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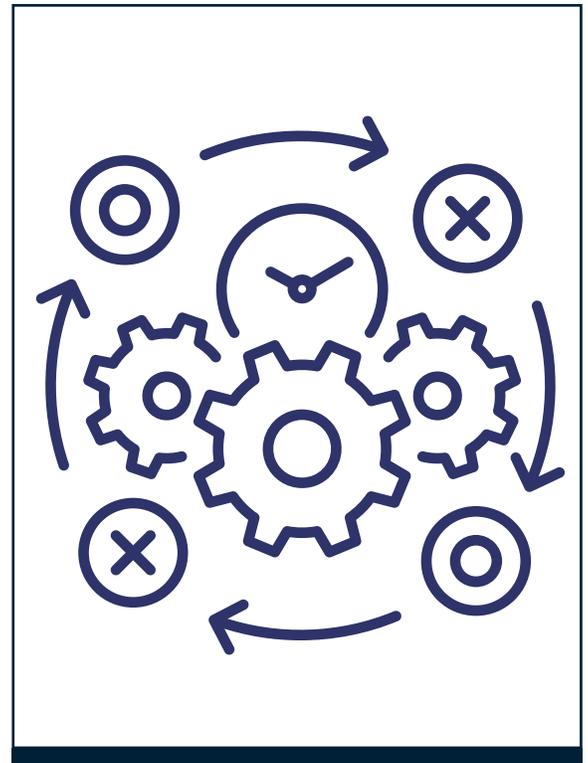
# CEQA STREAMLINING?

**Streamlining under CEQA** is a process by which an agency can expedite environmental review and approval of a project, such as through an applicable exemption or reliance on previously adopted environmental document. The intent of the CEQA streamlining provisions is not to undercut or circumvent CEQA requirements, but rather to:

- avoid unnecessary documentation,
- prevent redundancy, and
- provide an incentive for projects that have little to no impact or are consistent with prior larger plans and environmental documents.

There are several different streamlining approaches, including some of the traditional approaches to minimizing CEQA that many lead agencies already use, as well as some lesser-known options that are available in the Public Resources Code, CEQA Guidelines, and legislation.

The following chart demonstrates the concept of streamlining in its simplest form.



<p><b>Is there a CEQA exemption that applies?</b></p> <p>NO ▼</p>	<p>YES ▶</p>	<p>Project does not require further CEQA analysis. May file an NOE.</p>
<p><b>Is there another CEQA document that may cover the project?</b></p> <p>NO ▼</p>	<p>YES ▶</p>	<p>Streamlined review may be available.</p>
<p><b>Is the project a Transit Priority Project; a residential, mixed-use or employment center on an infill site within a TPA; or does it refurbish dilapidated structures for new housing?</b></p> <p>NO ▼</p>	<p>YES ▶</p>	<p>Traditional CEQA is required, but reduced analysis may apply for cumulative impacts, growth inducing impacts, alternatives, aesthetics, and/or parking.</p>
<p>Prepare an ND, MND or EIR according to the CEQA Guidelines.</p>		



## Traditional CEQA Approaches

CEQA offers several long-standing provisions that are widely used to streamline CEQA analysis. While we may not think of some of these as “streamlining”, indeed they are just that – ways to reduce the amount of CEQA documentation to advance approvals and entitlements quicker.

### Statutory Exemptions

Statutory Exemptions apply to projects specifically excluded from CEQA consideration as defined by the State Legislature and can be found in CEQA Guidelines, Article 18, §§15260 to 15285. None of these are typically applicable to residential development. Examples include:

- Ministerial Projects (CEQA Guidelines §15268),
- Emergency Projects (CEQA Guidelines §15269),
- Adoption of an ordinance regarding second units in a single-family or multifamily residential zone (CEQA Guidelines §15282(h)), and
- Housing Needs Allocation (CEQA Guidelines §15283).

### Exemption for Residential or Mixed-Use Housing in Unincorporated Areas

The Class 32 Categorical Exemption for Infill Projects is only applicable to projects within City limits. Public Resources Code §21159.25 exempts infill development with similar criteria as Class 32 that are located within unincorporated areas.

### Categorical Exemptions

Categorical Exemptions constitute a list of 33 classes of projects that have been determined not to have a significant effect on the environment by the Secretary for Resources and are therefore exempt from the provisions of CEQA (CEQA Guidelines, Article 19, §§15300 to 15333). Those most relevant to housing projects include:

- Class 3, New Construction or Conversion of Small Structures,
- Class 26: Acquisition of Housing for Housing Assistance Programs, and
- Class 32, In-Fill Projects.

The CEQA Guidelines also include a list of exceptions for when a Categorical Exemption may not be used (CEQA Guidelines §15300.2.).

### Article 12.5 Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects

The State Legislature has enacted focused exemptions covering specific types of housing, which are subject to special qualifications, including as agricultural housing, affordable housing, and residential infill (CEQA Guidelines §§ 15191 to 15196, and PRC §§21159.22 to 21159.24).

## Subsequent, Supplemental, and Addenda CEQA Documents

A supplemental or subsequent CEQA document (ND/MND, or EIR) may be required if another discretionary approval is being considered and:

- there are substantial changes to the project,
- there are substantial changes in the project's circumstances, or
- new information that could not have been known at the time the EIR was certified becomes or ND/MND adopted available and such changes or new information require major revisions to the previous EIR or ND/MND due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (Pub. Res. Code §21166; Guidelines §15162(a).)

Should a subsequent or supplemental CEQA document be required, streamlining occurs by limiting the scope of the subsequent environmental document to modifications that may be required as a result of the changes to the project, circumstances, or new information.

If none of the three triggers for an a subsequent or supplemental CEQA document exist, then an Addendum may be used to make changes or additions to the prior EIR or negative declaration (Guidelines §§15164[a], [b]), which requires a brief explanation for the decision not to prepare an a subsequent or supplemental CEQA document and does not require circulation for public review.

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## Tiering

Tiering means the coverage of general matters and environmental effects in a broader CEQA document (such as an ND/MND or EIR prepared for a policy, plan, program, or ordinance), with later narrower CEQA document focusing on specific projects under the umbrella of the broader document. The later document incorporates by reference the general discussions from the broader CEQA document, and concentrates the later document solely on the issues specific to the later project (PRC §21068.5 and 21093 and CEQA Guidelines §15152). See CEQA Guidelines Appendix J for Examples of Tiering EIRs.

The Legislature encourages tiering and has explicitly declared that tiering of EIRs will promote construction of needed housing and other development projects by:

- streamlining regulatory procedures,
- avoiding repetitive discussions of the same issues in successive EIRs, and
- ensuring that EIRs prepared for later projects which are consistent with a previously approved policy, plan, program, or ordinance concentrate upon environmental effects which may be mitigated or avoided in connection with the decision on each later project (PRC § 21093).



### Project Consistent With a Community Plan or Zoning

CEQA Guidelines §15183 is an example of how tiering could streamline the CEQA documentation for projects that are consistent with a community plan, general plan, or zoning for which an EIR has been certified. Under this provision, additional environmental review is not required except to examine whether there are project-specific significant effects which are "peculiar" to the project or site. See bulletin on Urban Infill and Consistency with Plans.

## Program and Plan-Level EIRs

Program EIRs are comprehensive environmental documents prepared for a series of related activities that can be characterized as one large project and are related either:

- Geographically,
- Logical parts in the chain of contemplated actions,
- In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. (CEQA Guidelines §15168).

Program EIRs are an effective tools to accelerate housing development. Lead agencies may determine that later proposed residential projects are consistent with an approved plan or program and their environmental impacts are covered in the certified program EIR.

### Tiering vs. Program or Plan-Level EIR

Under CEQA Guidelines §15168, Program EIR, a lead agency does not need to reevaluate or recirculate an environmental document for a significant and unavoidable effect of a later activity, if that activity is within the scope of the plan or program and the impact was covered in the Program EIR.

However, when using tiering, as described in CEQA Guidelines §15152, the lead agency needs to consider again the significant and unavoidable effects that were evaluated in a previous EIR to assess if they could now be mitigated and, if not, to inform adoption of CEQA findings and a statement of overriding considerations pursuant to CEQA Guidelines §§15091 and 15093.



## CEQA Streamlining Legislation

The California Legislature signed into law several bills that attempt to minimize delays in housing approvals and to streamline the CEQA environmental review process, including Senate Bill (SB) 375, SB 226, and SB 743. These laws provide for faster entitlement processes for infill and transit-oriented development projects by relying on regional project CEQA approvals by:

- streamlining residential and mixed-use projects consistent with the Sustainable Communities Strategy (SCS);
- providing for modified review and analysis, through an expedited Sustainable Communities Environmental Assessment (SCEA) for Transit Priority Projects (TPPs) that are consistent with the SCS; and
- offering a complete CEQA exemption for TPPs that are consistent with the SCS and meet a specific list of other requirements.

### SB 375: Sustainable Communities and Climate Protection Act of 2008

SB 375 was adopted with a primary objective of achieving GHG reductions consistent with AB 32 through regional transportation planning, while offering CEQA incentives to projects that are consistent with an SCH which would achieve GHG reductions. The Act amended CEQA to add provisions that allow a CEQA exemption for Sustainable Community Projects, as well as streamlined CEQA analysis for TPPs and certain residential or mixed-use projects.

A TPP is eligible for CEQA relief through:

- a Sustainable Communities Project CEQA Exemption,
- an SCEA,
- a streamlined EIR, or
- a reduced level of analysis.

Different types of CEQA relief are associated with different criteria that need to be met.

#### **Please Note:**

The SCS provides the basis for determining eligibility for streamlining incentives, but full control and discretion in determining a project's consistency with the SCS and whether to utilize streamlining remains with cities and counties as the lead agencies.

## SB 226: CEQA Streamlining for Infill Projects

In 2011, the State passed SB 226 with the intent of promoting faster and simpler approval of infill projects that are consistent with an SCS and eliminating the repetitive review of issues already addressed in planning-level evaluations, such as General Plan or Specific Plan EIRs. SB 226 allows limited CEQA review for certain infill projects through a process that resembles “tiering” of EIRs under CEQA, which was codified in PRC §21094.5 and CEQA Guidelines §15183.3 (Urban Infill Consistent with SCS).

Where an EIR was certified for a general plan, community plan, specific plan, or zoning code, CEQA review for approval of a qualifying infill project is limited to:

- environmental effects that are specific to the project or project site and were not addressed as significant effects in the prior EIR, or
- substantial new information showing that environmental effects will be more significant than described in the prior EIR.

This review could lead to:

- an exemption through a No Further Review Determination;
- a Negative Declaration, Mitigated Negative Declaration, or an SCEA; or
- an Infill EIR.

Eligibility includes satisfying the performance standards in Appendix M, and the process involves documenting compliance and evaluating the project using a written checklist or similar device (a sample checklist is provided as Appendix N of the CEQA Guidelines).

### Infill Project Defined:

SB 226 defines “infill project” as a project that consists of one or a combination of the following uses:

- a)** residential, retail/commercial (where no more than one-half of the project area is used for parking), transit station, school and public office building; and
- b)** is located within an urban area and is either on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins (or is separated only by an improved public right-of-way from) parcels that are developed with qualified urban uses.

## SB 743: Transit-Oriented Infill Projects

SB 743 was signed into law in 2013 with the purpose of fostering land use changes that would encourage less driving, such as the development of mixed-use, transit-oriented infill projects by establishing CEQA streamlining incentives. SB 743 provided opportunities for CEQA streamlining to facilitate transit-oriented development by adding a new CEQA exemption for TODs located in TPAs that are consistent with an adopted Specific Plan for which an EIR has been certified (PRC § 21155.4, CEQA Guidelines §15182).

Additionally, SB 743 added PRC §21099 which deems that aesthetic and parking impacts of a residential or mixed-use project are not considered significant and may be omitted from analysis (except where impacts to historic resources may occur).

### Transit Priority Area Definition

“Transit priority area” means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan. (PRC § 21099(a)(7))

## SB 35 Ministerial Process

Enacted in 2017, SB 35 changed the local review process to streamline housing development approvals in cities that are not meeting their Regional Housing Needs Allocation (RHNA) by requiring local entities to provide a ministerial process, thereby removing the requirements for CEQA. The project needs to satisfy a number of criteria, including:

- consistency with residential zoning,
- affordability,
- urban infill standards, and
- locational restrictions (i.e., may not be located in the coastal zone, a very high fire hazard severity zone, or a variety of other environmentally sensitive areas).

Projects must also meet all objective design standards, not subject to subjective judgement or discretion by a lead agency.

*The purpose of this material is to provide guidance, which agencies and other entities may use at their discretion. This guidance does not alter lead agency discretion in decision-making, independent judgment and analysis, and preparing environmental documents for project or governmental action subject to CEQA requirements. This material is for general information only and should not be construed as legal advice or legal opinion.*