**RESOLUTION NO. 18-8-4**

**A RESOLUTION OF THE EL TORO WATER DISTRICT AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE §§ 21000 ET SEQ.)**

**WHEREAS**, the California Legislature has amended the California Environmental Quality Act ("CEQA") (Pub. Resources Code §§ 21000 et seq.), the Natural Resources Agency has amended portions of the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.), and the California courts have interpreted specific provisions of CEQA; and

**WHEREAS**, Section 21082 of the Public Resources Code requires all public agencies to adopt objectives, criteria and procedures for the evaluation of public and private projects undertaken or approved by such public agencies, and the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

**WHEREAS**, the El Toro Water District ("District") must revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA and the State CEQA Guidelines.

**NOW, THEREFORE**, the El Toro Water District hereby resolves as follows:

**SECTION 1.** The District hereby adopts the "Local Guidelines for Implementing the California Environmental Quality Act (2018 Revision)," a copy of which is on file at the offices of the District and is available for inspection by the public.

**SECTION 2.** All prior actions of the District enacting earlier guidelines are hereby repealed.

**ADOPTED** this 23rd day of August 2018.

M. SCOTT GOLDMAN, President
of the Board of Directors
El Toro Water District

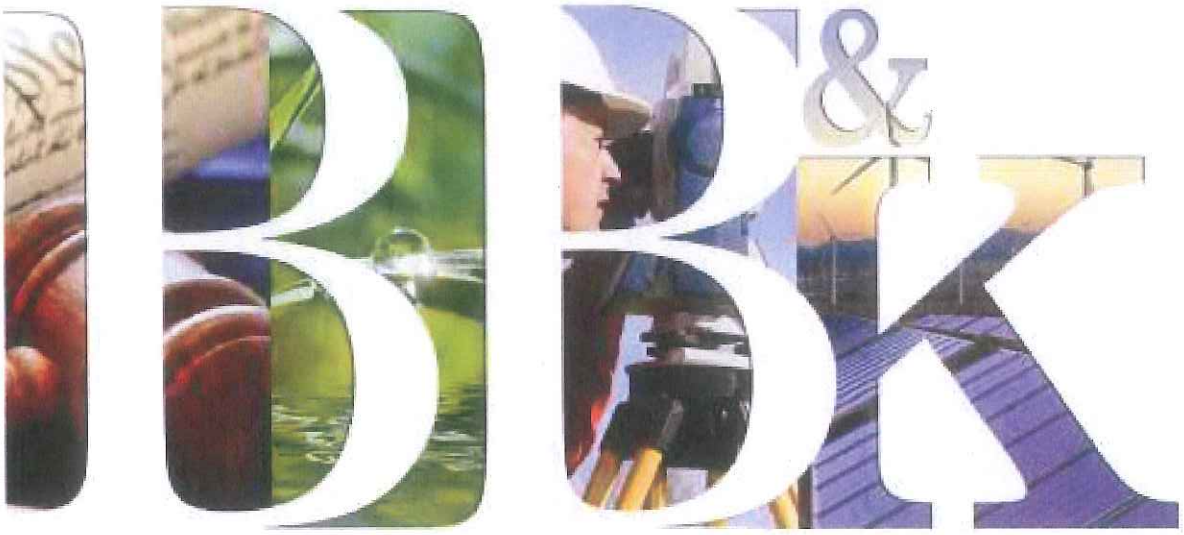
ATTEST:

ROBERT R.HILL, Secretary
to the Board of Directors
El Toro Water District

APPROVED AS TO FORM:

_____

GILBERT J. GRANITO,General Counsel
El Toro Water District



# CEQA Guidelines

# 2018

## Prepared For:

# El Toro Water District

## Local Guidelines for Implementing the California Environmental Quality Act

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2018

# LOCAL GUIDELINES

# FOR IMPLEMENTING THE

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

# FOR

# EL TORO WATER DISTRICT

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# LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

## (2018 REVISION)

## 1. GENERAL PROVISIONS, PURPOSE AND POLICY.

### 1.01 GENERAL PROVISIONS.

These Local Guidelines ("Local Guidelines") are to assist the El Toro Water District ("District") in implementing the provisions of the California Environmental Quality Act ("CEQA"). These Local Guidelines are consistent with the Guidelines for the Implementation of CEQA ("State CEQA Guidelines") which have been promulgated by the Resources Agency for the guidance of state and local agencies in California. These Local Guidelines have been adopted pursuant to California Public Resources Code Section 21082.

### 1.02 PURPOSE.

The purpose of these Local Guidelines is to help the District accomplish the following basic objectives of CEQA:

(a) To enhance and provide long-term protection for the environment, while providing a decent home and satisfying living environment for every Californian;

(b) To provide information to governmental decision-makers and the public regarding the potential significant environmental effects of the proposed project;

(c) To provide an analysis of the environmental effects of future actions associated with the project to adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project;

(d) To identify ways that environmental damage can be avoided or significantly reduced;

(e) To prevent significant avoidable environmental damage through utilization of feasible project alternatives or mitigation measures; and

(f) To disclose and demonstrate to the public the reasons why a governmental agency approved the project in the manner chosen. Public participation is an essential part of the CEQA process. Each public agency should encourage wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues related to a public agency's activities. Such involvement should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

### 1.03 APPLICABILITY.

These Guidelines apply to any activity of the District which constitutes a "project" as defined in Local Guidelines Section 11.57 and/or to any activity for which the District is a Responsible Agency. These Local Guidelines are also intended to assist the District in

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determining whether a proposed activity does not constitute a project that is subject to CEQA review, or whether the activity is exempt from CEQA.

An Environmental Impact Report ("EIR") is required for each such project which may have a significant effect on the environment. When the District finds that a project will have no significant environmental effect, a Negative Declaration or Mitigated Negative Declaration rather than an EIR shall be prepared.

An EIR serves several functions for the benefit of the District and the public. An EIR: (1) identifies and analyzes the significant environmental effects of a proposed project; (2) identifies alternatives to the project; and (3) discloses possible ways to reduce or avoid potential environmental damage. These matters are to be evaluated by the District before the project is approved or disapproved.

The EIR is an informational document. It should not be used to rationalize approval of a project. CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. Indications of adverse environmental impacts from the project which are identified in the EIR do not necessarily require disapproval of a project. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the District, as Lead Agency, must respond to the information by one or more of the following methods:

(a) Changing the proposed project;
(b) Imposing conditions on the approval of the project;
(c) Adopting plans or ordinances to control a broader class of activities to avoid the problems;
(d) Choosing an alternative way of meeting the same need;
(e) Disapproving the project; or
(f) Finding that the unavoidable, significant environmental impact is acceptable pursuant to a Statement of Overriding Considerations.

Although CEQA requires that major consideration be given to preventing environmental damage, the District also has an obligation to balance other public objectives for each project including economic and social factors.

## 1.04 REDUCING DELAY AND PAPERWORK.

The State CEQA Guidelines encourage local governmental agencies to reduce delay and paperwork by, among other things:

(a) Integrating the CEQA process into early planning review; to this end, the project approval process and these procedures, to the maximum extent feasible, are to run concurrently, not consecutively;
(b) Identifying projects which fit within categorical or other exemptions and are therefore exempt from CEQA processing;
(c) Using initial studies to identify significant environmental issues and to narrow the scope of EIRs;

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(d) Using a Negative Declaration when a project, not otherwise exempt, will not have a significant effect on the environment;
(e) Consulting with state and local responsible agencies before and during the preparation of an EIR so that the document will meet the needs of all the agencies which will use it;
(f) Allowing applicants to revise projects to eliminate possible significant effects on the environment, thereby enabling the project to qualify for a Negative Declaration rather than an EIR;
(g) Integrating CEQA requirements with other environmental review and consultation requirements;
(h) Emphasizing consultation before an EIR is prepared, rather than submitting adverse comments on a completed document;
(i) Combining environmental documents with other documents, such as general plans;
(j) Eliminating repetitive discussions of the same issues by using EIRs on programs, policies or plans and tiering from statements of broad scope to those of narrower scope;
(k) Reducing the length of EIRs by means such as setting appropriate page limits;
(l) Preparing analytic, rather than encyclopedic EIRs;
(m) Mentioning insignificant issues only briefly;
(n) Writing EIRs in plain language;
(o) Following a clear format for EIRs;
(p) Emphasizing the portions of the EIR that are useful to decision-makers and the public and reducing emphasis on background material;
(q) Incorporating information by reference; and
(r) Making comments on EIRs as specific as possible.

## 1.05 COMPLIANCE WITH STATE LAW.

These Local Guidelines are intended to implement the provisions of CEQA and the State CEQA Guidelines, and the provisions of CEQA and the State CEQA Guidelines shall be fully complied with even though they may not be set forth or referred to herein.

## 1.06 TERMINOLOGY.

The terms "must" or "shall" identify mandatory requirements. The terms "may" and "should" are permissive, with the particular decision being left to the discretion of the District.

## 1.07 PARTIAL INVALIDITY.

In the event any part or provision of these Local Guidelines shall be determined to be invalid, the remaining portions which can be separated from the invalid unenforceable provisions shall continue in full force and effect.

## 1.08 ELECTRONIC DELIVERY OF COMMENTS AND NOTICES.

Individuals may file a written request to receive copies of public notices provided under these Local Guidelines or the State CEQA Guidelines. The requestor may elect to receive these notices via email rather than regular mail. Notices sent by email are deemed delivered when the staff person sending the email sends it directed to the last email address provided by the requestor to the public agency. Any request to receive public notices shall be renewed annually.

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Individuals may also submit comments on the CEQA documentation for a project via email. Comments submitted via email shall be treated as written comments for all purposes. Comments sent to the public agency via email are deemed received when they actually arrive in an email account of a staff person who has been designated or identified as the point of contact for a particular project.

CEQA also requires the lead agency to make copies of certain environmental documents available in an electronic format (such as Draft Environmental Impact Reports, Draft Negative Declarations and Draft Mitigated Negative Declarations), on request.

## 1.09 THE DISTRICT MAY CHARGE REASONABLE FEES FOR REPRODUCING ENVIRONMENTAL DOCUMENTS.

A public agency may charge and collect a reasonable fee from members of the public that request a copy of an environmental document, so long as the fee does not exceed the cost of reproduction. The kinds of "environmental documents" that CEQA specifically allows public agencies to seek reimbursement for includes: initial studies, negative declarations, mitigated negative declarations, draft and final EIRs, and documents prepared as a substitute for an EIR, negative declaration, or a mitigated negative declaration.

A public agency may choose to make documents available to the public-at-large on the agency's website or charge a reasonable fee for reproducing the document in hard-copy form, on compact discs, email attachments, or other digital transfers. Requests for documents made pursuant to the California Public Records Act must comply with the Government Code. (See, for example, Government Code Section 6253.9 for information regarding providing documents in electronic format.)

## 1.10 STATE AGENCY FURLOUGHS.

Due to budget concerns, the State may institute mandatory furlough days for state government agencies. Local agencies may also change their operating hours.

Because state and local agencies may enact furloughs that limit their operating hours, if the District has time sensitive materials or needs to consult with a state agency, the District should check with the applicable state agency office or with the District's attorney to ensure compliance with all applicable deadlines.

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# 2. LEAD AND RESPONSIBLE AGENCIES

## 2.01 LEAD AGENCY PRINCIPLE.

The District will be the Lead Agency if it will have principal responsibility for carrying out or approving a project. Where a project is to be carried out or approved by more than one public agency, only one agency shall be responsible for the preparation of environmental documents. This agency shall be called the Lead Agency.

## 2.02 SELECTION OF LEAD AGENCY.

Where two or more public agencies will be involved with a project, the Lead Agency shall be designated according to the following criteria:

(a) If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project will be located within the jurisdiction of another public agency; or

(b) If the project will be carried out by a nongovernmental person or entity, the Lead Agency shall be the public agency with the greatest responsibility for supervising and approving the project as a whole. The Lead Agency will normally be the agency with general governmental powers, rather than an agency with a single or limited purpose. (For example, a district which will provide a public service or utility to the project serves a limited purpose.) If two or more agencies meet this criteria equally, the agency which acts first on the project will be the Lead Agency.

If two or more public agencies have a substantial claim to be the Lead Agency under either (a) or (b), they may designate one agency as the Lead Agency by agreement. An agreement may also provide for cooperative efforts by contract, joint exercise of powers, or similar devices. If the agencies cannot agree which agency should be the Lead Agency for preparing the environmental document, any of the disputing public agencies or the project applicant may submit the dispute to the Office of Planning and Research. Within 21 days of receiving the request, the Office of Planning and Research will designate the Lead Agency. The Office of Planning and Research shall not designate a Lead Agency in the absence of a dispute. A "dispute" means a contested, active difference of opinion between two or more public agencies as to which of those agencies shall prepare any necessary environmental document. A dispute exists when each of those agencies claims that it either has or does not have the obligation to prepare that environmental document.

## 2.03 DUTIES OF A LEAD AGENCY.

As a Lead Agency, the District shall decide whether a Negative Declaration, Mitigated Negative Declaration or an EIR will be required for a project and shall prepare, or cause to be prepared, and consider the document before making its decision on whether and how to approve the project. The documents may be prepared by Staff or by private consultants pursuant to a contract with the District. However, the District shall independently review and analyze all draft and final EIRs or Negative Declarations prepared for a project and shall find that the EIR or Negative Declaration reflects the independent judgment of the District prior to approval of the document. If a Draft EIR or Final EIR is prepared under a contract to the District, the contract

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must be executed within forty-five (45) days from the date on which the District sends a Notice of Preparation. (See Local Guidelines Section 7.02.)

During the process of preparing an EIR, the District, as Lead Agency, shall have the following duties:

(a) If a California Native American tribe has requested consultation, within 14 days after determining that an application for a project is complete or a decision to undertake a project, the lead agency shall begin consultation with the California Native American tribes (see Local Guidelines Section 7.07);

(b) Immediately after deciding that an EIR is required for a project, the District shall send to the Office of Planning and Research and each Responsible Agency a Notice of Preparation (Form "G") stating that an EIR will be prepared (see Local Guidelines Section 7.03);

(c) Prior to release of an EIR, if the California Native American tribe that is culturally affiliated with the geographic area of a project requests in writing to be informed of any proposed project, the District begin consultation with the tribe (see Local Guidelines Section 7.07);

(d) The District shall prepare or cause to be prepared the Draft EIR for the project (see Local Guidelines Sections 7.06 and 7.18);

(e) Once the Draft EIR is completed, the District shall file a Notice of Completion (Form "H") with the Office of Planning and Research (see Local Guidelines Section 7.24);

(f) The District shall consult with state, federal and local agencies which exercise authority over resources which may be affected by the project for their comments on the completed Draft EIR (see, e.g., Local Guidelines Sections 5.02, 5.15, Section 7.25);

(g) The District shall provide public notice of the availability of a Draft EIR (Form "K") at the same time that it sends a Notice of Completion to the Office of Planning and Research (see Local Guidelines Section 7.24);

(h) The District shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare or cause to be prepared a written response to all comments that raise significant environmental issues and that were timely received during the public comment period. A written response must be provided to all public agencies who commented on the project during the public review period at least ten (10) days prior to certifying an EIR (see Local Guidelines Section 7.29);

(i) The District shall prepare or cause to be prepared a Final EIR before approving the project (see Local Guidelines Section 7.30);

(j) The District shall certify that the Final EIR has been completed in compliance with CEQA and has been reviewed by the Board of Directors (see Local Guidelines Section 7.32); and

(k) The District shall include in the Final EIR any comments received from a Responsible Agency on the Notice of Preparation or the Draft EIR (see Local Guidelines Sections 2.07, 7.29 and 7.30).

As Lead Agency, the District may charge a non-elected body with the responsibility of making a finding of exemption or adopting, certifying or authorizing environmental documents; however, such a determination shall be subject to the District's procedures allowing for the appeal of the CEQA determination of any non-elected body to the District. In the event the

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District's Board of Directors has delegated authority to a subsidiary board or official to approve a project, the Board of Directors also hereby delegate to that subsidiary board or official the authority to make all necessary CEQA determinations, including whether an EIR, Negative Declaration, Mitigated Negative Declaration or exemption shall be required for any project. A subsidiary board or official's CEQA determination shall be subject to appeal consistent with the District's established procedures for appeals

## 2.04 PROJECTS RELATING TO DEVELOPMENT OF HAZARDOUS WASTE AND OTHER SITES.

An applicant for a development project must submit a signed statement to the District, as Lead Agency, stating whether the project and any alternatives are located on a site which is included in any list compiled by the Secretary for Environmental Protection of the California Environmental Protection Agency ("California EPA") listing hazardous waste sites and other specified sites located in the District's boundaries. The applicant's statement must contain the following information:

(a) The applicant's name, address, and phone number;
(b) Address of site, and local agency (city/county);
(c) Assessor's book, page, and parcel number; and
(d) The list which includes the site, identification number, and date of list.

Before accepting as complete an application for any development project as defined in Local Guidelines Section 11.16, the District, as Lead Agency, shall consult lists compiled by the Secretary for Environmental Protection of the California EPA pursuant to Government Code Section 65962.5 listing hazardous waste sites and other specified sites located in the District's boundaries. When acting as Lead Agency, the District shall notify an applicant for a development project if the project site is located on such a list and not already identified. In the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (see Local Guidelines Section 6.04) or the Notice of Preparation of Draft EIR (see Local Guidelines Section 7.03), the District shall specify the California EPA list, if any, which includes the project site, and shall provide the information contained in the applicant's statement.

This provision does not apply to projects for which applications have been deemed complete on or before January 1, 1992.

## 2.05 RESPONSIBLE AGENCY PRINCIPLE.

When a project is to be carried out or approved by more than one public agency, all public agencies other than the Lead Agency which have discretionary approval power over the project shall be identified as Responsible Agencies.

## 2.06 DUTIES OF A RESPONSIBLE AGENCY.

When it is identified as a Responsible Agency, the District shall consider the environmental documents prepared or caused to be prepared by the Lead Agency and reach its own conclusions on whether and how to approve the project involved. The District shall also both respond to consultation and attend meetings as requested by the Lead Agency to assist the Lead Agency in preparing adequate environmental documents. The District should also review

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and comment on Draft EIRs and Negative Declarations. Comments shall be limited to those project activities which are within the District's area of expertise or are required to be carried out or approved by the District or are subject to the District's powers.

As a Responsible Agency, the District may identify significant environmental effects of a project for which mitigation is necessary. As a Responsible Agency, the District may submit to the Lead Agency proposed mitigation measures which would address those significant environmental effects. If mitigation measures are required, the District should submit to the Lead Agency complete and detailed performance objectives for such mitigation measures which would address the significant environmental effects identified, or refer the Lead Agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the Lead Agency by the District, when acting as a Responsible Agency, shall be limited to measures which mitigate impacts to resources that are within the District's authority. For private projects, the District, as a Responsible Agency, may require the project proponent to provide such information as may be required and to reimburse the District for all costs incurred by it in reporting to the Lead Agency.

## 2.07 RESPONSE TO NOTICE OF PREPARATION BY RESPONSIBLE AGENCIES.

Within thirty (30) days of receipt of a Notice of Preparation of an EIR, the District, as a Responsible Agency, shall specify to the Lead Agency the scope and content of the environmental information related to the District's area of statutory responsibility in connection with the proposed project. At a minimum, the response shall identify the significant environmental issues and possible alternatives and mitigation which the District, as a Responsible Agency, will need to have explored in the Draft EIR. Such information shall be specified in writing, shall be as specific as possible, and shall be communicated to the Lead Agency, by certified mail or any other method of transmittal which provides it with a record that the response was received. The Lead Agency shall incorporate this information into the EIR.

## 2.08 USE OF FINAL EIR OR NEGATIVE DECLARATION BY RESPONSIBLE AGENCIES.

The District, as a Responsible Agency, shall consider the Lead Agency's Final EIR or Negative Declaration before acting upon or approving a proposed project. As a Responsible Agency, the District must independently review and consider the adequacy of the Lead Agency's environmental documents prior to approving any portion of the proposed project. In certain instances the District, in its role as a Responsible Agency, may require that a Subsequent EIR or a Supplemental EIR be prepared to fully address those aspects of the project over which the District has approval authority. Mitigation measures and alternatives deemed feasible and relevant to the District's role in carrying out the project shall be adopted. Findings which are relevant to the District's role as a Responsible Agency shall be made. After the District decides to approve or carry out part of a project for which an EIR or negative declaration has previously been prepared by the Lead Agency, the District, as Responsible Agency, should file a Notice of Determination with the County Clerk within five (5) days of approval, but need not state that the Lead Agency's EIR or Negative Declaration complies with CEQA. The District, as Responsible Agency should state that it considered the EIR or Negative Declaration as prepared by a Lead Agency.

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## 2.09 SHIFT IN LEAD AGENCY RESPONSIBILITIES.

The District, as a Responsible Agency, shall assume the role of the Lead Agency if any one of the following three conditions is met:

(a) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency;

(b) The Lead Agency prepared environmental documents for the project, and all of the following conditions occur:

(1) A Subsequent or Supplemental EIR is required;

(2) The Lead Agency has granted a final approval for the project; and

(3) The statute of limitations has expired for a challenge to the action of the appropriate Lead Agency; or

(c) The Lead Agency prepared inadequate environmental documents without providing public notice of a Negative Declaration or sending Notice of Preparation of an EIR to Responsible Agencies and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

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# 3. ACTIVITIES EXEMPT FROM CEQA

## 3.01 ACTIONS SUBJECT TO CEQA.

CEQA applies to discretionary projects proposed to be carried out or approved by public agencies such as the District. If the proposed activity does not come within the definition of "project" contained in Local Guidelines Section 11.57, it is not subject to environmental review under CEQA.

"Project" does not include:

(a) Proposals for legislation to be enacted by the State Legislature;
(b) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, and general policy and procedure making (except as provided in Local Guidelines Section 11.57);
(c) The submittal of proposals to a vote of the people in response to a petition drive initiated by voters, or the enactment of a qualified voter-sponsored initiative under California Constitution Art. II, Section 11(a) and Election Code Section 9214;
(d) The creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project which may have a potentially significant physical impact on the environment. Government funding mechanisms may include, but are not limited to, assessment districts and community facilities districts;
(e) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment; and
(f) Activities that do not result in a direct or reasonably foreseeable indirect physical change in the environment.

## 3.02 MINISTERIAL ACTIONS.

Ministerial actions are not subject to CEQA review. A ministerial action is one that is approved or denied by a decision which a public official or a public agency makes that involves only the use of fixed standards or objective measurements without personal judgment or discretion.

When a project involves an approval that contains elements of both a ministerial and discretionary nature, the project will be deemed to be discretionary and subject to the requirements of CEQA. The decision whether a proposed project or activity is ministerial in nature may involve or require, to some extent, interpretation of the language of the legal mandate, and should be made on a case-by-case basis. The following is a non-exclusive list of examples of ministerial activities:

(a) Issuance of business licenses;
(b) Approval of final subdivision maps and final parcel maps;
(c) Approval of individual utility service connections and disconnections;
(d) Issuance of licenses;
(e) Issuance of a permit to do street work; and
(f) Issuance of building permits where the Lead Agency does not retain significant discretionary power to modify or shape the project.

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## 3.03 EXEMPTIONS IN GENERAL.

CEQA and the State CEQA Guidelines exempt certain activities and provide that local agencies should further identify and describe certain exemptions. The requirements of CEQA and the obligation to prepare an EIR, Negative Declaration or Mitigated Negative Declaration do not apply to the exempt activities which are set forth in CEQA, the State CEQA Guidelines and Chapter 3 of these Local Guidelines.

## 3.04 PRELIMINARY EXEMPTION ASSESSMENT.

If, in the judgment of Staff, a proposed activity is exempt, Staff should so find on the form entitled "Preliminary Exemption Assessment" (Form "A"). The Preliminary Exemption Assessment shall be retained at District Offices as a public record.

## 3.05 NOTICE OF EXEMPTION.

After approval of an exempt project, a "Notice of Exemption" (Form "B") may be filed by Staff with the Clerk. If the Lead Agency exempts an agricultural housing, affordable housing, or residential infill project under State CEQA Guidelines Sections 15193, 15194 or 15195 and approves or determines to carry out that project, it must file a notice with the Office of Planning and Research ("OPR") identifying the exemption. The Preliminary Exemption Assessment shall be attached to the Notice of Exemption for filing. If filed, the Clerk must post the Notice within twenty-four (24) hours of receipt, and the Notice must remain posted for thirty (30) days. Although no California Department of Fish and Wildlife ("DFW") filing fee is applicable to exempt projects, most counties customarily charge a documentary handling fee to pay for record keeping on behalf of the DFW. Refer to the Index in the Staff Summary to determine if such a fee will be required for the project. The Notice of Exemption must also identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the District as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement of use from the District as part of the project.

When filing a Notice of Exemption, Staff has different responsibilities for certain types of actions. If the activity is either:

(a) undertaken by a *person* (not a public agency) which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; or

(b) involves the issuance to a *person* (not a public agency) of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies; then

Staff may direct that person to file the Notice of Exemption with the county clerk of each county in which the activity will be located. (See Public Resources Code section 21065 (b) and (c)). A Notice of Exemption filed by a person as described above must have a certificate of determination attached to it issued by the District stating that the action is not subject to CEQA. (See Public Resources Code Sections 21080 and 21152.) The certificate of determination may be in the form of a certified copy of an existing document or record of the District.

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The filing of a Notice of Exemption is recommended for District actions because it starts a 35-day statute of limitations on legal challenges to the District's determination that the activity is exempt from CEQA. The District is encouraged to make postings of all filed notices available in electronic format on the Internet. These electronic postings are in addition to the procedures required by the State CEQA Guidelines and the Public Resources Code. If a Notice of Exemption is not filed, a 180-day statute of limitations will apply. Please see Local Guidelines Sections 3.13 and 3.17 for certain circumstances in which the Lead Agency is required to file a Notice of Exemption. The thirty-day posting requirement excludes the first day of posting and includes the last day of posting. On the 30th day, the Notice of Exemption must be posted for the entire day.

When a request is made for a copy of the Notice prior to the date on which the District determines the project is exempt, the Notice must be mailed, first class postage prepaid, within five (5) days after the District's determination. If such a request is made following the District's determination, then the copy should be mailed in the same manner as soon as possible.

### 3.06 DISAPPROVED PROJECTS.

Projects which the Lead Agency rejects or disapproves are exempt. An applicant shall not be relieved of paying the costs for an EIR or Negative Declaration prepared for a project prior to the Lead Agency's disapproval of the project.

### 3.07 PROJECTS WITH NO POSSIBILITY OF SIGNIFICANT EFFECT.

Where it can be seen with absolute certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt.

### 3.08 EMERGENCY PROJECTS.

The following types of emergency projects are exempt (the term "emergency" is defined in Local Guidelines Section 11.20):

(a) Work in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter a historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of the Public Resources Code;

(b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare;

(c) Projects necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term;

(d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. Highway shall have the same meaning as defined in Section 360 of the Vehicle Code.

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This exemption does not apply to highways designated as official state scenic highways, nor to any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide; and

(e) Seismic work on highways and bridges pursuant to Streets and Highways Code section 180.2.

### 3.09 FEASIBILITY AND PLANNING STUDIES.

A project that involves only feasibility or planning studies for possible future actions which the District has not yet approved, adopted or funded is exempt.

### 3.10 RATES, TOLLS, FARES AND CHARGES.

The establishment, modification, structuring, restructuring or approval of rates, tolls, fares or other charges by the District that the District finds are for one or more of the purposes listed below are exempt.

(a) Meeting operating expenses, including employee wage rates and fringe benefits;
(b) Purchasing or leasing supplies, equipment or materials;
(c) Meeting financial reserve needs and requirements; or
(d) Obtaining funds for capital projects necessary to maintain service within existing service areas.

When the District determines that one of the aforementioned activities pertaining to rates, tolls, fares or charges is exempt from the requirements of CEQA, it shall incorporate written findings setting forth the specific basis for the claim of exemption in the record of any proceeding in which such an exemption is claimed.

### 3.11 PIPELINES WITHIN A PUBLIC RIGHT-OF-WAY AND LESS THAN ONE MILE IN LENGTH.

Projects that are for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline and that are:

(a) in a public street or highway or any other public right-of-way; and
(b) less than one mile in length

shall be exempt from CEQA requirements. See Public Resources Code section 21080.21.

"Pipeline" means subsurface facilities but does not include any surface facility related to the operation of the underground facility.

This exemption was enacted on January 1, 2018.

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## 3.12 PIPELINES OF LESS THAN EIGHT MILES IN LENGTH.

Projects that are for the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline, or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline shall be exempt from CEQA requirements if all of the following conditions are met:

(a) The project is less than eight miles in length.
(b) Notwithstanding the project length, actual construction and excavation activities undertaken to achieve the maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline are not undertaken over a length of more than one-half mile at any one time.
(c) The project consists of a section of pipeline that is not less than eight miles from any section of pipeline that has been subject to an exemption pursuant to this section in the past 12 months.
(d) The project is not solely for the purpose of excavating soil that is contaminated by hazardous materials, and, to the extent not otherwise expressly required by law, the party undertaking the project immediately informs the lead agency of the discovery of contaminated soil.
(e) To the extent not otherwise expressly required by law, the person undertaking the project has, in advance of undertaking the project, prepared a plan that will result in notification of the appropriate agencies so that they may take action, if determined to be necessary, to provide for the emergency evacuation of members of the public who may be located in close proximity to the project.
(f) Project activities are undertaken within an existing right-of-way and the right-of-way is restored to its condition prior to the project.
(g) The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by the city or county planning department as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and to otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and other applicable state laws, and with all applicable federal laws.

If a project meets all of the requirements for this exemption, the person undertaking the project shall do all of the following:

(a) Notify, in writing, any affected public agency, including, but not limited to, any public agency having permit, land use, environmental, public health protection, or emergency response authority of this exemption.
(b) Provide notice to the public in the affected area in a manner consistent with paragraph (3) of Public Resources Code section 21092(b).
(c) In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.
(d) Comply with all conditions otherwise authorized by law, imposed by the city or county planning department as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and otherwise comply with the Keene-

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Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and other applicable state laws, and with all applicable federal laws.

This exemption does not apply to a project in which the diameter of the pipeline is increased or a project undertaken within the boundaries of an oil refinery.

For purposes of this exemption, the following definitions apply:

(a) "Pipeline" includes every intrastate pipeline used for the transportation of hazardous liquid substances or highly volatile liquid substances, including a common carrier pipeline, and all piping containing those substances located within a refined products bulk loading facility which is owned by a common carrier and is served by a pipeline of that common carrier, and the common carrier owns and serves by pipeline at least five such facilities in the state. "Pipeline" does not include the following:

(1) An interstate pipeline subject to Part 195 of Title 49 of the Code of Federal Regulations.
(2) A pipeline for the transportation of a hazardous liquid substance in a gaseous state.
(3) A pipeline for the transportation of crude oil that operates by gravity or at a stress level of 20 percent or less of the specified minimum yield strength of the pipe.
(4) Transportation of petroleum in onshore gathering lines located in rural areas.
(5) A pipeline for the transportation of a hazardous liquid substance offshore located upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream.
(6) Transportation of a hazardous liquid by a flow line.
(7) A pipeline for the transportation of a hazardous liquid substance through an onshore production, refining, or manufacturing facility, including a storage or in plant piping system associated with that facility.
(8) Transportation of a hazardous liquid substance by vessel, aircraft, tank truck, tank car, or other vehicle or terminal facilities used exclusively to transfer hazardous liquids between those modes of transportation.

### 3.13 CERTAIN RESIDENTIAL HOUSING PROJECTS.

CEQA does not apply to the construction, conversion, or use of residential housing if the project meets all of the general requirements described in Section A below and satisfies the specific requirements for any one of the following three categories: (1) agricultural housing (Section B below), (2) affordable housing projects in urbanized areas (Section C below), or (3) affordable housing projects near major transit stops (Section D below).

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**A. General Requirements.** The construction, conversion, or use of residential housing units affordable to low-income households (as defined in Local Guidelines Section 11.36) located on an infill site in an urbanized area is exempt from CEQA if all of the following general requirements are satisfied:

(1) The project is consistent with:

(a) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application was deemed complete; and

(b) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application was deemed complete. However, the project may be inconsistent with zoning if the zoning is inconsistent with the general plan and the project site has not been rezoned to conform to the general plan;

(2) Community level environmental review has been adopted or certified;

(3) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees;

(4) The project site meets all of the following four criteria relating to biological resources:

(a) The project site does not contain wetlands;

(b) The project site does not have any value as a wildlife habitat;

(c) The project does not harm any species protected by the federal Endangered Species Act of 1973, the Native Plant Protection Act, or the California Endangered Species Act; and

(d) The project does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete;

(5) The site is not included on any list of facilities and sites compiled pursuant to Government Code Section 65962.5;

(6) The project site is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps must have been taken in response to the results of this assessment:

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(a) If a release of a hazardous substance is found to exist on the site, the release shall be removed or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements; or

(b) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements;

(7) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code (see Local Guidelines Section 11.28);

(8) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection; unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard;

(9) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties;

(10) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency;

(11) Either the project site is not within a delineated earthquake fault zone, or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard;

(12) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood;

(13) The project site is not located on developed open space;

(14) The project site is not located within the boundaries of a state conservancy;

(15) The project site has not been divided into smaller projects to qualify for one or more of the exemptions for affordable housing, agricultural housing, or residential infill housing projects found in the subsequent sections; and

(16) The project meets the requirements set forth in either Public Resources Code Sections 21159.22, 21159.23 or 21159.24.

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**B. Specific Requirements for Agricultural Housing.** (Public Resources Code Sections 21084, 21159.22, and State CEQA Guidelines Section 15192.) CEQA does not apply to the construction, conversion, or use of residential housing for agricultural employees that meets all of the general requirements described above in Section A and meets the following additional criteria:

(1) The project either:

(a) Is affordable to lower income households, lacks public financial assistance, and the developer has provided sufficient legal commitments to ensure the continued availability and use of the housing units for lower income households for a period of at least fifteen (15) years; or

(b) If public financial assistance exists for the project, then the project must be housing for very low, low-, or moderate-income households and the developer of the project has provided sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for low- and moderate-income households for a period of at least fifteen (15) years;

(2) The project site is adjacent on at least two sides to land that has been developed and the project consists of not more than forty-five (45) units or provides dormitories, barracks, or other group-living facilities for a total of forty-five (45) or fewer agricultural employees, and either:

(a) The project site is within incorporated city limits or within a census-defined place with a minimum population density of at least five thousand (5,000) persons per square mile; or

(b) The project site is within incorporated city limits or within a census- defined place and the minimum population density of the census-defined place is at least one thousand (1,000) persons per square mile, unless the Lead Agency determines that there is a reasonable possibility that the project, if completed, would have a significant effect on the environment due to unusual circumstances or that the cumulative effects of successive projects of the same type in the same area would, over time, be significant;

(3) If the project is located on a site zoned for general agricultural use, it must consist of twenty (20) or fewer units, or, if the housing consists of dormitories, barracks, or other group-living facilities, the project must not provide housing for more than twenty (20) agricultural employees; and

(4) The project is not more than two (2) acres in area if the project site is located in an area with a population density of at least one thousand

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(1,000) persons per square mile, and is not more than five (5) acres in area for all other project sites.

C. **Specific Requirements for Affordable Housing Projects in Urbanized Areas.** (Reference: Public Resources Code Sections 21083, 21159.23 and State CEQA Guidelines Section 15194.) CEQA does not apply to any development project that consists of the construction, conversion, or use of residential housing consisting of one hundred (100) or fewer units that are affordable to low-income households if all of the general requirements described in Section A above are satisfied and the following additional criteria are also met:

(1) The developer of the project provides sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least thirty (30) years, at monthly housing costs deemed to be "affordable rent" for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code;

(2) The project site:

(a) Has been previously developed for qualified urban uses;
(b) Is immediately adjacent to parcels that are developed with qualified urban uses; or
(c) At least 75% of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25% of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses, the site has not been developed for urban uses and no parcel within the site has been created within ten (10) years prior to the proposed development of the site;

(3) The project site is not more than five (5) acres in area; and

(4) The project site meets one of the following requirements regarding population density:

(a) The project site is within an urbanized area or within a census-defined place with a population density of at least five thousand (5,000) persons per square mile;
(b) If the project consists of fifty (50) or fewer units, the project site is within an incorporated city with a population density of at least twenty-five hundred (2,500) persons per square mile and a total population of at least twenty-five thousand (25,000) persons; or
(c) The project site is within either an incorporated city or a census-defined place with a population density of one thousand (1,000) persons per square mile, unless there is a reasonable possibility

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that the project would have a significant effect on the environment due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

**D. Specific Requirements for Affordable Housing Projects Near Major Transit Stops.** (Reference: Public Resources Code Sections 21083, 21159.24 and State CEQA Guidelines Section 15195.) CEQA does not apply to a residential project on an infill site within an urbanized area if all of the general requirements described above in Section A are satisfied and the following additional criteria are also met:

(1) Within five (5) years prior to the date that the application for the project is deemed complete, community-level environmental review was certified or adopted. This exemption does not apply, however, if new information about the project or substantial changes regarding the circumstances surrounding the project become available after the community-level environmental review was certified or adopted;

(2) The site is not more than four (4) acres in total area;

(3) The project does not contain more than one hundred (100) residential units;

(4) The project meets either of the following criteria:

(a) At least 10% of the housing is sold to families of moderate income or rented to families of low income, or at least 5% of the housing is rented to families of very low income, and the project developer has provided sufficient legal commitments to ensure the continued availability and use of the housing units for very low, low-, and moderate-income households at monthly housing costs; or

(b) The project developer has paid or will pay in-lieu fees sufficient to pay for the development of the same number of units that would otherwise be sold or rented to families of moderate or very low income pursuant to subparagraph (a);

(5) The project is within one-half mile of a major transit stop;

(6) The project does not include any single-level building that exceeds one hundred thousand (100,000) square feet;

(7) The project promotes higher density infill housing:

(a) A project with a density of at least 20 units per acre shall be conclusively presumed to promote higher density infill housing; or

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(b) A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density housing unless the preponderance of the evidence demonstrates otherwise;

(8) Exception:

(a) Except as provided in subdivision (b), this division does not apply to a project if all of the following criteria are met:

1. The project is a residential project on an infill site.
2. The project is located within an urbanized area.
3. The project satisfies the criteria of Section 21159.21.
4. Within five years of the date that the application for the project is deemed complete pursuant to Section 65943 of the Government Code, community-level environmental review was certified or adopted.
5. The site of the project is not more than four acres in total area.
6. The project does not contain more than 100 residential units.
7. Either of the following criteria are met:
    a. At least 10 percent of the housing is sold to families of moderate income, or not less than 10 percent of the housing is rented to families of low income, or not less than 5 percent of the housing is rented to families of very low income.
    b. The project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for very low, low-, and moderate-income households at monthly housing costs determined pursuant to paragraph (3) of the subdivision (h) of Section 65589.5 of the Government Code.
    c. The project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of

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units that would otherwise be required pursuant to subparagraph (7)(a).

8. The project is within one-half mile of a major transit stop.

9. The project does not include any single level building that exceeds 100,000 square feet.

10. The project promotes higher density infill housing. A project with a density of at least 20 units per acre shall be conclusively presumed to promote higher density infill housing. A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density housing unless the preponderance of the evidence demonstrates otherwise.

(b) The Exemption for Affordable Housing Projects near Major Transit Stops does not apply if any one of the following criteria is met:

1. There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances;
2. Substantial changes have occurred since community-level environmental review was adopted or certified with respect to the circumstances under which the project is being undertaken, and those changes are related to the project; or
3. New information regarding the circumstances under which the project is being undertaken has become available, and that new information is related to the project and was not known and could not have been known at the time of the community-level environmental review;

(c) If a project satisfies any one of the three criteria described above in Section 3.13D(8)(a), the environmental effects of the project must be analyzed in an Environmental Impact Report or a Negative Declaration. The environmental analysis shall be limited to the project-specific effects and any effects identified pursuant to Section 3.13D(8)(a).

**E.** Whenever the Lead Agency determines that a project is exempt from environmental review based on Public Resources Code Sections 21159.22 [Section 3.13B of these Local Guidelines], 21159.23 [Section 3.13C of these Local Guidelines], or 21159.24 [Section 3.13D of these Local Guidelines], Staff and/or the proponent of the project shall file a Notice of Exemption with the Office of Planning and Research within five (5) working days after the approval of the project.

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### 3.14 MINOR ALTERATIONS TO FLUORIDATE WATER UTILITIES.

Minor alterations to water utilities made for the purpose of complying with the fluoridation requirements of Health and Safety Code Sections 116410 and 116415 or regulations adopted thereunder are exempt.

### 3.15 BALLOT MEASURES.

The definition of project in the State CEQA Guidelines specifically excludes the submittal of proposals to a vote of the people of the state or of a particular community. This exemption does not apply to the public agency that sponsors the initiative. When a governing body makes a decision to put a measure on the ballot, that decision may be discretionary and therefore subject to CEQA. In contrast, the enactment of a qualified voter-sponsored initiative under California Constitution Art. II, Section 11(a) and Election Code Section 9214 is not a project and therefore is not subject to CEQA review. (See Local Guidelines Section 3.01.)

### 3.16 TRANSIT PRIORITY PROJECT.

**Exemption:** Transit Priority Projects (see Local Guidelines Section 11.75 that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a Sustainable Community Strategy or an alternative planning strategy may be exempt from CEQA. To qualify for the exemption, the decision-making body must hold a hearing and make findings that the project meets all of Public Resources Code Section 21155.1's environmental, housing, and public safety conditions and requirements.

**Streamlined Review**: A Transit Priority Project that has incorporated all feasible mitigation measures, performance standards or criteria set forth in a prior environmental impact report, may be eligible for streamlined environmental review. For a complete description of the requirements for this streamlined review see Public Resources Code Section 21155.2. Similarly, the environmental review for a residential or mixed use residential project may limit, or entirely omit, its discussion of growth-inducing impacts or impacts from traffic on global warming under certain limited circumstances. Note, however, that impacts from other sources of greenhouse gas emissions would still need to be analyzed. For complete requirements see Public Resources Code Section 21159.28.

Note that neither the exemption nor the streamlined review will apply until: (1) the applicable Metropolitan Planning Organization prepares and adopts a Sustainable Communities Strategy or alternative planning strategy for the region; and (2) the California Air Resources Board has accepted the Metropolitan Planning Organization's determination that the Sustainable Communities Strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets adopted for the region.

### 3.17 ROADWAY IMPROVEMENTS.

CEQA does not apply to a project or an activity to repair, maintain, or make minor alterations to an existing roadway, as defined in Local Guidelines Section 11.64. if all of the following conditions are met:

**A.** General Requirements:

(1) The project is carried out by a city or county with a population of less than 100,000 persons to improve public safety.

(2) The project does not cross a waterway as defined in Local Guidelines Section 11.84.

(3) The project involves negligible or no expansion of an existing use beyond that existing at the time of the lead agency's determination.

(4) The roadway is not a state roadway.

(5) The site of the project does not contain wetlands or riparian areas, and does not have "significant value as a wildlife habitat" (as defined in Local Guidelines Section 11.66) and the project does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the project does not cause the destruction or removal of any species protected by a local ordinance.

(6) The project does not impact cultural resources.

(7) The roadway does not affect scenic resources, as provided pursuant to subdivision (c) of Section 21084 of the Public Resources Code.

**B.** Prior to determining that a project is exempt pursuant to this section, the lead agency shall do both of the following:

(1) Include measures in the project to mitigate potential vehicular traffic and safety impacts and bicycle and pedestrian safety impacts.

(2) Hold a noticed public hearing on the project to hear and respond to public comments. The hearing on the project may be conducted with another noticed lead agency public hearing. Publication of the notice shall be no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area.

**C.** Whenever the local agency determines that a project is not subject to this exemption, and it approves or determines to or carry out that project, the local agency shall file a notice with the Office of Planning and Research, and with the county clerk in the manner specified in subdivisions (b) and (c) of Public Resources Code Section 21152.

## 3.18 CERTAIN INFILL PROJECTS

(a) (1) If an environmental impact report was certified for a planning level decision of the city or county, the application of CEQA to the approval of an infill project shall be limited to the effects on the environment that (A) are specific to the project or to the project site and were not addressed as significant effects in the prior environmental impact report or (B) substantial new information shows the effects will be more significant than described in the prior environmental

impact report. The attached Form "S" shall be used for this determination. A lead agency's determination pursuant to this section shall be supported by substantial evidence.

(2) An effect of a project upon the environment shall not be considered a specific effect of the project or a significant effect that was not considered significant in a prior environmental impact report, or an effect that is more significant than was described in the prior environmental impact report if uniformly applicable development policies or standards adopted by the city, county, or the lead agency, would apply to the project and the lead agency makes a finding, based upon substantial evidence, that the development policies or standards will substantially mitigate that effect.

(b) If an infill project would result in significant effects that are specific to the project or the project site, or if the significant effects of the infill project were not addressed in the prior environmental impact report, or are more significant than the effects addressed in the prior environmental impact report, and if a mitigated negative declaration or a sustainable communities environmental assessment could not be otherwise adopted, an environmental impact report prepared for the project analyzing those effects shall be limited as follows:

(1) Alternative locations, densities, and building intensities to the project need not be considered.

(2) Growth inducing impacts of the project need not be considered.

(c) This section applies to an infill project that satisfies both of the following:

(1) The project satisfies any of the following:

A) Is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(B) Consists of a small walkable community project located in an area designated by a city for that purpose.

(C) Is located within the boundaries of a metropolitan planning organization that has not yet adopted a sustainable communities strategy or alternative planning strategy, and the project has a residential density of at least 20 units per acre or a floor area ratio of at least 0.75.

(2) Satisfies all applicable statewide performance standards contained in the guidelines adopted pursuant to Section 21094.5.5 (Form "R").

(d) This section applies after the Secretary of the Natural Resources Agency adopts and certifies the guidelines establishing statewide standards pursuant to Section 21094.5.5.

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(e) For the purposes of this section, the following terms mean the following:

(1) "Infill project" means a project that meets the following conditions:

(A) Consists of any one, or combination, of the following uses:

(i) Residential.

(ii) Retail or commercial, where no more than one-half of the project area is used for parking.

(iii) A transit station.

(iv) A school.

(v) A public office building.

(B) Is located within an urban area on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

(2) "Planning level decision" means the enactment or amendment of a general plan, community plan, specific plan, or zoning code.

(3) "Prior environmental impact report" means the environmental impact report certified for a planning level decision, as supplemented by any subsequent or supplemental environmental impact reports, negative declarations, or addenda to those documents.

(4) "Small walkable community project" means a project that is in an incorporated city, which is not within the boundary of a metropolitan planning organization and that satisfies the following requirements:

(A) Has a project area of approximately one-quarter mile diameter of contiguous land completely within the existing incorporated boundaries of the city.

(B) Has a project area that includes a residential area adjacent to a retail downtown area.

(C) The project has a density of at least eight dwelling units per acre or a floor area ratio for retail or commercial use of not less than 0.50.

(5) "Urban area" includes either an incorporated city or an unincorporated area that is completely surrounded by one or more incorporated cities that meets both of the following criteria:

(A) The population of the unincorporated area and the population of the surrounding incorporated cities equal a population of 100,000 or more.

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(B) The population density of the unincorporated area is equal to, or greater than, the population density of the surrounding cities.

## 3.19 EXEMPTION FOR INFILL PROJECTS IN TRANSIT PRIORITY AREAS

A residential, mixed use residential, or employment center project located within a transit priority area as defined in Section 11.74 below, is exempt from CEQA if the project is also consistent with the policies of an applicable specific plan, and also with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy adopted by a metropolitan planning organization. Further environmental review shall be required only if the events specified in Public Resources Code Section 21166 are present.

## 3.20 OTHER SPECIFIC EXEMPTIONS.

CEQA and the State CEQA Guidelines exempt many other specific activities, including early activities related to thermal power plants, ongoing projects, transportation improvement programs, family day care homes, congestion management programs, railroad grade separation projects, restriping of streets or highways to relieve traffic congestion, restriping of streets in urbanized areas for bicycle lanes, adoption of bicycle transportation plans for urban areas, hazardous or volatile liquid pipelines, and the installation of solar energy systems, including, but not limited to solar panels. Specific statutory exemptions are listed in the Public Resources Code, including Sections 21080 through 21080.35, and in the State CEQA Guidelines, including Sections 15260 through 15285. In addition, other titles of the California Codes provide statutory exemptions from CEQA, including, for example, Government Code Section 12012.70.

Prior to determining that a bicycle transportation plan for an urban area is exempt, the lead agency must hold noticed public hearings in areas affected by the bicycle transportation plan to hear and respond to public comments. Publication of the notice must comply with Government Code Section 6061 and be in a newspaper of general circulation in the area affected by the proposed project. The lead agency must also prepare an assessment of any traffic and safety impacts of the project and include measures in the bicycle transportation plan to mitigate potential vehicular traffic impacts and bicycle and pedestrian safety impacts. See Public Resources Code Sections 21080.20 and 21080.20.5. This exemption shall remain in place until January 1, 2021.

## 3.21 CATEGORICAL EXEMPTIONS.

The State CEQA Guidelines establish certain classes of categorical exemptions. These apply to classes of projects which have been determined not to have a significant effect on the environment and which, therefore, are generally exempt. Compliance with the requirements of CEQA or the preparation of environmental documents for any project which comes within one of these classes of categorical exemptions is not required. The classes of projects are briefly summarized below. (Reference to the State CEQA Guidelines for the full description of each exemption is recommended.)

The exemptions for Classes 3, 4, 5, 6 and 11 below are qualified in that such projects must be considered in light of the location of the project. A project that is ordinarily

insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply in all instances except when the project may impact on an environmental resource of hazardous or critical concern which has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

All classes of categorical exemptions are qualified. None of the categorical exemptions are applicable if any of the following circumstances exist:

(1) The cumulative impact of successive projects of the same type in the same place over time is significant;

(2) There is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;

(3) The project may result in damage to a scenic or a substantial adverse change to a historical resource; or

(4) The project is located on a site which is included on any hazardous waste site or list compiled pursuant to Government Code Section 65962.5.

However, a project's greenhouse gas emissions do not, in and of themselves, cause an exemption to be inapplicable if the project otherwise complies with all applicable regulations or requirements adopted to implement statewide, regional, or local plans consistent with State CEQA Guidelines Section 15183.5.

With the foregoing limitations in mind, the following classes of activity are generally exempt:

Class 1: Existing Facilities. Activities involving the operation, repair, maintenance, permitting, leasing, licensing, minor alteration of, or legislative activities to regulate, existing public or private structures, facilities, mechanical equipment or other property, or topographical features, provided the activity involves negligible or no expansion of use beyond that existing at the time of the District's determination. The types of "existing facilities" itemized in Class 1 are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. (State CEQA Guidelines Section 15301.)

Class 2: Replacement or Reconstruction. Replacement or reconstruction of existing facilities, structures, or other property where the new facility or structure will be located on the same site as the replaced or reconstructed facility or structure and will have substantially the same purpose and capacity as the replaced or reconstructed facility or structure. (State CEQA Guidelines Section 15302.)

Class 3: New Construction or Conversion of Small Structures. Construction of limited numbers of small new facilities or structures; installation of small new equipment or facilities in small structures; and the conversion of existing small structures from one use to another, when only minor modifications are made in the exterior of the structure. This exemption includes

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structures built for both residential and commercial uses. (The maximum number of structures allowable under this exemption is set forth in State CEQA Guidelines Section 15303.)

Class 4: Minor Alterations to Land. Minor alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees, except for forestry or agricultural purposes. (State CEQA Guidelines Section 15304.)

Class 5: Minor Alterations in Land Use Limitations. Minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density. (State CEQA Guidelines Section 15305.)

Class 6: Information Collection. Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. (State CEQA Guidelines Section 15306.)

Class 7: Actions by Regulatory Agencies for Protection of Natural Resources. Actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. (State CEQA Guidelines Section 15307.)

Class 8: Actions By Regulatory Agencies for Protection of the Environment. Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment. (State CEQA Guidelines Section 15308.)

Class 9: Inspection. Inspection activities, including, but not limited to, inquiries into the performance of an operation and examinations of the quality, health or safety of a project. (State CEQA Guidelines Section 15309.)

Class 10: Loans. Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. (State CEQA Guidelines Section 15310.)

Class 11: Accessory Structures. Construction or replacement of minor structures accessory or appurtenant to existing commercial, industrial, or institutional facilities, including, but not limited to, on-premise signs; small parking lots; and placement of seasonal or temporary use items, such as lifeguard towers, mobile food units, portable restrooms or similar items in generally the same locations from time to time in publicly owned parks, stadiums or other facilities designed for public use. (State CEQA Guidelines Section 15311.)

Class 12: Surplus Government Property Sales. Sales of surplus government property, except for certain parcels of land located in an area of statewide, regional or area wide concern as that term is defined in State CEQA Guidelines Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

(a) The property does not have significant values for wildlife or other environmental purposes; and
(b) Any one of the following three conditions is met:
    1. The property is of such size, shape, or inaccessibility that it is incapable of independent development or use;
    2. The property to be sold would qualify for an exemption under any other class of categorical exemption in the State CEQA Guidelines; or
    3. The use of the property and adjacent property has not changed since the time of purchase by the public agency.

(State CEQA Guidelines Section 15312.)

Class 13: Acquisition of Lands for Wildlife Conservation Purposes. Acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat, establishment of ecological preserves under Fish and Game Code Section 1580, and preservation of access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition. (State CEQA Guidelines Section 15313.)

Class 14: Minor Additions to Schools. Minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more 25% or ten (10) classrooms, whichever is less. The addition of portable classrooms is included in this exemption. (State CEQA Guidelines Section 15314.)

Class 15: Minor Land Divisions. Division(s) of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20%. (State CEQA Guidelines Section 15315.)

Class 16: Transfer of Ownership of Land in Order to Create Parks. Acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:

(a) The management plan for the park has not been prepared, or
(b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources.

CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource. (State CEQA Guidelines Section 15316.)

Class 17: Open Space Contracts or Easements. Establishment of agricultural preserves, making and renewing of open space contracts under the Williamson Act or acceptance of easements or fee interests in order to maintain the open space character of the area. (The cancellation of such preserves, contracts, interests or easements is not included in this exemption.) (State CEQA Guidelines Section 15317.)

Class 18: Designation of Wilderness Areas. Designation of wilderness areas under the California Wilderness System. (State CEQA Guidelines Section 15318.)

Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities. Annexations:

(a) To a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or prezoning of either the gaining or losing governmental agency, whichever is more restrictive; provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; and
(b) Of individual small parcels of the minimum size for facilities exempted by Class 3, New Construction or Conversion of Small Structures.

(State CEQA Guidelines Section 15319.)

Class 20: Changes in Organization of Local Agencies. Changes in the organization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

(a) Establishment of a subsidiary district;
(b) Consolidation of two or more districts having identical powers; and
(c) Merger with a city of a district lying entirely within the boundaries of the city.

(State CEQA Guidelines Section 15320.)

Class 21: Enforcement Actions by Regulatory Agencies. Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate or other entitlement for use issued, adopted or prescribed by the regulatory agency or a law, general rule, standard or objective administered or adopted by the regulatory agency; or law enforcement activities by peace officers acting under any law that provides a criminal sanction. The direct referral of a violation of lease, permit, license certificate, or entitlement to the City Attorney is exempt under this Class. (Construction activities undertaken by the District taking the enforcement or revocation action are not included in this exemption.) (State CEQA Guidelines Section 15321.)

Class 22: Educational or Training Programs Involving No Physical Changes. The adoption, alteration or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:

(a) Development of or changes in curriculum or training methods; or
(b) Changes in the trade structure in a school which do not result in changes in student transportation.

(State CEQA Guidelines Section 15322.)

Class 23: Normal Operations of Facilities for Public Gatherings. Continued or repeated normal operations of existing facilities for public gatherings for which the facilities were

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designed, where there is past history, of at least three years, of the facility being used for the same or similar purposes. Facilities included within this exemption include, but are not limited to race tracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks. (State CEQA Guidelines Section 15323.)

Class 24: Regulation of Working Conditions. Actions taken by the District to regulate employee wages, hours of work or working conditions where there will be no demonstrable physical changes outside the place of work. (State CEQA Guidelines Section 15324.)

Class 25: Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources. Transfers of ownership of interest in land in order to preserve open space, habitat, or historical resources. Examples include, but are not limited to, acquisition, sale, or other transfer of areas to: preserve existing natural conditions, including plant or animal habitats; allow continued agricultural use of the areas; allow restoration of natural conditions; preserve open space or lands for natural park purposes; or prevent encroachment of development into floodplains. This exemption does not apply to the development of parks or park uses. (State CEQA Guidelines Section 15325.)

Class 26: Acquisition of Housing for Housing Assistance Programs. Actions by a redevelopment agency, housing authority or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units, provided the housing units are either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units. (State CEQA Guidelines Section 15326.)

Class 27: Leasing New Facilities. Leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency when the District determines that the proposed use of the facility:

(a) Conforms with existing state plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared;
(b) Is substantially the same as that originally proposed at the time the building permit was issued;
(c) Does not result in a traffic increase of greater than 10% of front access road capacity; and
(d) Includes the provision of adequate employee and visitor parking facilities.

(State CEQA Guidelines Section 15327.)

Class 28: Small Hydroelectric Projects as Existing Facilities. Installation of certain small hydroelectric-generating facilities in connection with existing dams, canals and pipelines, subject to the conditions in State CEQA Guidelines Section 15328. (State CEQA Guidelines Section 15328.)

Class 29: Cogeneration Projects at Existing Facilities. Installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting certain conditions listed in State CEQA Guidelines Section 15329. (State CEQA Guidelines Section 15329.)

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Class 30: Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. Any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing $1 million or less. (State CEQA Guidelines Section 15330.)

(a) No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site;

(b) Examples of such minor cleanup actions include but are not limited to:

1. Removal of sealed, non-leaking drums of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;
2. Maintenance or stabilization of berms, dikes, or surface impoundments;
3. Construction or maintenance or interim of temporary surface caps;
4. Onsite treatment of contaminated soils or sludge provided treatment system meets Title 22 requirements and local air district requirements;
5. Excavation and/or offsite disposal of contaminated soils or sludge in regulated units;
6. Application of dust suppressants or dust binders to surface soils;
7. Controls for surface water run-on and run-off that meets seismic safety standards;
8. Pumping of leaking ponds into an enclosed container;
9. Construction of interim or emergency ground water treatment systems; or
10. Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

Class 31: Historical Resource Restoration/Rehabilitation. Maintenance, repairs, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. (State CEQA Guidelines Section 15331.)

Class 32: Infill Development Projects. Infill development meeting the following conditions:

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(a) 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;
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
(c) The project site has no value as habitat for endangered, rare or threatened species;
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
(e) The site can be adequately served by all required utilities and public services.

(State CEQA Guidelines Section 15332.)

Class 33: Small Habitat Restoration Projects. Examples of small habitat restoration projects include, but are not limited to: revegetation of disturbed areas with native plant species; wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat; stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish; projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment; stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; culvert replacement conducted in accordance with published guidelines of DFW or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation, and other similar projects to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.

This exemption only applies to projects that are five acres or less in size and that meet the following criteria:

(a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to Section 15065 of the State CEQA Guidelines;
(b) There are no hazardous materials at or around the project site that may be disturbed or removed; and
(c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(State CEQA Guidelines Section 15333.)

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# 4. TIME LIMITATIONS

## 4.01 REVIEW OF PRIVATE PROJECT APPLICATIONS.

Staff shall determine whether the application for a private project is complete within thirty (30) days of receipt of the application. No application may be deemed incomplete for lack of a waiver of the time limitations in Local Guidelines Sections 4.03 and 4.04.

Accepting an application as complete does not limit the authority of the District, acting as Lead Agency or Responsible Agency, to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application.

## 4.02 DETERMINATION OF TYPE OF ENVIRONMENTAL DOCUMENT.

Except as provided in Local Guidelines Sections 4.05 and 4.06, Staff's initial determination as to whether a Negative Declaration, Mitigated Negative Declaration or an EIR should be prepared shall be made within thirty (30) days from the date on which an application for a project is accepted as complete by the District. This period may be extended fifteen (15) days with consent of the applicant and the District.

## 4.03 COMPLETION AND ADOPTION OF NEGATIVE DECLARATION.

For private projects involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the Negative Declaration/Mitigated Negative Declaration shall be completed and approved within one hundred eighty (180) days from the date when the District accepted the application as complete. In the event that compelling circumstances justify additional time and the project applicant consents thereto, Staff may provide for a reasonable extension of the time limit for completing and adopting the Negative Declaration/Mitigated Negative Declaration.

## 4.04 COMPLETION AND CERTIFICATION OF FINAL EIR.

For private projects, the Final EIR shall be completed and certified by the District within one (1) year after the date when the District accepted the application as complete. In the event that compelling circumstances justify additional time and the project applicant consents thereto, the District may provide a one-time extension up to ninety (90) days for completing and certifying the EIR.

## 4.05 PROJECTS SUBJECT TO THE PERMIT STREAMLINING ACT.

The Permit Streamlining Act requires agencies to make decisions on certain development project approvals within specified time limits. If a project is subject to the Act, the District cannot require the project applicant to submit the informational equivalent of an EIR or prove compliance with CEQA as a prerequisite to determining whether the project application is complete. In addition, if requested by the project applicant, the District must begin processing the project application prior to final CEQA action, provided the information necessary to begin the process is available.

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Under the Permit Streamlining Act, the Lead Agency must approve or disapprove the development project application within one hundred eighty (180) days from the date on which it certifies the EIR, or within ninety (90) days of certification if an extension for completing and certifying the EIR was granted. If the Lead Agency adopts a Negative Declaration/Mitigated Negative Declaration or determines the development project is exempt from CEQA, it shall approve or disapprove the project application within sixty (60) days from the date on which it adopts the Negative Declaration/Mitigated Negative Declaration or determines that the project is exempt from CEQA.

Except for waivers of the time periods for preparing a joint Environmental Impact Report/Environmental Impact Statement (as outlined in Government Code Sections 65951 and 65957), the District cannot require a waiver of the time limits specified in the Permit Streamlining Act as a condition of accepting or processing a development project application. In addition, the District cannot disapprove a development project application in order to comply with the time limits specified in the Permit Streamlining Act.

## 4.06 PROJECTS, OTHER THAN THOSE SUBJECT TO THE PERMIT STREAMLINING ACT, WITH SHORT TIME PERIODS FOR APPROVAL.

A few statutes require agencies to make decisions on project applications within time limits that are so short that review of the project under CEQA would be difficult. To enable the District as Lead Agency to comply with both the enabling statute and CEQA, the District shall deem a project application as not received for filing under the enabling statute until such time as the environmental documentation required by CEQA is complete. This section applies where all of the following conditions are met:

(a) The enabling statute for a program, other than development projects under Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code, requires the District to take action on an application within a specified period of time of six (6) months or less;
(b) The enabling statute provides that the project is approved by operation of law if the District fails to take any action within the specified time period; and
(c) The project application involves the District's issuance of a lease, permit, license, certificate or other entitlement for use.

In any case, the environmental document shall be completed or certified and the decision on the application shall be made within the period established by the Permit Streamlining Act (Government Code Sections 65920, et seq.).

## 4.07 WAIVER OR SUSPENSION OF TIME PERIODS.

These deadlines may be waived by the applicant if the project is subject to both CEQA and National Environmental Policy Act ("NEPA"). (State CEQA Guidelines Sections 15110 and 15224; see Section 5.04 of these Local Guidelines for information about projects that are subject to both CEQA and NEPA.)

An unreasonable delay by an applicant in meeting the District's requests necessary for the preparation of a Negative Declaration, Mitigated Negative Declaration, or an EIR shall

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suspend the running of the time periods described in Local Guidelines Sections 4.03 and 4.04 for the period of the unreasonable delay. Alternatively, the District may disapprove a project application where there is unreasonable delay in meeting requests. The District may also allow a renewed application to start at the same point in the process where the prior application was when it was disapproved.

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# 5. INITIAL STUDY

## 5.01 PREPARATION OF INITIAL STUDY.

If the District determines that it is the Lead Agency for a project which is not exempt, the District will normally prepare an Initial Study to ascertain whether the project may have a substantial adverse effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial. All phases of project planning, implementation and operation must be considered in the Initial Study. An Initial Study may rely on expert opinion supported by facts, technical studies or other substantial evidence. However, an Initial Study is neither intended nor required to include the level of detail included in an EIR.

(a) For District projects for which an Initial Study is prepared, the Initial Study shall be prepared by Staff or by private experts pursuant to contract with the District.

(b) For private projects, the person or entity proposing to carry out the project shall submit all data and information as may be required by the District to determine whether the proposed project may have a significant effect on the environment. All costs incurred by the District in reviewing the data and information submitted, or in conducting its own investigation based upon such data and information, or in preparing an Initial Study for the project shall be borne by the person or entity proposing to carry out the project.

## 5.02 INFORMAL CONSULTATION WITH OTHER AGENCIES.

When more than one public agency will be involved in undertaking or approving a project, the Lead Agency shall consult with all Responsible and any Trustee Agencies. Such consultation shall be undertaken in compliance with the notice procedures applicable to the type of CEQA document being prepared. See Section 6.04, Negative Declarations, and Sections 7.03 and 7.24, EIRs.

When the District is acting as Lead Agency, the District may choose to engage in early consultation with Responsible and Trustee Agencies before the District begins to prepare the Initial Study. This early consultation may be done quickly and informally and is intended to ensure that the EIR, Negative Declaration or Mitigated Negative Declaration reflects the concerns of all Responsible Agencies that will issue approvals for the project and all Trustee Agencies responsible for natural resources affected by the project. The District's early consultation process may include consultation with other individuals or organizations with an interest in the project, if the District so desires. The OPR, upon request of the District or a private project applicant, shall assist in identifying the various Responsible Agencies for a proposed project and ensure that the Responsible Agencies are notified regarding any early consultation. In the case of a project undertaken by a public agency, the OPR, upon request of the District, shall ensure that any Responsible Agency or public agency that has jurisdiction by law with respect to the project is notified regarding any early consultation.

If, during the early consultation process it is determined that the project will clearly have a significant effect on the environment, the District, as Lead Agency, may immediately dispense with the Initial Study and determine that an EIR is required.

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## 5.03 CONSULTATION WITH PRIVATE PROJECT APPLICANT.

During or immediately after preparation of an Initial Study for a private project, the District may consult with the applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study. If the project can be revised to avoid or mitigate effects to a level of insignificance and there is no substantial evidence before the District that the project, as revised, may have a significant effect on the environment, the District may prepare and adopt a Negative Declaration. If any significant effect may still occur despite alterations of the project, an EIR must be prepared.

## 5.04 PROJECTS SUBJECT TO NEPA.

Projects that are carried out, financed, or approved in whole or in part by a federal agency are subject to the provisions of NEPA in addition to CEQA. To the extent possible, the State CEQA Guidelines encourage the District, when it is a Lead Agency under CEQA, to use the federally-prepared Environmental Impact Statement ("EIS") or Finding of No Significant Impact ("FONSI") or to prepare a joint CEQA/NEPA document instead of preparing a separate NEPA and CEQA documents for a project that is subject to both NEPA and CEQA. (State CEQA Guidelines Section 15220.) For example, the District should attempt to work in conjunction with the federal agency involved in the project to prepare a combined EIR-EIS or Negative Declaration-FONSI. (State CEQA Guidelines Section 15222.) The District is required to cooperate with the federal agency and to utilize joint planning processes, environmental research and studies, public hearings, and environmental documents to the fullest extent possible. (State CEQA Guidelines Section 15226.) However, since NEPA does not require an examination of mitigation measures or growth-inducing impacts, analysis of mitigation measures and growth-inducing impacts will need to be added before NEPA documents may be used to satisfy CEQA. (State CEQA Guidelines Section 15221.)

For projects that are subject to NEPA, a scoping meeting held pursuant to NEPA satisfies the CEQA scoping requirement as long as notice is provided to the agencies and individuals listed in Local Guidelines Section 7.10, and provided in accordance with these Local Guidelines.

If the federal agency refuses to cooperate with the District with regard to the preparation of joint documents, the District should attempt to involve a state agency in the preparation of the EIR, Negative Declaration, or Mitigated Negative Declaration. Since federal agencies are explicitly permitted to utilize environmental documents prepared by agencies of statewide jurisdiction, it is possible that the federal agency will reuse the state-prepared CEQA documents instead of requiring the applicant to fund a redundant set of federal environmental documents. (State CEQA Guidelines Section 15228.)

Where the federal agency has circulated the EIS or FONSI and the circulation satisfied the requirements of CEQA and any other applicable laws, the District, when it is a Lead Agency under CEQA, may use the EIS or FONSI in place of an EIR or Negative Declaration without having to recirculate the federal documents. The District's intention to adopt the previously circulated EIS or FONSI must be publicly noticed in the same way as a Notice of Availability of a Draft EIR.

Special rules may apply when the environmental documents are prepared for projects involving the reuse of military bases. (See State CEQA Guidelines Section 15225.)

## 5.05 AN INITIAL STUDY.

The Initial Study shall be used to determine whether a Negative Declaration, Mitigated Negative Declaration or an EIR shall be prepared for a project. It provides written documentation of whether the District found evidence of significant adverse impacts which might occur. The purposes of an Initial Study are to:

(a) Identify environmental impacts;
(b) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is written;
(c) Focus an EIR, if one is required, on potentially significant environmental effects;
(d) Facilitate environmental assessment early in the design of a project;
(e) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
(f) Eliminate unnecessary EIRs; and
(g) Determine whether a previously prepared EIR could be used for the project.

## 5.06 CONTENTS OF INITIAL STUDY.

An Initial Study shall contain in brief form:

(a) A description of the project, including the location of the project. The project description must be consistent throughout the environmental review process;
(b) An identification of the environmental setting. The environmental setting is usually the existing physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, such as in the case of a Negative Declaration or Mitigated Negative Declaration, at the time environmental analysis begins. The environmental setting should describe both the project site and surrounding properties. The description should include, but not necessarily be limited to, a discussion of existing structures, land use, energy supplies, topography, water usage, soil stability, plants and animals, and any cultural, historical, or scenic aspects. This environmental setting will normally constitute the baseline physical conditions against which a Lead Agency may compare the project to determine whether an impact is significant;
(c) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries are briefly explained to show the evidence supporting the entries. The brief explanation may be through either a narrative or a reference to other information such as attached maps, photographs, or an earlier EIR or Negative Declaration or Mitigated Negative Declaration. A reference to another document should include a citation to the page or pages where the information is found;
(d) A discussion of ways to mitigate any significant effects identified;
(e) An examination of whether the project is consistent with existing zoning and local land use plans and other applicable land use controls;
(f) The name of the person or persons who prepared or participated in the Initial Study; and

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(g) Identification of prior EIRs or environmental documents which could be used with the project.

## 5.07 USE OF A CHECKLIST INITIAL STUDY.

When properly completed, the Environmental Checklist (Form "J") will meet the requirements of Local Guidelines Section 5.05 for an Initial Study provided that the entries on the checklist are explained. Either the Environmental Checklist (Form "J") should be expanded or a separate attachment should be prepared to describe the project, including its location, and to identify the environmental setting.

California courts have rejected the use of a bare, unsupported Environmental Checklist as an Initial Study. An Initial Study must contain more than mere conclusions. It must disclose supporting data or evidence upon which the Lead Agency relied in conducting the Initial Study. The Lead Agency must augment checklists with supporting factual data and reference information sources when completing the forms. Explanation of all "potential impact" answers should be provided on attached sheets. For controversial projects, it is advisable to state briefly why "no" answers were checked. If practicable, attach a list of reference materials, such as prior EIRs, plans, traffic studies, air quality data, or other supporting studies.

## 5.08 EVALUATING SIGNIFICANT ENVIRONMENTAL EFFECTS.

In evaluating the environmental significance of effects disclosed by the Initial Study, the Lead Agency shall consider:

(a) Whether the Initial Study and/or any comments received informally during consultations indicate that a fair argument can be made that the project may have a significant adverse environmental impact which cannot be mitigated to a level of insignificance. Even if a fair argument can be made to the contrary, an EIR should be prepared;

(b) Whether both primary (direct) and reasonably foreseeable secondary (indirect) consequences of the project were evaluated. Primary consequences are immediately related to the project, while secondary consequences are related more to the primary consequences than to the project itself. For example, secondary impacts upon the resources base, including land, air, water and energy use of an area, may result from population growth, a primary impact;

(c) Whether adverse social and economic changes will result from a physical change caused by the project. Adverse economic and social changes resulting from a project are not, in themselves, significant environmental effects. However, if such adverse changes cause physical changes in the environment, those consequences may be used as the basis for finding that the physical change is significant;

(d) Whether there is serious public controversy or disagreement among experts over the environmental effects of the project. However, the existence of public controversy or disagreement among experts does not, without more, require preparation of an EIR in the absence of substantial evidence of significant effects;

(e) Whether the cumulative impact of the project is significant and whether the incremental effects of the project are "cumulatively considerable" (as defined in Local Guidelines Section 11.13) when viewed in connection with the effects of past projects, current

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projects, and probable future projects. The District may conclude that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem. To be used for this purpose, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process. In relying on such a plan or program, the District should explain which requirements apply to the project and ensure that the project's incremental contribution is not cumulatively considerable; and

(f) Whether the project may cause a substantial adverse change in the significance of an archaeological or historical resource.

## 5.09 MANDATORY FINDINGS OF SIGNIFICANT EFFECT.

Whenever there is substantial evidence, in light of the whole record, that any of the conditions set forth below may occur, the Lead Agency shall find that the project may have a significant effect on the environment and thereby shall require preparation of an EIR:

(a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory;

(b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals;

(c) The project has possible environmental effects which are individually limited but cumulatively considerable, as defined in Local Guidelines Section 11.13. That is, the District, when acting as Lead Agency, is required to determine whether the incremental impacts of a project are cumulatively considerable by evaluating them against the back-drop of the environmental effects of the other projects; or

(d) The environmental effects of a project will cause substantial adverse effects on humans either directly or indirectly.

If, before the release of the CEQA document for public review, the potential for triggering one of the mandatory findings of significance is avoided or mitigation measures or project modifications reduce the potentially significant impacts to a point where clearly the mandatory finding of significance is not triggered, preparation of an EIR is not mandated. If the project's potential for triggering one of the mandatory findings of significance cannot be avoided or mitigated to a point where the criterion is clearly not triggered, an EIR shall be prepared, and the relevant mandatory findings of significance shall be used:

(1) as thresholds of significance for purposes of preparing the EIR's impact analysis;

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(2) in making findings on the feasibility of alternatives or mitigation measures;

(3) when found to be feasible, in making changes in the project to lessen or avoid the adverse environmental impacts; and

(4) when necessary, in adopting a statement of overriding considerations.

Although an EIR prepared for a project that triggers one of the mandatory findings of significance must use the relevant mandatory findings as thresholds of significance, the EIR need not conclude that the impact itself is significant. Rather, the District, as Lead Agency, must exercise its discretion and determine, on a case-by-case basis after evaluating all of the relevant evidence, whether the project's environmental impacts are avoided or mitigated below a level of significance or whether a statement of overriding considerations is required.

With regard to a project that has the potential to substantially reduce the number or restrict the range of a protected species, the District, as Lead Agency, does not have to prepare an EIR solely due to that impact, provided the project meets the following three criteria:

(a) The project proponent must be bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan and/or natural communities conservation plan;
(b) The state or federal agency must have approved the habitat conservation plan and/or natural community conservation plan in reliance on an EIR and/or EIS; and
(c) The mitigation requirements must either avoid any net loss of habitat and net reduction in number of the affected species, or preserve, restore, or enhance sufficient habitat to mitigate the reduction in habitat and number of the affected species below a level of significance.

## 5.10 MANDATORY PREPARATION OF AN EIR FOR WASTE-BURNING PROJECTS.

Lead Agencies shall prepare or cause to be prepared and certify the completion of an EIR, or, if appropriate, an Addendum, Supplemental EIR, or Subsequent EIR, for any project involving the burning of municipal wastes, hazardous waste or refuse-derived fuel, including, but not limited to, tires, if the project consists of any of the following:

(a) The construction of a new facility;
(b) The expansion of an existing hazardous waste burning facility which would increase its permitted capacity by more than 10%;
(c) The issuance of a hazardous waste facilities permit to a land disposal facility, as defined in Local Guidelines Section 11.32; or
(d) The issuance of a hazardous waste facilities permit to an offsite large treatment facility, as defined in Local Guidelines Sections 11.33 and 11.53.

This section does not apply to projects listed in subsections (c) and (d), immediately above, if the facility only manages hazardous waste that is identified or listed pursuant to Health and Safety Code Section 25140 or 25141 or only conducts activities which are regulated pursuant to Health and Safety Code Sections 25100, et seq.

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The Lead Agency shall calculate the percentage of expansion for an existing facility by comparing the proposed facility's capacity with either of the following, as applicable:

(a) The facility capacity authorized in the facility's hazardous waste facilities permit pursuant to Health and Safety Code Section 25200, or its grant of interim status pursuant to Health and Safety Code Section 25200.5, or the facility capacity authorized in any state or local agency permit allowing the construction or operation of the facility for the burning of hazardous waste granted before January 1, 1990; or

(b) The facility capacity authorized in the facility's original hazardous facilities permit, grant of interim status, or any state or local agency permit allowing the construction or operation of a facility for the burning of hazardous waste, granted on or after January 1, 1990.

This section does not apply to any project over which the State Energy Resources Conservation and Development Commission has assumed jurisdiction per Health and Safety Code Sections 25500 et seq.

The EIR requirement is also subject to a number of exceptions for specific types of waste-burning projects. (Public Resources Code Section 21151.1 and State CEQA Guidelines Section 15081.5.) Even if preparation of an EIR is not mandatory for a particular type of waste-burning project, those projects are not exempt from the other requirements of CEQA, the State CEQA Guidelines, or these Local Guidelines. In addition, waste-burning projects are subject to special notice requirements under Public Resources Code Section 21092. Specifically, in addition to the standard public notices required by CEQA, notice must be provided to all owners and occupants of property located within one-fourth mile of any parcel or parcels on which the waste-burning project will be located. (Public Resources Code Section 21092(c); see Local Guidelines Sections 6.12 and 7.26.)

## 5.11 DEVELOPMENT PURSUANT TO AN EXISTING COMMUNITY PLAN AND EIR.

Before preparing a CEQA document, Staff should determine whether the proposed project involves development consistent with an earlier zoning or community plan to accommodate a particular density for which an EIR has been certified. If an earlier EIR for the zoning or planning action has been certified, and if the proposed project concerns the approval of a subdivision map or development, CEQA applies only to the extent the project raises environmental effects peculiar to the parcel which were not addressed in the earlier EIR. Off-site and cumulative effects not discussed in the general plan EIR must still be considered. Mitigation measures set out in the earlier EIR should be implemented at this stage.

Environmental effects shall not be considered peculiar to the parcel if uniformly applied development policies or standards have been previously adopted by a city or county with a finding based on substantial evidence that the policy or standard will substantially mitigate the environmental effect when applied to future projects. Examples of uniformly applied development policies or standards include, but are not limited to: parking ordinances; public access requirements; grading ordinances; hillside development ordinances; flood plain ordinances; habitat protection or conservation ordinances; view protection ordinances; and requirements for reducing greenhouse gas emissions as set forth in adopted land use plans,

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policies or regulations. Any rezoning action consistent with the Community Plan shall be subject to exemption from CEQA in accordance with this section. "Community Plan" means part of a city's general plan which: (1) applies to a defined geographic portion of the total area included in the general plan; (2) complies with Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code by referencing each of the mandatory elements specified in Government Code Section 65302; and (3) contains specific development policies adopted for the area in the Community Plan and identifies measures to implement those policies, so that the policies which will apply to each parcel can be determined.

## 5.12 LAND USE POLICIES.

When a project will amend a general plan or another land use policy, the Initial Study must address how the change in policy and its expected direct and indirect effects will affect the environment. When the amendments constitute substantial changes in policies that result in a significant impact on the environment, an EIR may be required.

## 5.13 EVALUATING IMPACTS ON HISTORICAL RESOURCES.

Projects that may cause a substantial adverse change in the significance of a historical resource, as defined in Local Guidelines Section 11.28 are projects that may have a significant effect on the environment, thus requiring consideration under CEQA. Particular attention and care should be given when considering such projects, especially projects involving the demolition of a historical resource, since such demolitions have been determined to cause a significant effect on the environment.

Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings, such that the significance of a historical resource would be materially impaired.

The significance of a historical resource is materially impaired when a project:

(a) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources;
(b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources or its identification in a historical resources survey, unless the Lead Agency establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
(c) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by the Lead Agency for purposes of CEQA.

Generally, a project that follows either one of the following sets of standards and guidelines will be considered mitigated to a level of less than significant: (a) the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings; or (b) the Secretary of the

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Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer.

In the event of an accidental discovery of a possible historical resource during construction of the project, the District may provide for the evaluation of the find by a qualified archaeologist or other professional. If the find is determined to be a historical resource, the District should take appropriate steps to implement appropriate avoidance or mitigation measures. Work on non-affected portions of the project, as determined by the District, may continue during the process. Curation may be an appropriate mitigation measure for an artifact that must be removed during project excavation or testing.

## 5.14 EVALUATING IMPACTS ON ARCHAEOLOGICAL SITES.

When a project will impact an archaeological site, the District shall first determine whether the site is a historical resource, as defined in Local Guidelines Section 11.28 If the archaeological site is a historical resource, it shall be treated and evaluated as such, and not as an archaeological resource. If the archaeological site does not meet the definition of a historical resource, but does meet the definition of a unique archaeological resource set forth in Public Resources Code Section 21083.2, the site shall be treated in accordance with said provisions of the Public Resources Code. The time and cost limitations described in Section 21083.2(c-f) do not apply to surveys and site evaluation activities intended to determine whether the project site contains unique archaeological resources.

If the archaeological resource is neither a unique archaeological resource nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

In the event of an accidental discovery of a possible unique archaeological resource during construction of the project, the District may provide for the evaluation of the find by a qualified archaeologist. If the find is determined to be a unique archaeological resource, the District should take appropriate steps to implement appropriate avoidance or mitigation measures. Work on non-affected portions of the project, as determined by the District, may continue during the process. Curation may be an appropriate mitigation measure for an artifact that must be removed during project excavation or testing.

When an Initial Study identifies the existence of, or the probable likelihood of, Native American human remains within the Project, the District shall comply with the provisions of State CEQA Guidelines Section 15064.5(d). In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the District shall comply with the provisions of State CEQA Guidelines Section 15064.5(e).

## 5.15 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

(a) Projects Subject to Consultation Requirements.

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For certain development projects, cities and counties must consult with water agencies. If the District is a municipal water provider, the city or county may request that the District prepare a water supply assessment to be included in the relevant environmental documentation for the project. The District may refer to this section when preparing such an assessment or when reviewing projects in its role as a Responsible Agency. This section applies only to water demand projects as defined by Guideline 11.78. Program level environmental review may not need to be as extensive as project level environmental review. (See Local Guidelines Sections 8.03 and 8.08.)

(b) Water Supply Assessment.

When a city or county as Lead Agency determines the type of environmental document that will be prepared for a water demand project or any project that includes a water demand project, the city or county must identify any public water system (as defined in Local Guidelines Sections 11.59 and 11.83) that may supply water for the project. The city or county must also request that the public water system determine whether the projected demand associated with the project was included in the most recently adopted Urban Water Management Plan. The city or county must also request that the public water system prepare a specified water supply assessment for approval at a regular or special meeting of the public water system governing body.

If no public water system is identified that may supply water for the water demand project, the city or county shall prepare the water supply assessment. The city or county shall consult with any entity serving domestic water supplies whose service area includes the site of the water demand project, the local agency formation commission, and the governing body of any public water system adjacent to the site of the water demand project. The city council or county board of supervisors must approve the water assessment prepared pursuant to this paragraph at a regular or special meeting.

As per Water Code section 10910, the water assessment must include identification of existing water supply entitlements, water rights, or water service contracts relevant to the water supply for the proposed project and water received in prior years pursuant to those entitlements, rights, and contracts, and further information is required if water supplies include groundwater. The water assessment must determine the ability of the public water system to meet existing and future demands along with the demands of the proposed water demand project in light of existing and future water supplies. This supply demand analysis is to be conducted via a twenty-year projection, and must assess water supply sufficiency during normal year, single dry year, and multiple dry year hydrology scenarios. If the public water agency concludes that the water supply is, or will be, insufficient, it must submit plans for acquiring additional water supplies.

The city or county may grant the public water agency a thirty (30) day extension of time to prepare the assessment if the public water agency requests an extension within ninety (90) days of being asked to prepare the assessment. If the governing body of the public water system fails to request and receive an extension of time, or fails to submit the water assessment notwithstanding the thirty (30) day extension, the city or county may seek a writ of mandamus to compel the governing body of the public water system to comply.

The city or county shall include the water assessment, and any water acquisition plan in the EIR, negative declaration, or mitigated negative declaration, or any supplement thereto, prepared for the project, and may include an evaluation of the water assessment and water acquisition plan information within such environmental document. A discussion of water supply availability should be included in the main text of the environmental document. Normally, this discussion should be based on the data and information included in the water supply assessment. In making its required findings under CEQA, the city or county shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses. If a city or county determines that water supplies will not be sufficient, the city or county shall include that determination in its findings for the project.

If a water-demand project has been the subject of a water assessment, no additional water assessment shall be required for subsequent water-demand projects that were included in the larger water-demand project if all of the following criteria are met:

(1) The entity completing the water assessment concluded that its water supplies are sufficient to meet the projected water demand associated with the larger water-demand project, in addition to the existing and planned future uses, including, but not limited to, agricultural and industrial uses; and

(2) None of the following changes has occurred since the completion of the water assessment for the larger water-demand project:

(A) Changes in the larger water-demand project that result in a substantial increase in water demand for the water-demand project;

(B) Changes in the circumstances or conditions substantially affecting the ability of the public water system identified in the water assessment to provide a sufficient supply of water for the water demand project; and

(C) Significant new information becomes available which was not known and could not have been known at the time when the entity had reached its assessment conclusions.

For complete information on these requirements, consult Water Code Sections 10910, et seq. For other CEQA provisions applicable to these types of projects, see Local Guidelines Sections 7.03 and 7.24.

## 5.16 SUBDIVISIONS WITH MORE THAN 500 DWELLING UNITS.

Cities and counties must obtain written verification (see Form "O" for a sample) from the applicable public water system(s) that a sufficient water supply is available before approving certain residential development projects. If the District is a municipal water provider for a project, the city or county may request such a verification from the District. The District should also be aware of these requirements when reviewing projects in its role as a Responsible Agency.

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Cities and counties are prohibited from approving a tentative map, parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwellings units, unless:

(1) The City Council, Board of Supervisors, or the advisory agency receives written verification from the applicable public water system that a sufficient water supply is available; or

(2) Under certain circumstances, the City Council, Board of Supervisors or the advisory agency makes a specified finding that sufficient water supplies are, or will be, available prior to completion of the project.

For complete information on these requirements, consult Government Code Section 66473.7.

## 5.17 IMPACTS TO OAK WOODLANDS.

When a county prepares an Initial Study to determine what type of environmental document will be prepared for a project within its jurisdiction, the county must determine whether the project may result in a conversion of oak woodlands that will have a significant effect on the environment. Normally, this rule will not apply to projects undertaken by the District. However, if the District is a Responsible Agency on such a project, the District should endeavor to ensure that the county, as Lead Agency, analyzes these impacts in accordance with CEQA.

## 5.18 CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS.

### A. Estimating or Calculating the Magnitude of the Project's Greenhouse Gas Emissions.

The District shall analyze the greenhouse gas emissions of its projects as required in State CEQA Guidelines section 15064.4. For projects subject to CEQA, the District should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.

For its projects, the District, as Lead Agency, shall have discretion to determine the appropriate model or methodology for analyzing greenhouse gas emissions for each particular project. The District is not required to use the same model or methodology in every instance, but should explain the choice and limitations of the model or methodology chosen in the record of proceedings. In performing the analysis of greenhouse gas emissions, the District may perform a quantitative analysis, rely on a qualitative analysis or performance based standards, or use a combination of quantitative and qualitative analysis as appropriate for the project.

### B. Factors in Determining Significance.

Once the magnitude of a project's emissions have been described, estimated or calculated, the District should consider the following factors, among others, to determine whether those emissions are significant:

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(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the baseline. Physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published or the time when the environmental analysis is commenced, will normally constitute the baseline. All project phases, including construction and operation, should be considered in determining whether a project will cause emissions to increase or decrease as compared to the baseline;

(2) Whether the project emissions exceed a threshold of significance that the Lead Agency determines applies to the project. Lead Agencies may rely on thresholds of significance developed by experts or other agencies provided that application of the threshold and the significance conclusion is supported with substantial evidence. When relying on thresholds developed by other agencies, Lead Agencies should ensure that the threshold is appropriate for the project and the project's location; and

(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

Additional guidance on the determination of significance is available in the Natural Resources Agency's Final Statement of Reasons prepared for the Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (December 2009).

### C. Consistency with Applicable Plans.

When an EIR is prepared, it must discuss any inconsistencies between the proposed project and any applicable general plan, specific plans, and regional plans. This includes, but is not limited to, any applicable air quality attainment plans, regional blueprint plans, or plans for the reduction of greenhouse gas emissions.

### D. Mitigation Measures Related to Greenhouse Gas Emissions.

Lead Agencies must consider feasible means of mitigating the significant effects of greenhouse gas emissions. Any such mitigation measure must be supported by substantial evidence and be subject to monitoring or reporting. Potential mitigation will depend on the particular circumstances of the project, but may include the following, among others:

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(1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the Lead Agency's decision;

(2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in State CEQA Guidelines Appendix F;

(3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;

(4) Measures that sequester greenhouse gases; and

(5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plan for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

**E. Streamlined Analysis of Greenhouse Gas Emissions.**

Under certain limited circumstances, the legislature has specifically declared that the analysis of greenhouse gas emissions or climate change impacts may be limited. Public Resources Code Sections 21155, 21155.2, and 21159.28 provide that if certain residential, mixed use and transit priority projects meet specified ratios and densities, then the lead agencies for those projects may conduct a limited review of greenhouse gas emissions or may be exempted from analyzing global warming impacts that result from cars and light duty trucks, if a detailed list of requirements is met. However, unless the project is exempt from CEQA, the Lead Agency must consider whether such projects will result in greenhouse gas emissions from other sources, including, but not limited to, energy use, water use, and solid waste disposal.

**F. Tiering.**

The District may analyze and mitigate the significant effects of greenhouse gas emissions at a programmatic level. Later project-specific environmental documents may then tier from and/or incorporate by reference that existing programmatic review.

**G. Plans for the Reduction of Greenhouse Gas Emissions.**

Public agencies may choose to analyze and mitigate greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions or similar document. A plan for the reduction of greenhouse gas emissions should:

(1) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;

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(2) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;

(3) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;

(4) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

(5) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and

(6) Be adopted in a public process following environmental review.

A plan for the reduction of greenhouse gas emissions, once adopted following certification of an EIR, or adoption of another environmental document, may be used in the cumulative impacts analysis of later projects. An environmental document that relies on a plan for the reduction of greenhouse gas emissions for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the effects of a particular project may be cumulatively considerable notwithstanding the project's compliance with the specified requirements in the plan for reduction of greenhouse gas emissions, an EIR must be prepared for the project.

### H. Analyzing the Effects of Climate Change on the Project.

Where an EIR is prepared for a project, the EIR shall analyze any significant environmental effects the project might cause by bringing development and people into the project area that may be affected by climate change. In particular, the EIR should evaluate any potentially significant impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas. The analysis may be limited to the potentially significant effects of locating the project in a potentially hazardous location. Further, this analysis may be limited by the project's life in relation to the potential of such effects to occur and the availability of existing information related to potential future effects of climate change. Further, the EIR need not include speculation regarding such future effects.

## 5.19 ENERGY CONSERVATION.

Potentially significant energy implications of a project must be considered in an EIR to the extent relevant and applicable to the project. Therefore, the project description should identify the following as applicable or relevant to the particular project:

(1) Energy consuming equipment and processes which will be used during construction, operation and/or removal of the project. If appropriate, this

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discussion should consider the energy intensiveness of materials and equipment required for the project;

(2) Total energy requirements of the project by fuel type and end use;

(3) Energy conservation equipment and design features;

(4) Identification of energy supplies that would serve the project; and

(5) Total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode.

As described in Local Guidelines Section 5.06, above, an initial study must include a description of the environmental setting. The discussion of the environmental setting may include existing energy supplies and energy use patterns in the region and locality. The District may also consider the extent to which energy supplies have been adequately considered in other environmental documents. Environmental impacts may include:

(1) The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed;

(2) The effects of the project on local and regional energy supplies and on requirements for additional capacity;

(3) The effects of the project on peak and base period demands for electricity and other forms of energy;

(4) The degree to which the project complies with existing energy standards;

(5) The effects of the project on energy resources; and/or

(6) The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

As discussed above in Section 5.06, the Initial Study must identify the potential environmental effects of the proposed activity. That discussion must include the unavoidable adverse effects. Unavoidable adverse effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

When discussing energy conservation, alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

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## 5.20 ENVIRONMENTAL IMPACT ASSESSMENT.

The Initial Study identifies which environmental impacts may be significant. Based upon the Initial Study, Staff shall determine whether a proposed project may or will have a significant effect on the environment. Such determination shall be made in writing on the Environmental Impact Assessment Form (Form "C"). If Staff finds that a project will not have a significant effect on the environment, it shall recommend that a Negative Declaration be prepared and adopted by the decision-making body. If Staff finds that a project may have a significant effect on the environment, but the effects can be mitigated to a level of insignificance, it shall recommend that a Mitigated Negative Declaration be prepared and adopted by the decision-making body. If Staff finds that a project may have a significant effect on the environment, it shall recommend that an EIR be prepared and certified by the decision-making body.

## 5.21 FINAL DETERMINATION.

The Board of Directors shall have the final responsibility for determining whether an EIR, Negative Declaration or Mitigated Negative Declaration shall be required for any project. The Board of Director's determination shall be final and conclusive on all persons, including Responsible Agencies and Trustee Agencies, except as provided in Section 15050(c) of the State CEQA Guidelines. Additionally, in the event the Board of Directors has delegated authority to a subsidiary board or official to approve a project, the Board of Directors also hereby delegates to that subsidiary board or official the authority to make all necessary CEQA determinations, including whether an EIR, Negative Declaration, Mitigated Negative Declaration or exemption shall be required for any project. A subsidiary board or official's CEQA determination shall be subject to appeal consistent with the District's established procedures for appeals.

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# 6. NEGATIVE DECLARATION

## 6.01 DECISION TO PREPARE A NEGATIVE DECLARATION.

A Negative Declaration (Form "E") shall be prepared for a project subject to CEQA when the Initial Study shows that there is no substantial evidence in light of the whole record that the project may have a significant or potentially significant adverse effect on the environment. (See Local Guidelines Sections 11.65 and 11.71.)

## 6.02 DECISION TO PREPARE A MITIGATED NEGATIVE DECLARATION.

A Mitigated Negative Declaration (Form "E") shall be prepared for a project subject to CEQA when the Initial Study identifies potentially significant effects on the environment, but:

(a) The project applicant has agreed to revise the project or the District can revise the project to avoid these significant effects or to mitigate the effects to a point where it is clear that no significant effects would occur; or
(b) There is no substantial evidence in light of the whole record before the District that the revised project may have a significant effect.

It is insufficient to require an applicant to adopt mitigation measures after final adoption of the Negative Declaration or to state that mitigation measures will be recommended on the basis of a future study. The District must know the measures at the time the Negative Declaration is adopted in order for them to be evaluated and accepted as adequate mitigation. Evidence of agreement by the applicant to such mitigation should be in the record prior to public review. Except where noted, the procedural requirements for the preparation and approval of a Negative Declaration and Mitigated Negative Declaration are the same.

## 6.03 CONTRACTING FOR PREPARATION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District, when acting as Lead Agency, is responsible for preparing all documents required pursuant to CEQA. The documents may be prepared by Staff or by private consultants pursuant to a contract with the District, but they must be the District's product and reflect the independent judgment of the District.

## 6.04 NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

When, based upon the Initial Study, it is recommended to the decision-making body that a Negative Declaration or Mitigated Negative Declaration be adopted, a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (Form "D") shall be prepared. In addition to being provided to the public through the means set forth in Local Guidelines Section 6.07, this Notice shall also be provided to:

(a) Each Responsible and Trustee Agency;
(b) Any other federal, state, or local agency which has jurisdiction by law or exercises authority over resources affected by the project, including:

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(1) Any water supply agency consulted under Local Guidelines Section 5.15;

(2) Any city or county bordering on the project area;

(3) For a project of statewide, regional, or area wide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project; and

(4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, to the California Department of Water Resources;

(c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;

(d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria of Local Guidelines Section 6.05, to the specified military services contact;

(e) For certain projects that involve the construction or alteration of a facility anticipated to include hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 6.06, to any potentially affected school district;

(f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.10 (regarding mandatory preparation of EIR) (see also Local Guidelines Section 7.26), regarding notice to the owners and occupants of property within one-fourth mile of any parcel on which the project will be located;

(g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, notice shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code Section 33333.3;

(h) A copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study shall be attached to the Notice of Intent to Adopt that is sent to every Responsible Agency and Trustee Agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project; and

(i) The Notice of Intent to Adopt a Negative Declaration (Form "D") must be filed and posted with the County Clerk at least twenty (20) days, or, in cases subject to review by the State Clearinghouse, posted by the County Clerk and the State Office and Planning and Research at least thirty (30) days before the final adoption of the Negative Declaration or Mitigated Negative Declaration by the decision-making body (see Local Guidelines Section 6.10).

The District may require requests for notices to be renewed annually. If the District is not otherwise required by CEQA or another regulation to provide notice, the District may charge a fee for providing notices to individuals or organizations that have submitted written requests to receive such notices, unless the request is made by another public agency.

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If the Negative Declaration or Mitigated Negative Declaration has been submitted to the State Clearinghouse for circulation, the public review period shall be at least as long as the period of review by the State Clearinghouse. (See Local Guidelines Section 6.10.) Day one of the state review period shall be the date that the State Clearinghouse distributes the document to state agencies. If the Lead Agency is submitting a Negative Declaration or Mitigated Negative Declaration to the State Clearinghouse, the Notice of Completion form may be used.

The Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall contain the following information:

(a) The period during which comments shall be received;
(b) The date, time and place of any public meetings or hearings on the proposed project;
(c) A brief description of the proposed project and its location;
(d) The address where copies of the proposed Negative Declaration or Mitigated Negative Declaration and all documents referenced in the proposed Negative Declaration or Mitigated Negative Declaration are available for review;
(e) A description of how the proposed Negative Declaration or Mitigated Negative Declaration can be obtained in electronic format;
(f) The Environmental Protection Agency ("EPA") list on which the proposed project site is located, if applicable, and the corresponding information from the applicant's statement (see Local Guidelines Section 2.04); and
(g) The significant effects on the environment, if any, anticipated as a result of the proposed project

### 6.05 PROJECTS AFFECTING MILITARY SERVICES; DEPARTMENT OF DEFENSE NOTIFICATION.

CEQA imposes additional requirements to provide notice to potentially affected military agencies when:

(a) The project meets one of the following three criteria:

  (1) The project includes a general plan amendment;

  (2) The project is of statewide, regional, or area wide significance; or

  (3) The project relates to a public use airport or certain lands surrounding a public use airport;

(b) A "military service" (defined in Section 11.42 of these Local Guidelines) has provided its contact office and address and notified the Lead Agency of the specific boundaries of a "low-level flight path" (defined in Section 11.37 of these Local Guidelines), "military impact zone" (defined in Section 11.41 of these Local Guidelines), or "special use airspace" (defined in Section 11.67 of these Local Guidelines).

When a project meets these requirements, the District must provide the military service's designated contact with a copy of the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration that has been prepared for the project, unless the project involves

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the remediation of lands contaminated with hazardous wastes and meets certain other requirements. See Public Resources Code Sections 21080.4 and 21092 and Health and Safety Code Sections 25300, et seq.; 25396; and 25187.

The District must provide the military service with sufficient notice of its intent to adopt a Negative Declaration or Mitigated Negative Declaration to ensure that the military service has no fewer than twenty (20) days to review the documents before they are approved, provided that the military service shall have a minimum of thirty (30) days to review the environmental documents if the documents have been submitted to the State Clearinghouse. See State CEQA Guidelines Sections 15105(b) and 15190.5(c).

### 6.06 SPECIAL FINDINGS REQUIRED FOR FACILITIES WHICH MAY EMIT HAZARDOUS AIR EMISSIONS NEAR SCHOOLS.

Special procedural rules apply to projects involving the construction or alteration of a facility within one-quarter mile of a school/schools when: (1) the facility might reasonably be anticipated to emit hazardous air emissions or to handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the threshold specified in Health and Safety Code Section 25532(j), and (2) the emissions or substances may pose a health or safety hazard to persons who would attend or would be employed at the school. If the project meets both of those criteria, a Lead Agency may not approve a Negative Declaration unless both of the following have occurred:

(a) The Lead Agency consulted with the affected school district or districts having jurisdiction over the school regarding the potential impact of the project on the school; and
(b) The school district(s) was given written notification of the project not less than thirty (30) days prior to the proposed approval of the Negative Declaration.

When the District is considering the adoption of a Negative Declaration for a project that meets these criteria, it can satisfy this requirement by providing the Notice of Intent to Adopt a Negative Declaration and the proposed Negative Declaration and Initial Study to the potentially affected school district at least thirty (30) days before the decision-making body will consider the adoption of the Negative Declaration. See also Local Guidelines Section 6.04.

Implementation of this Guideline shall be consistent with the definitions and terms utilized in State CEQA Guidelines Section 15186.

### 6.07 CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES.

Prior to the release of a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if:

(a) The California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects

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in the geographic area that is traditionally and culturally affiliated with the tribe; and

(b) The California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. The California Native American tribe shall designate a lead contact person when responding to the lead agency. If a lead contact is not designated by the California Native American tribe, or it designates multiple lead contact people, the lead agency shall defer to the individuals listed on the contact list maintained by the Native American Heritage Commission. Consultation is defined in Local Guidelines Section 11.11.

To expedite the requirements of this section, the Native American Heritage Commission shall assist the lead agency in identifying the California American Native tribes that are traditionally and culturally affiliated with the project area.

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a trial representative of, traditionally and culturally affiliated California Native America tribes that have requested notice, which shall be accomplished by at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation.

The lead agency shall begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation.

If consultation is requested, the parties may propose mitigation measures, including those set forth in Public Resources Code Section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommend to the lead agency.

The consultation shall be considered concluded when either of the following occurs:

(1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.

(2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

The California Native American tribe is not limited in its ability to submit information to the lead agency regarding the significance of the tribal cultural resources, the significance of the project's impact on tribal cultural resources, or any appropriate measures to mitigate the impacts.

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Additionally, the lead agency or project proponent is not limited in its ability to incorporate changes and additions to the project as a result of the consultation, even if not legally required.

## 6.08 IDENTIFICATION OF TRIBAL CULTURAL RESOURCES AND PROCESSING OF INFORMATION AFTER CONSULTATION WITH THE CALIFORNIA NATIVE AMERICAN TRIBE

After consultation with the California Native American tribe listed above in Local Guidelines Section 6.07, any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the Mitigated Negative Declaration and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impacts and shall be enforceable.

If a project may have a significant impact on a tribal cultural resource, the lead agency's Mitigated Negative Declaration shall discuss both of the following:

(a) Whether the proposed project has a significant impact on an identified tribal cultural resource;

(b) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to during the consultation, avoid or substantially lessen the impact on the identified tribal cultural resource.

Any information provided regarding the location, description and use of the tribal cultural resource that is submitted by a California Native American tribe during the environmental review process shall not be included in the Negative Declaration or Mitigated Negative Declaration or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Governmental Code Sections 6254(r) and 6254.10, and State CEQA Guidelines 15120(d), without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native America tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the Negative Declaration or Mitigated Negative Declaration unless the tribe provides consent, in writing, to the disclosure of some or all of the information to the public. This does not prohibit the confidential exchange of the submitted information between public agencies that have lawful jurisdiction over the preparation of the Mitigated Negative Declaration.

The exchange of confidential information regarding tribal cultural resources submitted by a California Native American tribe during the consultation or environmental review process among the lead agency, the California Native American tribe, the project applicant, or the project applicant's agent is not prohibited by Public Resources Code Section 21082.3. The project applicant and the project applicant's legal advisers must use a reasonable degree of care and maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism, or damage to tribal cultural resources and shall not disclose to a third party confidential information regarding the cultural resource unless the California Native America tribe providing the information consents in writing to the public disclosure of such information.

Public Resources Code Section 21082.3 does not prevent a lead agency or other public agency from describing the information in general terms in the Negative Declaration or Mitigated Negative Declaration so as to inform the public of the basis of the lead agency's or other public agency's decision without breaching the confidentiality required. In addition, a lead agency may adopt a Mitigated Negative Declaration for a project with a significant impact on an identified tribal cultural resource only if one of the following occurs:

(a) The consultation process between the California Native American tribe and the lead agency has occurred as provided in Public Resources Code Sections 21080.3.1 and 21080.3.2 and concluded pursuant to subdivision (b) of Section 21080.3.2.

(b) The California Native American tribe has requested consultation pursuant to Public Resources Code Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage, in the consultation process.

(c) The lead agency has complied with subdivision (d) of Section 21080.3.1 of the Public Resources Code and the California Native American tribe has failed to request consultation within 30 days.

If substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource but the decision-makers do not include the mitigation measures recommended by the staff in the Mitigated Negative Declaration, or if there are no agreed upon mitigation measures at the conclusion of the consultation; or if no consultation has occurred, the lead agency must still consider the adoption of feasible mitigation.

## 6.09 SIGNIFICANT ADVERSE IMPACTS TO TRIBAL CULTURAL RESOURCES

Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Public Resources Code section 21080.3.2 and as set forth in Local Guidelines Section 6.07, the following examples of mitigation measures, if feasible, may be considered to avoid or minimize the significant adverse impacts:

(a) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

(b) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to the following:

(1) Protecting the cultural character and integrity of the resource.

(2) Protecting the traditional use of the resource.

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(3) Protecting the confidentiality of the resource.

(c) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

(d) Protecting the resource.

## 6.10 POSTING AND PUBLICATION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District shall have a copy of the Notice of Intent to Adopt, the Negative Declaration or Mitigated Negative Declaration and the Initial Study posted at the District's offices and made available for public inspection. The Notice must be provided either twenty (20) or thirty (30) days prior to final adoption of the Negative Declaration or Mitigated Negative Declaration. The public review period for Negative Declarations or Mitigated Negative Declaration prepared for projects subject to State Clearinghouse review must be circulated for at least as long as the review period established by the State Clearinghouse, usually no less than thirty (30) days. Under certain circumstances, a shortened review period of at least twenty (20) days may be approved by the State Clearinghouse as provided for in State CEQA Guidelines Section 15105. See the Shortened Review Request Form "P." The state review period will commence on the date the State Clearinghouse distributes the document to state agencies. The State Clearinghouse will distribute the document within three (3) days of receipt if the Negative Declaration or Mitigated Negative Declaration is deemed complete.

The Notice must also be posted in the office of the Clerk in each county in which the Project is located and must remain posted throughout the public review period. The County Clerk is required to post the Notice within twenty-four (24) hours of receiving it.

Notice shall be provided as stated in Local Guidelines Section 6.04. In addition, it must be given by at least one of the following procedures:

(a) Publication at least once in a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas;
(b) Posting of notice on and off site in the area where the project is to be located; or
(c) Direct mailing to owners and occupants of property contiguous to the project, as shown on the latest equalized assessment roll.

The District shall consider all comments received during the public review period for the Negative Declaration or Mitigated Negative Declaration. For a Negative Declaration or Mitigated Negative Declaration, the District is not required to respond in writing to comments it receives either during or after the public review period. However, the District may want to provide a written response to all comments if it will not delay action on the Negative Declaration or Mitigated Negative Declaration, since any comment received prior to final action on the Negative Declaration or Mitigated Negative Declaration can form the basis of a legal challenge. A written response which refutes the comment or adequately explains the District's action in

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light of the comment will assist the District in defending against a legal challenge. The District shall notify any public agency which comments on a Negative Declaration or Mitigated Negative Declaration of the public hearing or hearings, if any, on the project for which the Negative Declaration or Mitigated Negative Declaration was prepared.

## 6.11 SUBMISSION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION TO STATE CLEARINGHOUSE.

A Negative Declaration or Mitigated Negative Declaration must be submitted to the State Clearinghouse for circulation in the following situations:

(a) The Negative Declaration or Mitigated Negative Declaration is prepared by a Lead Agency that is a state agency;
(b) The Negative Declaration or Mitigated Negative Declaration is prepared by a public agency where a state agency is a Responsible Agency, Trustee Agency, or otherwise has jurisdiction by law with respect to the project; or
(c) The Negative Declaration or Mitigated Negative Declaration is for a project identified in State CEQA Guidelines Section 15206 as being of statewide, regional, or area wide significance.

State CEQA Guidelines Section 15206 identifies the following types of projects as being examples of projects of statewide, regional, or area wide significance which require submission to the State Clearinghouse for circulation:

(1) Projects which have the potential for causing significant environmental effects beyond the city or county where the project would be located, such as:

  (a) Residential development of more than 500 units;
  (b) Commercial projects employing more than 1,000 persons or covering more than 500,000 square feet of floor space;
  (c) Office building projects employing more than 1,000 persons or covering more than 250,000 square feet of floor space;
  (d) Hotel or motel development of more than 500 rooms; or
  (e) Industrial projects housing more than 1,000 persons, occupying more than 40 acres of land, or covering more than 650,000 square feet of floor area;

(2) Projects for the cancellation of a Williamson Act contract covering 100 or more acres;

(3) Projects in one of the following Environmentally Sensitive Areas:

  (a) Lake Tahoe Basin;
  (b) Santa Monica Mountains Zone;
  (c) Sacramento-San Joaquin River Delta;
  (d) Suisun Marsh;
  (e) Coastal Zone, as defined by the California Coastal Act;
  (f) Areas within one-quarter mile of a river designated as wild and scenic; or

(g) Areas within the jurisdiction of the San Francisco Bay Conservation and Development Commission;

(4) Projects which would affect sensitive wildlife habitats or the habitats of any rare, threatened, or endangered species;

(5) Projects which would interfere with water quality standards; and

(6) Projects which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

A Negative Declaration or Mitigated Negative Declaration may also be submitted to the State Clearinghouse for circulation if a state agency has special expertise with regard to the environmental impacts involved.

When the Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse for review, the review period shall be at least thirty (30) days. The review period begins (day one) on the date that the State Clearinghouse distributes the Negative Declaration or Mitigated Negative Declaration to state agencies. The State Clearinghouse is required to distribute the Negative Declaration or Mitigated Negative Declaration to state agencies within three (3) working days from the date the State Clearinghouse receives the document, as long as the Negative Declaration or Mitigated Negative Declaration is complete when submitted to the State Clearinghouse. If the document submitted to the State Clearinghouse is not complete, the State Clearinghouse must notify the Lead Agency. The review period for the public and all other agencies may run concurrently with the state agency review period established by the State Clearinghouse, but the public review period cannot conclude before the state agency review period does. The review period for the public shall be at least as long as the review period established by the State Clearinghouse.

When a Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse, a Notice of Completion (Form "H") should be included. A sufficient number of copies of the documents must be sent to the State Clearinghouse for circulation. Staff should contact the State Clearinghouse to find out the correct number of printed copies required for circulation. In addition to the printed copies, a copy of the documents in electronic format shall be submitted on a diskette or by electronic mail transmission if available.

Alternatively, the District may provide copies of draft environmental documents to the State Clearinghouse for state agency review in an electronic format. The document must be on a CD-ROM in a common file format such as Word or Acrobat. Lead Agencies must provide fifteen (15) copies of the CD-ROM to the State Clearinghouse along with a hard copy version of the Notice of Completion (Form "H"). In addition, each CD-ROM must be accompanied by 15 printed copies of the introduction section of a Negative Declaration or Mitigated Negative Declaration. (A Lead Agency may also use Form "Q".) The printed summary allows both the State Clearinghouse and agency CEQA coordinators to distribute the documents quickly without the use of a computer. Form "Q" may be used as a cover sheet.

A shorter review period by the State Clearinghouse for a Negative Declaration or Mitigated Negative Declaration can be requested by the decision-making body. The shortened

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review period shall not be less than twenty (20) days. Such a request must be made in writing by the Lead Agency to OPR. The decision-making body may designate by resolution or ordinance an individual authorized to request a shorter review period. (See Form "P"). Any approval of a shortened review period must be given prior to, and reflected in, the public notice. However, a shortened review period shall not be approved by the Office of Planning and Research for any proposed project of statewide, regional or area wide environmental significance, as defined by State CEQA Guidelines Section 15206.

## 6.12 SPECIAL NOTICE REQUIREMENTS FOR WASTE- AND FUEL-BURNING PROJECTS.

For any waste-burning project not requiring an EIR, as defined in Local Guidelines Section 5.10, Notice of Intent to Adopt a Negative Declaration shall be given to all organizations and individuals who have previously requested it and shall also be given by all three of the procedures listed in Local Guidelines Section 6.07. In addition, Notice shall be given by direct mailing to the owners and occupants of property within one-quarter mile of any parcel or parcels on which such a project is located. (Public Resources Code Section 21092(c).)

These notice requirements apply only to those projects described in Local Guidelines Section 5.10. These notice requirements do not preclude the District from providing additional notice by other means if desired.

## 6.13 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

Under specific circumstances a city or county acting as Lead Agency must consult with the public water system which will supply the project to determine whether it can adequately supply the water needed for the project. As a Responsible Agency, the District should be aware of these requirements. See Local Guidelines Section 5.15 for more information on these requirements.

## 6.14 CONTENT OF NEGATIVE DECLARATION.

A Negative Declaration must be prepared directly by or under contract to the District and should generally resemble Form "E." It shall contain the following information:

(a) A brief description of the project proposed, including any commonly used name for the project;
(b) The location of the project and the name of the project proponent;
(c) A finding that the project as proposed will not have a significant effect on the environment;
(d) An attached copy of the Initial Study documenting reasons to support the finding; and
(e) For a Mitigated Negative Declaration, feasible mitigation measures included in the project to substantially lessen or avoid potentially significant effects, which must be fully enforceable through permit conditions, agreements, or other measures. Such permit conditions, agreements, and measures must be consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law.

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The proposed Negative Declaration or Mitigated Negative Declaration must reflect the independent judgment of the District.

## 6.15 TYPES OF MITIGATION.

The following is a non-exhaustive list of potential types of mitigation the District may consider:

(a) Avoidance;
(b) Preservation;
(c) Rehabilitation or replacement. Replacement may be on-site or off-site depending on the particular circumstances; and/or
(d) Participation in a fee program.

## 6.16 ADOPTION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

Following the publication, posting or mailing of the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration, but not before the expiration of the applicable twenty (20) or thirty (30) day public review period, the Negative Declaration or Mitigated Negative Declaration may be presented to the decision-making body at a regular or special meeting. Prior to adoption, the District shall independently review and analyze the Negative Declaration or Mitigated Negative Declaration and find that the Negative Declaration or Mitigated Negative Declaration reflects the independent judgment of the District.

If new information is added to the Negative Declaration after public review, the District should determine whether recirculation is warranted. (See Local Guidelines Section 6.19). If the decision-making body finds that the project will not have a significant effect on the environment, it shall adopt the Negative Declaration or Mitigated Negative Declaration. If the decision-making body finds that the proposed project may have a significant effect on the environment that cannot be mitigated or avoided, it shall order the preparation of a Draft EIR and the filing of a Notice of Preparation of a Draft EIR.

When adopting a Negative Declaration or Mitigated Negative Declaration, the District shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which it based its decision. If adopting a Negative Declaration for a project that may emit hazardous air emissions within one-quarter mile of a school and that meets the other requirements of Local Guidelines Section 6.06, the decision-making body must also make the findings required by Local Guidelines Section 6.06.

As Lead Agency, the District may charge a non-elected official or body with the responsibility of independently reviewing the adequacy of and adopting a Negative Declaration; however, when a non-elected decision-making body adopts a Negative Declaration or Mitigated Negative Declaration, the District must have a procedure allowing for the appeal of that decision to the Board of Directors.

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## 6.17 MITIGATION REPORTING OR MONITORING PROGRAM FOR MITIGATED NEGATIVE DECLARATION.

When adopting a Mitigated Negative Declaration pursuant to Local Guidelines Section 6.13, the District shall adopt a reporting or monitoring program to assure that mitigation measures, which are required to mitigate or avoid significant effects on the environment will be fully enforceable through permit conditions, agreements, or other measures and implemented by the project proponent or other responsible party in a timely manner, in accordance with conditions of project approval. The District shall also specify the location and the custodian of the documents which constitute the record of proceedings upon which it based its decision. There is no requirement that the reporting or monitoring program be circulated for public review; however, the District may choose to circulate it for public comments along with the Negative Declaration. The mitigation measures required to mitigate or avoid significant effects on the environment must be adopted as conditions of project approval.

This reporting or monitoring program shall be designed to assure compliance during the implementation or construction of a project and shall otherwise comply with the requirements described in Local Guidelines Section 7.37. If a Responsible Agency or Trustee Agency has required that certain conditions be incorporated into the project, the District may request that agency to prepare and submit a proposed reporting or monitoring program. The District shall also require that, prior to the close of the public review period for a Mitigated Negative Declaration (see Local Guidelines Section 6.04), the Responsible or Trustee Agency submit detailed performance objectives for mitigation measures, or refer the District to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures which mitigate impacts to resources which are within the Responsible or Trustee Agency's authority.

Local agencies have the authority to levy fees sufficient to pay for this program. Therefore, the District can charge the project proponent a fee to cover actual costs of program processing and implementation.

Transportation information resulting from the reporting or monitoring program required to be adopted by the District shall be submitted to the regional transportation planning agency where the project is located and to the Department of Transportation for a project of statewide, regional or area wide significance according to State CEQA Guidelines Section 15206. The transportation planning agency and the Department of Transportation are required by law to adopt guidelines for the submittal of these reporting or monitoring programs, so the District may wish to tailor its submittal to such guidelines.

## 6.18 APPROVAL OR DISAPPROVAL OF PROJECT.

At the time of adoption of a Negative Declaration or Mitigated Negative Declaration, the decision-making body may consider the project for purposes of approval or disapproval. Prior to approving the project, the decision-making body shall consider the Negative Declaration or Mitigated Negative Declaration, together with any written comments received and considered during the public review period, and shall approve or disapprove the Negative Declaration or Mitigated Negative Declaration. In making a finding as to whether there is any substantial

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evidence that the project will have a significant effect on the environment, the factors listed in Local Guidelines Section 5.08 should be considered. (See Local Guidelines Section 6.06 for approval requirements for facilities which may emit hazardous pollutants or which may handle extremely hazardous substances within one-quarter mile of a school site.)

## 6.19 RECIRCULATION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

A Negative Declaration or Mitigated Negative Declaration must be recirculated when the document must be substantially revised after the public review period but prior to its adoption. A "substantial revision" occurs when the District has identified a new and avoidable significant effect for which mitigation measures or project revisions must be added in order to reduce the effect to a level of insignificance, or the District determines that the proposed mitigation measures or project revisions will not reduce the potential effects to less than significant and new measures or revisions must be required.

Recirculation is not required under the following circumstances:

(a) Mitigation measures are replaced with equal or more effective measures, and the District makes a finding to that effect;

(b) New project revisions are added after circulation of the Negative Declaration or Mitigated Negative Declaration or in response to written or oral comments on the project's effects, but the revisions do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect;

(c) Measures or conditions of project approval are added after circulation of the Negative Declaration or Mitigated Negative Declaration, but the measures or conditions are not required by CEQA, do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect; or

(d) New information is added to the Negative Declaration or Mitigated Declaration which merely clarifies, amplifies, or makes insignificant modifications to the Negative Declaration or Mitigated Negative Declaration.

If, after preparation of a Negative Declaration or Mitigated Negative Declaration, the District determines that the project requires an EIR, it shall prepare and circulate the Draft EIR for consultation and review and advise reviewers in writing that a proposed Negative Declaration or Mitigated Declaration had previously been circulated for the project.

## 6.20 NOTICE OF DETERMINATION ON A PROJECT FOR WHICH A PROPOSED NEGATIVE OR MITIGATED NEGATIVE DECLARATION HAS BEEN APPROVED.

After final approval of a project for which a Negative Declaration has been prepared, Staff shall cause to be prepared, filed and posted a Notice of Determination (Form "F"). The Notice of Determination shall contain the following information:

(a) An identification of the project, including the project title as identified on the proposed Negative Declaration, location, and the State Clearinghouse identification number for the proposed Negative Declaration if the Notice of Determination is filed with the State Clearinghouse;

(b) For private projects, identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the District as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement of use from the District as part of the project;
(c) A brief description of the project;
(d) The name of the District and the date on which the District approved the project;
(e) The determination of the District that the project will not have a significant effect on the environment;
(f) A statement that a Negative Declaration or Mitigated Negative Declaration was adopted pursuant to the provisions of CEQA;
(g) A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted; and
(h) The address where a copy of the Negative Declaration or Mitigated Negative Declaration may be examined.

The Notice of Determination shall be filed with the Clerk of each county in which the project will be located within five (5) working days of project approval.

The District is encouraged to make copies of filed notices available in electronic format on the Internet. Such electronic notices are in addition to the posting requirements of the CEQA Guidelines and the Public Resources Code. The Clerk must post the Notice of Determination within twenty-four (24) hours of receipt. The Notice must be posted in the office of the Clerk for a minimum of thirty (30) days. Thereafter, the Clerk shall return the notice to the District with a notation of the period it was posted. The District shall retain the notice for not less than twelve (12) months. If the project requires discretionary approval from any State agency, the Notice of Determination shall also be filed with OPR within five (5) working days of project approval along with proof of payment of the DFW fee or a no effect determination form from the DFW (see Local Guidelines Section 6.24). Simultaneously with the filing of the Notice of Determination with the Clerk, Staff shall cause a copy of the Notice of Determination to be posted at District Offices.

If a written request has been made for a copy of the Notice prior to the date on which the District adopts the Negative Declaration, the copy must be mailed, first class postage prepaid, within five (5) days of the District's determination. If such a request is made following the District's determination, then the copy should be mailed in the same manner as soon as possible. The recipients of such documents may be charged a fee reasonably related to the cost of providing the service.

For projects with more than one phase, Staff shall file a Notice of Determination for each phase requiring a discretionary approval.

The filing and posting of the Notice of Determination with the County Clerk, and, if necessary, with OPR, usually starts a thirty (30) day statute of limitations on court challenges to the approval under CEQA. When separate notices are filed for successive phases of the same overall project, the thirty (30) day statute of limitation to challenge the subsequent phase begins

to run when the second notice is filed. Failure to file the Notice may result in a one hundred eighty (180) day statute of limitations.

### 6.21 ADDENDUM TO NEGATIVE DECLARATION.

The District may prepare an addendum to an adopted Negative Declaration if only minor technical changes or additions are necessary. The District may also prepare an addendum to an adopted Negative Declaration when none of the conditions calling for a subsequent Negative Declaration have occurred. (See Local Guidelines Section 6.22 below.) An addendum need not be circulated for public review but can be attached to the adopted Negative Declaration. The District shall consider the addendum with the adopted Negative Declaration prior to project approval.

### 6.22 SUBSEQUENT NEGATIVE DECLARATION.

When a Negative Declaration has been adopted for a project, or when an EIR has been certified, a subsequent Negative Declaration or EIR must be prepared in the following instances:

(a) Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(c) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted which shows any of the following:

(1) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

(2) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(3) Mitigation measure(s) or alternative(s) previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents declined to adopt the mitigation measure(s) or alternative(s); or

(4) Mitigation measure(s) or alternative(s) which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure(s) or alternative(s).

The District, as Lead Agency, would then determine whether a Subsequent EIR, Supplemental EIR, Negative Declaration or Addendum would be applicable. Subsequent

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Negative Declarations must be given the same notice and public review period as other Negative Declarations. The Subsequent Negative Declaration shall state where the previous document is available and can be reviewed.

## 6.23 PRIVATE PROJECT COSTS.

For private projects, the person or entity proposing to carry out the project shall bear all costs incurred by the District in preparing the Initial Study and in preparing and filing the Negative Declaration and Notice of Determination.

## 6.24 FILING FEES FOR PROJECTS WHICH AFFECT WILDLIFE RESOURCES.

At the time a Notice of Determination for a Negative Declaration is filed with the County or Counties in which the project is located, a fee of $2,280.75, or the then applicable fee, shall be paid to the Clerk for projects which will adversely affect fish or wildlife resources. These fees are collected by the Clerk on behalf of DFW pursuant to Fish and Game Code Section 711.4.

Only one filing fee is required for each project unless the project is tiered or phased and separate environmental documents are prepared. (Fish & Game Code Section 711.4(g).) For projects where Responsible Agencies file separate Notices of Determination, only the Lead Agency is required to pay the fee.

Note: County Clerks are authorized to charge a documentary handling fee for each project in addition to the Fish and Game fees specified above. Refer to the Index in the Staff Summary to help determine the correct total amount of fees applicable to the project.

For private projects, the District may pass these costs on to the project applicant.

Fish and Game Code fees may be waived for projects with "no effect" on fish or wildlife resources or for certain projects undertaken by the DFW and implemented through a contract with a non-profit entity or local government agency; however, the Lead Agency must obtain a form showing that the DFW has determined that the project will have "no effect" on fish and wildlife. (Fish and Game Code Section 711.4(c)(2)(A)). Projects that are statutorily or categorically exempt from CEQA are also not subject to the filing fee, and do not require a no effect determination (State CEQA Guidelines Sections 15260 through 15333; Fish and Game Code Section 711.4(d)(1)). Regional Department environmental review and permitting staff are responsible for determining whether a project within their region will qualify for a no effect determination and if the CEQA filing fee will be waived.

The request should be submitted when the CEQA document is released for public review, or as early as possible in the public comment period. Documents submitted in digital format are preferred (e.g. compact disk). If insufficient documentation is submitted to DFW for the proposed project, a no effect determination will not be issued.

If the District believes that a project for which it is Lead Agency will have "no effect" on fish or wildlife resources, it should contact the DFW Department Regional Office. The project's CEQA document may need to be provided to the DFW Department Regional Office along with a written request. Documentation submitted to the DFW Department Regional Office should set

forth facts in support of the fee exemption. Previous examples of projects that have qualified for a fee exemption include: minor zoning changes that did not lead to or allow new construction, grading, or other physical alterations to the environment and minor modifications to existing structures including addition of a second story to single or multi-family residences.

It is important to note that the fee exemption requirement that the project have "no" impact on fish or wildlife resources is more stringent than the former requirement that a project have only "de minimis" effects on fish or wildlife resources. DFW may determine that a project would have no effect on fish and wildlife if all of the following conditions apply:

- The project would not result in or have the potential to result in harm, harassment, or take of any fish and/or wildlife species.

- The project would not result in or have the potential to result in direct or indirect destruction, ground disturbance, or other modification of any habitat that may support fish and/or wildlife species.

- The project would not result in or have the potential to result in the removal of vegetation with potential to support wildlife.

- The project would not result in or have the potential to result in noise, vibration, dust, light, pollution, or an alteration in water quality that may affect fish and/or wildlife directly or from a distance.

- The project would not result in or have the potential to result in any interference with the movement of any fish and/or wildlife species.

Any request for a fee exemption should include the following information:

(1) the name and address of the project proponent and applicant contact information;

(2) a brief description of the project and its location;

(3) site description and aerial and/or topographic map of the project site;

(4) State Clearinghouse number or county filing number;

(5) a statement that an Initial Study has been prepared by the District to evaluate the project's effects on fish and wildlife resources, if any; and

(6) a declaration that, based on the District's evaluation of potential adverse effects on fish and wildlife resources, the District believes the project will have no effect on fish or wildlife.

If insufficient documentation is submitted to DFW for the proposed project, a no effect determination will not be issued. (A sample Request for Fee Exemption is attached as Form "L".) DFW will review the District's finding, and if DFW agrees with the Lead Agency's conclusions, DFW will provide the District with written confirmation. Retain DFW's

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determination as part of the administrative record; the District is required to file a copy of this determination with the County after project approval and at the time of filing of the Notice of Determination.

The Lead Agency must have written confirmation of DFW's finding of "no impact" at the time the Lead Agency files its Notice of Determination with the County. The County cannot accept the Notice of Determination unless it is accompanied by the appropriate fee or a written no effect determination from DFW.

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# 7. ENVIRONMENTAL IMPACT REPORT

## 7.01 DECISION TO PREPARE AN EIR.

An EIR shall be prepared whenever there is substantial evidence in light of the whole record which supports a fair argument that the project may have a significant effect on the environment. (See Local Guidelines Sections 11.65 and 11.71.) The record may include the Initial Study or other documents or studies prepared to assess the project's environmental impacts.

## 7.02 CONTRACTING FOR PREPARATION OF EIRS.

If an EIR is prepared under a contract to the District, the contract must be executed within forty-five (45) days from the date on which the District sends a Notice of Preparation. The District may take longer to execute the contract if the project applicant and the District mutually agree to an extension of the 45-day time limit.

The EIR prepared under contract must be the District's product. Staff, together with such consultant help as may be required, shall independently review and analyze the EIR to verify its accuracy, objectivity and completeness prior to presenting it to the decision-making body. The EIR made available for public review must reflect the independent judgment of the District. Staff may require such information and data from the person or entity proposing to carry out the project as it deems necessary for completion of the EIR.

## 7.03 NOTICE OF PREPARATION OF DRAFT EIR.

After determining that an EIR will be required for a proposed project, the Lead Agency shall prepare and send a Notice of Preparation (Form "G") to OPR and to each of the following:

(a) Each Responsible Agency and Trustee Agency involved with the project;

(b) Any other federal, state, or local agency which has jurisdiction by law or exercises authority over resources affected by the project, including:

(1) Any water supply agency consulted under Local Guidelines Section 5.15;

(2) Any city or county bordering on the project area;

(3) For a project of statewide, regional, or area wide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project; and

(4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, to the California Department of Water Resources;

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(c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;
(d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria in Local Guidelines Section 7.04, to the specified military services contact;
(e) For certain projects that involve the construction or alteration of a facility anticipated to emit hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 7.35, to any potentially affected school district;
(f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.10 (See also Local Guidelines Section 7.26), to the owners and occupants of property within one-fourth mile of any parcel on which the project will be located; and
(g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, notice of preparation shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code Section 33333.3.

The Notice of Preparation must also be filed and posted in the office of the Clerk in each county in which the project is located for thirty (30) days. The County Clerk must post the Notice within twenty-four (24) hours of receipt.

When submitting the Notice of Preparation to OPR, a Notice of Completion (Form "H") should be used as a cover sheet. Responsible and Trustee Agencies, the State Clearinghouse, and the state agencies contacted by the State Clearinghouse have thirty (30) days to respond to the Notice of Preparation. Agencies that do not respond within thirty (30) days shall be deemed not to have any comments on the Notice of Preparation.

The Lead Agency shall send copies of the Notice of Preparation by certified mail or any other method of transmittal which provides it with a record that the Notice was received.

At a minimum, the Notice of Preparation shall include:

(a) A description of the project;
(b) The location of the project indicated either on an attached map (preferably a copy of the USGS 15' or 7½' topographical map identified by quadrangle name) or by a street address and cross street in an urbanized area;
(c) The probable environmental effects of the project;
(d) The name and address of the consulting firm retained to prepare the Draft EIR, if applicable; and
(e) The Environmental Protection Agency ("EPA") list on which the proposed site is located, if applicable, and the corresponding information from the applicant's statement. (See Local Guidelines Section 2.04.)

## 7.04 SPECIAL NOTICE REQUIREMENTS FOR AFFECTED MILITARY AGENCIES

CEQA imposes additional requirements to provide notice to potentially affected military agencies when:

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(a) A "military service" (defined in Section 11.42 of these Local Guidelines) has provided the District with its contact office and address and notified the District of the specific boundaries of a "low-level flight path" (defined in Section 11.37 of these Local Guidelines), "military impact zone" (defined in Section 11.41 of these Local Guidelines), or "special use airspace" (defined in Section 11.67 of these Local Guidelines); and

(b) The project meets one of the following criteria:

(1) The project is within the boundaries specified pursuant to subsection (a) of this guideline;

(2) The project includes a general plan amendment;

(3) The project is of statewide, regional, or area wide significance; or

(4) The project relates to a public use airport or certain lands surrounding a public use airport.

When a project meets these requirements, the District must provide the military service's designated contact with any Notice of Preparation, and/or Notice of Availability of Draft EIRs that have been prepared for a project, unless the project involves the remediation of lands contaminated with hazardous wastes and meets certain other requirements. (See Public Resources Code Sections 21080.4 and 21092 and Health and Safety Code Sections 25300, et seq.; 25396; and 25187.)

The District must provide the military service with sufficient notice of its intent to certify an EIR to ensure that the military service has no fewer than thirty (30) days to review the document; or forty-five (45) days to review the environmental documents before they are approved if the documents have been submitted to the State Clearinghouse.

It should be noted that the effect, or potential effect, a project may have on military activities does not itself constitute an adverse effect on the environment pursuant to CEQA.

## 7.05 ENVIRONMENTAL LEADERSHIP DEVELOPMENT PROJECT.

Under certain circumstances, a project applicant may choose to apply to the Governor of the State of California to have the project certified as an Environmental Leadership Development Project. Only large, privately funded projects that will result in a minimum investment of $100 million in California upon completion of construction and that create high-wage, highly skilled jobs without resulting in any net additional emission of greenhouse gases, will qualify for certification. . All construction workers employed in the execution of the project will receive at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Labor Code Sections 1773 and 1773.9. If the project is certified for streamlining, the project applicant shall include this requirement in all contracts for the performance of the work. The request for certification must be made and granted prior to the release of the Draft EIR. If the Governor certifies the project, the lead agency must make the administrative record available concurrently with the Draft EIR and certify the administrative record within five (5) days of project approval and must make it available in an electronic format. Within 10 days of the Governor certifying an Environmental

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Leadership Development Project, the lead agency shall, at the applicant's expense, issue a public notice. See Public Resources Code Section 21187 for the language to be used in the public notice. If litigation is filed against such a project, certain fast-tracked litigation procedures will apply. Please see Public Resources Code Sections 21178 and 21183 through 21187 for a complete description of the requirements for such projects.

## 7.06 PREPARATION OF DRAFT EIR.

The Lead Agency is responsible for preparing a Draft EIR and may begin preparation immediately without awaiting responses to the Notice of Preparation. However, information communicated to the Lead Agency not later than thirty (30) days after receipt of the Notice of Preparation shall be included in the Draft EIR.

## 7.07 CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES.

Prior to the release of a Draft EIR for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if:

(a) The California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe; and

(b) The California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. The California Native American tribe shall designate a lead contact person when responding to the lead agency. If a lead contact is not designated by the California Native American tribe, or it designates multiple lead contact people, the lead agency shall defer to the individuals listed on the contact list maintained by the Native American Heritage Commission. Consultation is defined in Local Guidelines Section 11.11.

To expedite the requirements of this section, the Native American Heritage Commission shall assist the lead agency in identifying the California American Native tribes that are traditionally and culturally affiliated with the project area.

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a trial representative of, traditionally and culturally affiliated California Native America tribes that have requested notice, which shall be accomplished by at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation.

The lead agency shall begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation.

If consultation is requested, the parties may propose mitigation measures, including those set forth in Public Resources Code Section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommend to the lead agency.

The consultation shall be considered concluded when either of the following occurs:

(1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.

(2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

The California Native American tribe is not limited in its ability to submit information to the lead agency regarding the significance of the tribal cultural resources, the significance of the project's impact on tribal cultural resources, or any appropriate measures to mitigate the impacts. Additionally, the lead agency or project proponent is not limited in its ability to incorporate changes and additions to the project as a result of the consultation, even if not legally required.

## 7.08 IDENTIFICATION OF TRIBAL CULTURAL RESOURCES AND PROCESSING OF INFORMATION AFTER CONSULTATION WITH THE CALIFORNIA NATIVE AMERICAN TRIBE

After consultation with the California Native American tribe listed above in Local Guidelines Section 7.07, any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the EIR and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impacts and shall be enforceable.

If a project may have a significant impact on a tribal cultural resource, the lead agency's EIR shall discuss both of the following:

(a) Whether the proposed project has a significant impact on an identified tribal cultural resource;

(b) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to during the consultation, avoid or substantially lessen the impact on the identified tribal cultural resource.

Any information provided regarding the location, description and use of the tribal cultural resource that is submitted by a California Native American tribe during the environmental

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review process shall not be included in the EIR or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Governmental Code Sections 6254(r) and 6254.10, and State CEQA Guidelines 15120(d), without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native America tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the EIR unless the tribe provides consent, in writing, to the disclosure of some or all of the information to the public. This does not prohibit the confidential exchange of the submitted information between public agencies that have lawful jurisdiction over the preparation of the EIR.

The exchange of confidential information regarding tribal cultural resources submitted by a California Native American tribe during the consultation or environmental review process among the lead agency, the California Native American tribe, the project applicant, or the project applicant's agent is not prohibited by Public Resources Code Section 21082.3. The project applicant and the project applicant's legal advisers must use a reasonable degree of care and maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism, or damage to tribal cultural resources and shall not disclose to a third party confidential information regarding the cultural resource unless the California Native America tribe providing the information consents in writing to the public disclosure of such information.

Public Resources Code Section 21082.3 does not prevent a lead agency or other public agency from describing the information in general terms in the EIR so as to inform the public of the basis of the lead agency's or other public agency's decision without breaching the confidentiality required. In addition, a lead agency may certify an EIR for a project with a significant impact on an identified tribal cultural resource only if one of the following occurs:

(a) The consultation process between the California Native American tribe and the lead agency has occurred as provided in Public Resources Code Sections 21080.3.1 and 21080.3.2 and concluded pursuant to subdivision (b) of Section 21080.3.2.

(b) The California Native American tribe has requested consultation pursuant to Public Resources Code Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage, in the consultation process.

(c) The lead agency has complied with subdivision (d) of Section 21080.3.1 of the Public Resources Code and the California Native American tribe has failed to request consultation within 30 days.

If substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource but the decision-makers do not include the mitigation measures recommended by the staff in the Draft EIR, or if there are no agreed upon mitigation measures at the conclusion of the consultation; or if no consultation has occurred, the lead agency must still consider the adoption of feasible mitigation.

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## 7.09 SIGNIFICANT ADVERSE IMPACTS TO TRIBAL CULTURAL RESOURCES

Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Public Resources Code section 21080.3.2 as set forth in Local Guidelines Section 7.07, the following examples of mitigation measures, if feasible, may be considered to avoid or minimize the significant adverse impacts:

(a) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

(b) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to the following:

(1) Protecting the cultural character and integrity of the resource.

(2) Protecting the traditional use of the resource.

(3) Protecting the confidentiality of the resource.

(c) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

(d) Protecting the resource.

## 7.10 CONSULTATION WITH OTHER AGENCIES AND PERSONS.

To expedite consultation in response to the Notice of Preparation, the Lead Agency, a Responsible Agency, or a project applicant may request a meeting among the agencies involved to assist in determining the scope and content of the environmental information that the involved agencies may require. For any project that may affect highways or other facilities under the jurisdiction of the State Department of Transportation, the Department of Transportation can request a scoping meeting. When acting as Lead Agency, the District must convene the meeting as soon as possible but no later than thirty (30) days after a request is made. When acting as a Responsible Agency, the District should make any requests for consultation as soon as possible after receiving a Notice of Preparation.

Prior to completion of the Draft EIR, the Lead Agency shall consult with each Responsible Agency and any public agency which has jurisdiction by law over the project.

When acting as a Lead Agency, the District may fulfill this obligation by distributing the Notice of Preparation in compliance with Local Guidelines Section 7.03 and soliciting the comments of Responsible Agencies, Trustee Agencies, and other affected agencies. The District

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may also consult with any individual who has special expertise with respect to any environmental impacts involved with a project. The District may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project, including any interested individuals and organizations of which the District is reasonably aware. The purpose of this consultation is to "scope" the EIR's range of analysis. When a Negative Declaration or Mitigated Negative Declaration will be prepared for a project, no scoping meeting need be held, although the District may hold one if it so chooses. For private projects, the District as Lead Agency may charge and collect from the applicant a fee not to exceed the actual cost of the consultations.

In addition to soliciting comments on the Notice of Preparation, the Lead Agency may be required to conduct a scoping meeting to take additional input regarding the impacts to be analyzed in the EIR. The Lead Agency is required to conduct a scoping meeting when:

(a) The meeting is requested by a Responsible Agency, a Trustee Agency, OPR, or a project applicant;
(b) The project is one of "statewide, regional or area wide significance" as defined in State CEQA Guidelines Section 15206; or
(c) The project may affect highways or other facilities under the jurisdiction of the State Department of Transportation and the Department of Transportation has requested a scoping meeting.

When acting as Lead Agency, the District shall provide notice of the scoping meeting to all of the following:

(a) Any county or city that borders on a county or city within which the project is located, unless the District has a specific agreement to the contrary with that county or city;
(b) Any Responsible Agency;
(c) Any public agency that has jurisdiction by law over the project;
(d) A transportation planning agency, or any public agency that has transportation facilities within its jurisdiction, that could be affected by the project; and
(e) Any organization or individual who has filed a written request for the notice.

The requirement for providing notice of a scoping meeting may be met by including the notice of the public scoping meeting in the public meeting notice.

Government Code Section 65352 requires that before a legislative body may adopt or substantially amend a general plan, the planning agency must refer the proposed action to any city or county, within or abutting the area covered by the proposal, and any special district that may be significantly affected by the proposed action. CEQA allows that referral procedure to be conducted concurrently with the scoping meeting required pursuant to this section of the Local CEQA Guidelines.

For projects that are also subject to NEPA, a scoping meeting held pursuant to NEPA satisfies the CEQA scoping requirement as long as notice is provided to the agencies and individuals listed above, and in accordance with these Local Guidelines. (See Local Guideline 5.04 for a discussion of NEPA.)

The District shall call the scoping meeting as soon as possible but not later than 30 days after the meeting was requested. If the scoping meeting is being conducted concurrently with the procedure in Government Code Section 65352 for the consideration of adoption or amendment of general plans, each entity receiving a proposed general plan or amendment of a general plan should have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified. The commenting entity may submit its comments at the scoping meeting.

A Responsible Agency or other public agency shall only make comments regarding those activities within its area of expertise or which are required to be carried out or approved by it. These comments must be supported by specific documentation. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures which mitigate impacts to resources which are within the Responsible or Trustee Agency's authority.

For projects of statewide, area wide, or regional significance, consultation with transportation planning agencies or with public agencies that have transportation facilities within their jurisdictions shall be for the purpose of obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, overpasses, on-ramps, off-ramps, and rail transit services. Any transportation planning agency or public agency that provides information to the Lead Agency must be notified of, and provided with, copies of any environmental documents relating to the project.

## 7.11 EARLY CONSULTATION ON PROJECTS INVOLVING PERMIT ISSUANCE.

When the project involves the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the District, upon request of the applicant, shall meet with the applicant regarding the range of actions, potential alternatives, mitigation measures and significant effects to be analyzed in depth in the EIR. The District may also consult with concerned persons identified by the applicant and persons who have made written requests to be consulted. Such requests for early consultation must be made not later than thirty (30) days after the District's decision to prepare an EIR.

## 7.12 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

For certain development projects, cities and counties must consult with water agencies. If the District is a water provider for the project, the city or county may request consultation with the District. (See Local Guidelines Sections 5.15 and 5.16 for more information on these requirements.)

## 7.13 AIRPORT LAND USE PLAN.

When the District prepares an EIR for a project within the boundaries of a comprehensive airport land use plan or, if such a plan has not been adopted for a project within two (2) nautical miles of a public airport or public use airport, the District shall utilize the Airport Land Use Planning Handbook published by Caltrans' Division of Aeronautics to assist in the preparation of the EIR relative to potential airport or related safety hazards and noise problems.

## 7.14 GENERAL ASPECTS OF AN EIR.

Both a Draft and Final EIR must contain the information outlined in Local Guidelines Sections 7.17 and 7.18. Each element must be covered, and when elements are not separated into distinct sections, the document must state where in the document each element is covered.

The body of the EIR shall include summarized technical data, maps, diagrams and similar relevant information. Highly technical and specialized analyses and data should be included in appendices. Appendices may be prepared in separate volumes, but must be equally available to the public for examination. All documents used in preparation of the EIR must be referenced. An EIR shall not include "trade secrets," locations of archaeological sites and sacred lands, or any other information subject to the disclosure restrictions of the Public Records Act (Government Code Section 6250, et seq.).

The EIR should discuss environmental effects in proportion to their severity and probability of occurrence. Effects dismissed in the Initial Study as clearly insignificant and unlikely to occur need not be discussed.

The Initial Study should be used to focus the EIR so that the EIR identifies and discusses only the specific environmental problems or aspects of the project which have been identified as potentially significant or important. A copy of the Initial Study should be attached to the EIR or included in the administrative record to provide a basis for limiting the impacts discussed.

The EIR shall contain a statement briefly indicating the reason for determining that various effects of a project that could possibly be considered significant were not found to be significant and consequently were not discussed in detail in the EIR. The District should also note any conclusion by it that a particular impact is too speculative for evaluation.

The EIR should omit unnecessary descriptions of projects and emphasize feasible mitigation measures and alternatives to projects.

## 7.15 USE OF REGISTERED CONSULTANTS IN PREPARING EIRS.

An EIR is not a technical document that can be prepared only by a registered consultant or professional. However, state statutes may provide that only registered professionals can prepare certain technical studies which will be used in or which will control the detailed design, construction, or operation of the proposed project and which will be prepared in support of an EIR.

## 7.16 INCORPORATION BY REFERENCE.

An EIR, Negative Declaration or Mitigated Negative Declaration, may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Any incorporated document shall be considered to be set forth in full as part of the text of the environmental document. When all or part of another document is incorporated by reference, that document shall be made available to the public for inspection at the District's offices. The environmental document shall state where incorporated documents will be available for inspection.

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When incorporation by reference is used, the incorporated part of the referenced document shall be briefly summarized, if possible, or briefly described if the data or information cannot be summarized. The relationship between the incorporated document and the EIR, Negative Declaration or Mitigated Negative Declaration shall be described. When information from an environmental document that has previously been reviewed through the state review system ("State Clearinghouse") is incorporated by the District, the state identification number of the incorporated document should be included in the summary or text of the EIR.

## 7.17 STANDARDS FOR ADEQUACY OF AN EIR.

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which takes into account the environmental consequences of the project. The evaluation of environmental effects need not be exhaustive, but must be within the scope of what is reasonably feasible. The EIR should be written and presented in such a way that it can be understood by governmental decision-makers and members of the public. A good faith effort at completeness is necessary. The adequacy of an EIR is assessed in terms of what is reasonable in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a Lead Agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters, but CEQA does require the Lead Agency to make a good faith, reasoned response to timely comments raising significant environmental issues.

There is no need to unreasonably delay adoption of an EIR in order to include results of studies in progress, even if those studies will shed some additional light on subjects related to the project.

## 7.18 FORM AND CONTENT OF EIR.

The text of the EIR should normally be less than 150 pages. For proposals of unusual scope or complexity, the EIR may be longer than 150 pages but should normally be less than 300 pages. The required contents of an EIR are set forth in Sections 15122 through 15132 of the State CEQA Guidelines. In brief, the EIR must contain:

(a) A table of contents or an index;

(b) A brief summary of the proposed project, including each significant effect with proposed mitigation measures and alternatives, areas of known controversy and issues to be resolved including the choice among alternatives, how to mitigate the significant effects and whether there are any significant and unavoidable impacts (generally, the summary should be less than fifteen (15) pages);

(c) A description of the proposed project, including its underlying purpose and a list of permit and other approvals required to implement the project (see Local Guidelines Section 7.23 regarding analysis of future project expansion);

(d) A description of the environmental setting which includes the project's physical environmental conditions from both a local and regional perspective at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis begins. (State CEQA Guidelines Section 15125.) This

environmental setting will normally constitute the baseline physical conditions by which the Lead Agency determines whether an impact is significant. However, the District may choose any baseline that is appropriate as long as the Lead Agency's choice of baseline is supported by substantial evidence;

(e) A discussion of any inconsistencies between the proposed project and applicable general, specific and regional plans. Such plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans;

(f) A description of the direct and indirect significant environmental impacts of the proposed project explaining which, if any, can be avoided or mitigated to a level of insignificance, indicating reasons that various possible significant effects were determined not to be significant and denoting any significant effects which are unavoidable or could not be mitigated to a level of insignificance. Direct and indirect significant effects shall be clearly identified and described, giving due consideration to both short-term and long-term effects;

(g) Potentially significant energy implications of a project must be considered to the extent relevant and applicable to the project (see Local Guidelines Section 5.19);

(h) An analysis of a range of alternatives to the proposed project which could feasibly attain the project's objectives as discussed in Local Guidelines Section 7.22;

(i) A description of any significant irreversible environmental changes which would be involved in the proposed action should it be implemented if, and only if, the EIR is being prepared in connection with:

(1) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(2) The adoption by a Local Agency Formation Commission of a resolution making determinations; or

(3) A project which will be subject to the requirement for preparing an Environmental Impact Statement pursuant to NEPA;

(j) An analysis of the growth-inducing impacts of the proposed action. The discussion should include ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth-inducing impacts may include the estimated energy consumption of growth induced by the project;

(k) A discussion of any significant, reasonably anticipated future developments and the cumulative effects of all proposed and anticipated action as discussed in Local Guidelines Section 7.23;

(l) In certain situations, a regional analysis should be completed for certain impacts, such as air quality;

(m) A discussion of any economic or social effects, to the extent that they cause or may be used to determine significant environmental impacts;

(n) A statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and, therefore, were not discussed in the EIR;

(o) The identity of all federal, state or local agencies or other organizations and private individuals consulted in preparing the EIR, and the identity of the persons, firm or agency preparing the EIR, by contract or other authorization. To the fullest extent possible, the District should integrate CEQA review with these related environmental review and consultation requirements;

(p) A discussion of those potential effects of the proposed project on the environment which the District has determined are or may be significant. The discussion on other effects may be limited to a brief explanation as to why those effects are not potentially significant; and

(q) A description of feasible measures, as set forth in Local Guidelines Section 7.21, which could minimize significant adverse impacts.

## 7.19 CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS.

An EIR must identify and focus on the significant environmental effects of the proposed project. In assessing the proposed project's potential impacts on the environment, the District should normally limit its examination to comparing changes that would result from the project as compared to the existing physical conditions in the affected area as they exist when the Notice of Preparation is published. If a Notice of Preparation is not published for the project, the District should compare the proposed project's potential impacts to the physical conditions that exist at the time environmental review begins.

Direct and indirect significant effects of the project on the environment must be clearly identified and described, considering both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the project that may impact resources in the project area, such as water, historical resources, scenic quality, and public services. The EIR must also analyze any significant environmental effects the project might cause by bringing development and people into the area. If applicable, an EIR should also evaluate the impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified on authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.

The EIR must describe all significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

The EIR must also discuss any significant irreversible environmental changes which would be caused by the project. For example, use of nonrenewable resources during the initial and continued phases of a project may be irreversible if a large commitment of such resources makes removal or nonuse thereafter unlikely. Additionally, irreversible commitment of

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resources may include a discussion of how the project preempts future energy development or future energy conservation. The discussion of irreversible commitment of resources may include a discussion of how the project preempts future energy development or future energy conservation. Irretrievable commitments of resources to the proposed project should be evaluated to assure that such current consumption is justified.

## 7.20 ANALYSIS OF CUMULATIVE IMPACTS.

An EIR must discuss cumulative impacts when the project's incremental effect is "cumulatively considerable" as defined in Local Guidelines Section 11.13. When the District is examining a project with an incremental effect that is not "cumulatively considerable," it need not consider that effect significant, but must briefly describe the basis for this conclusion. 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 designed to alleviate the cumulative impact. When relying on a fee program or mitigation measure(s), the District must identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

The District may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem in the geographic area in which the project is located. Such plans and programs may include, but are not limited to:

(1) Water quality control plans;

(2) Air quality attainment or maintenance plans;

(3) Integrated waste management plans;

(4) Habitat conservation plans;

(5) Natural community conservation plans; and/or

(6) Plans or regulations for the reduction of greenhouse gas emissions.

When relying on such a regulation, plan, or program, the District should explain how implementing the particular requirements of the plan, regulation or program will ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.

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. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

The discussion of cumulative impacts in an EIR must focus on the cumulative impact to which the identified other projects contribute, rather than the attributes of other projects which do not contribute to the cumulative impact. The discussion of significant cumulative impacts must meet either of the following elements:

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(1) A list of past, present, and probable future projects causing related or cumulative impacts including, if necessary, those projects outside the control of the District; or

(2) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or a plan for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Documents used in creating a summary of projections must be referenced and made available to the public.

When utilizing a list, as suggested above, factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined and the location and type of project. Location may be important, for example, when water quality impacts are involved since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.

Public Resources Code section 21094 also states that if a Lead Agency determines that a cumulative effect has been adequately addressed in an earlier EIR, it need not be examined in a later EIR if the later project's incremental contribution to the cumulative effect is not cumulatively considerable. A cumulative effect has been adequately addressed in the prior EIR if:

(1) it has been mitigated or avoided as a result of the prior EIR; or

(2) the cumulative effect has been examined in a sufficient level of detail to enable the effect to be mitigated or avoided by site-specific revisions, the imposition of conditions, or other means in connection with the approval of the later project.

Public Resources Code section 21094 only applies to earlier projects that (1) are consistent with the program, plan, policy, or ordinance for which an environmental impact report has been prepared and certified, (2) are consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located and (3) are not subject to Public Resources Code section 21166.

If the Lead Agency determines that the cumulative effect has been adequately addressed in a prior EIR, it should clearly explain how in the current environmental documentation for the project.

The District should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

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## 7.21 ANALYSIS OF MITIGATION MEASURES.

The discussion of mitigation measures in an EIR must distinguish between measures proposed by project proponents and other measures proposed by Lead, Responsible or Trust Agencies. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

Where several measures are available to mitigate an impact, each should be disclosed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effects of the project and which may be accomplished in more than one specified way where: (1) the measures address the kind of impacts for which mitigation is known to be feasible; and (2) the measures are proposed early in the environmental review process.

If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be disclosed but in less detail than the significant effects of the project itself.

If a project includes a housing development, the District may not reduce the project's proposed number of housing units as a mitigation measure or project alternative if the District determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation without reducing the number of housing units.

Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulating, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. Mitigation measures must also be consistent with all applicable constitutional requirements such as the "nexus" and "rough proportionality" standards.

Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.

The District should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors must be considered and discussed in an EIR for a project involving an archaeological site:

(a) Preservation in place is the preferred manner of mitigating impacts to archaeological sites; and

(b) Preservation in place may be accomplished by, but is not limited to, the following:

(1) Planning construction to avoid archaeological sites;

(2) Incorporation of sites within parks, green space, or other open spaces;

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(3) Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site; and/or

(4) Deeding the site into a permanent conservation easement.

When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to excavation. Such studies must be deposited with the California Historical Resources Regional Information Center.

Data recovery shall not be required for a historical resource if the District determines that existing testing or studies have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

## 7.22 ANALYSIS OF ALTERNATIVES IN AN EIR.

The alternatives analysis must describe and evaluate the comparative merits of a range of reasonable alternatives to the project or to the location of the project which would feasibly attain most of the basic objectives of the project, but which would avoid or substantially lessen any of the significant effects of the project. An EIR need not consider every conceivable alternative to a project, and it need not consider alternatives which are infeasible. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

**Purpose of the Alternatives Analysis:** An EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment. For this reason, a discussion of alternatives must focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effect of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly.

**Selection of a Range of Reasonable Alternatives:** The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects, even if those alternatives would be more costly or would impede to some degree the attainment of the project's objectives. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the Lead Agency and rejected as infeasible during the scoping process, and it should briefly explain the reasons for rejecting those alternatives. Additional information explaining the choice of alternatives should be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (a) failure to meet most of the basic project objectives; (b) infeasibility; or (c) inability to avoid significant environmental impacts.

**Evaluation of Alternatives:** The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project.

A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. The matrix may also identify and compare the extent to which each alternative meets project objectives. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed but in less detail than the significant effects of the project as proposed.

**The Rule of Reason:** The range of alternatives required in an EIR is governed by a "rule of reason" which courts have held means that an alternatives discussion must be reasonable in scope and content. Therefore, the EIR must set forth only those alternatives necessary to permit public participation, informed decision-making, and a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones the District determines could feasibly attain most of the basic objectives of the project. An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

**Feasibility of Alternatives:** The factors that may be taken into account when addressing the feasibility of alternatives include: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries (projects with a regionally significant impact should consider the regional context); and whether the proponent already owns the alternative site or can reasonably acquire, control or otherwise have access to the site. No one factor establishes a fixed limit on the scope of reasonable alternatives.

**Alternative Locations:** The first step in the alternative location analysis is to determine whether any of the significant effects of the project could be avoided or substantially lessened by putting the project in another location. This is the key question in this analysis. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

The second step in this analysis is to determine whether any of the alternative locations are feasible. If the District concludes that no feasible alternative locations exist, it must disclose its reasons, and it should include them in the EIR. When a previous document has sufficiently analyzed a range of reasonable alternative locations and environmental impacts for a project with the same basic purpose, the District should review the previous document and incorporate the previous document by reference. To the extent the circumstances have remained substantially the same with respect to an alternative, the EIR may rely on the previous document to help it assess the feasibility of the potential project alternative.

**The "No Project" Alternative:** The specific alternative of "no project" must be evaluated along with its impacts. The purpose of describing and analyzing the no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative may be different from the baseline environmental conditions. The no project alternative will be the same as the baseline only if it is identical to the existing environmental setting and the Lead Agency has chosen the existing environmental setting as the baseline.

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A discussion of the "no project" alternative should proceed along one of two lines:

(a) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically, this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan; or

(b) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. This discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed.

After defining the "no project" alternative, the District should proceed to analyze the impacts of the "no project" alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the "no project" alternative is the environmentally superior alternative, the EIR must also identify another environmentally superior alternative among the remaining alternatives.

**Remote or Speculative Alternatives:** An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

### 7.23 ANALYSIS OF FUTURE EXPANSION.

An EIR must include an analysis of the environmental effects of future expansion (or other similar future modifications) if there is credible and substantial evidence that:

(a) The future expansion or action is a reasonably foreseeable consequence of the initial project; and

(b) The future expansion or action is likely to change the scope or nature of the initial project or its environmental effects.

Absent these two circumstances, future expansion of a project need not be discussed. CEQA does not require speculative discussion of future development which is unspecific or uncertain. However, if future action is not considered now, it must be considered and environmentally evaluated before it is actually implemented.

### 7.24 NOTICE OF COMPLETION OF DRAFT EIR; NOTICE OF AVAILABILITY OF DRAFT EIR.

**Notice of Completion.** When the Draft EIR is completed, a Notice of Completion (Form "H") must be filed with OPR in a printed hard copy or in electronic form on a diskette or by electronic mail transmission. The Notice shall contain:

(a) A brief description of the proposed project;
(b) The location of the proposed project including the proposed project's latitude and longitude;
(c) An address where copies of the Draft EIR are available and a description of how the Draft EIR can be provided in an electronic format; and
(d) The review period during which comments will be received on the Draft EIR.

OPR has developed a model form Notice of Completion. Form H follows OPR's model. To ensure that the documents are accepted by OPR staff, this form should be used when documents are transmitted to OPR.

**Notice of Availability.** At the same time it sends a Notice of Completion to OPR, the District shall provide public notice of the availability of the Draft EIR by distributing a Notice of Availability of Draft EIR (Form "K"). The Notice of Availability shall include at least the following information:

(a) A brief description of the proposed project and its location;
(b) The starting and ending dates for the review period, and whether the review period has been shortened;
(c) The date, time, and place of any scheduled public meetings or hearings to be held by the District on the proposed project, if the District knows this information when it prepares the Notice;
(d) A list of the significant environmental effects anticipated as a result of the project;
(e) The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the District's normal working hours. and a description of how the Draft EIR can be provided in an electronic format; and
(f) A statement indicating whether the project site is included on any list of hazardous waste facilities, land designated as hazardous waste property, or hazardous waste disposal site, and, if so, the information required in the Hazardous Waste and Substances Statement pursuant to Government Code Section 65962.5.

The Notice of Availability shall be provided to:

(a) Each Responsible and Trustee Agency;
(b) Any other federal, state, or local agency which has jurisdiction by law or exercises authority over resources affected by the project, including:

(1) Any water supply agency consulted under Local Guidelines Section 5.15;

(2) Any city or county bordering on the project area;

(3) For a project of statewide, regional, or area wide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project;

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(4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, to the California Department of Water Resources; and

(5) For a general plan amendment, a project of statewide, regional, or area wide significance, or a project that relates to a public use airport, to any "military service" (defined in Section 11.42 of these Local Guidelines) that has provided the District with its contact office and address and notified the District of the specific boundaries of a "low-level flight path" (defined in Section 11.37 of these Local Guidelines), "military impact zone" (defined in Section 11.41 of these Local Guidelines), or "special use airspace" (defined in Section 11.67of these Local Guidelines;

(c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;

(d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria of Local Guidelines Section 7.04 to the specified military services contact;

(e) For certain projects that involve the construction or alteration of a facility anticipated to emit hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 7.35, to any potentially affected school district;

(f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.10 (see also Local Guidelines Section 7.26), to the owners and occupants of property within one-fourth mile of any parcel on which the project will be located; and

(g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, notice and a copy of the Draft EIR shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code Section 33333.3.

The District may require requests for copies of these Notices to be renewed annually and may charge a fee for the reasonable cost of providing this service. A project will not be invalidated due to a failure to send a requested Notice provided there has been substantial compliance with these notice provisions.

Staff may also consult with and obtain comments from any person known to have special expertise or any other person or organization whose comments relative to the Draft EIR would be desirable.

In addition, notice shall be given to the public by at least one of the following procedures:

(a) Publication of the Notice of Completion and/or the Notice of Availability at least once in a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas;

(b) Posting of the Notice of Completion and/or the Notice of Availability on and off site in the area where the project is to be located; or

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(c) Direct mailing of the Notice of Completion and/or the Notice of Availability to owners and occupants of property contiguous to the project, as identified on the latest equalized assessment roll.

The Notice of Completion and Notice of Availability shall be posted in the office of the Clerk in each county in which the project is located for at least thirty (30) days. If the public review period for the Draft EIR is longer than thirty (30) days, the District may wish to leave the Notice posted until the public review period for the Draft EIR has expired.

Copies of the Draft EIR shall also be made available at the District office for review by members of the general public. The District may require any person obtaining a copy of the Draft EIR to reimburse the District for the actual cost of its reproduction. Copies of the Draft EIR should also be furnished to appropriate public library systems.

The District is encouraged to make copies of filed notices available in electronic format on the Internet. Such electronic postings are in addition to the procedures required by the CEQA Guidelines and the Public Resources Code.

## 7.25 SUBMISSION OF DRAFT EIR TO STATE CLEARINGHOUSE.

A Draft EIR must be submitted to the State Clearinghouse for review by state agencies in the following situations:

(a) A state agency is the Lead Agency for the Draft EIR;
(b) A state agency is a Responsible Agency, Trustee Agency, or otherwise has jurisdiction by law over resources potentially affected by the project; or
(c) The Draft EIR is for a project identified in State CEQA Guidelines Section 15206 as being a project of statewide, regional, or area wide significance.

State CEQA Guidelines Section 15206 identifies the following types of projects as being examples of projects of statewide, regional, or area wide significance which require submission to the State Clearinghouse for circulation:

(1) General plans, elements, or amendments for which an EIR was prepared;

(2) Projects which have the potential for causing significant environmental effects beyond the city or county where the project would be located, such as:

(a) Residential development of more than 500 units;
(b) Commercial projects employing more than 1,000 persons or covering more than 500,000 square feet of floor space;
(c) Office building projects employing more than 1,000 persons or covering more than 250,000 square feet of floor space;
(d) Hotel or motel development of more than 500 rooms; and
(e) Industrial projects housing more than 1,000 persons, occupying more than 40 acres of land, or covering more than 650,000 square feet of floor area;

(3) Projects for the cancellation of a Williamson Act contract covering more than 100 acres;

(4) Projects in one of the following Environmentally Sensitive Areas:

(a) Lake Tahoe Basin;
(b) Santa Monica Mountains Zone;
(c) Sacramento-San Joaquin River Delta;
(d) Suisun Marsh;
(e) Coastal Zone, as defined by the California Coastal Act;
(f) Areas within one-quarter mile of a river designated as wild and scenic; or
(g) Areas within the jurisdiction of the San Francisco Bay Conservation and Development Commission;

(5) Projects which would affect sensitive wildlife habitats or the habitats of any rare, threatened, or endangered species;

(6) Projects which would interfere with water quality standards; and

(7) Projects which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

A Draft EIR may be submitted to the State Clearinghouse when a state agency has special expertise with regard to the environmental impacts involved.

When the Draft EIR will be reviewed through the State review process handled by the State Clearinghouse, a Notice of Completion (Form "H") should be used as a cover sheet. If the District uses the State Clearinghouse's online process to submit the Notice of Completion form, the form generated on the Internet site satisfies the State Clearinghouse's requirements.

A sufficient number of copies of the documents must be sent to the State Clearinghouse for circulation. Staff should contact the State Clearinghouse to find out the correct number of printed copies required for circulation. Minimally, the District must submit one (1) copy of the Notice of Completion and fifteen (15) copies of the entire document.

The District may submit fifteen (15) hard copies of the entire draft environmental document or fifteen (15) CD-ROMs of the entire document. The document must be on a CD-ROM in a common file format such as Word or Acrobat. In addition, each CD-ROM must be accompanied by fifteen (15) printed copies of the DEIR summary (as described in Local Guidelines Section 6.11), executive summary, or introduction section. Form "Q" may be used as a cover sheet for document transmittal. The summary allows both the State Clearinghouse and the various agency CEQA coordinators to distribute the documents quickly without the use of a computer.

Submission of the Draft EIR to the State Clearinghouse affects the timing of the public review period as set forth in Local Guidelines Section 7.27.

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## 7.26 SPECIAL NOTICE REQUIREMENTS FOR WASTE- AND FUEL-BURNING PROJECTS.

For any waste-burning project, as defined in Local Guidelines Section 5.10, in addition to the notice requirements specified in Local Guidelines Sections 7.24 and 7.25, Notice of Availability of the Draft EIR shall be given by direct mailing or any other method calculated to provide delivery of the notice to the owners and occupants of property within one-fourth mile of any parcel or parcels on which the project is located.

## 7.27 TIME FOR REVIEW OF DRAFT EIR; FAILURE TO COMMENT.

A period of between thirty (30) and sixty (60) days from the filing of the Notice of Completion of the Draft EIR shall be allowed for review of and comment on the Draft EIR, except in unusual situations. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least forty-five (45) days, unless a shorter period is approved by the State Clearinghouse as discussed below.

If a state agency is a Responsible Agency, or if the Draft EIR is submitted to the State Clearinghouse, the public review period shall be at least as long as the review period established by the State Clearinghouse. The public review period and the state agency review period may, but are not required to, begin and end at the same time. The state agency review period begins (day one) on the date that the State Clearinghouse distributes the Draft EIR to state agencies. The State Clearinghouse is required to distribute the Draft EIR to state agencies within three (3) working days from the date the State Clearinghouse receives the document, as long as the Draft EIR is complete when submitted to the State Clearinghouse. If the document submitted to the State Clearinghouse is not complete, the State Clearinghouse must notify the Lead Agency. The review period for the public and all other agencies may run concurrently with the state agency review period established by the State Clearinghouse.

Under certain circumstances, a shorter review period of the Draft EIR by the State Clearinghouse can be requested by the District; however, a shortened review period shall not be less than thirty (30) days for a Draft EIR. Any request for a shortened review period must be made in writing by the District to OPR. The District may designate a person to make these requests. The District must contact all responsible and trustee agencies and obtain their agreement prior to obtaining a shortened review period. (See the Shortened Review Request Form "P.")

A shortened review period is not available for any proposed project of statewide, regional or area wide environmental significance as determined pursuant to State CEQA Guidelines Section 15206. Any approval of a shortened review period shall be given prior to, and reflected in, the public notices.

In the event a public agency, group, or person whose comments on a Draft EIR are solicited fails to comment within the required time period, it shall be presumed that such agency, group, or person has no comment to make, unless the Lead Agency has received a written request for a specific extension of time for review and comment and a statement of reasons for the request.

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Continued planning activities concerning the proposed project, short of formal approval, may continue during the period set aside for review and comment on the Draft EIR.

## 7.28 PUBLIC HEARING ON DRAFT EIR.

CEQA does not require formal public hearings for certification of an EIR; public comments may be restricted to written communications. (However, a hearing is required to utilize the limited exemption for Transit Priority Projects as explained in Local Guidelines Section 3.16; to adopt a bicycle transportation plans as explained in Local Guidelines Section 3.20; and for certain other actions involving the replacement or deletion of mitigation measures under State CEQA Guidelines Section 15074.1..) However, if the District provides a public hearing on its consideration of a project, the District should include the project's environmental review documents as one of the subjects of the hearing. Notice of the time and place of the hearing shall be given in a timely manner in accordance with any legal requirements applicable to the proposed project. Generally, the requirements of the Ralph M. Brown Act will provide the minimum requirements for the inclusion of CEQA matters on agendas and at hearings. (Gov. Code, § 54950 et seq.) At a minimum, agendas for meetings and hearings before commissions, boards, councils, and other agencies must be posted in a location that is freely accessible to members of the public at least seventy-two (72) hours prior to a regular meeting. The agenda must contain a brief general description of each item to be discussed and the time and location of the meeting. (Gov. Code, § 54954.2.) Additionally, any legislative body or its presiding officer must post an agenda for each regular or special meeting on the local agency's Internet Web site, if the local agency has one.

## 7.29 RESPONSE TO COMMENTS ON DRAFT EIR.

The Lead Agency shall evaluate any comments on environmental issues received during the public review period for the Draft EIR and shall prepare a written response to those comments that raise significant environmental issues.

As stated below, the District, as Lead Agency, should also consider evaluating and responding to any comments received after the public review period. The written responses shall describe the disposition of any significant environmental issues that are raised in the comments. The responses may take the form of a revision of the Draft EIR, an attachment to the Draft EIR, or some other oral or written response which is adequate under the circumstances. If the District's position is at variance with specific recommendations or suggestions raised in the comment, the District's response must detail the reasons why such recommendations or suggestions were not accepted. Moreover, the District shall respond to any specific suggestions for project alternatives or mitigation measures for significant impacts, unless such alternatives or mitigation measures are facially infeasible. The response shall contain recommendations, when appropriate, to alter the project as described in the Draft EIR as a result of an analysis of the comments received.

At least ten (10) days prior to certifying a Final EIR, the Lead Agency shall provide its proposed written response to any public agency which has made comments on the Draft EIR during the public review period. The District, as Lead Agency, is not required to respond to comments received after the public review period. However, the District, as Lead Agency,

should consider responding to all comments if it will not delay action on the Final EIR, since any comment received before final action on the EIR can form the basis of a legal challenge. A written response that addresses the comment or adequately explains the District's action in light of the comment may assist in defending against a legal challenge.

## 7.30 PREPARATION AND CONTENTS OF FINAL EIR.

Following the receipt of any comments on the Draft EIR as required herein, such comments shall be evaluated by Staff and a Final EIR shall be prepared.

The Final EIR shall meet all requirements of Local Guidelines Section 7.18 and shall consist of the Draft EIR or a revision of the Draft, a section containing either verbatim or in summary the comments and recommendations received through the review and consultation process, a list of persons, organizations and public agencies commenting on the Draft, and a section containing the responses of the District to the significant environmental points raised in the review and consultation process.

## 7.31 RECIRCULATION WHEN NEW INFORMATION IS ADDED TO EIR.

When significant new information is added to the EIR after notice and consultation but before certification, the Lead Agency must recirculate the Draft EIR for another public review period. The term "information" can include changes in the project or environmental setting as well as additional data or other information.

New information is significant only when the EIR is changed in a way that would deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of a project or a feasible way to mitigate or avoid such an effect, including a feasible project alternative, that the project proponents decline to implement. Recirculation is required, for example, when:

(1) New information added to an EIR discloses:

(a) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; or

(b) A significant increase in the severity of an environmental impact (unless mitigation measures are also adopted that reduce the impact to a level of insignificance); or

(c) A feasible project alternative or mitigation measure that clearly would lessen the significant environmental impacts of the project, but which the project proponents decline to adopt; or

(2) The Draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required when the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. If the revision is limited to a few chapters or portions of the EIR, the District as Lead Agency need only recirculate the

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chapters or portions that have been modified. A decision to not recirculate an EIR must be supported by substantial evidence in the record.

When the District determines to recirculate a Draft EIR, it shall give Notice of Recirculation (Form "M") to every agency, person, or organization that commented on the prior Draft EIR. The Notice of Recirculation must indicate whether new comments must be submitted and whether the District has exercised its discretion to require reviewers to limit their comments to the revised chapters or portions of the recirculated EIR. The District shall also consult again with those persons contacted pursuant to Local Guidelines Section 7.24 before certifying the EIR. When the EIR is substantially revised and the entire EIR is recirculated, the District may require that reviewers submit new comments and need not respond to those comments received during the earlier circulation period. In those cases, the District should advise reviewers that, although their previous comments remain part of the administrative record, the final EIR will not provide a written response to those comments, and new comments on the revised EIR must be submitted. The District need only respond to those comments submitted in response to the revised EIR.

When the EIR is revised only in part and the District is recirculating only the revised chapters or portions of the EIR, the District may request that reviewers limit their comments to the revised chapters or portions. The District need only respond to: (1) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (2) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

When recirculating a revised EIR, either in whole or in part, the District must, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR.

## 7.32 CERTIFICATION OF FINAL EIR.

Following the preparation of the Final EIR, Staff shall review the Final EIR and make a recommendation to the decision-making body regarding whether the Final EIR has been completed in compliance with CEQA, the State CEQA Guidelines and the District's Local Guidelines. The Final EIR and Staff recommendation shall then be presented to the decision-making body. The decision-making body shall independently review and consider the information contained in the Final EIR and determine whether the Final EIR reflects its independent judgment. Before it approves the project, the decision-making body must certify and find that: (1) the Final EIR has been completed in compliance with CEQA, the State CEQA Guidelines and the District's Local Guidelines; (2) the Final EIR was presented to the decision-making body and the decision-making body reviewed and considered the information contained in the Final EIR before approving the project; and (3) the Final EIR reflects the District's independent judgment and analysis.

Except in those cases in which the Board of Directors is the final decision-making body for the project, any interested person may appeal the certification or denial of certification of a Final EIR to the Board of Directors. Appeals must follow the procedures prescribed by the District.

## 7.33 CONSIDERATION OF EIR BEFORE APPROVAL OR DISAPPROVAL OF PROJECT.

Once the decision-making body has certified the EIR, it may then proceed to consider the proposed project for purposes of approval or disapproval.

## 7.34 FINDINGS.

The decision-making body shall not approve or carry out a project if a completed EIR identifies one or more significant environmental effects of the project unless it makes one or more of the following written findings for each such significant effect, accompanied by a brief explanation of the rationale supporting each finding. For impacts that have been identified as potentially significant, the possible findings are:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment as identified in the Final EIR, such that the impact has been reduced to a less-than-significant level;

(b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the District. Such changes have been, or can and should be, adopted by that other agency; or

(c) Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR. The decision-making body must make specific written findings stating why it has rejected an alternative to the project as infeasible.

The findings required by this Section shall be supported by substantial evidence in the record. Measures identified and relied on to mitigate environmental impacts identified in the EIR to below a level of significance should be expressly adopted or rejected in the findings. The findings should include a description of the specific reasons for rejecting any mitigation measures or project alternatives identified in the EIR that would reduce the significant impacts of the project. Any mitigation measures that are adopted must be fully enforceable through permit conditions, agreements, or other measures.

If any of the proposed alternatives could avoid or lessen an adverse impact for which no mitigation measures are proposed, the District shall analyze the feasibility of such alternative(s). If the project is to be approved without including such alternative(s), the District shall find that specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the Final EIR and shall list such considerations before such approval.

The decision-making body shall not approve or carry out a project as proposed unless: (1) the project as approved will not have a significant effect on the environment; or (2) its significant environmental effects have been eliminated or substantially lessened (as determined through one or more of the findings indicated above), and any remaining unavoidable significant effects have been found acceptable because of facts and circumstances described in a Statement of Overriding Considerations (see Local Guidelines Section 7.36). Statements in the Draft EIR

or comments on the Draft EIR are not determinative of whether the project will have significant effects.

When making the findings required by this Section, the District as Lead Agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which it based its decision.

## 7.35 SPECIAL FINDINGS REQUIRED FOR FACILITIES WHICH MAY EMIT HAZARDOUS AIR EMISSIONS NEAR SCHOOLS.

Special procedural rules apply to projects involving the construction or alteration of a facility within one-quarter mile of a school when: (1) the facility might reasonably be anticipated to emit hazardous air emissions or to handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the threshold specified in Health and Safety Code Section 25532(j); and (2) the emissions or substances may pose a health or safety hazard to persons who would attend or would be employed at the school. If the project meets both of those criteria, the Lead Agency may not certify an EIR or approve a Negative Declaration unless it makes a finding that:

(a) The Lead Agency consulted with the affected school district or districts having jurisdiction over the school regarding the potential impact of the project on the school; and
(b) The school district was given written notification of the project not less than thirty (30) days prior to the proposed certification of the EIR or approval of the Negative Declaration.

Implementation of this Local Guideline shall be consistent with the definitions and terms utilized in State CEQA Guidelines section 15186.

Additionally, in its role as a Responsible Agency, the District should be aware that for projects involving the acquisition of a school site or the construction of a secondary or elementary school by a school district, the negative declaration or EIR prepared for the project may not be adopted or certified unless there is sufficient information in the entire record to determine whether any boundary of the school site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.

If it is determined that the project involves the acquisition of a school site that is within 500 feet of the edge of the closest traffic lane of a freeway, or other busy traffic corridor, the Negative Declaration or EIR may not be adopted or certified unless the school board determines, through a health risk assessment pursuant to Section 44360(b)(2) of the Health and Safety Code and after considering any potential mitigation measures, that the air quality at the proposed project site does not present a significant health risk to pupils.

## 7.36 STATEMENT OF OVERRIDING CONSIDERATIONS.

Before a project that has unmitigated significant adverse environmental effects can be approved, the decision-making body must adopt a Statement of Overriding Considerations. If the decision-making body finds in the Statement of Overriding Considerations that specific

benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Accordingly, the Statement of Overriding Considerations allows the decision-making body to approve a project despite one or more unmitigated significant environmental impacts identified in the Final EIR. A Statement of Overriding Considerations can be made only if feasible project alternatives or mitigation measures do not exist to reduce the environmental impact(s) to a level of insignificance and the benefits of the project outweigh the adverse environmental effect(s). The feasibility of project alternatives or mitigation measures is determined by whether the project alternative or mitigation measure can be accomplished within a reasonable period of time, taking into account economic, environmental, social, legal and technological factors.

Project benefits which are appropriate to consider in the Statement of Overriding Considerations include the economic, legal, environmental, technological and social value of the project. The District may also consider region-wide or statewide environmental benefits.

Substantial evidence in the entire record must justify the decision-making body's findings and its use of the Statement of Overriding Considerations. If the decision-making body makes a Statement of Overriding Considerations, the Statement must be included in the record of the project approval and it should be referenced in the Notice of Determination.

## 7.37 MITIGATION MONITORING OR REPORTING PROGRAM FOR EIR.

When making findings regarding an EIR, the District must do all of the following:

(a) Adopt a reporting or monitoring program to assure that mitigation measures which are required to mitigate or avoid significant effects on the environment will be implemented by the project proponent or other responsible party in a timely manner, in accordance with conditions of project approval;

(b) Make sure all conditions and mitigation measures are feasible and fully enforceable through permit conditions, agreements, or other measures. Such permit conditions, agreements, and measures must be consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law; and

(c) Specify the location and the custodian of the documents which constitute the record of proceedings upon which the District based its decision in the resolution certifying the EIR.

There is no requirement that the reporting or monitoring program be circulated for public review; however, the District may choose to circulate it for public comments along with the Draft EIR. Any mitigation measures required to mitigate or avoid significant effects on the environment shall be adopted and made fully enforceable, such as by being imposed as conditions of project approval.

The adequacy of a mitigation monitoring program is determined by the "rule of reason." This means that a mitigation monitoring program does not need to provide every imaginable measure. It needs only to provide measures that are reasonably feasible and that are necessary to avoid significant impacts or to reduce the severity of impacts to a less-than-significant level.

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The mitigation monitoring or reporting program shall be designed to assure compliance with the mitigation measures during the implementation and construction of the project. If a Responsible Agency or Trustee Agency has required that certain conditions be incorporated into the project, the District may request that agency to prepare and submit a proposed reporting or monitoring program. The District shall also require that, prior to the close of the public review period for a Draft EIR, the Responsible or Trustee Agency submit detailed performance objectives for mitigation measures, or refer the District to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures that mitigate impacts to resources that are within the Responsible or Trustee Agency's authority.

When a project is of statewide, regional, or area wide significance, any transportation information resulting from the reporting or monitoring program required to be adopted by the District shall be submitted to the regional transportation planning agency where the project is located and to the Department of Transportation. The transportation planning agency and the Department of Transportation are required by law to adopt guidelines for the submittal of these reporting or monitoring programs, so the District may wish to tailor its submittal to such guidelines.

Local agencies have the authority to levy fees sufficient to pay for this program. Therefore, the District may impose a program to charge project proponents fees to cover actual costs of program processing and implementation.

The District may delegate reporting or monitoring responsibilities to an agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed, the District remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The District may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" is defined as a written compliance review that is presented to the Board or an authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. "Monitoring" is generally an ongoing or periodic process of project oversight. Monitoring is suited to projects with complex mitigation measures which may exceed the expertise of the District to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

At its discretion, the District may adopt standardized policies and requirements to guide individually adopted programs.

Standardized policies or requirements for monitoring and reporting may describe, but are not limited to:

(a) The relative responsibilities of various departments within the District for various aspects of the program;
(b) The responsibilities of the project proponent;

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(c) Guidelines adopted by the District to govern preparation of programs;
(d) General standards for determining project compliance with the mitigation measures and related conditions of approval;
(e) Enforcement procedures for noncompliance, including provisions for administrative appeal; and/or
(f) Process for informing the Board and staff of the relative success of mitigation measures and using those results to improve future mitigation measures.

When a project is of statewide, regional, or area wide importance, any transportation information generated by a mitigation monitoring or reporting program must be submitted to the transportation planning agency in the region where the project is located, as well as to the Department of Transportation.

### 7.38 NOTICE OF DETERMINATION.

After approval of a project for which the District is the Lead Agency, Staff shall cause a Notice of Determination (Form "F") to be prepared, filed, and posted. The Notice of Determination shall include the following information:

(a) An identification of the project, including its common name, where possible, and its location. For private projects, identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the District as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement of use from the District as part of the project;
(b) A brief description of the project;
(c) The date when the District approved the project;
(d) Whether the project in its approved form with mitigation will have a significant effect on the environment;
(e) A statement that an EIR was prepared and certified pursuant to the provisions of CEQA;
(f) Whether mitigation measures were made a condition of the approval of the project;
(g) Whether findings and/or a Statement of Overriding Considerations was adopted for the project; and
(h) The address where a copy of the EIR (with comments and responses) and the record of project approval may be examined by the general public.

The Notice of Determination shall be filed with the Clerk of each county in which the project will be located within five (5) working days of project approval. (To determine the fees that must be paid with the filing of the Notice of Determination, see Local Guidelines Section 7.41 and the Staff Summary of the CEQA Process.) The County Clerk is required to post the Notice of Determination within twenty-four (24) hours of receipt. The Notice must be posted in the office of the Clerk for a minimum of thirty (30) days. Thereafter, the Clerk shall return the notice to the District with a notation of the period it was posted. The District shall retain the notice for not less than twelve (12) months.

Simultaneously with the filing of the Notice of Determination with the Clerk, Staff shall cause a copy of such Notice to be posted at District Offices. If the project requires discretionary approval from a state agency, the Notice of Determination shall also be filed with OPR within

five (5) working days of project approval, along with proof that the District has paid the County Clerk the DFW fee or a completed form from DFW documenting DFW's determination that the project will have no effect on fish and wildlife. (If the District submits the Notice of Determination in person, the District may bring an extra copy to be date stamped by OPR.)

When a request is made for a copy of the Notice of Determination prior to the date on which the District approves the project, the copy must be mailed, first class postage prepaid, within five (5) days of the District's approval. If such a request is made following the District's approval of the project, then the copy should be mailed in the same manner as soon as possible. The recipients of such documents may be charged a fee reasonably related to the cost of providing the service.

The District may make copies of filed notices available in electronic format on the Internet. Such electronic notices, if provided, are in addition to the posting requirements of the CEQA Guidelines and the Public Resources Code.

For projects with more than one phase, Staff shall file a Notice of Determination for each phase requiring a discretionary approval. The filing and posting of a Notice of Determination with the Clerk, and, if necessary, with OPR, usually starts a thirty (30) day statute of limitations on court challenges to the approval under CEQA. When separate notices are filed for successive phases of the same overall project, the thirty (30) day statute of limitation to challenge the subsequent phase begins to run when the second notice is filed. Failure to file the Notice may result in a one hundred eighty (180) day statute of limitations.

### 7.39 DISPOSITION OF A FINAL EIR.

The District shall file a copy of the Final EIR with the appropriate planning agency of any city or county where significant effects on the environment may occur. The District shall also retain one or more copies of the Final EIR as a public record for a reasonable period of time. Finally, for private projects, the District may require that the project applicant provide a copy of the certified Final EIR to each Responsible Agency.

### 7.40 PRIVATE PROJECT COSTS.

For private projects, the person or entity proposing to carry out the project shall be charged a reasonable fee to recover the estimated costs incurred by the District in preparing, circulating, and filing the Draft and Final EIRs, as well as all publication costs incident thereto.

### 7.41 FILING FEES FOR PROJECTS WHICH AFFECT WILDLIFE RESOURCES.

At the time a Notice of Determination for an EIR is filed with the County or Counties in which the project is located, a fee of $3,168.00, or the then applicable fee, shall be paid to the Clerk for projects which will adversely affect fish or wildlife resources. These fees are collected by the Clerk on behalf of DFW.

Only one filing fee is required for each project unless the project is tiered or phased and separate environmental documents are prepared. For projects where Responsible Agencies file separate Notices of Determination, only the Lead Agency is required to pay the fee.

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Note: County Clerks are authorized to charge a documentary handling fee for each project in addition to the Fish and Wildlife fees specified above. Refer to the Index in the Staff Summary to help determine the correct total amount of fees applicable to the project.

For private projects, the District should pass these costs on to the project applicant.

No fees are required for projects with "no effect" on fish or wildlife resources or for certain projects undertaken by the DFW and implemented through a contract with a non-profit entity or local government agency. (See Local Guidelines Section 6.24 for more information regarding a "no effect" determination.)

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# 8. TYPES OF EIRS

## 8.01 EIRs Generally.

This chapter describes a number of examples of various EIRs tailored to different situations. All of these types of EIRs must meet the applicable requirements of Chapter 7 of these Local Guidelines.

## 8.02 Tiering.

(a) Tiering Generally.

"Tiering" refers to using the analysis of general matters contained in a previously certified broader EIR in later EIRs or Negative Declarations prepared for narrower projects. The later EIR or Negative Declaration may incorporate by reference the general discussions from the broader EIR and may concentrate solely on the issues specific to the later project.

An Initial Study shall be prepared for the later project and used to determine whether a previously certified EIR may be used and whether new significant effects should be examined. Tiering does not excuse the District from adequately analyzing reasonably foreseeable significant environmental effects of a project, nor does it justify deferring analysis to a later tier EIR or Negative Declaration. However, the level of detail contained in a first-tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed. When the District is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan, specific plan or community plan), the development of detailed, site-specific information may not be feasible. Such site-specific information can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

(b) Identifying New Significant Impacts.

When assessing whether there is a new significant cumulative effect for purposes of a subsequent tier environmental document, the Lead Agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects.

A Lead Agency may use only a valid CEQA document as a first-tier document. Accordingly, the District, in its role as Lead Agency, should carefully review the first-tier environmental document to determine whether or not the statute of limitations for challenging the document has run. If the statute of limitations has not expired, the District should use the first-tier document with caution and pay careful attention to the legal status of the document. If the first-tier document is subsequently invalidated, any later environmental document may also be defective.

(c) Infill Projects and Tiering.

Certain "infill" projects may tier off of a previously certified EIR. An "infill" project is defined as a project with residential, retail, and/or commercial uses, a transit station, a school, or a public office building. It must be located in an urban area on a previously developed site or on

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an undeveloped site that is surrounded by developed uses. The project must be either consistent with land use planning strategies that achieve greenhouse gas ("GHG") emission reduction targets, feature a small walkable community project, or where a sustainable communities or alternative planning strategy has not yet been adopted for the area, include a residential density of at least 20 units per acre or a floor area ration of at least 0.75. The project must also meet a number of standards related to energy efficiency that are not yet defined but which SB 226 directs the Office of Planning and Research to prepare.

If an EIR was certified for a planning level decision by a city or county (such as a General Plan or Specific Plan), the scope of the CEQA review for a later "infill" project can be limited to those effects on the environment that: 1) are specific to the project or to the project site and were not addressed as significant effects in the prior EIR; or 2) substantial new information shows the effects will be more significant than described in the prior EIR.

When a project meets the definition of "infill" and either of the above conditions exist but a mitigated negative declaration cannot be adopted, then the subsequent EIR for such a project need not consider alternative locations, densities, and building intensities or growth-inducing impacts.

(d) Statement of Overriding Considerations.

A Lead Agency may also tier off of a previously prepared Statement of Overriding Considerations if certain conditions are met. (See Local Guidelines Section 7.36.)

## 8.03 PROJECT EIR.

The most common type of EIR examines the environmental impacts of a specific development project and focuses primarily on the changes in the environment that would result from the development project.

If the EIR for a redevelopment plan is a Project EIR, all public and private activities or undertakings pursuant to or in furtherance of the Redevelopment Plan shall constitute a single project, which shall be deemed approved at the time of the adoption of the Redevelopment Plan. Although the District will probably not act as a Lead Agency for a Redevelopment Plan, the District may act as a Responsible Agency. (State Guideline Section 15180.)

## 8.04 SUBSEQUENT EIR.

A Subsequent EIR is required when a previous EIR has been prepared and certified or a Negative Declaration has been adopted for a project and at least one of the three following situations occur:

(a) Substantial changes are proposed in the project which will require major revisions of a previous EIR due to the identification of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(b) Substantial changes occur with respect to the circumstances under which the project is to be undertaken which will require major revisions of a previous EIR due to the identification of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

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(c) New information, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, becomes available and shows any of the following:

(1) the project will have one or more significant effects not discussed in a previous EIR or Negative Declaration;

(2) significant effects previously examined will be substantially more severe than shown in a previous EIR;

(3) mitigation measures or alternatives previously found not to be feasible are in fact feasible and would substantially reduce one or more significant effects, but the project proponent declines to adopt the mitigation measures or alternatives; or

(4) mitigation measures or alternatives which were not considered in a previous EIR would substantially lessen one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

A Subsequent EIR must receive the same circulation and review as the previous EIR received.

In instances where the District is evaluating a modification or revision to an existing use permit, the District may consider only those environmental impacts related to the changes between what was allowed under the old permit and what is requested under the new permit. Only if these differential impacts fall within the categories described above may the District require additional environmental review.

When the District is considering approval of a development project which is consistent with a general plan for which an EIR was completed, another EIR is required only if the project causes environmental effects peculiar to the parcel which were not addressed in the prior EIR or substantial new information shows the effects peculiar to the parcel will be more significant than described in the prior EIR.

## 8.05 SUPPLEMENTAL EIR.

The District may choose to prepare a Supplemental EIR, rather than a Subsequent EIR, if any of the conditions described in Local Guidelines Section 8.04 have occurred but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. To assist the District in making this determination, the decision-making body should request an Initial Study and/or a recommendation by Staff. The Supplemental EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

A Supplemental EIR shall be given the same kind of notice and public review as is given to a Draft EIR but may be circulated by itself without recirculating the previous EIR.

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When the decision-making body decides whether to approve the project, it shall consider the previous EIR as revised by the Supplemental EIR. Findings shall be made for each significant effect identified in the Supplemental EIR.

## 8.06 ADDENDUM TO AN EIR.

The District shall prepare an Addendum to an EIR, rather than a Subsequent or Supplemental EIR, only if none of the conditions described in Local Guidelines Section 8.04 or 8.05 calling for preparation of a Subsequent or Supplemental EIR have occurred. Since significant effects on the environment were addressed by findings in the original EIR, no new findings are required in the Addendum.

An Addendum to an EIR need not be circulated for public review but should be included in or attached to the Final EIR. The decision-making body shall consider the Addendum with the Final EIR prior to making a decision on a project. A brief explanation of the decision not to prepare a Subsequent EIR or a Supplemental EIR should be included in the Addendum, the Lead Agency's findings on the project, or elsewhere in the record. This explanation must be supported by substantial evidence.

## 8.07 STAGED EIR.

When a large capital project will require a number of discretionary approvals from governmental agencies and one of the approvals will occur more than two years before construction will begin, a Staged EIR may be prepared. The Staged EIR covers the entire project in a general form or manner. A Staged EIR should evaluate a proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of an entire project. The particular aspect of the project before the District for approval shall be discussed with a greater degree of specificity.

When a Staged EIR has been prepared, a Supplemental EIR shall be prepared when a later approval is required for the project and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.

## 8.08 PROGRAM EIR.

A Program EIR is an EIR which may be prepared on an integrated series of actions that are related either:

(a) Geographically;
(b) As logical parts in a chain of contemplated actions;
(c) In connection with the issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
(d) As individual projects carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

(State CEQA Guidelines Section, 15168.)

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An advantage of using a Program EIR is that it can "[a]llow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." (State CEQA Guidelines Section 15168(b)(4).) A Program EIR is distinct from a Project EIR, as a Project EIR is prepared for a specific project and must examine in detail site-specific considerations. Program EIRs are commonly used in conjunction with the process of tiering.

Tiering is the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs. (State CEQA Guidelines Section 15385; see also Local Guidelines Sections 8.02 and 11.73.) Tiering is proper "when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous environmental impact reports." (Pub. Res. Code, § 21093(a).) For example, the California Supreme Court recently ruled that a Program EIR is consistent with CEQA if it identifies potential sources of water and analyzes the associated environmental effects in general terms. Rather, identification of specific sources and environmental effects is required only at the second-tier stage when specific projects are considered. (*In re Bay-Delta etc.* (2008) 43 Cal. 4th 1143.)

Subsequent activities in the program must be examined in light of the Program EIR to determine whether additional environmental documents must be prepared. Additional environmental review documents must be prepared if the proposed later project may arguably cause significant adverse effects on the environment.

### 8.09 USE OF A PROGRAM EIR WITH SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS.

A Program EIR can be used to simplify the task of preparing environmental documents in later parts of the program. The Program EIR can:

(a) Provide the basis for an Initial Study to determine whether the later activity may have any significant effects;
(b) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives and other factors that apply to the program as a whole; or
(c) Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.

If a Program EIR is prepared for a redevelopment plan, subsequent activities in the redevelopment program will be subject to review if they would have effects that were not examined in the Program EIR. The District should use a written checklist or similar device to document the evaluation of the site and the proposed activity to determine whether the environmental effects of the operation were indeed covered in the Program EIR. If the District finds that no new effects could occur or no new mitigation measures would be required, the District can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document is required. (See Local Guidelines Section 8.04.)

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## 8.10 USE OF AN EIR FROM AN EARLIER PROJECT.

A single EIR may be used to describe more than one project when the projects involve substantially identical environmental impacts. Any environmental impacts peculiar to one of the projects must be separately set forth and explained.

## 8.11 MASTER EIR.

A Master EIR is an EIR which may be prepared for:

(a) A general plan (including elements and amendments);
(b) A specific plan;
(c) A project consisting of smaller individual projects to be phased;
(d) A regulation to be implemented by subsequent projects;
(e) A project to be carried out pursuant to a development agreement;
(f) A project pursuant to or furthering a redevelopment plan;
(g) A state highway or mass transit project subject to multiple reviews or approvals; or
(h) A regional transportation plan or congestion management plan.

A Master EIR must do both of the following:

(a) Describe and present sufficient information about anticipated subsequent projects within its scope, including their size, location, intensity, and scheduling; and
(b) Preliminarily describe potential impacts of anticipated subsequent projects for which insufficient information is available to support a full impact assessment.

The District and Responsible Agencies identified in the Master EIR may use the Master EIR to limit environmental review of subsequent projects. However, the Lead Agency for the subsequent project must prepare an Initial Study to determine whether the subsequent project and its significant environmental effects were included in the Master EIR. If the Lead Agency for the subsequent project finds that the subsequent project will have no additional significant environmental effect and that no new mitigation measures or alternatives may be required, it may prepare written findings to that effect without preparing a new environmental document. When the Lead Agency makes this finding, it must provide public notice of the availability of its proposed finding for public review and comment in the same manner as if it were providing public notice of the availability of a draft EIR. (See Sections 15177(d) and 15087 of the State CEQA Guidelines and Section 7.24 of these Local Guidelines.)

A previously certified Master EIR cannot be relied upon to limit review of a subsequent project if:

(a) A project not identified in the certified Master EIR has been approved and that project may affect the adequacy of the Master EIR for the subsequent project now under consideration; or
(b) The Master EIR was certified more than five (5) years before the filing of an application for the subsequent project, unless the District reviews the adequacy of the Master EIR and:

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(1) Finds that, since the Master EIR was certified, no substantial changes have occurred that would cause the subsequent project to have significant environmental impacts, and there is no new information that the subsequent project would have significant environmental impacts; or

(2) Prepares an Initial Study and either certifies a Subsequent or Supplement EIR or adopts a Mitigated Negative Declaration that addresses any substantial changes or new information that would cause the subsequent project to have potentially significant environmental impacts. The certified subsequent or supplemental EIR must either be incorporated into the previously certified Master EIR or the District must identify any deletions, additions or other modifications to the previously certified Master EIR in the new document. The District may include a section in the subsequent or supplemental EIR that identifies these changes to the previously certified Master EIR.

When the Lead Agency cannot find that the subsequent project will have no additional significant environmental effect and no new mitigation measures or alternatives will be required, it must prepare either a Mitigated Negative Declaration or an EIR for the subsequent project.

## 8.12 FOCUSED EIR.

A Focused EIR is an EIR for a subsequent project identified in a Master EIR. It may be used only if the District finds that the Master EIR's analysis of cumulative, growth-inducing, and irreversible significant environmental effects is adequate for the subsequent project. The Focused EIR must incorporate by reference the Master EIR.

The Focused EIR must analyze additional significant environmental effects not addressed in the Master EIR and any new mitigation measures or alternatives not included in the Master EIR. "Additional significant effects on the environment" means those project-specific effects on the environment which were not addressed as significant effects on the environment in the Master EIR.

The Focused EIR must also examine the following:

(a) Significant effects discussed in the Master EIR for which substantial new information exists that shows those effects may be more significant than described in the Master EIR;
(b) Those mitigation measures found to be infeasible in the Master EIR for which substantial new information exists that shows the effects may be more significant than described in the Master EIR; and
(c) Those mitigation measures found to be infeasible in the Master EIR for which substantial new information exists that shows those measures may now be feasible.

The Focused EIR need not examine the following effects:

(a) Those that were mitigated through Master EIR mitigation measures; or
(b) Those that were examined in the Master EIR in sufficient detail to allow project-specific mitigation or for which mitigation was found to be the responsibility of another agency.

A Focused EIR may be prepared for a multifamily residential project not exceeding 100 units or a mixed use residential project not exceeding 100,000 square feet even though the project was not identified in a Master EIR, if the following conditions are met:

(a) The project is consistent with a general plan, specific plan, community plan, or zoning ordinance for which an EIR was prepared within five (5) years of the Focused EIR's certification;
(b) The project does not require the preparation of a Subsequent or Supplemental EIR; and
(c) The parcel is surrounded by immediately contiguous urban development, was previously developed with urban uses, or is within one-half mile of a rail transit station.

A Focused EIR for these projects should be limited to potentially significant effects that are project-specific and/or which substantial new information shows will be more significant than described in the Master EIR. No discussion shall be required of alternatives to the project, cumulative impacts of the project, or the growth-inducing impacts of the project. (See State CEQA Guidelines Section 15179.5.)

## 8.13 SPECIAL REQUIREMENTS FOR REDEVELOPMENT PROJECTS.

An EIR for a redevelopment plan may be a Master EIR, Program EIR or Project EIR. An EIR for a redevelopment plan must specify whether it is a Master EIR, a Program EIR or a Project EIR. Normally, the District will not be a Lead Agency for a redevelopment plan. However, if the District is a Responsible Agency on such a project, the District should endeavor to ensure that the county and/or applicable city as the case may be, as Lead Agency, analyzes these impacts in accordance with CEQA.

If a Program EIR is prepared for a redevelopment plan, subsequent activities in the redevelopment program will be subject to review if they would have effects that were not examined in the Program EIR. The Lead Agency should use a written checklist or similar device to document the evaluation of the site and the proposed activity to determine whether the environmental effects of the operation were indeed covered in the Program EIR. If the Lead Agency finds that no new effects could occur, no new mitigation measures would be required or that State CEQA Guidelines Sections 15162 and 15163 do not otherwise apply, the Lead Agency can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document is required.

If the EIR for a redevelopment plan is a Project EIR, all public and private activities or undertakings pursuant to or in furtherance of the Redevelopment Plan shall constitute a single project, which shall be deemed approved at the time of the adoption of the Redevelopment Plan Once certified, no subsequent EIRs will be needed unless required by State CEQA Guidelines sections 15162 or 15163. (State CEQA Guidelines Section 15180.) If a Master EIR is prepared for a redevelopment plan, subsequent projects will be subject to review if they would have effects that were not examined in the Master EIR. If no new effects could occur or no new mitigation measures would be required, it can approve the activity as being within the scope of the project covered by the Master EIR, and no new environmental document is required.

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# 9. AFFORDABLE HOUSING

## 9.01 STREAMLINED, MINISTERIAL APPROVAL PROCESS FOR AFFORDABLE HOUSING PROJECTS

The legislature has provided reforms and incentives to facilitate and expedite the approval and construction of affordable housing.

(a) An applicant may submit an application for a development that is subject to the streamlined, ministerial approval process and is not subject to a conditional use permit if the development satisfied all of the following objective planning standards:

(i) The development is a multifamily housing development that contains two or more residential units.

(ii) The development is located on a site that satisfies the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are development with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(iii) If the development contains unites that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction for the following applicable minimum durations:

(A) Fifty-five years for units that are rented.

(B) Forty-five years for units that are owned.

(iv) The development satisfies both of the following:

(A) Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain

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eligible under this subparagraph until the department's determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(1) The locality did not submit its latest production report to the department by the time period required by Government Code section 65400, or that production report reflects that there were fewer units of above moderate-income housing approved than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that zoning ordinance applies.

(2) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of housing affordable to households making below 80 percent of the area median income that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making below 80 percent of the area median income, unless the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, in which case that ordinance applies.

(3) The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to any income level described in clause (i) or (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(v) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the

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Density Bonus Law in Government Code section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, "objective zoning standards" and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(vi) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual.

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to

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existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Government Code section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law, Health and Safety Code section 18901, and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Code of Federal Regulations section 59.1.

(H) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Code of Federal Regulations section 60.3(d)(3).

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, Fish and Game Code section 2800, habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act, Fish and Game Code section 2050, or the Native Plant Protection Act, Fish and Game Code section 1900.

(K) Lands under conservation easement.

(vii) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

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(1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(3) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(viii) The applicant has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(1) The entirety of the development is a public work for purposes of Labor Code section 1720.

(2) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Labor Code sections 1773 and 1773.9, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices

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registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subsection (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Labor Code section 1776 and make those records available for inspection and copying as provided in therein.

(IV) Except as provided in subsection (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Labor Code section 1741, which may be reviewed pursuant to Labor Code section 1742, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee though a civil action under Labor Code section 1771.2. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Labor Code section 1742.1.

(V) Subsection (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in Public Contract Code section 2500(b)(1).

(VI) Notwithstanding Labor Code section 1773.1, subdivision (c), the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Labor Code section 511 or 514.

(B)(1) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent

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subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.

(2) For purposes of this section, "skilled and trained workforce" has the same meaning as provided in the Public Contract Code section 2600.

(3) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:

(I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

(III) Except as provided in subdivision (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Public Contract Code section 2600. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act, Government Code section 6250 and shall be open to public inspection. An applicant that fails to provide a monthly

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report demonstrating compliance with Public Contract Code section 2600 shall be subject to a civil penalty of ten thousand dollars ($10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars ($200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Labor Code section 1741, and may be reviewed pursuant to the same procedures in Labor Code section 1742. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subdivision (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in Public Contract Code section 2500(b)(1).

(C) Notwithstanding subparagraphs (A) and (B) above, a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(1) The project includes 10 or fewer units.

(2) The project is not a public work for purposes of Labor Code section 1720.

(ix) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act section 66410 or any other applicable law authorizing the subdivision of land, unless either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (viii).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (h).

(x) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law, Civil Code section 798, the Recreational Vehicle Park Occupancy Law, Civil Code section 799.20, the Mobilehome

Parks Act, Health and Safety Code section 18200, or the Special Occupancy Parks Act, Health and Safety Code section 18860.

(b) (i) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(ii) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(c) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(i) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(ii) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(d) (i) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

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(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(ii) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(e) (i) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making below 80 percent of the area median income.

(ii) If a local government approves a development pursuant to this section and the project does not include 50 percent of the units affordable to households making below 80 percent of the area median income, that approval shall automatically expire after three years except that a project may receive a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(iii) If a local government approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the local government shall have discretion to grant, an additional one-year extension to the original three-year period. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.

(f) A local government shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(g) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of Government Code section 65583.2(i).

(h) For purposes of this section the following definitions shall apply:

(1) "Department" means the Department of Housing and Community Development.

(2) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

(3) "Completed entitlements" means a housing development which has received all the required land use approvals or entitlements necessary for the issuance of building permit.

(4) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(5) "Production report" means the information reported pursuant to subparagraph (D) of paragraph (2) of subdivision (a) of Section 65400.

(6) "Subsidized" means units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

(7) "Reporting period" means either of the following:

(A) The first half of the regional housing needs assessment cycle.

(B) The last half of the regional housing needs assessment cycle.

(8) "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

## 9.02 HOUSING SUSTAINABILITY DISTRICTS.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries. The general plan must contain seven mandatory elements, including a housing element. Existing law provides for various reforms and incentives intended to facilitate and expedite the construction of affordable housing. Senate Bill 73 authorizes a city, county, or city and county, including a charter agency to establish by ordinance a housing sustainability district that meets specified requirements, including authorizing residential use within the district through the ministerial issuance of a permit. The agency is authorized to apply to the Department of Housing and Community Development for approval of a zoning incentive payment and requires the agency to provide specified information about the proposed housing sustainability district ordinance. The department is required to approve a zoning incentive payment if the ordinance meets the above-described requirements and the agency's housing element is in compliance with specified law.

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A city, county, or city and county with a housing sustainability district would be entitled to a zoning incentive payment, subject to appropriation of funds for that purpose, and require that 1/2 the amount be paid when the department approves the zone and 1/2 the amount paid when the department verifies that permits for the construction of the units have issued within the zone, provided that the city, county, or city and county has received a certificate of compliance for the applicable year. If the agency reduces the density of sites within the district from specified levels set forth in the Senate Bill 73, the agency would be required to return the full amount of zoning incentive payments it has received to the department. The bill also authorizes a developer to develop a project in a housing sustainability district in accordance with the already existing land use approval procedures that would otherwise apply to the parcel in the absence of the establishment of the housing sustainability district pursuant to its provisions, as provided.

As it relates specifically to CEQA, a lead agency designating a housing sustainability districts, is required to prepare an EIR pursuant to Government Code section 66201 to identify and mitigate, to the extent feasible, environmental impacts resulting from the designation. The EIR shall identify mitigation measures that may be undertaken by housing projects in the housing sustainability district to mitigate the environmental impacts identified in the EIR. Housing projects undertaken in the housing sustainability districts that meet specified requirements, including if the project satisfies certain design review standards applicable to development projects within the district provided the project is "complementary to adjacent buildings and structures and is consistent with the [agency's] general plan" are exempt under CEQA.

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# 10. CEQA LITIGATION

## 10.01 TIMELINES.

When a CEQA lawsuit is filed, there are numerous and complex time requirements that must be met. Pressing deadlines begin to run in the days immediately after a CEQA lawsuit has been filed with the Court. For example, within ten (10) business days of the public agency being served with a petition or complaint alleging a violation of CEQA, the District, if it was the Lead Agency, must provide the petitioner with a list of Responsible Agencies and public agencies with jurisdiction by law over any natural resource affected by the project at issue. There are a variety of other deadlines that apply in CEQA litigation.

If a CEQA lawsuit is filed, CEQA counsel should be contacted immediately in order to ensure that all the applicable deadlines are met.

## 10.02 MEDIATION AND SETTLEMENT.

**After Litigation Has Been Filed**. The parties in a CEQA lawsuit are required to meet and discuss settlement. Within twenty (20) days of being served with a CEQA legal challenge, the public agency named in the lawsuit must file a notice with the court setting forth the time and place for a settlement meeting. The meeting must be scheduled and held not later than forty-five (45) days from the date of service of the petition or complaint upon the public agency. Usually the main parties to the litigation, (such as the Lead Agency, the developer of the project if there is one, and those challenging the project and their respective attorneys) meet to discuss settlement, there is no requirement to hire a professional mediator. The settlement meeting is usually subject to a confidentiality agreement.

If the parties in a CEQA lawsuit are in settlement or mediation, that attempt is intended to occur concurrently with the litigation. This means that the respondent public agency will be required to comply with all existing litigation timelines and requirements (for example, preparing and lodging the administrative record discussed below) while simultaneously conducting settlement or mediation, unless the parties enter into an alternate agreement to stay the litigation and that agreement is approved by the court.

## 10.03 ADMINISTRATIVE RECORD.

### A. Contents of Administrative Record.

When the Lead Agency's CEQA finding(s) and/or action is challenged in a lawsuit, the Lead Agency must certify the administrative record that formed the basis of the Lead Agency's decision. To the extent the documents listed below exist and are not subject to a privilege that exempts them from disclosure, the following items should be included in the administrative record:

(1) All project application materials;

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(2) All staff reports and related documents prepared by the public agency with respect to its compliance with the substantive and procedural requirements of CEQA and with respect to the action on the project;

(3) All staff reports and related documents prepared by the public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the public agency pursuant to this division;

(4) Any transcript or minutes of the proceedings at which the decision-making body of the public agency heard testimony on or considered any environmental document on the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project;

(5) All notices issued by the public agency to comply with CEQA or with any other law governing the processing and approval of the project;

(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation;

(7) All written evidence or correspondence submitted to, or transferred from, the public agency with respect to compliance with CEQA or with respect to the project;

(8) Any proposed decisions or findings submitted to the decision-making body of the public agency by its staff or the project proponent, project opponents, or other persons, to the extent such documents are subject to public disclosure;

(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3) above, cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to CEQA;

(10) Any other written materials relevant to the respondent public agency's compliance with CEQA or to its decision on the merits of the project, including the initial study; any drafts of any environmental document, or portions thereof, that were released for public review; copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the public agency's files on the project; and internal agency communications related to the project or to compliance with CEQA, to the extent such documents are subject to public disclosure; and

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(11) The full written record before any inferior administrative decision-making body whose decision was appealed prior to the filing of the lawsuit.

**B. Organization of Administrative Record.**

The administrative record should be organized as follows:

(1) Index. A detailed index must be included at the beginning of the administrative record listing each document in the order presented. Each entry must include the document's title, date, brief description, and the volume and page where the document begins;

(2) The Notice of Determination;

(3) The resolutions or ordinances adopted by the Lead Agency approving the project;

(4) The findings required by Public Resources Code section 21081, including any statement of overriding considerations;

(5) The Final EIR, including the Draft EIR or a revision of the draft, all other matters included in the Final EIR (such as traffic studies and air quality studies), and other types of environmental documents prepared under CEQA, such as a negative declaration, mitigated negative declaration, or addenda;

(6) The initial study;

(7) Staff reports prepared for the administrative bodies providing subordinate approvals or recommendations to the Lead Agency, in chronological order;

(8) Transcripts and minutes of hearings, in chronological order; and

(9) All other documents appropriate for inclusion in the administrative record, in chronological order.

Each section listed above must be separated by tabs or marked with electronic bookmarks. Oversized documents (such as building plans and maps) must be presented in a manner that allows them to be easily unfolded and viewed.

The court may issue an order allowing the documents to be organized in a different manner.

**C. Preparation of Administrative Record.**

The administrative record can be prepared: (1) by the petitioner, if the petitioner elects to do so, or (2) by the Lead Agency. The petitioner and the Lead Agency can also agree on any alternative method of preparing the record. However, when a third party such as the project applicant prepares or assists with the preparation of the administrative record, the Lead Agency

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may not be able to recover fees incurred by the third party unless petitioner has agreed to this method of preparation.

Notwithstanding the above, upon the written request of a project applicant received no later than 30 days after the date that the Lead Agency makes a determination pursuant to Public Resources Code section 21080.1, 21094.5, or Chapter 4.2 (commencing with Public Resources Code section 21155) and with the written consent of the lead agency sent within 10 business days from receipt of the written request, the lead agency may prepare the administrative record concurrently with the administrative process. Should the Lead Agency and the project applicant so desire to pursue concurrent record preparation, the parties must comply with the provisions of Public Resources Code section 21167.6.2.

### D. Special Circumstances For Environmental Leadership Projects.

Special timing considerations and requirements apply if the Project is certified by the Governor as an Environmental Leadership Project pursuant to the "Jobs and Economic Improvement Through Environmental Leadership Act of 2011." For example, the administrative record must be finished and certified within five (5) days of project approval. See Public Resources Code Section 21186 for a complete discussion of the special requirements related to the preparation of an administrative record for an Environmental Leadership Project.

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# 11. DEFINITIONS

Whenever the following terms are used in these Local Guidelines, they shall have the following meaning unless otherwise expressly defined:

**11.01** "Agricultural Employee" means a person engaged in agriculture, including farming in all its branches, and, among other things, includes: (1) the cultivation and tillage of the soil, (2) dairying, (3) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, (4) the raising of livestock, bees, furbearing animals, or poultry, and (5) any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.

This definition does not include any person covered by the National Labor Relations Act as agricultural employees pursuant to Section 2(3) of the Labor Management Relations Act (Section 152(3), Title 29, United States Code) and Section 3(f) of the Fair Labor Standards Act (Section 203(f), Title 29, United States Code). This definition does not apply to employees who perform work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other work (as these terms have been construed under Section 8(e) of the Labor Management Relations Act, 29 United States Code Section 158(e)) or logging or timber-clearing operations in initial preparation of land for farming, or who does land leveling or only land surveying for any of the above. As used in this definition, "land leveling" shall include only major land moving operations changing the contour of the land, but shall not include annual or seasonal tillage or preparation of land for cultivation. (State CEQA Guidelines Section 15191(a).)

**11.02** "Applicant" means a person who proposes to carry out a project which requires a lease, permit, license, certificate, or other entitlement for use, or requires financial aid from one or more public agencies when applying for governmental approval or assistance.

**11.03** "Approval" means a decision by the decision-making body or other authorized body or officer of the District which commits the District to a definite course of action with regard to a particular project. With regard to any project to be undertaken directly by the District, approval shall be deemed to occur on the date when the decision-making body adopts a motion or resolution determining to proceed with the project, which in no event shall be later than the date of adoption of plans and specifications. As to private projects, approval shall be deemed to have occurred upon the earliest commitment to provide service or the issuance by the District of a discretionary contract, subsidy, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project. The mere acquisition of land by the District shall not, in and of itself, be deemed to constitute approval of a project.

For purposes of these Local Guidelines, all environmental documents must be completed as of the time of project approval.

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**11.04** "Baseline" refers to the pre-project environmental conditions. By comparing the project's potential impacts to the baseline, the Lead Agency determines whether the project's impacts are substantial enough to be significant under the relevant thresholds of significance. Generally, the baseline is the environmental conditions existing on the date the environmental analysis begins, such as the date of the Notice of Preparation is published for an EIR or the date of the Notice of Intent to Adopt a Negative Declaration. However, in certain circumstances, an earlier or later date may provide a more accurate environmental analysis. The District may establish any baseline that is appropriate, including an earlier or later date, as long as the choice of baseline can be supported by substantial evidence.

**11.05** "California Native American Tribe" means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.

**11.06** "Categorical Exemption" means an exception from the requirement of preparing a Negative Declaration or an EIR, based on a finding by the Secretary of the Resources Agency that the class of projects does not have a significant effect on the environment.

**11.07** "Census-Defined Place" means a specific unincorporated land area within boundaries determined by the United States Census Bureau in the most recent decennial census.

**11.08** "CEQA" (the California Environmental Quality Act) means California Public Resources Code Sections 21000, et seq.

**11.09** "Clerk" means either the "Clerk of the Board" or the "County Clerk" depending upon the county. Please refer to the "Index to Environmental Filing by County" in the Staff Summary to determine which applies.

**11.10** "Community-Level Environmental Review" means either (1) or (2) below:

(1) An EIR certified for any of the following:

(a) A general plan;
(b) A revision or update to the general plan that includes at least the land use and circulation elements;
(c) An applicable community plan;
(d) An applicable specific plan; or
(e) A housing element of the general plan, if the Environmental Impact Report analyzed the environmental effects of the density of the proposed project;

(2) A Negative Declaration or Mitigated Negative Declaration adopted as a subsequent environmental review document, following and based upon an EIR on a general plan, an applicable community plan or specific plan, provided that the subsequent environmental review document is allowed by

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CEQA following a Master EIR or a Program EIR or is required pursuant to Public Resource Section 21166.

**11.11** "Consultation" means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

**11.12** "Cumulative Impacts" means two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects, whether past, present or future.

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 future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

**11.13** "Cumulatively Considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

**11.14** "Decision-Making Body" means the body within the District, e.g. the Board of Directors, which has final approval authority over the particular project.

**11.15** "Developed Open Space" means land that meets each of the following three criteria:

(1) Is publicly owned, or financed in whole or in part by public funds;

(2) Is generally open to, and available for use by, the public; and

(3) Is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to, playgrounds, swimming pools, ball fields, enclosed child play areas, and picnic facilities.

Developed Open Space may include land that has been designated for acquisition by a public agency for developed open space purposes, but does not include lands acquired by public funds dedicated to the acquisition of land for housing purposes.

**11.16** "Development Project" means any project undertaken for the purpose of development, including any project involving the issuance of a permit for construction or reconstruction but not a permit to operate. It does not include any ministerial projects proposed to be carried out or approved by public agencies. (Government Code Section 65928.)

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**11.17** "Discretionary Project" means a project for which approval requires the exercise of independent judgment, deliberation, or decision-making on the part of the District.

**11.18** "District" means the El Toro Water District.

**11.19** "EIR" (Environmental Impact Report) means a detailed written statement setting forth the environmental effects and considerations pertaining to a project. EIR may mean a Draft or a Final version of an EIR, a Project EIR, a Subsequent EIR, a Supplemental EIR, a Tiered EIR, a Staged EIR, a Program EIR, a Redevelopment EIR, a Master EIR, or a Focused EIR.

**11.20** "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, landslide or other natural disaster, as well as such occurrences as riot, war, terrorist incident, accident or sabotage.

**11.21** "Endangered, Rare or Threatened Species" means certain species or subspecies of animals or plants. A species or subspecies of animal or plant is "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more cause, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors. A species or subspecies of animal or plant is "Threatened" when it is listed as a threatened species pursuant to the California Endangered Species Act or the Federal Endangered Species Act. A species or subspecies of animal or plant is "Rare" when either:

(1) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or

(2) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and many be considered "threatened" as that term is used in the Federal Endangered Species Act.

For purposes of analyzing impacts to biological resources, a species of animal or plant shall be presumed to be endangered, rare or threatened if it is listed under the California Endangered Species Act or the Federal Endangered Species Act.

This definition shall not include any species of the Class Insecta which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding risk to man as determined by the Director of Food and Agriculture (with regard to economic pests) or the Director of Health Services (with regard to health risks).

**11.22** "Environment" means the physical conditions which exist in the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly

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as a result of the project. The "environment" includes both natural and man-made conditions.

**11.23** "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

**11.24** "Final EIR" means an EIR containing the information contained in the Draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the District to the comments received.

**11.25** "Greenhouse Gases" include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

**11.26** "Guidelines" or "Local Guidelines" means the District's Local Guidelines for implementing the California Environmental Quality Act.

**11.27** "Highway" shall have the same meaning as defined in Section 360 of the Vehicle Code.

**11.28** "Historical Resources" include:

Resources listed in, or eligible for listing in, the California Register of Historical Resources shall be considered historical resources.

A resource may be listed in the California Register if it meets any of the following National Register of Historic Places criteria:

(a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
(b) Is associated with the lives of persons important in our past;
(c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
(d) Has yielded, or may be likely to yield, information important in prehistory or history.

A resource may also be listed in the California Register if it is identified as significant in an historical resource survey that meets all of the following criteria:

(a) The survey has been or will be included in the State Historic Resources Inventory;
(b) The survey and the survey documentation were prepared in accordance with office procedures and requirements; and
(c) The resource is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523.

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Resources included on a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution, or identified as significant in a historical resource survey (as described above) are presumed to be historically or culturally significant, unless a preponderance of evidence demonstrates that they are not historically or culturally significant.

Any of the following may be considered historically significant: any object, building, structure, site, area, place, record or manuscript which a Lead Agency determines, based upon substantial evidence in light of the whole record, to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California.

The Lead Agency is not precluded from determining that a resource is a historical resource, as defined in Public Resources Code Sections 5020.1(j) or 5024.1, even if it is: (a) not listed in, or determined to be eligible for listing in, the California Register of Historical Resources; (b) not included in a local register of historical resources; or (c) not identified in a historical resources survey.

**11.29** "Infill Site" means a site in an urbanized area that meets either of the following criteria:

(1) The site has been previously developed for qualified urban uses; or

(2) The site has not been previously developed for qualified urban uses and both (a) and (b) are met:

(a) the site is immediately adjacent to parcels that are developed with qualified urban uses, or

1. at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from parcels that are developed with existing qualified urban uses at the time the Lead Agency receives an application for an approval; and
2. the remaining 25 percent of the perimeter of the site adjoins parcels that had been previously developed for qualified urban uses;

(b) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

(Public Resources Code Section 21061.3.)

**11.30** "Initial Study" means a preliminary analysis conducted by the District to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

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**11.31** "Jurisdiction by Law" means the authority of any public agency to grant a permit or other entitlement for use, to provide funding for the project in question or to exercise authority over resources which may be affected by the project.

The District will have jurisdiction by law over a project when the District, having primary and exclusive jurisdiction over the area involved, is the site of the project, the area in which the major environmental effects will occur, or the area in which reside those citizens most directly concerned by any such environmental effects.

**11.32** "Land Disposal Facility" means a hazardous waste facility where hazardous waste is disposed in, on, or under land. (Health and Safety Code Section 25199.1(d).)

**11.33** "Large Treatment Facility" means a treatment facility which treats or recycles one thousand (1,000) or more tons of hazardous waste during any one month of the current reporting period commencing on or after July 1, 1991. (Health and Safety Code Section 25205.1(d).)

**11.34** "Lead Agency" means the public agency which has the principal responsibility for preparing environmental documents and for carrying out or approving a project when more than one public agency is involved with the same underlying activity.

**11.35** "Low- and Moderate-Income Households" means persons and families of low or moderate income" as defined in Section 50093 of the Health and Safety Code to mean persons and families whose income does not exceed 120% of area median income, adjusted for family size by the Department of Housing and Community Development, in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937. (Public Resources Code Section 21159.20(d); State CEQA Guidelines Section 15191(f).)

**11.36** "Low-Income Households" means households of persons and families of very low and low income. Low-income persons or families are those eligible for financial assistance from governmental agencies for occupants of state-funded housing. Very low income persons are those whose incomes do not exceed the qualifying limits for very low income families as established and amended pursuant to Section 8 of the United States Housing Act of 1937. Such limits are published and updated in the California Code of Regulations. (Public Resources Code Section 21159.20(c); Health and Safety Code Sections 50105 and 50106; State CEQA Guidelines Section 15191(g).)

**11.37** "Low-Level Flight Path" means any flight path for any aircraft owned, maintained, or under the jurisdiction of the United States Department of Defense that flies lower than 1,500 feet above ground level, as indicated in the United States Department of Defense Flight Information Publication, "Area Planning Military Training Routes: North and South America (AP/1B)" published by the United States National Imagery and Mapping Agency or its successor.

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**11.38** "Lower Income Households" is defined in Health and Safety Code Section 50079.5 to mean any of the following:

(1) "Lower income households" means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937;

(2) "Very low income households" means persons and families whose incomes do not exceed the qualifying limits for very low income families as defined in Health and Safety Code 50105; or

(3) "Extremely low income households" means persons and families whose incomes do not exceed the qualifying limits for extremely low income families as defined in Health and Safety Code Section 50106.

**11.39** "Major Transit Stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods. (State CEQA Guidelines Section 15191(i).)

**11.40** "Metropolitan Planning Organization" or "MPO" means a federally-designated agency that provides transportation planning and programming in metropolitan areas. A MPO is designated for each urban area that has been defined in the most recent federal census as having a population of more than 50,000 people. The Census Bureau issued its list of qualifying Urbanized Areas based on population counts from the 2000 decennial Census. There are 18 federally-designated MPOs in California. Non-urbanized (rural) areas do not have a designated MPO.

**11.41** "Military Impact Zone" means any area, including airspace, that meets both of the following criteria:

(1) Is located within two miles of a military installation, including, but not limited to, any base, military airport, camp, post, station, yard, center, homeport facility for a ship, or any other military activity center that is under the jurisdiction of the United States Department of Defense; and

(2) Covers greater than 500 acres of unincorporated land, or greater than 100 acres of city incorporated land.

**11.42** "Military Service" means the United States Department of Defense or any branch of the United States Armed Forces.

**11.43** "Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or standards or objective measurements, and the public official

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cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested locations, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee. (Public Resources Code Section 21080(b)(1).)

**11.44** "Mitigated Negative Declaration" or "MND" means a Negative Declaration prepared for a Project when the Initial Study has identified potentially significant effects on the environment, but: (1) revisions in the project plans or proposals made, or agreed to, by the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

**11.45** "Mitigation" means avoiding the environmental impact altogether by not taking a certain action or parts of an action, minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying the impact by repairing, rehabilitating or restoring the impacted environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, or compensating for the impact by replacing or providing substitute resources or environments.

**11.46** "Negative Declaration" or "ND" means a written statement by the District briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR.

**11.47** "Notice of Completion" means a brief report filed with the Office of Planning and Research by the District when it is the Lead Agency as soon as it has completed a Draft EIR and is prepared to send out copies for review.

**11.48** "Notice of Determination" means a brief notice to be filed by the District when it approves or determines to carry out a project which is subject to the requirements of CEQA.

**11.49** "Notice of Exemption" means a brief notice which may be filed by the District when it has approved or determined to carry out a project, and it has determined that the project is exempt from the requirements of CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the project.

**11.50** "Notice of Preparation" means a brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for a project.

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The purpose of this notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR. Public agencies are free to develop their own formats for this notice.

**11.51** "Oak" means a native tree species in the genus Quercus, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code Section 4526, and that is five (5) inches or more in diameter at breast height. (Public Resources Code Section 21083.4(a).)

**11.52** "Oak Woodlands" means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover. (Fish & Game Code Section 1361(h).)

**11.53** "Offsite Facility" means a facility that serves more than one generator of hazardous waste. (Public Resources Code Section 21151.1(h).)

**11.54** "Person" includes any person, firm, association, organization, partnership, business, trust, corporation, company, city, county, city and county, town, the state, and any of the agencies which may be political subdivisions of such entities, and, to the extent permitted by federal law, the United States, or any of its agencies or political subdivisions.

**11.55** "Pipeline" as defined in these Local Guidelines depends on the context. Please see Local Guidelines Sections 3.11 and 3.12 for specific definitions.

**11.56** "Private Project" means a project which will be carried out by a person other than a governmental agency, but which will need a discretionary approval from the District. Private projects will normally be those listed in subsections (2) and (3) of Local Guidelines Section 11.57.

**11.57** "Project" means the whole of an action or activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment, and is any of the following:

(1) A discretionary activity directly undertaken by the District including but not limited to public works construction and related activities, clearing or grading of land, or improvements to existing public structures;

(2) A discretionary activity which involves a public agency's issuance to a person of a lease, permit, license, certificate, or other entitlement for use, or which is supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance by the District; or

(3) A discretionary project proposed to be carried out or approved by public agencies, including but not limited to the enactment and amendment of local General Plans or elements thereof, the enactment of zoning ordinances, the

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issuance of zoning variances, the issuance of conditional use permits and the approval of tentative subdivision maps.

The presence of any real degree of control over the manner in which a project is completed makes it a discretionary project.

The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

**11.58** "Project-Specific Effects" means all the direct or indirect environmental effects of a project other than cumulative effects and growth-inducing effects. (Public Resources Code Section 21065.3; State CEQA Guidelines Section 15191(j).)

**11.59** "Public Water System" means a system for the provision of piped water to the public for human consumption that has 3000 or more service connections. A public water system includes all of the following: (A) Any collection, treatment, storage, and distribution facility under control of the operator of the system which is used primarily in connection with the system; (B) Any collection or pretreatment storage facility not under the control of the operator that is used primarily in connection with the system; (C) Any person who treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption. (State CEQA Guidelines Section 15155.)

**11.60** "Qualified Urban Use" means any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. (Public Resources Code Section 21072; State CEQA Guidelines Section 15191(k).)

**11.61** "Residential" means a use consisting of either residential units only or residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 15% of the total floor area of the project. (State CEQA Guidelines Section 15191(l).) Residential, pursuant to State CEQA Guidelines Section 21159.24, shall mean a use consisting of either of the following:

(1) Residential units only.

(2) Residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 25 percent of the total building square footage of the project.

**11.62** "Responsible Agency" means a public agency which proposes to carry out or approve a project for which a Lead Agency has prepared the environmental documents. For the purposes of CEQA, the term "Responsible Agency" includes all federal, state, regional and local public agencies other than the Lead Agency which have discretionary approval power over the project.

**11.63** "Riparian areas" mean those areas transitional between terrestrial and aquatic ecosystems and that are distinguished by gradients in biophysical conditions,

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ecological processes, and biota. A riparian area is an area through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. A riparian area includes those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems. A riparian area is adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines.

**11.64** "Roadway" means a roadway as defined pursuant to Section 530 of the Vehicle Code and the previously graded and maintained shoulder that is within a roadway right-of-way of no more than five feet from the edge of the roadway.

**11.65** "Significant Effect" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the activity including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

**11.66** "Significant Value as a Wildlife Habitat" includes wildlife habitat of national, statewide, regional, or local importance; habitat for species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531, et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code); habitat identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies; or habitat essential to the movement of resident or migratory wildlife.

**11.67** "Special Use Airspace" means the land area underlying the airspace that is designated for training, research, development, or evaluation for a military service, as that land area is established by the United States Department of Defense Flight Information Publication, "Area Planning: Special Use Airspace: North and South America (AP/1A)" published by the United States National Imagery and Mapping Agency or its successor.

**11.68** "Staff" means the General Manager or his or her designee.

**11.69** "Standard" means a standard of general application that is all of the following:

(1) A quantitative, qualitative or performance requirement found in a statute, ordinance, resolution, rule, regulation, order, or other standard of general application;

(2) Adopted for the purpose of environmental protection;

(3) Adopted by a public agency through a public review process;

(4) Governs the same environmental effect which the change in the environment is impacting; and

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(5) Governs the jurisdiction where the project is located.

The definition of "standard" includes any thresholds of significance adopted by the District which meet the requirements of this Section.

If there is a conflict between standards, the District shall determine which standard is appropriate based upon substantial evidence in light of the whole record.

**11.70** "State CEQA Guidelines" means the Guidelines for Implementation of the California Environmental Quality Act as adopted by the Secretary of the California Resources Agency as they now exist or hereafter may be amended. (California Administrative Code, Title 14, Sections 15000, et seq.)

**11.71** "Substantial Evidence" means reliable information on which a fair argument can be based to support an inference or conclusion, even though another conclusion could be drawn from that information. "Substantial evidence" includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. "Substantial evidence" does not include argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.

**11.72** "Sustainable Communities Strategy" is an element of a Regional Transportation Plan, which must be adopted by the Metropolitan Planning Organization for the region. (See Local Guidelines Section 11.40.) The Sustainable Communities Strategy is an integrated land use and transportation plan intended to reduce greenhouse gases. The Sustainable Communities Strategy includes various components such as: consideration of existing densities and uses within the region, identification of areas within the region that can accommodate an eight-year projection of the region's housing needs, development of projections for growth in the region, identification of existing transportation networks, and preparation of a forecast for development pattern for the region that can be integrated with transportation networks.

**11.73** "Tiering" means the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. Tiering is appropriate when the sequence of EIRs is:

(a) From a general plan, policy, or Program EIR to a program, plan, or policy EIR of lesser scope or to a site-specific EIR; or

(b) From an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. Tiering in such cases is appropriate when it helps the Lead Agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

(Public Resources Code Sections 21003, 21061 and 21100.)

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**11.74** "Transit Priority Area" means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

**11.75** "Transit Priority Project" means a mixed use project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the California Air Resources Board has accepted a Metropolitan Planning Organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets. Such a project may be exempt from CEQA if a detailed laundry list of requirements is met. To qualify for the exemption, the Transit Priority Project must:

(1) contain at least 50 percent residential use based on total building square footage;

(2) if the project contains between 26 percent and 50 percent non-residential uses, the floor-to-area ratio (FAR) must be at least 0.75;

(3) have a minimum net density of 20 dwelling units per acre;

(4) be located within a half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan; and

(5) meet all the requirements of Public Resources Code Section 21155.1.

**11.76** "Transportation Facilities" includes major local arterials and public transit within five (5) miles of the project site, and freeways, highways, and rail transit service within ten (10) miles of the project site.

**11.77** "Tribal Cultural Resources" are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(a) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(b) Included in a local register of historic resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this definition, the lead

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agency shall consider the significance of the resource to a California Native American tribe.

A cultural landscape that meets the criteria set forth above is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

A historic resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of Tribal cultural resources.

**11.78** "Trustee Agency" means a State agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee Agencies may include, but are not limited to, the following:

(a) The California Department of Fish and Wildlife ("DFW") with regard to the fish and wildlife of the state, designated rare or endangered native plants, and game refuges, ecological reserves, and other areas administered by DFW;
(b) The State Lands Commission with regard to state owned "sovereign" lands such as the beds of navigable waters and state school lands;
(c) The State Department of Parks and Recreation with regard to units of the State Park System;
(d) The University of California with regard to sites within the Natural Land and Water Reserve System; and/or
(e) The State Water Resources Control Board with respect to surface waters.

**11.79** "Urban Growth Boundary" means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side of the boundary.

**11.80** "Urbanized Area" means either of the following:

(1) An incorporated city that either by itself or in combination with two contiguous incorporated cities has a population of at least one hundred thousand (100,000) persons;

(2) An unincorporated area that meets both of the following requirements:

(a) The unincorporated area is either:
(i) completely surrounded by one or more incorporated cities, has a population of at least 100,000 persons either by itself or in combination with the surrounding incorporated city or cities, and has a population density that at least equals the population density of the surrounding city or cities; or

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**11.74** "Transit Priority Area" means an area within one-half of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

**11.75** "Transit Priority Project" means a mixed use project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the California Air Resources Board has accepted a Metropolitan Planning Organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets. Such a project may be exempt from CEQA if a detailed laundry list of requirements is met. To qualify for the exemption, the Transit Priority Project must:

(1) contain at least 50 percent residential use based on total building square footage;

(2) if the project contains between 26 percent and 50 percent non-residential uses, the floor-to-area ratio (FAR) must be at least 0.75;

(3) have a minimum net density of 20 dwelling units per acre;

(4) be located within a half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan; and

(5) meet all the requirements of Public Resources Code Section 21155.1.

**11.76** "Transportation Facilities" includes major local arterials and public transit within five (5) miles of the project site, and freeways, highways, and rail transit service within ten (10) miles of the project site.

**11.77** "Tribal Cultural Resources" are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(a) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
(b) Included in a local register of historic resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this definition, the lead

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(ii) located within an urban growth boundary and has an existing residential population of at least five thousand (5,000) persons per square mile. An "urban growth boundary" means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side.

(b) The board of supervisors with jurisdiction over the unincorporated area has taken all three of the following steps:

1. Prepared a draft document by which the board would find that the general plan, zoning ordinance, and related policies and programs applicable to the unincorporated area are consistent with principles that encourage compact development in a manner that promotes efficient transportation systems, economic growth, affordable housing, energy efficiency, and an appropriate balance of jobs and housing, and protects the environment, open space and agricultural areas;
2. Submitted the draft document to the Office of Planning and Research and allowed OPR thirty (30) days to submit comments on the draft finding to the board; and
3. At least thirty (30) days after submitting the draft document to OPR, the board has adopted a final finding in substantial conformity with the draft finding described in the draft document.

(Public Resources Code Sections 21083, 21159.20-21159.24; State CEQA Guidelines Section 15191(m).)

**11.81** "Water Acquisition Plans" means any plans for acquiring additional water supplies prepared by the public water system or a city or county Lead Agency pursuant to subdivision (a) of section 10911 of the Water Code.

**11.82** "Water Assessment" or "Water Supply Assessment" means the water supply assessment that must be prepared by the governing body of a public water system, or a city or county, pursuant to and in compliance with sections 10910 to 10915 of the Water Code, and that includes, without limitation, the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g) of section 10910 of the Water Code.

**11.83** "Water Demand Project" means any one of the following:

(A) A residential development of more than 500 dwelling units;

(B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;

(C) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;

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(D) A hotel or motel, or both, having more than 500 rooms;

(E) An industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;

Except, a proposed photovoltaic or wind energy generation facility approved on or after October 8, 2011, is not a Water Demand Project if the facility would demand no more than 75 acre-feet of water annually.

(F) A mixed-use project that includes one or more of the projects specified in subdivisions (A); (B), (C), (D), (E), or (G) of this section;

(G) A project that would demand an amount of water equivalent to, or greater than, the amount of water; required by a 500 dwelling unit project; or

(H) For public water systems with fewer than 5,000 service connections, a project that meets the following criteria:

(1) A proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of a public water system's existing service connections; or

(2) A mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system's existing service connections.

(State CEQA Guidelines Section 15155.)

**11.84** "Waterway" means a bay, estuary, lake, pond, river, slough, or a perennial, intermittent, or ephemeral stream, lake, or estuarine-marine shoreline.

**11.85** "Wetlands" has the same meaning as that term is construed in the regulations issued by the United States Army Corps of Engineers pursuant to the Clean Water Act. Thus, "wetlands" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Public Resources Code Section 21159.21(d), incorporating Title 33, Code of Federal Regulations, Section 328.3.)

**11.86** "Wildlife Habitat" means the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection. (Public Resources Code Section 21159.21.)

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**11.87** "Zoning Approval" means any enactment, amendment, or appeal of a zoning ordinance; granting of a conditional use permit or variance; or any other form of land use, subdivision, tract, or development approval required from the city or county having jurisdiction to permit the particular use of the property.

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# 12. FORMS

See forms A – S which accompany these Guidelines.

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# 13. COMMON ACRONYMS

**A.** **********

ADEIR – Administrative Draft Environmental Impact Report
AQMD – Air Quality Management District
AQMP – Air Quality Management Plan
AR – Administrative Record
ARB – Air Resources Board

**B.** **********

BMP – Best Management Practices
BO – Biological Opinion

**C.** **********

Cal EPA – California Environmental Protection Agency
CAP – Climate Action Plan
CCAA – California Clean Air Act
CCR – California Code of Regulations (Title 14 Sections 15000 et seq. are also known as the State CEQA Guidelines.)
CE – Categorical Exclusion (NEPA)
CESA – California Endangered Species Act
CEQA – California Environmental Quality Act
CFR – Code of Federal Regulations
CMP – Congestion Management Plan
CRWQCB – California Regional Water Quality Control Board

**D.** **********

DEIR – Draft Environmental Impact Report
DFW – Department of Fish and Wildlife

**E.** **********

EA – Environmental Assessment (NEPA term)
EIR – Environmental Impact Report
EIS – Environmental Impact Statement (NEPA term)
EPA – Environmental Protection Agency
ESA – Endangered Species Act; Environmental Site Assessment

**F.** **********

FCAA – Federal Clean Air Act
FEIR – Final Environmental Impact Report
FOIA – Freedom of Information Act (Federal)
FONSI – Finding of No Significant Impact (NEPA term)
FWS – Fish and Wildlife Service

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**G.** **********

GHG – Greenhouse Gas
GW – Ground Water

**H.** **********

HH&E – Human Health and Environment
HRA – Health Risk Assessment
HS – Hazardous Substance

**I.** **********

IS – Initial Study

**J.** **********

**K.** **********

**L.** **********

LADD – Lifetime Average Daily Dose; Lowest Acceptable Daily Dose
LEA – Local Enforcement Agency
LESA – Land Evaluation and Site Assessment
LUFT – Leaking Underground Fuel Tank
LUST – Leaking Underground Storage Tanks. Reference Part 213 of Public Act 451 of 1994.

**M.** **********

MEIR – Master Environmental Impact Report
MMRP – Mitigation Monitoring and Reporting Plan
MPO – Metropolitan Planning Organization
MND – Mitigated Negative Declaration

**N.** **********

ND – Negative Declaration
NEPA – National Environmental Policy Act
NOA – Notice of Availability
NOC – Notice of Completion
NOD – Notice of Determination
NOE – Notice of Exemption
NOI – Notice of Intent
NOP – Notice of Preparation
NOV – Notice of Violation

**O.** **********

OPR – Office of Planning and Research

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**P.** **********

PEIR – Program Environmental Impact Report. Sometimes also used to describe a Project Environmental Impact Report
PM – Particulate Matter
PRA – Public Records Act
PSA – Permit Streamlining Act

**Q.** **********

**R.** **********

RCRA – Resource Conservation and Recovery Act (1976) Governs definition, handling, and disposal of hazardous waste.

**S.** **********

SCH – State Clearinghouse
SEIR – Supplemental or Subsequent Environmental Impact Report
SMARA – Surface Mining and Reclamation Act
SWMP – Stormwater Monitoring Program
SWPPP – Stormwater Pollution Prevention Program

**T.** **********

TCM – Transportation Control Measure
TCP – Transportation Control Plan
TDS – Total Dissolved Solids
TMP – Transportation Management Plan
Title V – refers to Title V of the Clean Air Act related to ambient air quality provisions
TLV – Threshold Limit Value

**U.** **********

UBC – Uniform Building Code
UFC – Uniform Fire Code
UGST – Underground Storage Tank
USDW – Underground Source of Drinking Water
UWMP – Urban Water Management Plan

**V.** **********

VOC – Volatile Organic Compounds (Health & Safety Code, Section 25123.6.)
VOS – Vehicle Operating Survey

**W.** **********

WQS – Water Quality Standard
WSA – Water Supply Assessment
WTP – Water Treatment Plant. A facility designed to provide treatment to water.
WWTP – Wastewater Treatment Plan

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**X.** **********

**Y.** **********

**Z.** **********

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# Memorandum

TO: Project 5 Clients

FROM: Best Best & Krieger LLP

DATE: February 16, 2018

RE: Staff Summary of the CEQA Process and Environmental Filing by County

## 2018 LOCAL CEQA GUIDELINES UPDATE

Your agency's Local California Environmental Quality Act ("CEQA") Guidelines (2018 Update), CEQA Forms and supporting documents are now available on your Best Best & Krieger LLP ("BB&K") CEQA Portal. Please access the CEQA Client Portal at:

http:--clients.bbklaw.net-pfcc-

This memo contains a brief description of how to amend and update your agency's Local CEQA Guidelines. Additionally, this memorandum contains a summary of County requirements for filing environmental documents. If you should have any questions regarding the adoption of your 2018 Update, do not hesitate to contact your BB&K attorney.

## I. ADOPTING THE 2018 UPDATE

CEQA, as contained in Public Resources Code sections 21000 et seq., requires all public agencies within the state to evaluate the environmental effects of their actions before they are taken. CEQA also aims to prevent significant adverse environmental effects of public agency actions by requiring public agencies to avoid or reduce, when feasible, the significant environmental impacts of their decisions. To this end, CEQA requires all public agencies to adopt Local CEQA Guidelines that identify specific objectives, criteria, and procedures for evaluating public and private projects that are undertaken or approved by public agencies.

The 2018 Update meets CEQA's requirements and provides step-by-step procedures for evaluating projects prior to approval, and also provides instructions and forms for preparing environmental documents required under CEQA.

The 2018 Update reflects recent changes in the law. A memorandum explaining the changes in more detail is available on your BB&K CEQA Portal.

Although not every section of your Local CEQA Guidelines has been amended or changed, several sections have been revised. It is therefore recommended that the entire 2018 Update be adopted instead of just the amended sections.


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Except in certain limited circumstances, such as when the public agency is adopting new thresholds of significance, adoption of Local CEQA Guidelines and CEQA Forms does not require a public hearing. However, BB&K recommends that the 2018 Update and CEQA Forms be adopted at a noticed public meeting as soon as possible.

Sample language for the agenda and staff report is included below. A draft Resolution Amending and Adopting the Local CEQA Guidelines is also available on your BB&K CEQA Portal. The draft Resolution is a sample and may be tailored in order to comply with your applicable Resolution format conventions.

The Brown Act requires that agendas for regular and special meetings be posted on the public agency's website, if the agency has one. Thus, please consult with appropriate staff to ensure that all agendas are now posted on your agency's website, if one is available. There are numerous other requirements concerning public meetings. Please consult with your attorney to ensure that all applicable requirements are satisfied.

After the adoption of the 2018 Update, the Local CEQA Guidelines are considered public documents, and the Guidelines and Forms should be placed at the city, county, or public agency's office with other documents that are available for public viewing.

## A. SAMPLE AGENDA LANGUAGE

Title: 2018 Update to the Local California Environmental Quality Act ("CEQA") Guidelines.

Description: The State CEQA Guidelines require local agencies to adopt "objectives, criteria and procedures" to implement the requirements of the CEQA statute and the State CEQA Guidelines. (State CEQA Guidelines [14 Cal. Code Regs.] section 15022 ). The [Your Agency's Name Here]'s Local CEQA Guidelines have been revised and amended to reflect recent changes to the State CEQA Guidelines, the Public Resources Code and relevant court opinions.

Recommended Action: Adopt Resolution No. _____ approving the 2018 Update to the Local CEQA Guidelines.

## B. SAMPLE STAFF REPORT LANGUAGE

Background: The California Environmental Quality Act ("CEQA"), as contained in Public Resources Code sections 21000 et seq., is California's most comprehensive environmental law. It requires all public agencies within the state to evaluate the environmental effects of their actions before they are taken. CEQA also aims to prevent significant environmental effects from occurring as a result of agency actions by requiring agencies to avoid or reduce, when feasible, the significant environmental impacts of their decisions.

To this end, CEQA requires all public agencies to adopt specific objectives, criteria and procedures for evaluating public and private projects that are undertaken or approved by such agencies.


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Discussion: The [Your Agency's Name Here] has prepared a proposed updated set of Local CEQA Guidelines for 2018 in compliance with CEQA's requirements. These Guidelines reflect recent changes in the Public Resources Code, the State CEQA Guidelines and relevant court opinions. These Local CEQA Guidelines also provide instructions and forms for preparing all environmental documents required under CEQA.

Fiscal Impact: No fiscal impact is anticipated from amending the Local CEQA Guidelines.

Environmental Impact: No environmental impact is anticipated from amending the Local CEQA Guidelines. The [Your Agency's Name Here] adoption of the attached Resolution is not a project under State CEQA Guidelines section 15378(b)(5) because it involves an administrative activity involving process only and would not result in any environmental impacts.

Recommendation: Adopt Resolution No. _____ regarding the adoption of Local CEQA Guidelines.

## II. ENVIRONMENTAL DOCUMENT FILING PROCEDURES

### I. SUMMARY OF CHANGES FOR ENVIRONMENTAL FILING BY COUNTY

Each county in California is authorized to establish its own procedures for filing and posting environmental documents such as Notices of Determination and Notices of Exemption. Attached is a chart summarizing the procedures for filing CEQA documents in each county. A summary of some of the more significant changes made by individual counties in 2018 is included below. Please note that counties may change their policies periodically during the year.

Applicable to All Counties

All counties require a "wet" signature for environmental documents such as Notices of Exemption and Notices of Determination. Thus, fax filings are no longer accepted by any county.

Department of Fish and Wildlife (DFW) Fees

The fees have increased effective January 1, 2018.

For a Negative Declaration or a Mitigated Negative Declaration, the new filing fee is $2,280.75.

For an Environmental Impact Report, the new filing fee is $3,168.00.

For an environmental document pursuant to a Certified Regulatory Program, the filing fee is $1,077.00.


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Other County Fee Changes

The County of Inyo now charges a $50.00 fee in every instance. The County of Kings charges $40.00 for a Notice of Exemption. The County of Nevada does not charge for a Notice of Exemption. The County of Sacramento raised its fee to $40.00. The County of San Francisco raised its fee to $64.00.

## III. CONCLUSION

The attached chart contains the most up-to-date information regarding each County's filing process. However, each County's filing process is subject to change without notice. Before submitting an environmental document, it is advised that you contact the County for which you are filing to verify that their filing procedures are consistent with the information provided in the attached chart.

As always, CEQA remains complicated and challenging to apply. The only constant in this area of law is how quickly the rules change. Should you have any questions about your Local CEQA Guidelines, or about the environmental review of any of your agency's projects, please contact your BB&K attorney for assistance.

If you have any problems accessing your CEQA Guidelines Client Portal or if you have forgotten your access information, please contact the BBK Local CEQA Guidelines Coordinator, Tammy Ingram at: tammy.ingram@bbklaw.com or (951) 826-8343, or you can also contact Gar House at Gar.House@bbklaw.com.


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| INDEX TO ENVIRONMENTAL FILING BY COUNTY | | | | |
|---|---|---|---|---|
| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| Alameda | $50.00 Clerk Handling Fee<br><br>When filing any environmental document at the office of the County Clerk, please provide 4 sets of the documents to be filed (5 sets if filing in person). Attach a completed cover sheet to each set; Include original signature page (no PDF). This office can accept a maximum of 4 concurrent filings over-the-counter per filer. | County Clerk-Recorder<br><br>Any general business member may assist in the information office.<br><br>You must use the Environmental Declaration Cover Sheet when submitting environmental documents.<br><br>(Check payable: Alameda County Clerk-Recorder) | 888-280-7708<br><br>Office Hours:<br>M-F<br>8:30 a.m.-4:30 p.m.<br><br>Web: www.acgov.org<br>(can access Clerk-Recorder's Office thru Web)<br><br>(Note: Busy time is 12:00-2:00 p.m.) | Alameda County Clerk-Recorder's Office<br>1106 Madison Street<br>Oakland, CA 94607 |
| Alpine | $50.00 Clerk Handling Fee<br><br>Original Doc & 1 copy | County Clerk<br>(Teola L. Tremayne)<br><br>(Check payable: Alpine County Clerk) | 530-694-2281<br><br>Fax: 530-694-2491<br><br>E-mail:<br>ttrenayne@alpinecountyca.gov<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br>Closed 12:00 p.m. – 1:00 p.m. | Alpine County Clerk<br>P.O. Box 158<br>Markleeville, CA 96120<br><br>Physical<br>99 Water Street<br>Markleeville, CA 96120 |


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| INDEX TO ENVIRONMENTAL FILING BY COUNTY | | | | |
|---|---|---|---|---|
| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| Amador | $50.00 Clerk Handling Fee<br><br>Original signature required. Need to submit a total of five (5) copies. | Kimberly L. Grady, County Recorder's office<br><br>(Check payable: Amador County Clerk) (Check, money order or cash – no credit cards) | 209-223-6468<br><br>Office Hours:<br>M-F<br>8:00 a.m.-3:30 p.m. | Amador County Clerk-Recorder<br>810 Court Street<br>Jackson, CA 95642 |
| Butte | $50.00 Clerk Handling Fee<br><br>Original & 3 copies | County Clerk-Recorder<br><br>(Check payable: Butte County Recorder) | 530-538-7691<br><br>Fax: 530-538-7975<br><br>Office Hours:<br>M-F<br>9:00 a.m.-5:00 p.m.<br>Recording Hours: 9:00 a.m. – 4:00 p.m.<br><br>E-Mail:<br>clerk@buttecounty.net | Butte County Clerk-Recorder<br>155 Nelson Avenue<br>Oroville, CA 95965-3411 |
| Calaveras | $50.00 Clerk Processing Fee<br><br>Original Signatures Required for Filing | County Clerk-Recorder<br><br>(Check payable: County Clerk of Calaveras) | Clerk to the Board of Supervisors handles the Environmental Document Filings<br><br>209-754-6370<br><br>Office Hours:<br>M-F<br>8:00 a.m.-4:00 p.m.<br><br>Phone hours: | Calaveras County Clerk-Recorder<br>Government Center<br>891 Mountain Ranch Road, Rm 209<br>San Andreas, CA 95249 |


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|---|---|---|---|---|
| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| | | | M-F<br>8:00 a.m.-4:00 p.m.<br><br>Fax: 209-754-6733 | |
| Colusa | $50.00 Clerk Processing Fee<br><br>1 Original Signatures Required for Filing<br><br>If filing by mail, include a self-addressed stamped envelope for the County to return a copy. | County Clerk & Recorder<br><br>www.countyofcolusa.org-clerkandrecorder<br><br>(Check payable: Colusa County Clerk) | 530-458-0500<br><br>Fax: 530-458-0512<br><br>Office Hours:<br>M-F<br>8:30 a.m.-4:00 p.m.<br><br>E-Mail:<br>clerkinfo@countyofcolusa.org | Colusa County Clerk & Recorder<br>Rose Gallo-Vasquez<br>546 Jay Street, Suite 200<br>Colusa, CA 95932 |
| Contra Costa | $50.00 Clerk Processing Fee<br><br>*If your filing does not require a fee to the DFW, then you must file a Certificate of Fee Exemption for each filing you submit*<br><br>Must also show proof of payment of DFW Fees.<br><br>Original Signatures Required for Filing & 2 copies w- 2 self-addressed, stamped envelopes. | County Clerk<br><br>www.ccclerkrec.us<br><br>(Check payable: Contra Costa County Clerk) | 925-335-7900<br><br>Fax: 925-335-7926<br><br>Office Hours:<br>M-F<br>8:00 a.m.-4:30 p.m. | Contra Costa County Clerk<br>MAIL TO:<br>P.O. Box 350<br>Martinez, CA 94553<br><br>PHYSICAL ADDRESS:<br>555 Escobar Street<br>Martinez, CA 94553 |


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|---|---|---|---|---|
| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| Del Norte | $50.00 Clerk Processing Fee<br><br>Original Signatures Required for Filing & 2 copies | County Clerk-Recorder<br><br>(Checks payable: Del Norte County Clerk) | 707-464-7216<br><br>Fax: 707-465-0321<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br><br>E-Mail:<br>anorthrup@co.del-norte.ca.us<br><br>Planning Dept:<br>707-464-7254 | County of Del Norte Clerk-Recorder<br>Alissia Northrup<br>981 H Street, Suite 160<br>Crescent City, CA 95531 |
| El Dorado | $50.00 Fee<br><br>Original Signatures Required for Filing and 1 copy | County Clerk<br><br>www.edcgov.us<br><br>(Check payable: El Dorado County Clerk Recorder | 530-621-5490<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br>Recording Hours: 8:00 a.m. – 4:00 p.m.<br>Copy room closes at 4:30 p.m.<br>E-Mail:<br>recorderclerk@edcgov.us | El Dorado County Recorder<br>Clerk's Office<br>360 Fair Lane, Building B<br>Placerville, CA 95667 |
| Fresno | $50.00 Fee<br><br>Original Signatures Required for Filing | County Clerk<br><br>www.co.fresno.ca.us<br><br>(Check payable: Fresno County Clerk) | 559-600-2575<br><br>Fax: 559-488-3279<br><br>Hours:<br>M-F<br>8:30 a.m.-4:00 p.m. | Fresno County Clerk's Office<br>Mailing Address:<br>Special Services Division<br>2221 Kern St.<br>Fresno, CA 93721-2600 |


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|---|---|---|---|---|
| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| | | | Email: clerk-elections@co.fresno.ca.us | Physical Address:<br>2220 Tulare Street, 1st Fl<br>Fresno, CA 93721 |
| Glenn | $50.00 Fee<br><br>Original Signatures Required for Filing<br>(They will mail back copy at end of posting) | County Clerk-Recorder<br>(Debbie LaGrande)<br><br>(Check payable: Glenn County Clerk-Recorder) | 530-934-6412<br><br>Fax: 530-934-6571<br><br>Hours:<br>M-F 8:00 a.m.-5:00 p.m.<br><br>Email:<br>dlagrande@countyofglenn.net | Glenn County Clerk-Recorder<br>516 West Sycamore Street, 2nd Floor<br>Willows, CA 95988 |
| Humboldt | $50.00 all situations<br><br>Original Signatures Required for Filing & enclose copy and self-addressed, stamped envelope | County Clerk<br><br>(Check payable: Humboldt County Clerk) | 707-445-7593<br>Attn: Kelly E Sanders<br><br>Hours:<br>M-F<br>8:30 a.m.-5:00 p.m. | Humboldt County Clerk's Office<br>825 5th Street, Fifth floor<br>Eureka, CA 95501 |
| Imperial | $62.00 all situations<br><br>Original Signatures Required for Filing & 3 copies | County Clerk<br><br>(Check payable: Imperial County Clerk-Recorder) | 442-265-1076<br><br>Fax: 760-265-1091<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br><br>E-Mail:<br>Virginiawong@co.imperial.ca.us | Imperial County Clerk's Office<br>940 Main Street, Suite 202<br>El Centro, CA 92243-2839 |


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|---|---|---|---|---|
| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| Inyo | $50.00 County fee<br><br>Original Signatures Required for Filing | County Clerk<br>Kammi Foote<br>kfoote@inyocounty.us<br><br>(Inyo maintains a list of environmental notices at: www.inyocounty.us/EnvironmentalDocuments/EnvDocs.php)<br><br>(Check payable for DFW fees: Inyo County Clerk) | 760-878-0222<br><br>Fax: 760-878-1805<br><br>Hours:<br>M-F<br>8:00 a.m.-12:00 p.m.<br>1:00 p.m.-5:00 p.m. | Inyo County Clerk's Office<br>P O Drawer F<br>Independence, CA 93526<br><br>Physical Address<br>168 N. Edwards St.<br>Independence, CA 93526 |
| Kern | $50.00 all situations<br><br>Original Signatures Required for Filing & 4 copies<br><br>Must include a transmittal memo (found on website)<br><br>(2 document limit over-the-counter) | County Clerk<br><br>www.co.kern.ca.us/ctyclerk<br><br>(Check payable: Kern County Clerk) | 661-868-3588<br><br>Hours:<br>M-F<br>8:30 a.m.4:00 p.m. | Kern County Clerk's Office<br>1115 Truxtun, First Floor<br>Bakersfield, CA 93301 |
| Kings | $90.00 (government entity or public agency exempt)<br><br>$40.00 Notice of Exemption<br><br>Original Signatures Required for Filing & 3 copies | Planning<br><br>(Check payable: Kings County) | 559-582-3211 ext. 2672<br><br>Fax 559-584-8989<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br>(Document may not post | Kings County Planning Department<br>1400 West Lacey Blvd, Building 6<br>Hanford, CA 93230 |


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|---|---|---|---|---|
| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| | | | same day if received after 4:00 p.m.) | |
| Lake | $50.00 administrative fee<br><br>No fee for Notice of Exemption<br><br>Original and 1 copy (also enclosed self-addressed, stamped envelope) | Assessor's Office<br><br>www.co.lake.ca.us<br><br>(Check payable: County of Lake) | 707-263-2302<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m. | Assessor's Office<br>Lake County<br>255 North Forbes Street<br>Lakeport, CA 95453 |
| Los Angeles | $75.00 – document handling fee<br><br>Original Signatures Required for Filing. (Original and one copy if you want it stamped received.) | Business Filing & Registration Department<br><br>www.lavote.net/home/county-clerk<br><br>(Check payable: Registrar-Recorder/County Clerk) | 562-462-2177<br>800-201-8999<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br>(arrive at least 45 minutes prior to closing) | Los Angeles Clerk<br>Attn: Business Filing & Registration Department<br>12400 E. Imperial Highway<br>Room 2001<br>Norwalk, CA 90650<br><br>Mail: P.O. Box 1208<br>Norwalk, CA 90650-1208 |
| Madera | $50.00 Administration Fee<br><br>Original Signatures Required for Filing | County Clerk<br><br>www.madera-county.com<br><br>(Payee must submit phone number on check – check payable: Madera County Clerk) | 559-675-7721<br>Ask for the county clerk<br><br>Office Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br><br>**HOWEVER** – There may be furlough days, which are | Madera County Clerk<br>200 West 4th Street<br>Madera, CA 93637 |


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| INDEX TO ENVIRONMENTAL FILING BY COUNTY | | | | |
|---|---|---|---|---|
| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| | | | listed on the County's website madera-county.com, county calendar.<br><br>E-Mail: countyclerkinfo@madera-county.com | |
| Marin | $50.00 all situations<br><br>Original Signatures Required for Filing & 2 Copies<br><br>(To obtain conformed copy, send additional copy w- self-addressed stamped envelope) | County Clerk<br><br>www.marincounty.org | 415-473-6152<br><br>Hours:<br>M-F<br>9:00 a.m.-4:00 p.m.<br><br>*all filings must be presented by 3:30 p.m. | Marin County Clerk<br>PO Box E<br>San Rafael, CA 94903<br>or<br>3501 Civic Center Dr.<br>Room 234, Hall of Justice<br>San Rafael, CA 94903 |
| Mariposa | $50.00 Administration Fee<br><br>Original Signatures Required for Filing | County Clerk<br><br>(Check payable: Mariposa County Clerk) | 209-966-2007<br>Attn: Karen Herman<br><br>Fax: 209-966-6496<br><br>Ask for the Planning Department<br>209-966-5151<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m. | Mariposa County Clerk<br>P.O. Box 247<br>Mariposa, CA 95338<br><br>4982 10th Street<br>Mariposa, CA 95338 |


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| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| Mendocino | $50.00 all situations<br><br>Original Signatures Required for Filing & 1 copy | County Clerk<br>(Susan Ranochak)<br><br>(Check payable: Mendocino County Clerk) | 707-234-6822<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m. | Mendocino County Clerk's Office<br>501 Low Gap Road, Room 1020<br>Ukiah, CA 95482 |
| Merced | $50 Admin Fee<br><br>Original Signatures Required for Filing & 3 copies | County Clerk<br><br>(Check payable: Merced County Clerk) | 209-385-7627<br><br>Hours:<br>M-F<br>8:00 a.m.-4:30 p.m. | Merced County Clerk<br>2222 M Street, Room 14<br>Merced, CA 95340 |
| Modoc | $50.00 all situations<br><br>Original Signatures Required for Filing & 1 copy | County Clerk<br>(Stephanie Wellemeyer)<br><br>(Check payable: Modoc County Clerk) | 530-233-6205<br><br>Fax: 530-233-6666<br>Hours:<br>M-F<br>8:30 a.m.- 5:00 p.m.<br>closed 12:00 p.m. – 1:00 p.m.<br><br>E-Mail:<br>clerkelections@modoc.ca.us | Modoc County Clerk's Office<br>108 E. Modoc Street<br>Alturas, CA 96101 |
| Mono | $50.00 fee<br><br>Original Signatures Required for Filing | County Clerk<br>(Shannon Kendall)<br>www.monocounty.ca.gov<br><br>(Check payable: Mono County Clerk) | 760-932-5530<br><br>Fax: 760-932-5531<br>Hours:<br><br>M-F<br>8:00 a.m.-5:00 p.m.<br><br>Email:<br>Skendall@mono.ca.gov | Mono County Clerk's Office<br>P. O. Box 237<br>Bridgeport, CA 93517<br><br>74 School Street, Annex 1<br>Bridgeport, CA 93517 |


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|---|---|---|---|---|
| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| Monterey | $50.00 all situations<br><br>Original Signatures Required for Filing & 3 copies | County Clerk<br><br>www.co.monterey.ca.us/recorder/<br><br>(Check payable: Monterey County Clerk) | 831-755-5041<br><br>Fax: 831-755-5064<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br><br>Email:<br>Countyclerk@co.monterey.ca.us | Monterey County Clerk's Office<br>County Court House<br>168 West Alisal Street, 1st Fl.<br>Salinas, CA 93901<br><br>Mailing address:<br>P. O. Box 29<br>Salinas, CA 93902-0570 |
| Napa | $50.00 fee.<br><br>Original Signatures Required for Filing & 3 copies | County Clerk<br><br>(Check payable: Napa County Clerk – submit 2 separate checks for admin fee and DFW fee) | 707-253-4247<br><br>Fax: 702-259-8149<br><br>Hours:<br>M-F<br>8:00 a.m.-4:15 p.m. | Napa County Clerk's Office<br>P.O. Box 298<br>Napa, CA 94559-0298<br><br>Physical address:<br>Carithers Building<br>1127 1st Street, Suite A,<br>Napa, CA 94559 |
| Nevada | $50.00 Fee<br><br>No fee for Notice of Exemption<br><br>Original Signatures Required for Filing & 3 copies | County Recorder<br><br>www.mynevadacounty.com<br><br>(Check payable: Nevada County Recorder – one check for both fees accepted) | 530-265-1221<br><br>Fax: 530-265-9842<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m. | Nevada County Recorder's Office<br>950 Maidu Avenue, Suite 210<br>Nevada City, CA 95959 |


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| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| Orange | $50.00 Fee (Fee waived for governmental agency if exemption notice contains statute.)<br><br>Original Signatures Required for Filing<br><br>(Check payable: Orange County Clerk Recorder) | County Clerk<br><br>www.ocrecorder.com | 714-834-2500<br><br>Hours:<br>M-F<br>8:00 a.m.-4:30 p.m. | Orange County Clerk-Recorder<br>12 Civic Center Plaza, Room 101<br>Santa Ana, CA 92701 |
| Placer | $50.00 Fee<br><br>Original Signatures Required for Filing<br><br>(Bring copy if re-filing and proof of payment admin. fee)<br>(Check payable: Placer County Clerk) | County Clerk-Recorder | 530-886-5610<br><br>Fax: 530-886-5687<br><br>Hours:<br>M-F<br>8:00 a.m.-4:30 p.m.<br><br>Email: clerk@placer.ca.gov | Placer County Clerk-Recorder<br>2954 Richardson Drive<br>Auburn, CA 95603 |
| Plumas | $50.00 fee<br><br>Original Signatures Required for Filing<br><br>(Check payable: Plumas County Clerk-Recorder) | County Clerk-Recorder<br><br>www.plumascounty.us | 530-283-6256<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m. | County of Plumas Clerk-Recorder<br>520 Main Street, Room 102<br>Quincy, CA 95971 |
| Riverside | $50.00 all situations<br><br>Original Signatures Required for Filing & 2 copies | County Clerk | 951-486-7000 or<br>951-955-6200<br><br>Hours:<br>M-Th | County Clerk's Office<br>Riverside County<br>P.O. Box 751<br>Riverside, CA 92502-0751 |


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| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| | Office will not accept filings on Fridays<br><br>(Check payable: Riverside County Clerk) | | 8:00 a.m.-4:30 p.m.<br>(No filing on Fridays)<br><br>Email:<br>Accrmail@asrclkrec.com | 2724 Gateway Drive<br>Riverside, CA 92507 |
| Sacramento | $40.00 fee<br><br>Original Signatures Required for Filing (To obtain conformed copy, send additional copy w/ self-addressed stamped envelope)<br><br>(Check payable: Sacramento County) | County Clerk<br><br>www.ccr.saccounty.net | 916-874-6334<br>800-313-7133<br>Clerk Desk – Debbie Bell<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br><br>(Documents deposited after 3:00 p.m., are recorded the next business day.) | Sacramento County Clerk-Recorder<br>P. O. Box 839<br>Sacramento, CA 95812-0839<br>[or]<br>600 8th Street<br>Sacramento, CA 95814 |
| San Benito | $50.00 Admin fee<br><br>Original Signatures Required for Filing & 3 copies<br><br>(Check payable: San Bento County Clerk) | County Clerk-Recorder<br><br>www.sbcvote.us | 831-636-4029<br><br>Fax: 831-636-2939<br><br>Email: cclerk@cosb.us<br><br>Hours: 8:00 a.m. – 4:00 p.m.<br>M-F<br>Recording Hours:<br>9:00 a.m.-12:00 p.m.<br>1:00 p.m. – 4:00 p.m. | San Benito County Clerk-Recorder<br>440 Fifth Street, Room 206<br>Hollister, CA 95023-3843 |


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| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| San Bernardino | $50.00 Fee<br><br>Original Signatures Required for Filing<br><br>(Check payable: Clerk of the Board or San Bernardino County) | Clerk of the Board | 909-387-3841<br><br>Hours:<br>M-F<br>8:00 a.m. – 4:30 p.m. – counter; 8:00 a.m. – 5:00 p.m. – phone<br><br>Email: cob@sbcounty.gov | Clerk of the Board<br>County of San Bernardino<br>385 N. Arrowhead Avenue, 2nd Fl.<br>San Bernardino, CA 92415 |
| San Diego | $50.00 Fee<br><br>Original Signatures Required for Filing<br><br>If filing multiple documents on one day, suggest, but do not require, separate checks.<br><br>If mailing notice, please include the mail stop (MS: A-33) in the City's address.<br><br>(Check payable: San Diego Recorder/Clerk) | County Clerk<br><br>www.sdarcc.com | 619-237-0502<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br>8:00 a.m.-4:00 p.m. - phone | San Diego Assessor-Recorder-Clerk<br>Attention: Linda Kesian<br><br>County Administration Center<br>1600 Pacific Hwy., Room 260; MS: A-33<br>San Diego, CA 92101 |
| San Francisco | $64.00 Admin Fee<br><br>Original Signatures Required for Filing & 4 copies w- self-addressed, stamped envelope | Planning Dept. Staff<br><br>County Clerk<br>415-554-4950<br><br>File at clerk's office: | 415-558-6378<br><br>Individual planners are assigned when EIR filed.<br><br>Office Hours: | Agency and County of San Francisco<br>Planning Department<br>1650 Mission Street, 4th Fl<br>San Francisco, CA 94102 |


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| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| | (Check payable: SF County Clerk)<br><br>Separate checks for County fee and DFW fee. | City Hall, Room 168<br>1 Dr. Carlton B. Goodlett Pl.<br>San Francisco, CA 94102-4678<br>(Hours 8:00 a.m. – 4:00 p.m.)<br><br>sfgov.org | M-F<br>8:00 a.m.-4:00 p.m.<br><br>County.clerk@sfgov.org | |
| San Joaquin | $50.00 Admin fee<br><br>Original Signatures Required for Filing & 2 copies<br><br>(Check payable: San Joaquin County Clerk – one check is okay) | County Clerk<br><br>www.sjgov.org/recorder/ | 209-468-3939<br><br>Fax: 209-468-8040<br><br>Hours:<br>M-F<br>8:00 a.m.-4:00 p.m.<br><br>Email: recorder@sjgov.org | Recorder – County Clerk<br>44 N San Joaquin St., Suite 260<br>Stockton, CA 95202<br><br>Mail: P.O. Box 1968, Stockton, CA 95201 |
| San Luis Obispo | $50.00 Admin fee<br><br>Original Signatures Required for Filing & 1 copy<br><br>(Check payable: San Luis Obispo County Clerk) | County Clerk<br><br>www.slocounty.ca.gov | 805-781-5080<br><br>Fax: 805-781-1111<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br>. | County Clerk's Office<br>San Luis Obispo County<br>1055 Monterey Street, Rm. D120<br>San Luis Obispo, CA 93408<br>North County Office<br>6565 Capistrano Ave., 2nd Floor, Atascadero Library, Atascadero, CA 93422<br>7:30 a.m. – 4:00 p.m. M-F |


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| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| | | | | (805) 461-6041<br>(805) 461-6044 (Fax) |
| San Mateo | $50.00 Fee<br><br>Original Signatures Required for Filing & 3 copies<br><br>(Check payable: San Mateo County Clerk) | County Clerk-Special Services<br><br>www.smcare.org | 650-363-4500<br><br>Fax: 650-599-7458<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br><br>Email: mchurch@smcare.org | San Mateo County Clerk-Special Services<br>555 County Center, 1st Floor<br>Redwood City, CA 94063 |
| Santa Barbara | $50.00 Fee<br><br>Original Signatures Required for Filing and 1 copy<br><br>(Check payable: Santa Barbara County) | Clerk of the Board | 805-568-2240<br><br>Fax: 805-568-2249<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br><br>Email: sbcob@co.santa-barbara.ca.us | Clerk of the Board<br>Santa Barbara County<br>105 E. Anapamu St., Room 407<br>Santa Barbara, CA 93101 |
| Santa Clara | $50.00 Fee<br><br>Original Signatures Required for Filing & 3 copies (include Declaration Page found on website)<br><br>(Check payable: Santa Clara County Clerk-Recorder) | County Clerk<br><br>www.clerkrecorder.org<br>(select Notary & CEQA Filings) | 408-299-5688<br><br>Hours:<br>M-F<br>8:00 a.m.-4:00 p.m. | Santa Clara County Clerk Recorder Office<br>70 W Hedding St.<br>1st Floor, East Wing<br>San Jose, CA 95110 |


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| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| Siskiyou | $50.00 Fee<br><br>Original Signatures Required for Filing & 3 copies<br><br>(Check payable: Siskiyou County Clerk) | County Clerk | 530-842-8084<br><br>888-854-2000, ext. 8084<br><br>Fax: 530-841-4110<br><br>Hours:<br>M-F<br>9:00 a.m.-12:00 p.m.<br>1:00 a.m.-4:00 p.m. | County Clerk's Office<br>510 N. Main Street<br>Yreka, CA 96097 |
| Tehama | $50.00 all situations<br><br>Original Signatures Required for Filing & 3 copies<br><br>(Check payable: Tehama County) | County Clerk | 530-527-3350<br><br>Fax: 530-527-1745<br><br>Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br><br>Email:<br>recorder@co.tehama.ca.us | Tehama County Clerk's Office<br>P.O. Box 250<br>Red Bluff, CA 96080<br><br>Physical Address:<br>633 Washington Street, Room 11<br>Red Bluff, CA 96080 |
| Tulare | $58.00 all situations<br><br>Original Signatures Required for Filing & 4 copies<br><br>(Check payable: Tulare County Clerk) | County Clerk | 559-636-5051<br>Fax: 559-740-4329<br><br>Hours:<br>M-F<br>8:00 a.m. – 5:00 p.m.<br>No counter service after 3:30 p.m.<br>Recordings must be received by 3:00 p.m. | County Civic Center<br>Clerk: Courthouse, Room 105<br>221 South Mooney Boulevard<br>Visalia, CA 93291 |


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| INDEX TO ENVIRONMENTAL FILING BY COUNTY | | | | |
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| **County** | **County Administration Fee - Special Requirements** | **County Contact** | **Phone Number** | **Address** |
| Ventura | $50.00 all situations<br><br>Original Signatures Required for Filing & 4 copies (total of 5)<br><br>(Check payable: Ventura County Clerk – one check is okay) | County Clerk<br><br>(Submit CDF 2018 Environmental Filling Fee Cash Receipt – found on website recorder.countyofventura.org/county-clerk/forms | 805-654-2263<br><br>Office Hours:<br>M-F<br>8:00 a.m.-5:00 p.m. | Ventura County Clerk's Office<br>800 South Victoria Avenue<br>Ventura, CA 93009-1260 |
| Yuba | $50.00 fee. (No fee if County project – by and for the County only.)<br><br>Original Signatures Required for Filing & 2 copies<br><br>If filing by mail, include a check for the appropriate fees<br><br>(Check payable: Yuba County Clerk) | County Clerk | 530-749-7851<br><br>Fax: 530-749-7854<br><br>Office Hours:<br>M-F<br>8:00 a.m.-5:00 p.m.<br><br>No debit/credit transactions after 4:30 p.m.<br><br>E-Mail: clerk@co.yuba.ca.us | Yuba County Clerk's Office<br>915 8th Street, Suite 107<br>Marysville, CA 95901 |

The DFW fee is the same in every County and is due at the time the Notice of Determination (NOD) is filed for a project. The DFW filing fee only needs to be paid once per project. In the event that a project requires the filing of multiple NODs by lead or responsible agencies, the DFW fee is required at the time the lead agency files the first NOD. If a copy of the first DFW fee receipt for the filing can be shown, subsequent NODs for the same project will not need to pay any additional DFW fees. However, if the project is tiered or phased, or separate environmental documents are required, an additional DFW fee for the current year's increase may be required.


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| INDEX TO ENVIRONMENTAL FILING WITH STATE | | | |
|---|---|---|---|
| **Agency** | **Fees** | **Phone** | **Address** |
| State Clearinghouse - Governor's Office of Planning and Research<br><br>9:00 a.m. – 5:00 p.m. M-F<br>Must arrive by 5:00 p.m. for same day posting<br><br>Do not fax, email and mail documents to State Clearinghouse. Choose one method or the other. | No administrative filing fee. | 916-445-0613<br><br>916-558-3164 (fax) | *When sending notices via U.S. Mail:*<br>P.O. Box 3044<br>Sacramento, CA 95812-3044<br><br>*When sending notices via Overnight or Direct Delivery:*<br>1400 Tenth Street<br>Sacramento, CA 95812<br><br>*When sending notices via email:*<br>state.clearinghouse@opr.ca.gov (also request a date stamped copy back). |


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## INDEX TO ENVIRONMENTAL FILING WITH STATE BY DOCUMENT

| TYPE OF DOCUMENT | REQUIREMENTS | RECOMMENDATIONS* *(These recommendations are made by the State Office of Planning and Research and are subject to change)* | ADVISORY |
|---|---|---|---|
| Environmental Impact Report (EIR) | • One copy of NOC<br>• 15 copies of the entire document | 15 hardcopies of entire document<br>OR<br>15 hardcopies of executive summaries or 15 hardcopies of the summary form and 15 CDs of the entire document | Deliver between 9:00 A.M.–12:00 P.M.<br><br>Collate and bind |
| Negative Declaration or Mitigated Negative Declaration (ND/MND) | • One copy of NOC<br>• 15 copies of the entire document | 15 hardcopies of the entire document<br>OR<br>15 hardcopies of initial study or 15 hardcopies of summary form and 15 CDs of the entire document | Deliver between 9:00 A.M.–12:00 P.M.<br><br>Collate and bind |
| Notice of Completion (NOC) | • One copy with EIRs | For walk-in deliveries, bring <u>two</u> copies to date stamp. | To prevent ***delays and to ensure accurate entry of CEQAnet***, include an NOC with all ND/MNDs, NOPs, EAs, EISs, NOIs, and Tribal Compact Environmental Evaluations |
| Notice of Determination (NOD) | • One copy<br>• State agencies - pay fees or show proof of payment<br>OR<br>• Local agencies – pay fees to County Clerks Certified Regulatory Programs | Refer to Fish and Wildlife Fee Memo<br><br>For walk-in deliveries bring <u>two</u> copies to date stamp.<br><br>To file a final, see "Final" in this table | For same day posting, state agencies filing as Lead must pay Fish and Wildlife fees.<br><br>Faxes: do not send hardcopy follow-up for duplicate posting purposes.<br><br>Returned stamped copies: include <u>two</u> copies and a self-addressed stamped envelope |


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| | | | |
|---|---|---|---|
| Notice of Exemption (NOE) | One copy | For walk-in deliveries, bring two copies to date stamp. | Fax or mail<br><br>Faxes: do not send hardcopy follow-up for duplicate posting purposes.<br><br>Returned stamped copies: include two copies and a self-addressed stamped envelope |
| Notice of Preparation (NOP) | One copy | 15 hardcopies and an NOC<br><br>OR<br>15 hardcopies of initial studies or 15 hardcopies of summary form, 15 CDs of entire document and an NOC | Deliver between 9:00 A.M.-12:00 P.M.<br><br>Collate and bind<br><br>Not accepted via fax or email. |
| Shortened Review Request | Prior approval from responsible/trustee agencies | Contact the SCH prior to requesting | |
| Comment Letters | | Refer to CEQA Guidelines 15044.<br><br>Review the number of pages that are acceptable to fax here | Fax or mail for timely processing<br><br>Faxes: do not send a hardcopy follow-up for duplicate posting purposes. |
| Finals | Finals are not required | One hardcopy or one CD | For distribution to state agencies for informational purposes. Send 15 hardcopies or 15 CDs with an NOC. |
| NEPA Federal Documents Notice of Intent (NOI), Environmental Impact Statement (EIS), Environmental Assessment (EA) | OPR is responsible for implementing Presidential Executive Order (EO) 12372. This EO requires federal agencies to use state and local process for intergovernmental coordination. OPR is | 15 hardcopy executive summaries or 15 hardcopies of summary form, 15 CDs of entire document and an NOC or<br>15 hardcopies and an NOC<br><br>OR<br>15 hardcopies of an NOC | Deliver between 9:00 A.M.–12:00 P.M.<br><br>Collate and bind |


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| | | | |
|---|---|---|---|
| | available to assist federal agencies with review of NEPA documents and associated intergovernmental coordination.<br><br>CEQA allows for use of NEPA documents in place of CEQA documents. Submission through OPR is required to use those provisions. See CEQA Guidelines:15225, Section 2. | | |


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# PRELIMINARY EXEMPTION ASSESSMENT

(Certificate of Determination
When Attached to Notice of Exemption)

| | | | |
|---|---|---|---|
| 1. | Name or description of project: | | |
| 2. | Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name): | | |
| 3. | Entity or person undertaking project: | A. | |
| | | B. Other (Private) | |
| | | (1) Name | |
| | | (2) Address | |

4. Staff Determination:

The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:

| | | | |
|---|---|---|---|
| a. | ☐ | The proposed action does not constitute a project under CEQA. | |
| b. | ☐ | The project is a Ministerial Project. | |
| c. | ☐ | The project is an Emergency Project. | |
| d. | ☐ | The project constitutes a feasibility or planning study. | |
| e. | ☐ | The project is categorically exempt. | |
| | | Applicable Exemption Class: | |
| f. | ☐ | The project is statutorily exempt. | |
| | | Applicable Exemption: | |
| g. | ☐ | The project is otherwise exempt on the following basis: | |
| h. | ☐ | The project involves another public agency which constitutes the Lead Agency. | |
| | | Name of Lead Agency: | |

Date: _____ Staff: _____

# NOTICE OF EXEMPTION

| TO: | FROM: (Public Agency) |
|---|---|
| ☐ Office of Planning and Research<br>P. O. Box 3044, Room 113<br>Sacramento, CA 95812-3044 | |
| ☐ Clerk of the Board of Supervisors<br>or<br>County Clerk<br>County of: | Address |

| | | |
|---|---|---|
| 1. | Project Title: | |
| 2. | Project Applicant: | |
| 3. | Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name): | |
| 4. | (a) Project Location – City: | (b) Project Location – County: |
| 5. | Description of nature, purpose, and beneficiaries of Project: | |
| 6. | Name of Public Agency approving project: | |
| 7. | Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity: | |
| 8. | Exempt status: (check one) | |
| | (a) ☐ Ministerial project. | (Pub. Res. Code § 21080(b)(1); State CEQA Guidelines § 15268) |
| | (b) ☐ Not a project. | |
| | (c) ☐ Emergency Project. | (Pub. Res. Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c)) |

| | | | |
|---|---|---|---|
| | (d) ☐ | Categorical Exemption.<br>State type and section number: | |
| | (e) ☐ | Declared Emergency. | (Pub. Res. Code § 21080(b)(3); State CEQA Guidelines § 15269(a)) |
| | (f) ☐ | Statutory Exemption.<br>State Code section number: | |
| | (g) ☐ | Other. Explanation: | |
| 9. | Reason why project was exempt: | | |
| 10. | Lead Agency Contact Person: | | [City to provide] |
| | Telephone: | | [City to provide] |
| 11. | If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing. | | |
| 12. | Has a Notice of Exemption been filed by the public agency approving the project? Yes ☐ No ☐ | | |
| 13. | Was a public hearing held by the Lead Agency to consider the exemption? Yes ☐ No ☐<br>If yes, the date of the public hearing was: _____ | | |

Signature:_____ Date:_____ Title:_____

☐ Signed by Lead Agency ☐ Signed by Applicant

Date Received for Filing: _____

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

**ENVIRONMENTAL IMPACT ASSESSMENT**
(STAFF RECOMMENDATION FOR INTERNAL USE ONLY)

| | | |
|---|---|---|
| 1. | Name or description of project: | |
| 2. | Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name): | |
| 3. | Entity or Person undertaking project: | |
| | A. | |
| | B. Other (Private) | |
| | (1) Name: | |
| | (2) Address: | |

4. Staff Determination:

The Lead Agency's staff, having undertaken and completed an Initial Study of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" for the purpose of ascertaining whether the proposed project may have a significant effect on the environment, has reached the following conclusion:

| | | |
|---|---|---|
| a. | ☐ | The project could not have a significant effect on the environment; therefore, a Negative Declaration should be adopted. |
| b. | ☐ | The Initial Study identified potentially significant effects on the environment but revisions in the project plans or proposals made by or agreed to by the applicant would avoid the effects, or mitigate the effects to a point where clearly no significant effects would occur; therefore a Mitigated Negative Declaration should be adopted. |
| c. | ☐ | The project may have a significant effect on the environment; therefore, an Environmental Impact Report will be required. |

Date: _____ Staff: _____

# NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION/ MITIGATED NEGATIVE DECLARATION

| | |
|---|---|
| Notice is hereby given that the public agency named below has completed an Initial Study of the following described project at the following location: | |
| Public Agency: | |
| Project Name: | |
| Project Description: | |
| Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name): | |

This Initial Study was completed in accordance with the Lead Agency's Guidelines for Implementing the California Environmental Quality Act. This Initial Study was undertaken for the purpose of deciding whether the project may have a significant effect on the environment. On the basis of such Initial Study, the Lead Agency's Staff has concluded that the project will not have a significant effect on the environment, and has therefore prepared a Draft Negative Declaration/Mitigated Negative Declaration. The Initial Study reflects the independent judgment of the Lead Agency.

- ☐ The Project site IS on a list compiled pursuant to Government Code section 65962.5.
- ☐ The Project site IS NOT on a list compiled pursuant to Government Code section 65962.5.
- ☐ The proposed project IS considered a project of statewide, regional or areawide significance.
- ☐ The proposed project IS NOT considered a project of statewide, regional or areawide significance.
- ☐ The proposed project WILL affect highways or other facilities under the jurisdiction of the State Department of Transportation.
- ☐ The proposed project WILL NOT affect highways or other facilities under the jurisdiction of the State Department of Transportation.
- ☐ A scoping meeting WILL be held by the Lead Agency.
- ☐ A scoping meeting WILL NOT be held by the Lead Agency.

If the project meets the criteria requiring the scoping meeting, or if the agency voluntarily elects to hold such a meeting, the date, time and location of the scoping meeting are as follows:

| Date: | Time: | Location: |
|---|---|---|

Copies of the Initial Study and Draft Negative Declaration/Mitigated Negative Declaration are on file and are available for public review at the Lead Agency's office, located at:

The proposed Negative Declaration or Mitigated Negative Declaration can be obtained in electronic format by the following method:

Lead Agency address:

Comments will be received from [FILL-IN FIRST DAY OF COMMENT PERIOD] to [FILL-IN LAST DAY OF COMMENT PERIOD]

Any person wishing to comment on this matter must submit such comments, in writing, to the Lead Agency prior to [FILL-IN LAST DAY OF COMMENT PERIOD]. Comments of all Responsible Agencies are also requested.

| The Lead Agency will consider the project and the Draft Negative Declaration/Mitigated Negative Declaration at its meeting on: | |
|---|---|
| Date: | Time: |
| If the Lead Agency finds that the project will not have a significant effect on the environment, it may adopt the Negative Declaration/Mitigated Negative Declaration. This means that the Lead Agency may proceed to consider the project without the preparation of an Environmental Impact Report. | |

Date Received
for Filing: _____

_____
Staff

(Clerk Stamp Here)

_____
Title

# NEGATIVE DECLARATION

| | | |
|---|---|---|
| 1. | Name or description of project: | |
| 2. | Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name): | |
| 3. | Entity or Person undertaking project: | |
| | A. Entity | |
| | (1) Name: | |
| | | |
| | B. Other (Private) | |
| | (1) Name: | |
| | (2) Address: | |

The Lead Agency, having reviewed the Initial Study of this proposed project, having reviewed the written comments received prior to the public meeting of the Lead Agency, and having reviewed the recommendation of the Lead Agency's Staff, does hereby find and declare that the proposed project will not have a significant effect on the environment. A brief statement of the reasons supporting the Lead Agency's findings are as follows:

The Lead Agency hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study is attached.

The location and custodian of the documents and any other material which constitute the record of proceedings upon which the Lead Agency based its decision to adopt this Negative Declaration are as follows:

Phone No.:

Date Received
for Filing: _____

_____
Staff

# NOTICE OF DETERMINATION

| | | | |
|---|---|---|---|
| TO: | ☐ Clerk of the Board of Supervisors<br>or<br>☐ County Clerk<br>County of:<br>Address: | FROM: | Public Agency/Lead Agency:<br>Address:<br>Contact:<br>Phone: |

| | | |
|---|---|---|
| TO: | ☐ Office of Planning and Research<br>P. O. Box 3044<br>Sacramento, CA 95812-3044<br>(overnight or hand delivery)<br>☐ 1400 Tenth Street, Rm. 113<br>Sacramento, CA 95814 | Lead Agency (if different from above)<br>Address:<br>Contact:<br>Phone: |

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

| | | |
|---|---|---|
| State Clearinghouse Number<br>(If submitted to SCH): | | |
| Project Title: | | |
| Project Applicant: | | |
| Specific Project Location – Identify street address and cross street or attach a map showing project site (preferably a USGS 15' or 7 ½' topographical map identified by quadrangle name): | | |
| General Project Location (City and/or County): | | |
| Project Description: | | |
| Identify the person or entity undertaking the project, including any private applicant, any other person undertaking an activity that receives financial assistance from the Public Agency as part of the project, and any person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the project. | | |

This is to advise that the (☐ Lead Agency or ☐ Responsible Agency) has approved the above described project on _____ and has made the following determinations regarding the above described project:

| | |
|---|---|
| 1. ☐ | The project will have a significant effect on the environment. |
| ☐ | The project will NOT have a significant effect on the environment |
| 2. ☐ | An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency. |

| | | |
|---|---|---|
| ☐ | A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency. | |
| ☐ | A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency. | |
| 3. ☐ | Mitigation measures were made a condition of the approval of the project. | |
| ☐ | Mitigation measures were NOT made a condition of the approval of the project. | |
| 4. ☐ | A Mitigation Monitoring or Reporting Plan was adopted for this project. | |
| ☐ | A Mitigation Monitoring or Reporting Plan was NOT adopted for this project. | |
| 5. ☐ | A Statement of Overriding Considerations was adopted for this project. | |
| ☐ | A Statement of Overriding Considerations was NOT adopted for this project | |
| 6. ☐ | Findings were made pursuant to the provisions of CEQA. | |
| ☐ | Findings were NOT made pursuant to the provisions of CEQA. | |
| | This is to certify that the Final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to General Public at: | |
| | Custodian: | Location: |

| | |
|---|---|
| **Date:** _____ | _____<br>**Signature** |
| **Date Received for Filing:** _____ | _____<br>**Title** |

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

# NOTICE OF PREPARATION

| | | | |
|---|---|---|---|
| TO: | [Insert Responsible Agency or Trustee Agency]<br><br>[Insert Address] | FROM: | |

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report.

The [INSERT AGENCY NAME] will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The Project description, location, and the potential environmental effects are contained in the attached materials.

| | |
|---|---|
| ☐ | A copy of the Initial Study IS attached. |
| ☐ | A copy of the Initial Study IS NOT attached. |
| ☐ | The proposed project IS considered a project of statewide, regional or areawide significance. |
| ☐ | The proposed project IS NOT considered a project of statewide, regional or areawide significance. |
| ☐ | The proposed project WILL affect highways or other facilities under the jurisdiction of the State Department of Transportation. |
| ☐ | The proposed project WILL NOT affect highways or other facilities under the jurisdiction of the State Department of Transportation. |
| ☐ | A scoping meeting WILL be held by the Lead Agency. |
| ☐ | A scoping meeting WILL NOT be held by the Lead Agency. |

If the project meets the criteria requiring the scoping meeting, or if the agency voluntarily elects to hold such a meeting, the date, time and location of the scoping meeting are as follows:

| | | |
|---|---|---|
| Date: | Time: | Location: |

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please send your response to [INSERT NAME] at the address shown above. We will need the name of a contact person in your agency.

| | |
|---|---|
| Project Title: | |
| Project Location – Specific: Identify street address and cross street or attach a map showing project site (preferably a U.S.G.S. 15' or 7 ½' topographical map identified by quadrangle name): | |

| | |
|---|---|
| Project Description: | |
| Project Applicant (if any): | |
| California Environmental Protection Agency Hazardous Waste List (if applicable): | |

| | | |
|---|---|---|
| Date: _____ | Signature: | |
| | Title: | |
| | Telephone: | |

Consulting firm retained to prepare draft EIR (if applicable):

| | |
|---|---|
| Name: | |
| Address: | |
| City/State/Zip: | |
| Contact Person: | |

**Reference**: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

# NOTICE OF COMPLETION & ENVIRONMENTAL DOCUMENT TRANSMITTAL

***SCH No.:*** _____

*For U.S. Mail*: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
*For Hand Delivery/Street Address*: 1400 Tenth Street, Sacramento, CA 95814

| **PROJECT TITLE** | | |
|---|---|---|
| LEAD AGENCY | | CONTACT PERSON |
| STREET ADDRESS | | TELEPHONE |
| CITY | ZIP CODE | COUNTY |

| **PROJECT LOCATION** | | | | |
|---|---|---|---|---|
| COUNTY | CITY/NEAREST COMMUNITY | | | |
| LAT. / LONG.: ° ' " N/ ° ' " W | | | | |
| CROSS STREETS | ZIP CODE | | TOTAL ACRES | |
| ASSESSOR'S PARCEL NO. | SECTION | TOWNSHIP | RANGE | BASE |
| WITHIN 2 MILES: STATE HIGHWAY NO. | | WITHIN 2 MILES: WATERWAYS | | |
| WITHIN 2 MILES: AIRPORTS | WITHIN 2 MILES: RAILWAYS | | WITHIN 2 MILES: SCHOOLS | |

**DOCUMENT TYPE**

| CEQA | | | | NEPA | | OTHER | |
|---|---|---|---|---|---|---|---|
| ☐ | NOP | ☐ | Supplemental EIR | ☐ | NOI | ☐ | Joint Document |
| ☐ | Early Cons | ☐ | Subsequent EIR | ☐ | EA | ☐ | Final Document |
| ☐ | Neg Dec | ☐ | (Prior SCH No.): | ☐ | Draft EIS | ☐ | Other: |
| ☐ | Mit Neg Dec | ☐ | Other: | ☐ | FONSI | | |
| ☐ | Draft EIR | | | | | | |

**LOCAL ACTION TYPE**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ☐ | General Plan Update | ☐ | Specific Plan | ☐ | Rezone | ☐ | Annexation |
| ☐ | General Plan Amendment | ☐ | Master Plan | ☐ | Prezone | ☐ | Redevelopment |
| ☐ | General Plan Element | ☐ | Planned Unit Development | ☐ | Use Permit | ☐ | Coastal Permit |
| ☐ | Community Plan | ☐ | Site Plan | ☐ | Land Division (Subdivision, etc.) | ☐ | Other: |

**DEVELOPMENT TYPE**

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ☐ | Residential: | Units: | Acres: | | ☐ | Water Facilities: | Type: | MGD: |
| ☐ | Office: | Sq. ft. | Acres: | Employees: | ☐ | Transportation: | Type: | |
| ☐ | Commercial: | Sq. ft. | Acres: | Employees: | ☐ | Mining: | Mineral: | |
| ☐ | Industrial: | Sq. ft. | Acres: | Employees: | ☐ | Power: | Type: | MW: |
| ☐ | Educational: | | | | ☐ | Waste Treatment: | Type: | |
| ☐ | Recreational: | | | | ☐ | Hazardous Waste: | Type: | |
| | | | | | ☐ | Other: | | |

| PROJECT ISSUES THAT MAY HAVE A SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACT: | | | | | |
|---|---|---|---|---|---|
| ☐ | Aesthetic/Visual | ☐ | Geologic/Seismic | ☐ | Toxic/Hazardous |
| ☐ | Agricultural Land | ☐ | Minerals | ☐ | Traffic/Circulation |
| ☐ | Air Quality | ☐ | Noise | ☐ | Vegetation |
| ☐ | Archaeological/Historical | ☐ | Population/Housing Balance | ☐ | Water Quality |
| ☐ | Biological Resources | ☐ | Public Services/Facilities | ☐ | Water Supply/Groundwater |
| ☐ | Coastal Zone | ☐ | Recreation/Parks | ☐ | Wetland/Riparian |
| ☐ | Drainage/Absorption | ☐ | Schools/Universities | ☐ | Wildlife |
| ☐ | Economic/Jobs | ☐ | Septic Systems | ☐ | Growth Inducement |
| ☐ | Fiscal | ☐ | Sewer Capacity | ☐ | Land Use |
| ☐ | Flood Plain/Flooding | ☐ | Soil Erosion/Compaction/Grading | ☐ | Cumulative Effects |
| ☐ | Forest Land/Fire Hazard | ☐ | Solid Waste | ☐ | Greenhouse Gases |
| ☐ | Other:_____ | | | | |

**PRESENT LAND USE/ZONING/GENERAL PLAN USE DESIGNATION:**

**PROJECT DESCRIPTION** *(please use a separate page if necessary)*

*NOTE: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice or Preparation or previous draft document) please fill in.*

Revised 2010

| | **Reviewing Agencies Checklist** *Appendix C*<br>KEY: S = Document sent by lead agency X = Document sent by SCH | | |
|---|---|---|---|
| | *Lead Agencies may recommend State Clearinghouse distribution my marking agencies below:* | | |
| | Air Resources Board | | Native American Heritage Commission |
| | Boating & Waterways, Department of | | Office of Historic Preservation |
| | California Emergency Management Agency | | Office of Public School Construction |
| | California Highway Patrol | | Parks & Recreation, Department of |
| | Caltrans District #_____ | | Pesticide Regulation, Department of |
| | Caltrans Division of Aeronautics | | Public Utilities Commission |
| | Caltrans Planning | | Regional WQCB #_____ |
| | Central Valley Flood Protection Board | | Resources Agency |
| | Coachella Valley Mountains Conservancy | | Resources Recycling and Recovery, Department of |
| | Coastal Commission | | S.F. Bay Conservation & Development Commission |
| | Colorado River Board | | San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy |
| | Conservation, Department of | | San Joaquin River Conservancy |
| | Corrections, Department of | | Santa Monica Mountains Conservancy |
| | Delta Protection Commission | | State Lands Commission |
| | Education, Department of | | SWRCB: Clean Water Grants |
| | Energy Commission | | SWRCB: Water Quality |
| | Fish & Game Region #_____ | | SWRCB: Water Rights |
| | Food & Agriculture, Department of | | Tahoe Regional Planning Agency |
| | Forestry & Fire Protection, Department of | | Toxic Substances Control, Department of |
| | General Services, Department of | | Water Resources, Department of |
| | Health Services, Department of | | Other: |
| | Housing & Community Development | | Other: |

**Local Public Review Period** (to be filled in by lead agency):

Starting Date: _____ Ending Date: _____

Address where copies of the Draft EIR are available and a description of how the Draft EIR can be provided in an electronic format: _____

**Lead Agency** (Complete if applicable):

Consulting Firm: _____

Address: _____

City/State/Zip: _____

Contact: _____

Phone: _____

| | |
|---|---|
| **Applicant:** | |
| Address: | |
| City/State/Zip: | |
| Phone: | |

| | | | |
|---|---|---|---|
| Signature of Lead Agency Representative: | | Date: | |

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

**For SCH Use Only:**

Date Received at SCH _____
Date Review Starts _____
Date to Agencies _____
Date to SCH _____
**Clearance Date** _____
*Notes:*

# ENVIRONMENTAL INFORMATION FORM

(For private projects, this form must be completed by private project applicant to assist staff in completing Initial Study)

Date Filed: _____

GENERAL INFORMATION

| | | |
|---|---|---|
| 1. | Developer or project sponsor | Name: |
| | | Address: |
| 2. | Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name): | |
| 3. | Assessor's Block and Lot Number | |
| 4. | Person to be contacted regarding this project | Name: |
| | | Address: |
| | | Telephone: |
| 5. | Permit Application Number for project | |
| 6. | Existing Zoning District | |
| 7. | Proposed use of site (project for which this form is filed) | |

List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

| |
|---|
| |

| | | |
|---|---|---|
| 8. | Site size: | |
| 9. | Square footage: | |
| 10. | Number of floors of construction: | |
| 11. | Amount of off-street parking provided: | |
| 12. | Attach plans: | |
| 13. | Proposed scheduling: | |
| 14. | Associated projects: | |
| 15. | Anticipated incremental development: | |

16. If residential, include the number of units, schedule of unit sizes, range of sales prices or rents and type of household size expected.

17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area and loading facilities.

18. If industrial, indicate type, estimated employment per shift and loading facilities.

19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities and community benefits to be derived from the project.

20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects?

Discuss below all items checked yes (attach additional sheets as necessary).

| YES | NO | | |
|---|---|---|---|
| ☐ | ☐ | 21. | Change in existing features of any bays, tidelands, beaches, lakes, hills or substantial alteration of ground contours. |
| ☐ | ☐ | 22. | Change in scenic views or vistas from existing residential areas or public lands or roads. |
| ☐ | ☐ | 23. | Change in pattern, scale or character of general area of project. |
| ☐ | ☐ | 24. | Significant amounts of solid waste or litter. |
| ☐ | ☐ | 25. | Change in dust, ash, smoke, fumes or odors in vicinity. |
| ☐ | ☐ | 26. | Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns. |
| ☐ | ☐ | 27. | Substantial change in existing noise or vibration levels in the vicinity. |
| ☐ | ☐ | 28. | Site on filled land or on slope of 10 percent or more. |
| ☐ | ☐ | 29. | Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives. |
| ☐ | ☐ | 30. | Substantial change in demand for municipal services (police, fire, water, sewage, etc.). |
| ☐ | ☐ | 31. | Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.). |
| ☐ | ☐ | 32. | Relationship to a larger project or series of projects. |
| ☐ | ☐ | 33. | Has a prior environmental impact report been prepared for a program, plan, policy or ordinance consistent with this project? |

| YES | NO | | |
|---|---|---|---|
| ☐ | ☐ | 34. | If you answered yes to question 33, may this project cause significant effects on the environment that were not examined in the prior EIR? |
| ☐ | ☐ | 35. | Will the project require the import or export of soil? If so, how much? From where will import come? To where will export go? What is the proposed haul route? |

ENVIRONMENTAL SETTING

36. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. (Snapshots or instant photos acceptable.)

37. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. (Snapshots or instant photos acceptable.)

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date:

Signature:

For:

# INITIAL STUDY

NOTE: The following is a sample form and may be tailored by the Lead Agency to satisfy project circumstances. It may be used to meet the requirements for an initial study when the criteria set forth in the State and Local CEQA Guidelines have been met. Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

1. Project Title: _____

2. Lead Agency Name and Address:

_____

_____

_____

3. Contact Person and Phone Number: _____

4. Project Location: _____

5. Project Sponsor's Name and Address:

_____

_____

_____

6. General Plan Designation: _____ 7. Zoning: _____

8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheet(s) if necessary.)

_____

_____

_____

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings.)

_____

_____

_____

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

_____

_____

_____

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?_____

_____

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | |
|---|---|---|
| ☐ Aesthetics | ☐ Agriculture/Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology / Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials | ☐ Hydrology / Water Quality |
| ☐ Land Use / Planning | ☐ Mineral Resources | ☐ Noise |
| ☐ Population / Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation / Traffic | ☐ Utilities / Service Systems | ☐ Mandatory Findings of Significance |
| ☐ Tribal Cultural Resources | | |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

| | |
|---|---|
| Signature | Date |
| Printed Name | For |

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a Lead Agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the Lead Agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The Lead Agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analyses Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and

   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

SAMPLE QUESTION

Issues:

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| I. | AESTHETICS -- Would the project: | | | | |
| a) | Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☐ |
| b) | Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☐ |
| c) | Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☐ |
| d) | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☐ |
| II. | AGRICULTURE AND FOREST RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. -- Would the project: | | | | |
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☐ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☐ |
| c) | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☐ |
| d) | Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☐ |
| e) | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☐ |
| III. | AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) | Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☐ |
| b) | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☐ | ☐ |
| c) | Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☐ | ☐ |
| d) | Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☐ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| e) | Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☐ |
| IV. | BIOLOGICAL RESOURCES -- Would the project: | | | | |
| a) | Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☐ |
| b) | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☐ |
| c) | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☐ |
| d) | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☐ |
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☐ |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☐ |

| | | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|---|
| V. | CULTURAL RESOURCES -- Would the project: | | | | | |
| | a) | Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? | ☐ | ☐ | ☐ | ☐ |
| | b) | Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | ☐ | ☐ | ☐ | ☐ |
| | c) | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☐ | ☐ |
| | d) | Disturb any human remains, including those interred outside of dedicated cemeteries? | ☐ | ☐ | ☐ | ☐ |
| VI. | GEOLOGY AND SOILS -- Would the project: | | | | | |
| | a) | Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: | ☐ | ☐ | ☐ | ☐ |
| | i) | Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☐ |
| | ii) | Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☐ |
| | iii) | Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☐ |
| | iv) | Landslides? | ☐ | ☐ | ☐ | ☐ |
| | b) | Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☐ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| c) | Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☐ |
| d) | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☐ |
| e) | Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☐ |
| VII. | GREENHOUSE GAS EMISSIONS -- Would the project: | | | | |
| a) | Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☐ | ☐ |
| b) | Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases? | ☐ | ☐ | ☐ | ☐ |
| VIII. | HAZARDS AND HAZARDOUS MATERIALS -- Would the project: | | | | |
| a) | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☐ |
| b) | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☐ |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☐ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| d) | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☐ |
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☐ |
| f) | For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☐ |
| g) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☐ |
| h) | Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☐ |
| IX. | HYDROLOGY AND WATER QUALITY -- Would the project: | | | | |
| a) | Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☐ |
| b) | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☐ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| c) | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☐ | ☐ |
| d) | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | ☐ | ☐ | ☐ | ☐ |
| e) | Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☐ |
| f) | Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☐ |
| g) | Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☐ |
| h) | Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☐ |
| i) | Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☐ |
| j) | Iundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☐ |
| X. | LAND USE AND PLANNING -- Would the project: | | | | |
| a) | Physically divide an established community? | ☐ | ☐ | ☐ | ☐ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| b) | Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☐ |
| c) | Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☐ |
| XI. | MINERAL RESOURCES -- Would the project: | | | | |
| a) | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☐ |
| b) | Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☐ |
| XII. | NOISE -- Would the project result in: | | | | |
| a) | Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☐ |
| b) | Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☐ |
| c) | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☐ |
| d) | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☐ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☐ |
| f) | For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☐ |
| XIII. | POPULATION AND HOUSING -- Would the project: | | | | |
| a) | Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)? | ☐ | ☐ | ☐ | ☐ |
| b) | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☐ |
| c) | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☐ |
| XIV. | PUBLIC SERVICES -- Would the project: | | | | |
| a) | Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | ☐ | ☐ | ☐ | ☐ |
| | Fire protection? | ☐ | ☐ | ☐ | ☐ |
| | Police protection? | ☐ | ☐ | ☐ | ☐ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| | Schools? | ☐ | ☐ | ☐ | ☐ |
| | Parks? | ☐ | ☐ | ☐ | ☐ |
| | Other public facilities? | ☐ | ☐ | ☐ | ☐ |
| XV. | RECREATION -- | | | | |
| a) | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☐ |
| b) | Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☐ |
| XVI. | TRANSPORTATION / TRAFFIC -- Would the project: | | | | |
| a) | Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation n including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☐ | ☐ |
| b) | Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☐ |
| c) | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☐ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| d) | Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☐ |
| e) | Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☐ |
| f) | Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | ☐ | ☐ | ☐ | ☐ |
| XVII. | TRIBAL CULTURAL RESOURCES - Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | |
| a) | Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | ☐ | ☐ | ☐ | ☐ |
| b) | A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | ☐ | ☐ | ☐ | ☐ |
| XVIII. | UTILITIES AND SERVICE SYSTEMS -- Would the project: | | | | |
| a) | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☐ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| b) | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☐ |
| c) | Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☐ |
| d) | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the Lead Agency shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. seq. (SB 610), and the requirements of Government Code Section 66473.7 (SB 221). | ☐ | ☐ | ☐ | ☐ |
| e) | Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☐ |
| f) | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☐ |
| g) | Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☐ |

| | | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|---|
| XIX. | MANDATORY FINDINGS OF SIGNIFICANCE -- | | | | | |
| | a) | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☐ |
| | b) | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.) | ☐ | ☐ | ☐ | ☐ |
| | c) | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☐ |

Note: Authority cited: Public Resources Code sections 21083, 21083.05.

Reference: Gov. Code section 65088.4; Public Resources Code sections 21073, 21074, 21080(c), 21080.1, 21080.3, 21080.3.1, 21080.3.2, 21082.3, 21083, 21083.3, 21083.5, 21084.2, 21084.3, 21093, 21094, 21095 and 21151; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

# NOTICE OF AVAILABILITY OF DRAFT EIR

| | |
|---|---|
| Project Title: | |
| Project Location – Specific; Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name): | |
| Project Location – City: | |
| Project Location – County: | |
| Description of Nature, Purpose, and Beneficiaries of Project: | |
| Project Site – Specify if project site is included on any list of hazardous waste facilities: | |
| Place and time of scheduled meetings: | |
| Lead Agency: | |
| Division | |
| Date when project noticed to public: | |
| Address where copy of the EIR is available and how it can be obtained in an electronic format: | |
| Review Period: | [FILL- IN START DATE] to [FILL-IN END DATE] |
| Contact Person: | |
| Contact Person's Telephone (Area Code/Extension: | |

## California Department of Fish and Wildlife

## No Effect Determination Request Form

To: DEPARTMENT OF FISH AND WILDLIFE

South Coast Regional Office
3883 Ruffin Road
San Diego, CA 92123
Information: (858) 467-4201
FAX: (858) 467-4299
Email: AskR5@wildlife.ca.gov

http://www.wildlife.ca.gov
Environmental Review and Permitting
1416 Ninth Street
Sacramento, California 95814
Information: (916) 653-4875

| | |
|---|---|
| Date Submitted: | |
| CEQA Lead Agency: | |
| Lead Agency Contact Phone Number: | |
| Lead Agency Address: | |
| SCH Number or County Filing Number and local agency project/case number: | |
| CEQA Document Type (the type of document prepared for your project by the CEQA Lead Agency): | |
| Applicant Name and Contact Phone Number (if applicable): | |
| Applicant Address (if applicable): | |
| Project Title: | |
| Project Location (include the street address, lat/long, range/township/section, or other description that clearly indicates the location of the project site. Include an aerial or topographic map of the project site): | |
| Project Description (include details such as new construction [with square footage], demolition of existing buildings, adaptive reuse of existing buildings, zoning amendments, general plan amendments, conditional use for sale of alcoholic beverages, etc.) Use additional sheets if necessary: | |

| | |
|---|---|
| Justification for No Effect Determination (explain how the proposed project is consistent with Title 14 Section 753.5(d) CCR): | |

Facts Supporting Fee Exemption:

1. An Initial Study has been prepared by the Lead Agency to evaluate the project's effects on fish and wildlife resources, if any.
2. The Lead Agency hereby finds that there is substantial evidence that the project will have no effect on fish or wildlife.
3. The project will have NO EFFECT on the following resources:

   (A) Riparian land, rivers, streams, watercourses and wetlands;
   (B) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
   (C) Rare and unique plant life and ecological communities dependant on plant life;
   (D) Listed threatened and endangered plants and animals and the habitat in which they are believed to reside;
   (E) All species listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, the Water Code or regulations adopted thereunder;
   (F) All marine and terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside; and
   (G) All air and water resources, the degradation of which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that air and water.

DECLARATION:

Based on the Lead Agency's evaluation of potential adverse effects on fish and wildlife resources, the Lead Agency believes the project will have no effect on fish or wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

_____

Signature - Lead Agency Representative
Title:
Lead Agency:
Date:

# NOTICE OF RECIRCULATION

| | |
|---|---|
| **To whom it may concern:**<br><br>You are receiving this notice because you commented on the Draft EIR for the following Project: | |
| Project Name: | |
| Project Description: | |
| Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name): | |
| **The Draft EIR prepared for this project has been revised.** | |
| ☐ The entire Draft EIR is being recirculated. Your prior comments remain part of the administrative record, but they are no longer applicable to the Draft EIR that is under consideration. The Final EIR will not provide a response to your prior comments. Should you wish to comment on the revised Draft EIR, you will need to submit new comments. | |
| ☐ Only the following chapters or portions of the Draft EIR have been revised, and only those parts of the revised Draft EIR are being recirculated: | |
| ☐ Your comments should be limited to those parts of the revised Draft EIR that are being recirculated. | |
| ☐ Your comments need not be limited to those parts of the revised Draft EIR that are being recirculated. | |
| **Review Period on Recirculated Draft EIR:** From [FILL-IN START DATE] to [FILL-IN END DATE] | |
| **All comments on the Recirculated Draft EIR should be addressed to the following individual and must be received no later than [FILL-IN END DATE]. Should you have any questions about this notice, please contact:** | |
| Staff: | |
| Title: | |
| Telephone Number: | |
| E-Mail: | |

Date Received
for Filing: _____

_____
Staff

(Clerk Stamp Here)

_____
Title

**THIS IS A SAMPLE FORM AND SHOULD BE MODIFIED TO MEET THE NEEDS OF THE PARTICULAR PROJECT/CIRCUMSTANCE**

[Date]

General Manager
ABC Water District/Agency/Company
123 Main St.
Anytown USA, 9xxxx

Re: Water Supply Assessment for _____ Project within the City of _____.

Dear M(r/s.) _____,

We have received an application from [project proponent] for the following project ("Project"):

[list applications and briefly describe project]

We have consulted with each other and have mutually agreed that your [District/Agency/Company] is a public water system that may provide water service to the Project. We have also mutually agreed that the Project is subject to the water supply assessment requirements of Water Code sections 10910 - 10912. Pursuant to Water Code section 10910, [City/County] requests [District/Agency/Company] to submit a water supply assessment for the Project on or before _____, ____, which is within 90 days of the date of this request. We concurrently request the [District/Agency/Company] to state whether the projected water demand associated with the Project was included as part of the [City's or County's] most recently adopted Urban Water Management Plan. Please contact me to confirm receipt of this request.

Thank you for your cooperation in this matter. If you have any questions about this request, please contact me at your earliest convenience.

_____

[Name]
[Title]

**THIS IS A SAMPLE FORM AND SHOULD BE MODIFIED AS NECESSARY TO MEET THE NEEDS OF THE PARTICULAR PROJECT/CIRCUMSTANCE**

[Date]

General Manager
ABC Water District/Agency/Company
123 Main St.
Anytown USA, 9xxxx

Re: Water Supply Verification for _____ Project within the City/County of _____.

Dear M(r/s.) _____,

[Subdivision proponent] has submitted to the [City or County] an application for tentative map (No. ## - ##) for the following subdivision ("Subdivision"):

[insert project description]

[City/County staff has determined that the application is complete. Pursuant to Government Code section 66455.3, we are enclosing a copy of the application.]

[We have consulted with each other and have mutually agreed that your [District/Agency/Company] is a public water system that may provide water service to the Subdivision. We have also mutually agreed that the Subdivision is subject to the water supply verification requirements of the Subdivision Map Act.] Pursuant to Government Code section 66473.7(b)(1), [City or County] requests [District/Agency/Company] to submit a water supply verification for the Subdivision on or before _____, ____, which is within 90 days of the date of this request. Please contact me to confirm receipt of this request.

Thank you for your cooperation in this matter. If you have any questions about this request, please contact me at your earliest convenience.

_____

[Name]
[Title]

# SHORTENED REVIEW REQUEST FORM

(To be filled out and signed by the **Lead Agency** and submitted with the DEIR or Negative Declaration to SCH)

| | | | |
|---|---|---|---|
| TO: | State Clearinghouse<br>P.O. Box 3044<br>Sacramento, CA 95812-3044<br><br>State Clearinghouse Number: | FROM: | Lead Agency:<br>Address:<br><br>Phone:<br>Contact: |

| |
|---|
| Project Title: |
| Specific Project Location – Identify street address and cross street or attach a map showing project site (preferably a USGS 15' or 7 ½' topographical map identified by quadrangle name): |
| General Project Location (City and/or County): |
| Type of Environmental Document:<br><br>☐ Environmental Impact Report (EIR). The Lead Agency issued a Notice of Preparation on _____ and received comments from applicable State agencies.<br><br>☐ Negative Declaration (ND) or Mitigated Negative Declaration (MND). The Lead Agency consulted with applicable State agencies on _____. |
| Brief Project Description: |

Explain "exceptional circumstances" (State CEQA Guidelines Section 15205(d)) for requesting a shortened review. Identify which of the following five (5) criteria in State CEQA Guidelines Appendix K are met for this project.

| | |
|---|---|
| 1. ☐ | The Lead Agency is operating under an extension of the one-year period for completion of an EIR and would not otherwise be able to complete the EIR within the extended period. |
| 2. ☐ | The public project applicant is under severe time constraints with regard to obtaining financing or exercising options which cannot be met without shortening the review period. |
| 3. ☐ | The document is a supplement to a draft EIR or proposed negative declaration or mitigated negative declaration previously submitted to the State Clearinghouse. |
| 4. ☐ | The health and safety of the community would be at risk unless the project is approved expeditiously. |
| 5. ☐ | The document is a revised draft EIR, or proposed negative declaration or mitigated negative declaration, where changes in the document are primarily the result of comments from agencies and the public. |

| | |
|---|---|
| | Explain how the above criteria applies to the project. |

In compliance with the State and Local CEQA Guidelines, the Lead Agency has contacted and obtained prior approval for a shortened review from the applicable State responsible and trustee agencies. List responsible and trustee state agencies with contact person, phone number and date of consent for the shortened review, as well as any agencies that have commented on the project (attach additional pages, if necessary):

As designated representative for the Lead Agency, I verify, in the Lead Agency's behalf, that there is no "statewide, regional, or areawide significance" to this project.

Length of review being requested: _____ days

Date: _____ Print Name:_____

_____
Signature of Designated Lead Agency Representative

Date Received for Filing: _____

_____
Title

# SUMMARY FORM FOR ELECTRONIC DOCUMENT SUBMITTAL

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of environmental documents to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to State CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

State Clearinghouse Number: _____ Date: _____

Lead Agency: _____ Contact: _____

Email: _____ Phone Number: _____

Project Title: _____

Project Location (City and County): _____

| |
|---|
| Provide a Project Description (Proposed actions, location, and/or consequences). |
| Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect. |
| If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public. |
| Provide a list of the responsible or trustee agencies for the project. |

## Form R: Performance Standards for Infill Projects Eligible for Streamlined Review

### I. Introduction

Section 15183.3 provides a streamlined review process for infill projects that satisfy specified performance standards. This appendix contains those performance standards. The lead agency's determination that the project satisfies the performance standards shall be supported with substantial evidence, which should be documented on the Infill Checklist in Appendix S. Section II defines terms used in this Appendix. Performance standards that apply to all project types are set forth in Section III. Section IV contains performance standards that apply to particular project types (i.e., residential, commercial/retail, office building, transit stations, and schools).

### II. Definitions

The following definitions apply to the terms used in this Appendix.

"High-quality transit corridor" means an existing corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. For the purposes of this Appendix, an "existing stop along a high-quality transit corridor" may include a planned and funded stop that is included in an adopted regional transportation improvement program.

Unless more specifically defined by an air district, city or county, "high-volume roadway" means freeways, highways, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day.

"Low vehicle travel area" means a traffic analysis zone that exhibits a below average existing level of travel as determined using a regional travel demand model. For residential projects, travel refers to either home-based or household vehicle miles traveled per capita. For commercial and retail projects, travel refers to non-work attraction trip length; however, where such data are not available, commercial projects reference either home-based or household vehicle miles traveled per capita. For office projects, travel refers to commute attraction vehicle miles traveled per employee; however, where such data are not available, office projects reference either home-based or household vehicle miles traveled per capita.

"Major Transit Stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with frequencies of service intervals of 15 minutes or less during the morning and afternoon peak commute periods. For the purposes of this Appendix, an "existing major transit stop" may include a planned and funded stop that is included in an adopted regional transportation improvement program.

"Office building" generally refers to centers for governmental or professional services; however, the lead agency shall have discretion in determining whether a project is "commercial" or "office building" for the purposes of this Appendix based on local zoning codes.

"Significant sources of air pollution" include airports, marine ports, rail yards and distribution centers that receive more than 100 heavy-duty truck visits per day, as well as stationary sources that are designated major by the Clean Air Act.

A "Traffic Analysis Zone" is an analytical unit used by a travel demand model to estimate vehicle travel within a region.

## III. Performance Standards Related to Project Design

To be eligible for streamlining pursuant to Section 15183.3, a project must implement all of the following:

**Renewable Energy.** All non-residential projects shall include on-site renewable power generation, such as solar photovoltaic, solar thermal and wind power generation, or clean backup power supplies, where feasible. Residential projects are also encouraged to include such on-site renewable power generation.

**Soil and Water Remediation.** If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.

**Residential Units Near High-Volume Roadways and Stationary Sources.** If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code or community risk reduction plan for the protection of public health from such sources of air pollution. If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.

## IV. Additional Performance Standards by Project Type

In addition to the project features described above in Section III, specific eligibility requirements are provided below by project type.

Several of the performance standards below refer to "low vehicle travel areas." Such areas can be illustrated on maps based on data developed by the regional Metropolitan Planning Organization (MPO) using its regional travel demand model.

Several of the performance standards below refer to distance to transit. Distance should be calculated so that at least 75 percent of the surface area of the project site is within the specified distance.

## A. Residential

To be eligible for streamlining pursuant to Section 15183.3, a project must satisfy one of the following:

**Projects achieving below average regional per capita vehicle miles traveled (VMT).** A residential project is eligible if it is located in a "low vehicle travel area" within the region.

**Projects located within % mile of an Existing Major Transit Stop or High Quality Transit Corridor.** A residential project is eligible if it is located within Yz mile of an existing major transit stop or an existing stop along a high quality transit corridor.

**Low-Income Housing.** A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.

## B. Commercial/Retail

To be eligible for streamlining pursuant to Section 15183.3, a project must satisfy one of the following:

**Regional Location.** A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a "low vehicle travel area."

**Proximity to Households.** A project with no single-building floor-plate greater than 50,000 square feet located within one-half mile of 1800 households is eligible.

## C. Office Building

To be eligible for streamlining pursuant to Section 15183.3, a project must satisfy one of the following:

**Regional Location.** Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area.

**Proximity to a Major Transit Stop.** Office buildings, both commercial and public, within' mile of an existing major transit stop, or X mile of an existing stop along a high quality transit corridor, are eligible.

## D. Transit

Transit stations, as defined in Section 15183.3(e)(1), are eligible.

## E. Schools

Elementary schools within one mile of fifty percent of the projected student population are eligible. Middle schools and high schools within two miles of fifty percent of the projected student population are eligible. Alternatively, any school within % mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.

Additionally, in order to be eligible, all schools shall provide parking and storage for bicycles and scooters and shall comply with the requirements in Sections 17213, 17213.1 and 17213.2 of the California Education Code.

## F. Small Walkable Community Projects

Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features described in Section III above are eligible.

## G. Mixed-Use Projects

Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this Section that apply to the predominant use shall govern the entire project.

Authority: Public Resources Code Sections 21083, 21094.5.5

Reference: Public Resources Code Sections 21094.5 and 21094.5.5

# INFILL ENVIRONMENTAL CHECKLIST FORM

NOTE: This sample form is intended to assist lead agencies in assessing infill projects according to the procedures provided in Section 21094.5 of the Public Resources Code. Lead agencies may customize this form as appropriate, provided that the contents satisfies the requirements in Section 15183.3 of the State CEQA Guidelines.

1. Project Title: _____

2. Lead Agency Name and Address:

_____

_____

_____

3. Contact Person and Phone Number: _____

4. Project Location: _____

5. Project Sponsor's Name and Address:

_____

_____

_____

6. General Plan Designation: _____ 7. Zoning: _____

8. Prior Environmental Document(s) Analyzing the Effects of the Infill Project:

_____

_____

9. Location of Prior Environmental Document(s) Analyzing the Effects of the Infill Project (including State Clearinghouse Number, if assigned): _____

_____

10. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheet(s) if necessary.)

_____

_____

_____

11. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings, including any prior uses of the project site, or, if vacant, describe the urban uses that exist on at least 75% of the project's perimeter.)

_____

_____

_____

12. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

_____

_____

_____

SATISFACTION OF FORM R PERFORMANCE STANDARDS

Provide the information demonstrating that the infill project satisfies the performance standards in Form R below. For **mixed-use projects**, the predominant use will determine which performance standards apply to the entire project.

1. Does the non residential infill project include a renewable energy feature? If so, describe below. If not, explain below why it is not feasible to do so. _____

_____

2. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, either provide documentation of remediation or describe the recommendations provided in a preliminary endangerment assessment or comparable document that will be implemented as part of the project.

3. If the infill project includes residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, a high volume roadway or other significant source of air pollution, as defined in Form R, describe the measures that the project will implement to protect public health. Such measures may include policies and standards identified in the local general plan, specific plans, zoning code or community risk reduction plan, or measures recommended in a health risk assessment, to promote the protection of public health. Identify the policies or standards, or refer to the site specific analysis, below. (Attach additional sheets if necessary.)

4. For **residential** projects, the project satisfies which of the following?

☐ Located within a low vehicle travel area, as defined in Form S. (Attach VMT map.)

☐ Located within 1/2 mile of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)

☐ Consists of 300 or fewer units that are each affordable to low income households. (Attach evidence of legal commitment to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.)

5. For **commercial** projects with a single building floor-plate below 50,000 square feet, the project satisfies which of the following?

☐ Located within a low vehicle travel area, as defined in Form R. (Attach VMT map.)

☐ The project is within one-half mile of 1800 dwelling units. (Attach map illustrating proximity to households.)

6. For **office building** projects, the project satisfies which of the following?

☐ Located within a low vehicle travel area, as defined in Form R. (Attach VMT map.)

☐ Located within 1/2 mile of an existing major transit stop or within 1/4 of a stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)

7. For **school** projects, the project does all of the following:

☐ The project complies with the requirements of Sections 17213, 17213.1 and 17213.2 of the California Education Code.

☐ The project is an elementary school and is within one mile of 50% of the student population, or is a middle school or high school and is within two miles of 50% of the student population. Alternatively, the school is within 1/2 mile of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map and methodology.)

☐ The project provides parking and storage for bicycles and scooters.

8. For **small walkable community projects**, the project must be a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The infill project could potentially result in one or more of the following environmental effects.

| | | |
|---|---|---|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology / Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials | ☐ Hydrology / Water Quality |
| ☐ Land Use / Planning | ☐ Mineral Resources | ☐ Noise |
| ☐ Population / Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation / Traffic | ☐ Utilities / Service Systems | ☐ Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

☐ I find that the proposed infill project WOULD NOT have any significant effect on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, CEQA does not apply to such effects. A Notice of Determination (Section 15094) will be filed.

☐ I find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformity applicable development policies would substantially mitigate such effects. With respect to those effects that are subject to CEQA, I find that such effects WOULD NOT be significant and a NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

☐ I find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that although those effects could be significant, there will not be a significant effect in this case because revisions in the infill project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

☐ I find that the proposed infill project would have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that those effects WOULD be significant, and an infill ENVIRONMENTAL IMPACT REPORT is required to analyze those effects that are subject to CEQA.

| | |
|---|---|
| Signature | Date |
| Printed Name | For |

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a Lead Agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) For the purposes of this checklist, "prior EIR" means the environmental impact report certified for a planning level decision, as supplemented by any subsequent or supplemental environmental impact reports, negative declarations, or addenda to those documents. "Planning level decision" means the enactment or amendment of a general plan, community plan, specific plan, or zoning code. (Section 15183.3(e).)

4) Once the Lead Agency has determined that a particular physical impact may occur as a result of an infill project, then the checklist answers must indicate whether the impact has already been analyzed in a prior EIR. If the effect of the infill project is not more significant than what has already been analyzed, that effect of the infill project is not subject to CEQA. The brief explanation accompanying this determination should include page and section references to the portions of the prior EIR containing this analysis of that effect. The brief explanation shall also indicate whether the prior EIR included any mitigation measures to substantially lessen that effect and whether those measures have been incorporated into the infill project.

5) If the infill project would cause a significant adverse effect that either is specific to the project or project site and was not analyzed in a prior EIR, or is more significant than what was analyzed in a prior EIR, the Lead Agency must determine whether uniformly applicable development policies or standards that have been adopted by the Lead Agency, or city or county, would substantially mitigate that effect. If so, the checklist shall explain how the infill project's implementation of the uniformly applicable development policies will substantially mitigate that effect. That effect of the infill project is not subject to CEQA if the lead agency makes a finding, based upon substantial evidence, that the development policies or standards will substantially mitigate that effect.

6) If all effects of an infill project were either analyzed in a prior EIR or are substantially mitigated by uniformly applicable development policies or standards, CEQA does not apply to the project, and the Lead Agency shall file a Notice of Determination.

7) Effects of an infill project that either have not been analyzed in a prior EIR, or that uniformly applicable development policies or standards do not substantially mitigate, are subject to CEQA. With respect to those effects of the infill project that are subject to CEQA, the checklist shall indicate whether those effects are significant, less than significant with mitigation, or less than significant. If there are one or more " Significant Impact" entries when the determination is made, an infill EIR is required. The infill EIR should be limited to analysis of those effects determined to be significant. (Sections 15128, 15183.3(d).)

8) "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures will reduce an effect of an infill project that is subject to CEQA from " Significant Impact" to a "Less Than Significant Impact." The Lead Agency must describe the mitigation measures, and briefly explain how those measures reduce the effect to a less than significant level. If the effects of an infill project that are subject to CEQA are less than significant with mitigation incorporated, the Lead Agency may prepare a Mitigated Negative Declaration. If all of the effects of the infill project that are subject to CEQA are less than significant, the lead agency may prepare a Negative Declaration.

9) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to an infill project's environmental effects in whatever format is selected.

10) The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and

   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

SAMPLE QUESTION

Issues:

| | Significant Impact | Less Than Significant or Less than Significant with Mitigation Incorporated | No Impact | Analyzed in the Prior EIR | Substantially Mitigated by Uniformly Applicable Development Policies |
|---|---|---|---|---|---|
| I. AESTHETICS. Would the project: | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☐ | ☐ |
| II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project: | | | | | |

| | Significant Impact | Less Than Significant or Less than Significant with Mitigation Incorporated | No Impact | Analyzed in the Prior EIR | Substantially Mitigated by Uniformly Applicable Development Policies |
|---|---|---|---|---|---|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☐ | ☐ |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☐ | ☐ |
| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | | ☐ |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☐ | ☐ | ☐ |

| | Significant Impact | Less Than Significant or Less than Significant with Mitigation Incorporated | No Impact | Analyzed in the Prior EIR | Substantially Mitigated by Uniformly Applicable Development Policies |
|---|---|---|---|---|---|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☐ | ☐ |
| e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☐ | ☐ |
| IV. BIOLOGICAL RESOURCES. Would the project: | | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☐ | ☐ |

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| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☐ | ☐ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☐ | ☐ |
| V. CULTURAL RESOURCES. Would the project: | | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) Disturb any human remains, including those interred outside of dedicated cemeteries? | ☐ | ☐ | ☐ | ☐ | ☐ |
| VI. GEOLOGY AND SOILS. Would the project: | | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: | ☐ | ☐ | ☐ | ☐ | ☐ |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☐ | ☐ |
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☐ | ☐ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☐ | ☐ |

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| iv) Landslides? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☐ | ☐ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☐ | ☐ |
| VII. GREENHOUSE GAS EMISSIONS. Would the project: | | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases? | ☐ | ☐ | ☐ | ☐ | ☐ |
| VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☐ | ☐ |

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| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☐ | ☐ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☐ | ☐ |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☐ | ☐ |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☐ | ☐ |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☐ | ☐ |
| IX. HYDROLOGY AND WATER QUALITY. Would the project: | | | | | |
| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☐ | ☐ |

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| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | ☐ | ☐ | ☐ | ☐ | ☐ |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☐ | ☐ |
| f) Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☐ | ☐ |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☐ | ☐ |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☐ | ☐ |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☐ | ☐ |

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| j) Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☐ | ☐ |
| X. LAND USE AND PLANNING. Would the project: | | | | | |
| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☐ | ☐ |
| XI. MINERAL RESOURCES. Would the project: | | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☐ | ☐ |
| XII. NOISE. Would the project result in: | | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☐ | ☐ |

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| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☐ | ☐ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☐ | ☐ |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☐ | ☐ |
| XIII. POPULATION AND HOUSING. Would the project: | | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☐ | ☐ |

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| XIV. PUBLIC SERVICES. Would the project: | | | | | |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | ☐ | ☐ | ☐ | ☐ | ☐ |
| Fire protection? | ☐ | ☐ | ☐ | ☐ | ☐ |
| Police protection? | ☐ | ☐ | ☐ | ☐ | ☐ |
| Schools? | ☐ | ☐ | ☐ | ☐ | ☐ |
| Parks? | ☐ | ☐ | ☐ | ☐ | ☐ |
| Other public facilities? | ☐ | ☐ | ☐ | ☐ | ☐ |
| XV. RECREATION. Would the project: | | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☐ | ☐ |

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| XVI. TRANSPORTATION/TRAFFIC. Would the project: | | | | | |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation n including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☐ | ☐ |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☐ | ☐ |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | ☐ | ☐ | ☐ | ☐ | ☐ |
| XVII. UTILITIES AND SERVICE SYSTEMS. Would the project: | | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☐ | ☐ |

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| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☐ | ☐ |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☐ | ☐ |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☐ | ☐ |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☐ | ☐ |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☐ | ☐ |

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| XVIII. MANDATORY FINDINGS OF SIGNIFICANCE | | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☐ | ☐ |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.) | ☐ | ☐ | ☐ | ☐ | ☐ |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☐ | ☐ |

Authority: Public Resources Code Sections 21083, 21094.5.5
Reference: Public Resources Code Sections 21094.5 and 21094.5.5