

GOVERNOR'S GUIDELINES FOR STREAMLINING JUDICIAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

UPDATED TO COMPLY WITH SENATE BILL 743 (STATUTES 2013, CHAPTER 386)

1. Applications to the Governor for CEQA streamlining under Public Resources Code Section 21178 et seq., along with a Notice of Completion Form, shall be submitted electronically to the Governor's Office of Planning and Research at the following e-mail address:

California.Jobs@opr.ca.gov

Upon receipt of the application, the Office of Planning and Research will assign a clearinghouse tracking number and will enter the project information from the Notice of Completion Form into a publically accessible database.

2. The electronic application shall include all sufficient information to enable the Governor to determine whether the project satisfies the statutory requirements for CEQA streamlining. This information shall include at least the following:
 - a. For projects defined in Public Resources Code section 21180(b)(1), information sufficient to enable the Governor to determine that:
 - (1) the project is residential, retail, commercial, sports, cultural, entertainment, or recreational in nature;
 - (2) the project, upon completion, will qualify for LEED silver certification or better. The application shall specify those design elements that make the project eligible for LEED silver certification or better, and the applicant shall submit a binding commitment to delay operating the project until it receives LEED silver certification or better. If, upon completion of construction, LEED silver certification or better is delayed as a result of the certification process rather than a project deficiency, the applicant may petition the Governor to approve project operation pending completion of the certification process.
 - (3) the project will achieve at least 10 percent greater transportation efficiency than comparable projects. The applicant shall provide information setting forth its basis for determining and evaluating comparable projects and their transportation efficiency, and how the project will achieve at least 10 percent greater transportation efficiency. For residential projects, the applicant shall also submit information demonstrating that the number of vehicle trips by residents divided by the number of residents is 10 percent more efficient than for comparable projects. For the purposes of this provision, comparable means a project of the same size, capacity and location type.
 - (4) the project is located on an infill site, as defined at Public Resources Code section 21061.3, and in an urbanized area, as defined at Public Resources Code section 21071.
 - (5) the information required by Public Resources Code section 21180(b)(1) is available for projects within a metropolitan planning organization for which a sustainable communities strategy or alternative planning strategy is in effect. For the purposes of this provision, "in effect" means that the sustainable communities strategy or the alternative planning strategy has been adopted by the metropolitan planning

organization, and that the Air Resources Board has accepted the metropolitan planning organization's determination that the sustainable communities strategy or alternative planning strategy meets the adopted greenhouse gas reduction targets and is not the subject of judicial challenge.

- b. For projects defined in Public Resources Code section 21180(b)(2) or 21180(b)(3), information sufficient to enable the Governor to determine that the project meets the criteria set forth in those sections.
 - c. Information establishing that the requirements of Public Resources Code section 21181 have been met. Written acknowledgment from the lead agency of the applicant's intent to apply for certification may be used to satisfy this requirement.
 - d. Information establishing that the project entails a minimum investment of \$100 million in California through the time of completion of construction.
 - e. Information establishing that the prevailing and living wage requirements of Public Resources Code section 21183(b) will be satisfied. For the purposes of this section, "Jobs That Pay Prevailing Wages" means that "all construction workers employed in the execution of the project will receive at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to sections 1773 and 1773.9 of the Labor Code. If the project is certified for streamlining, the project shall include this requirement in all contracts for the performance of the work.
 - f. Information establishing that the project will not result in any net additional greenhouse gas emissions. This information is subject to a determination signed by the Executive Officer of the Air Resources Board that the project does not result in any net additional greenhouse gas emissions, following the procedures set forth in section 6 of these Guidelines.
 - g. Information documenting a binding agreement between the project proponent and the lead agency establishing the requirements set forth in Public Resources Code sections 21183(d), (e), and (f).
 - h. Any other information requested by the Governor.
3. The public may submit comments on the application electronically to the Governor's Office of Planning and Research (California.Jobs@opr.ca.gov) at any time up to 30 days after the initial application or within 7 days after any supplemental application, whichever is later. The comments must include a reference to the clearinghouse tracking number.
 4. The project's Draft Environmental Impact Report must be circulated for public review after the Governor certifies the project for CEQA streamlining. If a project's Draft Environmental Impact Report has been circulated before the Governor has certified the project for CEQA streamlining, the applicant and lead agency must withdraw the Draft Environmental Impact Report and re-circulate a revised Draft Environmental Impact Report reflecting the Governor's certification. Within 10 days of the Governor certifying an Environmental Leadership Development Project, the lead agency shall, at the applicant's expense, issue a public notice, as set forth in Public Resources Code section 21187. The public notice shall be distributed by the lead agency as required for public notices issued pursuant to paragraph (3) of subdivision (b) of Public Resources Code section 21092.

5. The Governor may request additional information. Failure to submit necessary information will preclude certification by the Governor.
6. For purposes of California Public Resources Code section 21183 (c) the following process applies:
 - a. The applicant shall submit electronically to AB900ARBsubmittals@arb.ca.gov a proposed methodology for quantifying the project's net additional greenhouse gas emissions. The Air Resources Board will review and comment on the methodology, at its discretion, within 30 days of submission.
 - b. At the same time, the applicant shall submit to AB900ARBsubmittals@arb.ca.gov documentation that the project does not result in any net additional greenhouse gas emissions. The documentation must at least quantify:
 - (1) Both direct and indirect greenhouse gas emissions associated with the project's construction and operation, including emissions from the project's projected energy use and transportation related emissions; and
 - (2) The net emissions of the project after accounting for any mitigation measures that will be monitored and enforced consistent with Public Resources Code section 21183(d).
 - c. Within 60 days of receiving the documentation in 6.b. above, the Board will determine whether the condition specified in Public Resources section 21183(c) has been met or, if more time is needed, notify the applicant of the expected completion date.
 - d. The Board will determine and report to the Governor in writing that a project does not result in any net additional emissions of greenhouse gases if the project demonstrates through a combination of project design features, compliance with (or exceeding minimum requirements of) existing regulations, and mitigation that it would result in zero additional greenhouse gas emissions.
7. The Governor's Office of Planning and Research will post information submitted by the applicant electronically on its web-site and make available for public review a hardcopy of the material upon request.
8. The Governor will make a decision on the application as expeditiously as possible.