

10 CEQA

Designing Healthy, Equitable, Resilient, and Economically Vibrant Places

Introduction

Because general plans govern the type and location of new development, new or amended general plans may lead to significant changes in the environment. The California Environmental Quality Act, also known as “CEQA,” requires cities and counties to study those potential environmental impacts as part of the adoption or update process ([Pub. Resources Code §§ 21000](#), et seq.; see also [CEQA Guidelines § 15378](#)). Where those impacts may be significant, the city or county must prepare an environmental impact report (EIR). The primary purpose of an EIR is to inform decision-makers and the public of the potential significant environmental effects of a proposal and possible ways to reduce or avoid any significant environmental effects. This information enables environmental considerations to influence policy development, thereby ensuring that the plan’s policies will address potential environmental impacts and the means to avoid them. This chapter addresses some key considerations for complying with CEQA in preparing a new general plan, a general plan update, or a general plan amendment. Some of those considerations include:

- Identifying major points of intersection between the general plan and CEQA processes;
- Comparing different types of EIRs to determine which might best suit the needs of the city or county and that would enable use of several streamlining mechanisms for later development approvals, and
- Mitigation Monitoring and General Plan Implementation

Key CEQA Policies to Remember

Before describing specific considerations for CEQA review of general plans, it is useful to first review several key policies underlying CEQA that are relevant to the general plan process.

- **CEQA should be integrated into planning processes and guide development of the plan itself.** ([Pub. Resources Code § 21003\(a\)](#)). Information developed as part of the CEQA process should influence the development of general plan policies. CEQA should not just be a post hoc rationalization of decisions that have already been made. ([Laurel Heights Improvement Assn. v. Regents of University of California](#) (1988) 47 Cal. 3d 376, 395 (“the later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project”)).

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- **While the CEQA process should occur early enough to influence development of the general plan, it should not happen until environmental review will produce meaningful information.** (CEQA Guidelines § 15004). For example, an EIR will not provide meaningful information if it is prepared before actual policy language is developed.
 - **The CEQA process should be efficient.** (Pub. Resources Code § 21003(f)). “An EIR on a project such as the adoption or amendment of a ... local general plan should focus on the secondary effects that can be expected to follow from the adoption, or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.” (CEQA Guidelines § 15146(b)). Further, once a general plan EIR has been certified and the general plan adopted, the general plan EIR should be used to inform and streamline CEQA review for later project applications.

These policies can help guide planners as they confront questions about precisely how to conduct environmental review for a general plan process.

Considerations for General Plan EIRs

The procedure for preparing and using an EIR is described in detail in the state CEQA Guidelines (Title 14, California Code of Regulations, §§ 15000, et seq.). A summary of the CEQA process is provided in the *California Planning Guide* (OPR, Dec. 2005). The following discussion highlights some of the key points that are particularly important when preparing an EIR for a new general plan, an element, or a comprehensive revision.

A general plan for which an EIR is prepared is considered a project of statewide, regional, or areawide significance (CEQA Guidelines § 15206). This means that the lead agency must conduct at least one scoping meeting and the EIR must be circulated through the State Clearinghouse for review by relevant state agencies. In addition, the city or county must consult with transportation planning agencies during the development of the general plan and EIR (*Id.* at § 15086(a)(5)).

The plan EIR, to a certain extent, can be seen as describing the relationship between the proposed density and intensity of land use described by the plan and potential environmental constraints within the planning area.

Baseline

The EIR must describe the existing local and regional physical environment, as they exist when the notice of preparation of the EIR is published, emphasizing those features that are likely to be affected by the plan and the environmental constraints and resources that are rare or unique to the area (CEQA Guidelines §§ 15125(a), 15125(c)). It should describe existing infrastructure, such as roads, water systems, and sewage treatment facilities, along with their capacities and current levels of use. It should also discuss any inconsistencies between the proposed plan and adopted regional plans as they may relate to environmental issues (*Id.* at § 15125(d)). For example, cities and counties should discuss any inconsistencies between the proposed general plan and the regional transportation plan including any applicable sustainable communities strategy.

When a new general plan or a revision is being considered, the EIR must evaluate the proposed plans or revision’s effects on both the existing physical environment and the environment envisioned by any adopted plan (*Environmental Planning and Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 354; see also CEQA Guidelines § 15125(e)). When a city or county proposes to amend a

general plan, the environmental analysis should focus on the changes proposed in the amendment. Reanalysis of unchanged portions of the general plan is not required (*Black Property Owners Assn. v. City of Berkeley* (1994) 22 Cal. App. 4th 974).

Level of Detail in Analysis

The general plan EIR need not be as detailed as an EIR for the specific projects that will follow (CEQA Guidelines § 15146). Its level of detail should reflect the level contained in the plan or plan element being considered (*Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351). However, the lead agency cannot defer its analysis of any significant effect of the general plan to later-tiered EIRs (*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182). “With a good and detailed analysis of the [general plan], many subsequent activities could be found to be within the scope of the project described in the [general plan] EIR, and no further environmental documents would be required.” (CEQA Guidelines § 15168(c)(5); see also id. at § 15183.3 (streamlining for infill projects)).

Mitigation

The EIR must identify mitigation measures and alternatives to avoid or minimize potential impacts, to the extent feasible. The general plan EIR is a particularly useful tool for identifying measures to mitigate the cumulative effects of new development. For example, a general plan might anticipate a significant increase in industrial employment in the community. If this proposal would lead to increased automobile commuting, the EIR could identify measures to reduce peak-hour traffic volumes, such as new transit routes or improved bicycle facilities. Where other agencies are responsible for mitigating the effects of the general plan, they should be identified in the EIR. Pursuant to [Public Resources Code section 21081.6](#), the general plan must incorporate the approved mitigation measures identified in the EIR into its policies and programs.

Alternatives

The EIR for a general plan must describe a reasonable range of alternatives and analyze each of their effects (CEQA Guidelines § 15126.6). Each of the alternatives should avoid or lessen one or more of the significant effects identified as resulting from the proposed general plan. A reasonable range of alternatives would typically include different levels of density and compactness, different locations and types of uses for future development, and different general plan policies.

The alternatives should not all have the same level of impacts. This discussion of alternatives will enable environmental considerations to influence the ultimate design of the general plan.

The EIR must also evaluate the “no project” alternative (CEQA Guidelines § 15126.6(e)). This would describe what physical changes might reasonably be expected to occur in the foreseeable future if the new or revised general plan were not adopted, based on the existing general plan (if any) and available infrastructure and services. This “no project” alternative must also evaluate how the changing environment, such as through climate change and drought, may affect the community if a new or revised general plan were not adopted.

Cumulative Impacts

The EIR must analyze the cumulative effects of the plan’s land use designations, policies and programs on the environment. For example, a general plan authorizing rural residential uses in or near wild lands could cumulatively increase the potential severity of fire damage by hindering wildfire suppression efforts. Increasing reliance on automobile use in a general plan, through dispersed land uses for example, could contribute not only to cumulative air quality impacts in non-attainment areas and increased energy use, but also indirect effects such as increased water pollution (due to runoff from roads) and adverse effects to public health (due to

decreased physical activity). When cumulative impacts are adequately addressed in a general plan EIR, further analysis should not be needed at the project level (See [CEQA Guidelines § 15183\(j\)](#)).

Growth Inducing Impacts

Growth-inducing impacts must also be analyzed ([Pub. Resources Code § 21100\(b\)\(5\)](#); [CEQA Guidelines § 15126.2\(d\)](#)). These may include any policies and programs of the general plan likely to stimulate community growth and development. Examples include policies and programs leading to street and highway improvements in undeveloped areas, wastewater treatment plant expansion, or expansion of employment in basic industries, any of which is likely to increase pressure for or facilitate residential and other development.

Irreversible Environmental Changes

The environmental analysis for a general plan must address any irreversible environmental changes. For example, once a general plan designates certain areas for development and that development occurs, such areas are unlikely to ever be returned to a natural condition. Thus, the environmental effects of locking in certain uses for the foreseeable future must be analyzed in a general plan's environmental analysis. "Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified." ([CEQA Guidelines § 15126.2\(c\)](#), see also [Pub.](#)

[Resources Code §§ 21100.1, 21000\(a\)](#) ("maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern") (emphasis added)).

Timing

The purpose of preparing an environmental analysis is not only to inform decision-makers and the public of a general plan's potential adverse environmental impacts, but also to allow environmental considerations to influence the design of the plan itself. To accomplish this purpose, the CEQA analysis should be prepared in coordination with the development of the general plan.

Careful coordination between the CEQA process and the general plan process can also minimize unnecessary duplication of work.

Public Review of the EIR and Consultation

Both CEQA and the Government Code require extensive consultation with the public and other public agencies during the development of a general plan. For example, [Government Code section 65352](#) requires consultation with, among others:

- A city or county, within or abutting the area covered by the proposal.
- Any special district that may be significantly affected by the proposed action.
- An elementary, high school, or unified school district within the area covered by the proposed action.
- The local agency formation commission.
- An areawide planning agency whose operations may be significantly affected by the proposed action.
- A federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action.
- The military.

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- Public water systems.
 - The Bay Area Air Quality Management District for a proposed action within the boundaries of the district.
 - A California Native American tribe that is on the contact list maintained by the Native American Heritage Commission, with traditional lands located within the city or county's jurisdiction.
 - The Central Valley Flood Protection Board for a proposed action within the boundaries of the Sacramento and San Joaquin Drainage District.

In addition, the city or county must provide for at least one scoping meeting to receive input on the scope and content of the draft EIR. ([Pub. Resources Code § 21083.9](#)). Refer to Chapter 3: Community Engagement and Outreach, for methods to seek meaningful community input.

Adoption and Certification

Before adopting the general plan, element, or revision for which the EIR was prepared, the city council or county board of supervisors must consider the final EIR, certify its adequacy, and make explicit findings explaining how the significant environmental effects identified in the EIR have been or should be mitigated or explain why mitigation measures and identified alternatives are not feasible ([CEQA Guidelines § 15091](#)). The city or county cannot approve the general plan unless the approved plan will not result in a significant effect on the environment or, more commonly, the city or county has eliminated or substantially lessened all significant effects where feasible and made a written statement of overriding considerations explaining the reasons why any remaining unavoidable significant effects are acceptable (Id. at [§§ 15092, 15093](#)). The jurisdiction must also adopt a mitigation monitoring or reporting program to ensure that the mitigation incorporated into the plan in accordance with the EIR will be implemented (Id. at [§ 15091\(d\)](#)).

Program and Master EIRs

In order to minimize the need to reanalyze a series of projects related to the general plan, CEQA and the state CEQA Guidelines encourage using a general plan EIR to address subsequent discretionary projects, such as adopting zoning ordinances and approving specific capital improvement or development projects that are consistent with the general plan. By using a programmatic approach, the environmental review for a subsequent project can be limited to those project-specific significant effects that either were not examined or not examined fully in the general plan EIR.

Later environmental analysis for more specific actions can use analysis from the general plan EIR in several ways. The following paragraphs present a brief discussion of program EIRs, master EIRs, streamlining under [Public Resources Code sections 21083.3 and 21094.5](#), and the use of certain statutory exemptions.

Program EIRs

The program EIR prepared for a general plan examines broad policy alternatives, considers the cumulative effects and alternatives to later individual activities where known, and contains plan-level mitigation measures. Later activities that have been described adequately under the program EIR will not require additional environmental documents ([CEQA Guidelines § 15168\(c\)\(2\)](#)). When

necessary, new environmental documents, such as a subsequent or supplemental EIR or a negative declaration, will focus on the project-specific impacts of later activities, filling in the information and analysis missing from the program EIR (Id. at [subd. \(d\)](#)).

The “project” being examined in the program EIR is the general plan, element, or revision. The CEQA Guidelines recommend that program EIRs deal with the potential effects of a general plan, element, or revision “as specifically and comprehensively as possible.” The program EIR’s level of detail should be commensurate with the level of detail contained in the general plan or element (See [Rio Vista Farm Bureau Center v. County of Solano](#) (1992) 5 Cal.App.4th 351).

A program EIR should pay particular attention to the following EIR components:

- The significant environmental effects, including cumulative effects of anticipated later activities under the plan or element.
- Mitigation measures, including plan-wide measures.
- Alternatives to the basic policy considerations set forth by the plan or element.

When evaluating a later activity to determine whether it is eligible for consideration under a program EIR, OPR suggests the following sequential approach.

First, the lead agency must determine whether the subsequent activity meets both of the following criteria:

1. It is consistent with the plan or element for which the program EIR was certified. (A general plan amendment obviously would not qualify (See [Sierra Club v. County of Sonoma](#) (1992) 6 Cal.App.4th 1307).
2. It incorporates the feasible mitigation measures and alternatives developed in the program EIR. (Additional mitigation measures and alternatives may also be applied when a subsequent or supplemental EIR is prepared.)

Second, the lead agency must evaluate the later activity and its location to determine whether the environmental effects of that activity were adequately described in the program EIR. If there are any new effects from the later activity, the lead agency must prepare an initial study to determine the significance of those effects. No subsequent EIR is necessary for a project that is essentially part of the “project” described by the general plan’s program EIR unless:

1. The later project would propose substantial changes in the plan that were not described in the program EIR, requiring revisions to the program EIR due to the involvement of a new significant effect or a substantial increase in the severity of a previously identified effect.
2. Substantial changes have occurred in the circumstances under which the general plan was undertaken, requiring revisions to the program EIR due to the involvement of a new significant effect or a substantial increase in the severity of a previously identified effect.
3. New information of substantial importance that was not known and could not have been known at the time the program EIR was certified indicates that significant effects were not adequately analyzed or that mitigation measures or alternatives should be revisited.

(See [CEQA Guidelines §§ 15162, 15168\(c\)](#)). If no subsequent EIR is required, the project is deemed to be within the scope of the program EIR and no additional environmental document would be required.

Case law provides good examples of when further environmental review may, or may not, be required. For example, the City of San Diego's redevelopment agency was not required to conduct additional environmental review of a hotel project because it had previously prepared a program EIR addressing development in its downtown that adequately examined the hotel's potential environmental effects (See *Citizens for Responsible Equitable Envt'l Dev. v. San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598). On the other hand, additional environmental review was required for a proposal to use land for mining purposes because it included a new method of reclamation that was not "within the scope" of the program EIR (See *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307).

If a subsequent EIR must be prepared, it is subject to the standard EIR content requirements (i.e., project description, environmental setting, significant effects, mitigation measures, etc.). However, the subsequent EIR need not duplicate information and analysis that is already included in the program EIR. This may include such areas as environmental setting, project alternatives, and cumulative impacts. Pertinent discussions from the program EIR, to the extent that it examines regional influences, secondary effects, cumulative effects, broad alternatives, and other factors that apply to the later project, should be incorporated by reference into the subsequent EIR (CEQA Guidelines § 15168(d)).

Master EIRs

Another option for conducting programmatic review is to prepare and certify a master EIR (MEIR) (Pub. Resources Code §§ 21157, et seq. and CEQA Guidelines §§ 15175, et seq.). The MEIR is intended to be the foundation for analyzing the environmental effects of subsequent projects. Those projects that have been described in some detail in the MEIR may avoid the need for a later EIR or negative declaration. Other projects will only require analysis in a focused EIR that examines project-specific impacts while referencing the MEIR's analysis of cumulative and growth-inducing impacts.

Sections 15176(d) and 15177 of the CEQA Guidelines specifically allow later projects that are consistent with the land use designations and the permissible densities and intensities of use described in the general plan to proceed under the MEIR. This avoids the need for another EIR or negative declaration. The OPR publication [Focusing on Master EIRs](#) offers detailed technical information about using MEIRs.

In practice, an MEIR is similar to a program EIR. However, there are at least three differences worth noting.

- First, the requirements for preparing and applying an MEIR and its associated focused EIRs are described in detail in both statute and the CEQA Guidelines. Requirements for program EIRs, on the other hand, are less specifically described in the CEQA Guidelines.
- Second, once a subsequent project is determined to be within the scope of the MEIR, a focused EIR must be prepared whenever it can be fairly argued on the basis of substantial evidence in the record that the project may have a significant effect, even if evidence exists to the contrary.
- Third, to use an MEIR for a subsequent project, the MEIR must be re-examined and, if necessary, supplemented at least once every five years. This ensures that the analysis contained in an MEIR remains topical.

Streamlining in Public Resources Code Section 21083.3

Public Resources Code section 21083.3 contains a specific limitation on CEQA for projects that are consistent with a general plan. When an EIR has been certified for a general plan, the CEQA analysis of later projects can be limited to those significant effects that “are peculiar to the parcel or to the project” and that either were not addressed as significant effects in the plan’s EIR or that new information shows will be more significant than when the plan’s EIR was certified. The requirements of this option are detailed in CEQA Guidelines § 15183.

Streamlining for Infill Projects in Public Resources Code Section 21094.5

Similar to the provision described above, section 21094.5 of the Public Resources Code limits the CEQA analysis of infill projects. Specific rules on this provision are contained in Section 15183.3 and Appendix M of the CEQA Guidelines. Because the primary criteria for eligibility is proximity to transit, cities can maximize the streamlining benefit of a general plan EIR by carefully analyzing residential, commercial and school uses in transit corridors.

COMPARING EXISTING STREAMLINING MECHANISMS

	Program EIRs	Master EIRs	Section 21083.3	Streamlining Under Section 21094.5
Time Limit on Prior EIR	None	5 Years	None	None
Plan Consistency	General Plan and zoning consistency not explicitly required, but if project is not consistent, it may not be “within the scope” of the PEIR.	Silent	Requires consistency with General Plan and Zoning	Project may include general plan amendments or zoning variances, provided that new effects would need to be analyzed
Project-Level Description	Not required, but a PEIR “will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible.”	Projects relying on the Master EIR must have been specifically identified	Not required in general plan or zoning EIR	Not required in EIR for a planning level decision
Project Contribution to Significant Effects	Analysis does not need to be repeated at the project level if the project is “within the scope” of the PEIR.	Analysis does not need not be repeated at the project level	Analysis does not need not be repeated at the project level	Analysis does not need not be repeated at the project level
Document Containing Programmatic Analysis	An EIR prepared for a program, plan, policy or ordinance	A Master EIR for specified projects	An EIR for a comprehensive general plan amendment or zoning code	An EIR for a planning level decision, as well as any supplements or addenda thereto
Effect of Development Standards	Can be used as thresholds of significance in an analysis, but not conclusively	Can be used as thresholds of significance in an analysis, but not conclusively	Can be used to address peculiar effects of the project, only if adopted by a city or county with a finding that the standard will substantially mitigate the effects of future projects	Can be used to address either new specific effects or effects that are more significant than previously analyzed, provided the finding is made at project approval

Integrating Annual Reporting with Mitigation Monitoring and Implementation

When a general plan is enacted or amended based upon an EIR or a mitigated negative declaration, the city council or board of supervisors must also adopt a reporting or monitoring program for ensuring compliance with the adopted mitigation measures ([Pub. Resources Code § 21081.6](#)). The city or county should coordinate general plan policies and environmental mitigation measures during the planning process so that the mitigation measures will be reflected in the plan policies and those policies realistically can be implemented.

The city or county must adopt a specific program that will enable it to track compliance with the mitigation measures. One approach is to use the yearly “status of the plan” report prepared for the city council or board of supervisors pursuant to [Government Code section 65400\(b\)](#) as the reporting program for a new general plan. See OPR’s publication *Tracking Mitigation Measures Under AB 3180* for more information about designing a mitigation monitoring program. Transportation information resulting from the mitigation monitoring program must be submitted to the local transportation planning agency and to Caltrans ([Pub. Resources Code § 21081.7](#); [CEQA Guidelines §15097\(g\)](#)).

A general plan can be measured by how well its goals, policies, and programs are implemented. The same is true for the mitigation measures identified in the plan’s EIR. When drafting mitigation measures, consider how they can be reflected in plan goals, policies, and programs and how they will be implemented. The mitigation measures should be an integral part of the plan, not an afterthought.