



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: February 7, 2013
Board Meeting Date: February 26, 2013
Special Notice / Hearing: 10 days; within 500 feet
Vote Required: Majority

To: Honorable Board of Supervisors

From: Jim Eggemeyer, Community Development Director

Subject: Amending the San Mateo County Implementing Procedures for Administering the California Environmental Quality Act

County File Number: PLN 2002-00066

RECOMMENDATION:

1. Adopt a Resolution amending the San Mateo County Implementing Procedures for Administering the California Environmental Quality Act and adopting a new Initial Study Environmental Evaluation Checklist pursuant to Section 15063 of the California Environmental Quality Act.
2. Make the findings listed in Attachment A.

BACKGROUND:

Proposal: Staff proposes that the Board of Supervisors replace the County's existing CEQA implementing procedures by adopting and incorporating by reference the current State CEQA Guidelines. Additionally, staff is proposing to adopt the model Initial Study Checklist contained in the State CEQA Guidelines, with the addition of several questions that pertain to the unique nature of San Mateo County.

Planning Commission Action: The Planning Commission considered the proposal at its November 28, 2012 public hearing and unanimously recommended its approval.

Report Prepared By: Michael Schaller, Senior Planner

Applicant: San Mateo County Planning and Building Department

Location: Countywide

Environmental Evaluation: The proposed amendments to the County's implementing procedures are exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code, Section 15061(b)(3). The amendments are covered by the General Rule, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. There is no evidence to suggest that the proposed amendments to the County's CEQA implementing procedures will have a significant impact on the natural or built environment.

DISCUSSION:
THE PROPOSED AMENDMENT

Section 15022 of Title 14 of the California Code of Regulations (the CEQA Guidelines) requires each California public agency to adopt specific procedures for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. This section of the CEQA Guidelines provides local agencies with the option of creating their own guidelines for implementing CEQA or adopting and incorporating by reference the State Guidelines. Rather than drafting unique implementing procedures that would have to be periodically updated as changes are made in the Code of Regulations, staff recommends that the County adopt and incorporate by reference the State CEQA Guidelines, as provided by Section 15022(d).

Section 15063(a) of the CEQA Guidelines requires Lead Agencies (in this case, the County) to conduct an initial study of all non-exempt projects. Subsection (f) provides for a format for this study:

(f) Format. Sample forms for an applicant's project description and a review form for use by the lead agency are contained in Appendix G (of the CEQA Guidelines). When used together, these forms would meet the requirements for an initial study, provided that the entries on the checklist are briefly explained pursuant to subsection (d)(3). These forms are only suggested, and public agencies are free to devise their own format for an initial study. A previously prepared EIR may also be used as the initial study for a later project.

There have been a number of recent regulations adopted by State and Federal agencies to address a host of issues including stormwater, air pollution and global warming. With the adoption by the State Office of Planning and Research (OPR) of revisions to the Initial Study Checklist and updates to the CEQA Guidelines to incorporate GHG impacts, the Planning Commission has determined that the County's checklist and procedures should be updated to mirror the State's regulations.

The proposed checklist, as recommended to the Board of Supervisors by the Planning Commission, combines the OPR model checklist with questions from the County's existing checklist. Planning staff has been using a checklist that was originally developed in the early 1980s. This checklist contains a number of questions that reflect the unique concerns of San Mateo County, which are retained in the proposed checklist.

For example, one question originally developed for the County's checklist in 1983 is: "For lands within the Coastal Zone, convert or divide lands identified as Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?" The Planning Commission determined that these unique questions should continue to be a part of the County's Initial Study Checklist. With the Planning Commission's approval, staff has included those questions from the original County's checklist that do not have a direct analog on OPR's model checklist.

The recommended Initial Study Checklist is included as Exhibit A of the Resolution.

County Counsel has reviewed and approved the Resolution as to form.

The approval of the proposed amendments to the County's CEQA implementing procedures contributes to the 2025 Shared Vision outcome of a Livable Community by enhancing the County's ability to identify and address environmental impacts associated with proposed development in order to protect the public's health, safety and welfare and the natural environment.

FISCAL IMPACT:

There is no anticipated fiscal impact to the County as a result of this amendment.

ATTACHMENT:

- A. Recommended Findings
- B. Recommended Guidelines – Due to the size of the document, staff is providing the following link:

http://ceres.ca.gov/ceqa/docs/CEQA_Handbook_2012_wo_covers.pdf

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS

Permit File Number: PLN 2002-00066

Board Meeting Date: February 26, 2013

Prepared By: Michael Schaller
Senior Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS:

Regarding the Environmental Review, Find:

1. That the proposed amendments to the County's implementing procedures are exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code, Section 15061(b)(3). The amendments are covered by the General Rule, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. There is no evidence to suggest that the proposed amendments to the County's CEQA Implementing Procedures will have a significant impact on the natural or built environment.

Regarding the Adoption of Amendments to the County's CEQA Implementing Procedures, Find:

2. That in 1983, the County of San Mateo adopted by resolution an Initial Study Checklist and procedure for implementation and administration of the California Environmental Quality Act (CEQA) of 1970 ("CEQA Implementing Procedures").
3. That in the intervening years, there have been significant changes to CEQA and statutes implementing CEQA Guidelines.
4. That the San Mateo County Board of Supervisor's has determined that the County's Initial Study Checklist and CEQA Implementing Procedures should be amended to ensure that they continue to reflect the requirements of CEQA and the CEQA Guidelines and that the County's CEQA Implementing Procedures fully reflect County staff's practice of complying with all current requirements of CEQA and the CEQA Guidelines.