

**SUBJECT: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
STREAMLINING**

INITIATED BY: PLANNING AND DEVELOPMENT SERVICES
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STATEMENT ON THE SUBJECT:

The City Council will receive an update on Sustainable Communities Environmental Assessment (SCEA), a form of CEQA documentation that was established by SB 375 to provide streamlined environmental review for "Transit Priority Projects" that are consistent with either a sustainable communities strategy or an alternative planning strategy.

RECOMMENDATIONS:

Receive and file.

BACKGROUND / ANALYSIS:

The purpose of this report is to introduce a new type of environmental assessment that can be used for certain projects in the City. Currently, the City reviews the environmental impacts of a project through one of three methods (categorical exemption, negative declaration/mitigated negative declaration, or environmental impact report). In 2008, the state legislature created a different type of environmental review process for transit priority projects called a Sustainable Communities Environmental Assessment (SCEA), as part of a larger greenhouse gas reduction effort. The intent was to encourage projects that would implement regional plans to reduce greenhouse gas emissions (e.g. by building housing near public transit) by allowing projects that would have used an EIR, instead to use a more streamline CEQA review process. The SCEA still provides complete environmental analysis. It evaluates the potentially significant effects required to be identified and incorporates changes in the project or mitigation that reduce the potentially significant effects to a less than significant level.

The SCEA was originally created through Senate Bill 375 (SB 375), also known as "The Sustainable Communities and Climate Protection Act of 2008." This bill outlined growth strategies that better integrate regional land use and transportation planning and that help meet the State of California's greenhouse gas (GHG) emissions reduction mandates. Before the new CEQA procedure could be used, SB 375 required the State's

18 metropolitan planning organizations to incorporate a “sustainable communities strategy” (SCS) into the regional transportation plans to achieve their respective region’s greenhouse gas emission reduction targets set by California Air Resources Board (CARB). Correspondingly, SB 375 provides various CEQA streamlining provisions for projects that are consistent with an adopted applicable SCS and meet certain objective criteria; one such CEQA streamlining tools is the SCEA.

The Southern California Association of Governments (SCAG) is the metropolitan planning organization for the County of Los Angeles (along with the Counties of Imperial, San Bernardino, Riverside, Orange, and Ventura). On April 7, 2016, SCAG’s Regional Council adopted the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS). For the SCAG region, CARB has set GHG emissions reduction targets at eight percent below 2005 per capita emissions levels by 2020, and 13 percent below 2005 per capita emissions levels by 2035. The 2016-2040 RTP/SCS outlines strategies to meet or exceed the targets set by CARB.

Now that the regional greenhouse gas reduction plans and strategies have been adopted, cities acting as lead CEQA agency, can now prepare a SCEA as the environmental CEQA Clearance for “transit priority projects” (as described below) that are consistent with SCAG’s 2016-2040 RTP/SCS. Other cities in the region are just starting to explore this CEQA process and various developers have been inquiring whether the City will also begin utilizing this review process.

Transit Priority Project Criteria

SB 375 provides CEQA streamlining benefits to qualifying transit priority projects (TPPs). For purposes of projects in the SCAG region, a qualifying TPP is a project that meets the following four criteria:

1. Is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in the SCAG 2016-2040 RTP/SCS;
2. Contains at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75;
3. Provides a minimum net density of at least 20 units per acre; and
4. Is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.

SCEA Process And Streamlining Provisions

SB 375 encourages projects that provide housing near public transit as one tool to reduce greenhouse gas emissions (in addition to other benefits such as addressing the regional housing crisis). TPPs may be approved with a SCEA if they have incorporated all feasible mitigation measures and performance standards or criteria set forth in the prior applicable EIR (SCAG’s 2016-2040 RTP/SCS Program EIR and if applicable the West Hollywood General Plan EIR) and are determined to not result in significant and unavoidable environmental impacts.

The specific substantive and procedural requirements for the approval of a SCEA include the following:

1. An initial study shall be prepared for a SCEA to identify all significant impacts or potentially significant impacts, except for the following:
 - a. Growth-inducing impacts, and
 - b. Project-specific or cumulative impacts from cars and light trucks on global warming or the regional transportation network.
2. The initial study identifies any cumulative impacts that have been adequately addressed and mitigated in a prior applicable certified EIR (e.g the General Plan EIR and SCAGs EIR). Where the lead agency determines the impact has been adequately addressed and mitigated, the impact shall not be cumulatively considerable.
3. The SCEA contains mitigation measures that either avoid or mitigate to a level of insignificance all potentially significant or significant effects of the project required to be identified in the initial study.
4. A draft of the SCEA is circulated for a public comment period not less than 30 days, and the lead agency considers all comments received prior to acting on the SCEA.
5. The SCEA may be approved by the lead agency after the city conducts a public hearing, reviews comments received, and finds the following:
 - a. All potentially significant or significant effects required to be identified in the initial study have been identified and analyzed, and
 - b. With respect to each significant effect on the environment required to be identified in the initial study, either of the following apply:
 - i. Changes or alternations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance; or
 - ii. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
6. The lead agency's decision to review and approve a TPP with a SCEA is reviewed under the substantial evidence standard (which is the same standard of review for an EIR).

A SCEA falls somewhere between an Initial Study/Negative Declaration and an EIR. Like an Initial Study-Mitigated Negative Declaration, the lead agency must find that all potentially significant impacts of a project have been identified, adequately analyzed, and mitigated to a level of insignificance. The SCEA need not consider the cumulative effects of the project that have been adequately addressed and mitigated in prior EIRs. Also, growth-inducing impacts are not required to be referenced, described or addressed and project specific or cumulative impacts from cars and light duty truck trips on global warming or the regional transportation network need not be analyzed. The SCEA does not analyze alternatives to a project because like with an ND or MND, there are no significant impacts that need to be reduced or eliminated through project alternatives. The state law does not require that the City respond in writing to public

comments. Staff intends to include an educational component for the first few SCEAs that are processed so the decision makers and public can get comfortable with this new process.

CEQA DOCUMENTS	<i>Scoping Meeting</i>	<i>Noticing</i>	<i>Response to Comments</i>	<i>Standard of Review</i>	<i>Alternatives Analysis</i>	<i>City Required Meetings (HPC, TC, & PC Comment Hearings)</i>
EIR	Yes	45 Days	Yes	Substantial Evidence	Yes	Yes
SCEA	No	30 Days	No	Substantial Evidence	No	HPC – Yes TC & PC - No
ND/ MND	No	20 Days	No	Fair Argument	No	No

Conclusion:

The streamlining provided by the SCEA process is consistent with the City Council’s recent decisions to streamline certain residential projects. Additionally, the state legislature views these TPP’s as beneficial to addressing greenhouse gas reductions and encouraging the production of more housing. For all of these reasons, staff is supportive of utilizing SCEAs for qualifying transit priority projects.

CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- OSP-1: Adaptability to Future Change.
- OSP-11: Community Education.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- G-2: Maintain transparency and integrity in West Hollywood’s decision-making process.

EVALUATION PROCESSES:

N/A

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

N/A

COMMUNITY ENGAGEMENT:

Staff intends to include an educational component for the first few SCEAs that are processed so the decision makers and public can get comfortable with this new process.

OFFICE OF PRIMARY RESPONSIBILITY:

PLANNING AND DEVELOPMENT SERVICES / OFFICE OF THE CITY ATTORNEY

FISCAL IMPACT:

None

ATTACHMENTS:

None