



CEQA Advanced

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League of California Cities
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Presentation Overview

How CEQA Decisions are Made

Mitigation Measures

Findings

Statements of Overriding Consideration

Testimony at Hearing(s)

Questions?

How CEQA Decisions are Made

Type of project

Results of technical studies

Knowledge of the community

Previous decisions by decision makers

Results of litigation

Public controversy



What Type of CEQA Analysis?

Substantial Evidence

Exemptions

- Statutory
- Categorical

Environmental Impact Reports

- Subsequent
- Supplement
- Master
- Program
- Project

Addendum to EIR

Fair Argument

- Negative Declarations
 - Negative Declaration (No Mitigation Measures)
 - Mitigated Negative Declaration
- Addendum to Negative Declaration

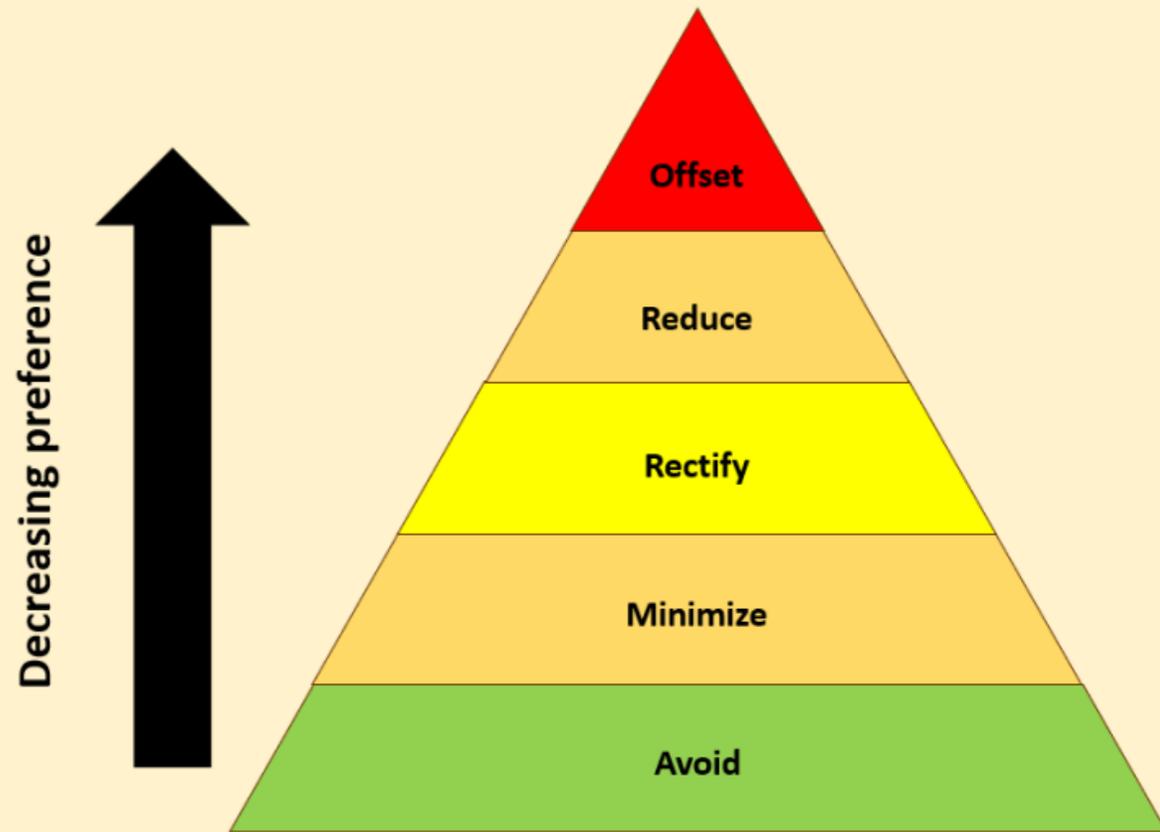
Technical Studies

A

B

C

Aesthetics	Biological Resources	Air Quality
Agriculture & Forestry Resources	Cultural Resources	Energy
Geology/Soils	Population/Housing	Greenhouse Gas Emissions
Hazards & Hazardous Materials	Public Services	Noise
Hydrology/Water Quality	Recreation	Cumulative Analysis
Land Use/Planning	Transportation	Alternatives
Mineral Resources	Tribal Cultural Resources	
	Utilities / Service Systems	
	Wildfire	



Mitigation Measures

Mitigation Measures

- Project design features
- Measurable changes to a project
- What does feasible mitigation mean?
- What level do we mitigate to?



Mitigation Measures

Requirement to mitigate does not confer to agencies any new legal authority:

- “...a public agency may exercise only those express or implied powers provided by law other than this division.” (PRC 21004)

Measures must be enforceable.

- Pay particular attention to “fair-share fees”
- Difficult to enforce future public behavior

Be linked to an impact – **No nexus, no mitigation**



What are “Mitigation Measures” Supposed to Do?

Changes required of the project to:

- Avoid the impact altogether
- Minimize the degree of magnitude of impact
- Rectify the impact through restoration
- Reduce or eliminate the impact through preservation
- Compensate for the impact



Formulation of Mitigation Measures

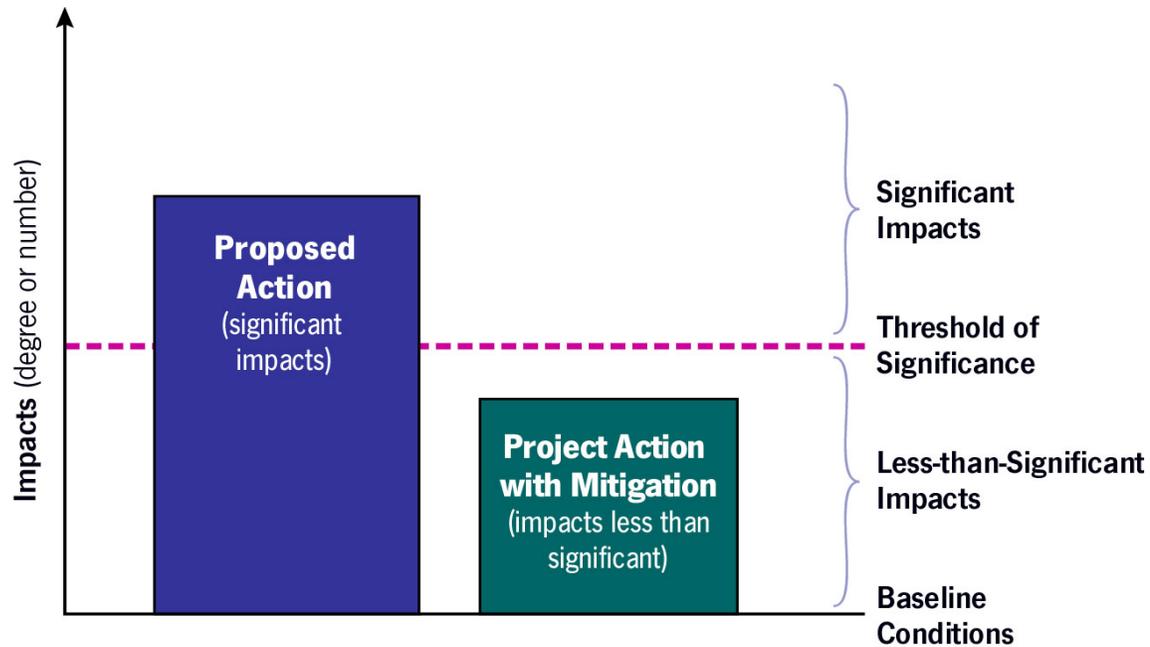
Clearly state the required action or level of performance that is necessary to mitigate.

Explain how the measure would mitigate, especially if it is not facially obvious.

Clearly state conclusion of effect after mitigation.

Substantial evidence must support determination that measure will mitigate.

To What Level do we Mitigate?



To a level at or below the threshold

Zero impact is not the goal

~~Can not~~ Should not have to mitigate for impacts of others

Important to demonstrate level of impact after mitigation

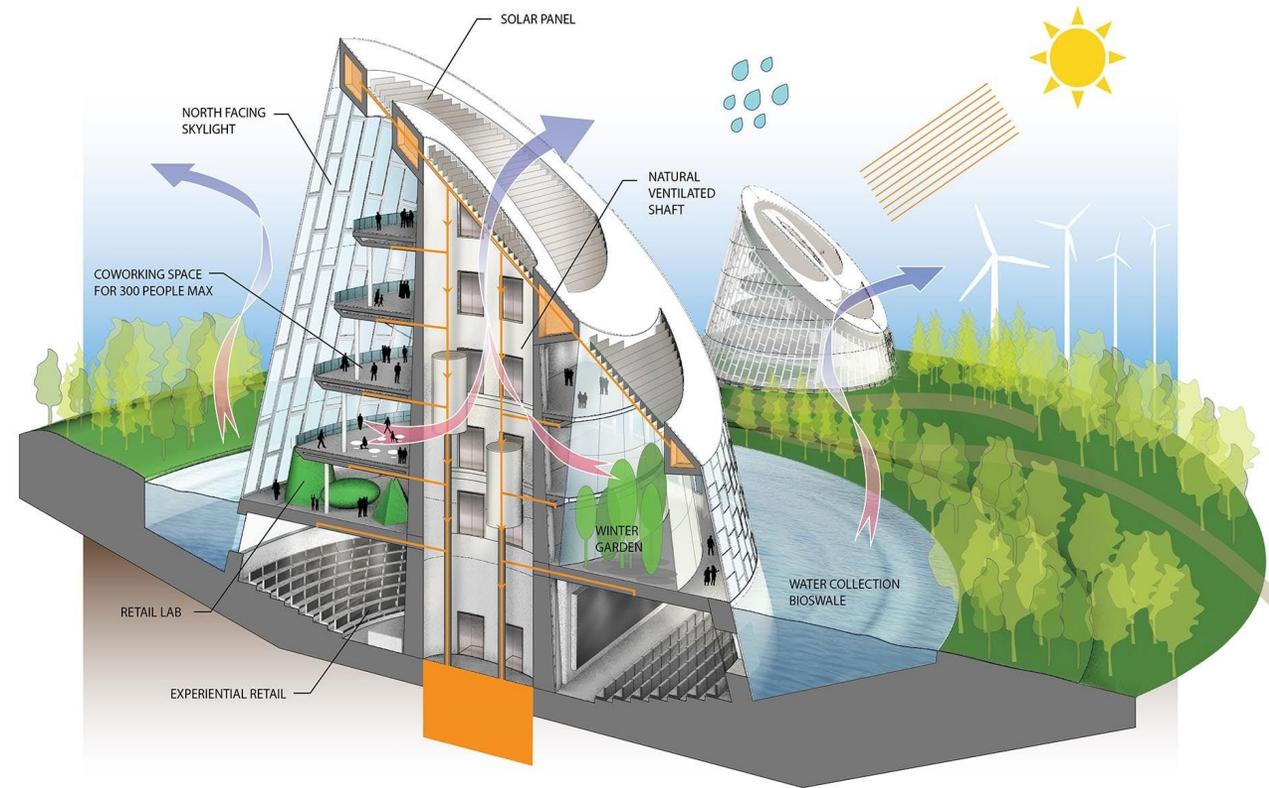
Project Design Features

Elements of the project designed to reduce environmental impact

Included in the project description

Shown on site plans

Should be reflected in the approvals



Impacts that Can't be Mitigated to Less Than Significant

Sometimes even with mitigation an impact remains significant

The analysis must include all feasible mitigation

Substantial evidence is needed to discard a suggested mitigation

Cost should not be the only reason to discard the mitigation

The project can still be considered, however

If you have them you need an EIR

With an EIR you can still approve the project



Because

Findings

- Showing your work
- Explaining your reasoning
- Information other than the EIR/IS/MND
- Drafted by Staff, Approved by Council or Commission

AES-2: The proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings nor conflict with applicable zoning and other regulation governing scenic quality in non-urbanized areas.

The proposed General Plan policies ensure that future development and redevelopment would enhance vitality, context, form, and function. These policies support development in the City and seek to establish and/or retain the City's sense of place. These policies include Policy CDD8H, Policy CDD12A, and Policy CDD14A. Future development under the proposed General Plan would also be subject to the provisions of the City's municipal code and applicable design guidelines that would help to maintain the City's existing visual character and resources. The proposed project would result in no change to existing land use designations and therefore would not conflict with applicable zoning and other regulations governing scenic quality.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on the existing visual character or quality of the site and its surroundings. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Statement of Overriding Considerations

Reasons why the project should be approved even though it has significant environmental impacts

Supported by substantial evidence

We need the \$\$\$ isn't likely to survive challenge

List as many reasons as make sense, only one is needed to support the determination



People can be passionate...



Testimony at Hearings

- Late Hits
- How to balance testimony
- When to Continue the item
- When to decide



Thank You

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Questions?
