CREATING A CEQA PATH FOR INFILL DEVELOPMENT

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Topics

- A CEQA Path
- The Foundations: A Plan and Plan-Level EIR
- Streamlining Tools
- How to Make the Tools Work
- Keys to Success
CEQA Path
Step 1: The Foundation
THE FOUNDATION: A PLAN THAT ANTICIPATES IMPLEMENTATION

• Include standards for land use, design, and environmental protection
  – Be granular
• Establish uniformly applied development policies or standards
• Adopt CEQA thresholds of significance
Making the Tools Work: The Plan

- Clearly establish policy goals in terms that the community can understand
- Allow conforming projects by right and limit the scope of subsequent discretion
- Articulate environmental thresholds that reflect land use aspirations
- Avoid creation of obstacles
Step 2: The Frame
Plan Level EIR: Options

Program EIR
- Focused EIR
- Addendum
- Findings

Master EIR
- Focused EIR
- Mitigated Neg Dec
- Findings
THE FRAME: PLAN-LEVEL EIR

• Program EIR
  – Advantages: Flexible, No time limits
  – Disadvantages: No clear period of coverage; Requires Addenda rather than Tiered MNDs

• Master EIR
  – Advantages: 5 Year clearance; clear path to project MNDs
  – Disadvantages: less legal track record; document is more complicated (?)
Making the Tools Work: The 1st Tier EIR

• **Project Definition**
  – Detailed
  – Flexible

• **Evaluation**
  – Anticipate and evaluate future actions
  – Be conservative

• **Mitigation**
  – Establish clear performance standards
Step 3: The Interior

Project CEQA
**Streamlining Tools: Section 15152: Tiering**

- For projects consistent with land use plans
  - Type, density, intensity of use
- Requires no additional analysis where impacts were significant and mitigated.
- Need to be able to show how plan policies and/or plan EIR mitigation reduces effects.
Streamlining Tools: §15183: Consistent with LU Plan

- Can be used to exempt project from analysis of significant and unavoidable impacts disclosed in Plan EIR
STREAMLINING TOOLS: §15183.5: CONSISTENT WITH CAP/GHG REDUCTION PLAN

- Creates exemption from analysis of vehicular GHG for residential and mixed use projects, including Transit Priority Projects, consistent with SCS/APS.
MAKING THE TOOLS WORK: THE 2ND TIER CEQA DOCUMENT

• Be willing to use CEQA…aggressively
  – Under Program EIRs: Addenda for projects with no impacts “peculiar to the site.”
  – Under Master EIRs: Tiered MNDs or Findings

• Maintain integrity of plan EIR
  – Requires focus and investment

• Commit to development
  – Lead agency must think like a developer
  – Lead agency + applicant = consistency
SUMMARY

Plan
- Land use policies
- Design standards
- Environmental protection
  
  Describe and reinforce aspirations
  
  Avoid obstacles and “hooks”

Plan EIR

Program EIR

Master EIR

Plan CEQA

Focused EIR

Addendum

Findings

Focused EIR

Tiered MND

Findings
Keys to Success

• Detailed and honest planning
• Thorough analysis of the plan
• Vigilant implementation
• Partnership
• Commitment