EXAMPLE [15]

ROADMAP FOR CUMULATIVE IMPACT ANALYSIS

"Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines, § 15355; see also Pub. Resources Code, § 21083, subd. (b).) Stated another way, "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with *other projects* causing related impacts." (CEQA Guidelines, § 15130, subd. (a)(1) (emphasis added).)

"[I]ndividual effects may be changes resulting from a single project or a number of separate projects." (CEQA Guidelines, § 15355, subd. (a).) "The cumulative impact from several projects is the change in the environment which results from the *incremental impact of the project* when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines, § 15355, subd. (b) (emphasis added); *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1024-1025.)

An adequate cumulative impacts analysis considers "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects." (CEQA Guidelines, § 15355, subd. (b).) In general, the poorer the quality of, or the more impacted, the existing environment is, the more likely it is that a project's incremental contribution to future cumulative conditions will be significant (i.e., "cumulatively considerable"). (See, e.g., *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720.) Similarly, "the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant." (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120.)

The need for cumulative impact assessment reflects the fact that, although a project may cause an "individually limited" or "individually minor" incremental impact that, by itself, is not significant, the increment may be "cumulatively considerable," and thus significant, when viewed together with environmental changes anticipated from past, present, and probable future projects. (CEQA Guidelines, §§ 15064, subd. (h)(1), 15065, subd. (c), 15355, subd. (b).) This formulation indicates that particular impacts may be less-than-significant on a project-specific basis but significant on a cumulative basis, because their small incremental contribution, viewed against the larger backdrop, is cumulatively considerable.

In order to set the framework for an adequate cumulative impact assessment, the lead agency should define the relevant geographic area of inquiry for each impact category (*id.*, § 15130, subd. (b)(3)), and should then identify the universe of "past, present, and probable future projects producing related or cumulative impacts" relevant to the various categories, either through the preparation of a "list" of such projects or through the use of "a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact" (*id.*, subd. (b)(1)).

After laying this analytical and informational groundwork, the lead agency should generally undertake a two-step analysis. The first question is whether the *combined* effects from *both* the proposed project *and* other projects would be cumulatively significant. If the agency answers this inquiry in the affirmative, the second question is whether "the proposed project's *incremental* effects are cumulatively considerable." (*Communities for a Better Environment*, *supra*, 103 Cal.App.4th at p. 120 (emphasis added).) Thus, agencies should not merely *compare* the incremental effect of a proposed project *against* the collective impacts of all other relevant projects, yielding the proposed project's "relative" impact vis-á-vis the impacts of the other projects. Rather, in making the first required inquiry, the lead agency must *add* the project's incremental impact to the anticipated impacts of other projects. (*Communities for a Better Environment*, *supra*, 103 Cal.App.4th at pp. 117-121.)

For example, the lead agency for Project A must evaluate whether that project, in combination with Projects B, C, and D, would create a significant cumulative effect. If so, then the next step is to consider whether Project A's "incremental" contribution to that combined significant cumulative impact would be "cumulatively considerable." The agency should not merely compare the impacts of Project A against those of Projects B, C, and D. The required two-step approach is evident from CEQA Guidelines section 15064, subdivision (h)(1), which states that "[w]hen assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable." A negative statement of this same two-step principle is evident from CEQA Guidelines section 15130, subdivision (a)(2), which provides that "[w]hen the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR."

Just as it is possible that an impact may be less-than-significant when viewed in isolation yet "cumulatively considerable" (significant) when viewed in a larger context, it is also possible that the "cumulative impact" of multiple projects (A, B, C, and D,

continuing the example set forth above) will be significant, but that the incremental contribution to that impact from a particular project (e.g., Project A) may not itself be "cumulatively considerable." Thus, CEQA Guidelines section 15064, subdivision (h)(5), states that "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Thus, it is not necessarily true that, even where cumulative impacts are significant, *any* level of incremental contribution must be deemed cumulatively considerable. (*Communities for a Better Environment*, *supra*, 103 Cal.App.4th at p. 120.) Still, as noted earlier, "the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant." (*Communities for a Better Environment*, *supra*, 103 Cal.App.4th at p. 120.)

A project's "cumulatively considerable" contribution to a significant cumulative impact is not rendered less-than-significant (i.e., not cumulatively considerable) simply because that contribution, viewed in isolation (i.e., on a "project-specific" basis), appears to be less-than-significant after project-specific mitigation. A greater level of mitigation might be required to render the incremental impact less-than-cumulatively considerable.

If a project's incremental impact is "cumulatively considerable," then the lead agency should try to formulate feasible mitigation measures sufficient to eliminate the *incremental contribution* or render it so small that it is no longer cumulatively considerable. The payment of fees in a well-developed capital improvement program or similar undertaking addressed at cumulative impacts may be a basis for finding a project's incremental contribution to a significant cumulative impact to be mitigated to a less-than-cumulatively-considerable level. (CEQA Guidelines, § 15130, subd. (a)(3); *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 139-141.) Yet merely throwing money at a problem is not necessarily sufficient. (*Save Our Peninsula Committee*, *supra*, 87 Cal.App.4th at p. 140, citing *Kings County Farm Bureau*, *supra*, 221 Cal.App.3d at pp. 727-728.) Moreover, mitigation to a less-than-cumulatively-considerable level may sometimes be achieved by compliance "with the requirements of a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located." (CEQA Guidelines, § 15064, subd. (h)(3); *Communities for a Better Environment*, 103 Cal.App.4th at pp. 114-116.)