

Main Purpose of CEQA

Under the California Environmental Quality Act (Cal. Public Resources Code Section 21050, et seq.) governmental agencies must give "major consideration to preventing environmental damage when regulating activities affecting the quality of the environment." [Citizens for Quality Growth v. City of Mount Shasta (1988) 198 CA3d 433, 437.]

An Environmental Impact Report (EIR) is an informational document used to inform decision makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project (CEQA Guidelines §15121(a)).

Environmental Impact Reports

Purpose of an EIR

An EIR is a detailed informational document prepared by a lead agency that analyzes a project's potential significant effects and identifies mitigation measures and reasonable alternatives to avoid or reduce those significant effects.

Contents of an EIR

- ❖ Project Description
- ❖ Environmental Setting (including applicable plans, policies, and regulations)
- ❖ Significant Environmental Impacts
- ❖ Mitigation Measures
- ❖ Project Alternatives

Standards of Adequacy of an EIR

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision, which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Degree of Specificity

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity that is described in the EIR. The level of specificity for an EIR depends upon the type of project. The analysis must be specific enough to permit informed decision making and public participation. The discussion need not be exhaustive. What is required is the production of information sufficient to understand the environmental impacts of the proposed project and to permit a reasonable choice of alternatives.

Technical Detail

The information contained in an EIR shall include summarized technical data, maps, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses, which assist in public review.

A Typical EIR Timeline



Notice of Preparation and Scoping

When a lead agency (City of Burlingame) determines that an EIR is required for a project, it must circulate a Notice of Preparation (NOP) to relevant local, state, and federal agencies advising them of its intentions to prepare a Draft EIR (CEQA Guidelines §15082). When an agency receives an NOP, a 30-day comment period begins, during which the agency must provide the lead agency with a response regarding the scope and content of the proposed project as it relates to the specific agency's area of responsibility over the project.

Draft EIR Public Review and Comment Period

Publication of the Draft EIR commences a 45-day public review and comment period. During this period, the Draft EIR will be available to local, state, and federal agencies and to interested organizations and individuals for review. Notice of the Draft EIR is sent directly to every agency, person, and organization that commented on the NOP. Notices are also sent out to all those who previously requested such notice in writing and must also be given one of following procedures:

- (1) Published at least one time in a newspaper of general circulation in the area affected by the project. If more than one area is affected, the notice must be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas;
- (2) Posting by the lead agency on and off-site in the area where the project is proposed to be located; or
- (3) Direct mailing to owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

Final EIR, Responses to Comments, and Public Hearings

The City will consider the EIR for certification at regularly scheduled meetings and hearings. The Environmental Review Committee and the Planning Commission will review the EIR and make a recommendation to the City Council. The City Council will then make a decision to certify the EIR as adequate and complete. Upon EIR certification, the City may proceed with project approval actions. The action the City Council takes may be any of the following: 1) they may approve the project as proposed; 2) they may approve an alternative identified in the EIR; 3) they may ask for additional information and/or analysis; or 4) they may choose not to approve the project.

CEQA Guidelines §15091(a) stipulates that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings. If the lead agency approves a project despite it resulting in significant adverse environmental impacts that cannot be mitigated to a less than significant level, the agency must state the reasons for its action in writing. This Statement of Overriding Considerations must be included in the record of project approval.