

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):
REQUIREMENTS AND PROCESS FOR AN ENVIRONMENTAL IMPACT
REPORT (EIR)

GOALS / PURPOSE:

**Disclosure of potential project impacts – inform public and decision-makers.
Eliminate or reduce adverse environmental impacts through mitigation.**

PROCESS:

The lead agency (in this case, the City of Carpinteria) is responsible for preparing the EIR and certifying that it is accurate and complete, and for soliciting and responding to public comment. The steps in the environmental review process are as follows:

- (1) **Scoping** – The lead agency issues a Notice of Preparation (NOP), which sets forth the proposed scope of environmental review. The public will have an opportunity to review the NOP and submit comments on the scope of the EIR.
- (2) **Draft EIR** – Based on the NOP and public comments received, the lead agency will prepare a Draft EIR. The City will hold a public hearing and provide an opportunity for public review and submittal of comments on the Draft EIR.
- (3) **Final EIR** – The City will complete a Final EIR, which must include the agency's responses to public comments on the Draft EIR.
- (4) **Certification of EIR and Decision on Project** – The EIR must be certified as adequate before any agency can take action on a proposed project. If the EIR is not adequate, it may be revised and re-circulated for additional public review and comment. If the EIR is certified, the lead agency will prepare a Notice of Determination (NOD) that starts the timeline for filing a legal challenge.

CONTENTS OF EIR:

- (1) **Project Description** – must be clear, complete and consistent. Must describe “the whole of the project.”
- (2) **Statement of Purpose and Objective** – must not be so narrow as to restrict consideration of alternatives.

- (3) **Environmental Setting** – must be based on the existing physical conditions as of the date of the NOP.
- (4) **Impact Analysis** – must be clear and complete. Must consider both direct and indirect impacts, including reasonably foreseeable and cumulative impacts. The NOP will describe the impacts that are proposed for evaluation in the Draft EIR. Topics to be reviewed in this section often include: aesthetics, agricultural resources, air and water quality, biological resources, safety, cultural and historic resources, geology and hazards, land use/planning consistency, noise, solid waste, transportation and circulation, recreation and access, water resources and flooding.

Impacts are rated as follows: Class I-significant and unmitigable; Class II-significant but can be mitigated to less-than significant; Class III – insignificant; Class IV – beneficial.
- (5) **Short term versus long term impacts** must be analyzed.
- (6) **Growth inducing impacts** of the project must also be analyzed.
- (7) **Mitigation Measures** – the EIR must evaluate measures that are capable of reducing or avoiding significant environmental impacts. These measures must be known, specific, feasible, and effective. The agency cannot defer development of mitigation measures to a future date. Mitigation measures must be capable of reducing or avoiding project impacts.
- (8) **Alternatives** –the EIR must consider a reasonable range of alternatives (including off-site alternatives and even alternatives that are not within the jurisdiction of the lead agency), which must be capable of *reducing or avoiding project impacts*. The EIR will include a “No Project” alternative, which shall discuss the existing conditions at the time of the NOP, as well as what would be reasonably expected to occur if the project were not approved. If the environmentally superior alternative is the No Project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

DECISION-MAKING

- (1) **Decision makers must approve feasible mitigation measures and alternatives that will eliminate or reduce project impacts.**
- (2) **If the project will result in any Class I impacts, the decision makers may either (a) deny the project, or (b) approve the project, on the basis of “overriding considerations,” i.e. that the benefits of the project outweigh the project’s impacts.**