



Participate • Evaluate • Be Informed

Understanding the Environmental Review Process

September 22, 2010



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Section 1

Introductions and Goals of Meeting

Blake Lyon

September 22, 2010

Meeting Overview

- Welcome
- Objectives of Meeting
- Purpose of the Evenings Agenda
- Introduction of the Panel
- Panel Presentations
- Open Discussion

Objective of Meeting

- Educate the community on the purpose of the California Environmental Quality Act (CEQA)
- Describe how to comment effectively during the CEQA process

Purpose this meetings Agenda

- Establish a Glossary of terms (handout)
- Inform the community on how to participate in the CEQA process
- Discuss the Saltworks Project CEQA process

Introduction of Panel

- Whitman Manley
- Anders Hauge
- Patricia Collins



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Section 2

Introduction to the California Environmental Quality Act

Whitman F. Manley
Remy, Thomas, Moose and Manley, LLP

September 22, 2010

Introduction to CEQA:

1. State analogue to National Environmental Policy Act
2. Purposes of CEQA
3. Opportunities for input
4. Agency's obligations

Legislature and Courts have identified a number of policies implemented by CEQA:

1. Inform decision-makers about environmental implications of their decisions
2. Encourage public participation
3. Provide a mechanism for inter-agency consultation
4. Avoid impacts where it is feasible to do so
5. Require agencies to disclose basis for their decisions

Policies are both *procedural* and *substantive*:

1. Process

- Provide notice of availability of documents
- Provide opportunities for comment
- Require consultation with agencies
- “Scoping”
- Require responses to comments
- Provide notice of decision

Policies are both *procedural* and *substantive*:

2. Substance

- Certification of EIR
- Consideration of mitigation measures
- Consideration of alternatives
- Findings
- Statement of overriding considerations
- Contrast with NEPA

Process: CEQA establishes specific opportunities to provide input – minimum requirements with which agency must comply:

- Scoping meeting
- 30-day period to submit comments on “Notice of Preparation”
- 45-day period to comment on Draft EIR
- Responses to agency comments – 10 days prior to certification of Final EIR

Agency can provide additional opportunities for input, though not required to do so:

- Public hearings
- Additional scoping meetings
- Extended periods for public comment
- Public hearings provided under other statutes (e.g. State Planning and Zoning Law)

Staying abreast of opportunities for input:

- Request to be added to City's mailing list for CEQA notices
- Check City's website
(www.RedwoodCity.org/Saltworks)
- Request e-mail notification

Substantive obligations:

- Certification of EIR:
 - EIR reflects agency's independent judgment
 - Agency has reviewed and considered information in EIR
 - EIR complies with CEQA
- EIR certification is not project approval. Rather, EIR certification sets the stage for considering whether to approve project or alternative.

Agency decides whether to approve project:

- Decide whether to approve proposed project or alternative.
- As appropriate, consider whether to approve entitlements (e.g. General Plan amendment, amendment to zoning ordinance, development agreement, subdivision map, use permit)
- Adopt “CEQA findings” and, if necessary, statement of overriding considerations
- Adopt mitigation monitoring and reporting program

CEQA findings:

- Provide accountability – shows how agency moved from evidence to conclusions
- Adopt finding for each significant environmental impact
- Address mitigation measures
- Address alternatives to project
- Conclude whether, as mitigated, impacts will be avoided or substantially lessened

CEQA's substantive mandate:

An agency must not approve a project that will result in significant and unavoidable effects, if there are feasible mitigation measures or alternatives available that would substantially lessen or avoid those impacts. (Pub. Resources Code, § 21002.)

CEQA findings are the central mechanism for determining whether the agency has met its obligations under this statute.

Issues that often arise with respect to this substantive obligation:

- What are the agency's objectives for the project? Project objectives, in turn, affect the range of alternatives to be considered.
- What sort of evidence can be considered in determining whether a mitigation measure or alternative is "feasible"?
- What if the agency is provided with conflicting information regarding the feasibility of mitigation measures or alternatives?

Statement of Overriding Considerations:

- Adopted only after agency has adopted findings regarding mitigation measures and alternatives
- Must be adopted if impacts remain “significant and unavoidable”
- Provides accountability: must explain why agency has approved project, notwithstanding its impacts
- Must cite evidence in support of reasons given for approving project

Mitigation monitoring and reporting plan:

- Identifies which mitigation measures have been adopted by agency
- Assigns responsibility for implementing adopted measures
- Provides a mechanism for tracking whether measures have been carried out

Information and analysis that will be included in Draft EIR:

- Description of setting – the existing physical character of the site and its surroundings
- Description of proposed project (including infrastructure)
- Standards used to measure whether the impacts of project would be “significant” – i.e., “significance thresholds”
- Analysis of impacts of project in relation to thresholds
- Proposed mitigation measures
- Analysis of effectiveness of mitigation measures
- Studies, plans or other information relied upon in preparing EIR

Topics to be analyzed in EIR:

- Resources potentially affected by project (e.g., air quality, traffic, visual resources, biology, water quality, etc.)
- Policies or plans (if relevant to physical impacts)
- Public services and utilities

Topics to be analyzed in EIR:

- Alternatives
 - “No project”
 - Reasonable range of other alternatives
 - Function of alternatives analysis
- Cumulative impacts
- Growth inducement

Commenting on the Draft EIR and other CEQA documents:

- In Final EIR, agency must provide written response to timely comments that raise substantial environmental issues
- All comments are part of the record before the City, regardless of how they are submitted, provided they are recorded in some fashion

Commenting on the Draft EIR and other CEQA documents:

- Focus under CEQA is on impacts of project on physical environment
- Comments on merits of project are not relevant under CEQA (though comments on merits of project of interest to decision-makers)

Commenting on the Draft EIR and other CEQA documents:

- If comment addresses issue that is based on personal observations of commenter, provide factual information regarding those observations
- If comment addresses technical issue (e.g., traffic modeling or biological resources), provide information explaining basis for comment or technical expertise
- If comment is based on technical study or plan, provide document as attachment to comment

Commenting on the Draft EIR and other CEQA documents:

- Note substantive obligation under CEQA to avoid or substantially lessen impacts:
 - Suggest mitigation measures and explain how they would avoid impacts
 - Suggest alternatives, explain how they would avoid impacts, and explain why they are feasible and will achieve most of the agency's basic objectives

Interrelationship with NEPA:

- Federal agency involvement
- Identification of Federal lead agency
- Potential integration of CEQA/NEPA processes

Observations regarding CEQA and the keys to a constructive process:

- Lead agency should commit to robust consultations with other agencies
- Lead agency should remain open to suggestions regarding how to avoid or lessen impacts, and should treat those suggestions seriously
- Projects improve as they move through the CEQA process. The CEQA process is not an empty exercise. That does not mean that everyone will be satisfied with the outcome.

Observations regarding CEQA and the keys to a constructive process:

- Proposals often involve trade-offs. The fact that others would strike a different balance in those trade-offs does not mean they are wrong.
- There are many opportunities for public input. At some point, those opportunities must draw to a close, agency staff and consultants will offer their views. And the last word belongs to the body elected to make such decisions.



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Section 3

How to Participate Effectively in the CEQA Process

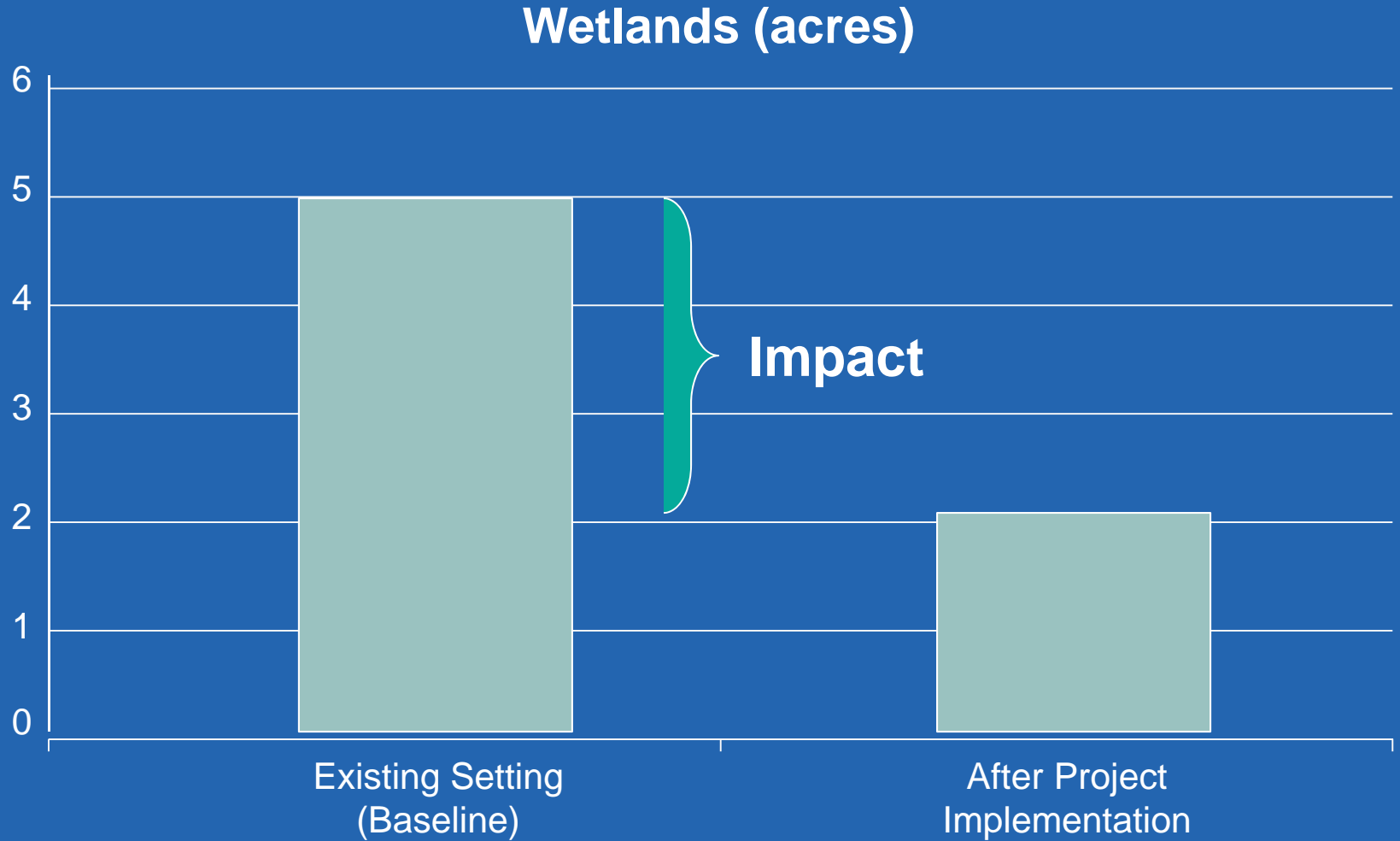
Patricia L. Collins

September 22, 2010

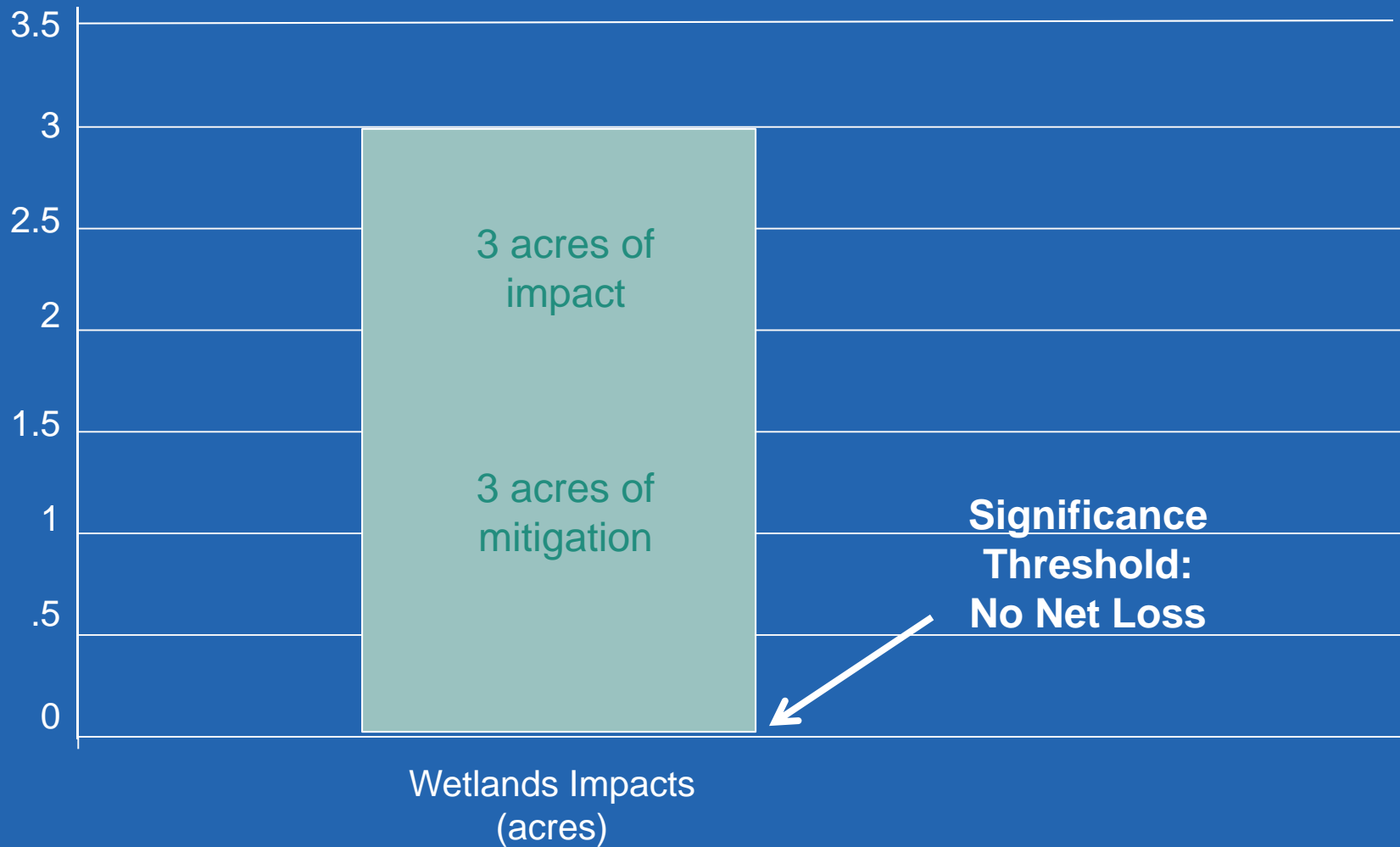
Useful Types of Scoping Input

- Environmental Issues (Impacts)
- Evaluation Criteria with Thresholds of Significance
- Evaluation Methodology (Analysis)
- Alternatives to the Proposed Project
- Mitigation Measures
- Existing environmental Conditions (Setting)
- Project description

Definition of Impact



Significance Thresholds



Common Thresholds of Significance

- Quantitative
 - Traffic: LOS D or Worse
 - Nitrogen oxide: 80 pounds per day or more
- Qualitative
 - Visual: block view of mountains
- Categorical
 - Affordable housing: inconsistent with General Plan policy

Common Types of Alternatives and Mitigation Measures

- Wetlands Impacts
 - Avoid: Rearrange site plan to avoid wetlands
 - Reduce: Make building footprint smaller
 - Compensate: Buy wetlands credits at approved wetlands bank
- Intersection at LOS D
 - Avoid: Senior Housing Alternative
 - Reduce: Expand transit and build bicycle path
 - Compensate: Add left turn lane at intersection

How to Comment Effectively during Scoping

- If comment addresses issue that is based on personal observations of commenter, provide factual information regarding those observations
- If comment addresses technical issue, provide information explaining basis for comment or technical expertise
- If comment is based on technical study or plan, provide document



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Section 4 The Saltworks Project Roadmap and Next Steps

Anders Hauge

September 22, 2010

Community Involvement Approach

Participate

Hear and respect all perspectives in an objective process

Be Informed

Provide, and be provided with sufficient and accurate information

Evaluate

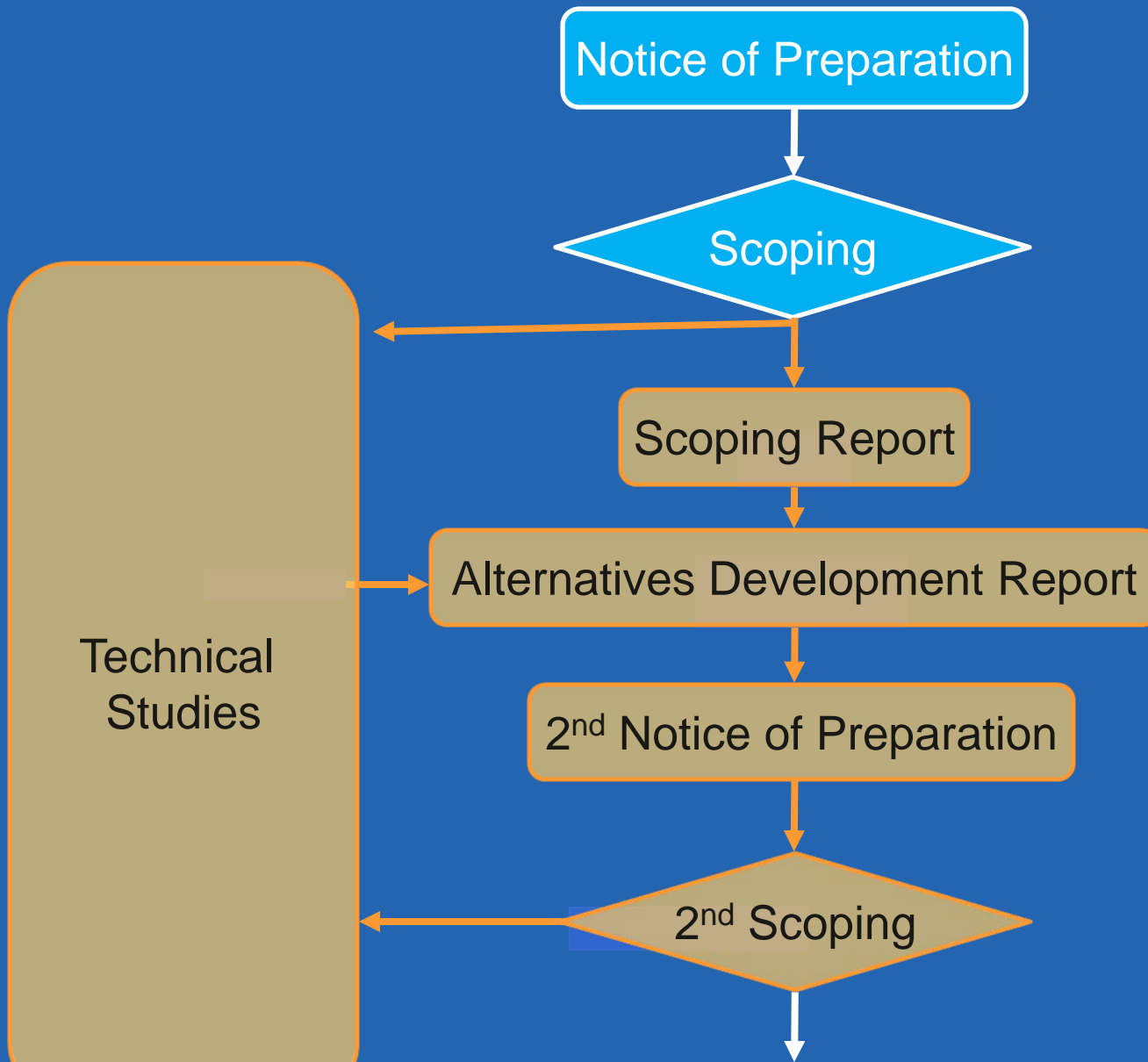
Base decisions on full consideration of sufficient and accurate information

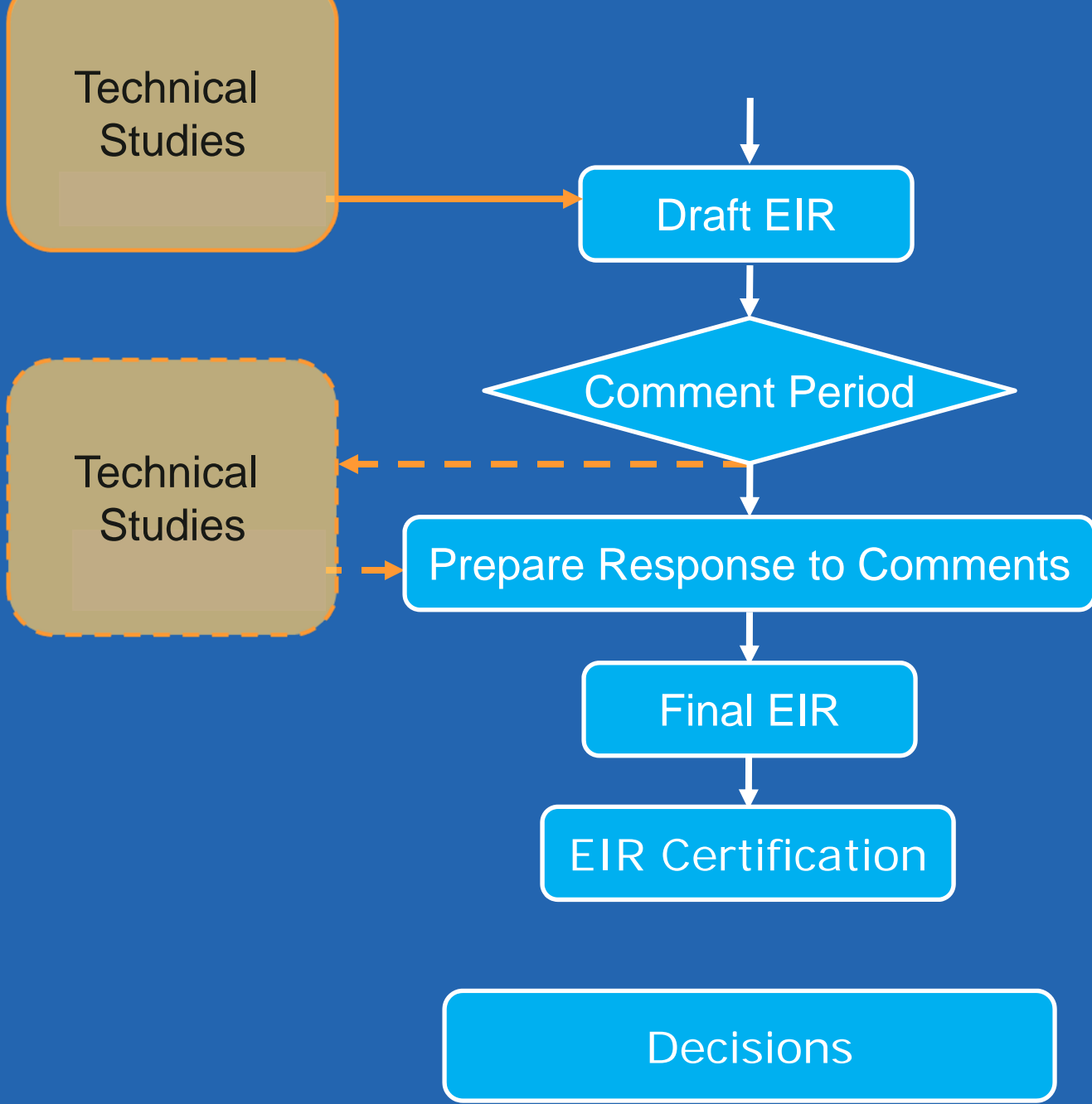
Roles and Responsibilities

CEQA Activity

	City	Applicant	Agencies	Community
Define proposed project		✓		
Community involvement process	✓	✓	✓	✓
Develop and study alternatives	✓	✓	✓	✓
Conduct technical studies	✓	✓		
Prepare environmental documents	✓			
Comment on documents		✓	✓	✓
Certify EIR	✓			
Funding of EIR process		✓		

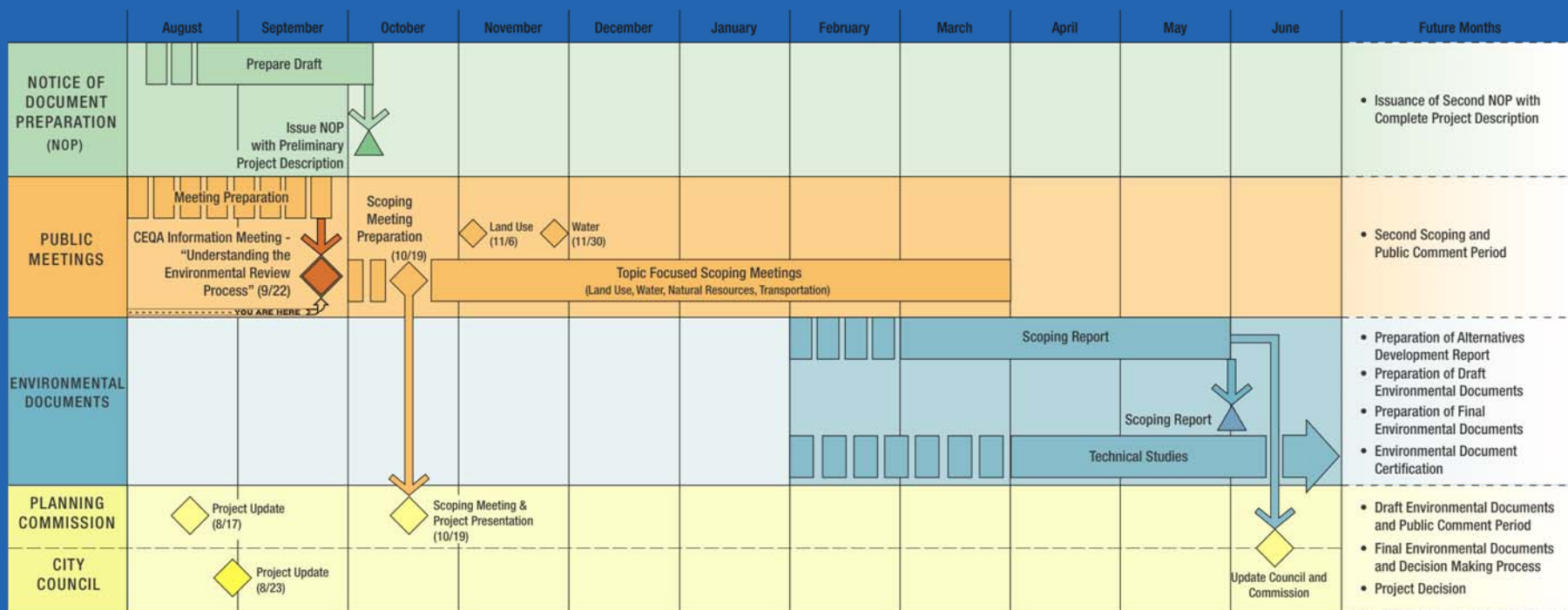
Saltworks Project Environmental Process



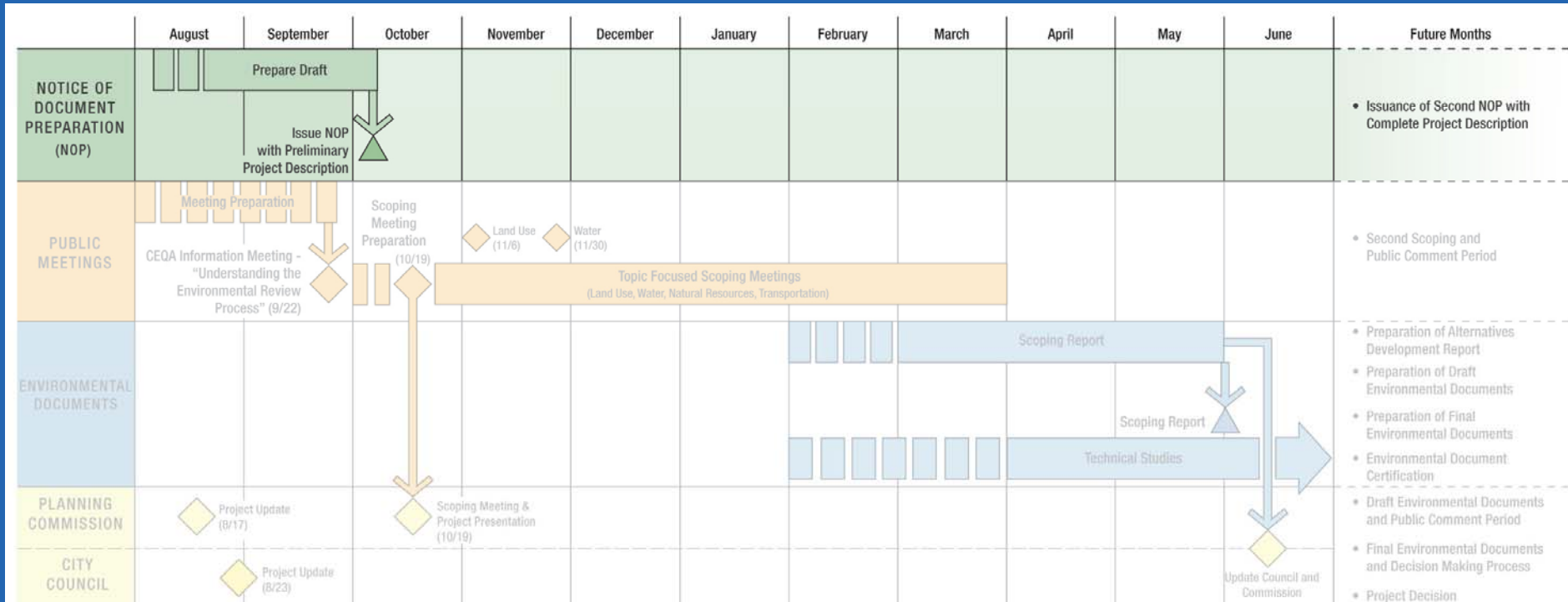


Saltworks Project

Roadmap for Environmental Review



Notice of Preparation

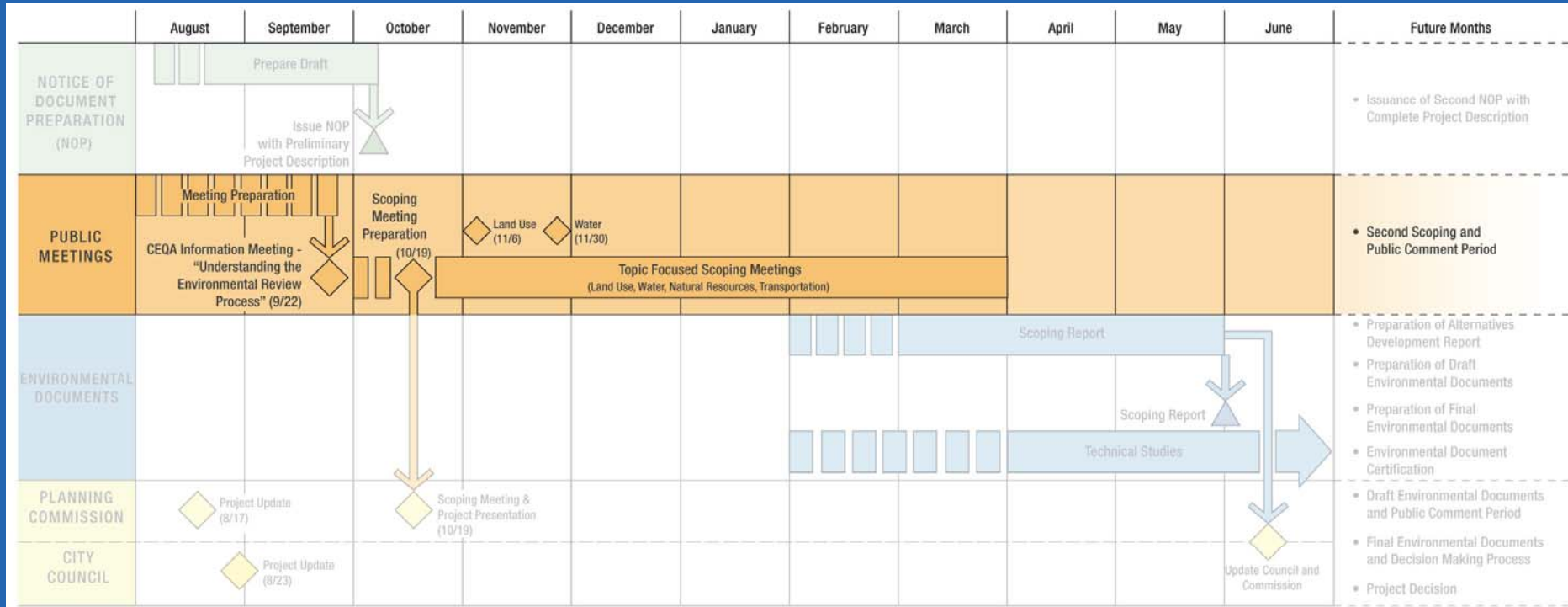


Notice of Preparation

October 8th – NOP (Preliminary project description)

- NOP Recipients
 - Agencies
 - Groups
 - Individuals
- Notification Methods
 - Formal letter, as required by CEQA
 - Email broadcasts
 - Web site - www.redwoodcity.org/saltworks
 - Postcards
 - Newspaper ads

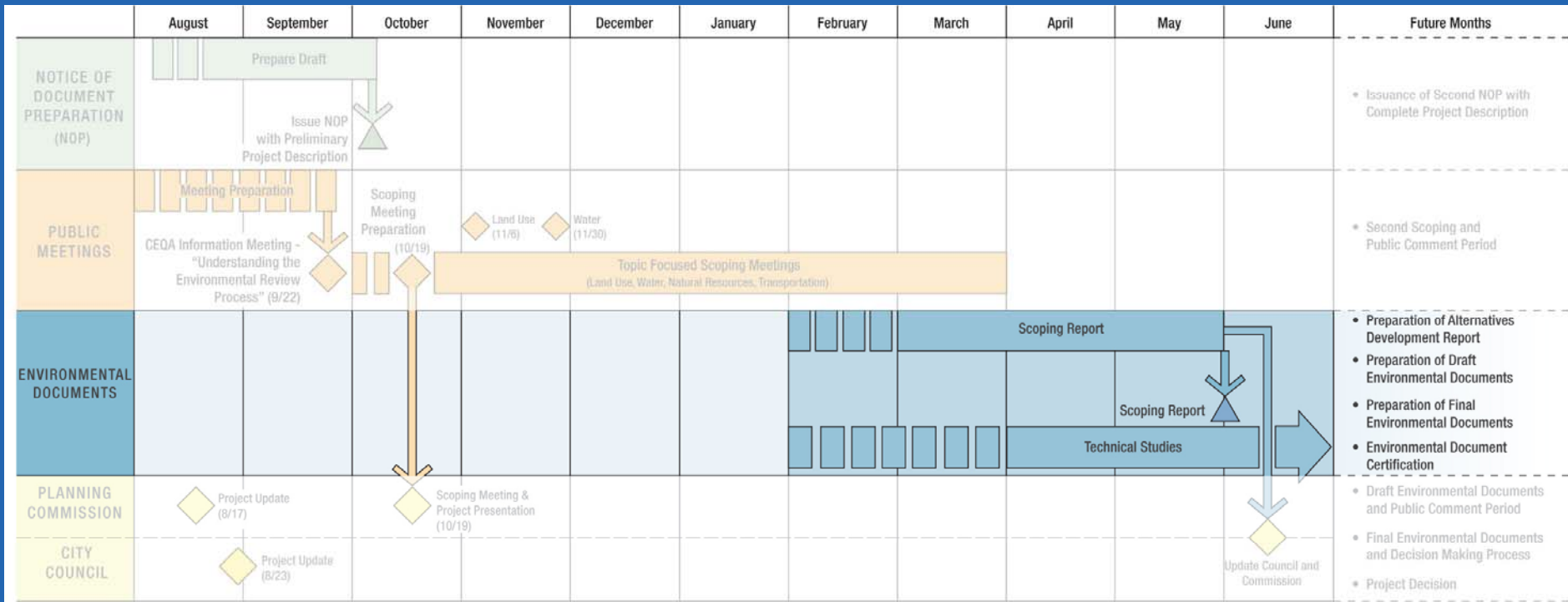
Public Meetings



Scoping Meetings

- **Oct 19**
Planning Commission scoping meeting, project presentation, oral comments
- **Nov 6**
Focused scoping meeting (discussion, written comments): Land use, housing
- **Nov 30**
Focused scoping meeting (discussion, written comments): Water supply, wastewater, flooding
- **Winter/Spring '11**
Additional focused scoping meetings (discussion, written comments)
 - Transportation
 - Natural resources
 - Alternatives
- **Second scoping**
 - Public comment period and public scoping meeting
 - NEPA scoping

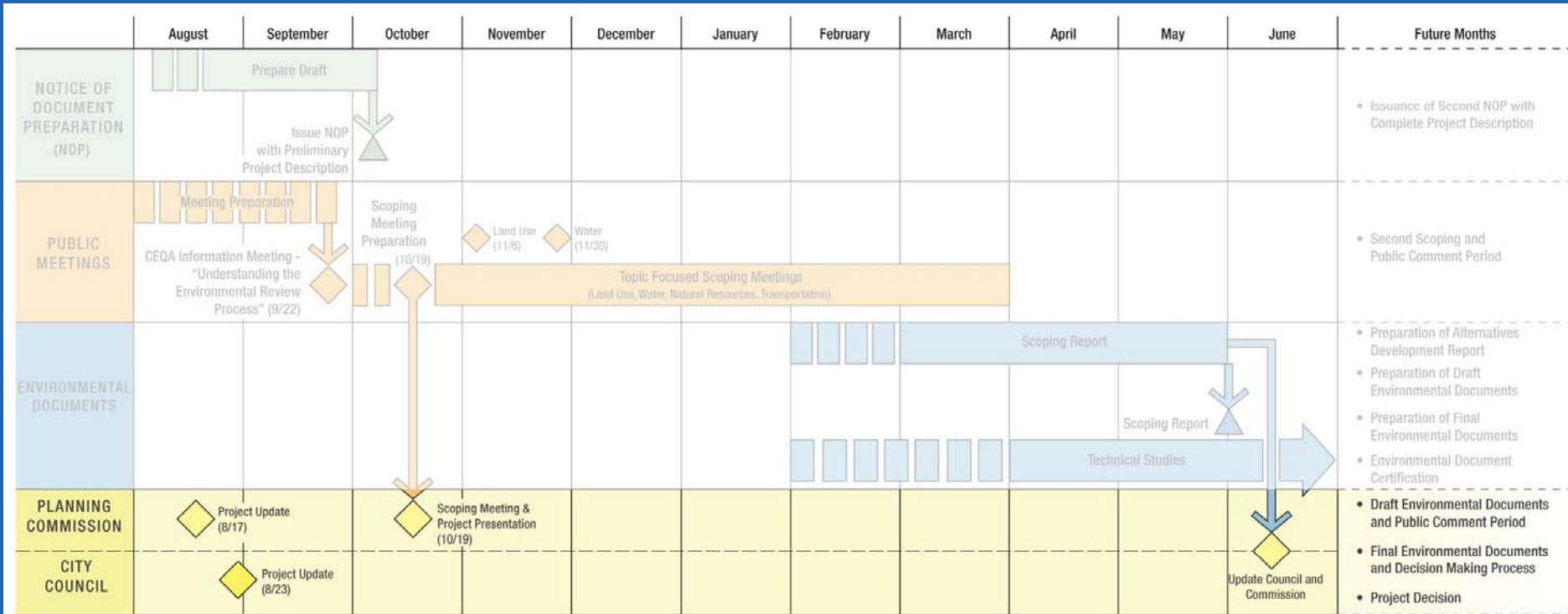
Environmental Documents



Environmental Documents

- First NOP
- Scoping Report
- Alternatives Development Report
- Second NOP
- Draft EIR
 - Project description
 - Existing environmental conditions
 - Impacts assessment
 - Impact evaluation criteria
 - Alternatives evaluation
 - Mitigation monitoring and reporting program
- Final EIR
 - Response to comments
 - Modification of draft EIR to address comments

City Meetings



Next Steps in 2010

- **Oct 8**
Notice of Preparation
Scoping begins
- **Oct 19**
Planning Commission scoping meeting, project presentation, oral comments
- **Nov 6**
Focused scoping meeting (discussion, written comments): Land use, housing
- **Nov 30**
Focused scoping meeting (discussion, written comments): Water supply, wastewater, flooding

Community Involvement Approach

Participate

Hear and respect all perspectives in an objective process

Be Informed

Provide, and be provided with sufficient and accurate information

Evaluate

Base decisions on full consideration of sufficient and accurate information



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Section 5 Open Discussion

Blake Lyon, Facilitator

September 22, 2010

Panel

- **Blake Lyon**
City of Redwood City
- **Whitman F. Manley**
Land Use and Environmental Law
- **Anders Hauge**
Saltworks Project CEQA Manager
- **Patricia Collins**
Saltworks Project CEQA Document Manager



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