation, the measures must be part of a reasonable plan of mitigation that the relevant agency commits itself to implementing. (Guidelines, § 15126.4 (c)(5).)

### Tiering

The Amendments encourage the reliance of project-level documents on general plan EIRs or other programmatic EIRs by providing that:

Project level CEQA documents need not provide additional project-level greenhouse gas emissions analysis or mitigation measures, if the proposed project is consistent with an applicable regional or local plan that adequately addresses greenhouse gas emissions, and the plan is one for which an EIR has previously been certified. (Guidelines, § 15152 subd. (i).)

### Sustainable Communities Strategy

The OPR revised the Guidelines to reflect the SB 375 requirement that each region develop a sustainable community strategy. Guidelines section 15125 requires EIRs to discuss any inconsistency between the proposed project and applicable general plans and regional plans. The revision adds specific plans to this list, and defines regional plan to include, among other things, regional blueprint plans, sustainable community strategies, and climate actions plans.

### Appendix G

Finally, the CEQA Guidelines contain Appendix G, an Environmental Checklist that agencies often use in preparing an initial study. The Amendments add GHG to the list of issues (including aesthetics, agriculture, air quality, biological resources, etc.) The Appendix suggests considering whether the project will generate GHG emissions and whether it will conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing GHG emissions.

### Workshops

OPR will hold two public workshops on the proposed Guideline amendments, one in Los Angeles on January 22, 2009 and one in Sacramento, on January 26, 2009.

**Leslie Walker is an associate at Abbott & Kindermann, LLP. For questions relating to this article or any other California land use, real estate, environmental and/or planning issues contact Abbott & Kindermann, LLP at (916) 456-9595.**

*The information presented in this article should not be construed to be formal legal advice by Abbott & Kindermann, LLP, nor the formation of a lawyer/client relationship. Because of the changing nature of this area of the law and the importance of individual facts, readers are encouraged to seek independent counsel for advice regarding their individual legal issues.*

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**From:** Cox Castle & Nicholson LLP Land Use Group [mailto:Updates@coxcastle.com]  
**Sent:** Thursday, January 08, 2009 1:14 PM  
**To:** Ann Chaney  
**Subject:** OFFICE OF PLANNING AND RESEARCH ISSUES PRELIMINARY DRAFT OF CEQA GUIDELINES ON GREENHOUSE GAS EMISSIONS



## LAND USE & NATURAL RESOURCES

Cox Castle & Nicholson LLP

Client Alert

January 8, 2009

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### Office of Planning and Research Issues Preliminary Draft of CEQA Guidelines on Greenhouse Gas Emissions

The Governor's Office of Planning and Research, which is charged with developing guidelines for the mitigation of greenhouse gas emissions under the California Environmental Quality Act, has issued a preliminary discussion draft of those proposed guidelines. OPR is planning to hold workshops on these proposals in Los Angeles (January 22) and in Sacramento (January 26). Property owners and developers and public agencies should carefully review the proposals and consider participating in the informal workshops to provide comments to OPR, as the preliminary proposals will serve as the basis for a later rulemaking process to formally amend the CEQA Guidelines. Under Senate Bill 97, adopted in 2007, OPR is charged with developing guidelines for the mitigation of greenhouse gas emissions, and transmitting those proposed guidelines to the Resources Agency. SB 97 requires OPR to present draft guidelines to the Resources Agency by July 2009, and requires guidelines to be formally adopted on or before January 1, 2010. Some of the notable aspects of this discussion draft include the following:

- Generally, the proposed Guidelines seek to apply CEQA's existing basic rules for impact analysis to the topic of greenhouse gas emissions, specifying in several instances, for example, that determinations on greenhouse gas emissions must be supported by substantial evidence, just like other CEQA determinations.
- Amending the Guidelines provisions that allow agencies to determine whether impacts are significant based on "compliance with plan" findings, to specify that projects may determine that their contribution to the cumulative impact of climate change is reduced to a less than significant level by compliance with climate action plans or statewide greenhouse gas mitigation plans. This provision references the plans that will be prepared pursuant to SB 375 as one basis for a compliance for plan finding. (SB 375 was the significant bill passed in

2008 to tie greenhouse gas emissions and land use planning together, through the regional transportation planning process). (proposed amendment to Guideline 15064(h)(3)).

- A new Guideline proposed to provide guidance on determining the significance of impacts resulting from a project's greenhouse gas emissions. This guideline also refers to the compliance for plan approach, and indicates that lead agencies have discretion to determine which type of methodology to use to evaluate greenhouse gas emissions, given that such methodologies are evolving. (proposed Guideline 15064.4)
- Amending the Guideline on mitigation measures to provide general guidance on mitigation of the impacts of a project's greenhouse gas emissions. (proposed Guideline 15126.4).
- Specifying that a project-level EIR does not need to evaluate greenhouse gas emissions if the project is consistent with a local plan that adequately addresses the issue, and an EIR was prepared for that plan (proposed Guideline 15152(i)).
- Adding general questions on greenhouse gas emissions to the Appendix G checklist that is used to determine whether impacts are significant, and whether a negative declaration or EIR should be prepared.
- Strengthening the provisions of Appendix F specifying how EIRs should evaluate energy conservation

The draft guidelines do not propose a particular threshold of significance to be applied in determining whether a project's contribution to global climate change is significant, but they provide rules that lead agencies may apply in exercising their discretion to determine significance. The California Air Resources Board has been considering a proposed threshold for commercial and residential land use developments and is expected to adopt some sort of guidance document in the first few months of this year. Lead agencies and project applicants will need to consider both the new CEQA Guidelines and the Air Resources Board's thresholds, when adopted in evaluating how to address greenhouse gas emissions in CEQA documents.

In addition to the proposed Guideline changes on greenhouse gas emissions, the discussion draft also includes a number of other proposed changes to clarify various provisions of the CEQA Guidelines.

The discussion draft of the proposed Guidelines can be found on the OPR website at : [http://opr.ca.gov/ceqa/pdfs/Workshop\\_Announcement.pdf](http://opr.ca.gov/ceqa/pdfs/Workshop_Announcement.pdf)

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*If you have any questions regarding this alert, please contact:*

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CYNTHIA BRYANT  
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**Governor's Office of Planning and Research (OPR)  
Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions  
And Public Workshop Announcement**

**January 8, 2009**

In accordance with its charge under Public Resources Code section 21083.05<sup>1</sup>, the Governor's Office of Planning and Research (OPR) has developed preliminary draft regulatory guidance with respect to the analysis and mitigation of the potential effects of greenhouse gas emissions. OPR will hold two public workshops to present and discuss the preliminary draft guidance before submitting its proposal to the California Resources Agency.

**Introduction**

The obligation for public agencies to address the potential environmental effects of greenhouse gas emissions from projects arises from the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*), which requires agencies to identify a project's potentially significant effects on the environment, and to mitigate significant effects whenever feasible.

Public Resources Code section 21083.05 further suggests that greenhouse gas emissions and their effects are appropriate subjects for CEQA analysis. Section 21083.05 directs OPR to develop draft CEQA Guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions." It further directs that, "OPR shall, on or before July 1, 2009, prepare, develop and transmit to the Resources Agency guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions. On or before January 1, 2010, the Secretary shall certify and adopt guidelines prepared and developed by OPR."

OPR has actively sought the input, advice, and assistance of numerous interested parties and stakeholder groups in the development of draft CEQA Guideline language. Over the past 12 months, OPR has met with representatives of numerous agencies and organizations to discuss the perspectives of the business community, the environmental community, local governments, non-governmental organizations, state agencies, public health officials, CEQA practitioners and legal experts. In addition, OPR took advantage of numerous regional and statewide conferences to raise awareness about CEQA and Greenhouse Gas Emissions among diverse audiences and to seek their input. OPR received many suggestions for amendments to the CEQA Guidelines and

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<sup>1</sup> PRC 21083.05 was added to CEQA by Senate Bill 97 (Chapter 185, Statutes of 2007).



have attempted to incorporate them to the extent possible. Some suggestions were modified by OPR before incorporation into the preliminary draft language, while others were not appropriate for inclusion due to conflict with existing statutory authority.

### **OPR Interim Guidance**

OPR released a Technical Advisory in June, 2008<sup>2</sup>, to provide interim advice to lead agencies regarding the analysis of greenhouse gas emissions in environmental documents. The Technical Advisory encourages lead agencies to follow three basic steps: (1) identify and quantify the greenhouse gas emissions that could result from a proposed project; (2) analyze the effects of those emissions and determine whether the effect is significant; and (3) if the impact is significant, identify feasible mitigation measures or alternatives that will reduce the impact below a level of significance.

Without prescribing specific approaches, the Technical Advisory identified several available methodologies for estimating emissions from CEQA projects and provided numerous examples of mitigation measures that could be employed by lead agencies to reduce those emissions. The Technical Advisory recognized that mitigating greenhouse gas emissions at a project level may not be as effective as implementing a programmatic approach to mitigation. This approach requires public agencies to adopt a program of mitigation measures that apply broadly within the agency's jurisdiction and which are implemented at the project level when CEQA review is required.

### **Thresholds of Significance**

The most difficult part of any greenhouse gas emissions analysis will inevitably be the determination of significance. CEQA gives discretion to lead agencies to establish thresholds of significance<sup>3</sup> based on individual circumstances. To assist in that exercise of discretion, and because OPR believes the unique nature of greenhouse gas emissions warrants investigation of a statewide threshold of significance for greenhouse gas emissions, OPR has asked the California Air Resources Board (CARB) technical staff to recommend a method for setting thresholds of significance. If CARB makes recommendations supported by substantial evidence, lead agencies may take them into consideration as part of their independent processes, consistent with adopted CEQA regulations, to adopt thresholds of significance for greenhouse gas emissions.

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<sup>2</sup> CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, OPR, June 19, 2008.

<sup>3</sup> A threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significance by the agency and compliance with which means the effect normally will be determined to be less than significant. (14 Cal. Code Regs. 15064.7)

## **Preliminary Draft CEQA Guideline Amendments**

The preliminary draft regulatory language proposed by OPR is consistent with the authority granted by CEQA and with CEQA case law. Because this language is intended to clarify and make specific existing state law, it must be consistent with existing statutes and regulations, and must meet the requirements of the Administrative Procedures Act (APA). OPR has attempted to make the preliminary draft Guideline amendments consistent with the existing CEQA framework for environmental analysis, including but not limited to the determination of baseline conditions, determination of significance, and evaluation of mitigation measures. For these reasons, OPR does not identify a threshold of significance for greenhouse gas emissions, nor have we prescribed assessment methodologies or specific mitigation measures. The preliminary draft amendments encourage lead agencies to consider many factors in performing a CEQA analysis, but preserve the discretion granted by CEQA to lead agencies in making their own determinations based on substantial evidence. The preliminary draft amendments also encourage public agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses.

### **OPR Public Workshops**

OPR will hold two workshops to provide opportunities for OPR and Resources Agency staff to present the preliminary draft CEQA Guideline amendments to the public, to obtain input and comment from the public, and to discuss the 2009 rulemaking process by which the draft amendments will become state regulation. The workshops will have identical formats and informational content but will be held in different locations.

**Thursday, January 22, 2009**  
**9:30 am to 12:30 pm**  
**Ronald Reagan State Building**  
**First Floor Auditorium**  
**300 S. Spring Street**  
**Los Angeles, CA 90013**

**Monday, January 26, 2009**  
**9:30 am to 12:30 pm**  
**Cal/EPA Headquarters**  
**Coastal Hearing Room**  
**1001 I Street**  
**Sacramento, CA 95814**  
**Webcast:**  
<http://www.calepa.ca.gov/broadcast/?BDO=1>

Depending upon the public input during the workshops, OPR may refine its preliminary draft Guideline amendments prior to formally submitting draft amendments to the Resources Agency, as required by PRC section 21083.05.

Interested persons who are unable to attend one of the workshops may submit written comments on the preliminary draft CEQA Guideline Amendments until January 26, 2009. Written comments may be submitted to OPR by email at [CEQA.GHG@opr.ca.gov](mailto:CEQA.GHG@opr.ca.gov), by fax to (916) 323-3018, or by US Mail to P.O. Box 3022, Sacramento, CA 95812-3044. If submitting written comments, please provide your name and contact information.

### **After the Public Workshops**

OPR plans to submit its draft CEQA Guideline amendments to the Resources Agency within a reasonable time after the public workshops. OPR's submittal to the Resources Agency will be posted on the OPR website. The Resources Agency will then begin a formal rulemaking process to certify and adopt the amendments as part of the state CEQA regulations, in accordance with the requirements of the APA.

There will be further opportunities for public involvement during the Resources Agency's rulemaking process, including comment periods and public hearings. In addition, the APA requires the Resources Agency to respond to all public comments in writing before certifying and adopting the amendments. The rulemaking process must be completed by January 1, 2010, as required by PRC section 21083.05(b). Names of interested parties on OPR's contact list for the SB 97 CEQA Guidelines process will automatically be placed on the Resources Agency's contact list and will receive notices from the Resources Agency regarding the 2009 CEQA rulemaking.

### **For More Information**

For more information about the OPR CEQA Guideline amendments and public workshops, contact Ian Peterson at [ian.peterson@opr.ca.gov](mailto:ian.peterson@opr.ca.gov) or visit the OPR website at [www.opr.ca.gov](http://www.opr.ca.gov).

### **Attachment**

Attached are the preliminary draft CEQA Guideline amendments developed by OPR, including amendments to the guideline sections and Appendices F and G.

**CEQA GUIDELINES**  
**SECTIONS PROPOSED TO BE ADDED OR AMENDED**

PROPOSED AMENDMENTS TO 14 SECTIONS  
OF THE CEQA GUIDELINES  
ARE INDICATED BY REDLINE/STRIKEOUT TEXT

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*OPR proposes to amend or add the following fourteen (14) sections of the State CEQA Guidelines. The complete text of each section is provided below with strikeouts to indicate deletions and underlines to indicate additions.*

#### 15064. Determining the Significance of the Environmental Effects Caused by a Project

(a) Determining whether a project may have a significant effect plays a critical role in the CEQA process.

(1) If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR.

(2) When a final EIR identifies one or more significant effects, the Lead Agency and each Responsible Agency shall make a finding under Section 15091 for each significant effect and may need to make a statement of overriding considerations under Section 15093 for the project.

(b) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.

(c) In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. Before requiring the preparation of an EIR, the Lead Agency must still determine whether environmental change itself might be substantial.

(d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

(1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.

(3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

(e) Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

(f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.

(1) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988). Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68).

(2) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared.

(3) If the lead agency determines there is no substantial evidence that the project may have a significant effect on the environment, the lead agency shall prepare a negative declaration (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App. 3d 988).

(4) The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.

(5) Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence.

Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

(6) Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.

(7) The provisions of sections 15162, 15163, and 15164 apply when the project being analyzed is a change to, or further approval for, a project for which an EIR or negative declaration was previously certified or adopted (e.g. a tentative subdivision, conditional use permit). Under case law, the fair argument standard does not apply to determinations of significance pursuant to sections 15162, 15163, and 15164.

(g) After application of the principles set forth above in Section 15064(f)(g), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.

(h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(2) A lead agency may determine in an initial study that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. When a project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures set forth in a mitigated negative declaration, the initial study shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable.

(3) A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (e.g., water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, city or county general plan or specific plan, regional housing allocation plan, habitat conservation plan, natural community conservation plan, climate action plan, regional transportation plan, regional blueprint plan, sustainable community strategy, statewide plan of mitigation for greenhouse gas emissions) which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources

through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.

(4) The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21003, 21065, 21068, 21080, 21082, 21082.1, 21082.2, 21083 and 21100, Public Resources Code; No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68; San Joaquin Raptor/Wildlife Center v. County of Stanislaus (1996) 42

Cal.App.4th 608; Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359; Laurel Heights Improvement Assn. v. Regents of the University of California (1993) 6 Cal.4th 1112; and Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98.

#### 15064.4. Determining the Significance of Impacts from Greenhouse Gas Emissions

(a) A lead agency should consider the following, where applicable, in assessing the significance of impacts from greenhouse gas emissions, if any, on the environment:

(1) The extent to which the project could help or hinder attainment of the state's goals of reducing greenhouse gas emissions to 1990 levels by the year 2020 as stated in the Global Warming Solutions Act of 2006. A project may be considered to help attainment of the state's goals by being consistent with an adopted statewide 2020 greenhouse gas emissions limit or the plans, programs, and regulations adopted to implement the Global Warming Solutions Act of 2006;

(2) The extent to which the project may increase the consumption of fuels or other energy resources, especially fossil fuels that contribute to greenhouse gas emissions when consumed;

(3) The extent to which the project may result in increased energy efficiency of and a reduction in overall greenhouse gas emissions from an existing facility;

(4) The extent to which the project impacts or emissions exceed any threshold of significance that applies to the project.

(b) A lead agency should make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions associated with a project, including emissions associated with energy consumption and vehicular traffic. Because the methodologies for performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:



(1) Use a model or methodology to quantify greenhouse gas emissions associated with a project, and which of any available model or methodology to use. The lead agency may include a qualitative discussion or analysis regarding the limitations of the particular model or methodology selected for use.

(2) Rely on qualitative or other performance based standards for estimating the significance of greenhouse gas emissions.

#### 15064.7. Thresholds of Significance.

(a) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.

(b) Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.

(c) When adopting thresholds of significance, a lead agency may consider thresholds of significance adopted by other public agencies and recommendations of others, provided such thresholds or recommendations are supported by substantial evidence, including expert opinion based on facts.

Note: Authority: Section 21083, Public Resources Code. Reference: Sections 21082 and 21083, Public Resources Code.

#### 15065. Mandatory Findings of Significance

(a) A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:

(1) The project has the potential to: substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.

(2) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(3) The project has possible environmental effects that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

(b)(1) Where, prior to the ~~commencement~~ completion of preliminary review of an environmental document, a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment specified by subdivision (a) or would mitigate the significant effect to a point where clearly no significant effect on the environment would occur, a lead agency need not prepare an environmental impact report solely because, without mitigation, the environmental effects at issue would have been significant.

(2) Furthermore, where a proposed project has the potential to substantially reduce the number or restrict the range of an endangered, rare or threatened species, the lead agency need not prepare an EIR solely because of such an effect, if:

(A) the project proponent is bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan or natural community conservation plan;

(B) the state or federal agency approved the habitat conservation plan or natural community conservation plan in reliance on an environmental impact report or environmental impact statement; and

(C) 1. such requirements avoid any net loss of habitat and net reduction in number of the affected species, or

2. such requirements preserve, restore, or enhance sufficient habitat to mitigate the reduction in habitat and number of the affected species to below a level of significance.

(c) Following the decision to prepare an EIR, if a lead agency determines that any of the conditions specified by subdivision (a) will occur, such a determination shall apply to:

(1) the identification of effects to be analyzed in depth in the environmental impact report or the functional equivalent thereof,

(2) the requirement to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment,

(3) when found to be feasible, the making of changes in the project to substantially lessen or avoid the significant effects on the environment, and

(4) where necessary, the requirement to adopt a statement of overriding considerations.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21001(c), 21082.2, and 21083, Public Resources Code; San Joaquin Raptor/Wildlife Center v. County of Stanislaus (1996) 42 Cal.App.4th 608; Los Angeles Unified School District v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1024; and Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98.

## 15086. Consultation Concerning Draft EIR

(a) The Lead Agency shall consult with and request comments on the draft EIR from:

(1) Responsible Agencies,

(2) Trustee agencies with resources affected by the project, and

(3) Any other state, federal, and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project, including water agencies consulted pursuant to section 15083.5.

(4) Any city or county which borders on a city or county within which the project is located.

(5) For a project of statewide, regional, or areawide significance, the transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project. "Transportation facilities" includes: major local arterials and public transit within five miles of the project site, and freeways, highways and rail transit service within 10 miles of the project site.

(6) For a state lead agency when the EIR is being prepared for a highway or freeway project, the ~~State-California~~ Air Resources Board as to the air pollution impact of the potential vehicular use of the highway or freeway and if a non-attainment area, the local air quality management district for a determination of conformity with the air quality management plan.

(7) For a subdivision project located within one mile of a facility of the State Water Resources Development System, the California Department of Water Resources.

(b) The lead agency may consult directly with:

(1) Any person who has special expertise with respect to any environmental impact involved.

(2) Any member of the public who has filed a written request for notice with the lead agency or the clerk of the governing body.

(3) Any person identified by the applicant whom the applicant believes will be concerned with the environmental effects of the project.

(c) A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation.

(d) Prior to the close of the public review period, a responsible agency or trustee agency which has identified what that agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decision, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21081.6, 21092.4, 21092.5, 21104 and 21153, Public Resources Code.

### 15093. Statement of Overriding Considerations

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

(d) When an agency makes a statement of overriding considerations, the agency may consider local adverse environmental effects in the context of region-wide or statewide benefits.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002 and 21081, Public Resources Code; San Francisco Ecology Center v. City and County of San Francisco (1975) 48 Cal.App.3d 584; City of Carmel-by-the-Sea v. Board of Supervisors (1977) 71 Cal.App.3d 84; Sierra Club v. Contra Costa County (1992) 10 Cal.App.4th 1212; Citizens for Quality Growth v. City of Mount Shasta (1988) 198 Cal.App.3d 433.

## 15125. Environmental Setting

(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

(b) When preparing an EIR for a plan for the reuse of a military base, lead agencies should refer to the special application of the principle of baseline conditions for determining significant impacts contained in Section 15229.

(c) Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

(d) The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, regional blueprint plans, sustainable community strategies, climate action plans, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the Coastal Zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains.

(e) Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced as well as the potential future conditions discussed in the plan.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21061 and 21100, Public Resources Code; E.P.I.C. v. County of El Dorado (1982) 131 Cal.App.3d 350; San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713; Bloom v. McGurk (1994) 26 Cal.App.4th 1307.

## 15126.2 Consideration and Discussion of Significant Environmental Impacts.

(a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice

of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there.

(b) Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented. Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

(c) Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented. Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. (See Public Resources Code section 21100.1 and Title 14, California Code of Regulations, section 15127 for limitations to applicability of this requirement.)

(d) Growth-Inducing Impact of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21002, 21003, and 21100, Public Resources Code; *Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal.3d 553; *Laurel Heights Improvement Association v. Regents of the University of California*, (1988) 47 Cal.3d 376; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; and

Laurel Heights Improvement Association v. Regents of the University of California (1993) 6 Cal.4th 1112; Goleta Union School Dist. v. Regents of the Univ. Of Calif (1995) 37 Cal. App.4th 1025.

#### 15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.

(a) Mitigation Measures in General.

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

(C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.

(D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (Stevens v. City of Glendale(1981) 125 Cal.App.3d 986.)

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

(3) Mitigation measures are not required for effects which are not found to be significant.

(4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. (*Nollan v. California Coastal Commission*, 483 U.S. 825 (1987)); and

(B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. (*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854).

(5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.

(b) Mitigation Measures Related to Impacts on Historical Resources.

(1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

(2) In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

(3) Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

(A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

(B) Preservation in place may be accomplished by, but is not limited to, the following:

1. Planning construction to avoid archaeological sites;
2. Incorporation of sites within parks, greenspace, or other open space;
3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
4. Deeding the site into a permanent conservation easement.



(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

(D) Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

(c) Mitigation Measures Related to Greenhouse Gas Emissions

(1) Lead agencies should consider all feasible means of mitigating greenhouse gas emissions including but not limited to emissions associated with the project's energy consumption, including fossil fuel consumption.

(2) Mitigation measures may include project features, project design, or other measures which are incorporated into the project to substantially reduce energy consumption or greenhouse gas emissions.

(3) Mitigation measures may include, where relevant, compliance with the requirements in a previously approved plan or mitigation program for the reduction or sequestration of greenhouse gas emissions, which plan or program provides specific requirements that will avoid or substantially lessen the potential impacts of the project.

(4) Mitigation measures may include measures that sequester carbon or carbon-equivalent emissions.

(5) Where mitigation measures are proposed for reduction of greenhouse gas emissions through off-site measures or purchase of carbon offsets, these mitigation measures must be part of a reasonable plan of mitigation that the relevant agency commits itself to implementing.

Note: Authority: Section 21083, Public Resources Code. Reference: Sections 5020.5, 21002, 21003, 21100 and 21084.1, Public Resources Code; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112; ~~and~~ *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1187; and *City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341.

## 15130. Discussion of Cumulative Impacts

(a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

(1) As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

(2) When the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant.

(3) An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

(b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. The following elements are necessary to an adequate discussion of significant cumulative impacts:

(1) Either:

(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or

(B) A summary of projections contained in an adopted ~~general plan or related planning document, or in prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact~~ local or regional plan for which an EIR has been certified and that describes or evaluates conditions contributing to the cumulative effect. This may include: a general plan, regional transportation plan, regional blueprint plan, climate action plan, or regional housing allocation

plan. It may also include an adopted or certified prior environmental document for such a plan, or a regional computer modeling program reflecting the most accurate and reasonably available information. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

(2) When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.

(3) Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

(4) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available; and

(5) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

(c) With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

(d) Previously approved land use documents such as general plans, specific plans, regional transportation plans, regional blueprint plans, climate action plans, sustainable community strategies, and local coastal plans may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the lead agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed, as defined in section 15152(f), in a certified EIR for that plan.

(e) If a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact, as provided in Section 15183(j).

(f) An EIR should evaluate greenhouse gas emissions associated with a proposed project when those emissions, when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, may result in a cumulatively considerable impact to the environment that cannot be mitigated to a level of less than significant.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21083(b), 21093, 21094 and 21100, Public Resources Code; *Whitman v. Board of Supervisors*, (1979) 88 Cal. App. 3d 397; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692; *Laurel Heights Homeowners Association v. Regents of the University of California* (1988) 47 Cal.3d 376; *Sierra Club v. Gilroy* (1990) 220 Cal.App.3d 30; *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421; *Concerned Citizens of South Cent. Los Angeles v. Los Angeles Unified Sch. Dist.* (1994) 24 Cal.App.4th 826; *Las Virgenes Homeowners Fed'n v. County of Los Angeles* (1986) 177 Cal.App.3d 300; *San Joaquin Raptor/Wildlife Rescue Ctr v. County of Stanislaus* (1994) 27 Cal.App.4th 713; *Fort Mojave Indian Tribe v. Cal. Dept. Of Health Services* (1995) 38 Cal.App.4th 1574; and *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.

### 15150. Incorporation by Reference

- (a) An EIR or Negative Declaration may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR or Negative Declaration.
- (b) Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR or Negative Declaration shall state where the incorporated documents will be available for inspection. At a minimum, the incorporated document shall be made available to the public in an office of the Lead Agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the Lead Agency does not have an office in the county.
- (c) Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.
- (d) Where an agency incorporates information from an EIR that has previously been reviewed through the state review system, the state identification number of the incorporated document should be included in the summary or designation described in subdivision (c).
- (e) Examples of materials that may be incorporated by reference include but are not limited to:
- (1) A description of the environmental setting from another EIR.
  - (2) A description of the air pollution problems prepared by an air pollution control agency concerning a process involved in the project.
  - (3) A description of the city or county general plan that applies to the location of the project.

(4) A description of the effects of greenhouse gas emissions on the environment.

(f) Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand.

Note: Authority cited: Section 21083, Public Resources Code; Reference Sections 21003, 21061, and 21100, Public Resources Code.

## 15152. Tiering

(a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.

(b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

(c) Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

(d) Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

(1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.

(e) Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering.

(f) A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.

(1) Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR, that effect is not treated as significant for purposes of the later EIR or negative declaration, and need not be discussed in detail.

(2) When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).

(3) Significant environmental effects have been "adequately addressed" if the lead agency determines that:

(A) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or

(B) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

(g) When tiering is used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.

(h) There are various types of EIRs that may be used in a tiering situation. These include, but are not limited to, the following:

(1) General plan EIR (Section 15166).

(2) Staged EIR (Section 15167).

(3) Program EIR (Section 15168).

(4) Master EIR (Section 15175).

(5) Multiple-family residential development / residential and commercial or retail mixed-use development (Section 15179.5).

(6) Redevelopment project (Section 15180).

(7) Projects consistent with community plan, general plan, or zoning (Section 15183).

(i) Project level CEQA documents need not provide additional project-level greenhouse gas emissions analysis or mitigation measures, if the proposed project is consistent with an applicable regional or local plan that adequately addresses greenhouse gas emissions, and the plan is one for which an EIR has previously been certified. (See also section 15183.)

Note: Authority: Section 21083, Public Resources Code. Reference: Sections 21003, 21061, 21093, 21094, 21100, and 21151, Public Resources Code; Stanislaus Natural Heritage Project, Sierra Club v. County of Stanislaus (1996) 48 Cal.App.4th 182; Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners (1993) 18 Cal.App. 4th 729; and Sierra Club v. County of Sonoma (1992) 6 Cal.App. 4th 1307.

### 15183. Projects Consistent with a Community Plan or Zoning

(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

(1) Are peculiar to the project or the parcel on which the project would be located,

(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,

(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or

(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied

development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

(d) This section shall apply only to projects which meet the following conditions:

(1) The project is consistent with:

(A) A community plan adopted as part of a general plan,

(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or

(C) A general plan of a local agency, and

(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

(e) This section shall limit the analysis of only those significant environmental effects for which:

(1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and

(2) The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

(f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire city or county, but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan, but can be found within another pertinent planning document such as a zoning ordinance. Where a city or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decisionmaking body of the city or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the city or county decides to apply the standards or policies as permitted in this section.



(g) Examples of uniformly applied development policies or standards include, but are not limited to:

- (1) Parking ordinances.
- (2) Public access requirements.
- (3) Grading ordinances.
- (4) Hillside development ordinances.
- (5) Flood plain ordinances.
- (6) Habitat protection or conservation ordinances.
- (7) View protection ordinances.

(8) Requirements for reducing greenhouse gas emissions, as set forth in an adopted land use plan, policy or regulation.

(h) An environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.

(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.

(1) "Community plan" is defined as a part of the general plan of a city or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.

(2) For purposes of this section, "consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.

(j) This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21083.3, Public Resources Code.

15364.5. Greenhouse Gas (Definition)

"Greenhouse gas" or "greenhouse gases" includes all of the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. (Reference: Health and Safety Code section 38505(g).)

**CEQA GUIDELINES**  
**APPENDIX F**  
**ENERGY CONSERVATION**

PROPOSED AMENDMENTS TO APPENDIX F  
ARE INDICATED BY REDLINE/STRIKEOUT TEXT

## CEQA Guidelines

### Appendix F

#### ENERGY CONSERVATION

##### I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

- (1) decreasing overall per capita energy consumption,
- (2) decreasing reliance on natural gas and oil, and
- (3) increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy (see Public Resources Code section 21100(b)(3)). Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, lifetime costs may be determined more by energy efficiency than by initial dollar costs.

##### II. EIR Contents

Potentially significant energy implications of a project ~~should~~ shall be considered in an EIR to the extent relevant and applicable to the project. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances, specific items may not apply or additional items may be needed. Where items listed below are applicable or relevant to the project, they should be considered in the EIR.

##### A. Project Description may include the following items:

1. Energy consuming equipment and processes which will be used during construction, operation, and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.
2. Total energy requirements of the project by fuel type and end use.
3. Energy conservation equipment and design features.

4. Initial and life-cycle energy costs or supplies.
5. Total estimated daily trips to be generated by the project and the additional energy consumed per trip by mode.

B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.

C. Environmental Impacts may include:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
3. The effects of the project on peak and base period demands for electricity and other forms of energy.
4. The degree to which the project complies with existing energy standards.
5. The effects of the project on energy resources.
6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

D. Mitigation Measures may include:

1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy.
3. The potential for reducing peak energy demand.
4. Alternate fuels (particularly renewable ones) or energy systems.
5. Energy conservation which could result from recycling efforts.

E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.

H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the energy costs over the lifetime of the project.

I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.

**CEQA GUIDELINES**  
**APPENDIX G**  
**INITIAL STUDY CHECKLIST**

PROPOSED AMENDMENTS TO APPENDIX G  
ARE INDICATED BY REDLINE/STRIKEOUT TEXT

**CEQA Guidelines**

**Appendix G**

**Environmental Checklist Form**

NOTE: Lead agencies are cautioned that the following is a sample form and may be tailored to satisfy individual agencies' needs. It may be used to meet the requirements for an initial study when the criteria set forth in the CEQA Guidelines have been met. It is the lead agency's responsibility to determine whether this sample form adequately identifies all environmental issues relevant to the proposed project and the project setting. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

1. Project title: \_\_\_\_\_

2. Lead agency name and address:  
\_\_\_\_\_  
\_\_\_\_\_

3. Contact person and phone number: \_\_\_\_\_

4. Project location: \_\_\_\_\_

5. Project sponsor's name and address:  
\_\_\_\_\_  
\_\_\_\_\_

6. General plan designation: \_\_\_\_\_

7. Zoning: \_\_\_\_\_

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)  
\_\_\_\_\_  
\_\_\_\_\_

9. Surrounding land uses and setting: Briefly describe the project's surroundings:  
\_\_\_\_\_  
\_\_\_\_\_

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)  
\_\_\_\_\_  
\_\_\_\_\_



## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics  
Agriculture Resources  
Air Quality  
Biological Resources  
Cultural Resources  
Geology/Soils  
Hazards & Hazardous Materials  
Hydrology/Water Quality  
Land Use/Planning  
Mineral Resources  
Noise  
Population/Housing  
Public Services  
Recreation  
Transportation/Traffic  
Utilities/Service Systems  
Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been

adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

#### EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significance criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significance

## SAMPLE QUESTIONS

I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**II. AGRICULTURE AND FOREST RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

ee) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

**III. AIR QUALITY --** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

VII. GREENHOUSE GAS EMISSIONS -- Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance?

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

- a) Violate any water quality standards or waste discharge requirements?
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- f) Otherwise substantially degrade water quality?
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

j) Inundation by seiche, tsunami, or mudflow?

X. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

XI. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?



e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

### XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

### XIIIIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

### XIVXV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

### XVI. TRANSPORTATION/TRAFFIC -- Would the project:

~~a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., Result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on the roads, or congestion at intersections) roadway vehicle volume or vehicle miles traveled?~~

~~b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?~~

~~e)b) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?~~

~~d)c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?~~

~~d)e) Result in inadequate emergency access?~~

~~f) Result in inadequate parking capacity?~~

~~e)g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?~~

#### XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151, Public Resources Code; Sundstrom v. County of Mendocino, 202 Cal.App.3d 296 (1988); Leonoff v. Monterey Board of Supervisors, 222 Cal.App.3d 1337 (1990).