

# PROGRAM EIRs

# A CEQA TOOL TO STREAMLINE HOUSING APPROVALS



## INTRODUCTION

The California Department of Housing and Community Development (HCD) Senate Bill 2 Planning Grants Program provides technical assistance to local jurisdictions for accelerating planning efforts that streamline housing approvals and increase housing production. As a part of the program, this factsheet provides guidance on Program Environmental Impact Reports (EIRs) and how they can be used as a tool to streamline environmental review.

Program EIRs, which are described in Section 15168 of the CEQA Guidelines, can be prepared for a local government plan to provide a streamlining tool for approval of future housing projects proposed under the plan. They can become an effective tool to efficiently conduct environmental review of later activities, i.e., later proposed residential projects that are consistent with an approved plan or program, which would accelerate housing development.

### Need Assistance?

Contact your **Regional Liaison** for technical assistance.

Or you can email [SB2PlanningGrant@HCD.CA.gov](mailto:SB2PlanningGrant@HCD.CA.gov)



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### WHAT IS A PROGRAM EIR?

A **Program EIR** is a comprehensive environmental document prepared on a series of related activities that can be characterized as one large project (e.g., a plan or program that includes multiple, future residential projects). As noted in the CEQA Guidelines, these later activities may be:

- geographically related;
- chain of contemplated actions;
- related to rules, regulations, and plans of a continuing program; or
- carried out under the same authorizing statutory or regulatory authority.

For example, general plans, area plans, community plans, and specific plans are focused on a specific geographic area and are implemented by the same authority that adopted the plan (i.e., a city or county). A Program EIR can be prepared to evaluate all development proposed under a plan and can reduce the need for environmental review of specific housing developments consistent with the plan. Therefore, a Program EIR can expedite the environmental review process of housing developments and accelerate the permitting and approval process for housing.



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## WHAT SHOULD BE INCLUDED?

A **Program EIR** will be most helpful and most useful for approving later activities, including housing developments, if it does the following:

- **includes** a description of planned activities that would implement the program;
- **evaluates** effects as specifically and comprehensively as possible;
- **provides** a good detailed project description; and
- **conducts** a detailed analysis of the program.

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## WHY USE IT?

A **Program EIR** can accelerate environmental review of later activities by providing the following advantages:

- **offers** a lead agency more flexibility to consider alternatives and mitigation measures within the broad context of a plan or program;
- **reduces** paperwork;
- **avoids** the need for multiple approvals;
- **provides** a thorough consideration of effects and alternatives; or
- effectively **addresses** cumulative impacts.

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## WHEN CAN IT BE USED?

A **Program EIR** can be used to provide CEQA compliance for later activities, unless the later activity has significant effects that were not covered in the Program EIR. Lead agencies can determine if a later activity is within the scope of the Program EIR, which offers substantial streamlining opportunity.

## HOW TO DETERMINE IF A LATER ACTIVITY IS WITHIN THE SCOPE?

Determining whether a later activity is within the scope of a Program EIR is a factual question that must be based on substantial evidence in the record, and should consider the:

- type of allowable land use;
- overall planned density and building intensity;
- geographic area analyzed for environmental impacts; and
- the covered infrastructure.

A checklist may be used to provide the analysis and documentation of whether a later activity is within the scope of the Program EIR.



## WITHIN-THE-SCOPE CHECKLIST

A checklist can be used to analyze each resource and determine if the impacts of a later activity are covered in the scope of the Program EIR. A later activity would be within the scope, if the following conditions are met:



***No substantial changes are proposed in the project*** resulting in new significant environmental effects or substantially more severe, previously identified significant effects.



***No substantial changes occur with respect to circumstances*** under which the project is undertaken due to involvement of new significant environmental effects or substantially more severe previously identified significant effects.



***No new information of substantial importance***, which was not known or could not have been known at the time the EIR was certified, would result in:

- ✓ one or more new significant effects;
- ✓ significant effects previously identified that would be substantially more severe;
- ✓ mitigation measures or alternatives, previously found as not feasible, would be feasible and would reduce significant effects, but the project proponents decline to adopt the mitigation measures or alternatives; and
- ✓ mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measures or alternatives.

**If these standards are met**, the later activity would be within the scope of the Program EIR and no further preparation or public circulation of environmental documents would be required. The local jurisdiction may approve the later housing project activity relying on the Program EIR, including adoption of applicable mitigation measures, as documented by the within-the-scope checklist.



## WHAT IF LATER ACTIVITY IS NOT WITHIN THE SCOPE?

If a project is not within the scope of the Program EIR, a subsequent EIR, supplement to the EIR, or mitigated negative declaration would be prepared, but the Program EIR can still be used to focus and limit environmental review.

The Program EIR simplifies later environmental documents these ways:

- The Program EIR can provide the basis for an Initial Study supporting subsequent environmental review.
- It can be incorporated by reference to address regional influences, secondary effects, cumulative impacts, broad alternatives, and other general factors.
- A later EIR or mitigated negative declaration can reference the Program EIR and be focused only on discussion of new significant effects or substantially more severe, previously identified significant effects.
- A later EIR can tier analysis from the Program EIR.

## SHOULD AN ADDENDUM BE PREPARED?

An addendum is not necessary when making a within-the-scope finding using the checklist. However, an addendum may be prepared, if minor changes or additions to the previous EIR are necessary, but none of the conditions requiring a subsequent EIR, as listed in Section 15162 of the CEQA Guidelines, have occurred.

An addendum does not need to be circulated for public review, but would be considered with the Program EIR when making a decision on the project.

## TIERING VS. PROGRAM EIR

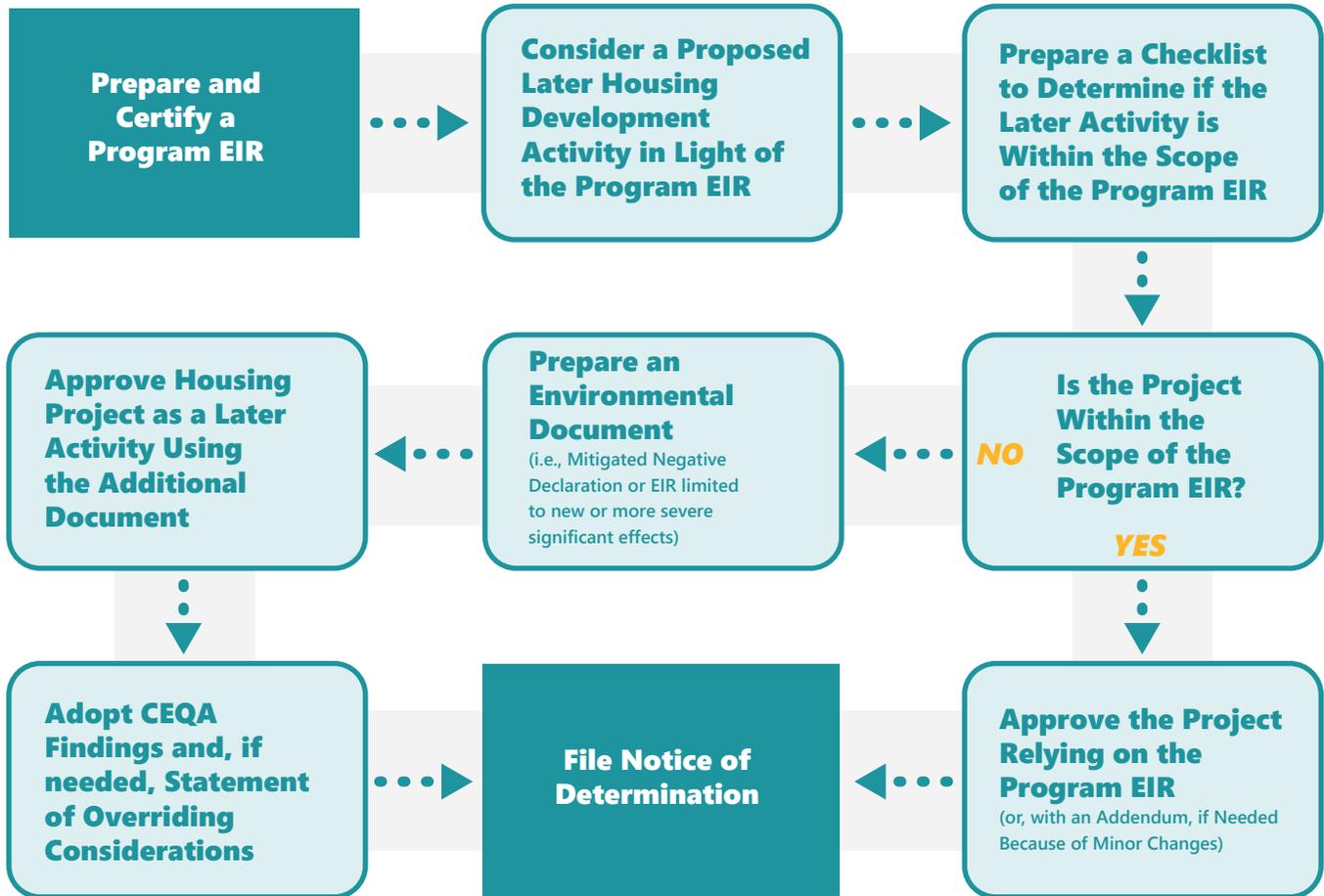
Under CEQA Guidelines Section 15168, Program EIR, a lead agency does not need to reevaluate or recirculate an environmental document for a significant and unavoidable effect of a later activity, if the project is within the scope of the plan or program and the impact was covered in the Program EIR.

However, when using tiering, as described in CEQA Guidelines Section 15152, the lead agency needs to consider again the significant and unavoidable effects that were evaluated in a previous EIR to assess if they could now be mitigated and, if not, to inform adoption of CEQA findings and a statement of overriding considerations (see CEQA Sections 21093 and 21094).



# PROGRAM EIR PROCESS

This flowchart can be used to determine what environmental documents must be prepared for a later development project or activity after a Program EIR has been certified.



**Other Resources:**

[SB 2 Planning Grants Technical Assistance](#)

[CEQA: The California Environmental Quality Act and Guidelines](#)

[CEQA Process Flowchart: Lead Agency Prepares Final EIR](#)

**References:**

CEQA Guidelines Sections 15152, 15162, and 15168

CEQA Statute Sections 21093 and 21094

