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Back to Basics: Setting the Environmental Baseline Under the California Environmental Quality Act

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California Land Use Law & Policy Reporter - Three recent decisions under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 *et seq.*) focus on determining the “environmental baseline” against which a proposed project’s potentially significant impacts must be measured. (See, *Communities for a Better Environment v. South Coast Air Quality Mgmt. Dist.*, 48 Cal.4th 310 (2010); *Cherry Valley Pass Acres and Neighbors v. City of Beaumont*, __Cal.App.4th__, Case No. E049561 (4th Dist. 2010); *Sunnyvale West Neighborhood Assoc. v. City of Sunnyvale City Council*, __Cal.App.4th__, Case No. H035135 (6th Dist. 2010).)

These decisions hold the baseline must realistically reflect actual physical conditions occurring before project approval, with a lead agency maintaining discretion to determine what temporal “snapshot” best captures such conditions. By contrast, in setting the baseline, a lead agency generally cannot rely on hypothetical levels of activity or impacts derived from permitted-but never realized ? operations or post-approval projections.

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