

## Substantive Improvements

Key Topics	CEQA Guidelines Section(s) Affected	Key Impacts of Proposed Revisions
<b>Energy Impacts</b>	§ 15126.2	<ul style="list-style-type: none"> <li>Clarifies that an EIR's substantive analysis must evaluate a project's potential impacts related to energy. The analysis may need to go beyond a project's building code compliance and must include a project's energy use for all project phases and components, including transportation-related energy during construction and operation.</li> </ul>
<b>Water Supply Impacts</b>	§ 15155	<ul style="list-style-type: none"> <li>Clarifies that the level of certainty regarding water supply-related impacts will increase as approvals move from more general to specific (i.e., from general plan to specific project approval).</li> <li>Requires information necessary for the lead agency to evaluate the pros and cons of supplying the amount of water the project will need.</li> <li>Clarifies that lead agencies must evaluate effects of supplying water to the project and must account for all phases of the project over the project's entire life.</li> <li>Clarifies that analysis must address circumstances that may affect likelihood of future water availability.</li> <li>Requires that when water supplies are not certain, the analysis should address or project alternative water sources that could be served with available water.</li> </ul>
<b>Transportation Impacts</b>	§ 15064.3 (proposed new section)	<ul style="list-style-type: none"> <li>Generally states that vehicle miles traveled (VMT) is the most appropriate measure for transportation impacts and a project's effect on automobile delay generally does not constitute a significant environmental impact.</li> <li>Provides criteria for analyzing transportation impacts: (i) For land use projects, VMT exceeding an applicable threshold of significance may indicate a significant impact. Projects within one-half mile of an existing major transit stop or stop along an existing high quality transit corridor are presumed to cause less than significant impacts. (ii) Transportation projects that reduce or have no impact on VMT should be presumed to cause less than significant transportation impact.</li> <li>Clarifies that if existing models are not available to estimate VMT for a project, a lead agency may analyze the VMT qualitatively.</li> <li>Clarifies that a lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT.</li> <li>Clarifies that the provision will apply statewide as of January 1, 2020, but agencies can choose to be governed by this section immediately.</li> </ul>
<b>Greenhouse Gas (GHG) Impacts</b>	§ 15064.4	<ul style="list-style-type: none"> <li>Clarifies that lead agencies shall evaluate a project's GHG emissions (it had previously stated agencies should make a good faith effort to evaluate GHG emissions).</li> <li>Adds a provision that lead agencies should focus GHG analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. Clarifies that the agency's analysis should consider an appropriate timeframe for the project, and must reasonably reflect evolving scientific knowledge and state regulatory schemes.</li> <li>Confirms that lead agencies can rely on plans prepared pursuant to CEQA Guidelines section 15183.5 in evaluating a project's GHGs.</li> <li>Clarifies that in determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, as long as substantial evidence supports the agency's analysis of how those goals or strategies address a project's incremental contribution to climate change.</li> <li>States that a lead agency has discretion to select the model or methodology it considers most appropriate to account for the project's incremental contribution to climate change, and that the lead agency must support its selection with substantial evidence.</li> </ul>

## Technical Improvements

Key Topics	CEQA Guidelines Section(s) Affected	Key Impacts of Proposed Revisions
<b>Consideration of Significant Effects &amp; Hazards</b>	§ 15126.2	<ul style="list-style-type: none"> <li>Clarifies that an EIR must also evaluate short and long-term environmental effects that a project might cause or risk exacerbating by bringing development and people into an affected area (i.e., hazardous conditions such as floodplains, coastlines, wildfire risk areas).</li> </ul>
<b>Baseline</b>	§ 15125	<ul style="list-style-type: none"> <li>Clarifies that the purpose of defining the environmental setting is to provide the public and decision makers with the “most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts.”</li> <li>Clarifies that the environmental setting should generally describe physical environmental conditions as they exist at the time the notice of preparation is prepared.</li> <li>Clarifies that a lead agency may look to historic conditions to establish a baseline where existing conditions fluctuate, as long as the agency can support it with substantial evidence.</li> <li>Clarifies that a lead agency may describe both existing and future conditions as the environmental setting, as long as future conditions are based on reliable projections grounded in substantial evidence.</li> <li>Provides exceptions to the general baseline rule. Existing conditions may be omitted in favor of an alternate baseline where use of existing conditions would be misleading or without informative value to the decision makers and public. Further clarifies that a lead agency must expressly justify its decision not to use existing conditions as the baseline and support it with substantial evidence.</li> <li>Prohibits use of hypothetical conditions as a baseline.</li> </ul>
<b>Deferred Mitigation</b>	§ 15126.4	<ul style="list-style-type: none"> <li>Clarifies that a lead agency shall not defer mitigation measures.</li> <li>Clarifies that deferral of specific details of mitigation may be permissible when it is impractical or infeasible to fully formulate them at the time of project approval, as long as the agency commits itself to the mitigation, adopts specific performance standards the mitigation will achieve, and lists potential actions to be considered and potentially incorporated into the mitigation measure.</li> <li>Clarifies that deferral may be appropriate when compliance with a regulatory permit process is mandatory and would result in implementation of measures that would be reasonably expected to reduce significant impacts to specified performance standards, based on substantial evidence.</li> </ul>
<b>Responses to Comments</b>	§§ 15087, 15088	<ul style="list-style-type: none"> <li>Clarifies that responses to general comments may be general.</li> <li>Clarifies that general responses may be appropriate when a comment does not explain the relevance of information submitted, or refers to information that is not included or readily available to the agency.</li> <li>Clarifies that lead agencies may provide proposed responses to public agency comments in electronic form.</li> <li>Clarifies that lead agencies may specify the manner in which they receive written comments (i.e., agencies can specify they will not prepare responses to comments made via social media).</li> </ul>
<b>Notice of Determination &amp; Notice of Exemption</b>	§§ 15062, 15075, 15094	<ul style="list-style-type: none"> <li>Clarifies that a Notice of Determination or Notice of Exemption must include the identity of the person undertaking an activity that receives financial assistance from a public agency (i.e., through a grant, subsidy, or loan) or the person receiving a lease, permit, license, certificate, or other entitlement from a public agency. (Such identity has been required on the OPR NOD and NOE forms that have been available since 2011.)</li> </ul>

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Key Topics	CEQA Guidelines Section(s) Affected	Key Impacts of Proposed Revisions
<b>Pre-Approval Agreements</b>	§ 15004	<ul style="list-style-type: none"> <li>Provides assistance to lead agencies determining whether pre-project approval activities are subject to CEQA.</li> <li>Clarifies that mere interest in or inclination to support a project does not constitute approval of a project.</li> <li>Provides an example of when an agreement may precede CEQA review. Such agreements should condition the agreement on compliance with CEQA, not bind any party to a definite course of action, and not restrict a lead agency from considering feasible mitigation measures and alternatives.</li> </ul>
<b>Lead Agency by Agreement</b>	§ 15051	<ul style="list-style-type: none"> <li>Clarifies that two public agencies may agree to designate one entity as the CEQA lead agency when both equally meet the criteria..</li> </ul>
<b>Common Sense Exemption</b>	§ 15061	<ul style="list-style-type: none"> <li>Clarifies when activities might be covered by a “common sense exception” (updates the provision to match practitioners’ customary use of the term “common sense exemption”).</li> </ul>
<b>Preparing an Initial Study</b>	§ 15063	<ul style="list-style-type: none"> <li>Clarifies that lead agencies may prepare initial studies in the same manner as EIRs (directly, by contract, or by accepting a draft prepared by the applicant).</li> </ul>
<b>Consultation with Transit Agencies</b>	§§ 15072, 15086	<ul style="list-style-type: none"> <li>Clarifies that as part of the required consultation with other agencies in preparing negative declarations and EIRs, lead agencies must consult with public transit agencies that have facilities within one-half mile of the proposed project.</li> </ul>
<b>Citations in Environmental Documents</b>	§§ 15072, 15087	<ul style="list-style-type: none"> <li>Clarifies that lead agencies are not required to make every document cited in an EIR or negative declaration available for public review, with the exception of documents that are incorporated by reference.</li> </ul>
<b>Posting Notice of Preparation with County Clerk</b>	§ 15082	<ul style="list-style-type: none"> <li>Clarifies that an EIR notice of must not only be sent to OPR but also filed with the county clerk for each county in which the project will be located.</li> </ul>
<b>Time Limits for Negative Declarations</b>	§ 15107	<ul style="list-style-type: none"> <li>Permits lead agencies to extend the deadline for completion of a negative declaration for certain private projects.</li> </ul>
<b>Project Benefits in Project Description</b>	§ 15124	<ul style="list-style-type: none"> <li>Clarifies that a project description may include a discussion of its benefits (to ensure the description allows decision makers to balance its benefits against its environmental costs, if necessary).</li> </ul>
<b>Joint CEQA/NEPA Documents</b>	§ 15222	<ul style="list-style-type: none"> <li>In the preparation of joint CEQA/NEPA documents, encourages lead agencies to enter into a Memorandum of Understanding with federal agencies to ensure both federal and state requirements are met.</li> </ul>
<b>Emergency Exemption</b>	§ 15269	<ul style="list-style-type: none"> <li>Clarifies that the emergency exemption may apply to emergency repairs that require a reasonable amount of planning.</li> <li>Clarifies when an imminent emergency may fall within the exception.</li> </ul>
<b>Discretionary Approvals</b>	§ 15357	<ul style="list-style-type: none"> <li>Clarifies that a key question in whether a project is “discretionary” is whether the approval process allows the public agency to shape the project in any way that could materially respond to any of the concerns which might be raised in an EIR.</li> </ul>
<b>Conservation Easements as Mitigation</b>	§ 15370	<ul style="list-style-type: none"> <li>Clarifies that mitigation may include the permanent protection of off-site resources through conservation easements.</li> </ul>
<b>Notice of Completion &amp; Environmental Document Transmittal</b>	Appendix C	<ul style="list-style-type: none"> <li>Revises Appendix C to incorporate proposed amendments to Appendix G.</li> </ul>
<b>Performance Standards for Infill Projects Eligible for Streamlined Review</b>	Appendix M	<ul style="list-style-type: none"> <li>Corrects typographical errors.</li> </ul>