Pete Wilson, Governor

FOCUSING ON MASTER EIRs

CEQA Technical Advice Series

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The **CEQA Technical Advice Series** is intended to offer CEQA practitioners, particularly at the local level, concise information about some aspect of the California Environmental Quality Act. This series of occasional papers is part of OPR's public education and training program for planners, developers, and others.

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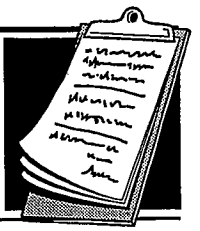
Introduction



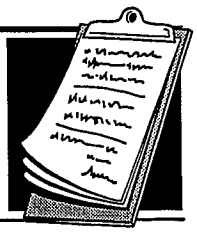
Assembly Bill 1888 of the 1993 legislative session (Chapter 1130, Stats. 1993) added a new word to the CEQA lexicon: "Master EIR." A Master EIR is intended to provide a detailed environmental review of plans and programs upon which the approval of subsequent related development proposals can be based. A Master EIR must, to the greatest extent feasible, evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of specific, subsequent projects. Pursuant to AB 1888, the review of subsequent projects which have been described in the Master EIR can be limited to the extent that the Master EIR has already reviewed project impacts and set forth mitigation measures (Public Resources Code Section 21156).

The following advisory paper examines the basic requirements for preparing and using a Master EIR at the local government level, including the provisions for "Focused EIRs." This advisory reflects the CEQA Guidelines; it is not intended to amend or replace the regulations represented by the Guidelines. All code citations refer to the Public Resources Code unless otherwise noted.

This edition of Focusing on Master EIRs reflects statutes enacted by and the CEQA Guidelines effective at the end of the 1997 Legislative year.

The Guidelines now have an extensive discussion of Master EIRs, beginning at Section 15175. As always, users should refer to the most recent Public Resources Code to ensure that they are aware of any subsequent amendments. This advisory is not intended to take the place of advice by legal counsel.

The Master EIR: Another Option



The Master EIR procedure is an alternative to preparing a project EIR, staged EIR or program EIR, or tiering environmental documents for subsequent projects upon earlier EIRs. Although there are similarities between the Master EIR and these other procedures, the Master EIR requirements stand alone.

At its discretion, a Lead Agency may prepare a Master EIR for any one of the following projects:

"(1) A general plan, element, general plan amendment, or specific plan.
"(2) A project that consists of smaller individual projects which will be carried out in phases.
"(3) A rule or regulation which will be implemented by subsequent projects.
"(4) Projects which will be carried out or approved pursuant to a development agreement.
"(5) Public or private projects which will be carried out or approved pursuant to, or in furtherance of, a redevelopment plan.
"(6) A state highway project or mass transit project which will be subject to multiple stages of review or approval."
"(7) A regional transportation plan or congestion management plan.
"(8) A plan proposed by a local agency for the reuse of a federal military base or reservation that has been closed or that is proposed for closure." (Section 21157)

The above list should be viewed as classes of project for which a Master EIR may be prepared. For example, a "general plan" may include a community plan, a "project that consists of smaller individual projects" may include a capital improvement plan or drainage control project, and a "rule or regulation" may include a zoning ordinance or hillside development standards. For the sake of simplicity, throughout this advisory the categories of projects described above will be referred to simply as "plans" or "plans and programs."

Contents of a Master EIR

Section 21157 specifies the minimum contents of a Master EIR (See Appendix II for an outline). In addition to the items otherwise required of all EIRs pursuant to Section 21100, a Master EIR must include the following additional information:

1. **A description of each anticipated subsequent project that is to be considered within the scope of the Master EIR, including information with regard to the kind, size, intensity, and location of the subsequent projects.** The accuracy and completeness of these descriptions is crucial to the use of the Master EIR for streamlining subsequent project approvals. The descriptions must include, but are not limited to, all of the following:
   A. **The specific type of project anticipated to be undertaken.** Describe its basic character — i.e., single-family residential subdivision, mixed residential and retail development, commercial power center, warehouse and distribution center, rail transit facility, sewage collections system, road extension, etc. — as well as its necessary entitlements such as a rezoning, subdivision, or precise development plan.
   B. **The maximum and minimum intensity of any anticipated subsequent project.** For a residential project, this should include the type (i.e., single family , multi-family, mixed use, etc.) and number of dwellings per acre. A commercial project's intensity might be characterized as square feet of area or floor area ratio. With regard to a public works facility, its anticipated capacity and service area can describe its intensity.

   Local agencies may be able to increase their ability to rely upon a Master EIR for streamlining subsequent approvals by specifying intensity levels with respect to particular environmental impacts. The Master EIR would effectively establish an envelope of analysis for each such impact. Projects exceeding the envelope would require additional analysis — those within the envelope might not.

C. **The anticipated location and alternative locations for any subsequent development projects.** Describe the location and land area (i.e., acreage, square feet) of the subsequent project. Discuss feasible alternative locations that would meet the same public objectives as the subsequent project. For linear facilities such as roads or rail transit, discuss alternative alignments and terminals. This may be done by making reference to general or community plans where applicable.

D. **A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects.** Describe how the jurisdiction will ensure that sufficient infrastructure will be available to serve the project, including financing mechanisms if appropriate. For public works projects, describe the mechanism or process of allocating capital funds as well as the availability of funding. Alternatively, the MEIR may explain why particular planning considerations make it impractical to identify any such program or scheduling at the time the MEIR is prepared (CEQA Guidelines Section 15176(b)(4)).

CEQA Guidelines Section 15176(d) provides that when an MEIR is certified for a general plan, general plan element, general plan amendment, or specific plan, subsequent projects will be considered to be adequately described for later use of the MEIR when the land use designations and permissible densities and intensities of the project site are identified in the MEIR and the general plan or specific plan. Obviously, this would apply only to projects that are consistent with the plan, element, or amendment for which the MEIR was certified.

2. **A description of the potential impacts of anticipated projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR.** The Lead Agency is not required to speculate about potential impacts of anticipated projects. It should specify those descriptions which are intended to generally identify and discuss potential impacts for which full information is not available in the Master EIR being prepared. Because full information is not available, inclusion of such descriptions within the Master EIR does not preclude the Focused EIR from being required to discuss the potential impacts in greater detail and adding discussion of other impacts which had not been identified in the Master EIR. In other words, the scope of a Focused EIR is not limited to the potential impacts described in the Master EIR.

Procedural Requirements

Notice requirements, comment periods, and other procedural requirements for EIRs also apply to a Master EIR. Beyond that, the Lead Agency should specify in the document and in related notices that the document being prepared, circulated, and considered is a Master EIR.

While the procedures are identical, the greater level of detail which distinguishes a Master EIR from other subsequent review provisions such as a program EIR requires the Lead Agency to pay particular attention to maintaining strict consistency between the contents of the Master EIR and the plan or person which is the subject of the Master EIR. There is less assurance that the Master EIR can be used for later projects where such consistency is lacking.

Here are two strategies for achieving consistency. They are by no means the only ones.

- **Concurrent Action:** Run the period for review and comment on the draft Master EIR concurrently with hearings on the draft plan. Close both the taking of public comment and testimony on the plan, and the review period for the draft at the same time. Incorporate any changes made to the draft plan into the Master EIR and vice versa. Reconvene to act on both the final plan and the Master EIR. Certify the final Master EIR and adopt the plan at the same meeting.
- **Sequential Action:** Wait to begin circulating the draft Master EIR until public testimony has been completed on the draft plan or program. Close the taking of public testimony on the plan. Circulate the draft Master EIR for comment. At the end of the comment period and prior to certification of the final Master EIR, reconvene to revise the draft plan or program to conform to changes made in the draft Master EIR. Limit revisions to those necessary to achieve conformity. Certify the final Master EIR and adopt the plan or program at the same meeting.

Fee

Given the required level of detail, in most cases a Master EIR can be expected to be more expensive to

prepare than a program or staged EIR. To help counter the cost of a Master EIR, AB 1888 augments CEQA's fee authority by specifically enabling a Lead Agency to develop and implement a Master EIR fee program (Section 21157, subdivision (c)). A city or county could, for example, establish a fee program whereunder participating developers would have their projects specifically identified in a Master EIR. The city or county would receive contributions toward completing a Master EIR; developers would benefit from streamlined environmental review for their projects.

Reevaluation

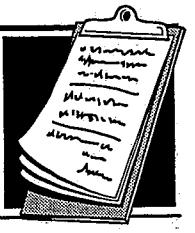
For the first five years after certification, a Master EIR may be utilized for subsequent projects described in it without having to reevaluate its adequacy (Section 21157.6). During this period, the agency's review of subsequent projects is limited to whether any new impacts will occur and whether the proposal was identified in the Master EIR.

If an application for a subsequent project is filed more than five years from certification of the Master EIR, **or** if during the five years another project has been approved which was not described in and potentially affects the adequacy of the Master EIR, then the agency must, prior to applying the Master EIR to the subsequent project, review the adequacy of the Master EIR and **either**:

1. Make written findings that "no substantial changes have occurred with respect to the circumstances under which the [Master EIR] was certified or that no new information, which was not known and could not have been known at the time that the [Master EIR] was certified has become available." In the recent *Laurel Heights* decision, the California Supreme Court noted that the CEQA Guidelines "generally define 'new information' as information which shows that the project will have new or more severe 'significant effects' on the environment not disclosed in the prior EIR." (*Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, citing Guidelines Section 15162(a)(3)) The findings should be supported by substantial evidence in the record.
2. Certify "a subsequent or supplemental EIR which has been either incorporated into the previously certified [Master EIR], or references any deletions, additions, or other modifications to the previously certified [Master EIR]." A subsequent or supplemental EIR would be required when the provisions of Section 21166 apply.

To maximize the benefits of a Master EIR, the lead agency could establish a program for keeping track of projects which are approved within the area for which the MEIR was certified (i.e., the potential impacts of those projects, whether they are within the scope of the MEIR, and whether a focused EIR, negative declaration, or other environmental document is prepared) and monitoring changes in the plan or program or other factors that would trigger the need for a subsequent or supplemental EIR. One way to do this is to prepare an annual report on the status of the plan or program.

Use With Subsequent Projects



Once a Master EIR has been certified, a subsequent project may avoid the need for a further EIR or Negative Declaration when the Lead Agency finds that the project was described in the Master EIR as being within its scope (Section 21157.1, Guidelines Section 15177). The Lead Agency for the subsequent project must have been either the Lead Agency for the Master EIR or a Responsible Agency identified in the Master EIR.

Initial Study

When a later development proposal is received, the Lead Agency must prepare an initial study to analyze both of the following:

1. Whether that proposal may cause any additional significant effect on the environment not examined in the Master EIR; and
2. Whether the proposal is within the scope of the Master EIR.

A project will be considered "within the scope" of the Master EIR if it is described within that document and will:

1. Have no additional significant effect on the environment that was not identified in the Master EIR; and
2. Require no new or additional mitigation measures or alternatives. (Section 21157.1(c))

When the Lead Agency for the proposal is able to make a written finding, based on the initial study, that the subsequent project is within the scope of the project covered by the Master EIR (i.e., the plan or program), no further EIR or Negative Declaration is required. Pursuant to Section 15177 of the CEQA Guidelines, "[w]hether a subsequent project is within the scope of the Master EIR is a question of fact to be determined by the lead agency." This finding must be supported by substantial evidence in the record.

Prior to carrying out the subsequent project on the basis of the Master EIR, the Lead Agency must:

1. Adopt the above finding;
2. Incorporate all feasible mitigation measures or feasible alternatives appropriate to the project, as set forth in the Master EIR; and
3. Provide public notice pursuant to Section 21092 (Guidelines Section 15087) that it intends to use the Master EIR for the project.

When the project is approved, the Lead Agency must file a Notice of Determination. The agency is not required to make findings under Guidelines Section 15091.

Subsequent Projects Outside the Scope of the MEIR

When a Lead Agency cannot find that the project is within the scope of the MEIR, it must prepare either a mitigated Negative Declaration or an EIR for the subsequent project. Whether the "fair argument" standard or the "substantial evidence" standard applies in this situation is uncertain. The provisions for preparation of a later EIR indicate that an EIR or Focused EIR is required if the subsequent project "may have a significant effect on the environment" (Section 21157.5(b)). This language is identical to the statutory language which is the basis for court decisions establishing the "fair argument" standard (see Sections 21080 and 21151). That standard provides that an EIR must be prepared whenever it can be fairly argued on the basis of substantial evidence that a significant adverse effect may result, even when other evidence exists to the contrary. A Negative Declaration is prepared when no substantial evidence exists, including situations when potentially significant effects identified in the initial study can be avoided or mitigated by revisions in the project.

However, in the 1993 *Laurel Heights* decision, the California Supreme Court indicated that the fair argument standard derived from both the statutory language and policies underlying Section 21151, and for this reason, applies "*only* to the decision whether to prepare an original EIR or a negative declaration." (*Laurel Heights Improvement Association v. Regents of the*

University of California, supra) Applied here, this may mean that fair argument does not apply once a Master EIR has been prepared if the Master EIR can be construed as the "original EIR" for a subsequent project. In other words, if the project is within the scope of the Master EIR.

At the same time, Section 21157.5 neither references nor closely resembles Section 21166 which establishes the criteria for determining whether to prepare a subsequent or supplemental EIR. Determinations pursuant to Section 21166 are subject to the "substantial evidence" standard; meaning that the decision of the lead agency not to prepare an EIR will be upheld when it is supported by substantial evidence, regardless of the existence of a fair argument to the contrary. The language of the statute does not clearly establish that the substantial evidence test applies to Section 21157.5.

Given this statutory uncertainty, OPR recommends that agencies adopt the cautious practice of applying the fair argument standard to the determination of whether a Negative Declaration or EIR, including a mitigated Negative Declaration or a Focused EIR, is required for a subsequent project, which is not within the scope of the Master EIR.

Projects Identified in the Master EIR

The CEQA Guidelines and the statute itself create two broad categories for the subsequent projects which are not within the scope of the Master EIR. The first category consists of projects which are outside the scope, but which nonetheless were identified in the MEIR and whose cumulative impacts, growth-inducing impacts and irreversible significant effects were adequately analyzed in the MEIR. These projects may be addressed by preparing either a mitigated Negative Declaration or a Focused EIR, depending upon whether their possible impacts can be fully mitigated or not.

Guidelines Section 15178(b) requires that a mitigated Negative Declaration be prepared for any proposed subsequent project if **both** the following occur:

1. The initial study identifies potentially new or additional significant environmental effects that were not analyzed in the Master EIR, and
2. Feasible mitigation measures or alternatives will be incorporated into the subsequent project before the mitigated Negative Declaration is released for public review, in order to avoid or mitigate potential effects to a level of insignificance.

Notice requirements, comment periods, and other procedures for preparation and review of a mitigated Negative Declaration prepared under Section 15178 are the same as for any other Negative Declaration. However, the findings made by the Lead Agency upon adoption of the mitigated Negative Declaration should specifically integrate items (1) and (2) above.

Guidelines Section 15178(c) also requires that if there is substantial evidence in light of the whole record that the subsequent project may have a significant effect on the environment, and a mitigated Negative Declaration cannot be prepared, the Lead Agency must prepare a Focused EIR. The requirements for Focused EIRs are discussed in detail in the next chapter.

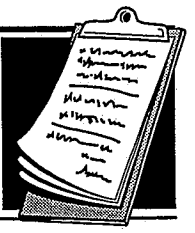
Projects Not Identified in the Master EIR

Projects that were not identified in the Master EIR are subject to the usual CEQA process (as described under CEQA Guidelines Sections 15080 – 15096) and are ineligible for the limited environmental review available under the MEIR (see CEQA Guidelines Section 15178(e)). Such projects may require the preparation of a Negative Declaration, a mitigated Negative Declaration, or an EIR, depending upon the circumstances. To the extent feasible, the lead agency should tier the analysis of such projects upon the Master EIR.

The lead agency should keep track of all such projects and whether their approval may affect the adequacy of the Master EIR. As discussed earlier, the use of a Master EIR for projects that are identified therein may be called into question if the approval of a project that was not identified in the MEIR might affect its adequacy (CEQA Guidelines Section 15179).

In order to keep its Master EIR viable, when an EIR is prepared for a project that was not identified in the Master EIR, the lead agency should undertake to incorporate that EIR into the Master EIR whenever feasible. Neither CEQA nor the CEQA Guidelines delineate the procedure for doing this. One approach might be to use the project EIR as the basis for a subsequent EIR to be prepared for the next project that will be considered under the Master EIR.

About Focused EIRs



Prior to the enactment of AB 1888, the term "Focused EIR" was neither defined in CEQA nor in the CEQA Guidelines. Nonetheless, it has been commonly used to describe subsequent EIRs, or EIRs prepared subsequent to a program EIR where analysis was narrowed to those effects resulting from the subsequent project. Now, Section 21158 explicitly defines a Focused EIR as "an environmental impact report on a subsequent project identified in a master environmental impact report." Although program EIRs and other procedures for *focusing* EIRs (and environmental analysis) continue in full force, their product may no longer properly be termed a "Focused EIR."

Finding

A Focused EIR is used when, after preparation of an initial study for a subsequent project under the Master EIR, the Lead Agency specifically finds that the Master EIR's analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects are adequate for the subsequent project. The finding and supporting evidence should be included in the Focused EIR (see Appendix 1). Absent this finding, a standard EIR would be required.

Limit on Analysis

A Focused EIR must incorporate by reference the Master EIR. Pursuant to CEQA Guidelines Section 15178(c), the analysis contained in a Focused EIR is limited to the following:

1. The subsequent project's "additional significant environmental effects" (i.e., those project-specific effects on the environment which were not addressed as significant in the Master EIR).
2. Any new or additional mitigation measures or alternatives that were not identified and analyzed by the Master EIR.
3. Any significant effects on the environment where substantial new or additional information shows that the adverse environmental effect may be more significant than was described in the Master EIR. The substantial new or additional information shows that mitigation measures or alternatives identified in the Master EIR, which were previously determined to be infeasible, are feasible and will avoid or reduce the significant effects on the environment of the subsequent project to a level of insignificance.

A Focused EIR need not examine those significant environmental effects which the lead agency, prior to releasing the draft Focused EIR for review, finds, on the basis of the initial study, related documents, and commitments from the project proponent, were either:

1. Examined at a sufficient level of detail in the Master EIR to enable those significant effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions of approval, or by other means in connection with the approval of the subsequent project.
2. Mitigated or avoided as a result of mitigation measures identified in the Master EIR which the lead agency will require as part of the approval of the subsequent project. Mitigation or avoidance is the responsibility of and within the jurisdiction of another public agency and is, or can and should be, undertaken by that agency.

The draft Focused EIR must include these relevant findings of exception when it is released for review.

Note that effects for which MEIR findings were previously made pursuant to CEQA Guidelines Section 15091(a)(3) are not included in the above exception. Findings under paragraph (3) relate to those significant effects identified in the Master EIR for which mitigation measures or alternatives were found to be infeasible due to specific economic, social, or other considerations. The conspicuous absence of any reference to paragraph (3) seems to indicate that these significant unavoidable effects must be addressed in the Focused EIR. OPR recommends that unmitigated effects be examined in the context of the limitations on analysis described above.

Focused EIRs for Specified Projects

Section 21158.5 and CEQA Guidelines Section 15179.5 authorizes a streamlined review process for selected projects through use of Focused EIRs. Where a project consists of a multi-family residential development of not more than 100 dwelling units, or a residential and commercial or retail mixed-use development of not more than 100,000 square feet in area which complies with all the following, a Focused EIR shall be prepared, notwithstanding that the project was not identified in a Master EIR. In order to qualify to use this provision, a Lead Agency must make the following findings regarding the project:

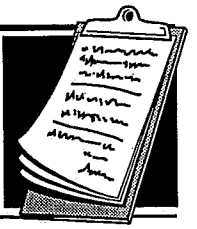
1. The project is consistent with a general plan, specific plan, community plan, or zoning ordinance for which an EIR was prepared within five years of the certification of the Focused EIR."
2. The project is not within the scope of the Master EIR, a Negative Declaration or mitigated Negative Declaration cannot be prepared, and neither Guidelines Sections 15162 nor 15163 require a subsequent EIR.
3. The parcel on which the project is to be developed meets one or more of the following conditions:
   A. It is surrounded by immediately contiguous urban development.
   B. It has been previously developed with urban uses.
   C. It is within one-half mile of an existing rail transit station.

The scope of a Focused EIR prepared under Section 21158.5 is limited to the following:

1. A discussion of potentially significant environmental effects specific to the project.
2. A discussion of significant effects which substantial new information shows will be more significant than described in the previous EIR.

Although the above bears passing resemblance to the seldom-used process for streamlining review of later projects under a general plan, specific plan, or zoning EIR pursuant to Section 21083.3, the two operate independently. Section 21083.3 provides that the application of CEQA to any project that is consistent with zoning, a community plan, or general plan for which an EIR was certified is limited to "those effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Application of Section 21158.5 and Guidelines Section 15179.5 are qualified as noted above.

Master EIR Updates

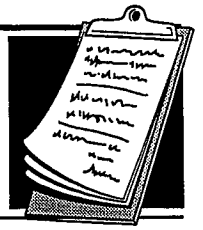


The five year presumption of adequacy afforded a Master EIR can be periodically renewed as provided in Guidelines Section 15179. This renewal may take either of two forms: (1) a finding that no substantial changes have occurred with respect to the circumstances under which the Master EIR was certified or that no new information has become available since certification of the Master EIR; or (2) preparation and certification of a subsequent or supplemental EIR that is incorporated into the previously certified MEIR or references any deletions, additions or other modifications to the MEIR. The findings under the first option should hew closely to CEQA Guidelines Section 15162 which describes the situations under which a subsequent or supplemental EIR need not be prepared.

If, during the five year period (and, presumably, during renewed periods), projects are approved which were not identified in the certified Master EIR and which may affect the adequacy of the Master EIR relative to subsequent projects, then the Lead Agency must review the adequacy of the Master EIR and make the findings described above before it can apply the Master EIR to subsequent projects.

The resulting updated Master EIR can then be applied to the review of subsequent projects that are described as being within its scope.

Practical Considerations



When deciding whether to prepare a Master EIR, the Lead Agency should compare the advantages and disadvantages of a Master EIR to those of other CEQA options such as tiering or a program EIR. A project suitable for a Master EIR project would have the following characteristics:

1. The plan or program for which the Master EIR is prepared will be stable for the next few years, i.e., no substantial changes are expected to occur in the plan or program which will not have been identified and discussed in the Master EIR.
2. Subsequent actions under the plan or program are well-known at the time the Master EIR is prepared and can be comprehensively described pursuant to Guidelines Section 15176(b).
3. The significant environmental effects of subsequent actions are sufficiently known at the time of preparing the Master EIR that they may be fully described and analyzed in that document, and measures recommended to minimize or avoid them.
4. The timetable for undertaking the project and subsequent related actions is 5 years or less, and provision is made for regular review of the Master EIR's adequacy in light of subsequent projects not described in the Master EIR.

Infrastructure or capital facilities plans, small-scale specific plans, planned unit development rezoning projects, and transit line extensions are among the projects which may be prime for Master EIRs. Section 21157(a)(1) also specifically authorizes the use of a Master EIR for a general plan. A general plan Master EIR makes practical sense where the city is largely built out, has mechanisms in place which enable it to demonstrate that later projects are "within the scope" of the Master EIR, and otherwise anticipates little activity that would result in plan amendments.

On the other hand, Master EIRs may offer no advantages when the project is adoption of a county general plan or a large-scale specific plan. In those situations, a program EIR may be preferable. The fact that specific subsequent projects will generally arise from private applications yet to be submitted means that the county preparing the Master EIR may not know the details of subsequent projects, particularly plan amendments, at the time the document is prepared.

Once the Lead Agency has made the decision to prepare a Master EIR, it may also take the following extra steps over what would normally be involved with an EIR:

1. Take care that the Master EIR precisely matches the plan or program being approved. This means analyzing in the Master EIR all last minute changes made to the plan or program before its final approval.
2. List the known subsequent development projects which the Master EIR has analyzed and which are to be within its scope. This list may be included in the Master EIR's project description or in an appendix. (As discussed earlier, a list is not required where a general plan or specific plan identifies land uses and the intensity and density of allowable development.)
3. Establish administrative criteria which describe when a subsequent project will be outside the scope of the Master EIR. The criteria may include thresholds which define the scope of the Master EIR's analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects. For example, what future traffic levels of service were analyzed, what level of sewer service, what level of development intensity?

   If the community has adopted thresholds of significance as part of their local CEQA Guidelines or process, they should take care to integrate the criteria related to the Master EIR into these thresholds. If the community has not adopted thresholds, they may want to consider adopting the Master EIR criteria as such.
4. Regularly review or monitor the specific assumptions made during preparation of the Master EIR (i.e., traffic levels of service, air quality standards, etc.) for changes. This is intended to inform the Lead Agency of changes which may require preparation of a subsequent or supplemental EIR to up-

date the Master EIR pursuant to Section 21157.6 and Guidelines Section 15179. For example, a change in the regional air quality standards may necessitate a reassessment of the air quality discussion in the Master EIR. Keeping track of changing circumstances and making corrections will help ensure that the Master EIR will remain viable during its five year term and beyond.

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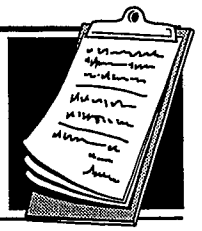

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Appendix 1
Findings Requirements

The following table identifies the CEQA findings requirements for actions relating to Master EIRs. Suggested language is included for findings which are peculiar to actions under the Master EIR statute. Readers should feel free to adapt these brief suggestions to their own situations. No language is suggested for common findings requirements such as CEQA Guidelines Section 15091.

As always, findings must be based upon substantial evidence in the record and be sufficient to bridge the gap between the evidence available and the conclusions reached. All statutory references are to the CEQA Guidelines, unless otherwise noted.

Certifying a Master EIR

- Section 15091 findings. (In writing these, pay particular attention to paragraphs (1) and (2) of subdivision (a) and how they would apply to subsequent projects. If possible, findings under paragraph (1) of subdivision (a) should identify the mitigation measures to be applied to future projects.)
- Section 15093 findings.

Findings When a Subsequent Project is Adequately Addressed in the MEIR

- Section 15177 finding: Based upon the initial study, the subsequent project is within the scope of the project covered by the MEIR. Specifically, the proposed project will have no additional significant effect, as defined by subdivision (b) of Section 21158 of the Public Resources Code, on the environment that was not identified in the Master EIR and requires no new or additional mitigation measures or alternatives in order to avoid or mitigate a significant environmental effect.
- Section 15093 findings.
- No Section 15091 findings are required.

Adopting a Mitigated Negative Declaration for a Subsequent Project

- Section 15178(b) findings:
  1. The initial study has identified potentially new or additional significant environmental effects that were not analyzed in the Master EIR, but feasible mitigation measures or alternatives will be incorporated to revise the proposed subsequent project before the Negative Declaration is released for public review in order to avoid or mitigate the identified effects to a point where clearly no significant effects would occur.
  2. There is no substantial evidence before the agency that the subsequent project, as revised, may have a significant effect on the environment.
  3. The analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment contained in the Master EIR are adequate for this subsequent project.

Certifying a Focused EIR for a Subsequent Project

- Section 15178 findings:
  1. The subsequent project is identified in the Master EIR, but is not "within the scope" of the MEIR.
  2. The analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment contained in the Master EIR are adequate for this subsequent project.
- Section 15178(c) findings to avoid examining specific significant effects previously examined in the Master EIR:
  1. The effect is mitigated or avoided pursuant to paragraph (1) of subdivision (a) of Section 15091 (a finding made for the Master EIR) as a result of mitigation measures identified in the Master EIR which will be required as part of approval of the subsequent project.
  2. The effect is examined in sufficient detail in the Master EIR to enable those significant effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions, or by other means in connection with approval of the subsequent project.
  3. The effect is not the responsibility of the Lead Agency, pursuant to paragraph (2) of subdivision (a) of Section 15091 (a finding made for the Master EIR).
- Section 15091 findings.

- Section 15093 findings.

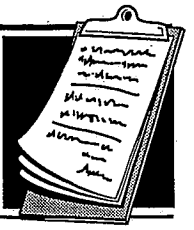
Certifying an EIR for a Subsequent Project

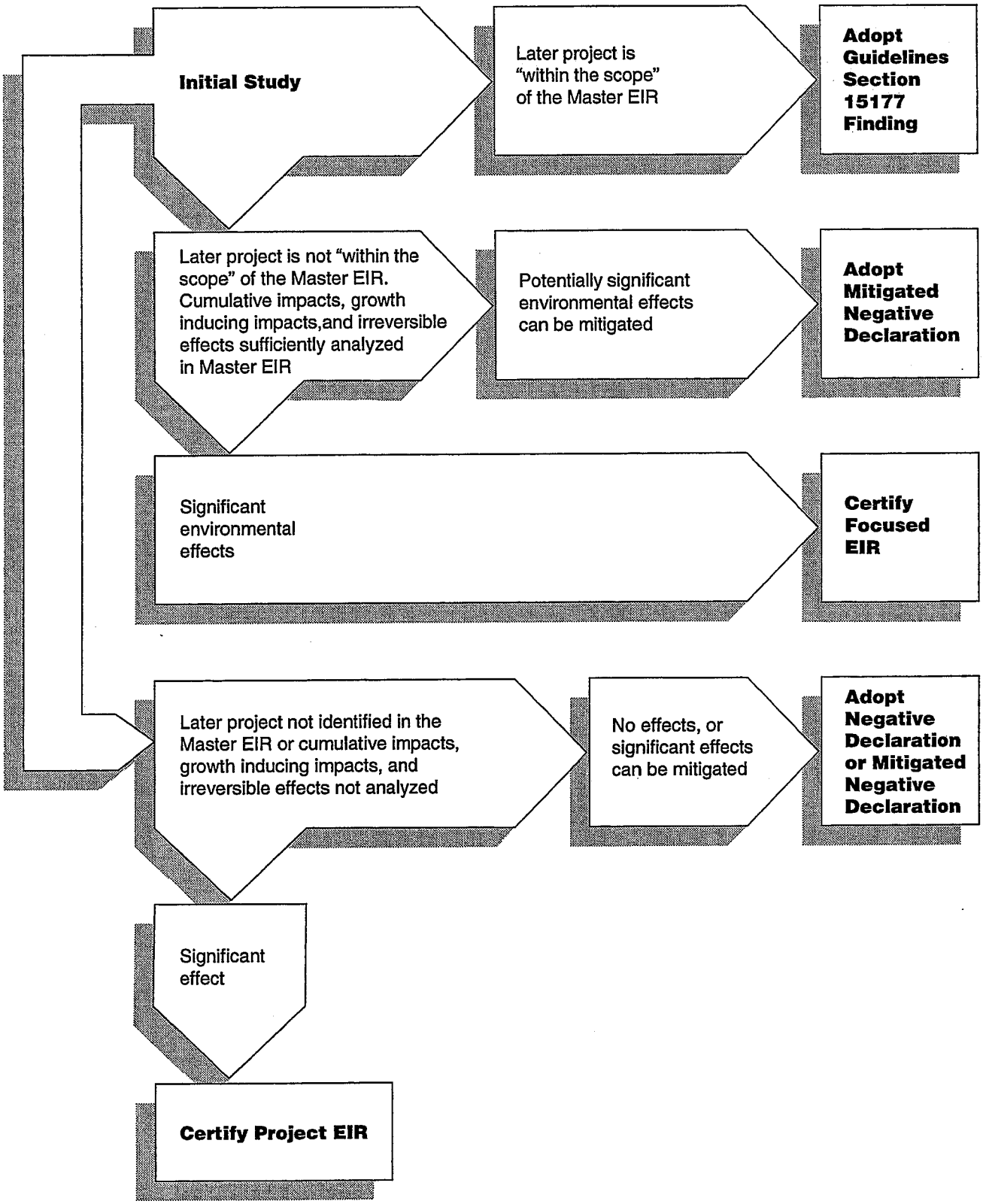
- Section 15091 findings.
- Section 15093 findings.

Extending the Time of Adequacy of a Master EIR

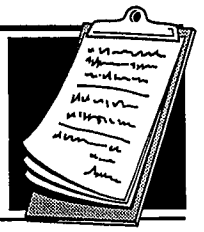
- Section 15179 findings (one or more must be made):
  1. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.
  2. No new information that was not known and could not have been known at the time the Master EIR was certified has become available.
  3. A certified subsequent or supplemental EIR has either been incorporated into the previously certified Master EIR, or references any deletions, additions, or other modifications to the previously certified Master EIR.

Appendix 2
Review of Subsequent Projects Under a Master EIR (Brief Outline)





Appendix 3
Master EIR Contents



This brief outline illustrates the basic contents of a Master EIR. Those requirements common to all EIRs are listed in plain type. The requirements peculiar to Master EIRs are in *italic* type.

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ORGANIZATIONS AND PERSONS CONSULTED