



# STREAMLINING *for* INFILL PROJECTS *and* PROJECTS CONSISTENT WITH COMMUNITY PLAN/ZONING



## Introduction

CEQA limits the environmental review requirements for qualifying “infill projects” and projects that are consistent with a certified EIR for a general plan, community plan, or zoning action. These limitations are not “exemptions” in the traditional sense, but, after performing some limited analysis, may lead to a determination that additional environmental review is not required, thereby streamlining the CEQA process. Where additional review is still required, the scope of the review can be significantly narrowed by invoking the streamlining benefits of CEQA Guidelines §15183 or §15183.3.

# Community Plan/Zoning Streamlining

(PRC §21083.3; CEQA Guidelines §15183)

CEQA provides additional opportunities to avoid preparation of redundant project-level environmental reviews for projects consistent with a certified EIR for a general plan, community plan, or zoning action. Projects meeting the following criteria are not required to perform additional environmental review, unless there are project-specific significant effects which are **peculiar** to the project or its site:

- ▶ The project is consistent with:
  - A community plan adopted as part of a general plan,
  - A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
  - A general plan of a local agency.
- ▶ An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

There are no limitations on the number of units, size of the site, or other exceptions to employ this streamlining review. If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for the project solely on the basis of that impact.

In approving an eligible project, a lead agency shall limit its examination of environmental effects to those which the agency determines:

- ▶ are peculiar to the project or the parcel on which the project would be located;
- ▶ were not analyzed as significant effects in a prior EIR, with which the project is consistent;
- ▶ are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR; or
- ▶ are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

See [Community Plan/Zoning Streamlining Worksheet](#) to determine applicability and exceptions.



## What does “peculiar to the project” mean?

The term “peculiar” is not defined in CEQA. The Guidelines state that, an effect shall not be considered peculiar to the project if uniformly applied development policies or standards (UADPs) would substantially mitigate it. The lead agency should consider not whether there is a potentially significant impact, but rather whether there is a new significant effect specific or “peculiar” to the project or its site that was not discussed in the prior EIR.



## Streamlining for Infill Projects (PRC §21094.5; CEQA Guidelines §15183.3)

SB 226 promotes faster and simpler approval of infill projects that are consistent with a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS)<sup>1</sup> by eliminating repetitive project-level CEQA reviews of issues already addressed in planning-level evaluations, such as General Plan or Specific Plan EIRs. Limited CEQA review applies to a variety of infill project types on qualifying infill sites.

### Scope of Limited CEQA Review

Where an EIR was certified for a general plan, community plan, specific plan, or zoning code, CEQA review for 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.

### What is an Infill Project?

SB 226 defines “infill project” as a project that:

- ▶ consists of one or a combination of the following uses:
  - residential,
  - retail/commercial (where no more than half of the project area is used for parking),
  - transit station,
  - school, or
  - public office building.
- ▶ 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.

<sup>1</sup> Pursuant to California Government Code §65080(b) et seq., an SCS is prepared by the metropolitan planning organization (MPO) to demonstrate how the region will meet its greenhouse gas (GHG) reduction targets as determined by the California Air Resources Board (ARB). If the SCS is unable to reduce greenhouse gas emissions to achieve the greenhouse gas emission reduction targets established by the ARB, the MPO shall prepare an APS showing how those greenhouse gas emission targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.

## Role of Uniformly Applicable Development Policies or Standards

SB 226 also encourages lead agencies to adopt uniformly applicable development policies or standards (UADPs), which prevent additional CEQA review when they substantially mitigate project-specific impacts. UADPs are policies or standards adopted that reduce adverse environmental effects, including but not limited to:

- ▶ regulations governing construction activities (i.e., noise, dust, stormwater, hazardous materials).
- ▶ design guidelines.
- ▶ grading ordinances.
- ▶ floodplain ordinances.
- ▶ view protection ordinances.
- ▶ requirements for reducing greenhouse gas (GHG) emissions.

## Performance Standards for Infill Projects Eligible for Streamlined Review

In order to be eligible for streamlining, the project must meet statewide performance standards outlined in **Appendix M** of the CEQA Guidelines. If the project meets Appendix M standards, **Appendix N** of the CEQA Guidelines should be used to determine whether further review is required. The review for qualifying projects could lead to:

- ▶ a No Further Review Determination;
- ▶ a Negative Declaration or Mitigated Negative Declaration (or a Sustainable Communities Environmental Assessment [SCEA] if the project is a Transit Priority Project); or
- ▶ an Infill EIR.

For NDs, MNDs, SCEAs, and Infill EIRs, the scope would be limited to new specific effects or more significant effects relative to the prior EIR that cannot be substantially mitigated by UADPs.

See [Streamlining for Infill Projects Worksheet](#) to determine applicability and exceptions.



## What is an Infill Site?

The PRC §21061.3 defines “Infill Site” as a site in an urbanized area that meets either of the following criteria:

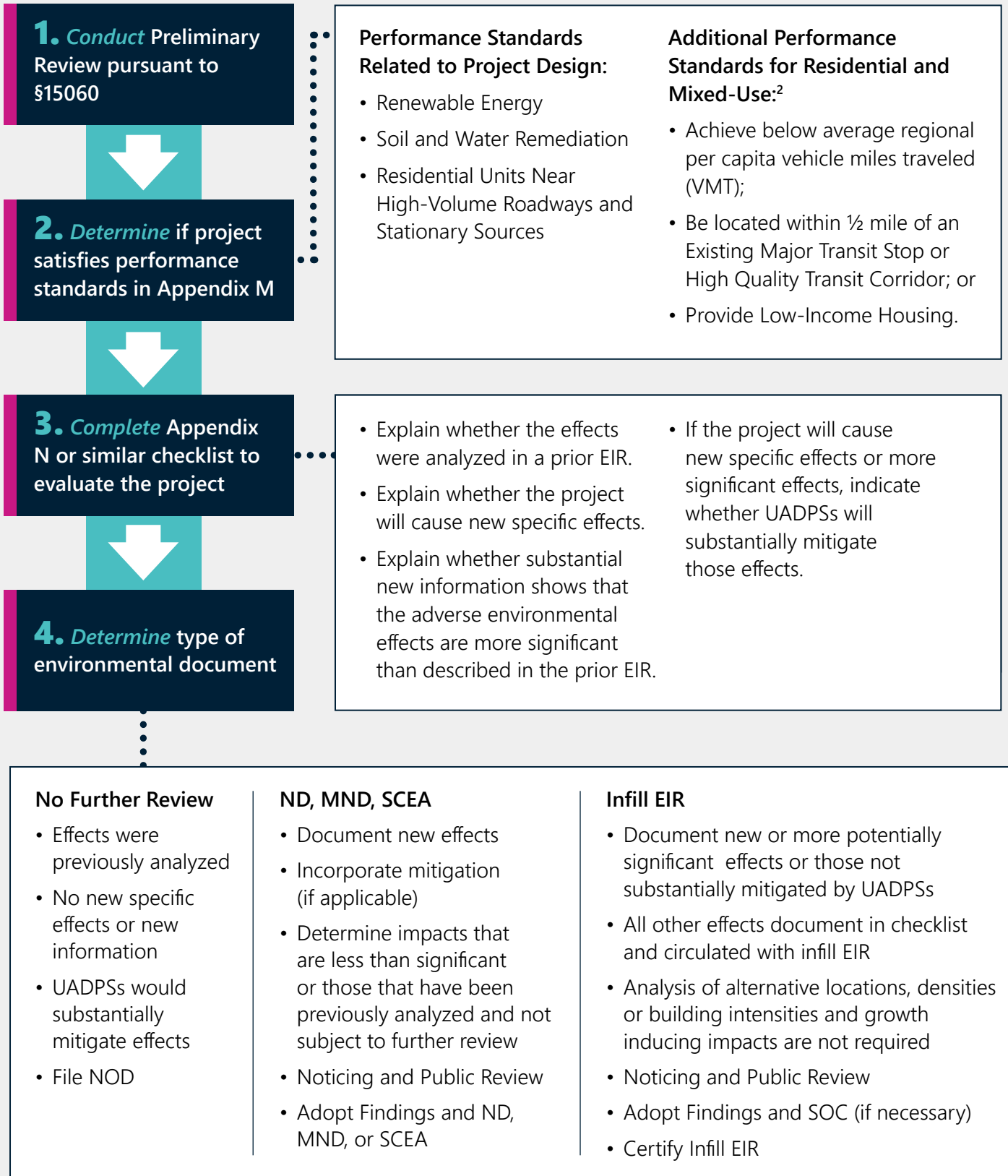
- ▶ The site has not been previously developed for urban uses and both of the following apply:
  - The site is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.
  - No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.
- ▶ The site has been previously developed for qualified urban uses.

## Streamlining Benefits of an Infill EIR

An Infill EIR is not required to address:

- ▶ alternative locations, densities, or building intensities; or
- ▶ growth inducing impacts.

# Urban Infill Streaming Process



<sup>2</sup>See Appendix M (IV. [B-G]) for additional standards for other types of projects that are subject to urban infill streamlining.

## The Definition of “Infill” Varies Amongst Various Laws, and Sections of the PRC and CEQA Guidelines

Regulation/ Legislation	Criteria		
	Land Use	Location	Project Site
<b>PRC §21061.3</b> <b>Definition of</b> <b>“Infill Site”</b>	N/A	Urbanized area	<p>The site has not been previously developed for urban uses and both of the following apply:</p> <ol style="list-style-type: none"> <li>1. The site is immediately adjacent to parcels developed with qualified urban uses, or at least 75% of the perimeter of the site adjoins parcels developed with qualified urban uses and the remaining 25% adjoins parcels previously developed with qualified urban uses.</li> <li>2. No parcel has been created within the past 10 years unless created as a result of a redevelopment agency plan.</li> </ol> <p><b>OR</b></p> <p>The site has been previously developed for qualified urban uses.</p>
<b>SB 743</b> <b>Definition of</b> <b>“Infill Site”</b>  (PRC §21099)	N/A	Within urban area	<p>Previously developed</p> <p><b>OR</b></p> <p>Vacant site where at least 75 percent of perimeter adjoins (or is separated only by an improved public right-of-way from) parcels that are developed with qualified urban uses.</p>
<b>Article 12.5</b> <b>Residential Infill</b>  (CEQA Guidelines §15195 and PRC §21159.24)	Up to 100 residential units	Located on infill site (See PRC §21061.3 definition)  Within 0.5 mile of a major transit stop	<p>4 acres or less</p> <p>Surrounded by urban development</p> <p>See PRC §21061.3 definition for additional project site requirements</p>
<b>Class 32</b> <b>Categorical Exemption</b>  (CEQA Guidelines §15332)	N/A	Within city limits	<p>Less than 5 acres</p> <p>Substantially surrounded by urban uses</p>

Regulation/ Legislation	Criteria		
	Land Use	Location	Project Site
<b>Residential or Mixed-Use Housing Project Exemption</b> (PRC §21159.25)	6 or more multifamily residential uses only  <b>OR</b> A mix of multifamily residential and nonresidential uses, with at least 2/3 of the square footage of the development designated for residential use	Unincorporated area  Urbanized area or urban cluster as designated by the U.S. Census Bureau	Substantially surrounded by qualified urban uses  At least 75 percent of the perimeter of the project site adjoins or is separated only by an improved public right-of-way.  The remainder of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an EIR was certified.
<b>SB 226; Streamlining for Infill Projects</b> (CEQA Guidelines §15183.3 and PRC §21094.5)	Residential  Retail/commercial where no more than half is used for parking)  Transit station  School  Public office building  Any combination of the above	Within urban area	Previously developed  <b>OR</b> Vacant site where at least 75 percent of perimeter adjoins (or is separated only by an improved public right-of-way from) parcels that are developed with qualified urban uses.
<b>SB 35 Ministerial Process</b>	2 or more multi-family units  <b>OR</b> Mixed-use where at least 2/3 of the square footage is dedicated to residential uses.	Within city boundaries  <b>OR</b> Unincorporated area within an urbanized area or urban cluster as designated by the U.S. Census Bureau	At least 75 percent of perimeter adjoins (or is separated only by an improved public right-of-way from) parcels that are developed with qualified urban uses.

*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.*

# WORKSHEETS

## Community Plan/Zoning Streamlining

(Public Resources Code §21083.3; CEQA Guidelines §15183)

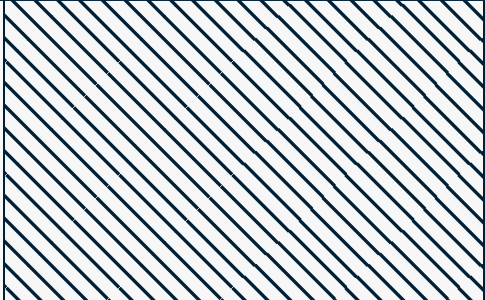
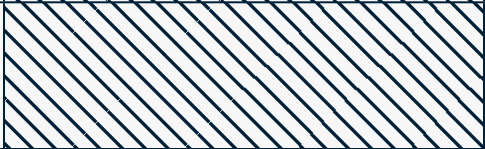
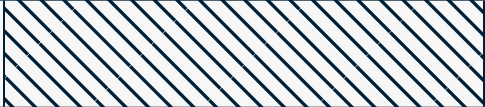

Requirements	Applicability	Yes	No	N/A
<p><b>(a)</b> CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.</p>	<p>The project is consistent with the density established by zoning, community plan, or general plan for which an EIR has been certified.</p>			
<p><b>(b)</b> In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:</p>				
<p><b>(1)</b> Are peculiar to the project or the parcel on which the project would be located,</p>	<p>There are no unusual circumstances surrounding the project or site that could be triggered. Consider the following environmental topics:</p>			
	<p><b>Aesthetics:</b> The project would not add substantial light or glare or degrade the quality or character of the surrounding area.</p>			
	<p><b>Agriculture/ Forestry:</b> The project does not include agricultural land or forested land.</p>			
	<p><b>Air Quality/GHGs:</b> The project does not include new substantial sources of air pollutant emissions.</p>			
	<p><b>Biological Resources:</b> The project site does not contain wetlands, riparian habitat, special status species habitat.</p>			



Requirements	Applicability	Yes	No	N/A
	<b>Cultural Resources:</b> The site does not contain historic resources.			
	<b>Energy:</b> The project will comply with current building code/Title 24 Energy Code.			
	<b>Geology/Soils:</b> The project is not within a seismic hazard zone and will comply with current building codes for seismic and other geotechnical considerations.			
	<b>Hazardous Materials:</b> The site is not listed as a hazardous waste site.			
	<b>Hydrology/Water Quality:</b> The project will implement best management practices (BMPs) and comply with drainage ordinances to prevent erosion and construction pollutants from contacting stormwater.			
	<b>Noise:</b> The project would not include substantial new stationary noise sources.			
	<b>Transportation:</b> The project would not include roadway or transportation system changes beyond site ingress/ egress.			
	<b>Utilities/Public Services:</b> The project is served by adequate water, wastewater, electricity, natural gas, solid waste, and stormwater drainage.			
	<b>Wildfire Hazard:</b> The project is not located within a high fire hazard severity zone.			
<p>(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,</p>	<p>There are no significant impacts from the project that were not analyzed as significant effects in the zoning, community plan, or general plan EIR.</p>			

Requirements	Applicability	Yes	No	N/A
<b>(3)</b> Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or	There are no potential significant off-site and cumulative impacts from the project that were not analyzed in the zoning, community plan, or general plan EIR.			
<b>(4)</b> Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.	There are no more severe adverse significant impacts from the project that were not analyzed in the zoning, community plan, or general plan EIR.			
<b>(c)</b> If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.	There are uniformly applied development policies or development standards (UADPs) that would substantially mitigate the impacts.			
<b>(d)</b> This section shall apply only to projects which meet the following conditions:	[Hatched area]			
<b>(1)</b> The project is consistent with:	[Hatched area]			
(A) A community plan adopted as part of a general plan,	The project is consistent with a community plan adopted as part of a general plan.			
(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or	The project is consistent with the density established by zoning.			
(C) A general plan of a local agency, and	The project is consistent with the general plan.			
<b>(2)</b> An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.	An EIR has been certified for the zoning, community plan or general plan above.			

# Streamlining for Infill Projects (PRC §21094.5, CEQA Guidelines §15183.3)

Requirements	Applicability	Yes	No	N/A
<p><b>a) Purpose.</b> The purpose of this section is to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies.</p>				
<p><b>(b) Eligibility.</b> To be eligible for the streamlining procedures prescribed in this section, an infill project must:</p>				
<p><b>(1)</b> Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way;</p>	<p>Is the site within an urban area that has been previously developed or that adjoins existing urban uses on at least seventy-five percent of the perimeter?</p>			
<p><b>(2)</b> Satisfy the performance standards provided in Appendix M; and</p>				
<p>The statewide performance standards in Appendix M include the following:</p>				
<p><b>Renewable Energy.</b> Residential projects are encouraged to include such onsite renewable power generation.</p>	<p>Does the project include onsite renewable power? Note: residential projects are encouraged but not required to include renewable energy.</p>			

Requirements	Applicability	Yes	No	N/A
<p><b>Soil and Water Remediation.</b> If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.</p>	<p>Is the site listed as a hazardous waste site?</p> <p><i>(Tip: Search the Cortese List at <a href="http://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a">calepa.ca.gov/sitecleanup/corteselist/section-65962-5a</a>)</i></p>			
<p><b>Residential Units Near High-Volume Roadways and Stationary Sources.</b> If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code or community risk reduction plan for the protection of public health from such sources of air pollution. If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measure may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.</p>	<p>If the project is located within 500 feet of a high volume roadway or other significant sources of air pollution, does the project comply with applicable policies and standards that minimize public health exposure?</p>			

Requirements	Applicability	Yes	No	N/A
<p>Additional Performance Standards by Project Type. In addition to the project features described above, specific eligibility requirements are provided by project type. Residential projects must satisfy <b>one</b> of the following:</p>	<p>Does the project meet at least one of the following standards?</p>			
<p><b>Low VMT.</b> Projects achieving below average regional per capita vehicle miles traveled (VMT). A residential project is eligible if it is located in a “low vehicle travel area” within the region.</p>	<p>Does the project achieve below average VMT or is it located in a low vehicle travel area?</p>			
<p><b>Near Transit Stop.</b> Projects located within ½ mile of an Existing Major Transit Stop or High-Quality Transit Corridor. A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high-quality transit corridor.</p>	<p>Is the project within ½ mile of a majority transit stop or high quality transit corridor?</p>			
<p><b>Low-Income Housing.</b> A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.</p>	<p>Does the project consist of ≤300 units of which all will be affordable to low income households?</p>			

Requirements	Applicability	Yes	No	N/A
<p><b>3)</b> Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in subdivisions (b)(3)(A) or (b)(3)(B) below.</p>	<p>Is the project consistent with the SCS?</p>			
<p>(A) Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet, in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75.</p>	<p>If no SCS or APS has been adopted, does the project provide at <math>\geq 20</math> du/ac?</p>			
<p>(B) Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a small walkable community project in subdivision (f)(5), below.</p>	<p>If located outside of the MPO, does the project meet the definition of a small walkable community?</p>			