



**CITY OF SALINAS  
PLANNING COMMISSION REPORT**

---

**DATE: FEBRUARY 18, 2026**  
**TO: PLANNING COMMISSION**  
**FROM: COURTNEY GROSSMAN, PLANNING MANAGER**  
**BY: SON PHAM-GALLARDO, SENIOR PLANNER**  
**TITLE: STUDY SESSION: CEQA 101**

RECOMMENDED MOTION:

No action required. Receive a presentation on California Environmental Quality Act (CEQA).

DISCUSSION:

On December 3, 2025, Amy Sinsheimer from PlaceWorks presented the Zoning Code Update & Required Housing Law Changes. Today's topic of discussion will cover CEQA 101.

*Overview of CEQA 101*

Current Planning's role is to process and review development applications to ensure compliance with the City's General Plan and Zoning Code and any other applicable plans, regulations, and standards. Current Planning also coordinates environmental evaluations and CEQA compliance for all development projects. CEQA requires government agencies to consider the environmental effects before approving plans and policies or committing to a course of action on a project. This study session will focus on Current Planning Division's role in processing various applications and how CEQA is applied to each project.

*Overview & History of CEQA*

1. Enacted in 1970; signed into law by Governor Reagan.
2. Based on The Environmental Bill of Rights.
3. Modeled after National Environmental Policy Act (NEPA).

4. Implementation at local agency level by *Friends of Mammoth v. Board of Supervisors of Mono County* (1972) 8 Cal. 3rd 247.
5. Important CEQA amendments in 1972, 1976, 1978, 1984, 1989, 1993, 2010, and 2019
6. Process, content, and details are amended regularly by the legislature, courts, and local jurisdictions.

### *Purpose of CEQA*

The CEQA process is intended to:

1. Inform government decision makers and the public about the potential environmental effects of proposed activities.
2. Identify the ways that environmental damage can be avoided or significantly reduced.
3. Prevent significant, avoidable environmental damage by requiring changes in projects, either by the adoption of alternatives or imposition of mitigation measures.
4. Disclose to the public why a project was approved if that project has significant environmental impacts that cannot be mitigated to a less than significant level.

### *Definition of Project*

Under CEQA, an activity must qualify as a “project” before CEQA applies. A "project" is defined as a "whole action" subject to a public agency's discretionary funding or approval that has the potential to either (1) cause a direct physical change in the environment or (2) cause a reasonably foreseeable indirect physical change in the environment. "Projects" include discretionary activity by a public agency, a private activity that receives any public funding, or activities that involve the public agency's issuance of a discretionary approval that is not statutorily or categorically exempt from CEQA. (Pub. Res. Code § 21065.) If an action doesn't meet the definition of a project, CEQA does not apply. In summary, if a public agency has discretion over an action that could change the physical environment, CEQA review is required.

### *Ministerial vs. Discretionary*

A ministerial (administrative) action does not require environmental review under California Environmental Quality Act (CEQA) nor is it subject to the Permit Streamlining Act. Ministerial projects require administrative approval if they meet the applicable code. However, if it's a discretionary permit, then it would require CEQA review, and would be subject to the Permit Streamlining Act.

1. Ministerial: Little personal judgement, use of fixed or objective standards.
2. Discretionary: Requires exercise of judgement or deliberation.

### *Three Basic Levels of Environmental Review*

If an agency determines that a proposed activity is a project under CEQA, it will usually take the

following three steps:

1. Determine whether the project falls under a statutory or categorical exemption from CEQA.
2. If the project is not exempt, prepare an initial study to determine whether the project might result in significant environmental effects; and
3. Prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR), depending on the results of the initial study.

Most projects within the City's jurisdiction are "exempt" under CEQA. CEQA guidelines include categorical exemptions, such as the infill development exemption (CEQA Exemption 15332).

#### *Most Common Types of CEQA Exemptions*

1. Class 1: Existing Facilities - Includes the operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features. Examples include interior or exterior alterations to existing structures and minor expansions of existing facilities.
2. Class 3: Small Structures - Includes the construction of limited numbers of new, small facilities or structures, such as single-family residences or small multi-family residential structures (up to four units).
3. Class 32: In-Fill Development Projects – Includes environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. This exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects. Class 32 in-fill projects must the conditions described below.
  1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
  2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
  3. The project site has no value, as habitat for endangered, rare or threaten species.
  4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  5. The site can be adequately served by all required utilities and public services.

Negative Declaration - If the initial study concludes that the project will not cause a significant effect on the environment, the agency can prepare a negative declaration. (Pub. Res. Code § 21080(c); Guidelines § 15070 et seq. (negative declaration process).) A negative declaration is a written statement that an EIR is not required because a project will not have a significant adverse impact on the environment. (Pub. Res. Code §§ 21064, 21080(c).) An agency may include

conditions to a negative declaration for the purpose of mitigating potential environmental effects. This is referred to as a “mitigated negative declaration” (Guidelines § 15070(b); Pub. Res. Code § 21064.5.).

**Mitigated Negative Declaration** - A mitigated negative declaration states that revisions in the project made or agreed to by the applicant would avoid the potentially significant adverse impacts, and that there is no substantial evidence that the revised project will have a significant effect on the environment (Pub. Res. Code § 21064.5; Guidelines § 15070(b) (2)).

In summary, mitigation measures avoid impact altogether by not taking certain action or parts of an action. It also minimizes impacts by limiting the degree or magnitude of the action and its implementation. In addition to rectifying the impact by repairing, rehabilitating, or restoring the affected environment. Furthermore, mitigation measures reduce or eliminate the impact over time through preservation and maintenance during the life of the action. Lastly, identified measures compensate for the impact by replacing or providing substitute resources or environments.

### *Environmental Impact Report (EIR)*

If the agency determines that the project may have a significant effect on the environment, an EIR must be prepared. (Pub. Res. Code 21002.1, 21061, 21080, 21080.1 et seq.; Guidelines 15080-15081.5). The first step in preparing an EIR is to determine the scope of the EIR in consultation with agencies, the public and the applicant (Guidelines 15082& 15083).

Either the agency must prepare a draft EIR or the applicant’s consultant can prepare the CEQA documents, as long as the agency independently reviews, evaluates, and exercises judgment over the document and the issues it raises and addresses. The draft EIR must be released for public comment (Guidelines 15105). Subsequently, a draft EIR is certified by the City Council and prepared inclusive of public comments and any changes incorporated thereto.

### *Recent Changes in CEQA*

Recent changes to CEQA mostly focus on addressing housing development and reducing costs. Therefore, the creation of Assembly Bill (AB) 130 and Senate Bill (SB) 131 was signed and became law on June 30, 2025. A key feature of SB 131 is what has been called the “near-miss rule,” which allows a housing or mixed-use project to qualify for a statutory exemption or one of several categorical exemptions if all criteria are met for that exemption but for one “condition.” An earlier version of the rule appeared in SB 607, a predecessor bill that, like SB 131, was introduced by Senator Scott Wiener. “Near miss” does not apply if two or more conditions exist that would make housing project ineligible for exemption. A “Near Miss” refers to a project that almost fits within a categorical exemption but exceeds size limit, threshold or condition, or triggers one of the exceptions to categorical exemptions. For example, Class 3 allows a multi-family building up to 10,000 sq. ft., the proposed building is 12,500 sq. ft. In this case, it is functionally similar but, technically exceeds the square footage, hence the “near miss”.

In 2026, it is anticipated that the Planning Commission will be asked to make a recommendation to the City Council on the certification of the Ferrasci Business Center Specific Plan EIR, General Plan Update/Visión Salinas 2040 EIR and the East Area Specific Plan EIR in addition to CEQA consistency analysis of proposed tentative map application to its respective specific plan EIR.