

# CITY OF EL MONTE

## Community & Economic Development Department

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PROCESS

#### 1. CEQA

The California Environmental Quality Act (CEQA) requires government agencies to consider the environmental consequences of their actions before approving plans and policies or committing to a course of action on a project. The process is intended to do the following:

- Identifies the ways that environmental damage can be avoided or significantly reduced.
- Prevents significant, avoidable environmental damage by requiring changes in projects, either by the adoption of alternatives or imposing mitigation measures.
- Discloses to the public why a project was approved, even if the project was found to have significant environmental impacts that cannot be mitigated to less than significant levels.



#### Exemptions

Project qualifies for a statutory exemption, categorical exemption or the “common sense” exemption. No further environmental review is needed.

#### Initial Study (IS)

A list of environmental resource factors are reviewed to determine whether the project will have a significant impact on the environment.

#### Technical Studies

This includes a wide range of technical analysis to evaluate and quantify the level of environment impact.

#### Negative Dec. (ND)/ Mitigated Negative Dec. (MND)

An ND or MND is prepared when no significant impacts are identified or impacts can be reduced to less than significant levels.

#### Environmental Impact Report (EIR)

An EIR is prepared when one (1) or more significant impact cannot be reduced to a less than significant level.

The laws and rules governing the CEQA process are contained in the CEQA statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures.

## 2. PROJECTS THAT ARE EXEMPT:

Most projects are exempt from CEQA. This includes statutory exemptions (exemptions created by the State Legislature), categorical exemptions (created through the regulatory process) and the “common sense” exemption.

### The most common statutory exemptions include the following:

- Ministerial Projects – Where the review authority uses objective standards and little or no judgement in its decision making (e.g. zoning clearances, review of building plans, etc.).
- Emergency Projects – Where urgency is required to reduce eminent threats to health and property.
- Disapproved Projects – Where the review authority denies a project.
- Other Statutory Exemptions.

### The most common categorical exemptions include the following:

- Class 1 – Existing Facilities (e.g. interior tenant improvements, small additions, demolition of small structures, etc.).
- Class 2 – Replacement or Reconstruction (e.g. when the new structure will be located in the same location and have the same purpose and capacity).
- Class 3 – New Construction or Conversion of Small Structures (e.g. up to four (4) residential units, garages, small commercial buildings, etc.).
- Class 4 – Minor Alteration of Land (e.g. minor grading, landscaping, etc.).
- Class 5 – Minor Alterations in Land Use Limitations (e.g. lot line adjustments, encroachment permits, etc.).
- Class 11 – Accessory Structures (e.g. freestanding signs, parking lots, etc.).
- Class 15 – Minor Land Division (e.g. subdivisions of up to four (4) parcels).
- Class 32 – In-fill Developments:
  - The project is consistent with the General Plan Land Use Designation, Zoning Map and Zoning Regulations;
  - The subject property does not exceed five (5) acres;
  - Approval will not result in any significant effects related to traffic, noise, air quality or water quality (substantiated by technical studies or modeling); and
  - The site can be adequately served by all required utilities and public services.
- Other Categorical Exemption.

### The “common sense” (formerly the “general rule”) exemption:

- It can be seen with certainty that there is no possibility that the project may have a significant impact on the environment.

### 3. PROJECTS THAT ARE NOT EXEMPT:

The City or a professional consultant must complete an Initial Study (IS) to determine whether the project may have a significant impact on the environment. The following environmental resource factors must be reviewed:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions (GHG)
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Hazards and Hazardous Materials
- Tribal Cultural Resources
- Utility and Service Systems
- Wildfire
- Mandatory Findings of Significance

### 4. TECHNICAL STUDIES:

The following are examples of technical studies that may be required for the project. Most of the studies are factored into the CEQA analysis. However, some studies are required because of the City's General Plan or other Zoning Code requirements. Additional studies may be also required by City staff.

- Air Quality Study
- Arborist Report
- Cost/Benefit Economic Analysis
- Cultural Resources Report
- Geology/Geological Report
- Greenhouse Gas Emissions Report
- Historic Resources Study
- Human Health Risk Assessment
- Land Use Consistency Analysis
- Hydrology Study
- Noise Study
- Parking Study
- Pedestrian Safety Study
- Phase I and Phase II Reports
- Photometrics/Lighting Study
- Preliminary Geotechnical Report
- Sewer Study
- Shade/Shadow Analysis
- Soils Report
- Storm Water Quality Management Plan
- Traffic Study (Level of Service – LOS)
- Vehicle Miles Traveled (VMT) Analysis
- Water Supply Assessment

## 5. ENVIRONMENTAL DOCUMENTS

The findings of the IS will assist staff in determining what type of environmental document must be completed. The three (3) most common include the following:

- Negative Declaration (ND) – No significant impacts are identified.
- Mitigated Negative Declaration (MND) – After the incorporation of mitigation measures, all significant impacts are reduced to less than significant levels.
- Environmental Impact Report (EIR) – After the incorporation of mitigation measures, one or more significant impact cannot be reduced to a less than significant level. A Statement of Overriding Considerations (SOC) is adopted outlining the specific reasons why the social, economic, legal or other beneficial aspect of the project outweighs the unavoidable impacts.

The public noticing and circulation requirements vary depending on the type of environmental document completed and whether the project is of regional importance. Interested individuals and groups may submit written environmental comments during the public review period. The final environmental document incorporates the comments received and responses to comments. The Review Authority for the project will also be the review authority for the environmental document.

Once a project has been approved, Notice of Exemption (NOE – for exemptions) or Notice of Determination (NOD – for other documents) is posted with Los Angeles County.

## 6. ADDITIONAL INFORMATION

For more information, refer to the State of California's Office of Planning and Research website at: [www.opr.ca.gov/ceqa/](http://www.opr.ca.gov/ceqa/).