

Letter 50

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Comment 50-1

The phrase “specific plan” should be added to various portions of State CEQA Guidelines section 15183. In particular, this change would allow specific plans to benefit from the streamlining provisions in that section, which is currently limited to projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was prepared.

Response 50-1

The statutory basis for existing State CEQA Guidelines section 15183 is Public Resources Code section 21083.3. As explained in the Initial Statement of Reasons, “[s]ection 21083.3 of the Public Resources Code provides that projects that are consistent with a General Plan, Community Plan or Zoning may not need to analyze cumulative effects that have already been analyzed in an EIR on the prior planning or zoning action.” (Initial Statement of Reasons, at p. 50.) Section 21083.3 does not extend those streamlining benefits to specific plans, however. Because the CEQA Guidelines are administrative regulations, the Natural Resources Agency cannot enlarge the scope of the existing legislatively created streamlining provision. For these reasons, the Natural Resources Agency rejects this comment.

Please note, however, that existing Government Code section 65457(a) provides: “Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of” CEQA. That section of the Government Code is reflected in existing State CEQA Guidelines section 15182.

Comment 50-2

Commenter highlights a grammatical error in Appendix G: Initial Study Checklist, Transportation/Traffic question (a). The word “not” should be inserted so the list reads “...including but not limited to...”

Response 50-2

The Natural Resources Agency has revised this section to include this comment. It now reads: “ including but not limited to...”