



COUNTY OF SAN LUIS OBISPO
CEQA Guidelines Workshop

Introductions

- Name & affiliation



Purpose

- Solicit input for the update to the County CEQA Guidelines
- Carry forward input to County Board of Supervisors



Background

Board direction on February 21st 2017 to:

- Consider changes to the County's current CEQA Guidelines
 - Explore options wherein the County may release the ADEIR
-
- December 5, 2017
 - Returned to Board with the following:



County CEQA Guidelines

- Intended to condense the voluminous requirements of CEQA statute into a user friendly document
- County adopted CEQA Guidelines on August 15, 1995
- Include no provisions that are more restrictive than state guidelines
- Two instances where the County's Guidelines include provisions that are intended to expand public involvement
 - Courtesy Notice of environmental determinations
 - Request for Review of proposed Negative Declaration



Local CEQA Thresholds

- Rely upon local thresholds and regulations, such as provisions in the General Plan or Land Use Ordinance, and those established by permitting agencies
- The County of San Luis Obispo utilizes this approach for thresholds of significance
- Currently preparing a Thresholds Manual for public use



Administrative Draft EIR

- The County does not currently circulate the ADEIR to the public or to the applicant
- Two jurisdictions in California do: Santa Barbara and San Diego

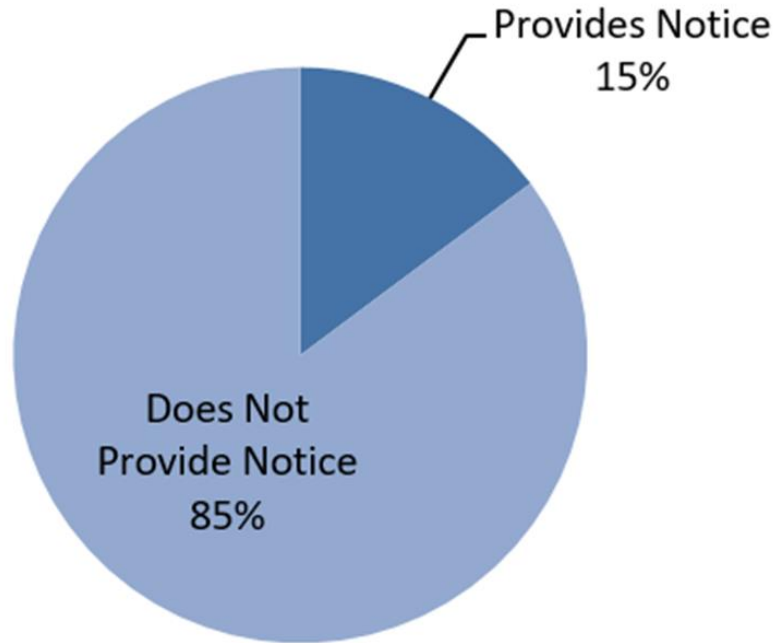


CEQA Practices of Other Jurisdictions

- Researched CEQA practices in other jurisdictions
 - 17 California counties
 - Nine local cities



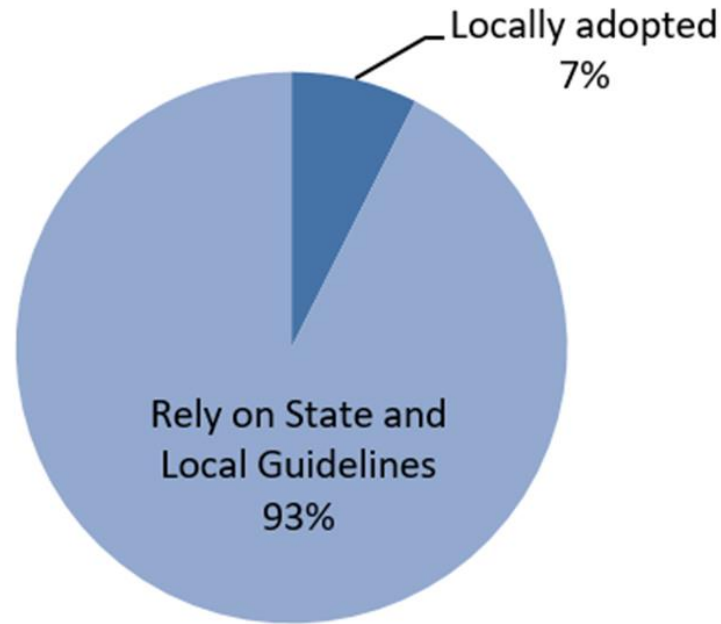
Courtesy Noticing Survey Results



- Of the 27 jurisdictions surveyed, four jurisdictions including San Luis Obispo County provide courtesy noticing.



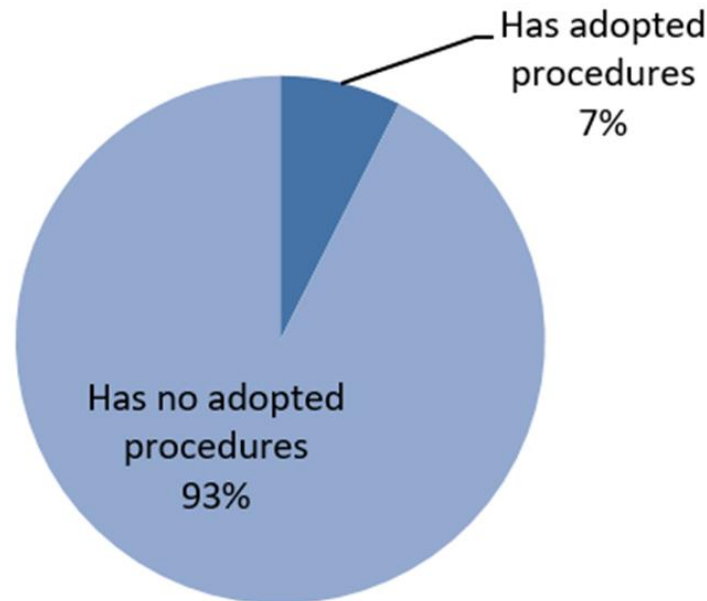
Thresholds of Significance Survey Results



- Of the 27 jurisdictions surveyed, two jurisdictions, Santa Barbara County and San Diego County have formally adopted Thresholds of Significance.



ADEIR Release Procedures Survey Results



- Of the 27 jurisdictions surveyed, two jurisdictions, Santa Barbara County and Sacramento County provide written procedures for reviewing of the Administrative Draft Environmental Impact Report
- All other jurisdictions surveyed, including San Luis Obispo County do not currently circulate the ADEIR



Options and Considerations

1. No changes to the existing County CEQA Guidelines
 - The existing County CEQA Guidelines currently satisfy the requirements of CEQA to have adopted procedures for the evaluation of projects and the preparation of EIRs and NDs



Options and Considerations

2. Amend the County CEQA Guidelines to establish specific consultation milestones throughout process:
 - A. Finalize project description with applicant early in the EIR process
 - B. Applicant to sign off on the project description ensuring accuracy
 - C. Coordinate with the applicant to prepare a scope of work based on the final project description
 - D. Meet with the applicant periodically to:
 - Alert the applicant of any concerning results of technical studies
 - Discuss project alternatives and the technical feasibility of project alternatives
 - Review any proposed mitigation measures that could result in potentially significant expense



Options and Considerations

3. Amend the County CEQA Guidelines to establish specific consultation milestones and procedures for the public availability of Administrative Draft Environmental Impact Reports for private projects



Board Direction on December 5

- Same week OPR released its revised guidelines
 - Conduct more public outreach
 - Analyze State guideline updates



Recent OPR presentation



Proposed CEQA Guidelines
OPR/SGC Workshop
September 25 , 2017



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

Process in Updating the Guidelines

- **Listening Tour (early 2011)**
- **Infill Streamlining Update (2012)**
- **Solicitation for Input (summer 2013)**
- **Possible Topics and Preliminary Evaluation (winter 2013)**
- **Preliminary Draft of VMT Update(August 2014)**
- **Draft of Comprehensive Update (August 2015)**
- **Revised VMT Update (January 2016)**
- **Final Comprehensive Package**



What is part of the proposed update?

Process Improvements

- Regulatory Standards and Thresholds
- Program EIR scope, Tiering
- TOD Exemption
- Appendix G rewrite
- Remedies and Remand

Substance Improvements

- Energy Impacts
- Water Supply
- **Transportation (SB 743)**

Technical Improvements

- Baseline
- Deferred Mitigation Detail
- Responses to Comment
- Hazards



Proposed CEQA Guidelines – Process Moving Forward



OPR submits draft
CEQA Guidelines to
Resources Agency



Formal rulemaking
starts



OAL reviews the
Guidelines package



Group Breakout Session

Step 1: Please visit each station(s) and provide feedback or comment(s) on each topic – 30 minutes total

Step 2: We will regroup and discuss further once complete



Group Breakout Session

- Environmental Impact Report preparation process
- Timing and cost of the environmental review process
- Public involvement in the environmental review process
- Applicant Involvement in the environmental review process
- Thresholds of Significance
- Availability of Administrative Draft EIR



Final Thoughts?

Thoughts on the options presented to the Board and comments raised here today?

Option 1- No change

Option 2 - Consultant Milestones

Option 3 - Consultant Milestones & ADEIR Release



Thank you for your participation!



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

This page left blank intentionally



Legal Analysis for Release of ADEIR

- Based on a 2009 decision (*California Oak Foundation* case) there was a 4-year period that the law allowed an ADEIR to be shared between counsel for the local government and the applicant's counsel without being made available to the broader public
- That decision reasoned that the CEQA legal work of the local government and the ADEIR remained within the scope of the attorney-client privilege
- In 2013 a subsequent decision (*Ceres* case) rejected this reasoning of attorney-client privilege
- The *Ceres* case acknowledged that the local government and the applicant can become allied in a way that allows them to share legal strategy and documents; however, this can only happen after the Final EIR is certified and the project is approved
- Future related rulings would consider that an ADEIR had become a public document by virtue of its release to a project applicant
- As a result, this is the current legal standard for release of ADEIR

