

MINUTE ITEM

This Calendar Item No. C68
was approved as Minute Item
No. C68 by the State Lands
Commission by a vote of 3
to 1 at its 8-22-90
meeting.

CALENDAR ITEM

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A)
) N/A
S)

08/22/90
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Cohen

AUTHORIZATION FOR EXECUTIVE OFFICER
OR DESIGNEE TO REQUEST SHORTENED REVIEW PERIODS
FOR CEQA DOCUMENTS

APPLICANT: State Lands Commission
1807-13th Street
Sacramento, California 95814

BACKGROUND:

Effective January 1, 1990, Section 21091 was added to the Public Resources Code by AB 886 (Chapter 907, Statutes of 1989) (see Exhibit "A"). This section establishes specific time periods for public review of draft environmental impact reports and negative declarations, and provides for the establishment of shortened review period criteria by the Governor's Office of Planning and Research (OPR).

P.R.C. 21091 specifies that requests for shortened review periods must be made in writing to OPR by the decision-making body of the lead agency. The decision-making body may designate a person authorized to request a shortened review, such person must subsequently notify the decision-making body of any such request. (The minimum shortened review is 21 days for a negative declaration and 30 days for an environmental impact report. OPR has indicated in its "Shortened Review Guidelines (Guidelines)", pursuant to AB 886 (see Exhibit "B"), that it will not approve a request for shortened review if the proposed project has statewide, regional, or areawide significance.)

Staff recommends that the Executive Officer, or a designee, be authorized to request shortened review periods from OPR, as provided by P.R.C. 21091 and the Guidelines established by OPR.

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AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

EXHIBITS:

- A. Public Resources Code, Section 21091 (AB 886, Chapter 907, Statutes of 1989).
- B. Shortened Review Guidelines Pursuant to AB 886 adopted by the Governor's Office of Planning and Research.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. AUTHORIZE THE EXECUTIVE OFFICER, OR HIS DESIGNEE, TO REQUEST SHORTENED REVIEW PERIODS FROM OPR FOR DRAFT ENVIRONMENTAL IMPACT REPORTS OR NEGATIVE DECLARATIONS IN CONFORMANCE WITH P.R.C. 21091 AND OPR'S GUIDELINES. ANY REQUESTS SHALL BE REPORTED TO THE COMMISSION.

PUBLIC RESOURCES CODE

SECTION 21091

Effective January 1, 1990



- (a) The public review period for a draft environmental impact report shall not be less than 30 days. When the draft environmental impact report is submitted to the State Clearinghouse for review, the review period shall be at least 45 days.
- (b) The public review period for a negative declaration shall not be less than 21 days. When the negative declaration is submitted to the State Clearinghouse for review, the review period shall be at least 30 days.
- (c) When a draft environmental impact report or a negative declaration is submitted to the State Clearinghouse for review, the public review period established by the lead agency shall be at least as long as the period of review by the State Clearinghouse. The lead agency shall consider any comments on a draft environmental impact report or proposed negative declaration, which are received by the State Clearinghouse within the public comment period established by this section.
- (d)
 - (1) Criteria for shorter review periods by the State Clearinghouse for documents which must be submitted to the State Clearinghouse shall be set forth in the written guidelines issued by the Office of Planning and Research and made available to the public.
 - (2) Those shortened review periods shall not be less than 30 days for a draft environmental report and 21 days for a negative declaration.
 - (3) Any request for a shortened review period shall only be made in writing by the decision-making body of the lead agency to the Office of Planning and Research. The decision-making body may designate by resolution or ordinance a person authorized to request a shortened review. Any designated person shall notify the decision-making body of this request.
 - (4) Any request approved by the State Clearinghouse shall be consistent with the criteria set forth in the written guidelines of the Office of Planning and Research.
 - (5) A shortened review period shall not be approved by the Office of Planning and Research for any proposed project of statewide, regional, or areawide environmental significance as determined pursuant to Section 21083.
 - (6) Any approval of a shortened review period shall be given prior to, and reflected in, the public notice required pursuant to Section 21092.



George Deukmejian, Governor

Shortened Review Guidelines Pursuant to AB 886



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SHORTENED REVIEW

Under exceptional circumstances, the Office of Planning and Research (OPR) may shorten the normal review periods for Negative Declarations and Environmental Impact Reports.

OPR has developed procedures for facilitating these requests, pursuant to Public Resources Code Section 21091.

The Office of Planning and Research requires that requests for shortened reviews *must* be submitted to OPR along with the required 10 copies of the environmental document. Furthermore, the request must explain why the shortened review is being requested. Valid shortened review requests must strictly follow the Shortened Review Request Procedures and must adhere to the following criteria (per Section 21091 of the Public Resources Code):

OPR Criteria for Approving Shortened Review

- 1) The lead agency is operating under an extension of the one year period for project review, or
 - 2) The project applicant is under severe time constraints with regard to obtaining financing or exercising options; or
 - 3) The lead agency has already obtained approval for a shortened review period from responsible and concerned state agencies; or
 - 4) The document is a supplement to a document previously submitted to the State Clearinghouse for review;
- and
- 5) The state review has not yet begun.

In the case of a Draft Environmental Impact Report, the lead agency should have sent a Notice of Preparation to appropriate state agencies, and should have consulted with them in the case of a Negative Declaration.

Once the shortened review request has been deemed appropriate, the Clearinghouse will contact responsible and concerned state agencies. If all agree to shortening the review period, the review dates are set and the document is distributed for review upon final approval by the Deputy Director of OPR, Permit Assistance.

Shortened Review Request Procedures

- 1) A request must be made to OPR in writing by the *decision-making body* of the lead agency. The request must come from a properly authorized representative of the lead agency and shall be made on lead agency letterhead or the Office of Planning and Research (OPR) Shortened Review Form.
- 2) A request must explain the "exceptional circumstances" for making the request.
- 3) A request must accompany the 10 copies of the environmental document submitted to the Clearinghouse.

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- 4) A request will not be approved if the project has statewide, regional, or areawide significance.
(See attachment.)
 - 5) Approval for a shortened review shall be obtained before issuing the public notice of availability.
 - 6) The public review period shall be at least as long as the period of review set by OPR.
 - 7) A shortened review period for a Negative Declaration shall not be approved for less than 21 days.
 - 8) A shortened review period for an Environmental Impact Report shall not be approved for less than 30 days.

Attachment

**Projects of Statewide, Regional, or Areawide Significance
State CEQA Guidelines (Section 15206)**

These projects are not eligible for shortened reviews:

A) Project Type:

- 1) A proposed local general plan, element, or amendment for which an EIR was prepared.

B) Project Development:

- 1) Has the potential for causing significant environmental effects beyond the city or county where the project is located, including traffic and air quality standards.
- 2) A residential development of more than 500 units.
- 3) A shopping or business establishment of more than 500,000 square feet of floor space, or more than 1,000 employees.
- 4) A commercial office building of more than 250,000 square feet of floor space, or more than 1,000 employees.
- 5) A hotel/motel of more than 500 rooms.
- 6) An industrial, manufacturing, or processing plant, or industrial park occupying more than 40 acres, encompassing more than 650,000 square feet of floor space, or employing more than 1,000 persons.
- 7) Cancellation of a "Williamson Act" parcel of 100 or more acres.
- 8) Interference with attainment of regional water quality standards.
- 9) A project for housing, jobs, or occupancy of 500 or more people within 10 miles of a nuclear power plant.
- 10) Sensitive wildlife habitat, including riparian lands, wetlands, bays, marshes, estuaries, and habitats for rare and endangered species.

C) Project Location:

- 1) The Lake Tahoe Basin.
- 2) The Santa Monica Mountains Zone.
- 3) The California Coastal Zone.
- 4) The Sacramento-San Joaquin Delta.
- 5) The Suisun Marsh.
- 6) The jurisdiction of the San Francisco Bay Conservation and Development Commission.
- 7) An area within 1/4 mile of a wild and scenic river.

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