3.3.23 Cumulative Impacts

Introduction
Note: As of Fall 2001, several CEQA Guidelines, which are the basis of the cumulative impact definition and analysis, have been legally challenged. Please consult with the Office of General Counsel for status and compliance advice (http://www.ucop.edu/ogc).

The CEQA Guidelines require that an EIR provide a discussion of cumulative impacts, which is a change in the environment that results from adding the effect of the project to those effects of closely-related past, present and probable future projects. The discussion should focus on whether the impacts of the project would result in cumulative effects, and therefore need not consider cumulative impacts to which the project does not contribute.

The cumulative analysis shall be based upon either: 1) a list of past, present, and probable future projects, including both University and non-University projects; or 2) a summary of projections contained in an adopted general plan or related planning document (such as a regional growth plan), or in a certified environmental document, which described or evaluated regional or areawide conditions contributing to the cumulative impact.

"Probable future projects" is defined in CEQA Guidelines Section 15130(b)(1)(B)(2) (http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines/art9.html) as projects: 1) for which an application has been received at the time the notice of preparation is released; 2) included in an adopted capital improvements program or other similar plan; 3) included in a summary of projections of projects in a general plan or a similar plan; 4) anticipated as later phase of a previously approved project (e.g. a subdivision); or 5) for which money has been budgeted by a public agency. This guideline has been legally challenged. Please consult with the Office of General Counsel for current status. It may be prudent to include future projects which are known, but for which an application has not been filed at the time of the NOP for the EIR. To develop the list of related projects, the type of project and geographic location should be considered, to determine that the impacts would accumulate (as different types of projects, or in some instances, even geographically proximate projects, may not result in cumulative impacts). The list of projects must include those for which an EIR or Negative Declaration has been, or will be prepared, as well as those that are, or may be, exempt from CEQA, if those projects would contribute to cumulative impacts.

If a planning document or previous EIR is to be used as the basis for the cumulative analysis, those documents must be carefully reviewed to consider the relevant analysis of the project-specific and cumulative impacts, the thresholds of significance used in the analysis and the mitigation measures adopted for the project. If a previous document is used, the document should be incorporated by reference and made available to the public.

Because individual cumulative impacts may occur over different geographic areas, the discussion should explain the geographic scope of the area affected by each cumulative effect (e.g., watershed or air basin), and provide a reasonable explanation for the geographic limitation used in the analysis. If the EIR excludes some projects from consideration in the cumulative impact analysis, an explanation should be provided.

The discussion shall reflect the severity of the impacts and their likelihood of occurrence, but in less detail than for the project’s impacts. Although this suggests less precision is necessary, an
attempt must be made at a reasonable analysis. If an analysis of cumulative effects is somehow infeasible or speculative, the EIR must provide support for this conclusion. CEQA Guidelines Section 15130 (http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art9.html) provides for a less extensive analysis of cumulative impacts in certain circumstances:

- A project’s contribution may be less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The analysis must provide support for the conclusion that the project’s contribution will be rendered less than cumulatively considerable. The basis for this analysis is found in CEQA Guidelines Sections 15064(i)(3) (http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html) and 15152 (f)(2) (http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art10.html), both of which have been legally challenged. Please consult with the Office of General Counsel for current status and advice for compliance.

- If the project is consistent with an adopted (local or regional) plan, and analysis in the programmatic EIR supporting that plan adequately addresses the cumulative impact, then the project EIR need not further analyze that cumulative impact.

To the extent the cumulative impacts are determined to be significant, the discussion should examine reasonable, feasible options for mitigating or avoiding the project's contribution to those significant cumulative effects. However, mitigation of the effect of the related projects (or growth projected in relevant plans) need not be addressed.

**LRDP EIR**

As discussed above, the analysis of cumulative impacts may be based upon either: 1) a list of past, present, and probable future projects, or 2) a summary of projections contained in an adopted plan or a certified environmental document. Although the use of either method would meet CEQA requirements, both options have advantages and disadvantages with respect to use in an LRDP EIR. A list of “related” projects is typically derived from project lists maintained by local jurisdictions, and although such lists can provide a basis for identifying specific impacts at specific locations, a list has a limited lifespan. Adopted plans have the advantage of a longer planning horizon, but that timeframe may not correspond to the LRDP horizon. Further, such plans may lack sufficient detail to permit determination of whether impacts of the LRDP would accumulate with the growth projected in the plan. Although certified environmental documents have been reviewed and considered by the certifying body (presumably a local jurisdiction), the analysis may have become outdated, may no longer be accurate due to changed circumstances or approval of subsequent projects, or may be based on a planning horizon that does not correspond to that of the LRDP.

Given the extended timeframe of an LRDP (typically 15 years) and the shorter time period for which a list of projects would remain accurate, preparation of a LRDP EIR might include a combination of methods to determine potential cumulative effects: 1) a list of projects (to assure that known and contemplated projects, both on- and off-campus, are analyzed and considered); 2) a summary of projections based on the local general plan (and/or EIR as appropriate); 3) a summary of growth projections from the relevant regional plan; and 4) additional supplemental information as appropriate to fill in gaps in the analysis (e.g., related to differences in time horizons or geographic area). If the LRDP, and therefore the LRDP EIR includes analysis of off-
campus properties, and if those properties or facilities are located at remote locations, it may be necessary to develop a separate cumulative analysis for that remote location. Although this approach exceeds the minimal CEQA requirements, it ensures the longevity of the cumulative impacts analysis in the LRDP EIR by refining and expanding upon those analyses with all reasonably available information.

**Project EIR**

Except for the scale of analysis, the process of assessing cumulative impacts for a Project EIR is generally the same as that required by an LRDP EIR. However, if a cumulative impact is adequately addressed in the LRDP EIR and the project is consistent with the LRDP EIR, then a project EIR generally need not further analyze that cumulative impact.

Depending on the method(s) used to determine cumulative impacts, and the time since the LRDP EIR was certified, it may be appropriate to supplement or update the LRDP cumulative analysis in a Project EIR. For instance, if a list of projects was provided in the LRDP EIR, it may be useful for the Project EIR to update that list, and therefore the Project EIR may both reference the LRDP EIR cumulative analysis, and provide supplemental information. If the analytical assumptions that formed the basis for the cumulative analysis in the LRDP EIR have changed substantially, the cumulative analysis may need to be updated in the Project EIR to supplement the circumstances and assumptions contained in the LRDP EIR.