California Environmental Quality Act Workshop

CSU Capital Planning, Design & Construction
December 6, 2012
Workshop

- General Topics
  - Overview of key elements of CEQA
  - Application of CEQA principles to real world projects
  - Case law

- Advanced Knowledge-Specific Topics
  - Transportation/TDM
  - Sustainable communities/climate action
  - Historic resources
CSU Initiatives--2012

- Master enabling agreements-CEQA firms
- Transportation Impact Study Manual
- TDM Manual
- Public-private projects
CEQA Workshop Survey

- http://www.surveymonkey.com/s/WXZWTDJ
Land Use Planning/Environmental Review

- Dr. Steven Lohr
- E-mail: slohr@calstate.edu
- Voice: 562.951.4120
CEQA Overview

- Something old
- Something new
- Something court-determined, and
- Something good

Presenter: Irena Finkelstein, AICP
Parsons Brinckerhoff
(213) 896-5648  - office
(213) 618-6776  - cell
The CEQA World

Welcome to CEQA world all who have projects… which need to be approved

- CEQA is about the process
- The process is framed by:
  - CEQA and CEQA Guidelines
  - Court rulings
  - Relations with cities and other agencies
Something New

- CEQA and CEQA Guidelines
  - AB 209 – requires information in public notices about how the EIR /Negative Declaration is provided electronically for public review
  - AB 320 – requires identification of a project applicant in the Notice of Determination (NOD) and Notice of Exemption (NOE)
  - SB 226 – New streamlining process for infill projects
  - SB 375 - not that new but important - reduce Greenhouse Gases (GHG)
Something Good

✓ Rooftop photovoltaic solar projects, and their associated equipment, are statutorily exempt from environmental review (CEQA Section 21080.35)

✓ A project's greenhouse gas emissions will not preclude use of an otherwise applicable categorical exemption (CEQA Section 21084)

➢ for projects consistent with Campus Master Plans
The Project

- What is it?

- When is it subject to CEQA?
  - Ministerial actions
  - Discretionary actions
Is the Project Exempt?

- Statutory Exemption?
- Categorical Exemption?

■ infill exemption – to use or not to use?

✓ Filings – with State Clearinghouse (OPR)
✓ Use current form (revised 2011)
✓ 35 day statue of limitations for challenge
What type of CEQA document is “the right one”?

➢ “Fair Argument” and “Substantial Evidence” tests = Substantial Evidence of a Fair Argument

▪ The determination whether to prepare either a Negative Declaration or an EIR is subject to the "fair argument" test.

▪ If a lead agency is presented with a fair argument, on the basis of "substantial evidence" in the record, that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.
No Substantial Evidence for Fair Argument

- A Negative Declaration is authorized when the Lead Agency determines that no substantial evidence exists supporting a fair argument of significant effect.

- A Mitigated Negative Declaration applies when changes to the project or other mitigation measures are imposed which are such that all potentially significant effects are avoided or reduced to a level below significance.
Substantial Evidence

Pursuant to CEQA Section 21080:

- Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.
Substantial Evidence: is it or is it not

- It does not include "argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment."

✓ But…. it is when it could be argued that it is “substantiated” opinion or that is not “clearly inaccurate”

- Public controversy over the possible environmental effects of a project is not sufficient reason to require an EIR "if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment"

✓ But….it is since “public controversy” almost always includes not opinions that are not clearly “unsubstantiated” or “inaccurate”
Initial Study – the basis for choosing CEQA document

- Finding of Consistency

✓ Use with caution
Negative/Mitigated Negative Declaration

- Negative Declaration
- Mitigated Negative Declaration

- when the lead agency has been careful neither to ignore substantial evidence of one or more significant effects, nor attempted to defer mitigation

- ✔ Filing with State Clearinghouse
- ✔ 30-day public review period
- ✔ Public meetings?
EIRs

- Program EIR
- Project EIR
- Subsequent EIR
- Supplement to an EIR
- Addendum to an EIR
To tear or not to tier

- Tiering off Campus Master Plan EIR
- Tiering off other EIRs
- Tiering off previous Negative/Mitigated Negative Declaration
EIR Process
Steps in the process
- Initial Study
- Draft EIR
- Responses to Comments
- Final EIR

✓ Consult with Chancellor’s Office at each step
And…

- Public Notices and Filings
  - What forms and when

✓ NOP – Notice of Preparation
✓ NOC – Notice of Completion
✓ NOD – Notice of Determination

*(filed by the Chancellor’s Office for most projects; filed by the campus for small designated projects)*
And more….

- Mitigation Monitoring Program
- Findings of Fact
- Statement of Overriding Considerations

✓ All part of the Administrative Record
✓ Can be as important as the EIR in litigation
Links

- State Clearinghouse forms
  http://opr.ca.gov/m_ceqa.php
- CEQA and CEQA Guidelines
  http://opr.ca.gov/m_ceqa.php
- Court Rulings
  http://opr.ca.gov/s_majorcases.php
ceres.ca.gov/ceqa/cases
www.law.ucdavis.edu/centers
There are a great many factors involved in determining the appropriate CEQA document for a given campus project.

How can these determinations be made to:

- Minimize costs
- Minimize schedule requirements
- Minimize delays, cost increases, and negative publicity from controversy or legal actions
- Maintain defensibility
Session Objectives

• Building on Session 1

• Understanding the CEQA document determination process

• Increasing effective participation and contributions of campus staff

• Determining the appropriate CEQA document type for a given campus project that achieves the 4Ms
What Type of CEQA Document Should be Prepared?

- Categorical Exemption
- Initial Study/Negative Declaration
- Environmental Impact Report
- Findings of Consistency
Making CEQA Document Determinations

- Is there a discretionary approval?
- Does an exemption apply?
- Has environmental review already been performed?
- For projects already addressed in Master Plan (MP) EIR:
  - Has the project description changed?
  - Have existing circumstances changed?
  - Is there new information that was not previously available?
  - Will changes or new information result in new significant impacts?
  - Does MP EIR provide adequate project-level coverage?
- Is there potential for controversy?
- Should a tiered or stand-alone document be prepared?
Is there a discretionary approval involving a physical environmental change?

Does exemption apply?

Has environmental review been performed?

For projects addressed in MP EIR:
- Has project description changed?
- Have circumstances changed?
  - Is there new information?
  - Will new significant impacts result?

Does MP EIR provide adequate project-level coverage?

Is there potential for controversy?

Should a tiered or stand-alone document be prepared?
Practice Scenarios

• Is CEQA compliance required?
• What type of CEQA document should be prepared?
• What are the risks and/or benefits if more than one option is available?
• Does approach meet 4Ms?
How to Use Your Cards

- **No** - Approach has concerns and may be risky or unnecessary

- **Maybe** - Approach might be okay but requires careful consideration of all factors

- **Yes** - Approach is appropriate
Scenario 1:
Rooftop or Parking Lot Solar PV
Scenario 2: Building Demolition

Scenario 2A – Demo of small building that is not historic and demo is not already analyzed in MP EIR

Scenario 2B – Demo of building that is significant historic structure and demo is already analyzed in MP EIR
**Scenario 3: New Building Project**

3A – New building analyzed in 2008 MP EIR and project description has not changed

3B – New building analyzed in 2008 MP EIR, but it will be relocated and requires minor MP change

3C – New building analyzed in 2008 MP EIR, but use has changed substantially
Maximizing Use of MP EIRs

- Get to know your MP EIR and whether it can provide adequate project-level coverage for any, all, or some project types
- Design new MP EIRs to maximize their use in providing project-level coverage for future projects
is here to help with your campus environmental compliance.

Key Contacts:

• Ann Sansevero, AICP
  Ann.Sansevero@urs.com or (408) 297-9585

• Renee Longman, AICP, LEED-AP BD+C
  Renee.Longman@urs.com or (805) 692-0668
www.calstate.edu
CSU CEQA Workshop
Case Law and Legislation Update

Presented by:
Mark J. Dillon, Gatzke Dillon & Ballance LLP
Michael S. Haberkorn, Gatzke Dillon & Ballance LLP
Andrea Gunn Eaton, CSU Office of General Counsel

December 6, 2012
City of Marina v. CSU Board of Trustees (2006) 39 Cal.4th 341

REVIEW

• CSU built a new university campus on a portion of the land formerly occupied by the Fort Ord military base. The campus Master Plan EIR disclosed environmental impacts affecting, among other things, regional transportation, traffic, water, fire protection capacity, and other public facilities and resources.

• The Fort Ord Reuse Authority (FORA) wanted to charge the University over $20 million to pay for the local off-campus improvements. It sought to collect this money upfront, without any guarantee that the improvements would ever even be constructed.

• CSU agreed to mitigate those items that were on the campus, but determined that the mitigation of off-site impacts was not within its jurisdiction, and was instead the responsibility of other public agencies, including the City of Marina.

• The California Supreme Court disagreed.
City of Marina v. CSU Board of Trustees (2006)
39 Cal.4th 341

REVIEW

• In applying Marina, CSU acknowledges the following principles when proceeding with negotiations associated with fair share, off-site mitigation:
  
  • CSU determines the basis for fair share mitigation responsibility.
  • CSU negotiates in good faith with local agencies.
  • CSU requests off-site mitigation funding from the Governor and Legislature.
  • Caltrans (California Department of Transportation) is responsible for state highway mitigation improvements.
  • Public/private partnerships are responsible to pay full fair share mitigation costs.
"City of Marina v. CSU Board of Trustees (2006) 39 Cal.4th 341"

REVIEW

• The CSU has requested funding for off-site mitigation as part of systemwide state capital outlay requests, with no resulting favorable inclusion in the Governor’s budget. The CSU will continue efforts to seek funding for fair share mitigation costs in future systemwide budget requests and state project budget requests as appropriate.
City of Marina v. CSU Board of Trustees (2006)
39 Cal.4th 341

What Does *Marina* Mean for Your EIR:
- *Marina* Content Requirements
  1. Analyze Traffic/Transit Impacts
  2. Identify Significantly Impacted Locations
  3. Recommend Improvements
  4. Calculate Cost/Fair-Share Issues
  5. Discuss/Negotiate With Local Agency – Document the Negotiations
  6. If Unable to Reach Agreement, Significant/Unavoidable Impacts*

*Pending Supreme Court resolution
City of San Diego v. Board of Trustees of the California State University (December 13, 2011) (Pending Supreme Court Case No. S199557)

- **Applies City of Marina.** Case addresses the University’s obligations relating to mitigation payments to local jurisdictions for impacts to off-campus infrastructure, such as roadways. The trial court ruled that such payments are contingent upon appropriation by the Legislature, and the Court of Appeal disagreed. The case presently is before the California Supreme Court.

- **Take Away:** CSU’s mitigation responsibility for impacts to off-campus infrastructure presently is unsettled. An answer is expected sometime in 2013.
City of Hayward v. CSU Board of Trustees  
(Pending Supreme Court Case No. S203939)

• This case addresses several issues, including the scope of analysis to be conducted in assessing potential impacts relative to public services (e.g. fire protection and emergency response services).

• Take Away: The Court of Appeal decision was favorable to CSU, with one exception. However, the California Supreme Court has agreed to hear the case and, therefore, the appellate decision can no longer be relied upon.
RECENT COURT CASES AND WHAT THEY MEAN FOR THE CSU
Recent decisions will impact the CSU in areas such as:

- Exemptions;
- Baseline Determinations;
- Adequacy of Environmental Review; and
- Timing of Project Commitments.
EXEMPTIONS
Berkeley Hillside Preservation v. City of Berkeley  
(February 15, 2012)

• California Supreme Court presently is reviewing a case in which the Court of Appeal adopted a new test for the application of the “unusual circumstances” exception to categorical exemptions established by CEQA Guidelines section 15300.2, subdivision (c).

• Take Away: Stay tuned for resolution of the "unusual circumstances" test. In the interim, the current test established by CEQA Guidelines section 15300.2(c): An activity that would otherwise be categorically exempt is not exempt if (i) there are “unusual circumstances” and (ii) those unusual circumstances create a “reasonable possibility” that the activity will have a significant effect on the environment.
Voices for Rural Living v. El Dorado Irrigation District  
(October 4, 2012) 147 Cal.Rptr.3d 480

• Court rules that due to "unusual circumstances," a water district erred in relying on a categorical exemption to approve an agreement to deliver water to a casino through an existing pipeline.

• *Take Away:* If your CEQA compliance document relies on a categorical exemption, be sure to consider the “unusual circumstances” exception established by CEQA Guidelines section 15300.2, subdivision (c).
Robinson v. City and County of San Francisco  
(August 21, 2012) 208 Cal.App.4th 950

- Court upholds San Francisco's determination that the installation of telecommunications equipment on utility poles was categorically exempt under CEQA.

- *Take Away:* When considering available categorical exemptions, keep in mind CEQA Categorical Exemption number 3, which encompasses the installation of a limited number of new, small facilities, or structures.
Coalition for Clean Air v. City of Visalia  
(September 14, 2012) 209 Cal.App.4th 408

- Court rules notice of exemption filed prior to date of project approval does not commence the 35-day statute of limitations to bring a CEQA challenge.

- Take Away: If your CEQA compliance document relies on an exemption, you need to post a notice of exemption to trigger the 35-day statute of limitations, otherwise the longer 180-day limitations period will apply.
BASELINE DETERMINATIONS
EVOLUTION OF RECENT BASELINE CASES

• Sunnyvale West Neighborhood Association v. City of Sunnyvale City Council (December 16, 2010) 190 Cal.App.4th 1351. Court invalidates a baseline for analyzing traffic conditions that was set using projected traffic conditions in the year 2020, which was the time the proposed project was scheduled to be completed.

• Madera Oversight Coalition, Inc. v. County of Madera (September 13, 2011) 199 Cal.App.4th 48. Court follows Sunnyvale and rules that EIR is inadequate on multiple grounds, including that the traffic analysis used predicted future conditions as a baseline.

• Pfeiffer v. City of Sunnyvale (October 28, 2011) 200 Cal.App.4th 1552. Court rules that traffic analysis for a hospital expansion project did not use an improper baseline where that baseline reflected both existing traffic and anticipated increases in traffic predicted by the city’s traffic model.

- Court of Appeal holds lead agency has discretion to measure the traffic and air quality impacts of a long-term transit project against predicted future “baseline” conditions rather than existing conditions.

- California Supreme Court presently is reviewing.

- Take Aways: Can no longer rely on the Court of Appeal decision. Consequently, the law regarding what constitutes proper baseline conditions remains unclear. Stay tuned for resolution. In the interim, (1) traffic (and related air quality and noise) impacts analysis must include an analysis of the project's impacts against existing conditions (i.e., an existing plus project analysis). (2) In the case of long-term (e.g., campus master plan) projects, consider also including an analysis against forecast future conditions if the long-term analysis would provide a more accurate assessment of project impacts than existing plus project.

- Court rules that EIR prepared for the renewal of an existing marine terminal lease used a proper environmental baseline by assuming the continued existence and operation of the terminal.

- **Take Away:** For most projects, the proper baseline is the existing (*i.e.*, current) conditions, the use of which allows for a comparative analysis of present and proposed project conditions and, therefore, provides both an accurate and useful comparative analysis.
ADEQUACY OF ENVIRONMENTAL REVIEW

- EIR upheld on multiple grounds, including: (1) Alternatives analysis was adequate even though the only alternative analyzed was the No Project alternative; (2) Air Quality and Water Supply impact analyses were adequate even though baseline emissions quantity was an approximation rather than actual amount, and evidence indicated forecasted water demand would be double that provided in the EIR; and (3) Noise impacts analysis was supported by substantial evidence.

(continued)
• Take Aways: (1) Alternatives deemed potentially feasible during the scoping phase must be analyzed in the EIR; only alternatives deemed *not* potentially feasible (as supported by substantial evidence) during scoping may be eliminated from further review. (2) An EIR will be ruled inadequate due to an error or omission only if it is prejudicial (i.e., if the error or omission precluded informed decision-making and informed public participation). (3) Document your EIR conclusions with substantial evidence.
Rialto Citizens for Responsible Growth v. City of Rialto
(July 31, 2012) 208 Cal.App.4th 899

• Court upholds EIR against challenges to project description, air quality analysis, traffic analysis, greenhouse gas/climate change analysis, biological mitigation, and rejection of alternatives.

• Take Aways: (1) EIR project description needs to include a list of permits and other approvals needed for the project to proceed;

(continued)
Take Aways (continued): (2) Cumulative impacts analysis needs to be based on either a list of past, present and probable future projects, or, a summary of projections contained in an adopted plan, such as a general plan or congestion management plan; (3) Conclusion that impacts are too speculative requires a thorough investigation in support of conclusion; and (4) Watch out for improper deferral of mitigation -- In this case, the court upheld mitigation measures requiring further surveys but only because they also identified specific measures to be implemented in the event a species were found and appropriate performance standards.
City of Maywood v. Los Angeles Unified School District
(July 18, 2012) 208 Cal.App.4th 362

• Court rules EIR inadequate for failing to contain an adequate analysis of risks to students jaywalking across a busy street bisecting the school.

• Take Away: CEQA review needs to consider safety hazards associated with students jaywalking across the street.
Consolidated Irrigation District v. City of Selma (February 8, 2012) 204 Cal.App.4th 187

• Court holds that a lead agency cannot reject comments as “incredible” for purposes of the “fair argument” standard of review unless the agency makes express credibility findings during its administrative process.

• Take Away: In order to reject comments/evidence as “incredible,” be sure the EIR identifies the evidence and explains why it lacks credibility.
**Flanders Foundation v. City of Carmel-by-the-Sea**  
(January 4, 2012) 202 Cal.App.4th 603

- Court rules, in a case involving restoration and sale of an historic mansion, that the city had a sufficient basis for rejecting as economically infeasible alternatives involving retaining ownership of the mansion.

- *Take Away:* For each alternative that is rejected, the EIR needs to contain substantial evidence in support of an infeasibility determination. Proper grounds include economic infeasibility, failure to meet the project’s objectives, and inconsistency with CSU’s goals or policies.
Ballona Wetlands Land Trust v. City of Los Angeles
(November 9, 2011) 201 Cal.App.4th 455

• Court rules that an EIR for a proposed project in coastal Los Angeles did not need to analyze the potential impacts of sea level rise and the related risk of inundation on future residents of the project, and also that the analysis of archaeological resources was adequate.

• Take Aways: (1) Identifying the effects on the project and its users of locating the project in a particular environmental setting is not required under CEQA; and (2) Analysis of potential impacts to archaeological resources needs to discuss the feasibility of “preservation in place” as potential mitigation.
TIMING OF PROJECT COMMITMENTS
SAVE TARA BACKGROUND

• Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116: Save Tara involved a development agreement between the City of West Hollywood and Laurel Place, a nonprofit corporation proposing to develop a 35-unit housing project for low-income seniors on City-owned property designated as a cultural resource. California Supreme Court found that CEQA was triggered by early agreements between a city and developer, even when the agreements were expressly conditioned upon later CEQA compliance. The court based its decision on statements in the Agreement, the terms of the Agreement (including a loan to the developer of $500,000), the City’s representations to HUD and the public, and the fact that the City had begun to relocate the current residents of the property to be developed.
SAVE TARA BACKGROUND (con’t)

• *Take Aways:* A contract term requiring future CEQA compliance will not automatically convert an agreement which would otherwise be considered an approval, into a CEQA exempt activity.

• Whether an agency action constitutes an approval is a fact intensive inquiry, which in this case included consideration of the purpose stated in the agreement, the extent to which the agency had taken action to commit to the project, and the public representations made by the agency.

• City and RDA approved a “Stadium Term Sheet,” which set forth basic terms of a proposal to develop a stadium for the 49ers NFL franchise. Cedar Fair contended that the term sheet was a project “approval” which could only occur after environmental review was complete. See Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116. Court found that the term sheet did not constitute a project or a project approval.

• Take Away: Preliminary agreements (term sheets, letters of intent, and the like), if any, must be explicitly non-binding and contingent upon compliance with CEQA. Consult with CPDC and OGC when considering whether to enter into such agreements.
OTHER
Abatti v. Imperial Irrigation District (April 26, 2012) 205 Cal.App.4th 650

• Court rules that Public Resources Code section 21166 regarding supplemental environmental review applies even where the original document was a negative declaration, rather than a full EIR.

• Take Away: You can continue to follow CEQA Guidelines section 15162, which addresses the circumstances under which a subsequent EIR must be prepared in those cases in which either an EIR was previously certified or a negative declaration previously adopted.
Citizens for Open Government v. City of Lodi  

- Court rules that the city did not have an adequate basis for withholding documents from the CEQA administrative record based on the “deliberative process” privilege. (The subject documents were 22 e-mails, and their attachments, exchanged between city staff and their consultants regarding preparation of the EIR.)

- *Take Away:* In order to rely on the “deliberative process” privilege, you need to show a specific interest in non-disclosure as to each of the documents, and explain why that interest outweighs the countervailing public interest in disclosure; a general assertion of the value of encouraging intra-agency candor is not sufficient to prevent disclosure.
CASELAW APPLICATION AND CEQA COMPLIANCE

- Implications of recent and pending CEQA cases on future CSU projects.
LEGISLATION NOT APPROVED

• **SB 318** – Would have exempted from CEQA any project that “conforms to the designation, density, and building intensity set forth in a general plan, specific plan, sustainable communities strategies, or any other form of land use planning adopted by a city, county, or metropolitan planning organization for which an environmental impact report was certified.”

• Concern is CEQA is being improperly used to block otherwise environmentally-worthy projects and/or for purposes that do not relate to environmental protection.

• Senate President Pro-Tem Darrell Steinberg issued a recent statement indicating that reforming CEQA will be a legislative priority in 2013.
• **AB 2245** (Smyth) – Creates an exemption from CEQA for the restriping of streets or highways for bicycle lanes in an urbanized area if such restriping is consistent with a bicycle transportation plan prepared pursuant to the California Streets and Highways Code.

• **SB 972** (Simitian) – Expands the current requirements as to who is required to be sent various notices required as part of the CEQA process. Recommend review of the bill’s specific requirements (Amended Pub. Resources Code sections 21083.9 and 21092.2.)
CSU CEQA Workshop
Transportation Impact Study Manual
and
Transportation Demand Management Manual

December 6, 2012
Transportation Impact Study Manual

- What is it?
- Why was it prepared?
- How will it help campuses?
- What are the most important parts?
What is it?

- A manual to provide guidance to campuses and their consultants in the preparation of transportation impact studies
Why was it prepared?

- To promote the use of best practice methods for all CEQA transportation impact studies
- The importance of considering applicable transportation policies and methods of local jurisdictions
- To provide substantial evidence in support CEQA documents
How will it help campuses?

- Provides a comprehensive guide for consultants to follow in scoping and carrying out TIAS

- Provides a tool for campus staff to evaluate adequacy of consultants’ work

- Provides a basis for campus decisions regarding technical analysis approaches and significance findings
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What are the most important parts?

- Outline of all required parts of a TIA:
  - Setting
  - Impacts and Mitigation Measures
  - Significance Criteria
  - Analysis Methods:
    - Forecasting
    - Operations
    - Trip Generation
    - Etc.
What are the most important parts?

- Setting
  - Roadway Network Description
  - Transportation Data Collection and Summary
  - Bike/Ped Facility Description
  - Transit Facility Description
  - Parking
  - Regulatory Setting
What are the most important parts?

- **Significance Criteria**

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<td><strong>Off-Site Traffic Operations</strong></td>
<td>- A roadway segment or intersection operates at LOS D or better under a no project scenario and the addition of project trips causes overall traffic operations on the facility to operate unacceptably (LOS E or LOS F).&lt;br&gt;- A roadway segment or intersection operates at LOS E or LOS F under a no project scenario and the project adds both 10 or more peak hour trips and 5 seconds or more of peak hour delay, during the same peak hour.&lt;br&gt;- If an intersection operates at a very poor LOS F (control delay of 120 seconds or more), the threshold of significance shall be an increase in v/c ratio of 0.02 or more.</td>
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<td><strong>Bicycle Facilities</strong></td>
<td>- A project significantly disrupts existing or planned bicycle facilities or significantly conflicts with locally adopted non-automotive transportation plans, guidelines, policies, or standards.</td>
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*Note 1: County Congestion Management Programs may have guidelines which include Levels of Service that need to be addressed.*
What are the most important parts?

Significance Criteria

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| Pedestrian Facilities and Americans with Disabilities Act (ADA) compliance | - A project fails to provide accessible and safe pedestrian connections between campus buildings and to adjacent streets and transit facilities.  
- A project significantly disrupts existing or planned pedestrian facilities or significantly conflicts with locally adopted non-auto transportation plans, guidelines, policies, or standards. |
| Transit | - A project significantly disrupts existing or planned transit facilities and services or significantly conflicts with locally adopted transit plans, guidelines, policies, or standards. |
| Intersection Traffic Control | - The addition of project traffic causes an all-way stop-controlled or side street stop-controlled intersection to meet Caltrans signal warrant criteria. |
| Transportation Plan Consistency | - A project significantly conflicts or creates significant inconsistencies with the local jurisdiction's General Plan transportation policies or the Campus Master Plan transportation policies. |
| Safety | - Directly or indirectly cause or expose all users (motorists, pedestrians, bicyclists, and bus riders) to a permanent and substantial transportation hazard due to a new or existing physical design feature or incompatible uses. |
What are the most important parts?

➤ Significance Criteria

<table>
<thead>
<tr>
<th>Elements</th>
<th>Significant Impact Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Period (Temporary)</td>
<td>The construction of a project creates a temporary but prolonged significant impact due to lane closures, need for temporary signals, emergency vehicles access, traffic hazards to bikes/pedestrians, damage to roadbed, truck traffic on roadways not designated as truck routes, etc.</td>
</tr>
<tr>
<td>On-Site Circulation</td>
<td>Project designs for on-site circulation, access, and parking areas are inconsistent with the circulation and parking plans in the Campus Master Plan or with locally adopted roadway design standards.</td>
</tr>
<tr>
<td></td>
<td>A project fails to provide adequate accessibility for service and delivery trucks on-site, including access to truck loading areas.</td>
</tr>
<tr>
<td></td>
<td>A project fails to provide adequate accessibility for buses accessing appropriate drop-off areas on-campus.</td>
</tr>
<tr>
<td></td>
<td>A project fails to provide adequate accessibility for pedestrians and bicyclists.</td>
</tr>
<tr>
<td></td>
<td><em>Note 1</em> -- The level of detail provided in the on-site circulation analysis should match the level of project design detail available; thus, a Campus Master Plan update will necessarily require a broader-level review than a new building or parking structure.</td>
</tr>
<tr>
<td></td>
<td><em>Note 2</em> – If no site plan is available, the impact assessment should discuss the design standards to which the project design should be held, and provide a mitigation measure requiring adherence to the relevant design standards.</td>
</tr>
</tbody>
</table>
What are the most important parts?

• Mitigation Measure Guide

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
</table>
| Roadway Capacity Expansion                     | ➢ Optimize location of access driveway(s)  
➤ Provide additional through traffic lane(s), right-turn lane(s), and left-turn lane(s) if they don’t adversely impact other modes  
➤ Improve sight distances at intersections and driveways to standard engineering practice |
| Traffic Control Modifications (warrants must be met) | ➢ Provide for yield or stop control  
➤ Install roundabouts  
➤ Provide coordination/synchronization of traffic signals along a corridor  
➤ Provide turn-lane channelization through raised islands  
➤ Restrict certain turn movements |
| Transit Facilities                             | ➢ Provide bus turn-outs, bus shelters, additional bus stops, and park-and-ride lots  
➤ Consider addressing planned transit facilities in project design, if feasible  
➤ Work with local transit providers to improve service to the area |
What are the most important parts?

• **Mitigation Measure Guide**

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking Facilities</strong></td>
<td>➢ Design parking facilities to allow free-flow access to and from the street</td>
</tr>
<tr>
<td></td>
<td>➢ Provide off-street parking per master plan</td>
</tr>
<tr>
<td></td>
<td>➢ Implement shared parking among complementary land uses</td>
</tr>
<tr>
<td><strong>Pedestrian and Bicycle Facilities</strong></td>
<td>➢ Provide for access to, from, and through the development for pedestrians and bicyclists</td>
</tr>
<tr>
<td></td>
<td>➢ Designate Class I bicycle paths, Class II bicycle lanes, and other facilities</td>
</tr>
</tbody>
</table>
What are the most important parts?

- Methodology - Operations
  - Preferred Method – e.g. Highway Capacity Manual for Intersection Assessment
  - Not Preferred but Accepted Method Where Used by the Local Agency – e.g. Intersection Capacity Utilization
  - Recommended in Some Situations – Micro-simulation
What are the most important parts?

• Methodology – Trip Generation
  • Preferred Method – e.g. Trip Survey, Cordon Counts, etc.
  • Accepted Method – Institute of Transportation Engineers (ITE) *Trip Generation*
  • Other Adjustments – Trip Reductions for Pass-By/Diverted-Link Trips, TDM Reductions (CAPCOA), CSU-Specific Information
What are the most important parts?

• Resources in appendix:
  • Links to regional planning agencies
  • Scoping form
  • Travel demand model validation techniques
  • Resource sheets for each campus describing local methods, contacts, etc.
What are the most important parts?

- Resource sheets

<table>
<thead>
<tr>
<th>Question ID</th>
<th>Question</th>
<th>CSU East Bay</th>
<th>San Diego State University</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Are there written Transportation Impact Study (TIS) Guidelines? Obtain a copy and place in project folder. (Yes/No)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>Have they been formally adopted? (Yes/No)</td>
<td>Not Known</td>
<td>No</td>
</tr>
<tr>
<td>3A</td>
<td>Are they consistent with current jurisdictional practice? For example, they might refer to an outdated method that staff and consultants routinely replace and is deemed acceptable (e.g., Highway Capacity Manual used in practice but Circular 212 is the written policy). (Yes/No)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>3B</td>
<td>Description for 3A</td>
<td>Standard City of Hayward practice is to use the 1994 HCM and the Maricopa Countywide Travel Demand Model. A City of Hayward model is also available but is out of date.</td>
<td>The City of San Diego is very strict in adhering to both the Traffic Study Guidelines and Significance Determination Thresholds. However, the City, as well as other jurisdictions within the region, are currently developing new regional guidelines that will incorporate the HCM 2010 methodologies and take more of a multi-model approach.</td>
</tr>
<tr>
<td>4A</td>
<td>Do the guidelines specify what project parameters trigger a traffic impact study? (Yes/No)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>4B</td>
<td>Description for 4A. Summarize briefly and note items that differ from standard practice.</td>
<td>Guidelines refer to “when a proposed project generates over 500 peak hour trips, or when there may be other warranting circumstances such as a potential impact on neighborhood streets, or to analyze the potential need for a traffic signal. City staff will be the final determinate as to when a traffic study will be required.”</td>
<td>Figure 1 “Requirement Flowchart” on page 4 establishes Community Plan-compliant projects that generate more than 1,000 total ADT or 150 peak hour trips. Non-compliant projects have a lower trigger (500 total ADT) or more than 50 peak hour trips.</td>
</tr>
<tr>
<td>5A</td>
<td>Is guidance given regarding trip generation methodologies? Does it address alternative derivations (from traffic counts, enrollment, etc.) and trip reduction adjustments? (Yes/No)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>5B</td>
<td>Description for 5A. Summarize briefly and note items that differ from standard practice.</td>
<td>Guidelines refer to “calculating project trip generation from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation manual... It may be necessary to base trip generation on actual counts in the case of a land use that has not been studied.”</td>
<td>Section 5 covers Trip Generation in detail (p.12). City of San Diego Trip Generation Manual, SANDAG and ITE are appropriate references. Adjustments can be made for high transit use or mixed-use development. Pass-by rates and adjustments are described (pp.13-14)</td>
</tr>
<tr>
<td>6A</td>
<td>Are specific guidelines given regarding defining the study area boundary? (Yes/No)</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>6B</td>
<td>Description for 6A. Summarize briefly and note items that differ from standard practice.</td>
<td>N/A</td>
<td>Regionally significant arterial segment and intersections where the proposed project will add 50 or more peak hour trips. Maintained freeway locations where the project will add 150 or more peak hour trips. The guidelines also provide a procedure, based on ADT, for determining the study area</td>
</tr>
<tr>
<td>7A</td>
<td>Are specific transportation analysis scenarios and time periods required? (Yes/No)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
TDM Manual

➢ What is it?
➢ How was it prepared?
➢ Which TDM programs are the most effective?
➢ How do campuses identify success?
Purpose

- Guide the implementation or augmentation of TDM programs
  - Goals & objectives
  - Campus typology system
  - TDM program tools
  - Evaluation methodology
  - Best practices
Survey of Campuses

- Ensure a representative range of campus types and areas
- Draw on previous experience
- Focus on areas with limited non-auto means
Goals & Objectives

• Encourage non-auto modes
• Maintain financial sustainability
• Ensure equitable access
• Preserve campus land
• Promote environmental sustainability
• Build local partnerships
Campus Typology

• Urban
• Inner Suburban
• Suburban
• Exurban
• Rural/College Town
TDM Program Tools

• Parking Pricing
• Transit Passes
• Bicycle/Pedestrian Amenities
• Campus Housing & Amenities
• Carsharing
• Ridematching
• Carpool/Vanpool Incentives
• Shuttle Services
TDM Program Tools

- Urban
- Exurban

- College Town
- Suburban

- Parking Pricing

- Bike/Ped Amenities
Measuring TDM Effectiveness

• Mode Split Survey
  • Greenhouse Gases
  • Average Vehicle Ridership
• Vehicle Trips
• Participation Rates
  • Cost per participant
  • Cost per trip
Mode Split Surveys—Performance Monitoring

PSU Staff and Faculty Mode Split for Trips to Campus, 2000-2010

- Took Transit, 44%
- Drove Alone, 25%
- Bicycled, 12%
- Walked, 8%
- Carpooled, 6%
- Other*, 5%

Data points:
- 2000: Took Transit 49%, Drove Alone 30%, Bicycled 9%, Walked 5%, Carpooled 5%
- 2002: Took Transit 39%, Drove Alone 36%, Bicycled 14%, Walked 5%, Carpooled 4%
- 2004: Took Transit 32%, Drove Alone 32%, Bicycled 10%, Walked 7%, Carpoooled 5%
- 2006: Took Transit 27%, Drove Alone 27%, Bicycled 10%, Walked 9%, Carpoooled 6%
- 2008: Took Transit 25%, Drove Alone 25%, Bicycled 10%, Walked 9%, Carpoooled 5%
- 2010: Took Transit 45%, Drove Alone 25%, Bicycled 10%, Walked 9%, Carpoooled 5%
Best Practices

• Unique insights for typical programs

• Parking Pricing
  • UCLA – Tiered Pricing
Best Practices

• Carsharing
  • PSU - Peer-to-peer carsharing
Best Practices

- Campus Housing & Amenities
- SDSU
Wrap Up

• The manuals are resources for you to use
• Manuals:
  • Provide framework for campus TDM plans
  • Assist in quantifying TDM reduction appropriately
  • Assist in adequately scoping your transportation impact study
• The Chancellor’s Office is here to help
Questions/Discussion
Rincon Consultants, Inc.

- Stephen Svete, AICP, LEED AP, Vice President
  svete@rinconconsultants.com
- Richard Daulton, MURP, Principal
  rdaulton@rinconconsultants.com

www.rinconconsultants.com
Legislative Trends

• Trend toward CEQA streamlining for infill development
• Trend toward emphasis on regional planning
• CEQA reform on agenda for 2013 session
Legislative Background

• AB 32 and SB 375
  • Relationship to large-scale climate change planning
    • Statewide GHG reduction to 1990 levels by 2020
    • Statewide GHG reduction to 80% below 1990 levels by 2050
    • Regional targets for GHG reductions from passenger vehicles
Legislative Background

- AB 32 and SB 375
  - Relationship to individual campus projects
    - Climate Action Plan consistency streamlines GHG emissions impact analysis
      - Campus-specific Climate Action Plans
      - City or County Climate Action Plans
      - Energy efficiency measures
      - Transportation demand measures
  - CEQA relief for specific project types
Traditional CEQA Streamlining Tools

• Tiering from Program EIRs (e.g., Campus Master Plan EIR)
• Class 32 Infill Exemption
  • Applies in cities only
  • Site less than 5 acres in size
  • Surrounded on three sides by existing development
  • No habitat, traffic, noise, air quality, or water quality impacts
New CEQA Streamlining Tools

• SB 226 CEQA Streamlining for Infill Projects
  • Changes to CEQA Guidelines effective January 1, 2013 (but also need Sustainable Community Strategy adopted by MPO)
  • Creates CEQA exemption if all effects previously analyzed OR subject to “Uniformly Applicable Development Policies”
  • New CEQA review limited to new effects
V. CULTURAL RESOURCES. Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Significant Impact</th>
<th>Less Than Significant or Less than Significant with Mitigation Incorporated</th>
<th>No Impact</th>
<th>Analyzed in the Prior EIR</th>
<th>Substantially Mitigated by Uniformly Applicable Development Policies</th>
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New CEQA Streamlining Tools

• SB 226 CEQA Streamlining for Infill Projects
  • Applies to projects meeting all of the following:
    • Located on site previously developed or surrounded on 3 sides by development
    • Located within a city or dense urban “islands”
    • Consistent with Sustainable Communities Strategy (use, density, building intensity - FAR, policies)
    • Implements statewide performance standards for infill (reduced GHG, VMT, energy use, water use)
New CEQA Streamlining Tools

• SB 375 CEQA Streamlining for Residential Projects
  • Residential or mixed use projects (at least 75% of building area for residential) consistent with Sustainable Communities Strategy
• Transit Priority Projects
  • At least 50% residential use
  • Minimum 20 units per acre
  • Within ½ mile of major transit stop or high quality transit corridor (15 minute transit headways)
New CEQA Streamlining Tools

• SB 375 CEQA Streamlining for Residential Projects
  • CEQA Benefits
    • Full CEQA exemption for Transit Priority Projects that meet a host of environmental and land use criteria.
    • Sustainable Communities Environmental Assessment (SCEA) option for Transit Priority Projects that don’t satisfy exemption criteria
      • Similar to Initial Study but reviewed under “Substantial Evidence standard”
CEQA Streamlining Hypothetical Example

• Proposed 100 unit campus housing project on 4-acre site near center of campus
  • The site is surrounded on all sides by other campus development
  • The site is mostly vacant but contains two structures built in 1930
  • The site is located 3 miles from the nearest major transit stop
  • The campus master plan identifies the site for future development of a student health center
CEQA Streamlining Hypothetical Example

- Questions to Ask (Traditional CEQA Tiering):
  - Was the project identified in the Campus Master Plan and EIR?
  - Can a consistency determination with that EIR be made?
    - Have environmental conditions changed since certification of the EIR?
    - Were all potential significant effects of the project addressed in the EIR?
CEQA Streamlining Hypothetical Example

- Questions to Ask (CEQA Infill Exemption):
  - Does the project qualify for a Class 32 Infill Exemption?
    - Is the project located in an incorporated city?
    - Is the project site less than 5 acres in size?
    - Is the project surrounded on three sides by development?
    - Would the project impact habitat, traffic, noise, air quality, or water quality?
    - Is the project likely to result in any environmental impact due to unusual circumstances?
CEQA Streamlining Hypothetical Example

• Questions to Ask (SB 226 Infill Streamlining):
  • Has a Sustainable Communities Strategy been adopted by the MPO?
  • Is the project consistent with the SCS in terms of land use, density, floor area ratio, and policy consistency?
  • Would the project implement statewide performance standards for infill development?
CEQA Streamlining Hypothetical Example

Questions to Ask (SB 375 Residential Streamlining):

- Is the project a Transit Priority Project?
- Is the project consistent with the SCS in terms of land use, density, floor area ratio, and policy consistency?
- Is a residential density of at least 20 units per acre being provided?
- Is the site located within ½ mile of a major transit stop or high quality transit corridor?
Conclusions

• Plan for Infill and Streamlining in Advance
  • Campus Master Plan EIRs
    • Provide broad, programmatic analysis that anticipates contingencies
    • Identify all foreseeable physical improvements
  • Review Sustainable Communities Strategy
    • Coordinate Campus Master Plans with SCS
    • Identify potential for campus projects to be consistent and take advantage of CEQA streamlining
Climate Action Planning

• Addresses the issue of climate change from a planning perspective
• Allows integration of sustainability principles in a single document
• Establishes the university’s role in climate change
• Helps meet statewide goals for reducing GHG emissions
The CAP Preparation Process

1. Evaluate existing GHG emissions
2. Estimate BAU future emissions
3. Set reduction targets
4. Develop GHG reduction measures
5. Develop a Monitoring plan
6. Environmental Review and Adoption
Reduction Strategies

- Transportation
- Land Use
- Building Energy
- Green Infrastructure
- Waste
- Water
The graph illustrates the reduction potential of a community climate action plan. The x-axis represents the year, with 2005 and 2020 marked. The y-axis shows metric tons of CO₂, with values ranging from 780,000 to 1,060,000.

- **Building Energy Action Area**: 114,966 MT CO₂e.
- **Transportation Action Area**: 99,809 MT CO₂e.
- **Land Use Action Area**: 20,555 MT CO₂e.
- **Water Action Area**: 14,257 MT CO₂e.
- **Waste Action Area**: 2,495 MT CO₂e.
- **Green Infrastructure Action Area**: 330 MT CO₂e.

The graph shows the emissions projection for 2020 and the baseline emissions for 2005. The emissions target is 15% below 2005 levels, indicated by the horizontal line at 790,533 metric tons of CO₂ per year.
2010 CEQA Guidelines Amendments

  • OPR to develop, and the Natural Resources Agency to adopt
• Amendments addressed:
  • Significance of GHG emissions (§15064.4)
  • Mitigation of GHG impacts (§15126.4)
  • Tiering from GHG Reduction Plans/CAPs (§15183.5)
2010 CEQA Guidelines Amendments (cont’d)

• Significance of Impacts:
  • Lead agencies must analyze the greenhouse gas emissions of proposed projects, and must reach a conclusion regarding the significance of those emissions. (CEQA Guidelines § 15064.4.)
  • Requires “a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.”
2010 CEQA Guidelines Amendments (cont’d)

• Significance of impacts:
  • Significance of impact based on:
    • (1) change in greenhouse gas emissions as compared to the existing environmental setting;
    • (2) exceedance of a threshold of significance that the lead agency determines applies to the project.
    • (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.
  • See CEQA Guidelines 15064.4(b)
Mitigation of Significant GHG Impacts

- Lead agencies must consider mitigation measures that may include:
  - Measures in an existing plan;
  - Reductions in emissions resulting from project design;
  - Off-site measures, including offsets;
  - Measures that sequester greenhouse gases;
  - For the adoption of a plan, measures that may be implemented on a project-by-project basis.

- Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.
2010 CEQA Guidelines Amendments (cont’d)

• Projects may “tier from” (rely on) the programmatic analysis of cumulative greenhouse gas emissions from an approved GHG reduction plan meeting specified criteria. (CEQA Guidelines § 15183.5(b))

• Mitigation measures applicable to the project must be incorporated into project design or imposed through CEQA document.
CSU CEQA Workshop
Historic Resources

December 6, 2012

Presented by:
Sarah Lozano, Dudek and
Jennifer Trotoux, Architectural Resources Group
Goals

From CEQA Appendix G (Environmental Initial Study Checklist):

*Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*

- Definition of a historic resource
- Determination of significance
- Determination of project impacts
- Appropriate mitigation
What is the Definition of a Historic Resource?
(CEQA Section 15064.5)

Properties previously listed under the following programs are presumed to be historic resources for CEQA:

- National Register of Historic Places
- California Register of Historical Resources
- A local historical register (or identified in a local survey)

A property not previously listed or surveyed may nonetheless be historically significant, pursuant to Section 21084.1. Consultation with a qualified historian can identify potential historic resources using the criteria of the above programs.
Is there a historic resource present per CEQA? *(CEQA Section 15064.5)*

- What criteria are used for evaluation?
- How does age factor in?
- How do we evaluate college campuses and educational buildings?
- What types of resources are likely to be present on a campus?
How is it determined whether an impact will occur?

• How does CEQA define “substantial adverse change”?

• Does the project meet the Secretary of the Interior’s Standards for Rehabilitation?
  • Compatibility with historic use
  • Retention of Historic Character
  • Authenticity (“integrity”)
  • Reversibility
  • Physical treatment with gentle means

http://www.cr.nps.gov/hps/tps/standguide/
What is appropriate mitigation?

• If an impact will occur, mitigation must be undertaken.

• Examples of mitigation measures:
  • Documentation of the resource.
  • Written interpretation.
  • National or California Register listing.
  • Treatment plan or design guidelines for related historic resources.
Important Factors to Consider:


• Consultation with SHPO: Consultation shall occur concurrent with environmental review.

• Local register: What are CSU’s responsibilities with regard to resources designated by a local authority?