



## Agenda Report

21-1092

Agenda Date: 9/2/2021

### REPORT TO HISTORICAL AND LANDMARKS COMMISSION

#### **SUBJECT**

Informational Report on the Role of the HLC in CEQA Review

#### **BACKGROUND**

The City of Santa Clara is a Certified Local Government (CLG) designated by the State Office of Historic Preservation.

CLGs must comply with five basic requirements:

- Enforce appropriate state and local laws and regulations for the designation and protection of historic properties;
- Establish an historic preservation review commission by local ordinance;
- Maintain a system for the survey and inventory of historic properties;
- Provide for public participation in the local preservation program; and
- Satisfactorily perform responsibilities delegated to it by the state.

As part of the first basic requirement, CLGs must enforce the California Environmental Quality Act (CEQA) regulations in relation to historical resources. This includes reviewing CEQA documents and assessing the suitability and effectiveness of cultural and historic mitigation and providing recommendations to the decision-making hearing body.

#### **DISCUSSION**

The purpose of this informational report is to provide guidance to the Commission about its role as a recommendation body in reviewing CEQA documents and providing recommendations to decision-making hearing bodies.

In practice, CEQA documents have typically been reviewed by the Commission during the State-mandated public review period. The purpose of the public review period is to allow the public to review the draft document and provide comments prior to its finalization. Comments that are submitted during the public review period are formally responded to in the Response to Comments in the final CEQA document. There is no requirement that the HLC or any other recommending body see the final CEQA document before making a recommendation. Under the CEQA Regulations, the final CEQA document only has to be presented to the decision-making body. Moreover, in the case of an Environmental Impact Report (EIR), the Final EIR has to be completed 10 days before the decision-making body certifies the EIR, not before a recommendation body makes its recommendation. In addition, review of a final CEQA document is not a requirement of the Commission by the CLG regulations.

**ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

**COORDINATION**

This report has been coordinated with the City Attorney's Office.

**PUBLIC CONTACT**

Public contact was made by posting the agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, e-mail [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) [<mailto:clerk@santaclaraca.gov>](mailto:clerk@santaclaraca.gov)

**RECOMMENDATION**

Note and file the informational report.

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