



INFORMATIONAL GUIDE TO CEQA and EIRs

(As it applies to Development Proposals and Land Use Planning in the City of Sunnyvale)

WHAT IS CEQA?

The California Environmental Quality Act (CEQA—pronounced *see-kwa*) was enacted in 1970 in response to the growing awareness that environmental impacts must be carefully considered in order to avoid unanticipated environmental problems resulting from development or planning efforts. The environmental review process provides decision-makers and the general public with an objective analysis of the immediate and long-range specific and cumulative impacts of a proposed project on its surrounding physical environment. This information guide focuses on EIRs; other general information on CEQA is also provided. Links to CEQA Resources are provided at the end of this article.

There are three basic levels of environmental review:

- **Exempt:** Project is exempt from further environmental analysis either by the CEQA statute or through several categories of projects (Categorical Exemptions).
- **Negative Declaration (ND) or Mitigated Negative Declaration (MND):** analysis is done and it is determined that there is not a significant adverse environmental impact from the project.
- **Environmental Impact Report (EIR):** the agency has determined that more detailed environmental review is necessary either because there is a potential for significant adverse environmental impacts or that the project is of such a size or of larger community interest that it is prudent to do a more detailed analysis.

HOW TO PARTICIPATE IN THE CEQA EIR PROCESS

The City encourages public participation in the CEQA process. The CEQA process provides several key stages for public input on the preparation of an EIR, usually consisting of three types of input:

- **Scoping** (providing input on the range of environmental issues to be addressed in EIR).
- **Review and comment** (comments to the City on the adequacy of the Draft EIR before it is certified).
- **Public Hearing** (written comments and oral testimony about the adequacy of the Final EIR are considered by the decision makers—either Planning Commission or City Council—prior to any action to certify an EIR).

CEQA REVIEW PROCESS

CEQA Objectives:

- Applies to discretionary actions by cities or counties;
- Inform decision-makers and public of potential environmental effects of a project;
- Identify ways to avoid or reduce environmental impacts through implementation of feasible mitigation measures or alternatives.

Commencement of CEQA Process – Application Submittal

Applicant files the necessary permit application forms, along with a detailed project description and any supporting documents to the Lead Agency (“Lead Agency” is the public agency, which has the primary responsibility for approving a project that may have a significant effect on the environment. In this case the Lead Agency is the City of Sunnyvale, “City”). If the “project” is a land use plan such as a Specific Plan or General Plan update initiated by the City, then the City is the applicant and the City staff and consultants prepare the project description.

City Application Review: The City’s obligations include:

- Reviewing the submitted application to determine if the filing is complete within 30 days of Application submittal;
- If incomplete, providing the Applicant a description of additional data needed and an opportunity to submit updated information; and
- Once the information requested is provided, the City can initiate the environmental review process, if it has not already done so.

Environmental Review

Initial Study and Notice of Preparation (NOP): The City prepares an Initial Study that determines whether the Project may have a significant adverse impact on the environment.

- Initiates consultation with the public, interested agencies and responsible agencies (A “Responsible Agency” is any public agency, other than the lead agency, which has the responsibility for approving the project or a portion of the project, where more than one public agency is involved) as to the content of the environmental analysis; and
- When the Initial Study shows that the Project *may* have one or more significant effects, the City must prepare an environmental impact report (EIR).

Consultants for EIR Preparation:

- Development Applications: The City of Sunnyvale has seven pre-qualified environmental consultants who work with the City to prepare environmental documents in accordance with CEQA requirements. *The project sponsor pays all costs for preparation of the necessary consultant-prepared documents; the staff reviews the scope and selects the consultant; and, monitors, reviews, and approves all work completed by consultants.* Contact between the EIR consultant and the applicant is minimal.
- City initiated plans: typically, a request for proposals (RFP) for an EIR is issued, staff reviews the proposals and makes a recommendation to the City Council. City Council authorizes contracts and budgets for the EIR consultants; City staff manages the contract.

Public Scoping Meeting: Prior to preparing an EIR the City send out notices to let the public know that an EIR is being prepared (Notice of Preparation (NOP)). During the NOP period, a Public Scoping Meeting may be held.

- The purpose of the meeting is to receive oral comments to assist the City staff in reviewing the scope and content of the environmental impact analysis and information to be contained in the EIR for the project.
- Written comments will also be accepted.

Draft EIR: The City must prepare, or hire a consultant to prepare, an EIR that will:

- Determine significance of environmental impacts;
- Identify mitigation measures and project alternatives that can reduce impacts to a less than significant level; and
- Identify those impacts that cannot be reduced to a less than significant level, stated as significant and unavoidable.

The Draft EIR is then circulated for a minimum of 30, or more typically 45, days. All concerned agencies and the public may review the Draft EIR and provide written comments to the City regarding environmental issues identified in the document. All comments on the Draft EIR should be made within the review period.

Final EIR: At the close of the review and comment period, the City must respond to the comments received that address environmental issues. The City prepares (usually with consultant assistance) a Final EIR that contains responses to comments as well as additional information that the City may consider in making its environmental determination.

It is important to note that certification of the EIR does not approve or disapprove a project, but rather concludes that the EIR complies with CEQA and provides environmental information regarding the proposed project to serve as one of the elements upon which a reasoned decision is based.

City Determination:

Public Hearings: The EIR is considered by the decision makers (City Council or Planning Commission) for certification (approval) or denial. At the public hearing, responsible agency and the public are given an opportunity to provide their opinions of the Project to the decision-making body. If the EIR is certified then the Project may be approved if environmental impacts are:

- Mitigated below the level of significance; and/or
- Overriding social or economic concerns merit the approval of the project in the face of unavoidable effects.

POST-PROJECT APPROVAL

Mitigation Measure/ Condition of Approval Implementation:

Mitigation measures provided in the EIR may be required as Conditions of Approval for the Project. The Applicant shall implement these during the life of the Project in accordance with the details of the approved Permit.

Monitoring and Enforcement

The City, during the life of the approved Permit, will monitor compliance with the Conditions of Approval of the Permit and Mitigation Measures. If the Applicant has failed to fully comply with the Conditions of Approval and Mitigation Measures, the City may implement a variety of enforcement measures to ensure compliance (e.g. permit modification or Permit revocation).

Get more information on CEQA

CEQA Resources

<http://resources.ca.gov/ceqa/>

CEQA Guidelines

<https://www.califaep.org/ceqa/statute-and-guidelines>

CEQA Workshops 2015

<https://www.califaep.org/events/ceqa-workshops/event/9-2015-advanced-ceqa-workshop>

City of Sunnyvale CEQA Resolution

<http://sunnyvale.ca.gov/Portals/0/Sunnyvale/CodesAndPolicies/1.01.07.pdf>

CEQA Process Flow Chart

