



California Environmental Quality Act (CEQA) Training

Community & Economic
Development Department

Cultural Heritage Board

Agenda Item: 4

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RiversideCA.gov

CEQA BASICS FOR THE CULTURAL HERITAGE BOARD

STEPHANIE STANDERFER
VICE PRESIDENT



WHY DOES CHB NEED TO KNOW ABOUT CEQA?

TITLE 20 – SECTION 20.10.020

- CHB has CEQA review authority
- CHB to advise City departments of known cultural/historical/archaeological resources
- Assess and advise City Council on whether a project will impact a cultural/historical/archaeological resource
- Recommendation to City Council on appropriate action for said project in relation to cultural/historical/archaeological resources

WHAT IS CEQA?

THE CALIFORNIA ENVIRONMENTAL QUALITY ACT = CEQA (1970)



Public Disclosure is the "heart" of CEQA



Public Agency actions need to be disclosed and the environmental affects clearly communicated



Environmental affects should be avoided and mitigated where possible

READ MORE HERE - [HTTP://CERES.CA.GOV/CEQA/DOCS/2010_CEQA_STATUTES_AND_GUIDELINES.PDF](http://ceres.ca.gov/ceqa/docs/2010_ceqa_statutes_and_guidelines.pdf)

WHAT DOES CEQA LOOK LIKE?

CEQA IS PURELY DOCUMENTATION

TYPES OF CEQA DOCUMENTS YOU WILL SEE:

Categorical Exemptions
Initial Studies - Mitigated Negative Declarations, Negative Declarations
Environmental Impact Reports

ALL TYPES OF CEQA ARE REQUIRED TO

- Disclose information to the Public



EXEMPTION PROCESSING

- CEQA Guidelines 15062
- Include project description, location, findings, and support of findings
 - *This can be a memo, a report, or documentation on NOE*
- Cite as many NOEs as apply
- NOE filed with County Clerk (and State Clearinghouse) once project is approved
- NOE posted for 30 Days
- NOE posting starts 35 Day statute of limitations on legal challenges
- If no NOE filed, statute of limitation on legal challenge is 180 days

INITIAL STUDIES / NDs / MNDs

- Prepare when you have project, and it can't use exemption
- Initial Study Checklist becomes justification for ND or MND
- Public Review Period – 20 or 30 Days (City usually does 20)
- Have to post at County Clerk (and State Clearinghouse)
- After ND or MND Adoption by CHB or City Council, file Notice of Determination (NOD) within five days
- NOD starts 30 Day statute of limitations on legal challenge
- If no NOD filed, statute of limitations is 180 days

EIRs

- EIR prepared typically when Initial Study determines project has potentially significant affects
- Can skip Initial Study and go straight into EIR
- Do when you don't know the answer, or if technical studies show significant effects
- Typically, EIRs can take 12 to 24 months, depending on project
- 45 Day Public Review Period of Draft EIR
- Have to respond to all comments in writing that deal with CEQA issues
- Response to comments have to be sent back within 10 days of Certification
- City Council has to certify Final EIR, not CHB
- File NOD within five days of City Council Certification
- NOD starts 30 Day statute of limitation on legal challenge; otherwise 180 days

TRIBAL CONSULTATIONS

- CEQA process requires tribal consultations
- SB 18 – has been on the books and already required consultation on General Plan Amendments and Specific Plan Amendments
- AB 52 became effective July 2015; Government to Government consultation required
- AB 52 is now required as part of CEQA process and all MNDs/NDs/EIRs have to address Tribal Consultations
- Historic Preservation Team at City handles the AB 52 process

CEQA AND HISTORIC RESOURCES

TREATMENT OF HISTORIC RESOURCES AND CEQA
ANALYSIS OF SIGNIFICANCE (15064.5(b))

CEQA SAYS TO EVALUATE “SUBSTANTIAL ADVERSE CHANGE” IN THE SIGNIFICANCE OF HISTORIC RESOURCE

- Demolition, destruction, relocation or alteration of resource or its immediate surroundings that cause material impairment
- Indicates evaluation of not only the resource, itself (direct impacts) but of its surroundings too which ropes in indirect or cumulative impact analysis

CEQA AND HISTORIC RESOURCES

MATERIAL IMPAIRMENT

Demolish or alter the physical characteristics of the resource that justify its inclusion, or eligibility in CRHR, or local register or in a survey

Will the character-defining features be modified by the project?

CHB AND CEQA REVIEWS

WHAT TO LOOK FOR...

EXEMPTIONS

- Does it make common sense that what you are being asked to approve won't have a significant effect on historic resource?

INITIAL STUDIES / MNDs

- Review impacts – material impairment? What's happening to character defining aspects?
- Review mitigation measures – do they match up? Are the mitigation measures really **DOING** something to address the impact? Can the City or applicant **REALLY** enforce or implement the mitigation measures?
- Mitigation Monitoring and Reporting Programs (MMRPs) are done to track how mitigation measures implemented

COMMON CEQA DOCUMENTS AT CHB

MOST CERTIFICATES OF APPROPRIATENESS CAN FIT INTO AN EXEMPTION

- Class 31 – CEQA Guidelines Section 15331- Historical Resource Restoration/Rehabilitation
 - *Allows for maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties...*

MITIGATED NEGATIVE DECLARATIONS

- Initial Studies with Cultural Resource Surveys and Mitigation Measures proposed

COMMON CEQA DOCUMENTS AT CHB

ENVIRONMENTAL IMPACT REPORTS

- EIRs require public input along the way
- High profile projects, controversial projects
- Provides deeper analysis than MNDs
- CHB will review after public review period
- CHB to provide comments to staff on EIR analysis
- CHB to provide recommendation on whether EIR has adequately addressed impacts and provided mitigation measures
- CHB can comment on mitigation measures

CHB AND CEQA REVIEWS

WHAT TO LOOK FOR...

ENVIRONMENTAL IMPACT REPORTS

- Review technical reports (usually in appendix) – professionally assessed? Conclusions are consistent and rooted in substantial documentation?
- Review impacts – will there be material impairment? What's happening to character defining aspects of project?
- Have direct, indirect, and cumulative impacts been addressed?
- Review mitigation measures – do they match up with impacts? Are the mitigation measures really **DOING** something to address the impact? Can the City or applicant **REALLY** enforce or implement the mitigation measures?
- Alternatives – are there any that include a project that has less impacts to cultural resources?
- Have all avoidance or minimization measures been considered?

ROLES IN CEQA IMPLEMENTATION

CITY OF RIVERSIDE (i.e., CITY COUNCIL)	CHB	APPLICANT	CITY STAFF	CONSULTANT
Lead Agency	Delegated authority to review and advise City Council on CEQA documents related to cultural resources	Project proponent working with City for approvals	Responsible for preparation of, or overseeing the preparation of CEQA documentation, AB 52/SB18	Can be hired by City or Applicant to prepare CEQA document on behalf of Lead Agency

EXAMPLE OF NOE

RCC – PHASE 1 ADA IMPROVEMENTS

- RCC needed to make ADA improvements to four historic buildings (Alumni House, Quadrangle, Cutter Pool, and College House)
- The proposed improvements for ADA purposes were evaluated against the historic aspects of the four buildings
- RCC prepared a technical report for this evaluation
- Technical report determined that none of the historic or character-defining aspects of buildings would be impacted by the ADA improvements
- ADA improvements to be made in compliance with Secretary of the Interior Standards
- RCC filed an NOE for the ADA improvements since no impacts would occur

EXAMPLE OF MND

RCC ADMINISTRATION AND STUDENT SERVICES BUILDING

- Existing Administration Building designed by Herman Ruhnau, which City's Modernism Context Study determined was a significant architect in the City
- Since existing Administration Building was proposed for demolition, it was evaluated for historic significance by expert
- Existing Administration Building was determined not to qualify as historic per the CEQA Guidelines Section 15064.5 criteria
- RCC prepared MND for project and provided mitigation measures to lessen impacts
 - *Keeping seal on building and putting on new building*
 - *Keeping the name of the building the same*
 - *Allowing for salvage of any building materials*

EXAMPLE EIR

RIVERSIDE COMMUNITY HOSPITAL (RCH) SPECIFIC PLAN

- EIR prepared for RCH Specific Plan, which included demolition of some existing buildings
- Historic landscapes being potentially impacted as well and needed evaluation based on proposed buildings
- EIR included Cultural Resources Technical Report addressing the historic potential of the two buildings proposed for demolition as well as the indirect impacts to the historic landscapes (palm grove on corner of 14th and Market)
- EIR determined the buildings did not meet the criteria for historic significance per Section 15064.5 of CEQA Guidelines
- EIR determined the indirect impacts to the palm grove could be mitigated through the design of the new buildings

CONCLUSION

CHB SHOULD UNDERSTAND

- What the resource is and why its being evaluated
- What the project will do to the resource
- If there is anything else that can be done or changed in the project to lessen or avoid impacts

CHB CAN PROVIDE

- Any changes or additions to mitigation measures that address the impact to the resource and what makes that resource significant

QUESTIONS?



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