

THE PLANNING PROCESS AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

What is involved in the Planning Process?

Land-use planning is sometimes misunderstood as being a process where planners tell people what to do. Rather, land-use planning is a process that engages people in an assessment of physical, social and economic factors in such a way as to promote, encourage and assist those who make decisions in selecting options that enhance the economy, are sustainable and meet the needs of the City or local community.

Plans that are prepared correctly take time in some cases several years. Those plans begin with research and an evaluation of physical, environmental, economic and social constraints and opportunities to plan development. Before plans are drafted, planners study alternatives and different approaches to plan implementation. Once a plan is drafted, it is subjected to technical analysis; perhaps revised and finally subjected to public review and comment.

In California, the adoption of plans and other actions taken by local and state governments are referred to as "projects". Those projects are required to be reviewed for their potential impact upon the environment under provisions of the California Environment Quality Act (CEQA).

What is CEQA?

The California Environmental Quality Act ("CEQA") requires local and state governments to consider the potential environmental effects of a project before making a decision regarding its approval or denial.

CEQA's purpose is to disclose the potential impacts of a project, suggest methods to minimize those impacts, and discuss project alternatives so that decision-makers will have full information upon which to base their decision.

Who must comply with CEQA?

A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project." A project is an activity undertaken by a public agency or a private activity which must receive some discretionary approval (meaning that the agency has the authority to deny the requested permit or approval) from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Most proposals for physical development in California are subject to CEQA review, as are many governmental decisions which do not immediately result in physical development (such as adoption of a planning document). There are certain exceptions; however, most all development projects which require a discretionary governmental approval will require at least some environmental review.

What are the basic requirements of environmental review under CEQA?

The agency with the principal responsibility for issuing permits to a project (or for carrying out the project) is called the "Lead Agency." The Lead Agency is responsible for determining whether or not a project will significantly impact the environment and, when necessary, for analyzing the project's possible environmental impacts.

Analyzing a project's potential environmental effects is a multi-step process. Many minor projects, such as building a single-family home or remodeling your house are exempt from the CEQA requirements (for a complete list see the California Environmental Quality Act Guidelines). Exempt projects are not subject to environmental review.

When a project is subject to review, the Lead Agency prepares an "Initial Study" to assess the potential adverse environmental impacts. If the project will not cause a significant impact on the environment or if it has been redesigned to eliminate any impacts, a "Negative Declaration" is written. A Negative Declaration describes why a project will not have a significant impact and may require that the project incorporate a number of "mitigation measures" to ensure that there will be no significant impacts resulting from the project. A Negative Declaration cannot be used when significant impacts are not totally eliminated..

If significant environmental effects are identified, then an Environmental Impact Report (EIR) must be prepared and reviewed by the public before the project can be considered by decision makers.

An EIR discusses the proposed project, its environmental setting, its probable impacts, realistic means of reducing or eliminating those impacts, its cumulative effects in the context of other development, and realistic project alternatives.

CEQA requires that draft EIRs be made available for review by the public and other agencies prior to consideration of the project by decision makers. The review period (45 days for a draft EIR) allows concerned citizens and agencies to comment on the contents and adequacy of the environmental document prior to its completion. The final EIR must incorporate written responses to the comments submitted by reviewers.

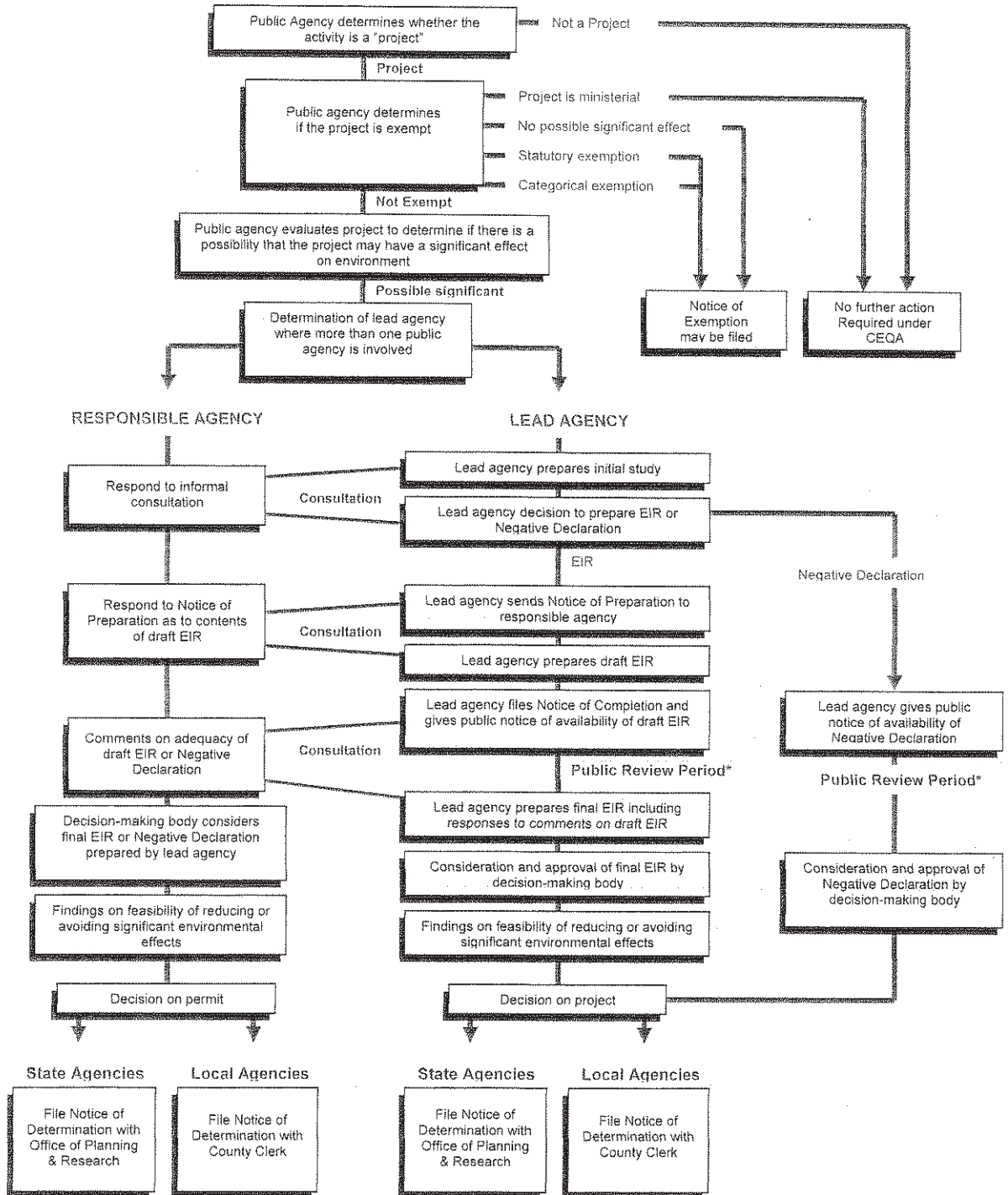
When a Lead Agency approves a project, it must certify the adequacy of the EIR. If its decision to approve a project will result in unavoidable significant impacts, as identified in the EIR, the Lead Agency must state, in writing, its overriding reasons for granting the approval. In addition, when mitigation measures are adopted as a result of an EIR, the Lead Agency must enact a program for reporting on or monitoring the implementation of those measures.

What are the CEQA Guidelines?

The Guidelines are the regulations that explain and interpret the law for both the public agencies required to administer CEQA and for the public generally. They are found in the California Code of Regulations, in Chapter 3 of Title 14. The Guidelines provide objectives, criteria and procedures for the orderly evaluation of projects and the preparation of environmental impact reports, negative declarations, and mitigated negative declarations by public agencies.

The fundamental purpose of the Guidelines is to make the CEQA process comprehensible to those who administer it, to those subject to it, and to those for whose benefit it exists. To that end, the Guidelines are more than mere regulations which implement CEQA as they incorporate and interpret both the statutory mandates of CEQA and the principles advanced by judicial decisions.

CEQA Process Flow Chart



Source: California Environmental Resources Evaluation System, http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html
 * The public review and comment period shall not be less than 30 days and nor should it be longer than 60 days, per the CEQA Guidelines at http://ceres.ca.gov/topic/env_law/ceqa/guidelines/