

I hereby certify that the following agenda was posted at least 72 hours prior to the time of the meeting so noticed below at 24251 Los Alisos Boulevard, Lake Forest, California.



DENNIS P. CAFFERTY, Secretary
of the El Toro Water District and
the Board of Directors thereof



AGENDA
EL TORO WATER DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
ENGINEERING COMMITTEE MEETING AND
FINANCE AND INSURANCE COMMITTEE MEETING

September 25, 2023

7:30 a.m.

BOARDROOM, DISTRICT OFFICE
24251 LOS ALISOS BLVD., LAKE FOREST, CA 92630

This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the virtual component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

Members of the public who wish to comment on any item within the jurisdiction of the District or on any item on the agenda, may attend the meeting in person at the District's office or may observe and address the Meeting by joining at this link:
<https://us02web.zoom.us/j/81172078223> (Meeting ID: 811 7207 8223).

Members of the public who wish only to listen to the telephonic meeting may dial in at the following numbers (669) 900-6833 or (346) 248-7799 with the same Meeting ID noted above. Please be advised the Meeting is being recorded.

CALL TO ORDER – President Havens

PLEDGE OF ALLEGIANCE – Director Freshley

ROLL CALL (Determination of a Quorum)

ORAL COMMUNICATIONS/PUBLIC COMMENTS

Members of the public may address the Board at this time or they may reserve this opportunity with regard to an item on the agenda until said item is discussed by the Board. Comments on other items will be heard at the times set aside for “COMMENTS REGARDING NON-AGENDA ENGINEERING COMMITTEE ITEMS” or for “COMMENTS REGARDING NON-AGENDA FIC ITEMS.” The public may identify themselves when called on and limit their comments to three minutes.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize item(s) which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present.)

1. Consider Board Member’s Request for Remote Participation (AB 2449)

FINANCE AND INSURANCE COMMITTEE MEETING

CALL MEETING TO ORDER – Director Gaskins

2. Consent Calendar (Reference Material Included)

(All matters under the Consent Calendar will be approved by one motion unless a Board member or a member of the public requests separate action or discussion on a specific item)

- a. Consider approving the minutes of the August 21, 2023 Finance and Insurance Committee meeting (Minutes included)

Recommended Action: The Board will be requested to approve the above Consent Calendar.

FINANCIAL INFORMATION ITEMS

3. **Other Post Employment Benefits (OPEB) Update**
(Reference Material Included)

Staff and representatives from Foster and Foster will review and comment on the updated actuarial analysis of the OPEB liability associated with the District's Retiree Healthcare Plan for the fiscal year ended June 30, 2023.

4. **Update on the Implementation of the Springbrook Software System**
(Reference Material Included)

Staff will provide an update on the status of the implementation of the Springbrook Software System

FINANCIAL ACTION ITEMS

5. **Financial Package - Authorization to Approve Payment of Bills for the Month Ending September 25, 2023 and Receive and File Financial Statements as of August 31, 2023** (Reference Material Included)

The Board will consider approving Bills for Consideration dated September 25, 2023 and Receive and File Financial Statements as of August 31, 2023.

Recommended Action: Staff recommends that the Board 1) approve, ratify and confirm payment of those bills as set forth in the Payment Summary for the month ending September 25, 2023, and 2) receive and file the Financial Statements for the month ending August 31, 2023.

COMMENTS REGARDING NON-AGENDA FIC ITEMS

CLOSE FINANCE AND INSURANCE COMMITTEE MEETING

ENGINEERING COMMITTEE

CALL MEETING TO ORDER – Director Freshley

6. **Consent Calendar**

(All matters under the Consent Calendar will be approved by one motion unless a Board member or a member of the public requests separate action or discussion on a specific item)

- a. Consider approving the minutes of the August 21, 2023 Engineering Committee meeting. (Minutes Included).

Recommended Action: The Board will be requested to approve the subject minutes.

ENGINEERING ACTION ITEMS

7. **Aliso Creek Lift Station Improvements Project – Alternatives Analysis** (Reference Material Included)

Recommended Action: Staff recommends that the Board of Directors authorize the General Manager to issue a contract to Tetra Tech in the amount of \$120,000.00 for engineering services to develop the Alternatives Analysis for the Aliso Creek Lift Station Improvements Project. Staff further recommends that the Board authorize the General Manager to fund the project costs from the District's Capital Reserves in accordance with the District's adopted Capital Reserve Policy.

8. **R-6 Reservoir Perimeter Road Repair Project** (Reference Material Included)

Staff will review and comment on the bids submitted for the R-6 Reservoir Perimeter Road Repair Project.

Recommended Action: Staff recommends that the Board of Directors authorize the District's General Manager to 1) issue a contract to Pave West in the amount of \$1,031,648 for construction of the perimeter road repair around the R-6 Reservoir and 2) issue a contract to GMU Engineers & Geologists in the amount of \$34,663 for Material Observation and Testing Services During Construction. Staff also recommends that the Board authorize the General Manager to fund the project costs from the District's Capital Reserves in accordance with the District's adopted Capital Reserve Policy.

9. **R-6 Reservoir Security System Replacement Project**

(Reference Material Included)

Staff will review and comment on proposals submitted to replace the security system at the R-6 Reservoir.

Recommended Action: Staff recommends that the Board of Directors authorize the District's General Manager to issue a contract to Convergent in the amount of \$89,234.00 for the installation of a security system at the R-6 Reservoir. Staff also recommends that the Board authorize the General Manager to fund the project costs from the District's Capital Reserves in accordance with the District's adopted Capital Reserve Policy.

10. **Lead and Copper Rule Revisions Compliance** (Reference Material Included)

Staff will review and comment on revisions to the Federal Lead and Copper Rule and the proposed effort to achieve compliance with the new lead service line inventory requirements.

Recommended Action: Staff recommends that the Board of Directors authorize the District's General Manager to enter into a cost sharing agreement with the Municipal Water District of Orange County in an amount Not to Exceed \$100,000 for Phase 1 engineering services from Hazen and Sawyer as part of its Lead and Copper Rules Revision compliance assistance program.

11. **Resolution No. 23-9-1 Adopting the 2023 Update to the District's Local CEQA Guidelines** (Reference Material Included)

The State CEQA Guidelines require local agencies to adopt "objectives, criteria and procedures" to implement the requirements of CEQA and the State CEQA Guidelines. (State CEQA Guidelines [14 Cal. Code Regs.] section 15022.) The El Toro Water District 2023 Local Guidelines for Implementing the California Environmental Quality Act for El Toro Water District reflect recent changes to CEQA.

Recommended Action: Staff recommends that the Board of Directors adopt Resolution No. 23-9-1 approving the 2023 update to the District's Local California Environmental Quality Act (CEQA) Guidelines.

RESOLUTION NO. 23-9-1

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ADOPTING THE 2023 UPDATE TO THE DISTRICT'S
LOCAL CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA GUIDELINES)
(PUB RESOURCES CODE §§21000 ET SEQ.)

ENGINEERING INFORMATION ITEMS

12. **Water and Sewer Master Plan Update** (Reference Material Included)

Staff will review and comment on the Water and Sewer Master Plan Update.

13. **El Toro Water District Capital Project Status Report**
(Reference Material Included)

Staff will review and comment on the El Toro Water District Capital Project Status Report.

14. **Engineering Items Discussed at Various Conferences and Meetings**

The Committee will discuss any pertinent Engineering items discussed at Conferences.

COMMENTS REGARDING NON-AGENDA ENGINEERING COMMITTEE ITEMS

CLOSE ENGINEERING COMMITTEE MEETING

REGULAR SESSION

ATTORNEY REPORT

CLOSED SESSION

At this time the Board will go into Closed Session as follows:

1. Pursuant to Government Code Section 54956.9(d)(1) and (d)(2) to consult with legal counsel and staff re: (1) *Plaintiff, Marlene Jean v. Defendants, Dollar Tree Stores, Inc. et al.*, Superior Court of Los Angeles Case No. 19STCV25234 and (2) to consider and take action on the Request For Leave to Present Late Claim filed on behalf of Park Aliso Commercial Center, LTD., Dollar Tree Stores, Inc., and Coreland Companies Commercial Real Estate Services.
2. Pursuant to Government Code Section 564956.9(d)(2) to consult with legal counsel and staff - Potential Litigation (two matters).

REGULAR SESSION

REPORT ON CLOSED SESSION (Legal Counsel)

Mr. Granito will provide an oral report on the Closed Session.

ADJOURNMENT

The agenda material for this meeting is available to the public at the District's Administrative Office, which is located at 24251 Los Alisos Blvd., Lake Forest, Ca. 92630. If any additional material related to an open session agenda item is distributed to all or a majority of the board of directors after this agenda is posted, such material will be made available for immediate public inspection at the same location.

Request for Disability-Related Modifications or Accommodations

If you require any disability-related accommodation, including auxiliary aids or services, in order to participate in this public meeting, please telephone the District's Recording Secretary, Polly Welsch at (949) 837-7050, extension 225 at least forty-eight (48) hours prior to said meeting. If you prefer, your request may be submitted in writing to El Toro Water District, P.O. Box 4000, Laguna Hills, California 92654, Attention: Polly Welsch.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS
AND THE
FINANCE & INSURANCE COMMITTEE MEETING

August 21, 2023

At approximately 7:30 a.m. President Havens called the regular meeting to order.

Director Monin led in the Pledge of Allegiance to the flag.

Committee Members KAY HAVENS, KATHRYN FRESHLEY, MIKE GASKINS, JOSE VERGARA, and MARK MONIN participated.

Also participating were DENNIS P. CAFFERTY, General Manager, JUDY CIMORELL, Human Resources Manager, HANNAH FORD, Engineering Manager, GILBERT J. GRANITO, General Counsel, VISHAV SHARMA, CFO, SHERRI SEITZ, Public Affairs Manager, RORY HARNISCH, Senior Engineer, BILL MOORHEAD, MNWD, SCOTT GOLDMAN, SCWD, MARC SERNA, SCWD, RICK SHINTAKU, SCWD, WYATT MCCLEAN, Lake Forest Resident, KEITH STRIBLING, HIGHMARK Representative, CAROL MOORE, Laguna Woods City Council member (Zoom), and POLLY WELSCH, Recording Secretary.

Determination of a Quorum

Roll Call:

Director Monin	present
Director Gaskins	present
Director Freshley	present
Vice President Vergara	present
President Havens	present

All five Board members are present at the meeting and therefore a quorum has been determined.

Oral Communications/Public Comment

Mr. Moorhead introduced himself and stated that he would like to thank Vice President Vergara for his years of dedicated service in the water industry.

Mr. McClean introduced himself and stated that as a resident of Lake Forest for 35 years, he's had a chance to review ETWD's Board and appreciates Vice President Vergara's professionalism and leadership.

Items Too Late to be Agendized

Mr. Cafferty stated that on the Engineering agenda the Freeway Lift Station Project's recommended action has changed since the agendas were posted.

SCWD Presentation on SOCWA and the Doheny Ocean Desalination Project

Mr. Serna, Assistant General Manager of South Coast Water District introduced himself and gave a presentation on South Coast Water District's Doheny Ocean Desalination Project. He further stated that they are looking to secure partnerships for this project, and are planning to fund the project through municipal bonds and grants.

Mr. Goldman provided some information on SOCWA's PC agreements that expire after 50 years, and the PC-2 agreement for the Latham plant that expired June 2023 and was extended through September 2023. He further stated that through the SOCWA Facilitated Discussions options were provided for the current operation issues at SOCWA.

At approximately 8:44 a.m. Mr. Goldman, Mr. Shintaku, Mr. Moorhead, and Mr. Serna left the meeting.

Finance and Insurance Committee Meeting

At approximately 8:44 a.m. Director Gaskins called the Finance and Insurance Committee meeting to order.

Consent Calendar

Director Gaskins asked for a Motion.

Motion: Director Freshley made a motion, seconded by Vice President Vergara to approve the Consent Calendar.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

Quarterly Review of the District's 401(k) Retirement Savings Plan

Mr. Stribling provided an update on the District's 401(k) Retirement Savings Plan. He further stated that it was a good quarter relative to the benchmark.

Mr. Stribling stated that the economy is holding steady and this is reflected in the stock market.

At approximately 9:00 a.m. Mr. Stribling left the meeting.

Financial Action Items

Financial Package - Authorization to Approve Bills for Consideration Dated August 21, 2023 and Receive and File Financial Statements as of July 31, 2023

Director Gaskins asked for a Motion.

Motion: Director Monin made a Motion, seconded by President Havens to approve, ratify, and confirm payment of the bills set forth in the schedule of bills for consideration dated August 21, 2023, and receive and file the financial statements for the period ending July 31, 2023.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

Director Freshley asked on page 64 of the package, what is “Commodity Purchased for Re-sale” and why are there no purchases for the month. Mr. Sharma replied that the item refers to purchased water for which we have not yet received the MWDOC bill and we haven’t accrued any expenses for July.

At approximately 9:00 a.m. Mr. Stribling left the meeting.

Resolution No. 23-8-1 Amending ETWD’s Policy Statement 1985-3 (IV) Investment Policy

Mr. Cafferty stated that staff is recommending some minor changes to the District’s Investment Policy.

Director Gaskins asked for a Motion.

Motion: Director Monin made a Motion, seconded by Director Freshley to approve Resolution No. 23-8-1 amending El Toro Water District’s Policy Statement 1985-3 (IV) Investment Policy.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

Resolution No. 23-8-2 Adopting Policy Statement 2023/24 (IV) Electronic Funds

Transfer Policy

Mr. Cafferty stated that this is a new Policy as staff is finding there are a number of reasons we need to use wire transfers. He further stated that staff realized there are some other electronic type transfers we need the option to provide.

Director Gaskins asked for a Motion.

Motion: Vice President Vergara made a Motion, seconded by Director Freshley to approve Resolution No. 23-8-2 adopting Policy Statement 2023/24 (IV) Electronic Funds Transfer Policy.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

Revisions to the Employee Handbook

Mr. Cafferty stated that some of the changes incorporate labor requirements, language changes, and employee input.

Mr. Cafferty stated that the District pays a flat rate to the on-call person which equates to \$60/day, and in reviewing nearby agencies is proposing increasing the stipends to \$70/day.

Mr. Cafferty stated that shift differentials for the workweeks that include weekend days is \$0.75 and has not been updated for more than 20 years. He further stated that this shift differential is being increased to \$3.00/hour.

Mr. Cafferty stated that the Family Rights Leave of Absence was expanded to allow employees to care for a designated person to be identified at the time of the

request for leave.

Mr. Cafferty stated that the vacation accrual has been increased and the period of employment for the maximum accrual changed from 15 years to 10 years to be more consistent with neighboring agencies.

Mr. Cafferty stated that the Sick Leave policy now allows for care for a designated person which is someone other than the family members that has a blood or family-like relationship with the employee.

Mr. Cafferty stated that the Bereavement Leave requirement changed to reflect prohibiting leave days to be consecutive, but must be taken within three months of the family members death.

Mr. Cafferty stated that Education and Certification Program has been modified from a one-time award upon achievement to an annual award based on the individual achievement.

Mr. Cafferty stated that Meal Allowances were modified, and Safety Shoes allowance was increased from \$300 to \$400 and allows for reimbursement of orthopedic insoles.

Mr. Cafferty stated that Punctuality and Attendance language was modified.

Director Gaskins asked for a Motion.

Motion: President Havens made a Motion, seconded by Director Monin to adopt Resolution No. 23-8-3 which amends the Districts Employee Handbook, Section II of the Policy Statement Manual.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

Financial Information Items

Update on the Implementation of the Springbrook Software System

Mr. Sharma stated that staff is utilizing the General Ledger, Bank Reconciliation, Project Management, Accounts Payable, Payroll, Cash Receipting, Accounts Receivable, and Human Resources modules on a daily basis and getting more comfortable with the functionality of Springbrook.

Mr. Sharma stated that staff will be training on report writing and data extraction using Springbrook. He further stated that the Utility Billing Module is scheduled to begin on August 28th and may take between three and five months to fully implement.

Empower – Secure 2.0 Act Implementation

Mr. Cafferty stated that Secure 2.0 is a new congressional act with the intent to facilitate additional catch-up provisions to tax deferred retirement plan contributions. He further stated that currently the limit is \$22,500 and the District's current plan allows for \$22,500 catch-up in each of its retirement plans for those over 50 years of age.

Mr. Cafferty stated that this act will state that any employee who used the catch-up provision and is making more than \$145,000 a year, the catch-up has to go into a Roth account and will no longer be able to go into our 401(k) or 457 Plans. He further stated that we may need to make a modification to our retirement plans.

Comments Regarding Non-Agenda FIC Items

There were no comments.

Adjournment

There being no further business the Finance Committee meeting was closed at approximately 9:37 a.m.

Respectfully submitted

POLLY WELSCH
Recording Secretary

APPROVED:

KAY HAVENS, President
of the El Toro Water District and the
Board of Directors thereof

DENNIS P. CAFFERTY, Secretary
of the El Toro Water District and the
Board of Directors thereof



STAFF REPORT

To: BOARD OF DIRECTORS

Meeting Date: September 25, 2023

From: Vishav Sharma, Chief Financial Officer

Subject: Other Post-Employment Benefits (OPEB) Update

Attached to this memo please find a draft GASB 75 (OPEB) report for the year ended June 30, 2023. This report illustrates the change in the District's Other Post-Employment Benefits (OPEB) liability. The Governmental Accounting Standards Board (GASB) requires all local governments to perform an OPEB analysis every two years and incorporate the result of the analysis into annual financial reports.

To comply with this mandated requirement, the District engaged the services of actuarial consulting firm Foster & Foster, Inc to prepare the report for the District. This year you will note a very substantial decrease in OPEB Liability. There are three main reasons for this decrease and they are listed below in order of importance:

- The largest reduction was caused by ACWA's change to Medicare Advantage plans for retirees over age 65. This substantially reduces the premiums for current retirees as well as projected premiums for current active employees.
- This report reflects the sharp increase in bond rates during FY21/22, from 2.16% to 3.54%. This higher discount rate decreases the present value of future benefits.
- There was decrease in OPEB liability due to retiree's actual demographic experience compared to expected. For one example, 3 retirees changed from 2-party to single coverage lowering the liability for future premiums.

The District's overall OPEB liability will decrease from \$20,031,266 to \$11,050,192. The District will also recognize an additional non-cash charge of \$260,660 in OPEB liability in the 2022-2023 financial statements. This will be incorporated as an expense into the District's Statement of Revenues, Expenses, and Changes in Net Position (equivalent to an Income Statement for a private sector entity). This will reduce the District's financial results for 2022-2023 by the additional \$260,660 OPEB expense

There are several considerations to think about when reviewing the OPEB information:

- As previously noted, this is a non-cash accounting charge and the expense recognized in 2022-2023 will be added to the OPEB liability amount on the Balance Sheet;
- The calculation of the OPEB liability is mandated by GASB standards and actuarial valuation methods. The District has no control over these calculations or the requirement to include them in the annual financial statements.

- The District could establish an OPEB trust to pre-fund this liability. This would allow the District to have control over some of the actuarial valuation methods, including setting the discount rate which is a key variable in the actuarial valuation. However, the District would need to have a significant amount in the OPEB Trust and a policy that shows how the OPEB trust will become fully funded in a foreseeable time period. Usually, GASB and actuarial standards require 50% to 75% of the OPEB Liability in the OPEB Trust before the District can set the discount rate. This amount would be \$5.5 to \$8.3 million for the District's OPEB Trust.
- The discount rate used in the OPEB actuarial valuations is equal to the Municipal Bond Rate which is what is required by GASB if an entity has not established an OPEB Trust. The Municipal Bond Rate has increased significantly in the prior year as the Federal Reserve has increased the short-term borrowing rate. The increase in the municipal bond rate has also helped the District in reducing its OPEB liability because the discount rate in the actuarial valuation has increased. Please see Page 6 of the OPEB Valuation report to see the effect of the municipal bond rate change on our OPEB liability.

Attachments

- Draft El Toro Water District Retiree Healthcare Plan June 30, 2023 GASB 75 Accounting Information Report with measurement date of June 30, 2022 actuarial valuation from Foster & Foster, Inc



DRAFT

El Toro Water District Retiree Healthcare Plan



June 30, 2023 GASBS 75 Accounting Information As of Measurement Date June 30, 2022 Based on the June 30, 2022 Actuarial Valuation

Mary Elizabeth Redding, FSA, EA, MAAA
Drew Ballard, ASA, EA, MAAA
Braelen Ballard, ASA, MAAA
Foster & Foster, Inc.

September 14, 2023

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Applicable Dates

Applicable Dates and Periods

	Fiscal Year Ended June 30, 2023
■ Measurement date	June 30, 2022
■ Measurement period	July 1, 2021 to June 30, 2022
■ Actuarial valuation date	June 30, 2022



Note Disclosures

Plan Information

	Fiscal Year Ended June 30, 2023
■ Plan type	Single Employer
■ OPEB trust	No
■ Special funding situation	No
■ Nonemployer contributing entities	No



Note Disclosures

Covered Participants

At June 30, 2022, the measurement date, the following numbers of participants were covered by the benefit terms:

	Number of Covered Participants
■ Inactives currently receiving benefits	25
■ Inactives entitled to but not yet receiving benefits	-
■ Active employees	59
■ Total	84



Note Disclosures

Total OPEB Liability

	Fiscal Year Ended	
	6/30/22	6/30/23
	Measurement Date 6/30/21	Measurement Date 6/30/22
■ Total OPEB Liability (TOL)	\$ 20,031,266	\$ 11,050,192



Note Disclosures

Changes in Total OPEB Liability

	Total OPEB Liability
■ Balance at 6/30/22 (6/30/21 measurement date)	\$20,031,266
■ Changes for the year	
● Service Cost	625,561
● Interest	442,766
● Changes of benefit terms	-
● Actual vs. expected experience	(7,913,790)
● Assumption changes	(1,818,868)
● Benefit payments*	(316,743)
■ Net Changes	(8,981,074)
■ Balance at 6/30/23 (6/30/22 measurement date)	\$11,050,192

* See the measurement period column on page 16 for details.



Note Disclosures

Sensitivity of Total OPEB Liability

■ Changes in the Discount Rate

	Discount Rate		
	1% Decrease (2.54%)	Current Rate (3.54%)	1% Increase (4.54%)
■ Total OPEB Liability	\$ 12,669,618	\$ 11,050,192	\$ 9,727,133

■ Changes in the Healthcare Trend Rate

	Healthcare Trend Rate		
	1% Decrease	Current Trend	1% Increase
■ Total OPEB Liability	\$ 9,581,250	\$ 11,050,192	\$ 12,873,277



Note Disclosures

OPEB Expense/(Income) for Fiscal Year

	2022/23
	Measurement Period 2021/22
■ OPEB Expense/(Income)*	\$ 578,179

* See page 21 for OPEB expense/(income) detail, which is not a required disclosure.



Note Disclosures

Deferred Outflows/Inflows Balances at June 30, 2023

	June 30, 2023	
	Deferred Outflows of Resources	Deferred Inflows of Resources
■ Differences between expected and actual experience	\$ 282,116	\$ 7,561,779
■ Changes in assumptions	2,894,133	1,562,689
■ Employer contributions made subsequent to the measurement date*	317,520	-
■ Total	3,493,769	9,124,468

* See page 16 for details.



**Recognition of Deferred Outflows and Inflows of Resources
in Future OPEB Expense**

FYE June 30	Deferred Outflows/(Inflows) of Resources
■ 2024	\$ (490,148)
■ 2025	(490,151)
■ 2026	(997,609)
■ 2027	(1,114,620)
■ 2028	(1,347,815)
■ Thereafter	(1,507,876)



Significant Actuarial Assumptions Used for Total OPEB Liability

Actuarial Assumption	June 30, 2022 Measurement Date
■ Actuarial Valuation Date	■ June 30, 2022
■ Contribution Policy	■ No pre-funding
■ Discount Rate	■ 3.54% at June 30, 2022 (Bond Buyer 20-Bond Index) ■ 2.16% at June 30, 2021 (Bond Buyer 20-Bond Index)
■ General Inflation	■ 2.50% annually
■ Mortality, Retirement, Disability, Termination	■ CalPERS 2000-2019 Experience Study (2% @ 55 rates for Tier 1, modified rates for Tier 2)
■ Mortality Improvement	■ Mortality projected fully generational with Scale MP-2021



Note Disclosures

Significant Actuarial Assumptions Used for Total OPEB Liability

Actuarial Assumption	June 30, 2022 Measurement Date
■ Salary Increases	<ul style="list-style-type: none"> ■ Aggregate - 2.75% annually ■ Merit - CalPERS 2000-2019 Experience Study
■ Medical Trend	<ul style="list-style-type: none"> ■ Non-Medicare - 8.50% for 2024, decreasing to an ultimate rate of 3.45% in 2076 ■ Medicare (Kaiser) - 6.25% for 2024, decreasing to an ultimate rate of 3.45% in 2076 ■ Medicare (Non-Kaiser) - 7.50% for 2024, decreasing to an ultimate rate of 3.45% in 2076
■ Healthcare Participation at Retirement	<ul style="list-style-type: none"> ■ Actives: 95% Tier 1, 90% Tier 2 ■ Retirees: 100%
■ Spouse Healthcare Participation at	<ul style="list-style-type: none"> ■ 100% Tier 1, 50% Tier 2, if spouse currently ■ 0% if spouse not currently covered
■ Medical Plan Election at Retirement	<ul style="list-style-type: none"> ■ Same as currently elected



Note Disclosures

Changes Since June 30, 2021 Measurement Date

	June 30, 2022 Measurement Date
■ Changes of assumptions	<ul style="list-style-type: none"> ■ Discount rate was updated based on municipal bond rate as of the measurement date ■ Updated medical trend rates ■ CalPERS 2000-2019 Experience Study was used for demographic assumptions ■ Mortality improvement scale was updated to Scale MP-2021
■ Changes of benefit terms	<ul style="list-style-type: none"> ■ None



Required Supplementary Information

Schedule of Changes in Total OPEB Liability and Related Ratios

	2022/23
	Measurement Period 2021/22
■ Changes in Total OPEB Liability	
● Service Cost	\$ 625,561
● Interest	442,766
● Changes of benefit terms	-
● Actual vs. expected experience	(7,913,790)
● Assumption changes	(1,818,868)
● Benefit payments	(316,743)
■ Net Changes	(8,981,074)
■ Total OPEB Liability (beginning of year)	20,031,266
■ Total OPEB Liability (end of year)	11,050,192



Required Supplementary Information

Schedule of Changes in Total OPEB Liability and Related Ratios

	2022/23
	Measurement Date 6/30/22
■ Total OPEB Liability	\$ 11,050,192
■ Covered employee payroll*	6,743,824
■ Total OPEB Liability as a percentage of covered employee payroll	163.9%

* For the 12-month period ended on June 30, 2022 (Measurement Date).
As reported by the District.



Actuarial Certification

This report presents the El Toro Water District Retiree Healthcare Plan 2022/23 disclosure under Governmental Accounting Standards Board Statement No. 75 (GASBS 75). This report may not be appropriate for other purposes, although it may be useful to the District for the Plan's financial management.

This report is based on information provided by the District which we relied on and did not audit. The June 30, 2022 valuation is based on plan provisions and participant data provided by the District, all of which we relied on and did not audit. We reviewed the census data for reasonableness.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as: plan experience differing from that anticipated by the assumptions; changes in assumptions; changes expected as part of the natural progression of the plan; and changes in plan provisions or applicable law. Actuarial models necessarily rely on the use of estimates and are sensitive to changes. Small variations in estimates may lead to significant changes in actuarial measurements. Due to the limited scope of this assignment, we did not perform an analysis of the potential range of such measurements.

The Journal Entries in this report are provided for the District's convenience and are not an actuarial communication. Therefore, this actuarial certification does not apply to the Journal Entries.

To the best of our knowledge, this report is complete and accurate and has been conducted using generally accepted actuarial principles and practices and complies with applicable Actuarial Standards of Practice. Additionally, in our opinion, actuarial methods and assumptions comply with GASBS 75. As the actuary, we have recommended the assumptions used in this report, and we believe they are reasonable. As members of the American Academy of Actuaries meeting the Academy Qualification Standards, we certify the actuarial results and opinions herein.

Respectfully submitted,

DRAFT

DRAFT

Mary Elizabeth Redding, FSA, EA, MAAA
Foster & Foster, Inc.
September 14, 2023

Drew Ballard, ASA, EA, MAAA
Foster & Foster, Inc.
September 14, 2023



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GASBS 75

El Toro Water District

Supporting Calculations

Employer Contributions

	Measurement Period	Measurement Date to FYE	Prior Measurement Date to Prior FYE*
	7/1/21 to 6/30/22	7/1/22 to 6/30/23	Same as Measurement Period
■ Cash benefit payments	\$ 258,980	\$ 263,362	\$ 258,980
■ Implicit subsidy benefit payments	57,763	54,158	57,763
■ Total benefit payments	316,743	317,520	316,743
■ Administrative expenses	-	-	-
■ Total employer contributions	316,743	317,520	316,743

Measurement period (7/1/21 to 6/30/22): \$316,743

Fiscal year (7/1/22 to 6/30/23): \$317,520

* Note: Our prior report included \$338,807 as the deferred outflow for contributions after the measurement date.



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El Toro Water District

Supporting Calculations

Average of the Expected Remaining Service Lives

July 1, 2021 (beginning of the measurement period) was not a valuation date and no census data was available to the actuary as of that date. Therefore, the average of the expected remaining service lives was estimated as follows:

Valuation Date	Total expected remaining service lives*	Covered participants*	Average of the expected remaining service lives as of valuation date	Average of the expected remaining service lives as of 7/1/21 (not less than 1 yr)
6/30/22	588.8 years	81	7.3 years	7.1 years
6/30/20	537.6 years	77	7.0 years	

* Participants with no liability excluded for the purpose of calculating the average.



Supporting Calculations

Recognition of Deferred Outflows/Inflows at June 30, 2023 Differences between Expected and Actual Experience

Fiscal Year	Initial Amt	Initial Recog Period	Amount Recognized in OPEB Expense for FY							Deferred Balances June 30, 2023	
			22/23	23/24	24/25	25/26	26/27	27/28	28/29+	Outflows	(Inflows)
18/19	987,411	7.0	141,059	141,059	141,057	-	-	-	-	282,116	-
19/20	-	-	-	-	-	-	-	-	-	-	-
20/21	(1,334,563)	7.0	(190,652)	(190,652)	(190,652)	(190,652)	(190,651)	-	-	-	(762,607)
21/22	-	-	-	-	-	-	-	-	-	-	-
22/23	(7,913,790)	7.1	(1,114,618)	(1,114,618)	(1,114,618)	(1,114,618)	(1,114,618)	(1,114,618)	(1,226,082)	-	(6,799,172)
Total			(1,164,211)	(1,164,211)	(1,164,213)	(1,305,270)	(1,305,269)	(1,114,618)	(1,226,082)	282,116	(7,561,779)



Supporting Calculations

Recognition of Deferred Outflows/Inflows at June 30, 2023 Changes of Assumptions

Fiscal Year	Initial Amt	Initial Recog Period	Amount Recognized in OPEB Expense for FY							Deferred Balances June 30, 2023	
			22/23	23/24	24/25	25/26	26/27	27/28	28/29+	Outflows	(Inflows)
18/19	2,564,813	7.0	366,402	366,402	366,401	-	-	-	-	732,803	-
19/20	923,090	7.1	130,013	130,013	130,013	130,013	12,999	-	-	403,038	-
20/21	2,875,924	7.0	410,846	410,846	410,846	410,846	410,848	-	-	1,643,386	-
21/22	160,868	7.0	22,981	22,981	22,981	22,981	22,981	22,982	-	114,906	-
22/23	(1,818,868)	7.1	(256,179)	(256,179)	(256,179)	(256,179)	(256,179)	(256,179)	(281,794)	-	(1,562,689)
Total			674,063	674,063	674,062	307,661	190,649	(233,197)	(281,794)	2,894,133	(1,562,689)



Supporting Calculations

Recognition of Deferred Outflows/Inflows in Future OPEB Expense

	23/24	24/25	25/26	26/27	27/28	Thereafter 28/29+
■ Differences between Expected and Actual Experience	(1,164,211)	(1,164,213)	(1,305,270)	(1,305,269)	(1,114,618)	(1,226,082)
■ Changes of Assumptions	674,063	674,062	307,661	190,649	(233,197)	(281,794)
■ Total	(490,148)	(490,151)	(997,609)	(1,114,620)	(1,347,815)	(1,507,876)



Supporting Calculations

Components of GASBS 75 OPEB Expense

	2022/23
	Measurement Period 2021/22
■ Service Cost	\$ 625,561
■ Interest on Total OPEB Liability	442,766
■ Administrative expense	-
■ Changes of benefit terms	-
■ Recognition of deferred outflows/(inflows)	
● Experience	(1,164,211)
● Assumptions	674,063
■ OPEB Expense/(Income)	578,179



Supporting Calculations

Components of GASBS 75 OPEB Expense **Calculation of Interest on Total OPEB Liability** **2021/22 Measurement Period**

	Dollar Amount	Discount Rate	Portion of Year	Interest
■ Total OPEB Liability	\$ 20,031,266	2.16%	100%	\$ 432,675
■ Service Cost	625,561	2.16%	100%	13,512
■ Changes of benefit terms	-	2.16%	0%	-
■ Experience*	(7,913,790)	2.16%	0%	-
■ Assumption changes*	(1,818,868)	2.16%	0%	-
■ Benefit payments	(316,743)	2.16%	50%	(3,421)
■ Total interest				442,766

* Liability determined as of the end of the measurement period, so no interest charge is applicable.



Supporting Calculations

GASBS 75 Balance Equation

	Fiscal Year Ended	
	6/30/22	6/30/23
	Measurement Date 6/30/21	Measurement Date 6/30/22
■ Total OPEB Liability	\$ 20,031,266	\$ 11,050,192
■ Fiduciary Net Position	-	-
■ Net OPEB Liability	20,031,266	11,050,192
■ Deferred inflows of resources	953,259	9,124,468
■ Deferred (outflows) of resources	(4,247,550)	(3,176,249)
■ Balance Sheet	16,736,975	16,998,411

Check:

■ Balance Sheet 6/30/22	\$ 16,736,975
● OPEB Expense/(Income)	578,179
● Employer Contributions*	(316,743)
■ Balance Sheet 6/30/23	16,998,411

* See the measurement period column on page 16 for details.



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El Toro Water District

Supporting Calculations

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Journal Entries

Employer Contributions

The entries below assume cash benefit payments, Trust contributions, and administrative expenses have been charged to OPEB Expense when paid, and that no accounting entries have been made for the current year implicit subsidy payment, which is recorded as a reduction to active employee health care costs. See page 16 for details.

Following records the impact of employer contributions as deferred outflows of resources and as a reduction to Net OPEB Liability.

	Debit	(Credit)
■ Net OPEB Liability - (for Contributions paid 7/1/21 to 6/30/22)	\$ 316,743	\$ -
■ OPEB Expense - (for admin fees paid 7/1/21 to 6/30/22)	-	-
■ Deferred Outflow - 7/1/21 to 6/30/22 contributions	-	(316,743)
■ Deferred Outflow - 7/1/22 to 6/30/23 contributions	317,520	-
■ Active employee health care costs - (implicit subsidy payments 7/1/22 to 6/30/23)	-	(54,158)
■ OPEB Expense - (for contributions paid 7/1/22 to 6/30/23)	-	(263,362)

Check 634,263 (634,263)



Journal Entries

Summary Journal Entries - OPEB Expense

Following records the impact of current year OPEB expense

	Debit	(Credit)
■ Deferred Outflows*	\$ -	\$ (1,071,301)
■ Deferred Inflows**	-	(8,171,209)
■ OPEB Expense/Credit	578,179	-
■ Net OPEB Liability	8,664,331	-

Check 9,242,510 (9,242,510)

* See page 28 ('Subtotal' row) for details.

** See page 29 for details.



Journal Entries

Ending Balances at June 30, 2023

	Debit	(Credit)
■ Deferral: Differences between expected and actual experience	\$ 282,116	\$ (7,561,779)
■ Deferral: Changes of assumptions	2,894,133	(1,562,689)
■ Total deferred outflow/inflow	3,176,249	(9,124,468)
■ Net OPEB Liability (NOL)	-	(11,050,192)
■ Contributions after the Measurement Date	317,520	-
■ Net Impact	16,680,891	-

Check: 20,174,660 (20,174,660)

■ Total OPEB expense/(income) for FYE 2023	578,179	-
--	---------	---



Journal Entries

Reconciliation of Deferred Outflows

Detail for page 26

Deferred Outflows	Opening Balance - Debit	Journal Entry - Debit	Journal Entry - (Credit)	Ending Balance - Debit
■ Differences between actual and expected experience	\$ 423,175	\$ -	\$ (141,059)	\$ 282,116
■ Change in assumptions	3,824,375	-	(930,242)	2,894,133
■ Subtotal - actuarial deferrals	4,247,550	-	(1,071,301)	3,176,249
■ Contributions after the Measurement Date	316,743	317,520	(316,743)	317,520
■ Total Deferred Outflows	4,564,293	317,520	(1,388,044)	3,493,769



Journal Entries

Reconciliation of Deferred Inflows

Detail for page 26

Deferred Inflows	Opening Balance - (Credit)	Journal Entry - (Credit)	Journal Entry - Debit	Ending Balance - (Credit)
■ Differences between actual and expected experience	\$ (953,259)	\$ (6,608,520)	\$ -	\$ (7,561,779)
■ Change in assumptions	-	(1,562,689)	-	(1,562,689)
■ Total Deferred (Inflows)	(953,259)	(8,171,209)	-	(9,124,468)



Journal Entries

Reconciliation of Deferred Outflows/(Inflows)

Summary of Balances

	Fiscal Year Ended	
	6/30/22	6/30/23
	Measurement Date 6/30/21	Measurement Date 6/30/22
■ Total OPEB (Liability)	\$ (20,031,266)	\$ (11,050,192)
■ Fiduciary Net Position	-	-
■ Net OPEB (Liability)	(20,031,266)	(11,050,192)
■ Deferred (inflows) of resources	(953,259)	(9,124,468)
■ Deferred outflows of resources	4,564,293	3,493,769
■ Balance Sheet Impact	(16,420,232)	(16,680,891)

Deferred Outflows include contributions after the measurement date.



Plan Summary

Item	Description						
■ Eligibility	<p>■ Eligible for retiree medical benefits if retire directly from the District at the time of retirement and meet the following requirements:</p> <table border="1"> <tr> <th>Tier</th><th>Minimum eligibility requirements</th></tr> <tr> <td>1</td><td>Hired before 6/1/2008: Age 55 & 10 years of service</td></tr> <tr> <td>2</td><td>Hired after 6/1/2008: Age 60 & 20 years of service</td></tr> </table> <p>■ Eligibility for regular full-time employees only; directors not eligible.</p> <p>■ No District paid dental or vision care coverage is provided.</p>	Tier	Minimum eligibility requirements	1	Hired before 6/1/2008: Age 55 & 10 years of service	2	Hired after 6/1/2008: Age 60 & 20 years of service
Tier	Minimum eligibility requirements						
1	Hired before 6/1/2008: Age 55 & 10 years of service						
2	Hired after 6/1/2008: Age 60 & 20 years of service						
■ Retiree Benefits	<p>■ Health benefits are provided by the ACWA/JPIA - Association of California Water Agencies/Joint Powers Insurance Authority.</p> <p>■ Benefits are based on the eligibility at retirement:</p> <table border="1"> <tr> <th>Tier</th><th>Benefits</th></tr> <tr> <td>1</td><td>Hired before 6/1/2008: District and retiree will share in the cost of the monthly premium for the retiree and their spouse or registered domestic partner and eligible dependents;</td></tr> <tr> <td>2</td><td>Hired after 6/1/2008: District and member will share in the cost of the monthly premium for the member only.</td></tr> </table> <p>■ The District will determine at their discretion the shared percentage of the cost between the District and the member. Currently, the District covers:</p> <ul style="list-style-type: none"> • 100% of the cost if Kaiser member only coverage is selected; • 95% of the cost for the member and spouse if Kaiser two-party or family coverage is selected; • 90% of the cost for the member and spouse if any non-Kaiser plan is selected. <p>■ Spouses are eligible to participate under Tier 2 but are responsible for 100% of their costs.</p> <p>■ Surviving spouses are also eligible for District paid benefits under Tier 1.</p>	Tier	Benefits	1	Hired before 6/1/2008: District and retiree will share in the cost of the monthly premium for the retiree and their spouse or registered domestic partner and eligible dependents;	2	Hired after 6/1/2008: District and member will share in the cost of the monthly premium for the member only.
Tier	Benefits						
1	Hired before 6/1/2008: District and retiree will share in the cost of the monthly premium for the retiree and their spouse or registered domestic partner and eligible dependents;						
2	Hired after 6/1/2008: District and member will share in the cost of the monthly premium for the member only.						
■ Implied Subsidy	<p>■ Employer cost for allowing retirees to participate at actives rates.</p> <p>■ Implied subsidy valued for retirees and spouses for their lifetimes, where required</p>						



Actuarial Valuation Information

Premiums

Monthly Premiums

ACWA Other Southern California Region Incentive Rates

Plan	2022			2023		
	Single	2-Party	Family	Single	2-Party	Family
Anthem Classic PPO	\$ 815.94	\$1,631.87	\$2,162.23	\$ 734.34	\$1,468.68	\$1,946.00
Anthem CalCare HMO	925.25	1,850.50	2,451.92	976.29	1,952.58	2,587.17
Anthem CDHP	652.75	1,305.50	1,729.78	587.47	1,174.94	1,556.80
Kaiser South HMO (Kaiser w/ Chiro in 2022)	681.82	1,346.64	1,898.45	673.19	1,346.38	1,871.47
United Healthcare PPO w/ Medicare	392.49	784.98	1,160.47	404.70	809.40	1,214.10



Actuarial Valuation Information

Participant Statistics

June 30, 2022

	6/30/20 Valuation	6/30/22 Valuation
■ Actives		
● Counts	59	59
» Tier 1	32	28
» Tier 2	27	31
● Average		
» Age	50.6	50.5
» District Service	15.9	16.1
■ Retirees		
● Counts	22	25
» Tier 1	22	25
» Tier 2	-	-
● Average		
» Age	70.4	71.6
» Retirement Age*	62.4	62.6

* Service Retirees only.



Actuarial Valuation Information

Active Medical Coverage by Age Group

June 30, 2022

Age	Single	2-Party	Family	Waived	Total
Under 30	2	-	1	-	3
30-34	3	3	3	-	9
35-39	-	2	-	-	2
40-44	1	1	4	-	6
45-49	1	2	1	-	4
50-54	3	-	4	-	7
55-59	2	2	7	-	11
60-64	2	6	2	-	10
65+	2	4	1	-	7
Total	16	20	23	-	59



Actuarial Valuation Information

Active Medical Coverage

June 30, 2022

Medical Plan	Single	2-Party	Family	Waived	Total
Anthem Classic PPO	4	3	4	-	11
Anthem CalCare HMO	1	7	10	-	18
Anthem CDHP	-	1	-	-	1
Kaiser HMO	11	9	9	-	29
Waived	-	-	-	-	-
Total	16	20	23	-	59



Actuarial Valuation Information

Active Age Service Distribution

June 30, 2022

Age	District Service							Total
	<1	1-4	5-9	10-14	15-19	20-24	25+	
Under 25	-	2	-	-	-	-	-	2
25-29	-	-	1	-	-	-	-	1
30-34	1	6	2	-	-	-	-	9
35-39	-	1	1	-	-	-	-	2
40-44	-	1	3	-	1	1	-	6
45-49	-	-	2	1	-	1	-	4
50-54	-	1	1	-	1	2	2	7
55-59	-	1	2	1	1	3	3	11
60-64	-	2	-	1	1	1	5	10
65+	-	-	1	-	1	1	4	7
Total	1	14	13	3	5	9	14	59



Actuarial Valuation Information

Retiree Medical Coverage by Age Group

June 30, 2022

Age	Single	2-Party	Family	Waived	Total
Under 50	-	-	-	-	-
50-54	-	-	-	-	-
55-59	1	1	1	-	3
60-64	-	3	-	-	3
65-69	2	2	-	-	4
70-74	2	4	-	-	6
75-79	3	3	-	-	6
80-84	1	2	-	-	3
Over 85	-	-	-	-	-
Total	9	15	1	-	25
Average Age	73.5	71.3	58.8	-	71.6



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Actuarial Valuation

El Toro Water District

Actuarial Valuation Information

Retiree Medical Coverage

June 30, 2022

Medical Plan	Single	2-Party	Family	Waived	Total
Anthem Classic PPO	2	2	-	-	4
Anthem CalCare HMO	-	2	1	-	3
UnitedHealthcare PPO	7	11	-	-	18
Waived	-	-	-	-	-
Total	9	15	1	-	25



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Actuarial Valuation

El Toro Water District

Actuarial Valuation Information

Actuarial Obligations

June 30, 2022

	Cash Subsidy	Implicit Subsidy	Total
■ Present Value of Benefits			
● Actives	\$ 7,449,243	\$ 1,210,318	\$ 8,659,561
● Retirees	4,498,758	346,786	4,845,544
● Total	11,948,001	1,557,104	13,505,105
■ Actuarial Accrued Liability			
● Actives	5,421,188	783,460	6,204,648
● Retirees	4,498,758	346,786	4,845,544
● Total	9,919,946	1,130,246	11,050,192
■ Service Cost (2022/23)	242,890	45,906	288,796
■ Pay-As-You-Go Cost (Projected 2017/18)	266,779	54,158	320,937

The decrease in Actuarial Accrued Liability since the last valuation was primarily due to the District's health plan provider (ACWA/JPIA) changing to Medicare Advantage plans. Other factors were the increase in the municipal bond rate and so the discount rate, as well as actual demographic experience among retirees.



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Actuarial Valuation

El Toro Water District

Actuarial Valuation Information

Projected Benefit Payments

June 30, 2022

Fiscal Year Ended	Cash Subsidy	Implicit Subsidy	Total
2023	\$ 266,779	\$ 54,158	\$ 320,937
2024	318,328	77,700	396,028
2025	372,345	98,027	470,372
2026	422,522	109,905	532,427
2027	467,357	116,364	583,721
2028	501,567	113,216	614,783
2029	517,619	98,352	615,971
2030	555,563	112,111	667,674
2031	567,450	115,771	683,221
2032	552,875	80,756	633,631



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Actuarial Valuation

El Toro Water District

Actuarial Valuation Information

Additional Actuarial Assumptions **2023 Sample Estimated Monthly Claims¹**

Based on ACWA/JPIA pooled plan: Other Southern California Region

Age	Anthem Classic PPO		Anthem CalCare HMO		Anthem CDHP		Kaiser South HMO	
	M	F	M	F	M	F	M	F
25	239	388	354	690	219	355	276	538
35	352	545	462	852	323	499	360	664
45	559	616	734	893	512	564	572	696
55	834	805	1,231	1,245	764	738	959	970
60	999	931	1,575	1,485	916	854	1,228	1,157
64	1,173	1,061	1,880	1,703	1,075	972	1,465	1,327

¹ Claims for Medicare-Advantage plans assumed to equal premiums, in accordance with the Practice Note to Actuarial Standard of Practice #6 ("ASOP 6").



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Actuarial Valuation

El Toro Water District

Actuarial Valuation Information

Additional Actuarial Assumptions **June 30, 2022**

	Actuarial Assumption
■ Waived Retiree Re-election	■ None
■ Surviving Spouse Participation	■ 100% if eligible
■ Spouse Age	■ Actives: Males 3 years older than females ■ Retirees: Males 3 years older than females if spouse birth date not available
■ Medicare Eligibility	■ All participants assumed to be Medicare eligible and elect Medicare plans at age 65
■ Tier 2 Retirement Rates	■ Based on 50% of the CalPERS 2%@ 55 rates before age 60 and 20 years of service



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Actuarial Valuation

El Toro Water District

Actuarial Valuation Information

Additional Actuarial Assumptions

June 30, 2022

	Actuarial Assumption
■ Basis for Assumptions	<ul style="list-style-type: none">■ No experience study performed for this Plan■ CalPERS 2000-2019 experience study was used■ Mortality improvement is a Society of Actuaries table■ Inflation based on our estimate for the Plan's long time horizon■ Medical trends were based on expectations over the short term blended into long term medical trends developed using the Society of Actuaries Getzen Model of Long-Run Medical Cost Trends■ Age-based claims costs were developed by Axene Health Partners based on demographic data provided by CalPERS, Axene's proprietary AHP Cost Model, and Society of Actuaries studies■ Medical coverage and participation based in part on Plan experience



Actuarial Valuation Information

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STAFF REPORT

To: BOARD OF DIRECTORS

Meeting Date: September 25, 2023

From: Vishav Sharma, Chief Financial Officer

Subject: Springbrook Implementation – Progress Update

Presented below are the activities, challenges, and opportunities of the ongoing Springbrook implementation process:

- The District has successfully implemented Springbrook's General Ledger, Bank Reconciliation, Project Management, Accounts Payable, Payroll, Cash Receipting, Accounts Receivable and Human Resources modules. Staff is utilizing these modules on daily basis and getting better comfort level with the functionality of Springbrook.
- As discussed in the last month's meeting, Springbrook's time and attendance system is cumbersome and not user friendly. The testing of that module was not a success and the District is working with the ADP to move our time and attendance/payroll system back to ADP. We expect that transition to take place in the next quarter.
- Staff requires further report writing and data extraction training to better use Springbrook. The District is sending four staff members to a Springbrook convention in October. We will evaluate future training needs after the convention.
- The modules that still need to be implemented include Utility Billing, online credit card processing, and Fixed Assets.
- Springbrook utility billing module implementation is in progress. The District staff worked with Springbrook System's implementation team from August 29th to September 1st. We tested some data and worked on various import export data files. We also identified potential challenges that the District staff can face when we go live. We have scheduled a second session of testing for the week of October 16th. Between now and October 16th staff will continue to work with Springbrook to test payment processing and import data files. Staff will provide Springbrook our updated data and new billing rates at the end of September. During the week of October 16th, we will test again the billing statements, uploading of meter reads and various payment processing inputs. Currently, we are scheduled to go live on October 30th, subject to the successful testing during the week of October 16th. We have also setup alternate date of January 8th if the testing is not successful.

Springbrook Utility Billing Project Schedule as of 8/31/2023:

Week/Day	System	Description	Complete
October 16	Utility Billing	Updated Data Review	Scheduled
October 17-20	Utility Billing	Data Testing	Scheduled
October 30	Utility Billing	Go Live with Utility Billing	Scheduled
January 24	Utility Billing	Alternative date for go live	Scheduled



STAFF REPORT

To: Board of Directors

Meeting Date: September 25, 2023

From: Vishav Sharma, Chief Financial Officer

Subject: August 2023 bills for Approval and Monthly Financial Report

Attached for Board approval is the payment summary report for the month of August, 2023 which presents checks that were paid during the month that exceeded \$50,000 in value. Also attached is the monthly financial report for August, 2023.

Presented below for your consideration are some notes about the financial report:

- The Statement of Net Position increased in August compared to July as reductions in Assets were more than offset by a reduction in liabilities. Significant construction expenses and water purchase expenses were paid in August and these activities affected the assets and liabilities of the District. Please note that this report contains preliminary numbers. The District is in the process of completing its annual audit and we will finalize our beginning numbers after the audit.
- The Statement of Revenues, Expenses, and Changes in Net Position indicates the District currently has a year to date positive Change in Net Position of \$1,236,879 at the end of August.
- The Cash and Investments report shows a total of \$19,931,683 in Operating Cash (LAIF, CAMP, and Checking accounts) at the end of the month. Operating cash and investments are available to meet the operational needs of the District. The 2022 Bond Proceeds cash and investments equaled \$8,225,157. These are the funds available for certain capital projects.
- The total payment summary for the month of August 2023 is \$5,207,146.81. These disbursements include eight checks greater than \$50,000, with the total equal to \$3,904,354.94. These expenses exceed the General Manager's purchase authority and Staff recommends the Board approve these checks. In addition, \$638,719.15 in payroll expenses occurred during the month of August. District employees were reimbursed \$4,423.75 for education, meals, and certification related expenses; and Directors were reimbursed \$68.89 in travel expenses.

Attachment 1

Cash Sheet for the Month ending August 31, 2023

EL TORO WATER DISTRICT
Payment Summary
For the month ending August 31, 2023

CHECK NUMBER	PAYMENT DATE	VENDOR NAME	PAYMENT AMOUNT
2109	08/04/2023	Layfield USA Corp	2,096,296.37
10019	08/31/2023	Municipal Water District of Orange County	848,557.82
2144	08/14/2023	Irvine Ranch Water District	247,952.51
2163	08/14/2023	Southern California Edison Company	187,454.89
2220	08/24/2023	Irvine Ranch Water District	163,051.42
2087	08/04/2023	ACWA JPIA	136,589.47
2130	08/14/2023	ACWA JPIA	128,690.72
10020	08/31/2023	Onesource Distributors, LLC.	95,761.74
TOTAL CHECKS OVER \$50,000			\$ 3,904,354.94
TOTAL CHECKS IN REGISTER			\$ 4,568,427.66

DEBIT TRANSFERS

08/11/2023	PAYROLL DIRECT DEPOSIT	175,793.75
08/11/2023	FEDERAL DEPOSIT LIABILITY	38,363.24
08/11/2023	SDI & STATE TAX	15,869.20
08/11/2023	WAGE GARNISHMENTS	190.00
08/11/2023	EMPOWER (401K)	67,200.54
08/11/2023	EMPOWER (457)	19,879.83
08/11/2023	HEALTH SAVINGS ACCOUNT	25.00
08/15/2023	PAYROLL BOARD OF DIRECTOR	5,906.41
08/15/2023	SS, MEDICARE, SDI & STATE TAX	2,201.56
08/15/2023	EMPOWER (457)	2,883.13
08/15/2023	HEALTH SAVINGS ACCOUNT	404.00
08/25/2023	PAYROLL DIRECT DEPOSIT	170,265.54
08/25/2023	FEDERAL DEPOSIT LIABILITY	36,722.80
08/25/2023	SDI & STATE TAX	15,088.87
08/25/2023	WAGE GARNISHMENTS	190.00
08/25/2023	EMPOWER (401K)	65,377.31
08/25/2023	EMPOWER (457)	19,245.92
08/25/2023	HEALTH SAVINGS ACCOUNT	25.00
08/31/2023	BANK FEES	3,087.05
TOTAL INTERBANK WIRES / DEBIT TRANSFERS		\$ 638,719.15

TOTAL DISBURSEMENTS \$ 5,207,146.81

REIMBURSEMENTS TO ETWD EMPLOYEES

CHECK NUMBER	PAYMENT DATE	PAYEE (DESCRIPTION)	PAYMENT AMOUNT
2168	08/14/2023	Vu Chu (Educational Reimbursement)	3,005.00
2186	08/23/2023	Chris Goodchild (Workboots)	300.00
2227	08/24/2023	Raymund Llada (Workboots)	300.00
2143	08/14/2023	Hannah Ford (Certificate Renewal and Reuse & Desalination Workshop)	280.00
2210	08/24/2023	Cheyne Madero (Distribution Exam Preparation)	188.99
2170	08/14/2023	William Wesson (Certification)	155.00
10016	08/31/2023	Jake Knoke (Certification)	100.65
2202	08/23/2023	Shane Fregin (Class A Drivers License)	53.00
2107	08/04/2023	Hannah Ford (Lunch Meeting)	41.11
TOTAL CHECKS TO EMPLOYEES			\$ 4,423.75

REINBURSEMENTS TO ETWD DIRECTORS

CHECK NUMBER	PAYMENT DATE	PAYEE (DESCRIPTION)	PAYMENT AMOUNT
2146	08/14/2023	Kathryn Freshley (Travel Expense)	45.83
2150	08/14/2023	Michael Gaskins (Travel Expense)	23.06
TOTAL CHECKS TO DIRECTORS			\$ 68.89

Attachment 2
Statement of Net Position for the August, 2023

El Toro Water District
Interim Statement of Net Position for the Month of August, 2023

	Interim 6/30/2023 Ending	7/31/2023 Interim	8/31/2023 Interim	Change
Assets				
Current Assets				
Cash & Cash Equivalents	4,250,844	1,212,073	12,071,278	10,859,205
Investments	26,743,954	26,164,955	15,708,953	(10,456,002)
Accounts Receivable	9,802,783	6,687,985	7,259,713	571,728
Materials & Supply Inventory	785,881	785,881	322,925	(462,956)
Prepaid Expenses	235,600	303,875	142,562	(161,314)
Restricted - Cash & Cash Equivalents	2,420,887	2,420,887	98,947	(2,321,940)
Current Assets - Sub-total	44,239,950	37,575,656	35,604,378	(1,971,278)
Non-Current Assets				
Lease Receivable	432,962	432,962	361,011	(71,951)
Land & Easements	7,451,585	7,451,585	7,451,585	-
Capacity Rights	342,382	342,382	342,382	-
Capital Assets				
Water System	36,794,034	36,794,034	37,781,450	987,416
Wastewater System	56,713,516	56,713,516	57,334,500	620,984
Recycled System	55,454,389	55,454,389	55,454,389	-
Combined Assets	14,911,834	14,911,834	15,919,853	1,008,019
Construction in Progress	24,106,643	27,037,809	24,771,821	(2,265,988)
Accumulated Depreciation	(92,415,985)	(92,764,655)	(93,342,001)	(577,346)
Non-Current Assets - Sub-total	103,791,360	106,373,856	106,074,989	(298,866)
Total Assets	148,031,310	143,949,512	141,679,367	(2,270,145)
Deferred Outflows of Resources				
OPEB Deferred Outflow of Resources	4,564,293	4,564,293	3,493,769	(1,070,524)
Liabilities				
Current Liabilities				
Accounts Payable & Accrued Expenses	6,298,588	4,163,437	961,419	(3,202,019)
Accrued Salaries & Related Payables	298,769	138,388	(142,805)	(281,193)
Customer Deposits	21,050	23,150	15,700	(7,450)
Accrued Interest Payable	1,166,671	352,403	542,084	189,682
Long Term Liabilities - Due in One Year				-
Compensated Absences	197,729	197,729	182,171	(15,558)
Loans Payable	1,557,454	281,180	281,180	-
Current Liabilities - Sub-total	9,540,261	5,156,287	1,839,749	(3,316,538)
Non-Current Liabilities				
Compensated Absences	1,314,487	1,314,487	1,431,791	117,304
Other Post-Employment Benefits Liability	20,031,265	20,031,265	11,050,192	(8,981,073)
Loans Payable	53,608,025	53,733,294	53,684,963	(48,332)
Non-Current Liabilities - Sub-total	74,953,777	75,079,046	66,166,945	(8,912,101)
Total Liabilities	84,494,038	80,235,333	68,006,694	(12,228,639)
Deferred Inflows of Resources				
Deferred Amounts from Leases	636,695	636,695	583,336	(53,359)
Deferred Amounts from OPEB	953,259	953,259	9,124,468	8,171,209
Total Deferred Inflows of Resources	1,589,954	1,589,954	9,707,804	8,117,850
Net Position				
Net Investment in Capital Assets	48,336,029	52,359,381	52,108,847	(250,535)
Restricted - Capital Projects	2,895	2,895	2,895	-
Restricted - Debt Service	18,806,777	8,182,437	8,228,052	45,614
Unrestricted	(923,942)	6,143,804	7,118,845	975,041
Total Net Position	66,221,759	66,688,518	67,458,638	770,120

Attachment 3

Statement of Revenues, Expenses, and Changes in Net
Position for August, 2023

Statement of Revenues, Expenses, and Changes in Net Position for the Month of August, 2023

	District		Water System		Wastewater System		Recycled System		Capital Improvments	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
Operating Revenues										
Commodity Supply Charges	\$ 11,989,100	\$ 2,026,046	\$ 10,027,100	\$ 1,753,939	\$ -	\$ -	\$ 1,962,000	\$ 272,107	\$ -	\$ -
Service Provision Charges	14,490,200	1,501,811	4,691,400	738,363	9,350,200	729,836	448,600	33,612	-	-
Capital Facilities Charge	4,093,900	543,858	-	-	-	-	-	-	4,093,900	543,858
Charges for Services	125,000	600	125,000	600	-	-	-	-	-	-
Miscellaneous Operating Income	42,100	17,155	31,000	7,648	10,100	1,193	1,000	8,315	-	-
Grants, Rebates, Reimbursements	4,101,300	1,176,162	-	852	5,300	-	96,000	-	4,000,000	1,175,309
Total Operating Revenues	34,841,600	5,265,630	14,874,500	2,501,402	9,365,600	731,028	2,507,600	314,034	8,093,900	1,719,167
Operating Expenses										
General & Administrative	5,262,060	636,490	2,110,500	254,869	2,729,480	331,036	422,080	50,585	-	-
Operations & Maintenance	21,461,900	2,537,171	12,797,500	1,329,871	7,209,100	1,009,841	1,455,300	197,459	-	-
Operating Capital Expenses	1,068,150	245,134	-	-	-	-	-	-	1,068,150	245,134
Other Operating Expenses	300,000	46,619	120,000	18,648	156,000	24,242	24,000	3,730	-	-
Depreciation & Amortization	4,906,900	697,340	-	-	-	-	-	-	4,906,900	697,340
Total Operating Expenses	32,999,010	4,162,754	15,028,000	1,603,388	10,094,580	1,365,119	1,901,380	251,774	5,975,050	942,474
Operating Income/(Loss)	1,842,590	1,102,876	(153,500)	898,014	(728,980)	(634,091)	606,220	62,260	2,118,850	776,693
Non-operating Revenues										
Property Taxes	1,155,000	152,250	460,000	38,500	600,000	98,587	95,000	15,163	-	-
Investment Earnings	250,000	170,729	100,000	20,771	130,000	69,740	20,000	8,906	-	71,312
Miscellaneous Revenue	249,400	53,148	238,000	53,148	10,400	-	1,000	-	-	-
Interest Expense	(1,928,200)	(287,353)	-	-	-	-	-	-	(1,928,200)	(287,353)
Net Non-Operating Revenues	(273,800)	88,773	798,000	112,418	740,400	168,327	116,000	24,069	(1,928,200)	(216,041)
Income/(Loss) before Contributions & Transfers										
	1,568,790	1,191,649	644,500	1,010,432	11,420	(465,764)	722,220	86,329	190,650	560,652
Transfers										
Transfers In	1,809,100	313,183	-	-	-	-	-	-	1,809,100	313,183
Transfers Out	(1,809,100)	(313,184)	(881,880)	(146,980)	-	-	(927,220)	(166,204)	-	-
Net Transfers	-	(0)	(881,880)	(146,980)	-	-	(927,220)	(166,204)	1,809,100	313,183
Capital Contributions										
Donations & Contributions	-	45,230	-	-	-	-	-	-	-	45,230
Total Capital Contributions	-	45,230	-	-	-	-	-	-	-	45,230
Change in Net Position	1,568,790	1,236,879	(237,380)	863,452	11,420	(465,764)	(205,000)	(79,875)	1,999,750	919,065
Beginning Net Position	66,221,759	66,221,759								
Ending Net Position	\$ 67,790,549	\$ 67,458,638								

Attachment 4

Summary of Revenues and Expenses for the August, 2023

Summary of Revenues and Expenses for the Month of August, 2023

Account - Description	Month Actual	YTD Actual	2022-2023 Budgeted	Budget Remaining	% of Budget Remaining
Summary of Total District Revenues					
District Totals					
Commodity Supply Charges	1,213,031	2,175,169	11,989,100	9,813,931	81.9%
Service Charges	1,132,588	2,250,605	14,490,200	12,239,595	84.5%
Capital Facility Charges	280,677	543,858	4,093,900	3,550,042	86.7%
Charges for Services	-	600	125,000	124,400	99.5%
Miscellaneous Revenue	36,681	81,458	301,600	220,142	73.0%
Grants, Rebates, Reimbursements	-	1,177,440	4,096,000	2,918,560	71.3%
Property Taxes	96,250	189,587	1,155,000	965,413	83.6%
Investment Income	95,923	205,856	250,000	44,144	17.7%
Donations & Capital Contributions	14,360	45,230	-	(45,230)	N/A
Total Revenue	2,869,509	6,669,802	36,500,800	29,830,998	81.7%
Summary of Total District Expenses					
Salary Expenses					
Directors Fees	11,169	11,169	131,400	120,231	91.5%
Exempt Salaries	112,873	233,083	1,407,000	1,173,917	83.4%
Non-exempt Salaries	404,943	774,096	5,513,800	4,739,704	86.0%
Other Salary Payments	-	-	188,400	188,400	100.0%
Overtime	14,893	26,838	230,000	203,162	88.3%
Overtime - On-call	7,300	11,800	72,700	60,900	83.8%
Stipends/Allowances	4,680	10,460	74,800	64,340	86.0%
Employee Service Awards	950	950	5,000	4,050	81.0%
Salary Expenses Sub-total	556,808	1,068,397	7,623,100	6,554,703	86.0%
Benefit Expenses					
Medical Insurance	87,824	161,901	1,138,900	976,999	85.8%
HSA Contributions	-	262	4,500	4,238	94.2%
Dental Insurance	4,786	8,703	60,300	51,597	85.6%
Vision Insurance	1,050	1,889	13,100	11,211	85.6%
Life Insurance	3,686	6,795	36,600	29,805	81.4%
Disability Insurance	-	21	33,300	33,279	99.9%
Long-term Care Insurance	97	179	17,900	17,721	99.0%
Workers Compensation Insurance	10,896	20,635	129,100	108,465	84.0%
State Unemployment Insurance	-	-	3,060	3,060	100.0%
401k Retirement Contributions	48,800	94,725	622,600	527,875	84.8%
401k Matching Contributions	29,117	56,584	235,900	179,316	76.0%
457b Matching Contributions	8,984	17,654	235,900	218,246	92.5%
Medicare Insurance	7,599	14,668	104,800	90,132	86.0%
FICA	70	237	-	(237)	N/A
Benefit Expenses Sub-total	202,910	384,254	2,635,960	2,251,706	85.4%
Commodity Purchased for Resale					
Water Purchases - MWDOC	621,668	621,668	4,228,600	3,606,932	85.3%
Water Purchases - MWDOC Fixed	61,893	61,893	784,200	722,307	92.1%
Water Purchases - AMP/SAC	2,654	2,654	-	(2,654)	N/A
Regional Water Supply Expenses	449	898	8,000	7,103	88.8%
Water Purchases - Baker WTP	170,658	111,793	3,120,500	3,008,707	96.4%
Water Purchases - Baker O&M	7,055	(11,384)	830,500	841,884	101.4%
Water Purch - Other Agencies	163,374	323	-	(323)	N/A
MWDOC Service Connect Charge	-	128,481	125,000	(3,481)	-2.8%
Commodity Purchased for Resale Sub-total	1,027,751	916,325	9,096,800	8,180,475	89.9%

Summary of Revenues and Expenses for the Month of August, 2023

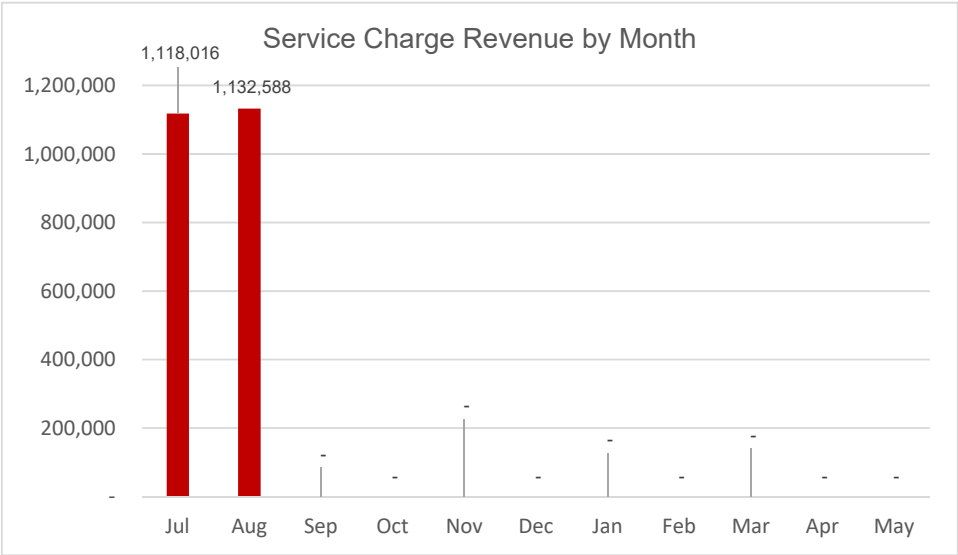
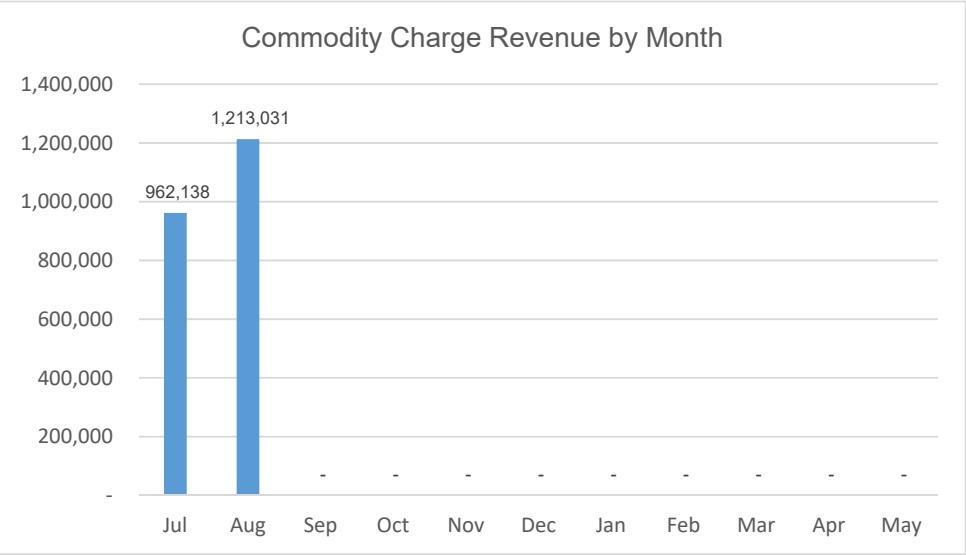
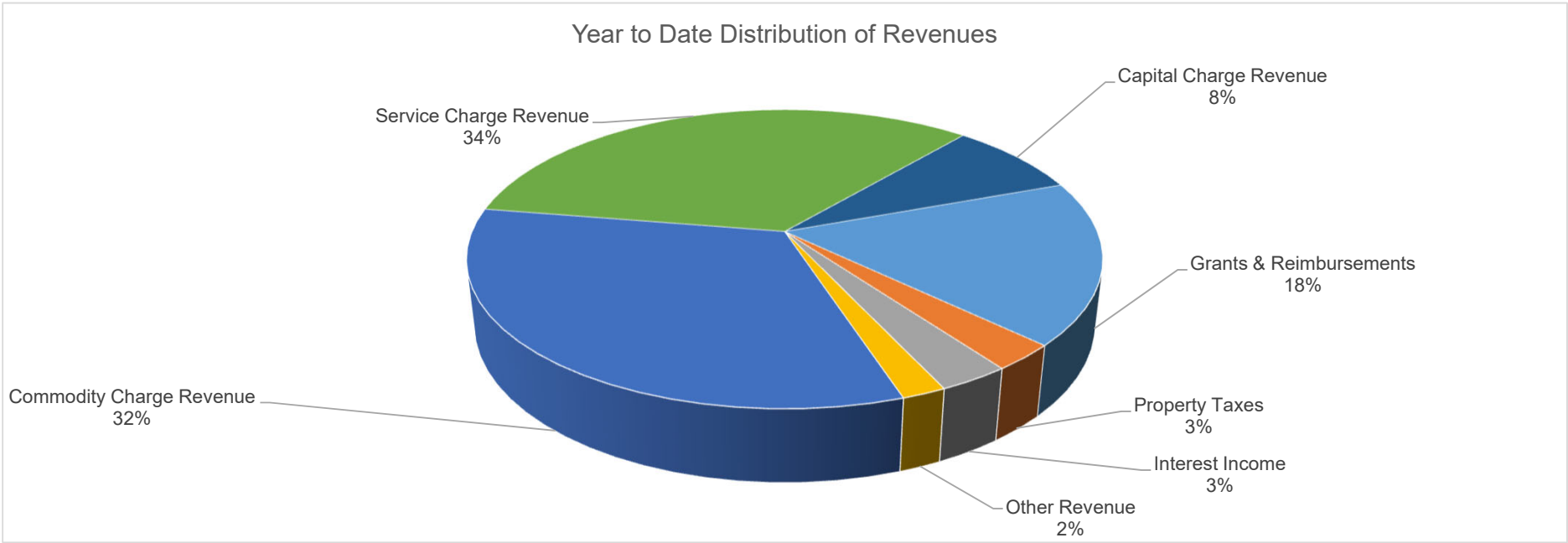
Account - Description	Month Actual	YTD Actual	2022-2023 Budgeted	Budget Remaining	% of Budget Remaining
Contracted/Purchased Services					
Consultants	7,005	1,628	61,500	59,873	97.4%
Engineering Services	-	-	48,000	48,000	100.0%
Audit & Accounting Services	420	-	45,600	45,600	100.0%
Technology Consultants	1,966	2,737	60,000	57,263	95.4%
SOCWA Contract	-	287,445	1,100,000	812,555	73.9%
Contractors	8,959	8,959	271,500	262,541	96.7%
Contracted Employees	7,762	7,762	-	(7,762)	N/A
Legal Svcs - General Counsel	4,772	4,772	90,000	85,228	94.7%
Legal Svcs - Specialty Counsel	-	-	25,000	25,000	100.0%
Other Legal Services	198	198	-	(198)	N/A
Employee Recruitmnt/Compliance	-	-	5,000	5,000	100.0%
Employee Health & Wellness	693	4,012	6,000	1,988	33.1%
Employee Relations Expenses	-	-	1,960	1,960	100.0%
Professional Services	-	-	-	-	N/A
Landscaping Services	5,889	5,889	150,000	144,111	96.1%
Janitorial Contracts	1,322	1,322	45,000	43,678	97.1%
Equipment Rental	995	995	15,000	14,005	93.4%
Uniform Rental	2,154	2,154	15,000	12,846	85.6%
Laboratory Services	1,650	1,650	31,800	30,150	94.8%
Disposal Services	10,119	10,261	59,000	48,739	82.6%
Security Services	23,729	23,729	29,500	5,771	19.6%
Insurance	14,333	14,333	378,000	363,667	96.2%
Financial Service Fees	4,370	7,745	55,000	47,255	85.9%
Printing & Reproduction	2,566	2,566	8,020	5,454	68.0%
Advertising & Publicity Svcs	335	335	8,100	7,765	95.9%
Postage	-	33	11,620	11,587	99.7%
Public Relations/Education	1,081	1,823	49,000	47,177	96.3%
Water Efficiency Services	-	-	100,000	100,000	100.0%
Licenses & Permits	6,555	6,875	200,500	193,625	96.6%
Software Maintenance/Licenses	10,977	12,874	240,900	228,026	94.7%
Electrical Power	159,303	160,893	1,786,000	1,625,107	91.0%
Natural Gas	5,424	5,424	4,500	(924)	-20.5%
Cable Service	288	738	9,000	8,263	91.8%
Telecommunications	2,631	2,990	20,000	17,010	85.1%
Mobile Telecommunications	11,042	10,978	38,100	27,122	71.2%
Data Access	6,073	9,063	60,000	50,937	84.9%
Equipment Maintenance & Repair	15,142	16,322	139,000	122,678	88.3%
Pump Maintenance & Repair	336	336	142,000	141,664	99.8%
Motor Maintenance & Repair	-	-	91,000	91,000	100.0%
Electrical Maintenance/Repair	3,799	13,755	157,000	143,245	91.2%
Meter Maintenance & Repair	1,277	1,277	30,900	29,623	95.9%
Structure Maintenance & Repair	10,746	10,761	22,000	11,239	51.1%
Asphalt Maintenance & Repair	(1,705)	(16,499)	110,600	127,099	114.9%
Contracted/Purchased Services Sub-total	332,210	626,135	5,721,100	5,094,965	89.1%
Commodities					
Repair Parts & Materials	29,701	38,707	437,810	399,103	91.2%
Tools & Small Equipment	2,739	2,739	78,510	75,771	96.5%
Safety Equipment	251	251	25,010	24,759	99.0%
Employee Tools/Safety Equip	5,498	5,859	23,800	17,941	75.4%
Laboratory Tools & Small Equip	-	-	6,000	6,000	100.0%
Technology Tools/Small Equip	-	-	46,000	46,000	100.0%
Chemicals	52,230	52,230	322,000	269,770	83.8%
Gasoline & Oil	1,249	1,608	53,000	51,392	97.0%
Operating Supplies/Accessories	19,089	19,089	140,000	120,911	86.4%
Office Supplies & Accessories	8,515	8,515	34,760	26,245	75.5%
Technology Supplies/Components	123	123	21,170	21,047	99.4%
Meeting/Event Supplies & Food	2,042	2,042	36,000	33,958	94.3%
Water Use Efficiency Supplies	1,247	1,475	22,000	20,525	93.3%
Commodities Sub-total	122,683	132,638	1,246,060	1,113,422	89.4%

Summary of Revenues and Expenses for the Month of August, 2023

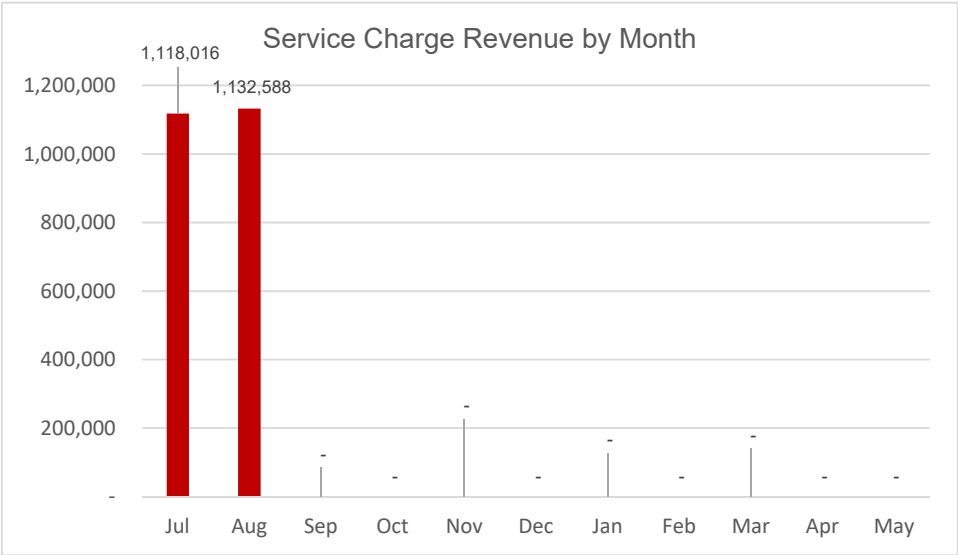
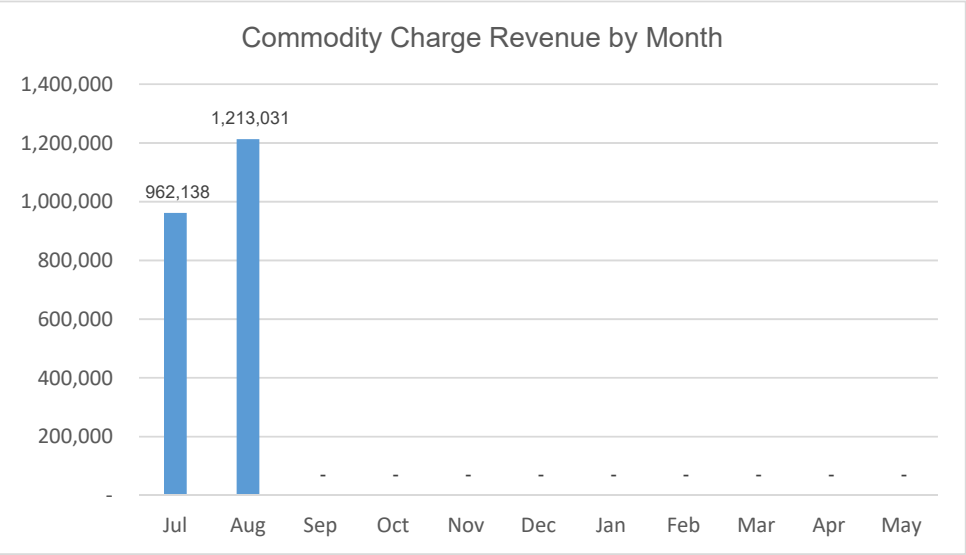
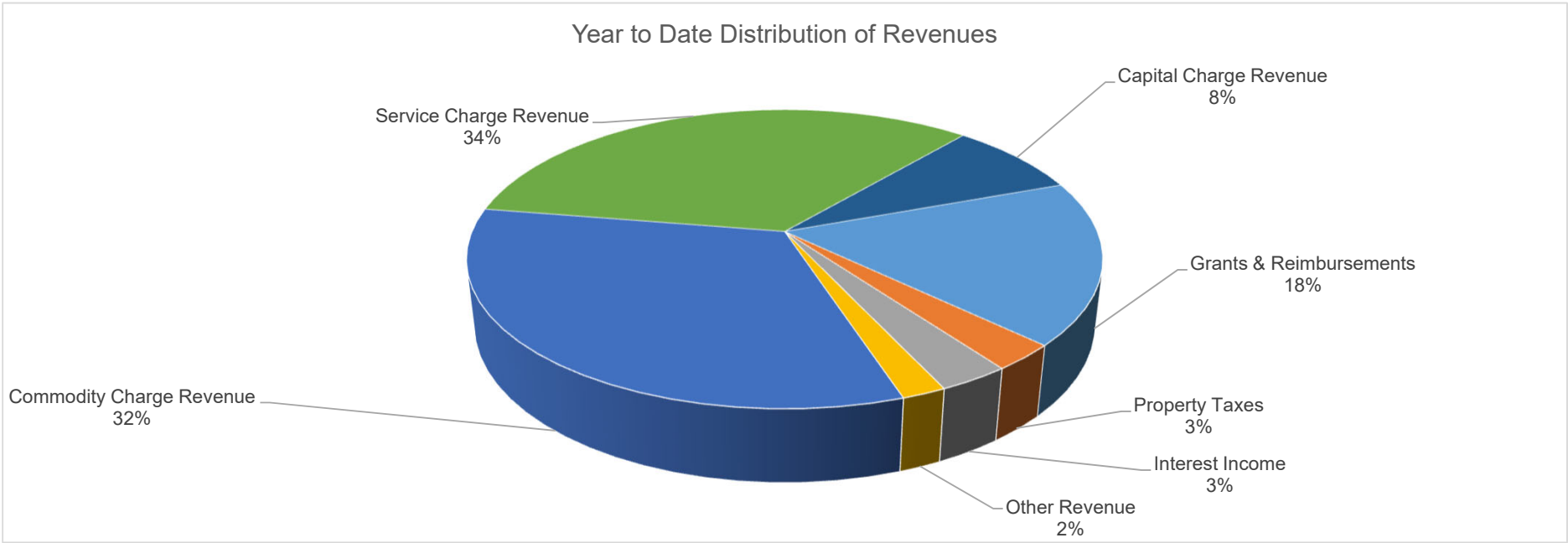
Account - Description	Month Actual	YTD Actual	2022-2023 Budgeted	Budget Remaining	% of Budget Remaining
Professional Development					
Education & Training	1,947	2,061	43,550	41,489	95.3%
Education/Training - Directors	-	-	-	-	N/A
Dues & Memberships	180	290	7,200	6,910	96.0%
Dues & Memberships - Directors	5,467	32,542	101,400	68,858	67.9%
Meetings & Conferences	-	-	-	-	N/A
Meetings/Conferences-Directors	60	60	36,700	36,640	99.8%
Travel Reimbursement	2,885	2,885	9,000	6,115	67.9%
Travel Reimbursement-Directors	2,299	2,299	38,750	36,451	94.1%
Publications & Subscriptions	350	350	35,000	34,650	99.0%
Professional Development Sub-total	13,187	40,486	271,600	231,114	85.1%
Miscellaneous Expenses					
Employee Appreciation Expenses	154	154	5,000	4,846	96.9%
Internal/External Event Expenses	-	-	8,000	8,000	100.0%
Election Expense	-	-	-	-	N/A
Reimbursable Repair Expense	-	-	-	-	N/A
Property Taxes	-	-	10,000	10,000	100.0%
Uncollectible Accounts	-	(301)	17,000	17,301	101.8%
NSFs & Miscellaneous Fees	861	861	18,000	17,139	95.2%
Refund Overcharges	-	-	2,800	2,800	100.0%
Damage/Repair Reimbursements	-	-	-	-	N/A
Miscellaneous Sub-total	1,015	715	60,800	60,085	98.8%
Capital Improvement Expenses					
Water System Projects					
Supply/Storage Projects	810	810	69,314	68,504	98.8%
Pumping Projects	2,128	2,128	39,000	36,872	94.5%
Main/Service Line Projects	-	-	-	-	N/A
Wastewater System Projects				-	N/A
Pumping Projects	63,425	178,517	39,000	(139,517)	-357.7%
Wastewater Treatment Projects	-	-	414,836	414,836	100.0%
Main/Service Line Projects	-	-	-	-	N/A
Recycled System Projects				-	N/A
Pumping Projects	-	-	-	-	N/A
Tertiary Treatment Projects	-	-	-	-	N/A
Main/Service Line Projects	27,762	27,762	-	(27,762)	N/A
General Projects				-	N/A
Operating Equipment Purchases	95,762	-	-	-	N/A
Vehicle & Related Equipment Purchases	15,528	35,917	-	(35,917)	N/A
Technoloy Projects & Purchases	-	-	64,000	64,000	100.0%
Building & Structure Improvements	205,414	245,134	-	(245,134)	N/A
General Capital Projects	-	-	442,000	442,000	100.0%
Construction in Progress	348,670	697,340	4,906,900	4,209,560	85.8%
Capital Improvement Expenses Sub-total	759,498	1,187,608	5,975,050	4,787,442	80.1%
Other Expenses					
Retiree Health Insurance	23,458	46,619	300,000	253,381	84.5%
Depreciation	348,670	697,340	4,906,900	4,209,560	85.8%
Debt Interest Expense	143,677	287,353	1,928,200	1,640,847	85.1%
Other Expenses Sub-total	515,805	1,031,313	7,135,100	6,103,787	85.5%
Total Expenses	3,531,867	5,387,871	39,765,570	34,377,699	86.5%
Change in Net Position	(662,357)	1,281,931	(3,264,770)		

Attachment 5
Revenue and Expense Charts for August, 2023

Revenue Charts -August Financial Report



Revenue Charts -August Financial Report



Attachment 6

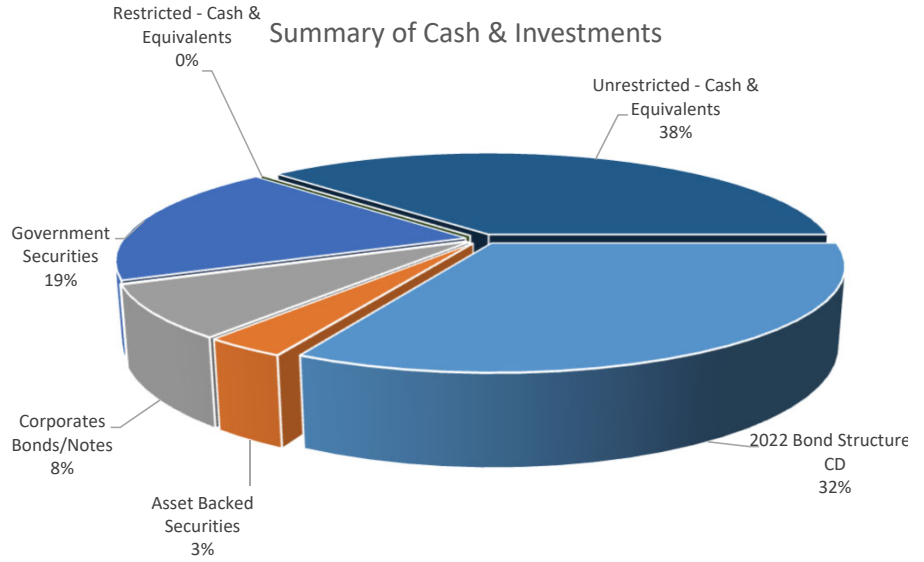
Summary of Cash & Investments at the end of August, 2023

Summary of Cash & Investments
as of August 31, 2023

Summary of Cash & Investments

Cash & Equivalents	
Unrestricted - Cash & Equivalents	9,510,956
Unrestricted - Cash & Equivalents USB	2,851,547
Restricted - Cash & Equivalents	2,895
Investments	
Government Securities	4,752,908
Certificates of Deposit	-
Corporates Bonds/Notes	2,018,059
Asset Backed Securities	798,214
2022 Bond Structured CD	8,225,157
Total Cash & Investments	28,159,735

Operating Cash & Investments	19,931,683
2022 Bond Proceeds Cash & Investments	8,225,157
Restricted - Cash & Equivalents	2,895



Cash & Equivalents

	Account Balance	Current Yield
Cash & Equivalents		
Demand Deposit Accounts		
US Bank - Checking Account	2,851,547	
US - Capital Facilities Checking	2,895	
US Bank - 2022 Bond Proceeds Checking	-	
Petty Cash	700	
Money Market Accounts		
US Bank - Money Market Account	-	
CAMP Money Market	6,482,502	
LAIF Money Market	3,027,754	
Total Cash & Equivalents	12,365,398	

Investments

	Purchase Cost	Par Amount	Premium/ (Discount)	Market Value	Unrealized Gain/(Loss)	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date
Certificates of Deposit									
US Bank Structured Maturity CD	4,108,973	4,108,973	-	4,108,973	-	2.140%	2.14%	8/1/2022	Various
US Bank Structured Maturity CD	4,108,973	4,108,973	-	4,108,973	-	2.140%	2.14%	8/1/2022	Various
US Bank Structured Maturity CD	7,211	7,211	-	7,211	-	3.300%	3.30%	8/1/2022	Various
Certificates of Deposit - Total Balances	8,225,157	8,225,157	-	8,225,157	-				

Investments (continued)

	Purchase Cost	Par Amount	Premium/ (Discount)	Market Value	Unrealized Gain/(Loss)	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date
Governmental Securities									
United States Treasury Bond									
US Treasury N/B - AA+	89,982	90,000	(18)	89,058	(925)	0.250%	0.26%	4/26/2021	11/15/2023
US Treasury N/B - AA+	298,734	300,000	(1,266)	292,922	(5,813)	0.250%	0.27%	3/1/2021	2/15/2024
US Treasury N/B - AA+	164,807	165,000	(193)	157,291	(7,515)	0.375%	0.42%	9/3/2021	8/15/2024
US Treasury N/B - AA+	34,854	35,000	(146)	33,250	(1,604)	0.375%	0.52%	10/7/2021	9/15/2024
US Treasury N/B - AA+	347,047	350,000	(2,953)	331,352	(15,695)	1.125%	1.42%	2/4/2022	1/15/2025
US Treasury N/B - AA+	149,566	150,000	(434)	144,516	(5,051)	2.750%	2.85%	6/1/2022	5/15/2025
US Treasury N/B - AA+	466,543	500,000	(33,457)	468,438	1,895	2.125%	4.20%	11/30/2022	5/31/2026
US Treasury N/B - AA+	464,531	500,000	(35,469)	464,844	313	2.250%	4.10%	11/30/2022	2/15/2027
US Treasury N/B - AA+	480,273	500,000	(19,727)	480,000	(273)	3.250%	4.25%	2/22/2023	6/30/2027
US Treasury N/B - AA+	502,500	500,000	2,500	495,313	(7,188)	4.125%	4.01%	11/30/2022	9/30/2027
US Treasury N/B - AA+	497,930	500,000	(2,070)	495,313	(2,618)	4.125%	4.22%	2/22/2023	9/30/2027
US Treasury N/B - AA+	485,332	500,000	(14,668)	483,594	(1,738)	3.500%	4.16%	2/22/2023	1/3/2028
United States Treasury Bond - Totals	3,982,100	4,090,000	(107,900)	3,935,888	(46,211)				
Supra-National Agency Bond / Note									
Inter-American Devel BK Note - AAA	184,863	185,000	(137)	175,865	(8,999)	0.500%	0.52%	9/15/2021	9/23/2024
Supra-National Agency Bond / Note Totals	184,863	185,000	(137)	175,865	(8,999)				
Municipal Bond / Note									
NJ TPK Authority TXBL Revenue Bonds - AA-	20,000	20,000	-	18,885	(1,115)	0.897%	0.90%	1/22/2021	1/1/2025
Municipal Bond / Note Totals	20,000	20,000	-	18,885	(1,115)				
Federal Agency Commercial Mortgage-Backed Security									
FHMS K724 - AA+	48,665	45,586	3,079	45,331	(3,334)	3.062%	0.58%	1/28/2021	11/1/2023
FHLMC Multifamily Structured Pool - AA+	91,628	91,506	122	89,461	(2,167)	3.064%	3.00%	5/25/2022	8/1/2024
FHMS K047 - AA+	90,577	90,000	577	87,043	(3,534)	3.329%	3.10%	5/19/2022	5/1/2025
Federal Mortgage-Backed Security Totals	230,869	227,092	3,777	221,835	(9,034)				
Federal Agency Bond / Note									
Freddie Mac Notes - AA+	155,087	155,000	87	153,546	(1,541)	0.250%	0.23%	1/6/2021	11/6/2023
Fannie Mae Notes - AA+	250,107	250,000	107	246,890	(3,218)	0.250%	0.24%	1/6/2021	11/27/2023
Federal Agency Bond / Note Totals	405,194	405,000	194	400,436	(4,759)				
Governmental Securities - Total Balances	4,823,026	4,927,092	(104,066)	4,752,908	(70,118)				

Investments (continued)

	Purchase Cost	Par Amount	Premium/ (Discount)	Market Value	Unrealized Gain/(Loss)	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date
Corporate Notes									
Toyota Motor Credit Corp Corporate Note - A+	69,996	70,000	(4)	68,719	(1,277)	0.450%	0.45%	1/6/2021	1/11/2024
John Deere Corp Notes - A	54,961	55,000	(39)	53,991	(970)	0.450%	0.48%	3/4/2021	1/17/2024
Morgan Stanley Corp Notes - A-	55,000	55,000	-	54,986	(14)	0.529%	0.53%	1/20/2021	1/25/2024
PACCAR Financial Corp Corporate Note - A+	64,925	65,000	(75)	63,645	(1,280)	0.350%	0.39%	1/28/2021	2/2/2024
Microsoft Corp (Callable) Note - AAA	46,864	45,000	1,864	44,524	(2,341)	2.875%	0.95%	12/1/2021	2/6/2024
National Rural Util Coop Corporate Note - A-	24,983	25,000	(17)	24,434	(549)	0.350%	0.37%	2/8/2021	2/8/2024
Apple Inc (Callable) Note - AA+	52,381	50,000	2,381	49,425	(2,956)	3.000%	0.870%	11/1/2021	2/9/2024
Goldman Sachs Corp Notes - BBB+	44,062	40,000	4,062	39,600	(4,462)	4.000%	0.690%	1/21/2021	3/3/2024
Merck & Co Inc Corp Notes	31,377	30,000	1,377	29,595	(1,782)	2.900%	0.880%	11/16/2021	3/7/2024
Charles Schwab Corp Note	29,985	30,000	(15)	29,162	(823)	0.750%	0.770%	3/16/2021	3/18/2024
Suntrust Bank (Callable) Corp Note	63,197	60,000	3,197	58,994	(4,204)	3.200%	0.960%	11/1/2021	4/1/2024
Comcast Corp (Callable) Corp Note	53,305	50,000	3,305	49,479	(3,826)	3.700%	0.960%	11/1/2021	4/15/2024
Bank of NY Mellon Corp Note	54,941	55,000	(59)	53,148	(1,793)	0.500%	0.540%	4/19/2021	4/26/2024
Novartis Capital Corp Note	53,112	50,000	3,112	49,234	(3,877)	3.400%	0.890%	11/1/2021	5/6/2024
Amazon.com Inc Corp Note	79,883	80,000	(117)	77,295	(2,588)	0.450%	0.500%	5/10/2021	5/12/2024
Unitedhealth Group Inc Corp Note	29,969	30,000	(31)	28,982	(987)	0.550%	0.590%	5/17/2021	5/15/2024
Unitedhealth Group Inc Corp Note	29,476	30,000	(524)	28,982	(494)	0.550%	1.320%	1/21/2022	5/15/2024
Caterpillar Finl Service Corp Note	44,940	45,000	(60)	43,375	(1,565)	0.450%	0.500%	5/10/2021	5/17/2024
Astrazeneca Finance LLC (Callable) Corp	49,996	50,000	(5)	48,299	(1,697)	0.700%	0.700%	5/25/2021	5/28/2024
John Deere Capital Corp Notes	9,988	10,000	(13)	9,622	(365)	0.450%	0.490%	6/7/2021	6/7/2024
Target Corp Notes	31,879	30,000	1,879	29,505	(2,374)	3.500%	1.040%	11/23/2021	7/1/2024
American Express Co Corp Notes	36,253	35,000	1,253	34,009	(2,244)	2.500%	1.140%	11/19/2021	7/30/2024
American Honda Finance Corp Notes	29,980	30,000	(20)	28,658	(1,322)	0.750%	0.770%	9/7/2021	8/9/2024
American Honda Finance Corp Notes	35,025	35,000	25	33,434	(1,591)	0.750%	0.720%	9/13/2021	8/9/2024
Caterpillar Finl Service Corp Notes	19,973	20,000	(27)	19,022	(951)	0.600%	0.650%	9/7/2021	9/13/2024
Bank of NY Mellon Corp Note	24,984	25,000	(16)	23,689	(1,295)	0.850%	0.870%	10/20/2021	10/25/2024
Apple Inc Corp Note - AA+	42,786	40,000	2,786	38,651	(4,135)	2.750%	0.890%	3/11/2021	1/13/2025
Goldman Sachs Corp Notes	10,000	10,000	-	9,813	(187)	1.757%	1.760%	1/19/2022	1/24/2025
Bank of America Corp Notes	20,000	20,000	-	19,652	(348)	1.843%	1.840%	2/1/2022	2/4/2025
Merck & Co Inc Corp Notes	21,389	20,000	1,389	19,361	(2,028)	2.750%	0.940%	3/9/2021	2/10/2025
3M Company Corp Note	69,744	70,000	(256)	66,483	(3,261)	2.000%	2.130%	3/3/2022	2/14/2025
JPMorgan Chase & Co Corp Note Call	30,000	30,000	-	29,250	(750)	0.563%	0.560%	2/9/2021	2/16/2025
Exon Mobil Corp Note	29,874	30,000	(126)	28,930	(944)	2.709%	2.860%	4/1/2022	3/6/2025
Bank of America Corp Notes	42,714	40,000	2,714	39,419	(3,295)	3.458%	1.530%	7/22/2021	3/15/2025
Intel Corp Notes	30,873	30,000	873	29,134	(1,739)	3.400%	2.400%	3/8/2022	3/25/2025
Burlington North Santa Fe Corp Note Call	21,533	20,000	1,533	19,312	(2,221)	3.000%	1.070%	3/5/2021	4/1/2025
Amazon.com Inc Corp Notes	74,881	75,000	(119)	72,542	(2,339)	3.000%	3.060%	4/11/2022	4/13/2025
Home Depot Inc Corp Note	4,991	5,000	(9)	4,801	(190)	2.700%	2.760%	3/24/2022	4/15/2025
Target Corp Note	30,015	30,000	15	28,644	(1,371)	2.250%	2.230%	3/8/2022	4/15/2025
Bank of America Corp Notes (Callable)	70,000	70,000	-	67,648	(2,352)	0.976%	0.980%	4/16/2021	4/22/2025
Bank of NY Mellon Corp Note	46,148	45,000	1,148	42,272	(3,876)	1.600%	0.970%	3/10/2021	4/24/2025
Bank of NY Mellon Corp Note	19,997	20,000	(3)	19,334	(663)	3.350%	3.360%	4/19/2022	4/25/2025
Pepsico Inc Corp Note Call	21,400	20,000	1,400	19,238	(2,162)	2.750%	1.020%	3/5/2021	4/30/2025
Citigroup Inc Corp Notes	35,000	35,000	-	33,826	(1,174)	0.981%	0.980%	4/27/2021	5/1/2025
Suntrust Banks Inc Corp Notes	36,373	35,000	1,373	33,935	(2,438)	4.000%	2.690%	3/8/2022	5/1/2025
Charles Schwab Corp Note	40,616	40,000	616	38,394	(2,222)	3.850%	3.300%	6/1/2022	5/21/2025
Morgan Stanley Corp Notes (Callable)	10,000	10,000	-	9,589	(411)	0.790%	0.790%	5/26/2021	5/30/2025
Honeywell Intl Corp Note	20,360	20,000	360	18,726	(1,635)	1.350%	0.910%	3/5/2021	6/1/2025
JPMorgan Chase & Co Corp Note	25,000	25,000	-	24,005	(995)	0.824%	0.82%	5/24/2021	6/1/2025
National Rural Util Coop Corp Note	9,997	10,000	(3)	9,645	(353)	3.450%	3.46%	5/4/2022	6/15/2025
Intel Corp Notes	35,821	35,000	821	34,016	(1,806)	3.700%	2.95%	4/4/2022	7/29/2025
Citigroup Inc Corp Notes	20,000	20,000	-	18,906	(1,094)	1.281%	1.28%	10/27/2021	11/3/2025
State Street Corp Note	20,000	20,000	-	18,860	(1,140)	1.746%	1.75%	2/2/2022	2/6/2026
Citigroup Inc Corp Notes	15,000	15,000	-	14,417	(583)	3.290%	3.29%	3/10/2022	3/17/2022
State Street Corp Note	61,208	60,000	1,208	57,535	(3,673)	2.901%	2.38%	2/17/2022	3/30/2026
JPMorgan Chase & Co (Callable)	80,000	80,000	-	77,917	(2,083)	4.080%	4.08%	4/19/2022	4/26/2026
Corporate Bonds - Total Balances	2,117,152	2,080,000	37,152	2,018,059	(99,093)				

Investments (continued)

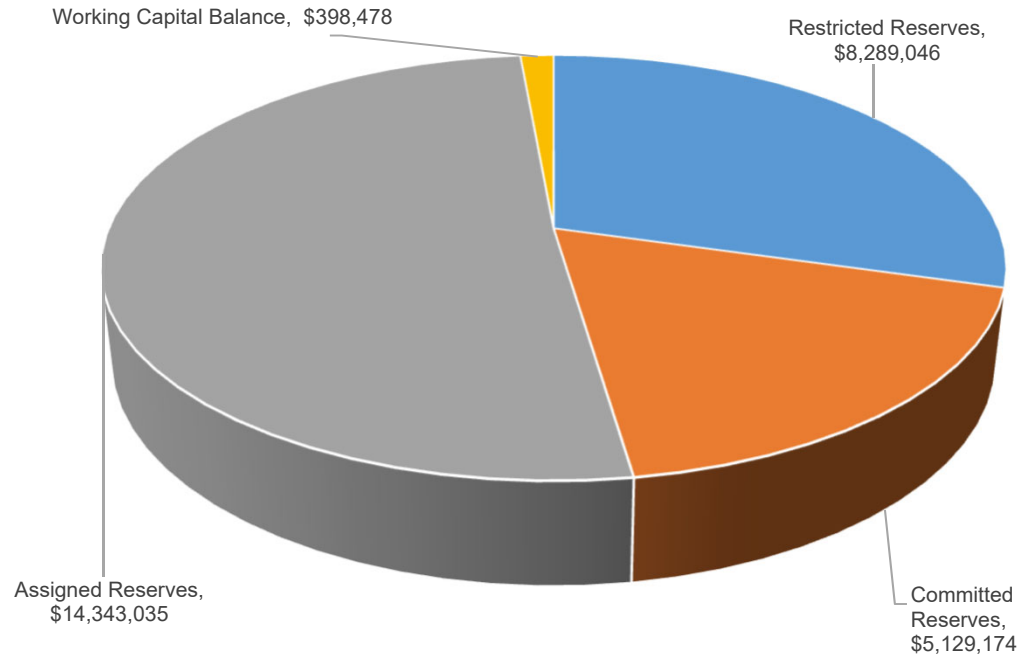
	Purchase Cost	Par Amount	Premium/ (Discount)	Market Value	Unrealized Gain/(Loss)	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date
Asset Backed Securities									
FordL 2021 - AAA	10,979	10,981	(2)	10,960	(19)	0.370%	0.380%	9/21/2021	10/15/2024
Harot 2021 - Aaa	7,984	7,985	(0)	7,832	(152)	0.270%	0.270%	2/17/2021	4/21/2025
FordO 2021 - AAA	11,801	11,802	(1)	11,554	(247)	0.300%	0.300%	2/17/2021	8/15/2025
Harot 2021 - Aaa	20,665	20,666	(1)	20,119	(546)	0.330%	0.330%	5/18/2021	8/15/2025
GMCar 2021 - AAA	5,260	5,261	(1)	5,141	(120)	0.350%	0.350%	1/12/2021	10/16/2025
Harot 2021 - AAA	28,835	28,836	(0)	27,880	(956)	0.410%	0.410%	8/17/2021	11/18/2025
Carmx 2021 - AAA	6,246	6,247	(1)	6,082	(164)	0.340%	0.340%	1/20/2021	12/15/2025
Harot 2021 - Aaa	22,892	22,897	(5)	22,060	(832)	0.880%	0.890%	11/16/2021	1/21/2026
TAOT 2021 - AAA	27,661	27,662	(1)	26,610	(1,051)	0.710%	0.710%	11/9/2021	4/15/2026
Hart 2021 - AAA	18,340	18,344	(4)	17,716	(623)	0.740%	0.750%	11/9/2021	5/15/2026
Harot 2022 - AAA	44,993	45,000	(7)	43,264	(1,730)	1.880%	1.880%	2/15/2022	5/15/2026
FordO 2022 - Aaa	24,236	24,239	(3)	23,445	(790)	1.290%	1.290%	1/19/2022	6/15/2026
BMWOT 2021 - AAA	24,999	25,000	(1)	24,372	(626)	3.210%	3.210%	5/10/2022	8/25/2026
COPAR 2021 - AAA	23,282	23,282	(0)	22,319	(963)	0.770%	0.770%	10/19/2021	9/15/2026
FordO 2022 - Aaa	24,999	25,000	(1)	24,516	(483)	3.740%	3.740%	6/22/2022	9/15/2026
TAOT 2022 - AAA	29,999	30,000	(1)	29,099	(901)	2.930%	2.930%	4/7/2022	9/15/2026
DCENT 2021 - AAA	54,988	55,000	(12)	52,228	(2,760)	0.580%	0.580%	9/20/2021	9/15/2026
GMCar 2021 - AAA	22,867	22,867	(1)	21,935	(932)	0.680%	0.680%	10/13/2021	9/16/2026
Hart 2022 - AAA	54,998	55,000	(2)	53,093	(1,905)	2.220%	2.220%	3/9/2022	10/15/2026
Comet 2021 - AAA	49,993	50,000	(7)	47,312	(2,681)	1.040%	1.040%	11/18/2021	11/15/2026
Ally 2022 - AAA	59,988	60,000	(12)	58,654	(1,335)	3.310%	3.310%	5/10/2022	11/15/2026
GMCar 2022 - AAA	19,998	20,000	(2)	19,223	(775)	1.260%	1.260%	1/11/2022	11/16/2026
HDMOT 2022 - AAA	34,994	35,000	(6)	34,159	(836)	3.060%	3.060%	4/12/2022	2/15/2027
GMCar 2022 - AAA	24,995	25,000	(5)	24,268	(726)	3.100%	3.100%	4/5/2022	2/16/2027
Carmx 2022 - AAA	34,995	35,000	(5)	34,131	(864)	3.490%	3.490%	4/21/2028	2/16/2027
Comet 2022 - AAA	69,995	70,000	(5)	67,254	(2,740)	2.800%	2.800%	3/23/2022	3/15/2027
Comet 2022 - AAA	64,990	65,000	(10)	62,987	(2,003)	3.490%	3.490%	6/6/2022	5/15/2027
Corporate Bonds - Total Balances	825,973	826,069	(96)	798,214	(27,759)				

Attachment 7
Cash Reserve Balances for August, 2023

El Toro Water District
Cash Reserve Status Report for the month ended August 31, 2023

	Cash Reserve Balances	Reserve Targets
Reconciled Cash Balance	\$ 28,159,735	
Restricted Reserve		
Bond Project Reserve	8,225,157	-
Capital Facilities	2,895	-
Tiered Conservation	60,994	-
Restricted Reserve Total	8,289,046	-
Committed Reserves		
Rate Stabilization	1,835,600	2,100,000
Operational Continuity	1,300,000	2,100,000
Capital Improvements	1,738,323	3,000,000
Current CIP Working Cash	255,251	-
Committed Reserves Total	5,129,174	7,200,000
Assigned Reserves		
Capital Improvement		
Carryover Capital	2,573,802	-
Accumulated Capital	1,821,613	-
CIP - 2022 Bond projects	6,486,658	-
SOCWA Capital Projects	3,371,517	-
Debt Service		
Baker Funding	89,445	-
O&M Working Capital	398,478	2,100,000
Assigned Reserves Total	14,741,513	2,100,000
Total Cash Reserves	28,159,733	
Adjusted Cash Reserves⁽¹⁾	19,934,576	9,300,000

Distribution of Reserve Balances



\$ (2.39)

(1) the Adjusted Cash Reserves excludes the 2022 Bond Proceeds which are obligated to the projects identified in the 2022 Bond Official Statement and are therefore not available for Operations & Maintenance activities or the annual Capital Improvement Program.

Attachment 8

Capital Project Expense Report through August, 2023

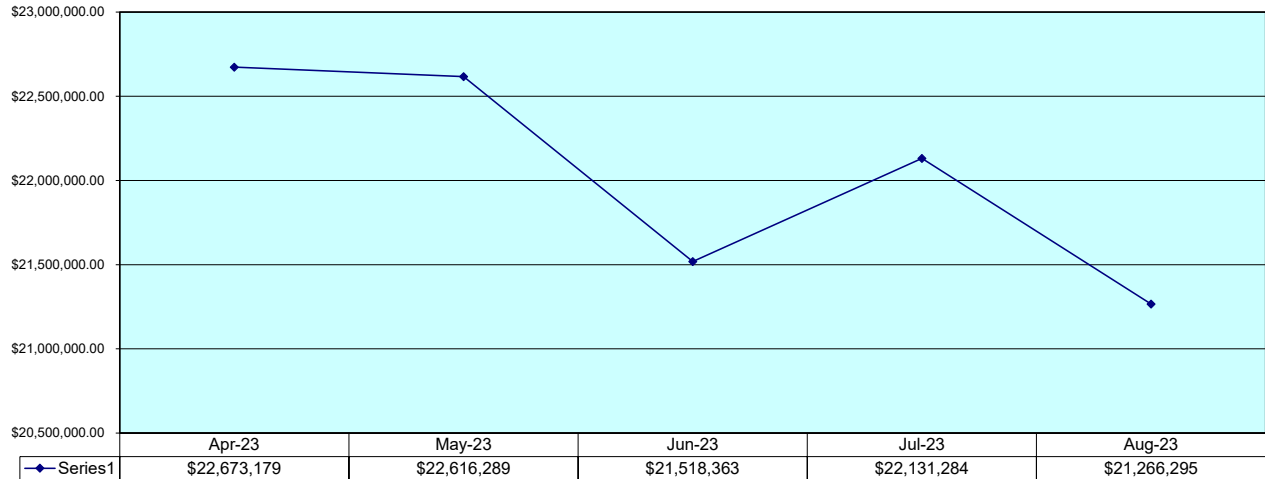
2023-2024 Capital Program Budget Information

General Ledger Information								2023 - 2024
Account Description	PM Task Code	Project Description	Budget Account	Total Budget	2023 - 2024 Expenses			Budget Remaining
					Jul	Aug	YTD Total	
<u>Unfinished Projects from 2022-23 continue in FY 2023-24</u>								
R-6 Reservoir Cover/Liner Project (RES-0047)	RES-0047	R-6 Reservoir Cover (CIP23)	CIP23(26551539-17906925)	7,984,432		98,184	98,184	7,886,248
JTM Pump station 32-093	WPS-0093	JTM Pump station 32-093	CIP23	96746		96,746	96,746	(0)
P-1 Fence Alarm Replacement	WPS-0094	P-1 Fence Alarm Replacement	CIP23	2128		2,128	2,128	(0)
				8,083,306		197,058	197,058	7,886,248
<u>CIP24</u>								
General 23/24 CIP - VEH-0010	VEH-0010	23-24 Vehicle Purchases	40-000-15910	125,000.00	-	27,762	27,762	97,238
General Capital Projects - Consultants	CAP-0023	Asset Management Study 31-050	40-840-55100	220,000.00	-	15,528	15,528	204,473
General Capital Projects - Consultants	SPS-0053	System Arc Flash Coord Studv	40-850-55100	180,000.00	-	-	-	180,000
General Capital Projects - Equipment Purchase	CAP-0054	23-24 ATS Replacements	40-840-66120	42,000.00	-	-	-	42,000
Sewer Pumping - Equipment Purchase	CAP-0051	23-24 Sewer PLC Upgrade	40-740-66120	25,000.00	-	-	-	25,000
Sewer Pumping - Equipment Purchase	CAP-0053	Sewer Station HMI Rplmnt	40-740-66120	14,000.00	-	-	-	14,000
Source of Supply - Contract Capital Expense	RCE-0010	23-24 JRWSS Capital Budget	40-710-66230	13,114.00	-	-	-	13,114
Source of Supply - Contract Capital Expense	RCE-0011	23-24 Baker WTP Capital Fund	40-710-66230	56,200.00	-	-	-	56,200
Tech 23/24 CIP - TCP-0007	TCP-0007	Core Switch Replacement	40-000-15920	63,000.00	20,389	-	20,389	42,611
Technology Projects - Equipment Purchase	TCP-0006	23-24 Security System Imprmnts	40-820-66120	50,000.00	-	-	-	50,000
Technology Projects - Equipment Purchase	TCP-0008	EOC Technology Upgrade	40-820-66120	16,000.00	-	-	-	16,000
Wastewater Treatment - Contract Capital Expense	RCE-0012	23-24 SOCWA Capital Expenses	40-750-66230	414,836.00	103,898	-	103,898	310,938
Wastewtr 23/24 CIP - CAP-0018	CAP-0018	DAF Unit #2 Rehab 933-136	40-000-15636	94,000.00	-	-	-	94,000
Wastewtr 23/24 CIP - SLS-0118	SLS-0118	Surcharge CAP Repair - Goudy	40-000-15630	52,000.00	-	-	-	52,000
Wastewtr 23/24 CIP - SLS-0119	SLS-0119	Northline Coating Impr Project	40-000-15631	91,000.00	-	-	-	91,000
Wastewtr 23/24 CIP - SLS-0120	SLS-0120	Freeway Electrical Equip Repl	40-000-15633	110,000.00	-	-	-	110,000
Wastewtr 23/24 CIP - WRP-0131	WRP-0131	Grit Chamber Rehab 933-131	40-000-15633	861,861.00	-	49,757	49,757	812,104
Wastewtr 23/24 CIP - WRP-0142	WRP-0142	Coarse Screen Rehabilitation	40-000-15634	2,277,000.00	-	-	-	2,277,000
Wastewtr 23/24 CIP - WRP-0143	WRP-0143	Secodary Clarifier & WAC Rehab	40-000-15635	649,000.00	-	-	-	649,000
Water 23/24 CIP - RES-0015	RES-0015	R-4 Exterior Recoating	40-000-15050	35,100.00	-	-	-	35,100
Water 23/24 CIP - RES-0016	RES-0016	Moulton/El Toro Cathodic Study	40-000-15051	100,000.00	-	-	-	100,000
Water 23/24 CIP - RES-0017	RES-0017	SRV-2 Lid Repair	40-000-15052	33,000.00	-	-	-	33,000
Water 23/24 CIP - RES-0018	RES-0018	R-6 Security Improvements	40-000-15053	84,000.00	-	-	-	84,000
Water 23/24 CIP - WRP-0095	WPS-0095	P-3 Pump Station Rehab	40-000-15054	200,000.00	-	-	-	200,000
Water CIP - CAP-0019	CAP-0019	Aliso Creek Pump Rehab 932-115	40-000-15022	826,000.00	-	-	-	826,000
Water Pumping - Equipment Purchase	CAP-0050	23-24 Water PLC Upgrade	40-720-66120	25,000.00	-	-	-	25,000
Water Pumping - Equipment Purchase	CAP-0052	Water Station HMI Rplmnt	40-720-66120	14,000.00	-	-	-	14,000
Server for WRP	CAP-0062	Other unbudgeted Capital Expense	40-820-56460	32,500.00	-	-	-	32,500
(1)	CAP-0055	Other unbudgeted Capital Expense	Various	0.00	-	13,668.00	13,668	(13,668)
Total				6,703,611.00	124,287.40	303,772.64	428,060.04	6,472,609.22

Attachment 9
Interim Report on 401k Plan Holdings

EL TORO WATER DISTRICT 401K PLAN SUMMARY

401K PLAN MARKET VALUE



MARKET VALUE SUMMARY							
	Under 40 yrs. Old	40 to 44 yrs. Old	45 to 49 yrs. Old	50 to 54 yrs. Old	55 to 59 yrs. Old	60 to 64 yrs. Old	Over 65 yrs. Old
Balance at June 30, 2022	\$1,453,468.56	\$2,095,353.59	\$1,103,519.44	\$2,887,912.79	\$7,733,640.95	\$3,735,784.96	\$2,508,682.94
Balance at August 31, 2023	\$1,534,096.95	\$2,151,397.35	\$1,132,492.10	\$2,934,581.00	\$6,979,870.51	\$4,006,566.26	\$2,527,290.46

District Staff is working with Highmark and Empower to design a new 401k report. Once the data for the portfolios is being generated by Empower, the District portfolio information by age group will be updated.

Row Labels	Beginning Account Balance	Contributions	Interest, Dividends and Appreciation Net of Fees & Chrges	Ending Account Balance
American Beacon Ahl Managed Futures Strategy Fund A Class	620,970	3,426	(24,550)	581,563
Blackrock Tactical Opportunities Fund Class K Shares	218,405	1,326	318	213,694
Blackrock Total Factor Fund Institutional Shares	64,243	383	284	64,933
Columbia Contrarian Core Fund Institutional 3 Class	1,819,443	11,536	(24,109)	1,755,591
Delaware Small Cap Core Fund Class R6	682,319	3,919	(28,211)	638,518
Dfa Large Cap International Portfolio Institutional Class	1,135,222	7,610	(41,226)	1,070,614
Dodge & Cox Income Fund Class I	2,162,030	11,959	(12,727)	2,098,724
Dodge & Cox International Stock Fund Class I	279,061	1,754	(9,292)	265,206
Dodge & Cox Stock Fund Class I	991,197	6,282	(23,149)	948,249
Doubleline Core Fixed Income Fund Class R6	2,228,152	12,292	(10,963)	2,160,995
Emerald Growth Fund Institutional Class	421,966	2,799	(27,469)	384,367
Guaranteed Income Fund	1,629,708	8,932	5,405	2,137,412
Harbor Capital Appreciation Fund Retirement Class	763,656	5,244	(7,626)	742,354
Mfs International Growth Fund Class R6	268,950	1,754	(10,128)	254,466
Nuveen Real Estate Securities Fund Class R6	713,132	4,116	(19,998)	678,300
Pgim Total Return Bond Fund -class R6	2,124,024	11,570	(11,379)	2,061,511
Pimco Income Fund Institutional Class	219,456	1,326	(767)	213,676
Pimco Rae Us Fund Institutional Class	973,698	6,283	(8,921)	945,170
The Merger Fund Class I	217,920	1,326	4,099	216,991
Undiscovered Managers Behavioral Value Fund Class R6	428,792	2,799	(19,439)	398,750
Vanguard Emerging Markets Stock Index Fund Admiral Shares	510,935	3,387	(28,587)	473,198
Vanguard Growth And Income Fund Admiral Shares	1,867,866	11,766	(33,386)	1,788,353
Vanguard Growth Index Fund Admiral Shares	818,443	5,339	(9,119)	795,556
Vanguard Long-term Investment-grade Fund Admiral Shares	757,983	4,123	(14,655)	722,913
Vanguard Mid-cap Index Fund Admiral Shares	227,129	1,326	(8,064)	213,918
Grand Total	22,144,701	132,578	(363,657)	21,825,022

MINUTES OF THE REGULAR MEETING
& OF THE
ENGINEERING COMMITTEE MEETING

August 21, 2023

At approximately 9:37 a.m. Director Freshley called the Engineering Committee meeting to order.

Committee Members KAY HAVENS, KATHRYN FRESHLEY, MIKE GASKINS, JOSE VERGARA, and MARK MONIN participated.

Also participating were DENNIS P. CAFFERTY, General Manager, JUDY CIMORELL, Human Resources Manager, HANNAH FORD, Engineering Manager, GILBERT J. GRANITO, General Counsel, VISHAV SHARMA, CFO, SHERRI SEITZ, Public Affairs Manager, JOSH PEREZ, Electrical Systems/SCADA Supervisor, RORY HARNISCH, Senior Engineer, CAROL MOORE, Laguna Woods City Council member (Zoom), and POLLY WELSCH, Recording Secretary.

Consent Calendar

Director Freshley asked for a Motion.

Motion: Director Monin made a Motion, seconded by Director Gaskins to approve the Consent Calendar.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

Engineering Action Items

System Wide Arc Flash and Coordination Study

Ms. Ford stated that compliance with the regulations is integral to safeguarding the well-being of our personnel. She further stated that staff invited nine firms to respond to a Request for Proposals (RFP) for a System-Wide Arc Flash and Coordination Study.

Ms. Ford stated that the District received five proposals for the Study, and the spread between the high and low fee is approximately 74%. She further stated that staff is recommending to eliminate training and electrical system evaluations, and provide by an alternate vendor at a later date.

Mr. Perez stated that some electrical contractors will not work on our equipment without the Arc Flash labeling showing we are Arc Flash compliant.

Director Freshley asked for a Motion.

Motion: President Havens made a Motion, seconded by Director Freshley to authorize the General Manager to issue a contract to Hazen and Sawyer in the amount of \$179,550.00 for engineering services to develop the System Wide Arc Flash and Coordination Study.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

Freeway Lift Station Electrical Equipment Replacement

Mr. Cafferty stated that staff received updated information on this Lift Station project after the agenda was posted. He further stated that due to this new information, staff is amending their recommendation.

Ms. Ford stated that the Freeway Lift Station conveys gravity flow from a 513-acre basin and pumped from the Delta and La Paz Lift Stations to the Northline Lift Station. She further stated that the replacement of this equipment will bring the Lift Station up to compliance and we will add a safety switch to be able to operate our portable generator on-site.

Ms. Ford stated that staff is re-evaluating the inventory and re-ranking our electrical equipment to have higher risk factors if it is not currently Arc Flash compliant. She further stated that this project cost will affect next year's budget due to the long lead times of 18 months.

Ms. Ford stated that the cost will be \$173,00 and not the \$153,000 as written in the staff paper. Mr. Cafferty stated that we will put in the Purchase Order, not to exceed \$180,000 for this project.

Director Freshley asked for a Motion.

Motion: Director Monin made a Motion, seconded by Director Gaskins to authorize the General Manager to issue a contract to Western Switches in the amount not to exceed \$180,000 for the purchase of a new service entrance switchboard, motor control center, and safety switch.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

Grit Chamber Rehabilitation Project VFD Prepurchase

Ms. Ford stated that the District has been modifying the scope of work to improve maintainability, longevity, and energy efficiency of the grit removal system. She further stated that this will ultimately be issued as a Change Order to SS Mechanical's current recoating contract.

Ms. Ford stated that during the design process we discovered that there is a need to change the current constant speed system to a Variable Frequency Drive (VFD) because the blower serves two functions; it provides air for the grit tank, and also provides air for the air lift pumps that do not operate continuously.

Ms. Ford stated that this action is to purchase the VFD in advance of the construction work due to a long lead time.

Director Freshley asked for a Motion.

Motion: Director Monin made a Motion, seconded by Vice President Vergara to authorize the General Manager to issue a contract to Aerzen USA Corp in the amount of \$62,350.00 for purchase of a new VFD refurbishing the existing grit blower and associated parts, warranty, and field support services.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

P-4 Pump Replacement

Ms. Ford stated that the P-4 Pump Station contains four pumps, two 40-horsepower pumps and two 200-horsepower pumps.

Ms. Ford stated that the two smaller pumps operate under normal conditions while the larger pumps would only be activated in a fire flow condition.

Ms. Ford stated that as part of Asset Management, the two smaller pumps were identified as high risk and also underwent catastrophic failure several years ago which caused damage to the interior volute.

Director Freshley asked for a Motion.

Motion: Director Monin made a Motion, seconded by President Havens to authorize the General Manager to issue a contract to John Lisee Pumps, Inc. in the amount of \$73,701.00 for the purchase of two 40 HP pumps.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

Engineering Information Items

Capital Projects Status Report

R-6 Reservoir Floating Cover and Liner Replacement Project

Ms. Ford stated that a fire broke out, likely caused by a blower or fan electrical failure under the floating cover. She further stated that the contractor was able to extinguish the fire using water from the on-site cover flush system to quench the flames in five minutes prior to the fire department arriving on site.

Ms. Ford stated that Layfield worked quickly to repair the burn area with minimal impact to the project schedule. She further stated that we are on track to complete inflation the remainder of this week.

Ms. Ford stated that staff received the valve control panels, and cords for the valve open/close switches are shipping this week.

Ms. Ford stated that staff is working with LaBelle Marvin to develop the final design of the perimeter road repair, however due to the fires in Maui affecting the Project Managers vacation, we are working to rectify the schedule for potential award contract in September.

Effluent Transmission Main (ETM) Backflow Prevention Project

Mr. Harnisch stated that while Don Peterson Contracting was exposing the existing ETM pipeline, a segment of Techite pipe failed, causing secondary effluent to fill the trench and continue to rise. He further stated that staff immediately contacted IRWD to discontinue pumping water through the ETM.

Mr. Harnisch stated that staff deployed vacuor trucks and mobilized a portable pump to convey secondary effluent into the Effluent Pump Station Wet Well where it was then pumped into the Holding Pond. He further stated that staff notified SOCWA who reported the spill to the Regional Water Control Board.

Mr. Harnisch stated that water quality samples were taken in the area and nothing downstream was impacted. He further stated that the construction crew obtained a repair coupling and installed it in the same day.

Mr. Harnisch stated that the unanticipated discharge lasted approximately an hour and is estimated at approximately 60,000 gallons.

Mathis Lift Station Inlet Repair

Mr. Harnisch stated that design is 100% finalized and staff provided the City of Laguna Hills and the Orange County Public Works the opportunity to review and comment.

Mr. Harnisch stated that staff invited eight contractors to bid and directed Dudek to hire a geotechnical firm to determine the groundwater elevation at the site to determine if dewatering is required.

Aliso Creek Lift Station Improvements Project

Mr. Harnisch stated that staff continued the RFP process by providing historical data and answering questions posed by the proposers. He further stated that the RFP is scheduled to close August 23rd and staff is recommending award at the September Board meeting.

New Warehouse

Mr. Harnisch stated that staff continues working with the contractor on the submittal phase of the project. He further stated that mobilization is scheduled for the week after Labor Day to begin construction activities.

Mr. Harnisch stated that the Pre-Engineered Metal Building construction is scheduled to be complete mid-January before the nesting season begins. He further stated that when the electrical components arrive, the contractor will return to the site and install them.

Asset Management

Ms. Ford stated that we are kicking off WRP scope of work and scheduling a kickoff meeting, staff interviews, and condition assessments. She further stated that the interviews will be to determine the appropriate path forward as part of the Computerized

Maintenance Management System and integration with the dashboards.

Lead and Copper Rule Revisions – Lead Service Line Inventory

Mr. Cafferty stated that the Lead and Copper Rule has been part of the Safe Drinking Water Act. He further stated that staff does sampling every three years to determine whether or not there is lead in the water at the customers tap.

Mr. Cafferty stated that the District has never had a problem with Lead and Copper in the drinking water, but the Lead and Copper Rule Revisions now require that public agencies prepare a detailed inventory of their service lines and the private service line from the meter to the home. He further stated that this must be done by October of 2024.

Mr. Cafferty stated that MWD OC is coordinating a regional approach, put out an RFP, and identifying a scope of work for multiple agencies to participate in helping make this happen.

Engineering Items Discussed at Various Conferences and Meetings

There were no comments.

Comments Regarding Non-Agenda Engineering Committee Items

There were no comments.

Adjournment

There being no further business, the Engineering Committee meeting was adjourned at approximately 10:26 a.m.

Attorney Report

Mr. Granito report that there is a need for a Closed Session today as agendized in today's Closed Session agenda.

Closed Session

At approximately 10:32 a.m. the Board went into Closed Session. Also at this time everyone left the meeting except the Board, General Manager, and General Counsel.

Regular Session

At approximately 10:45 a.m. the Board returned to Regular Session. Also at this time, Ms. Welsch returned to the meeting.

Report on Closed Session

Mr. Granito reported that the Board went into Closed Session with regard to Item #1 of today's Closed Session agenda during which the Board consulted with the District's litigation counsel, Walter F. Wendelstein. The Board of Directors in Closed Session voted unanimously to deny the Request for Leave to Present a Late Claim filed by the parties noted in Item #1 of today's Closed Session agenda which relates to the litigation referenced in said agenda. A copy of said Request will be available for public review pursuant to California Government Code Section 54957.5.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:47 a.m.

Respectfully submitted,

POLLY WELSCH
Recording Secretary

APPROVED:

KAY HAVENS, President
of the El Toro Water District and the
Board of Directors thereof

DENNIS P. CAFFERTY, Secretary
of the El Toro Water District and the
Board of Directors thereof



STAFF REPORT

To: Board of Directors

Meeting Date: September 25, 2023

From: Rory Harnisch, Senior Engineer

Subject: Aliso Creek Lift Station Improvements Project – Alternatives Analysis

BACKGROUND

Constructed in 1965, the Aliso Creek Lift Station (ACLS) collects sewage from portions of Laguna Hills, Laguna Woods, and Lake Forest including that from 4920 Lift Station and Mathis Lift Station. ACLS pumps sewage through Laguna Woods Village to the WRP. District Operations staff have several challenges maintaining the Aliso Creek Lift Station including lack of adequate vector truck access to clean the wet well and continued degraded efficiency despite yearly pump impeller and volute replacements. As shown in Figure 1, the District recently installed an above grade portable pump to serve as a backup in the event of a failure of one of the duty pumps.



Figure 1 – Aliso Creek Lift Station Above Ground Appurtenances

In 2022, District staff designed a generator replacement and site improvement project in-house consisting of relocating the replaced generator, installing an additional gate, and replacing the Automatic Transfer Switch. Bids were received for this project in March 2022; However, due to the lift station's operational issues and budgetary constraints, the project was put on hold to determine the best solution for the lift station.

Sewer modeling efforts as part of the Master Plan project indicate that the ACLS lift station needs a total capacity of 4,000 gpm. District Operations staff performed pump tests and determined that the ACLS is underperforming. Pump 1 achieves approximately 80% of its rated capacity while Pump 2 achieves approximately 50% of its rated capacity, equating to total lift station capacity of approximately 3,100 gpm. In addition, the Village at Laguna Hills development expects to produce approximately 200 gpm of flow that will route to ACLS thereby increasing its required capacity.

ACLS is located immediately adjacent to the Aliso Creek and failure could discharge raw wastewater directly into the Aliso Creek. In order to resolve the maintenance and performance issues at ACLS, District staff issued a Request for Proposals (RFP) to six engineering firms for an alternatives analysis study (Study) with the following objectives:

- 1) Recommend the most cost-effective approach to achieving the required capacity while improving operations and maintenance, maintaining service, improving reliability, and protecting neighboring environmentally sensitive areas.
- 2) To provide budgetary (AACE Class 3) cost estimates for implementing recommendations;

In July, the District invited a shortlist of six qualified firms to respond to a Request for Proposals (RFP) for the Study. Five consulting firms subsequently attended a pre-proposal meeting. The following describes the proposal evaluation and ultimate recommendation.

PROPOSAL EVALUATION

On Wednesday, August 25th, the District received three proposals for the Study effort from Dudek Inc. (Dudek), Tetra Tech Inc. (Tetra Tech), and Black and Veatch Inc. (B&V). Attachment A contains a copy of each proposal, and Figure 1 summarizes the proposed fee.

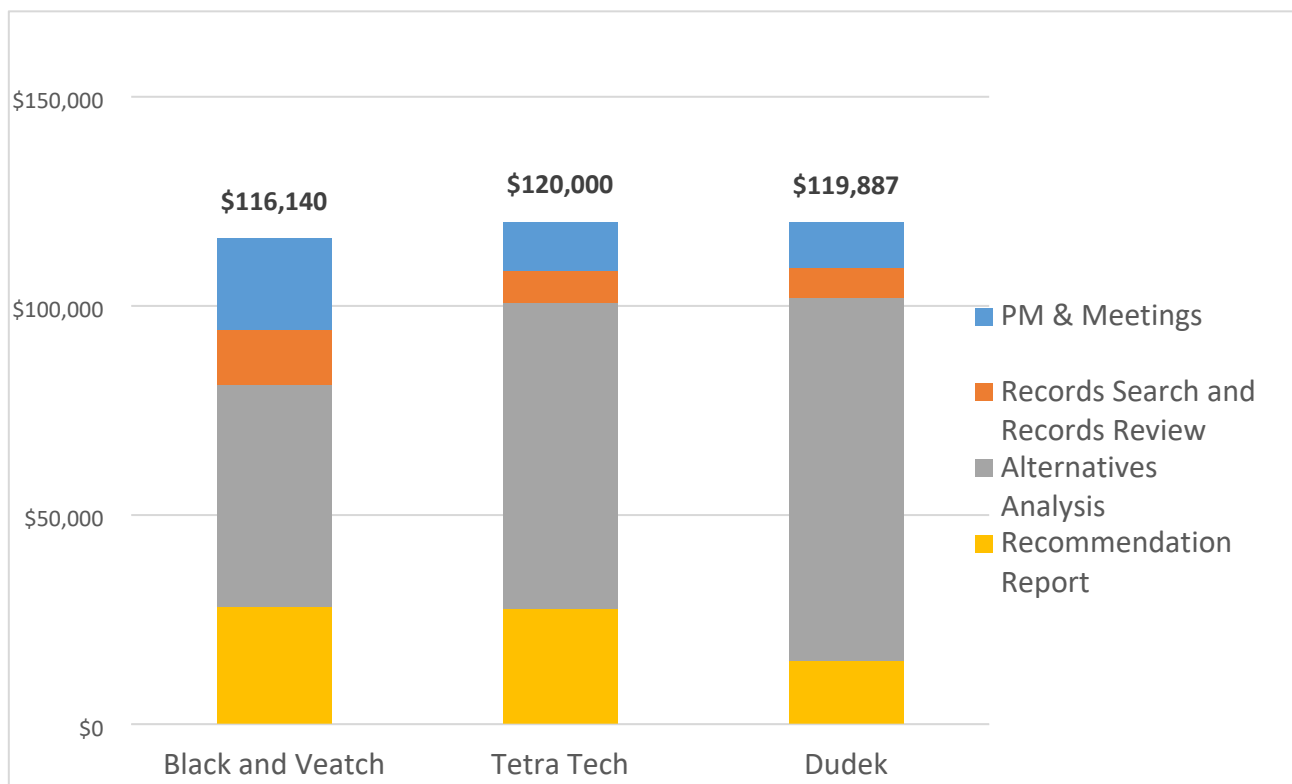


Figure 1 – Alternatives Analysis Study Fee Summary

The spread between the low and high fee is very low at approximately three percent. District staff performed an evaluation of the qualifications and scope of work described in each proposal narrowing the selection to two consultants, Tetra Tech and B&V. Staff held interviews with both in early September. And after careful review and consideration of each proposal and further evaluation during the interviews, District staff recommends Tetra Tech due to the following advantages:

- Clear ability to deliver the requested scope of work,
- Constructability of proposed solutions,
- Relevant, recent experience on similar studies for the District,
- Technical project manager who has delivered similar studies, and
- Value-added scope to conduct flow monitoring.

In addition, Tetra Tech is a reputable consulting firm for whom the District has successfully worked with on the Initial Study for the Joint Transmission Main, Initial Study for the Recycled Water Phase 3 Expansion, Phase 2 Recycled Water Expansion Project, Original Recycled Water Project, and Oso Lift Station Improvement Project.

BUDGET

The Fiscal Year (FY) 2023-2024 capital budget for the ACLS Improvements is \$826,000, which is a placeholder based on generator and pump replacement needs. Although this Study will only utilize a fraction of that budget, staff will use the outcomes of this Study to update the FY 2024-2025 capital budget as necessary.

RECOMMENDATION

Recommended Action:

Staff recommends that the Board of Directors authorize the General Manager to issue a contract to Tetra Tech in the amount of \$120,000.00 for engineering services to develop the Alternatives Analysis for the Aliso Creek Lift Station Improvements Project. Staff further recommends that the Board authorize the General Manager to fund the project costs from the District's Capital Reserves in accordance with the District's adopted Capital Reserve Policy.



PROPOSAL

ALISO CREEK LIFT STATION IMPROVEMENTS ALTERNATIVES ANALYSIS STUDY

EL TORO WATER DISTRICT

AUGUST 23, 2023

605 Third Street / Encinitas, California 92024 / 760.924.5147

DUDEK

Cover Letter

August 23, 2023

Rory Harnisch
El Toro Water District
24251 Los Alisos Boulevard
Lake Forest, California 92630

Subject: Aliso Creek Lift Station Improvements Alternatives Analysis Study

Dear Rory Harnisch:


Dudek is pleased to submit our proposal to the El Toro Water District (ETWD) to provide professional engineering services for determining the most cost-effective approach to upsizing capacity of the Aliso Creek Lift Station (ACLS), while also improving operations and maintenance, maintaining service, and protecting neighboring environmentally sensitive areas. We understand the challenges involved in rehabilitating these types of facilities, such as maintenance access, emergency access, piping realignment, construction phasing, construction access, and mitigation of health and safety risks to the surrounding environment and community. Our team's experience on similar projects provides the knowledge to develop unique solutions to the critical challenges that come with developing improvement alternatives for sewer lift stations. Dudek's value-engineering based approach to achieve ETWD's goals is highlighted in our proposal along with the following key elements.

- Mechanical Equipment Selection/Modifications and Emergency Storage Analysis
- Optimization of Site Layout and Equipment Access
- Evaluation of Lift Station Interior Improvement Alternatives
- Evaluation of Mechanical, Electrical, and Structural Improvement Alternatives
- Involvement and Input of ETWD Operations and Engineering Staff
- Schedule Efficiency

Through the project RFP and discussions with ETWD staff during the on-site preproposal meeting, we have developed a thorough understanding of ETWD's primary goals and objectives for the project. Dudek is confident in providing ETWD with the engineering services, knowledge, and support needed to successfully achieve these goals and objectives. On behalf of the Dudek team, we appreciate the opportunity to submit this proposal to the ETWD and are available to begin work immediately. Please do not hesitate to contact me at 760.479.4106 or blacap@dudek.com should you have questions or require further information. We look forward to the opportunity to discuss our proposal with ETWD staff in greater detail and to continue our working relationship.

Sincerely,



Brandon Lacap, PE
Project Manager

Bob Ohlund, PE
Vice President

Bob Ohlund, PE is authorized to sign on behalf of Dudek. He is authorized to execute legally binding agreements.

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APPENDICES

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A. Project Experience

The Dudek team has four decades of extensive experience working with Southern California municipalities and agencies providing condition assessment, evaluation, hydraulic analysis, and rehabilitation design of aging wastewater infrastructure. We are confident that the Dudek team will provide exceptional service and value to El Toro Water District (ETWD). The following are relevant project examples with references. Dudek is proud of the relationships that our project managers and engineers build with our clients. Please contact these references to learn more about our key staff members and their performance.



**Moonlight Beach Sewer Pump
Station Pump
Replacement Evaluation**

Client: San Elijo Joint Powers Authority (SEJPA)

Contract Value: \$34,500

Reference: Christopher Trees, 760.753.6203, ext.70, treesc@sejpa.org

Key Personnel on this Project:

Michael Metts, Principal-in-Charge

Brief Description of Scope:

Dudek was contracted by SEJPA for the evaluation and alternatives analysis for rehabilitation of the Moonlight Beach Sewer Pump Station (1.1 million gallons per day). The analysis included recommendations for retrofit of dry-pit submersible pumps to replace the existing vertical centrifugal pumps and in-line grinders, recommendations for suction and discharge piping re-design, and a life cycle cost analysis for the alternative improvements.



**A-3 Lift Station Rehabilitation and
Force Main**

Client: Elsinore Valley Municipal Water District (EVMWD)

Contract Value: \$409,711

Reference: Nelson Nuezca, 951.674.3146, nnuezca@EVMWD.net

Key Personnel on this Project:

Brandon Lacap, Project Manager

Brief Description of Scope:

Dudek has been contracted to evaluate various lift station relocation and redesign options to replace the existing A-3 Lift Station, as well as provide the final design for lift station construction. The preliminary design phase of the project involved an alternatives analysis that compared rehabilitating the existing lift station, complete replacement of the lift station in-place, and complete replacement of the lift station in a new location.



**Lift Station 80-03
Condition Assessment**

Client: Coachella Valley Water District (CVWD)

Contract Value: \$57,173

Reference: Armando Rodriguez, 760.391.9600, arodriguez@cvwd.org

Key Personnel on this Project:

Brandon Lacap, Senior Engineer

Brief Description of Scope:

Lift Station 80-03 is a two-level, dry well/wet well style sewage lift station originally built in 1974, with a firm capacity of 6,750 gallons per minute. Dudek was contracted by CVWD to provide a comprehensive condition assessment of the lift station facility. Dudek's recommended list of prioritized improvements included estimated construction costs that helped CVWD plan for near-term, mid-term, and long-term improvements for the lift station.



**Solana Beach Pump Station
Rehabilitation**

Client: City of Solana Beach

Contract Value: \$542,700

Reference: Mo Sammak,
858.720.2470,
msammak@cosb.org

Key Personnel on this Project:

Ian Crano, Project Engineer

Brief Description of Scope:

The Solana Beach Pump Station is a 4.9-million-gallon sewer pump station within the San Elijo Lagoon in Solana Beach California. This pump station is the final tie between the collection systems of the City of Del Mar and Solana Beach and the San Elijo Water Reclamation Facility. Dudek prepared a Preliminary Design Report for the pump station defining five categories of improvements, including electrical upgrades, wet well and emergency storage, resolution of pump ragging problems, pump replacement, pump room piping and valves, and other miscellaneous items. Dudek was retained for the final design of these proposed improvements.



**Lift Station Assessment and
Prioritization Project**

Client: Elsinore Valley Municipal Water District (EVMWD)

Contract Value: \$171, 868

Reference: Shawnele Morelos (now at Rincon Del Diablo Municipal Water District), 760.533.2194, smorelos@rinconwater.org

Key Personnel on this Project:

Brandon Lacap, Project Manager

Brief Description of Scope:

EVMWD contracted Dudek to perform a comprehensive condition assessment of five of their aging sewer lift stations (20 to 49 years old) and associated force mains. A record data review, hydraulic analysis, and field inspection were required for each lift station to identify deficiencies and develop recommendations for a prioritized list of capital improvement projects to rehabilitate/replace the evaluated stations. Dudek's recommended list of prioritized improvements included estimated construction costs that helped EVMWD plan for immediate, near-term, mid-term, and long-term improvements for the various lift stations.



**Influent Pump Station Wet Well and
Force Main**

Client: Padre Dam Municipal Water District (PDMWD)

Contract Value: \$49,500

Reference: Michael Hindle,
619.258.4632, mhindle@padre.org

Key Personnel on this Project:

Ian Crano, Senior Engineer

Brief Description of Scope:

Dudek designed various improvements to the wet well area of the PDMWD influent pump station to the Ray Stoyer Water Recycling Facility to address significant concrete corrosion. Dudek assessed the condition of the wet well structure and mechanical piping, reviewed previous wet well inspection reports and photos, and worked closely with PDMWD to develop an approach to the work that met their budget and schedule requirements.

B. Key Personnel

Firm Qualifications

For over 43 years, Dudek has served Southern California landowners and municipalities on a variety of planning, design, permitting, construction management, and regulatory issues. We view our role as partners with our clients, working to identify effective, financially prudent solutions to the project challenges they face. Dudek's staff are professionals in a broad spectrum of engineering design and management disciplines relevant to your identified needs. In addition to a strong core group of proven civil, utility, and environmental engineers, our firm provides an impressive and diversified mix of experts.

The depth of our in-house expertise and support staff allows us to offer a wide range of services in a moment's notice. Through our understanding of local and California regulations and depth of project experience, Dudek's professionals provide creative and successful solutions for projects by balancing regulatory mandates and technical requirements within financial and scheduling constraints. These capabilities result in lower overall project costs, on- schedule delivery of work products, and enhanced project control.

The Dudek team includes engineers who specialize in lift and pump station design for potable water, wastewater, and recycled water systems. This design experience ranges from preliminary planning and hydraulic modeling through pump and motor selection; detailed valving; flow control; metering; piping; and structural, electrical, and instrumentation/control. In addition, our engineers take into consideration the aesthetic flavor of the local community as well as public safety and mitigation of risk. Visual, sound, and other community factors often define the success of a project in equal proportion with the technical and operational requirements. Our engineers understand that the facility must be an integral part of the surrounding community, yet provide reliable functionality and emergency access for ETWD.

Project Manager Brandon Lacap, PE, and the whole Dudek team is fully capable in all areas outlined under the scope of work as outlined in the RFP. Brief biographies for our key staff are included in **Table 1**, subconsultant information is provided in **Table 2**, and full resumes are located in **Appendix A**.

Table 1. Team Personnel Qualifications

Key Staff Name, Role, and Function (Level of Project Responsibility)	Education, Credentials, and Years' Experience (Qualifications)	Work Experience on Similar Projects
Brandon Lacap, PE Project Manager As project manager, Mr. Lacap will coordinate all team activities, provide project status reports, and be responsible for invoicing. He has 13 years' experience in engineering design and managing wastewater infrastructure and capital improvements projects.	BS, Civil Engineering PE, CA No. 87211 13 years' experience managing water/wastewater infrastructure and capital improvement projects.	<ul style="list-style-type: none"> ▪ Moonlight Beach Sewer Pump Station Pump Replacement Evaluation, SEJPA ▪ Lift Station Assessment and Prioritization, EVMWD ▪ Lift Station 80-03 Condition Assessment and Upgrades Project, CVWD ▪ Plant 2 Reservoir and Booster Pump Station Condition Assessment, Indio Water Authority

Table 1. Team Personnel Qualifications

Key Staff Name, Role, and Function (Level of Project Responsibility)	Education, Credentials, and Years' Experience (Qualifications)	Work Experience on Similar Projects
		<ul style="list-style-type: none"> ▪ Benson Avenue Temporary and Permanent Sewer Pump Stations and Force Main, City of Chino
<p>Michael Metts, PE: Principal in Charge & QA/AC</p> <p>As principal in charge, Mr. Metts will be responsible for oversight of project execution, allocation of project team resources, and client satisfaction. He will also be responsible for quality assurance/quality control (QA/QC)</p>	<p>BS, Civil Engineering PE, CA No. 42586</p> <p>40 years' experience in civil engineering and principal engineer and manager of Dudek's engineering services.</p>	<ul style="list-style-type: none"> ▪ Moonlight Beach Sewage Pump Station Evaluation, SEJPA ▪ North Line Sewage Pump Rehabilitation, ETWD ▪ Lift Station Relocation Project, EVMWD ▪ Avenue 54 Wastewater Treatment Plant Expansion, Coachella Sanitary District ▪ Pump Station No. 5 Odor Control Project, City of San Diego
<p>Ian Crano, PE Lead Engineer</p> <p>As lead engineer, Mr. Crano will be responsible for working with the project manager to collect and assess data, coordination of field investigations, performing modeling, and preparing the scope of work documents.</p>	<p>MS, Civil Engineering BS, Civil Engineering PE, CA No. 90073</p> <p>10 years' experience in the design of water and wastewater facilities.</p>	<ul style="list-style-type: none"> ▪ A-3 Lift Station Rehabilitation and Force Main, EVMWD ▪ LS55-11 Lift Station Capacity Upgrade, CVWD ▪ Newport Beach Pump Station Pressurization, Orange County Sanitation District ▪ Influent Pump Station Wet Well and Force Main, Padre Dam Municipal Water District ▪ Slater Pump Station Valve Replacements, Orange County Sanitation District
<p>Trevor Eckermann, EIT Project Engineer</p> <p>As project engineer, Mr. Eckermann will assist the lead engineer in data collection and assessment, field investigations, and preparing the scope of work documents.</p>	<p>BS, Environmental Engineering EIT</p> <p>1 year experience specializing in engineering design of water/wastewater infrastructure and capital improvement projects.</p>	<ul style="list-style-type: none"> ▪ Ocean Outfall Pump Station Discharge Backflow Prevention, ETWD ▪ Plant Watermain Replacement Phase 2, Valley Sanitary District ▪ A-3 Lift Station Rehabilitation and Force Main, EVMWD ▪ Oro Grande Interceptor and Lift Station Replacement, Victor Valley Wastewater Authority ▪ Terra Lago Reducing Station Upgrades, Indio Water Authority

Table 2. Subconsultant Qualifications

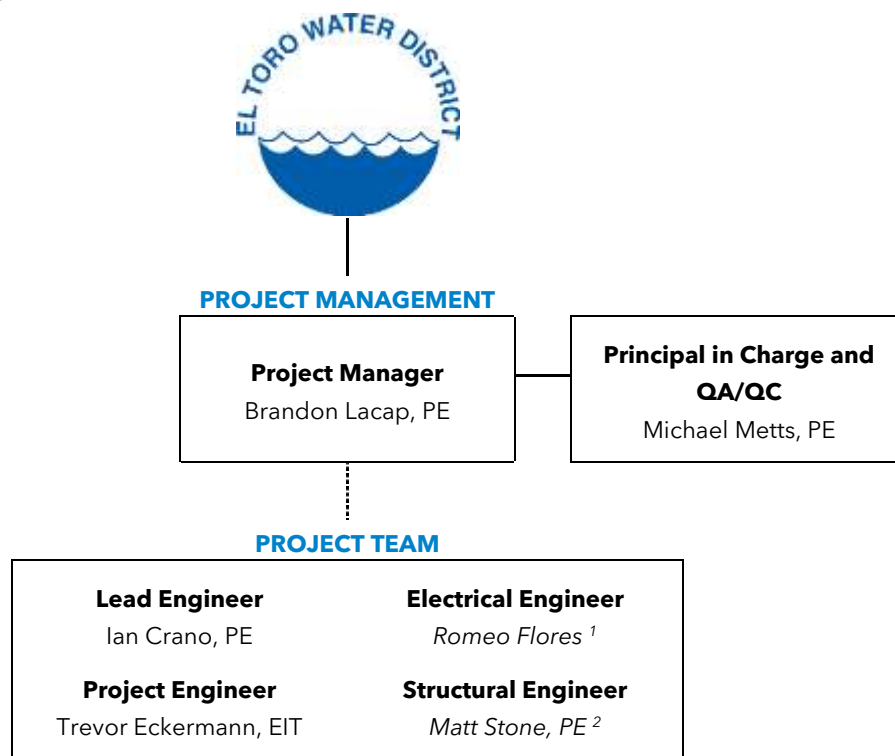
Name, Role, Education, and License(s)	Qualifications/Project Experience
<p>Matt Stone, PE, SE Structural Engineer <i>(Kelsey Structural)</i> MS, Structural Engineering BS, Structural Engineering PE, CA No. 78488 SE, CA No. 6183</p>	<p>Over 13 years' experience specializing in project management and structural design for water/wastewater infrastructure.</p> <ul style="list-style-type: none"> • Septage Receiving Stations, Victor Valley Wastewater Reclamation Authority • Magnolia Avenue Interconnection, Western Municipal Water District • Lift Station 55-11 Capacity Upgrade, CVWD
<p>Romeo Flores, PE Electrical Engineer <i>(Engineering Partners Incorporated)</i> BS, Electrical Engineering PE, CA No. 13381, AZ No. 38931, WA No. 40316 LEED Accredited Individual</p>	<p>38 years' experience in electrical engineering.</p> <ul style="list-style-type: none"> • Eastern Service Area Secondary Connection Project, Padre Dam Municipal Water District • Water Treatment Plant Electrical Assessment Project, City of Poway • Water Reclamation Plant 7 Biosolids Upgrade Project, CVWD

C. Organizational Chart

Dudek is pleased to present a team of highly qualified professionals who have worked together on several similar assignments as indicated in Section A. Dudek will serve as the prime consultant providing overall management, engineering, and planning, and will be responsible for coordinating with ETWD staff. The project team will be comprised of the following key individuals, with staffing functions as indicated in **Figure 1**.

Our team of highly qualified professionals is bolstered by strategically selected subconsultants Engineering Partners Incorporated (electrical engineer) and Kelsey Structural (structural engineer) with whom we commonly work on similar assignments.

Figure 1. Dudek Team Organization



¹ Engineering Partners Incorporated

² Kelsey Structural

D. Current Workload and Future Anticipated Work of Key Personnel

Workload and availability for our key staff are included in **Table 3**.

Table 3. Team Availability

Key Staff	Current Workload	Future Anticipated Work
Brandon Lacap, PE Project Manager	60%–80%	60%–80% with the ability to commit 100% of his time to this project, if needed.
Michael Metts, PE Principal in Charge and QA/AC	50%–70%	50%–70% with the ability to commit 100% of his time to this project, if needed.
Ian Crano, PE Lead Engineer	40%–70%	40%–70% with the ability to commit 100% of his time to this project, if needed.
Trevor Eckermann, EIT Project Engineer	30%–60%	30%–60% with the ability to commit 100% of his time to this project, if needed.

E. Project Approach and Detailed Scope of Work

Project Understanding

Dudek understands that ETWD seeks a qualified engineer to perform professional design services for the Aliso Creek Lift Station (ACLS) Improvements Alternatives Analysis Study (Study). This Study is scheduled to commence in September 2023, with an anticipated completion in January 2024. Dudek is staffed with well-qualified, competent experts who are familiar with both ETWD and the surrounding region, and who have the capacity to meet the ETWD scheduled project completion timeline.

The ACLS is adjacent to 24092 Avenida Sevilla in Laguna Woods, California, and was originally constructed in 1965. The original configuration of the lift station utilized two pairs of pumps in series located in a dry well connected via a suction line into the wet well. Pumps were located on the bottom floor with motors on the second floor. As development continued to add new sewer flows upstream of the lift station, the ACLS was modified to accommodate the increased flows and additional upgrades were made to improve lift station performance. The ACLS is a critical component of the ETWD wastewater infrastructure because it conveys flow from two upstream lift stations (4920 and Mathis) and the surrounding community. ACLS improvements took place on the following years:

- 1983 ACLS Capital Improvement Project: Replaced pumps in series with three pumps in parallel, and the motors were moved to a new above grade motor room that was constructed as a part of the project.
- 1998 ACLS Piping Modifications: The discharge header and bypass lines were reconfigured to include above grade bypass connections.
- 2001 ACLS Rehabilitation Project: Replaced triplex pumps with duplex submersible dry pit pumps and added in line grinders on each pump suction line. The above grade motor room added in 1983 was demolished.

Following the 2001 rehabilitation project, ETWD staff noted performance deficiencies with the existing pumps, in particular Pump No. 2, despite regular maintenance and annual replacement of the impeller and volute. Because of the performance deficiencies, ETWD staff added a trailer-mounted pump on site to serve as an emergency backup, in event that the ACLS capacity falls below its required firm capacity of 4,000 gallons per minute (gpm). ETWD has identified an additional 200 gpm of flow from forthcoming developments upstream of the ACLS that will make the current firm capacity deficient of the required peak flow rate of 4,200 gpm without upgrading the existing pumps. In addition, a leak in the primary discharge piping in the motor room regularly drips down to the pump room via pipe penetrations. In early 2022, ETWD received bids for the Aliso Creek Generator Replacement Project, which included replacement of the existing generator, Automatic Transfer Switch (ATS), related electrical/controls work, and modification of the existing site wall and gate configuration to facilitate maintenance access. The project was not constructed, and the scope of the project should be incorporated into the recommended design in the proposed Study.

In addition to the capacity deficiencies noted in the Request for Proposals (RFP), several other areas for improvement were identified in discussions with ETWD staff during the preproposal site walk on July 19, 2023:

- The existing site configuration prevents access to the wet well and dry well hatches by maintenance vehicles, such as a vactor or crane truck.
- The site is highly constrained with above grade piping and facilities, making maintenance access difficult.
- The current pumping units experience frequent issues and damage caused possibly by the conveyed media and pump performance has significantly reduced; as a result, more frequent replacement of impellers and even volutes has been required (1 to 2 times a year)
- Both floors of the lift station present safety risks and challenges when accessing equipment.

Project Goals and Objectives

The Dudek team has performed a cursory review of the ACLS site, previous improvements drawings, and proposed improvements. Through the project RFP and discussions with ETWD staff during the on-site preproposal meeting, we have developed the following understanding of the ETWD primary goals and objectives for the project:

- **Increase pump station capacity and reliability.** Dudek will develop mechanical and electrical improvement alternatives that increase the pump station firm capacity to meet the future peak flow requirement and improve reliability to reduce reliance on emergency pump equipment. This includes pump, generator, automatic transfer switch, and associated electrical improvements.
- **Improve maintenance access to all facilities on site.** Dudek will develop mechanical, electrical, and site layout modification alternatives that improve maintenance access to the wet well and dry well hatches, emergency generator, and controls building.
- **Construction phasing to minimize operational impacts.** Dudek believes that the construction of the improvements can be sequenced such that the existing emergency bypass pump can be utilized to provide continuous service during construction.
- **Protect neighboring environmentally sensitive areas by reducing risk of overflow.** By improving access for maintenance vehicles to the wet well and dry well the risk of an overflow is greatly reduced.

By successfully completing these objectives, Dudek will assist ETWD in achieving its goal of determining the most cost-effective approach to achieving the required capacity at ACLS while also improving operations and maintenance, maintaining service, and protecting neighboring environmentally sensitive areas.

Project Approach

Dudek approaches each design project with a complete understanding of the project's Critical Success Factors. These factors guide the overall project approach, making certain that the client's goals and objectives are achieved, and that other collateral goals and requirements are equally maintained. In the following discussions, Dudek will highlight the project's Critical Success Factors and our approach to preparation of the ALCS Study.

Mechanical Equipment Selection and Emergency Storage.

Dudek's alternatives analysis will provide ETWD with a comparison of at least two different styles of pumping units. Dudek proposes to evaluate, at a minimum, dry pit submersible style pumps versus submersible pumps mounted in the wet well. Following discussions with ETWD operations staff, Dudek recognizes that the current Fairbanks Morse pumps and separate Muffin Monster grinders have not performed well for ETWD and have required excessive maintenance, possibly due to the high grit levels in the waste stream. For either dry pit or submerged application, converting to Vaughn grinder style pumps would improve the ACLS ability to handle grit and other solids while allowing removal of the existing separate Muffin Monster grinders. Removal of the Muffin Monsters would reduce maintenance requirements and free up valuable space in the highly congested pump room (**Figure 2**).



Figure 2. Existing ETWD ACLS Dry Pit Submersible Pumps, Bridge Crane, and Access Hatches (Above)

As a part of the analysis of conversion to fully submerged pumps, Dudek will analyze the mechanical and structural modifications required to convert the existing dry well pump room to be part of the wet well. Dudek subconsultant, Kelsey Structural, will analyze the feasibility of adding penetrations to the wall between the wet well and dry well in addition to any other structural modifications required to support the functionality and placement of the new submersible pumps. Dudek will evaluate how the new submersible pumps and discharge piping could be configured in a way that minimizes construction cost and considers ease of future maintenance. Beyond improving the ACLS ability to handle high grit conditions, the use of submersible chopper pumps will increase the capacity of the wet well. Based on the proposed wet well configuration, Dudek will perform an evaluation of the increased emergency storage capability. Increasing the emergency storage at ACLS reduces the risk of an overflow and impacts to surrounding areas. Dudek will evaluate the advantages and disadvantages of each pump and wet well configuration to present to ETWD as a part of Task 3 of the Scope of Work.



Figure 3. ETWD ACLS generator, trailer mounted emergency standby pump and piping, and wet well/drywell (Below grade)

Optimization of Site Layout and Equipment Access. The information in the RFP and provided by ETWD staff at the preproposal site visit make clear that the existing site configuration (**Figure 3**) has constrained the ability for operations staff to perform maintenance. Following the pre-proposal site visit, Dudek performed a preliminary site layout alternatives analysis to determine possible modifications of the site to improve maintenance access.

The most cost-effective method identified for improving maintenance access to the site is to modify the existing bypass piping connections. Because ETWD has had to keep a trailer mounted emergency bypass pump on site, the impact of this change was immediately apparent during the site visit. The suction and discharge connection points are currently located at grade on opposite exterior corners of the lift station, requiring bypass piping to be routed around the lift station footprint. If this configuration remains in place in the future, access to the dry well and wet well roof hatches will remain difficult by crane or Vactor trucks when bypassing is required for maintenance, even when the reliability of the lift station has been improved. In addition to adding a discharge connection to the 12-inch PVC line, Dudek proposes relocating the suction and primary discharge bypass connections to be adjacent to the site wall with above grade valving to facilitate easy connection and ability to control which line is discharged to. The above grade valving improves access for maintenance and future replacement of the isolation valves. The new location will allow the bypass pump trailer and piping to be located along the site wall, which will allow maintenance access to the lift station during bypassing operations. The specific location of the bypass connection will be selected based on the recommended location of the new resized generator.

Based on the 2022 Aliso Creek Generator Replacement Project, Dudek will analyze the potential access improvements costs for relocating the existing generator elsewhere on site. Additional site access modifications identified for further analysis during Task 3 of the Scope of Work are as follows:

- **Vehicle Access to the Lift Station Roof.** Determine necessary structural improvements to the lift station roof to allow H₂O loading to facilitate crane or vactor trucks pulling up to the access hatches. Preliminary structural analysis indicates that H₂O loading of the roof could be allowable with major structural modifications.
- **Space-Efficient Ventilation System.** Heating, ventilation, and air conditioning (HVAC) modifications to remove the two large air plenums from the dry well roof and replace the system with a more space-efficient system relocated to reduce risk of damage during maintenance activities.

These site layout modifications will be discussed and coordinated with ETWD staff as a part of Task 3 of the Scope of Work.

Lift Station Interior Improvements. During the preproposal site visit, several maintenance and safety challenges were identified in the lift station interior. During the analysis of improvements, Dudek will evaluate the feasibility and cost of the following improvements.

- **Provide New Hatches with Integral Fall Protection on all Dry Well Equipment Access Openings.** The hatches currently have plywood covers and a removable safety railing. The railing could be removed if fall protection is provided integral to the hatches, freeing up valuable floor space in the motor room and improving safety for operations staff.
- **Relocate Interior Pump Hatches.** The existing hatches between the motor room and pump room are not located directly above the pumps, and the pumps must be swung as they are lifted to clear the hatch opening. Notches were cut into the openings (**Figure 4**) to provide a direct line from



Figure 4. Existing Lifting Line for Pumps

the hoist to the pump hook. Preliminary structural analysis indicates that the hatch openings could be relocated without major structural modifications.

- **Replace Existing Dual Monorail with Bridge Crane.** On the motor room level, the pumps are currently lifted using dual monorail hoists that do not align with the roof hatch where pumps are pulled above grade. It appears that a davit crane is used to hoist the check valves and flow meters from the pump room to the motor room. Utilizing the existing flanged beams to install a bridge crane would allow operations staff to set the equipment directly beneath the roof hatch, reducing safety risks associated with operators manually moving the pumps, check valves, or flow meters.

Dudek will evaluate the advantages and disadvantages of each of the improvements to present to ETWD.

Electrical Improvements. Based on the bid documents and addenda from the 2022 Aliso Creek Generator Replacement Project, Dudek's subconsultant, Engineering Partners Incorporated (EPI), will provide the following analysis that includes potential construction cost savings measures:

- **Generator Sizing.** EPI will conduct a load evaluation and resizing analysis for the generator and automatic transfer switch based on the recommended pump selection.
- **Generator Placement.** EPI will provide cost and constructability impacts on relocating the generator as indicated in the 2022 bid documents versus replacing the generator in place and reusing the existing conduit runs.
- **Additional Electrical Upgrades.** EPI will evaluate the electrical systems to accommodate the increase in pump capacity and will provide recommendation. This includes the Southern California Edison (SCE) service entrance switchboard and the motor control center (MCC). Depending on the feasibility of using existing equipment, a construction cost estimate will be provided for upgrades required to reuse the existing equipment compared with the cost of providing a new SCE service entrance switchboard and MCC that will be designed in accordance with the recommended replacement pumps.

Dudek will evaluate the advantages and disadvantages of each alternative to present to ETWD staff as a part of Task 3 of the Scope of Work.

Involvement and Input of ETWD Operations Staff. Dudek emphasizes the importance of including operations staff in meetings and conference calls for their input and review of the design throughout the project. Dudek believes that the personnel who operate, maintain, and know the history and nuances of the lift stations are critical to the successful improvements and redesign of the facility. Working with our clients' operations staff has proven to provide valuable information that can contribute to implementing design features that make facility maintenance and operations easier.

Schedule Efficiency. Dudek's approach to the project schedule focuses on constant communication and involvement with both ETWD engineering and operations staff throughout the analysis and report preparation efforts. Inclusion of existing pump station operations staff at the kickoff meeting is critical to ensure operational preferences are included and that the analysis is completed within the desired schedule. Inclusion of ETWD electrical staff at the Task 3 analysis review meeting with ETWD will ensure that the electrical and controls preferences are considered in the finalized electrical approach documented in the Study. Dudek will begin coordination with pump manufacturers immediately after notice to proceed to understand equipment procurement costs, which will assist in pump selection and expediting the project schedule.

Alternatives Analysis

Based on the ETWD goals for the project, Dudek has developed three primary scenarios and additional sub scenarios for electrical alternatives. Each alternative and how it meets the project goals is presented in **Table 4** in order of anticipated cost.

Table 4: Summary of Anticipated Alternatives

Alternative	Description	Project Goal			
		Increase Pump Station Capacity and Reliability	Improve Maintenance Access to All Facilities On Site	Construction Phasing to Minimize Operational Impacts	Protect Neighboring Environmentally Sensitive Areas
1	Mechanical and Electrical Improvements				
	Relocate bypass connection piping	—	X	X	X
	Replace pumps in place	X	—	—	X
	Repair leaking portions of header	X	—	—	—
	Electrical Improvements per electrical discussion*	X	—	—	—
	No structural modifications	—	—	—	—
2	Mechanical, Structural, and Electrical Improvements				
	Relocate bypass connection piping	—	X	X	X
	Replace pumps in place	X	—	—	X
	Repair leaking portions of header	X	—	—	—
	Electrical Improvements per electrical discussion*	X	—	—	—
	Relocate pump hatches and provide hatches with fall protection at all equipment access points	—	X	—	—
	Replace monorail hoists (2) with bridge crane	—	X	—	—
	HVAC modifications to remove large vents from the dry well roof	—	X	—	
3	Dry well Conversion, Mechanical Improvements, and Electrical Improvements				
	Relocate bypass connection piping	—	X	X	X
	Repair leaking portions of header	X	—	—	—
	Electrical Improvements per electrical discussion*	X	—	—	—

Table 4: Summary of Anticipated Alternatives

Alternative	Description	Project Goal			
		Increase Pump Station Capacity and Reliability	Improve Maintenance Access to All Facilities On Site	Construction Phasing to Minimize Operational Impacts	Protect Neighboring Environmentally Sensitive Areas
	Relocate pump hatches and provide hatches with fall protection at all equipment access points	—	X	—	—
	Replace monorail hoists (2) with bridge crane	—	X	—	—
	HVAC modifications to remove large vents from the dry well roof	—	X	—	—
	Structural analysis for feasibility of H2O loading of lift station roof	X	X	—	X
	Replace pumps and piping with wet well mounted submersible pumps and reconfigured discharge piping	X	—	—	—
	Structural analysis for wall penetrations between the dry well/wet well and modifications required for new submersible pump system in expanded wet well	X	X	—	X

* Each of the above scenarios can incorporate the following electrical sub alternatives that will be evaluated in the study:

- i **Replace in Place.** Replace the generator and ATS in place with a new generator and ATS sized to match the recommended pumps utilizing existing conduit runs and secondary containment. If feasible, make the electrical upgrades required to reuse existing PLC and MCC for new pumps.
- ii **Relocate.** Demolish the existing generator and install a new generator and ATS in the recommended location to improve site layout. The new location would require a new secondary containment pad and conduit runs. Replace the existing PLC and MCC with the new equipment designed around the new pumps.

Class 4 capital and operational cost estimates will be prepared for each alternative. The alternatives analysis indicating how each alternative achieves ETWD project goals and cost estimates will be presented during a monthly progress meeting to select the preferred option. Based on the selection determined with ETWD staff, Dudek will prepare a report documenting the background, analysis, and rationale for the recommended alternative, as well as a Class 3 cost estimate.

Quality Assurance/Quality Control & Project Administration

Quality assurance is a project management responsibility to be conducted in accordance with a specific quality control plan. The Project QA/QC Plan is prepared by the project manager, in collaboration with the QA/QC manager, prior to the kickoff meeting. Key elements of our QA/QC Plan include the following:

- True peer-review based QC process where submittals receive full review
- Project quality roles and responsibilities of the project manager, principal in charge, project engineers, and quality control reviewers
- Master deliverables list with scheduled submittal dates, review(s) to be performed (i.e., client standards, intra-discipline, inter-discipline, constructability), QC review deadline, and assigned QC reviewer(s)
- Submittal quality control review process and documentation requirements
- Subconsultant submittal validation procedures



Quality Assurance/Quality Control

Peer Review

*Project Quality Roles
Responsibilities*

Master Deliverable List

*Quality Control
Review Process*

*Subconsultant Submittal
Validation*

Dudek's QA/QC plan will administer a program of QA/QC procedures for producing quality work and shall effectively manage and control the work. Specific procedures shall include, but shall not be limited to, planning, coordination, cost control, checking, reviewing, and scheduling the work. Dudek provides brief bi-weekly check-ins (via phone or email) with ETWD's project manager to ensure each phase of the project is on track, action items are met, and the project is progressing on schedule.

Monthly Progress Reports, Schedule Tracking, and Billing Reports. Dudek will submit monthly progress reports (monthly status reports) with every monthly invoice and ETWD's CIP Billing Log to be reviewed by ETWD. Each monthly status report will include (1) work completed during the past billing cycle, (2) planned activities to take place during the next billing cycle, (3) requested client actions, (4) planned deliverables for the new billing cycle, (5) any scope, budget, or schedule related discussion items, in addition to the items outlined in the RFP Scope of Work Subtask 1a. The monthly progress report allows Dudek to provide monthly schedule updates to ETWD as-needed throughout the duration of the project in addition to the bi-weekly check ins and planned four (4) progress meetings as indicated in our Scope of Work enhancements (indicated below). Dudek is confident in our ability to meet the District's schedule as well as provide rapid response to any changes in the workflow as we displayed recently with our quick turnaround from notice-to-proceed to submittal of final design and bid documents on ETWD's *Mathis Lift Station Inlet Repair Project*.

Scope of Work

Project organization will be consistent with the Scope of Work tasks described in Section VI of the RFP and outlined in our project schedule and fee. Dudek agrees with each of the tasks outlined in the RFP's Scope of Work section and have provided our additional enhancements, clarifications, additions, and/or limits of work below. All submittals are provided in strict accordance with the RFP.

Scope of Work Clarifications

- **Tasks 1.b** - Our scope of work includes one (1) kickoff meeting, four (4) progress meetings, meeting coordination, meeting protocols, bi-weekly check-in calls/emails, and documentation as required by Task 1b of the RFP.

F. Analysis of Estimated Hours for Scope of Work

Table 5 includes a breakdown of the estimated hours by task and subtask.

Table 5: Level of Effort

		Dudek Labor Hours and Rates				Total Dudek Hours	Subconsultant Fees		Total Hours
Project Team Role:		PIC - QA/QC	Project Manager	Lead Engineer	Project Engineer		Structural Engineering	Electrical Engineering	
Team Member:		M. Metts	B. Lacap	I. Crano	T. Eckermann		Kelsey Structural	Engineering Partners Inc.	
Task 1	Project Management and Meetings								
1.1	Project Management	0	8	0	0	8	—	—	8
1.2	Meetings	0	13	13	13	39	—	—	39
Subtotal Task 1		0	21	13	13	47	—	—	47
Task 2	Data Request and Site Visit								
2.1	Data Request and Review	0	2	4	16	22	—	—	22
2.2	Site Visit	0	4	4	4	12	—	—	12
Subtotal Task 2		0	6	8	20	34	—	—	34
Task 3	ACLS Improvement Alternatives Analysis								
3.1	ACLS Improvement Alternatives Analysis	2	16	32	80	130	104	234	468
Subtotal Task 3		2	16	32	80	130	—	—	468
Task 4	ACLS Improvement Alternatives Analysis and Recommendation Report								
4.1	ACLS Improvement Alternatives Analysis and Recommendation Draft Report	2	6	12	24	44	—	—	44
4.2	ACLS Improvement Alternatives Analysis and Recommendation Final Report	1	3	8	16	28	—	—	28
Subtotal Task 4		3	9	20	40	72	—	—	72
Total Non-Optional Hours		5	52	73	153	283	104	234	621
Percent of Hours:		2%	18%	26%	54%	100%	—	—	—

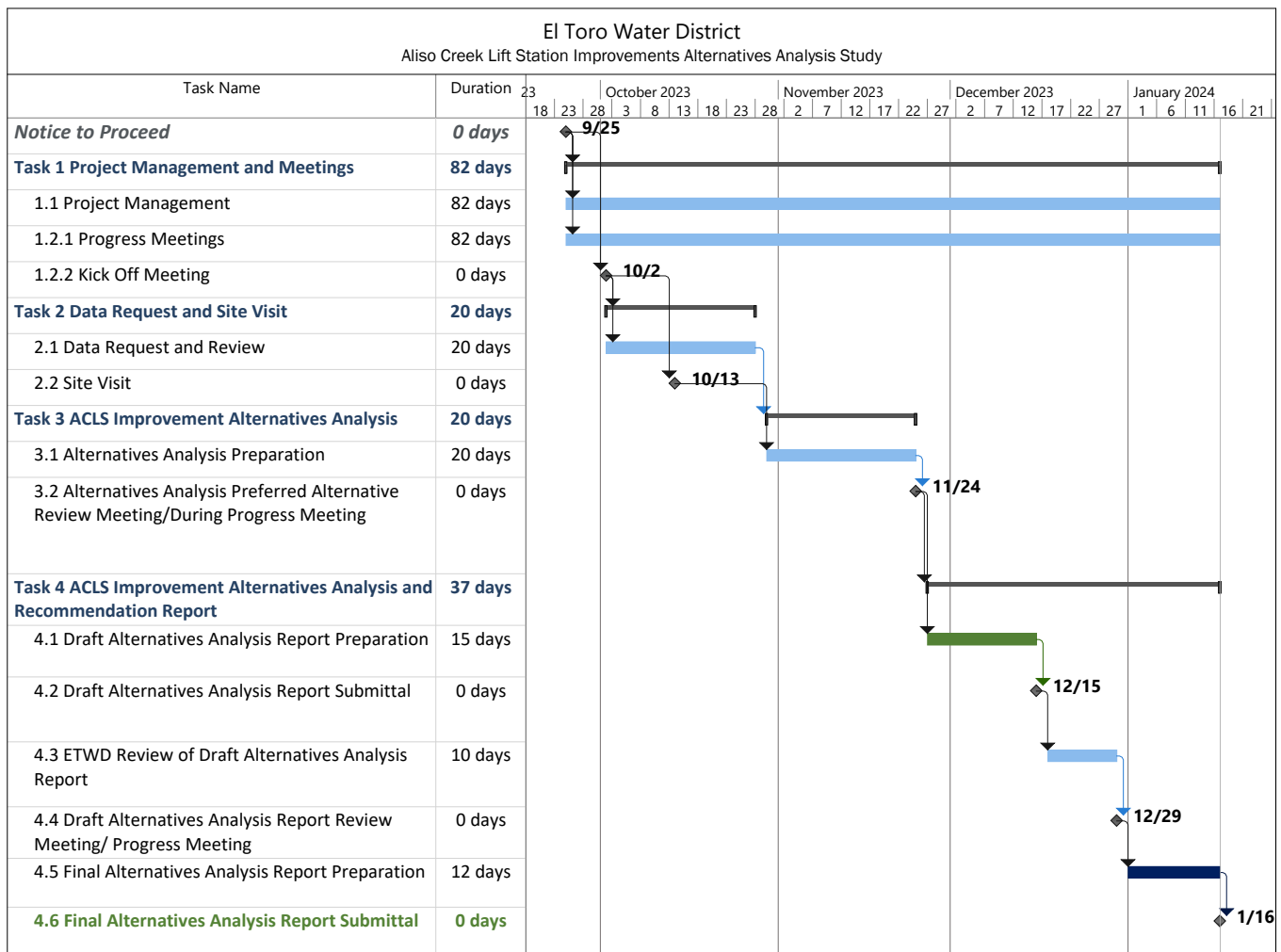
G. Fee Proposal

As requested in the RFP, the proposed fees and schedule of hourly rates is provided in a separate file. The fee estimate included with this proposal is valid for 90 days from the date of this proposal; after 90 days, Dudek reserves the right to reassess the fee estimate, if necessary.

H. Schedule

Table 6 provides a detailed schedule for accomplishing the tasks outlined in the scope of work.

Table 6. Schedule



I. Insurance

Dudek will provide ETWD the requested insurance.

J. Contract Exceptions

Dudek can confirm that we agree to standard contract language.

K. Addenda Acknowledgement

Dudek acknowledges the receipt of all addenda, including Addendum 1 and Addendum 2.

L. Additional Information

Dudek does not have any additional information to provide beyond what is presented above and in the appendix sections.

Appendix A

Resumes

Brandon Lacap, PE

PROJECT MANAGER

Brandon Lacap is a professional civil engineer with 13 years' experience in condition assessment, engineering design and managing water/wastewater infrastructure and capital improvements projects. Mr. Lacap is well versed in developing and establishing positive working relationships with clients. His experience includes managing concurrent design projects, managing design budgets and project schedules, designing and preparing plans and specifications for public and federal agencies, technical writing of preliminary design reports, and hydraulic modeling/analysis of sewer and conveyance systems. Mr. Lacap specializes in sewer lift station condition assessment, analysis, and design.

Project Experience

Moonlight Beach Sewer Pump Station Pump Replacement Evaluation, San Elijo Joint Powers Authority, Encinitas, California. Served as senior engineer for the evaluation and alternatives analysis for rehabilitation of the 1.1 million gallons per day Moonlight Beach Sewer Pump Station. The evaluation and analysis included recommendations for retrofit of solids handling dry-pit submersible pumps to replace the existing vertical (extended drive shaft) centrifugal pumps and in-line sewage grinders, analysis of forced air ventilation system, recommendations on suction and discharge piping re-design, heat rejection analysis of existing versus proposed equipment, and a life cycle cost analysis for the alternative improvements. The ultimate recommendation found that conversion of the existing pumps to heavy duty chopper pumps allowed for the removal of the in-line grinders, which in turn opened up room in the dry well for reconfiguration of the pump suction and discharge assemblies for easier maintenance access. In addition, the recommended retrofit displayed increased annual savings on both maintenance and operational costs.

Lift Station Assessment and Prioritization, Elsinore Valley Municipal Water District, Lake Elsinore, California. Project Manager for the comprehensive condition assessment of five (5) of the District's aging sewer lift stations (20 to 49 years old) and associated force mains. A record data review, hydraulic analysis, and field inspection were required for each lift station to determine deficiencies and develop recommendations for a prioritized list of capital improvement projects to rehabilitate/replace the evaluated stations. Dudek developed and used a condition and criticality/risk-based scoring analysis to prioritize short-term and long-term improvement projects for each station. The short-term improvement projects were developed to address the highest safety risks, operational risks (that can lead to sewer spill), and code violations in the next 12 to 24 months.

Plant 2 Reservoir and Booster Pump Station Condition Assessment, Indio Water Authority, Indio, California. Served as Project Manager for the comprehensive condition assessment of four (4) of the Indio Water Authority Plant 2 water facilities. These facilities include two active groundwater extraction well stations, a 2-pump vertical turbine booster pump station, and a 1.0-MG, raw-water reservoir. A record data review and field inspection were required for each facility to determine deficiencies and develop recommendations for a prioritized list of capital improvement projects with design recommendations to rehabilitate/replace assets at each of the evaluated facilities. Dudek developed and used a condition and criticality-based scoring analysis to prioritize short-term and long-term



Education

San Diego
State University
BS, Civil Engineering,
2009

Certifications

Professional Civil
Engineer (PE),
CA No. 87211

improvement projects at the plant. The short-term improvement projects were developed to address the highest safety risks, operational risks (that can lead to equipment failure), and code violations in the next 12 months.

Benson Avenue Temporary and Permanent Sewer Pump Stations and Force Main, City of Chino, California. Served as Project Manager. Dudek was hired to design a two-phase pump station and force main project that diverts sewer flows to a nearby Inland Empire Utilities Agency interceptor sewer manhole. The two-phase approach required design of an 80-gpm temporary submersible sewer lift station with two, 3-horsepower grinder pumping units as well as the design of an additional 120-gpm permanent pump station with 5-horsepower chopper pumping units and overflow structure within the public right-of-way for long-term operation. The permanent pump station design involved coordination and approval for new 3-phase power supply from Southern California Edison (SCE), coordination and permit approval from the State Water Resources Control Board Division of Drinking Water (DDW) for sewer main crossing of existing water pipelines, and redirection of upstream sewer flow from three (3) gravity sewer mains located in both public and private right-of-way.

Lift Station 80-03 Condition Assessment and Upgrades Project, Coachella Valley Water District, Palm Desert, California. Served as senior engineer. Due to much of the equipment at this lift station nearing the end of its useful life, CVWD requested that Dudek provide a comprehensive condition assessment of the lift station facility. As a part of the comprehensive condition assessment, Dudek's team performed an on-site inspection of all electrical, instrumentation, mechanical, structural assets. In addition, Dudek performed a detailed maintenance records and planning documents review, hydraulic evaluation, emergency storage analysis, and station bypass capability analysis. Dudek used this collected inspection and analysis information to determine various deficiencies and develop recommendations for a prioritized list of capital improvement projects to rehabilitate/replace the various assets of the aging lift station. The recommended list of prioritized improvements included estimated construction costs which helped CVWD plan for near-term, mid-term, and long-term improvements for the lift station.

Consequence of Failure Analysis, Lake Arrowhead Community Services District, California. Lead Engineer for the preparation of a risk assessment for Lake Arrowhead CSD's two (2) wastewater treatment facilities (3.75 MGD) and five (5) major sewer lift stations. The risk assessment utilized multiple workshops with Operations and Maintenance staff, engineering, and management staff, and the Dudek project team to assess failure consequences and probabilities. The workshops allowed Dudek's team to fully understand known issues with each of the facilities, history of maintenance of assets, history of emergency events, and nuances of each facility as it affects the surrounding environment. The project identified and prioritized risk within the facility to guide strategic planning and investments for the facility in the short- and long-term future.

A-3 Lift Station Rehabilitation and Force Main, Elsinore Valley Municipal Water District, Lake Elsinore, California. Served as project manager for the replacement of EVMWD's ageing A-3 lift station which is located on the edge of a high traffic roadway, presenting additional safety concerns for Operations staff. The preliminary design phase of the project involved an alternatives analysis that compared rehabilitating the existing lift station, complete replacement of the lift station in-place, and complete replacement of the lift station in a new location. In addition to determining the most practical and cost effective alternative for lift station replacement, This project also involved consideration and communication with several key stakeholders: City of Lake Elsinore, Caltrans, and Southern California Edison.

Michael Metts, PE

PRINCIPAL IN CHARGE, QA/QC

Michael Metts is a principal engineer and manager of Dudek's engineering services with 36 years' experience in civil engineering and is a registered engineer in the State of California. Mr. Metts' engineering experience encompasses water, wastewater and recycled water engineering design, permitting, water resources planning, facility design, and construction management and assistance. He has provided project management and principal in charge services throughout the southwestern United States. Mr. Metts' project experience encompasses the evaluation and expansion of existing facilities as well as the design of new facilities, allowing him to anticipate project challenges, to the benefit of his clients. He is committed to maintaining clear and open communication with the client, while maintaining control of the project budget and schedule, as well as proactively delivering cost-effective and innovative project solutions.

Project Experience

District Engineering

Ramona Municipal Water District, Ramona, California. Provides district engineering and Engineering Department management services under the direction of the general manager. Services included evaluating and recommending improvements to the RMWD's Engineering Department operations, including evaluating and conducting performance reviews of RMWD staff, to maximize efficiency and streamline daily functions; and providing day-to-day management of RMWD engineering operations, including capital budget, water resources planning, support facilities planning, environmental services, quality control, construction, developer designed and constructed facilities, negotiate developer funded improvements and agreements, manage Legislative Code revisions, coordination with other RMWD departments and outside agencies, rate and fee studies assistance, urban water and stormwater management plans, mitigation programs, assessment district formation, evaluation and assistance with grant and loan applications, and attendance of board meetings.

South Orange County Wastewater Authority, Design Services Emergency Replacement of Export Pipeline, Dana Point, California. Served as project manager and provided field evaluation of emergency conditions, provided engineered solution to emergency situation, coordinated closely with client and contractor to develop engineering solution in limited schedule, provided quality control review of deliverables and engineering efforts, assisted in field during construction, acted as primary contact for client. The project involved the emergency repair of two 4-inch sludge transport pipelines within an ecologically sensitive area of Orange County. Development of the engineering repair documents was required under a very short time schedule. Dudek developed the repair document and worked closely with the contractor to get the repair completed within time constraints to avoid trucking of sludge through the adjacent heavily used park.



Education

University of Kentucky
BS, Civil Engineering,
1983

Certifications

Professional Civil
Engineer (PE),
CA No. 42586

Professional Affiliations

American Public Works
Association (APWA)
American Society of Civil
Engineers
American Water Works
Association
California Water
Environment Association
National Society of
Professional Engineers
Water Environment
Federation

City of San Juan Capistrano, Recycled Water Conversion Projects, San Juan Capistrano, California. Served as the project manager and Principal in Charge directing the overall project, assuring that proper firm resources were applied to maintain budget and schedule, communicated with local regulatory agencies to obtain permits and approvals, provided quality assurance reviews on project deliverable and engineering design efforts, planning, design and construction support. The project consisted of the design, permitting and construction of several recycled water system conversions to the irrigation systems located along Rancho Viejo Road, including San Juan Creek Road, the Marbella Golf Course, and other sites. The City provided existing GIS information of current irrigation uses that were receiving both domestic water and non-domestic water, both to be replaced with recycled water. The project was on a very tight regulatory schedule and Dudek completed planning, design and construction within a six month period within budget and schedule constraints, including regulatory review and approval. The City was able to maintain its grant funding because we met the schedule, and health department review was supported with an innovative method of tracking site reviews and subsequent site inspection.

Santa Ana Watershed Project Authority, Inland Empire Brineline Reach V Rehabilitation and Improvements, Riverside, California. Serves as the project manager and Principal in Charge directing the design effort, providing quality assurance reviews on deliverables and engineering efforts, met with regulatory agencies for permitting and approvals, assured that proper firm resources were applied to maintain budget and schedule, coordinated bidding process, coordinated construction review and inspection, assured project resources were provided to meet budget and schedule constraints, provided ongoing and regular communication with client. The project involved providing new assess structures to Reach V of the Inland Empire Brine Line, as well as CIPP lining of approximately 23,000 linear feet of 24-inch PVC pipeline. Special features involved the fact that the existing pipeline, due to poor original construction, was out of round between 2 and 10 percent throughout the reach. Dudek developed innovative solutions for design and construction that reduced the project cost from \$17,000,000 to \$12,500,000, as well as reduced the design fee from \$1,000,000 to \$450,000. Coordination was necessary with the City of Corona, Count of Riverside and Caltrans for traffic control, pipeline flow bypass, and excavation permitting.

Chino II Desalter – Riverside/Hamner, Chino Desalter Basin Authority, Chino, California. Project manager for the design of a new product water pipeline to convey product water from the Chino II Desalter Plant to connection with another product water pipeline in the intersection of Riverside Drive and Hamner Avenue in the City of Eastvale. Dudek identified a new 11,000-foot alignment of 30-inch-diameter welded steel pipe within the City of Eastvale and the City of Jurupa Valley to connect to the new product water pipeline, which was also currently in design. The new alignment crosses through existing Caltrans right-of-way on Riverside Drive beneath Interstate 15. Dudek was able to negotiate the use of open-cut construction through the Caltrans right-of-way to avoid additional project costs and schedule delay associated with microtunneling construction.

E1-D2 Booster Pump Station, Joshua Tree, California. Project manager designing a new dual-zone booster station to convey water from the C 1 reservoir to the E1 and D2 pressure zones, respectively. The new station incorporates skid-mounted, package pumping units from Flowtronix, for each pressure zone. The E1 station components include three 50 hp multistage centrifugal pumps. The D2 station components include four 50 hp multistage centrifugal pumps. Each package pumping station was provided with a future connection for one additional pump, a pressure-relief bypass valve, and an ultrasonic flowmeter. Station controls were custom designed for integration into the District's operational scheme and integrated into the District Supervisory Control and Data Acquisition (SCADA) system. An 800-amp manual transfer switch connects the District potable generator to operate the station during loss of commercial power supply. Dudek completed the environmental documentation to facilitate station construction. Dudek provided design, bidding assistance, and construction services for the project.

Ian Crano, PE

LEAD ENGINEER

Ian Crano is a project engineer with 10 years' experience in the design of water and wastewater facilities. He provides design services for water, wastewater, and recycled water projects, with emphasis on pipeline and pump station design. Mr. Crano has a wide range of experience utilizing various systems including AutoCAD, ArcGIS, Innowyze InfoWater and Sewer, Innowyze H2O Map Sewer and Water, and Microsoft Office Suite.

Project Experience

A-3 Lift Station Rehabilitation and Force Main, Elsinore Valley Municipal Water District, Lake Elsinore, California. Served as senior engineer for the replacement of EVMWD's ageing A-3 lift station which is located on the edge of a high traffic roadway, presenting additional safety concerns for Operations staff. The preliminary design phase of the project involved an alternatives analysis that compared rehabilitating the existing lift station, complete replacement of the lift station in-place, and complete replacement of the lift station in a new location. Mr. Crano assisted in the preparation of the alternatives analysis, contract drawings, specifications, and cost estimates for the selected project.

LS55-11 Lift Station Capacity Upgrade, Coachella Valley Water District, Coachella, California. Served as senior engineer for the design of upgrades to Coachella Valley Water District Lift Station 55-11. The project is current in design and consists of the evaluation of the existing lift station and the design of a new lift station on site that minimizes the need for sewer bypassing while meeting the need for increased capacity. The design includes re-layout of the site to include an emergency overflow basin that can drain by gravity to the new wet well once high flows subside. The design also includes new odor control facilities and the complete replacement of the electrical and instrumentation infrastructure. Mr. Crano prepared the construction drawings, a cost estimate, and specifications.

Newport Beach Pump Station Pressurization, OC SAN, Fountain Valley, California. Served as senior engineer. Following the Dudek-prepared pressurization and odor control study for the seven sewer lift stations in the Newport Beach region, OC SAN was in need of a design for the recommended improvements. Dudek was hired to complete the final design of the pressure-relief project, which consisted of the addition of a wet well ventilation pipeline and passive odor scrubber at each sewer lift station, with chemical injection also added at one pump. The project included the evaluation of numerous locations for the odor scrubbers and plumbing within the existing and congested pump station sites. The resulting improvements will eliminate operator risk and mitigate for the potential release of high hydrogen sulfide air into the atmosphere. Mr. Crano prepared the construction drawings, a cost estimate, and specifications.

Slater Pump Station Valve Replacements, OC SAN, Fountain Valley, California. Served as lead engineer for the design repairs to the 16-inch and 20-inch plug valves in OC SAN's Slater Pump Station that were failing and in need of replacement. OC SAN had no means to remove the valves from the dry well due to tight spacing of the



Education

*San Diego State University
MS, Civil Engineering (Water Resources), 2016
BS, Civil Engineering (Water Resources), 2012*

Certifications

Professional Civil Engineer CA PE, No. 90073

pumps, piping, and location of the surrounding access platforms, columns and other obstructions. Dudek is preparing plans and specifications for the construction of forcemain bypass riser connections and valve and slide gate replacement. Mr. Crano prepared the construction drawings, a cost estimate, and specifications.

Influent Pump Station Wet Well and Force Main, Padre Dam Municipal Water District, Santee, California. Served as project engineer for design improvements to the wet well area of the IPS experiencing significant signs of concrete corrosion. Dudek assessed the condition of the structure and piping, reviewed previous wet well inspection reports and photos, and worked closely with the District to develop an approach to the work that met their budget and schedule requirements. Improvements included a new FRP stairway, new FRP grating and support ledger, concrete repair and resurfacing, epoxy wet well coating, and miscellaneous piping repairs. Dudek also designed improvements to remove a leaking manhole and valve from the 24-inch IPS force Main and add an epoxy lined cast-in-place concrete low pressure manhole for cleaning and inspection of the force main. The manhole included passive odor control improvements. The contract documents included design of a 10 million gallons per day sewage bypass pumping system to divert flows around the IPS and force main for one month during construction of the improvements.

Caltrans I-5 Widening Utility Conflict Resolution Design Project, El Toro Water District, Rancho Santa Margarita, California. Served as project engineer, providing engineering design services to ETWD for the resolution of utility conflicts resulting from widening of the I-5 near Los Alisos Boulevard, along Avenida De La Carlota. The project includes extension of two water main casings beneath I-5 which cross the ACTM, abandonment of sewer manholes, and a sewer casing extension. Design of all components requires extensive coordination with Caltrans, its design consultants, and other utility owners affected by the widening project.

Bay Crossing Water and Sewer Main Replacement, City of Newport Beach, Newport Beach, California. Served as project engineer. The Newport Beach Peninsula and surrounding islands (Balboa, Harbor, Linda, Lido and Channel) are provided water and sewer service through a combination of across existing bridges and under the bay through a pipeline installation technique called subaqueous crossing. Many of these subaqueous crossings are between 40 and 60 years old and if a failure were to occur, could affect the ability to provide adequate fire flow to homes and businesses. Dudek conducted an evaluation of potential impacts in 2011 and is currently working on the preliminary design of new crossings using a combination of construction methods including horizontal directional drilling and microtunneling. Being adjacent and under the bay, the project includes the preparation of an Environmental Impact Report to address the CEQA requirements associated with the construction process. Once complete, the new pipelines will provide the City with the reassurance of continued reliable water and sewer service to the public in and around the peninsula.

LS 1269 Force Main Replacement Project, Western Municipal Water District, Moreno Valley, California. Served as senior engineer. Responsible for the design of the new force main, including approximately 21,800 LF of 14-inch diameter pipe, almost entirely within public right-of-way to avoid sensitive environmental resources, and March Air Reserve Base critical facilities. Coordinated with multiple jurisdictional agencies for traffic, pavement restoration, and permitting, including March Air Reserve Base, City of Moreno Valley, City of Perris, County of Riverside, Caltrans, and the Southern California Regional Rail Authority. Assisted in the preparation of construction drawings, a cost estimate, and specifications.

QUALIFICATIONS:

Mr. Flores has been an electrical engineer for over 38 years. His professional experience includes a broad range of responsibilities such as: Planning, report preparation, design, economic analysis, and construction management which include the preparation of plans, specifications, cost estimates, studies, and reports for electrical repair projects, new construction, rehabilitation, and installation of electrical utilities. He is technically current and experienced in performing site infrastructure and building facility design and construction estimating. His design experience includes lighting systems, power, communications, energy efficiency analysis, alternative lighting systems, medium and low voltage power distribution, motor protection and industrial control systems, coordination studies, short circuit and load flow analysis, fire alarm, security systems and utility assessments.

PROJECT EXPERIENCE:

- **Eastern Service Area Secondary Connection Project, Padre Dam Municipal Water District**
Design for a new 12 MGD pump station with four 500HP pumps, 9 MGD Flow Control Facility (FCF), and 1.75 MG circular pre-stressed concrete forebay reservoir. This project is the largest capital improvement investment in Padre Dam Municipal Water District history. The facility was designed with 100% backup power using 1MW emergency diesel generator. The design includes interior/exterior lighting, security lighting and secured card access main gate. Pump Station and Forebay Tank doors/hatches with security intrusion detection switches reported via radio via SCADA. Both Telephone and SCADA communications were designed as well as instrumentation and Programmable Logic Controller (PLC) and controls. Design included power, instrumentation, controls, and fully integrated SCADA system.
- **Water Treatment Plant Electrical Assessment Project, Poway, CA**
A complete electrical system assessment was performed for the City of Poway Water Treatment plant. The assessment report incorporated the review of the operational suitability and probable need for replacement or upgrade of control systems, programmable logic controllers, field instruments, motor control centers, switchboards, panelboards, wireways, motor starters, motors, lighting, automatic transfer switch, emergency generator, NEC code violations review, and electrical system related infrastructure review. The electrical assessment report included a detailed description of equipment conditions and recommended improvements, such as the replacement of the emergency generator (Generator specifications and a preliminary layout were provided). The assessment report included a replacement priority plan with cost estimates integrating all the recommended improvements in three main categories: capital construction projects, repair and replacement projects, and regular maintenance tasks.
- **Water Reclamation Plant 7 Biosolids Upgrade Project, Coachella Valley Water District (CVWD)**
This project constructed a new Biosolids Processing Facility capable of processing the sludge wasted from the existing water reclamation facility at a 5MGD capacity plant. This new facility consist of a new concrete masonry unit (CMU) building

YEARS OF EXPERIENCE: 38

YEARS WITH FIRM: 20

REGISTRATIONS/LICENSES:

California #13381 (1989)
Arizona #38931 (2003)
Washington #40316 (2004)
LEED Accredited Professional

EDUCATION:

Bachelor of Science,
Electrical Engineering
San Diego State University

Principal, Electrical Engineer

containing thickening and dewatering equipment, and a truck loading bay with scale, new Gravity Belt Thickeners, and all appurtenances and piping to Gravity Belt Thickeners and to thickened sludge holding tank, sludge dewatering equipment consisting of centrifuges and all appurtenances and piping to centrifuges and to drain system, polymer storage, dilution, injection and metering systems for both the thickening and dewatering process, solids conveyance system to convey dewatered sludge from centrifuges to truck loading station, truck loading facility complete with scales, facility operations center complete with control room, restroom, and laboratory space. Design included power, instrumentation, controls, and fully integrated SCADA system.

- **Wastewater Treatment Plant Improvements, El Centro, CA**

Designs for upgrades to the City's wastewater collection and treatment plant:

- Replace two 250 HP constant speed blowers with two 250 HP VFD controlled blowers at City of El Centro Wastewater Treatment Plant. Modify blower facility power distribution to accommodate VFDs. Blower package complete with a local control panel and required no remote monitoring and control. Design includes power, controls, and P&ID.
- Construct fine screening facility at El Centro Wastewater Treatment Plant. Power for new facility taken from existing WWTP service. Below grade structure for bar screen complete with power, lighting, controls, and P&ID designs.
- Develop plans for a SCADA system for control and monitoring of 15 pump/lift stations at various locations within the City of El Centro. Identify and collect existing points at each location and convey to central location determined by City. Examine in place conduit system for completeness in connectivity to construct a hardwired system. Addition of alarm and monitoring points, and remote control of pump/lift stations from central location or otherwise are not part of this scope. Design includes power, controls, and P&ID of proposed system.

- **Repair Skytop Deluge System, Naval Air Weapons Station China Lake, CA**

Construction of a replacement deluge water pump station and building that was damaged due to an earthquake. The design consisted of a 4800-480V pad mounted transformer, 480V service entrance equipment, manual transfer switch, pump control panel, disconnect switches, transformer, and panelboard for 240/120V loads. Building systems consisted of convenience outlets, lighting, and split system HVAC system. Design included power, instrumentation, controls, and fully integrated SCADA system.

- San Luis Rey Wastewater Treatment Facility, El Corazon Recycled Water Discharge Vault, City of Oceanside
- Emergency Generators for Wastewater Facilities, City of San Diego
- Replace Wastewater Storage Tanks, TAPS 1, 2, & 3, Camp Pendleton, California
- Surge Tank Replacement, Padre Dam Municipal Water District
- Walmart Diversion Project, Padre Dam Municipal Water District
- Cottonwood Diversion Structure Upgrade, Santee, Padre Dam Municipal Water District
- Emergency Generator analysis for SCS Operations, Santee, Padre Dam Municipal Water District
- Repair/Replace/Improvement of 13 Sewer Lift Stations, MCB Camp Pendleton, California
- San Luis Rey Wastewater Treatment Facility Meter Consolidation, City of Oceanside
- Easterly Recycled Water Main Extension, Booster Pump Station and Reservoir, City of Escondido
- PE18E01M – GEN Phase 1 Replace 20 Generators, Camp Pendleton, CA
- Scripps Institute of Oceanography/UCSD Marine Facility Berthing Wharf and Pier Replacement, San Diego, California
- Relocate 4160 Volt Skid to Pier 13, Naval Base San Diego, California
- Naval Special Warfare Center (NSWC) Advanced Training Command (ATC) Silver Strand Training Complex (SSTC) Shore Infrastructure
- Repair Electrical Distribution System, Phase 8 & 9, Dodson Street and Seabee Training Areas, Heavy Equipment Maintenance Area and Lehman, Pleasant Valley and West Road, Naval Base Ventura County, Port Hueneme, California
- FY-21 MCON Project P-815 Solar Energy Storage System, China Lake, California
- FY-21 MCON Project P-839 Cogeneration Plant at B236, NSA Monterey, California

Trevor Eckermann, EIT

PROJECT ENGINEER

Trevor Eckermann (*TREV-er ECK-er-min; he/him*) is a civil engineer with experience as a project engineer specializing in engineering design of water/wastewater infrastructure and capital improvement projects.

Mr. Eckermann has experience in developing preliminary design technical reports, performing hydraulic analyses of water/wastewater systems, hydraulic sizing pump stations and pressure reducing stations, sizing sewer lift station wet wells, designing gravity sewers, and designing and preparing plans and specifications for public agencies. Mr. Eckermann specializes in water pump station, sewer lift station, and mechanical piping design.

Project Experience

Plant Watermain Replacement Phase 2, Valley Sanitary District, Indio, California. Served as the project engineer for the design improvements of all existing froth spray pipelines within the treatment plant. The project included the demolition of all the existing froth spray and process air pipelines around the plant. The froth spray pipelines were replaced with galvanized steel pipelines for areas directly exposed to the sun and PVC for the pipelines that will be located under the metal grating. The improvements included approximately 500 feet of new PVC piping and approximately 900 feet of new galvanized steel piping.

Ocean Outfall Pump Station Discharge Backflow Prevention, El Toro Water District, Lake Forest, California. Project engineer for the design improvements of El Toro Water District's Ocean Outfall Pump Station discharge piping. Improvements included the addition of two isolation valves and a check valve assembly to the pump station's discharge piping to prevent backflow into the system, as well as approximately 25 feet of 18-inch welded steel pipe and 6 feet of 21-inch welded steel pipe.

Terra Lago Pressure Reducing Station Upgrades, Indio Water Authority, Indio, California. Project engineer for the design improvements to the existing Terra Lago pressure-reducing station. The design improvements included the upsizing of the existing 4-inch pressure-reducing assembly to a 6-inch pressure-reducing assembly and the retrofitting of the existing 6-inch and 8-inch pressure-reducing valves. The existing pressure-reducing valves were converted from CLA-VAL model 93-01 to CLA-VAL model 90-05 to provide the capability of return flow through the valve, ensuring adequate pressure for all neighborhoods served by the station.

Maintenance Hole Rehabilitation Project, Temescal Valley Water District, Temescal Valley, California. One of the project engineers for the rehabilitation design for approximately 20 existing sewer maintenance holes located along Temescal Canyon Road. The existing maintenance holes were inspected in the field to determine severity of rehabilitation needed. Dudek worked with Sauereisen Inc. to determine the most-effective corrosion resistant lining that could be used in these existing maintenance holes to stop further degradation of the structure.



Education

*San Diego State University
BS, Environmental
Engineering, 2022*

Certifications

Engineer-in-Training (EIT)

Wellhead Rehabilitation Program Development, Irvine Ranch Water District, Irvine, California. Project engineer for the rehabilitation program development of 21 of Irvine Ranch Water District's existing wellhead pump stations. After review of the condition assessment, Dudek developed a prioritized schedule for the rehabilitation of the existing wells located in the Dyer Road well field and the Irvine Desalter Project Primary Treatment Plant (IDP-PTP) well field.

Beethoven & North Iris Recycled Water Booster Pump Station Rehabilitation, Rincon Del Diablo Municipal Water District, Escondido, California. Served as the project engineer for the design improvements for two of Rincon Del Diablo Municipal Water District's existing recycled water booster pump stations. The existing pump stations are over 20 years old, and a majority of the existing equipment is at the end of its useful life, warranting a need for replacement.

Benson Avenue Temporary and Permanent Sewer Pump Stations and Force Main, City of Chino, California. Served as Project Engineer for the design of a two-phase pump station and force main project that diverts sewer flows to a nearby Inland Empire Utilities Agency interceptor sewer manhole. The two-phase approach required design of an 80-gpm temporary submersible sewer lift station with two, 3-horsepower grinder pumping units as well as the design of an additional 120-gpm permanent pump station with 5-horsepower chopper pumping units and overflow structure within the public right-of-way for long-term operation. The permanent pump station design involved coordination and approval for new 3-phase power supply from Southern California Edison (SCE), coordination and permit approval from the State Water Resources Control Board Division of Drinking Water (DDW) for sewer main crossing of existing water pipelines, and redirection of upstream sewer flow from three (3) gravity sewer mains located in both public and private right-of-way.

Oro Grande Interceptor and Lift Station Replacement, Victor Valley Wastewater Reclamation Authority, California. Served as the project engineer for the design of a duplex 180-gpm sewer lift station (15-horsepower submersible chopper pumps), and approximately 700 feet of dual 4-inch HDPE (DR-11) force main installed via horizontal directional drilling beneath the Mojave River.

Mathis Lift Station Inlet Pipe Repair, El Toro Water District, California. Served as the project engineer for the improvements to the Mathis Lift Station existing influent pipe and external drop assembly. The project included improvements to the existing influent pipe, modifications to the existing sidewalk, curb, and gutter, modifications of the existing bike path, installation of two (2) new gravity sewer manholes, and repairs of the existing wet well liner.

Publications

Eckermann, T.K., D.S. Hunt, and A.M. Kinoshita. 2022. "Impacts of Vegetation Removal on Urban Mediterranean Stream Hydrology and Hydraulics." *Hydrology* 9(10): 170. <https://doi.org/10.3390/hydrology9100170>.



Matt Stone, PE, SE
Senior Project Manager

Mr. Stone is a currently licensed California SE with over 13 years of project management and structural design work encompassing commercial, infrastructure, water, wastewater and military projects. He has performed many

complex structural and seismic designs for new and existing buildings utilizing the latest design standards and philosophies. His work has included the preparation of structural drawings, specifications, and

calculation packages, project coordination and management, technical report writing, cost estimating and construction support services. He specializes in the assessment, design and retrofit of water and wastewater treatment, storage and conveyance facilities.

Education/Professional Registration

BS, Structural Engineering, 2008, UCSD

MS, Structural Engineering, 2009, UCSD

Civil Engineer in California, 2011, No. 78488

Structural Engineer in California, 2014, No. 6183

Relevant Project Experience

VVWRA Septage Receiving Stations – Victorville, CA – Project Manager – Kelsey Structural – Ongoing

Mr. Stone is currently providing the structural design of two new septage receiving stations to be constructed at the Victor Valley Wastewater Reclamation Authority's (VVWRA) Westside Water Reclamation Plant (WWRP). Due to long lead times in the procurement of precast concrete structures, VVWRA has requested the buried vault structures be constructed from cast-in-place concrete to accelerate the overall schedule. Structural design consists of two 50'L x 8'W x 8'H buried rectangular concrete vaults to be utilized for unloading of septic vehicles into the WWRP treatment system. The structures are designed to resist H-20 vehicular loading on the roof slab and associated wall surcharge pressures and include interior weir walls with debris screening to capture any large debris prior to conveyance to the existing Septic Equalization Tank. Engineering services being provided as part of the project include the development of structural drawings, specifications, calculations and opinion of probable construction cost.

WMWD Magnolia Avenue Interconnection – Riverside, CA – Project Manager – Kelsey Structural – 2023

Mr. Stone provided the structural design of the new Magnolia Avenue Interconnection Vault for Western Municipal Water District. The vault consisted of a below-grade, cast-in-place rectangular concrete vault with stairway and custom hatch access located in a roadway median along Magnolia Avenue. The structure was designed for H20 vehicular loading, lateral wall surcharge, high seismic forces and required precise reinforcing layout in the top slab to accommodate the oversized access hatch and pump hatch penetrations. The design required minimized foundation bearing pressures and small foundation slab footprint to prevent surcharge and disturbance of adjacent storm drain vaults and pipelines. Tight reinforcing spacing was utilized to minimize temperature, shrinkage and service loading cracking to help ensure the longevity of the vault structure.

CVWD Lift Station 55-11 Capacity Upgrade – Mecca, CA – Project Manager – Kelsey Structural – 2023

Mr. Stone provided the structural design for the Coachella Valley Water District Lift Station Capacity Upgrade project located in Mecca, CA. The project included preliminary and final design for the complete replacement and upgrade of the lift station's mechanical and electrical systems and utilized the existing wet well at the site for emergency storage. Structural design included a new 16' diameter x 35' deep precast concrete wet well, new premanufactured electrical building and foundation, odor reducing station with dry-media bed concrete basin, and an emergency generator with custom aluminum platform access. The precast wet well utilized the largest diameter precast sections available in the United States and require two semi-circular precast sections to be joined in-field with a grouted connection. Additional considerations for shallow groundwater and flood plain elevations required the design of a large cast-in-place mat foundation for the wet well to resist buoyancy and uplift forces.

City of Corona WRF-1A Aeration Improvements – Corona, CA – Project Manager – Kelsey Structural – 2023

Mr. Stone provided the structural design for a series of aeration pipe supports at the City of Corona's existing WRF-1A treatment plant. Design includes various custom pipe supports for 20" and 12" diameter stainless steel air piping including cantilever frames and kicker supports at the existing Aeration Basins and a 25' long pipe bridge spanning over an existing access road. Modifications at the existing Blower Building were required to accommodate the new piping penetrations through the CMU walls. Design considerations for expansion couplers, large thrust loads, existing structure loading and anchorage required detailed coordination with the client and design team to help ensure minimal impacts to the existing facility and operations.

USIBWC SBIWTP Assessment and Facility Planning – San Diego, CA – Structural Engineer – Kelsey Structural – 2023

Mr. Stone served as the Lead Structural Engineer for the condition assessment of over 120 structures at the USIBWC South Bay International Wastewater Treatment Plant (SBIWTP) located in San Diego, CA. The assessment involved fast-paced field investigations, which documented the structural conditions of various primary, secondary and support facilities throughout the plant.



Condition scores were assigned to each structural asset with associated improvement recommendations, prioritization and cost-estimate review documented in a structural technical memorandum. The assessment identified several key structures with severe deterioration requiring repairs in the immediate future to facilitate the future expansion of the plant.

City of Poway Clearwell Bypass, Poway, CA – Project Manager – Kelsey Structural – 2022

Mr. Stone provided the structural design of a new pump station, pipe gallery retrofits and AWWA D103 bolted steel tank review for the City of Poway's Clearwell Bypass project. Recent failures of the existing clearwell have prompted replacement of the aging concrete storage basin, requiring temporary bypass of all treatment plant water while the new clearwells are constructed. To implement this bypass, Kelsey Structural has provided a new slab-on-grade pump station design and retrofits to an existing pipe gallery structure to facilitate bypass pumping and new piping to the temporary steel storage tanks. Structural design has included reinforced concrete slab-on-grade with deepened perimeter footings to accommodate the site slope, concrete pedestal pipe supports, and retrofit concrete wall construction requiring demo and replacement of an existing below-grade vault wall.

City of Gonzales Industrial Water Reclamation Facility – Gonzales, CA – Project Manager – Kelsey Structural – 2022

Mr. Stone is provided the structural design of a new Industrial Water Reclamation Facility for the City of Gonzales. Structural design is being provided for multiple treatment facilities including an 1,800 sqft. concrete-masonry unit Operations Building, below grade reinforced concrete Wet Well and Pump Station, Headworks facility, Grit Chamber, Blower Building and miscellaneous site structures and equipment foundations. Extremely poor soil conditions at the site coupled with high groundwater and flood plain required all structures to be supported on mat foundations capable of spanning voids beneath the structures and resisting large differential settlements that may occur due to liquefaction during seismic events.

OMWD Neighborhood No.1 Sewer Pump Station – 4S Ranch, CA – Structural Engineer – Kelsey Structural – 2021

Mr. Stone provided structural engineering design services for a new pump station and electrical building to be constructed in the 4S Ranch neighborhood of San Diego, CA. The project included structural design of a below-grade, rectangular reinforced concrete pump station and an above grade CMU electrical building with steel framed roof structure. The pump station measured approximately 28'x27' and is buried approximately 25' below grade. Design challenges included HS-20 vehicular loading at the long-span roof slab which also supported one of the walls of the CMU electrical building. A heavily reinforced concrete beam was required to support the roof structure and required loads.

JBLTP Digester 1 And 2 Manway Improvement Project – Dana Point, CA – Project Manager – Kelsey Structural – 2021

Mr. Stone provided the structural design of four retrofit access manway doors and strengthening of existing Digesters at the existing SOCWA J.B. Latham Treatment Plant. The retrofit design required sawcutting the existing circular reinforced concrete Digester walls to provide new and enlarged access penetrations to improve ventilation and accessibility during maintenance. Fiber wrap strengthening of the existing structure was required to accommodate the new penetrations and resist hydrostatic and seismic hoop forces in the walls concentrated around the openings.

IWA Plant 2 Condition Assessment – Indio, CA – Project Manager – Kelsey Structural – 2021

Mr. Stone served as the structural project manager for the condition assessment of the IWA Plant 2 facilities including two well structures, a booster pump station and welded steel reservoir. Work included structural site investigations at each facility to document structural condition, complete seismic analysis of each facility and a comprehensive series of technical memoranda summarizing the assessment findings with corresponding improvements recommendations and preliminary cost estimates. The results of the assessment identified several critical structural elements as being deficient in terms of seismic performance and current code requirements, with recommendations being made for complete replacement of the existing booster pump station along with seismic retrofits to one of the existing well facilities and lowering of the maximum operating water level in the reservoir to provide sufficient freeboard to allow for sloshing.

FPUD Overland Trail Lift Station Rehabilitation – Fallbrook, CA – Project Manager – Kelsey Structural – 2020

Mr. Stone provided the structural design and retrofit for the Overland Trail Lift Station Rehabilitation Project for Fallbrook Public Utility District. Structural design services included retrofit of an existing below-grade lift station which consisted of widening the existing drywell in order to allow for larger pumps and new piping penetrations to accommodate increased flow through the station. Construction sequencing was critical to minimize system downtime and bypassing while also limiting damage to the existing portions of the lift station to remain as well as the adjacent clarifier structure. Concrete retrofit and repair details were provided and tailored to the project to allow for quick material cure times to help minimize the duration of system bypassing.

Appendix B

Supplementary Materials



Board of Directors

Kay Havens
President

Jose F. Vergara
Vice President

Mike Gaskins
Director

Mark L. Monin
Director

Kathryn Freshley
Director

General Manager
Dennis P. Cafferty

El Toro Water District

"A District of Distinction"

Serving the Public – Respecting the Environment

ADDENDUM 001

TO REQUEST FOR PROPOSALS FOR THE

ALISO CREEK LIFT STATION IMPROVEMENTS ALTERNATIVES ANALYSIS STUDY

THE CONTRACT DOCUMENTS ARE HEREBY MODIFIED AS FOLLOWS:

Proposer Questions

Question 1: Does the District intend to keep the above ground pump permanently in place as part of the analysis?

Ideally, the District would not maintain this emergency pump permanently in place because it requires a local field intervention to start and stop, which inhibits its ability to rapidly respond in emergency scenarios. However, the District will rely on the consultant's recommendation on whether to use the pump as part of a cost-effective solution.

Question 2: Can the District please provide any available historic wet well level/flow meter data?

See Exhibit 001 herein for flows from January 2023 through June 2023. Note that the District does not have flow monitoring on the influent to Aliso Creek, and the flow meters on each pump's discharge are prone to inaccuracy. To better inform the design, the District is interested in understanding the Consultant's recommendation related to whether additional influent flow monitoring is worthwhile.

For further information see below:

- As part of the recent Water and Sewer Master Plan Update, the District conducted a flow monitoring program that captured rainfall and system response data and used that data to calibrate the hydraulic model. Simulating a 10-year 24-hr event based on the measured data resulted in the peak flow of 1,400 gpm to the Aliso Creek Lift Station.

- However, the District also analyzed historical flows from heavy rain events in January 2017, which included back-to-back storms that, when combined, resulted in an event that was on the order of a 25-year 48-hour event. During this time, the peak flow measured by Pump 1 was approximately 2,000 gpm. Exhibit 002 includes the raw data from the 2017 rain event. (Note that the measured flow from Pump 2 is considered to be inaccurate given the performance issues measured during the recent pump testing and irregular flow plots observed in 2017).
- Although the flow modeling determined 1,400 gpm as the peak flow for the 10-year, 24-hr storm event, the District decided to select a firm capacity of 2,000 gpm so that the lift station could handle a total of 4,000 gpm with both pumps online thereby meeting the historic peak flow needs of the lift station based on the January 2017 storm event.

Question 3: Please clarify the existing lift station control strategy (wet well level set points, lag pump on level, etc.)?

Please see Exhibits 003 – 005 herein for the control strategy and SCADA screenshots. The District attempts to maintain a constant sewage level throughout the day in the wet well and lessen the quantity of pump starts. The pumps operate in a lead-lag configuration, alternating which becomes the lead pump. Each Pump can operate via VFD or soft-start. The lift station does not operate within the Southern California Edison Time-Of-Use parameters. The above-ground pump is operated during any of the following conditions:

1. Either pump 1 or pump 2 failing, as a backup
2. Either pump 1 or pump 2 is under maintenance, as a backup
3. Complete lift station power failure with no generator backup

END OF ADDENDUM 001

The contract documents require that this Addendum 001 be executed and submitted with the bid.

Date: 08/09/2023

**Dennis P.
Cafferty**

Digitally signed by Dennis P.
Cafferty
Date: 2023.08.10 16:46:10
-07'00'

Dennis P. Cafferty, P.E.
General Manager / District Engineer

BIDDER'S CERTIFICATION

I acknowledge receipt of the foregoing Addendum 001 and accept all conditions contained herein.

Dated: 8/23/2023

PROPOSER: Bob Ohlund, PE, Vice President, Dudek

BY: 



Board of Directors

Kay Havens
President

Jose F. Vergara
Vice President

Mike Gaskins
Director

Mark L. Monin
Director

Kathryn Freshley
Director

General Manager
Dennis P. Cafferty

El Toro Water District

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ADDENDUM 002

TO REQUEST FOR PROPOSALS FOR THE

ALISO CREEK LIFT STATION IMPROVEMENTS ALTERNATIVES ANALYSIS STUDY

THE CONTRACT DOCUMENTS ARE HEREBY MODIFIED AS FOLLOWS:

Proposer Questions

Question 1: Can the District please provide as-built plans of the FM coming from the ACLS?

Please see Exhibit 001 attached herein.

END OF ADDENDUM 002

The contract documents require that this Addendum 002 be executed and submitted with the bid.

Date: 8/15/23

**Dennis P.
Cafferty**

Digitally signed by Dennis
P. Cafferty
Date: 2023.08.17 08:35:11
-07'00'

Dennis P. Cafferty, P.E.
General Manager / District Engineer

BIDDER'S CERTIFICATION

I acknowledge receipt of the foregoing Addendum 002 and accept all conditions contained herein.

Dated: 8/23/2023

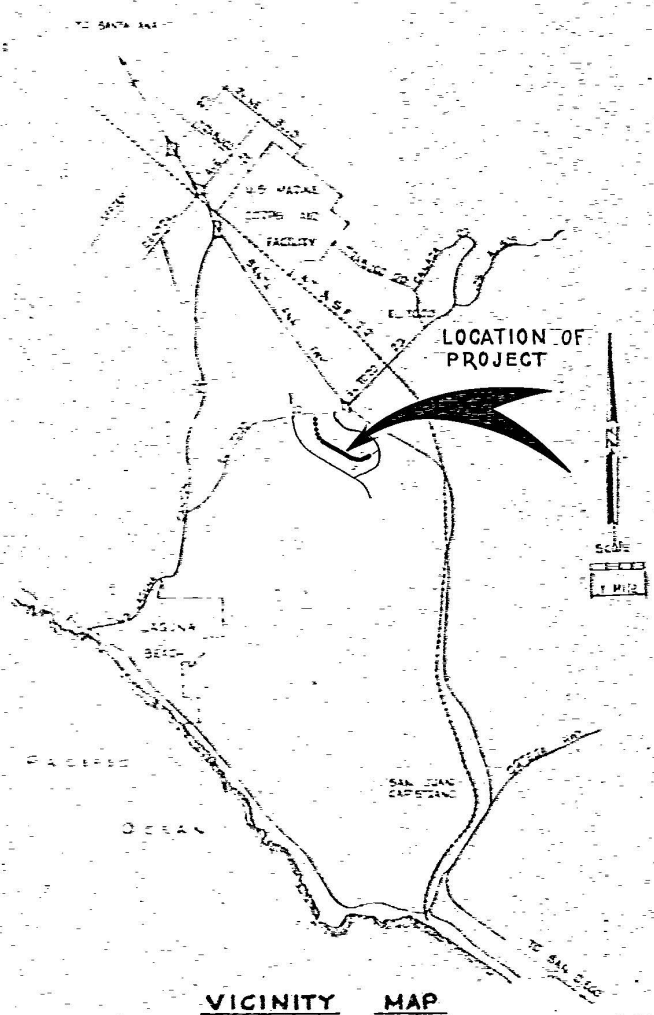
PROPOSER: Bob Ohlund, PE, Vice President, Dudek

BY: 

CONSTRUCTION PLANS
FOR
AVENIDA SEVILLA
FORCE MAIN

ROSSMOOR SANITATION, INC.
ORANGE COUNTY, CALIF.

OCTOBER, 1964



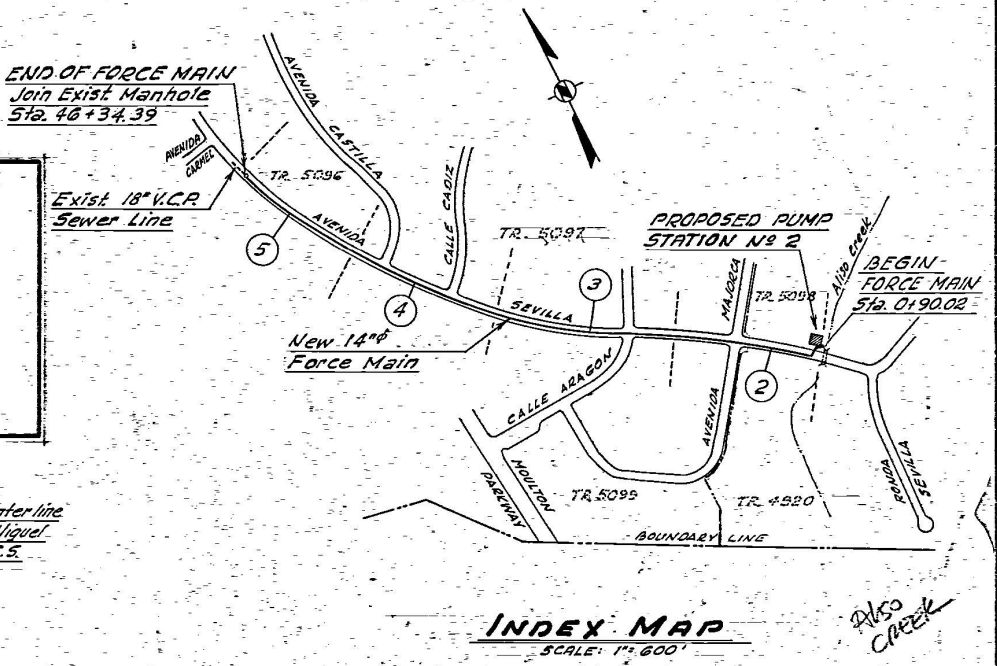
VICINITY MAP

ROSSMOOR SANITATION, INC.
Leonard L. Dueker 11-2-64
Leonard L. Dueker General Manager

TOUPS ENGINEERING, INC. CONSULTING CIVIL ENGINEERS
Lewis J. Ewing Jr. 11-2-64
Lewis J. Ewing Jr. R.C.E. 14687

BENCH MARK: 3-F-258
O.C.S.B.M. tag stamped "R.C.E. 7812"
about 10 miles SW along Niguel Rd.
from the R.T. 5.1 crossing in El Toro at
the junction N.E. access road of 101 Hwy.
150' NW of 1/4 of Niguel Rd. 21' NE of 1/4
of Rices Rd. 15' SE of R.R. 1750 NE approx.
300' from the int. of Hwy 101 in the SW
end of N.E. headwall of a culvert
1958 Elev. 344.954

BASIS OF BEARINGS:
N. 46° 42' 52" E. For the Center line
of El Toro Road formerly (Niguel
Road) per course N° 33 C.S.
N° 14+9 Revised.

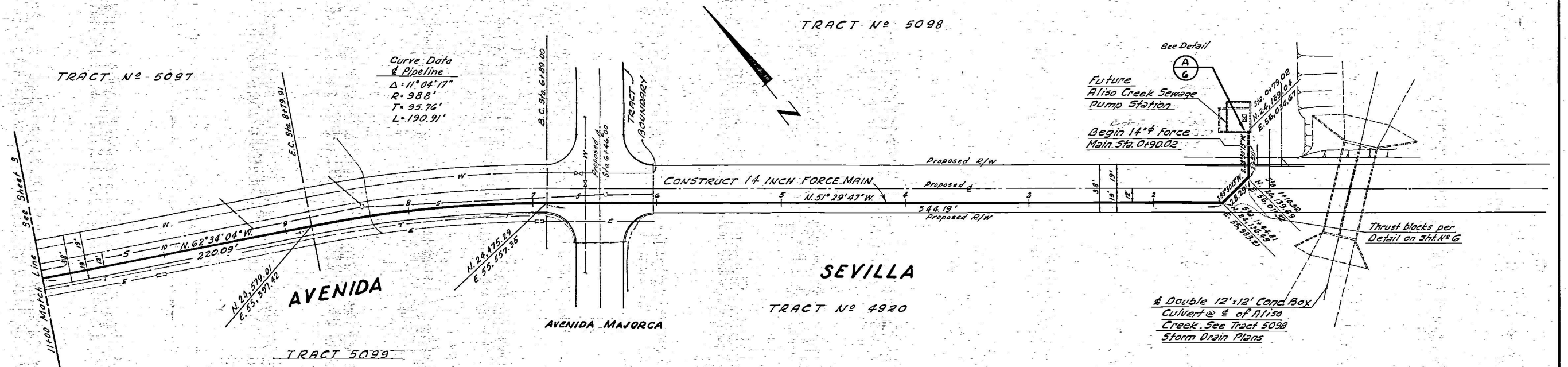
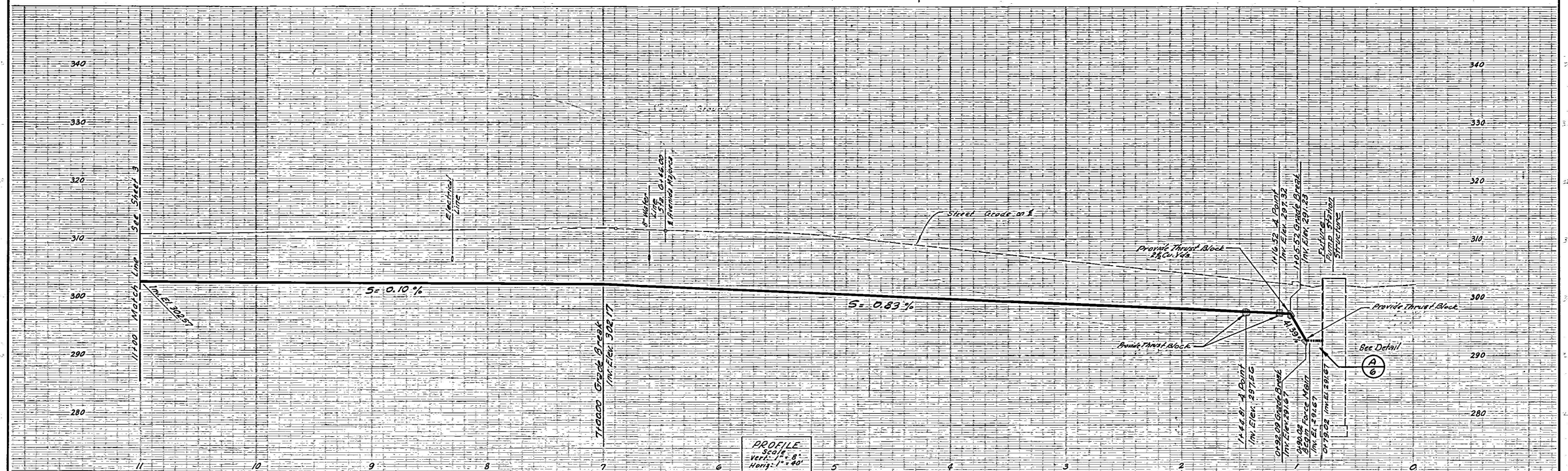


INDEX MAP
SCALE: 1" = 600'

TOUPS ENGINEERING INC.

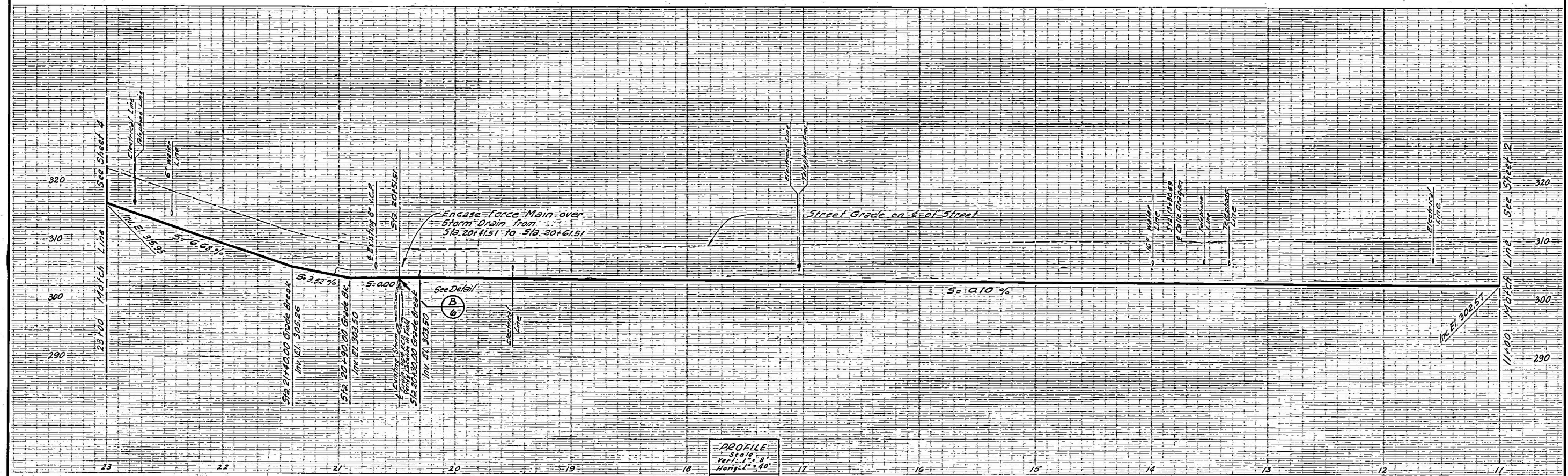
CONSULTING CIVIL ENGINEERS

1801 N. COLLEGE SANTA ANA, CALIFORNIA



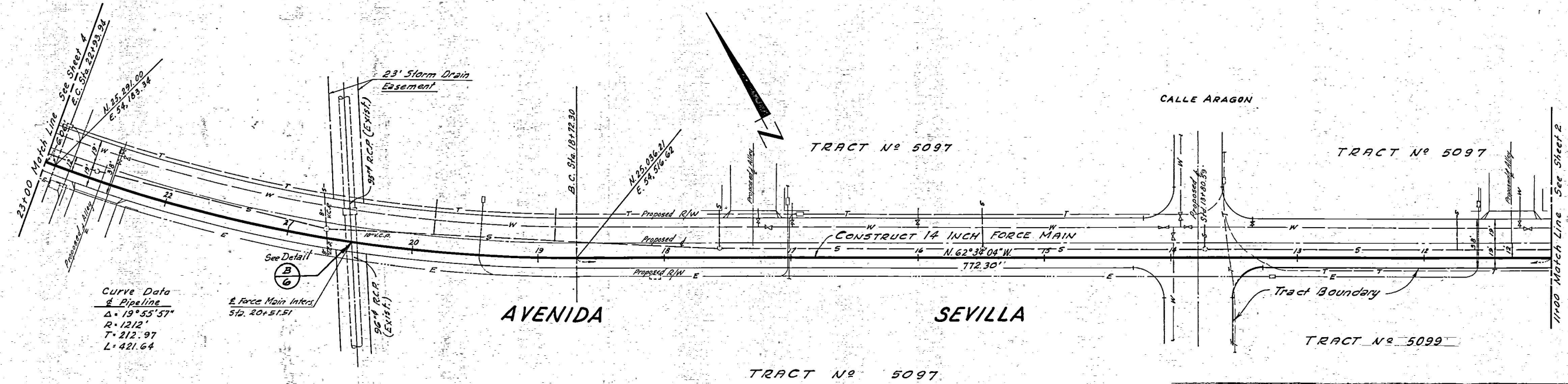
NOTE: Pipe End at Station 0+85.02 shall be made to accept future 14\"/>

ROSSMOOR SANITATION INC.			
AVENIDA SEVILLA FORCE MAIN			
BEGIN PROJECT to STA. 11+00			
PLAN & PROFILE			
NO.	DATE	ITEM	BY
A	11/16/64	Revised Beginning of Force Main	J.E.
DESIGNED BY		J.E.	
CHECKED BY		J.E.	
DATE		OCTOBER, 1964	
NOTED		424	
2		A	



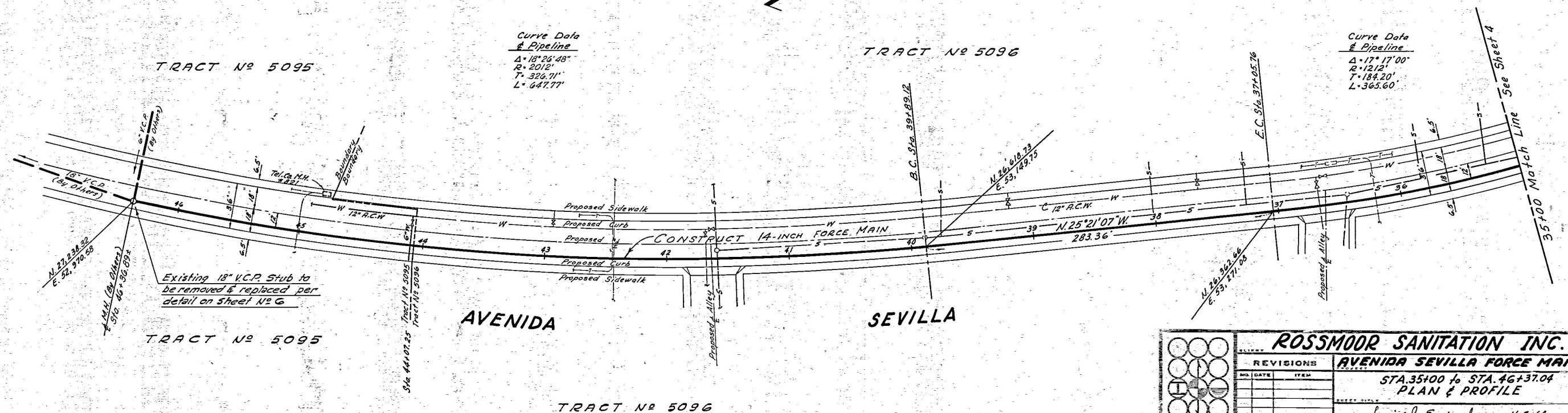
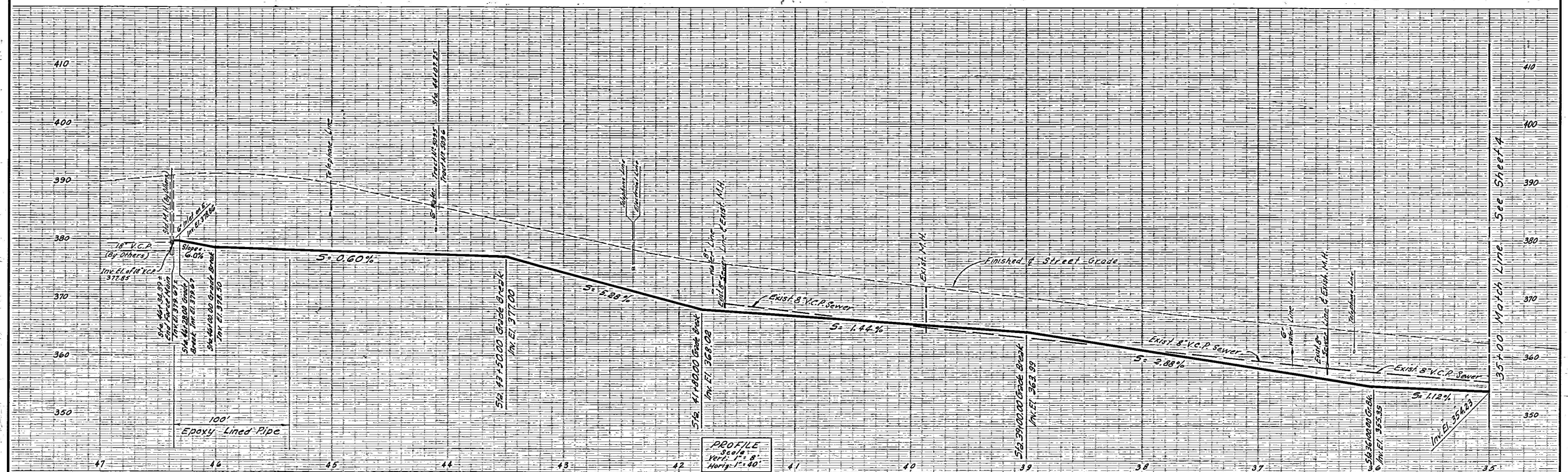
PROFILE
Scale
Vert. 1" = 8'
Hori. 1" = 40'

PLAN
Scale: 1" = 40'

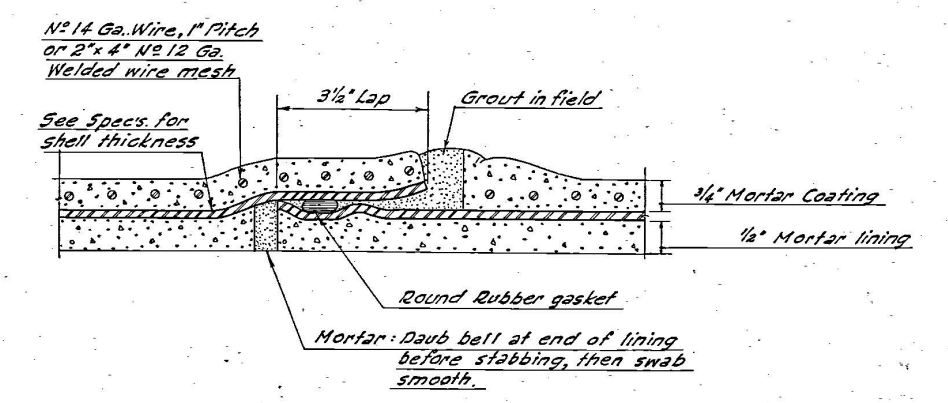


Curve Data
to Pipeline
Δ = 19° 55' 57"
R = 1212'
T = 212.97'
L = 421.64'

		ROSSMOOR SANITATION INC. AVENIDA SEVILLA FORCE MAIN	
REVISIONS NO. DATE ITEM 1 11-2-64 2 11-2-64 3 11-2-64 4 11-2-64 5 11-2-64 6 11-2-64 7 11-2-64 8 11-2-64 9 11-2-64 10 11-2-64		STA. 11+00 to STA. 23+00 PLAN & PROFILE Lewis J. Ewing, Jr. Lewis J. Ewing, Jr. R.C.E. 14687 R. J. Profseke J.E. NOTED 424	
JOHN TOUPS CONSULTING CIVIL ENGINEERS 1000 N. 10th St. Santa Ana, Cal. 92701		3	



ROSSMOOR SANITATION INC.		
AVENIDA SEVILLA FORCE MAIN		
STA. 35+00 to STA. 47+00		
PLAN & PROFILE		
DESIGNED BY	JOHN TRUPE	11-2-64
CHECKED BY	LEWIS J. EWING JR.	14607
DATE	OCTOBER, 1964	
NOTED	424	
5		



Reinforcement cage - See Specs.

5" Min.

3 1/4" Lap Bell Ring

Grout in field

See Specs. for shell thickness

3/4" Mortar casting

Spigot ring Carnegie No. N-3516 or equal

2 1/32" Round rubber gasket

Mortar: Daub bell at end of lining before stabbing, then swab smooth.

14" A.C. Connector Pipe - See Detail above for Removal of 18" V.C.P. breaking into M.H. wall & Regrouting.

14" A.C. Coupling

Cylinder

A hand-drawn diagram of a thrust block. The block is shown in cross-section, with a curved top surface. A vertical line on the left is labeled "Thrust Block". A horizontal line on the right is labeled "5.0000%". A curved arrow indicates a "22% Bend". Two vertical lines are labeled "543 01.29.09" and "543 01.29.02". A horizontal line is labeled "1m.EI.29.07". A vertical line is labeled "Begin Force Main". A horizontal line is labeled "1m.EI.29.07".

[illegible]



DUDEK

800.450.1818 | HELLO@DUDEK.COM

[DUDEK.COM](https://www.dudek.com)



Dudek Proposed Fee– Aliso Creek Lift Station Improvements Alternatives Analysis Study

August 23, 2023

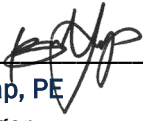
Rory Harnisch
El Toro Water District
24251 Los Alisos Boulevard
Lake Forest, California 92630

Dear Rory Harnisch:


Our fee proposal includes an hourly rate for each classification of firm personnel and a not to exceed amount for each task. We are available to discuss this proposal and any changes in scope, approach, and commensurate fee El Toro Water District requires.

Mr. Bob Ohlund, PE has the authority to bind the firm. Please feel free to contacting PM Brandon Lacap at 760.479.4106 or blacap@dudek.com if you have questions regarding our proposal. We look forward to discussing our proposal with you.

Sincerely,



Brandon Lacap, PE
Project Manager



Bob Ohlund, PE
Vice President

Dudek Labor Hours and Rates								Subconsultant Fees				Total Hours	Other Direct Costs	Total Fee
Project Team Role:	PIC - QA/QC	Project Manager	Lead Engineer	Project Engineer	Total Dudek Hours	Dudek Labor Costs	Structural Engineering		Electrical Engineering					
Team Member:	M. Metts	B. Lacap	I. Crano	T. Eckermann			Kelsey Structural		Engineering Partners Inc.					
Billable Rate :	\$290	\$250	\$245	\$175			Hours	Fee	Hours	Fee				
Task 1	Project Management and Meetings													
1.1	Project Management	—	8	—	—	8	\$2,000	—	—	—	—	8	—	\$2,000
1.2	Meetings (includes 1 kick-off meeting, 4 progress/review meetings)	—	13	13	13	39	\$8,710	—	—	—	—	39	\$ 100	\$8,810
Subtotal Task 1		0	21	13	13	47	\$10,710	0	—	0	—	47	\$ 100	\$10,810
Task 2	Data Request and Site Visit													
2.1	Data Request and Review	—	2	4	16	22	\$4,280	—	—	—	—	22	—	\$4,280
2.2	Site Visit	—	4	4	4	12	\$2,680	—	—	—	—	12	\$ 100	\$2,780
Subtotal Task 2		0	6	8	20	34	\$6,960	0	—	0	—	34	\$ 100	\$7,060
Task 3	ACLS Improvement Alternatives Analysis													
3.1	ACLS Improvement Alternatives Analysis	2	16	32	80	130	\$26,420	104	\$18,656	234	\$41,921	482	—	\$86,997
Subtotal Task 3		2	16	32	80	130	\$26,420	104	\$18,656	234	\$ 41,921	482	—	\$86,997
Task 4	ACLS Improvement Alternatives Analysis and Recommendation Report													
4.1	ACLS Improvement Alternatives Analysis and Recommendation Draft Report	2	6	12	24	44	\$9,220	—	—	—	—	44	—	\$31,120
4.2	ACLS Improvement Alternatives Analysis and Recommendation Final Report	1	3	8	16	28	\$5,800	—	—	—	—	28		\$5,800
Subtotal Task 4		3	9	20	40	72	\$15,020	0	—	0	—	72	—	\$15,020
Total Non-Optional Hours and Fee		5	52	73	153	283	\$59,110	104	\$18,656	234	\$41,921	621	\$200	\$119,887



August 23, 2023

El Toro Water District
Attn: Rory Harnisch, PE, Project Manager
24251 Los Alisos Blvd.
Lake Forest, California, 92630

**Subject: Engineering Services Proposal for the Aliso Creek Lift Station
 Improvements Alternatives Analysis Study**

Dear Mr. Harnisch,

Black & Veatch (BV) is pleased to submit this proposal to El Toro Water District (ETWD, District) to provide engineering services for the Aliso Creek Lift Station (ACLS) Improvements Alternatives Analysis Study (Study, Project).

We acknowledge receipt of Addendum 1, received 8/11/23, and Addendum 2, received 8/17/23.

Project Understanding

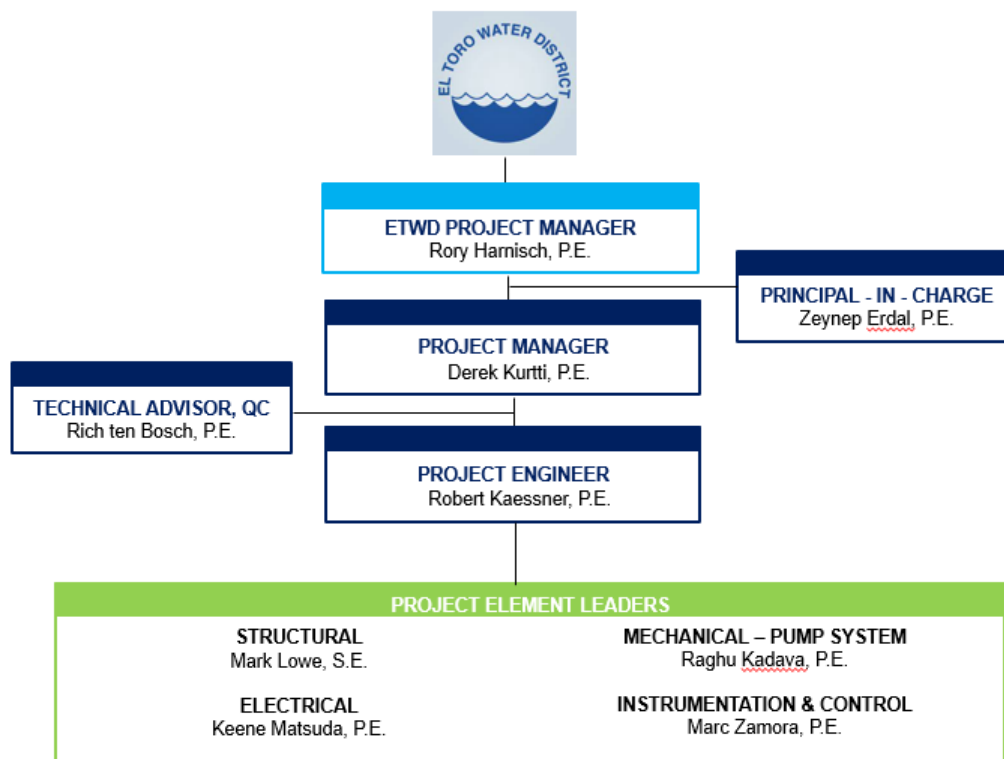
After a history of various upgrades, the District has determined the ACLS requires a complete rehabilitation, including a generator replacement, installing a bypass in the secondary discharge, and repairing a leak in the discharge header. In order to identify the most cost-effective rehabilitation approach, the District is proceeding with this Alternatives Analysis Study. Following completion of the alternatives analysis, the District will select the preferred alternative and proceed with Final Design under a separate contract.

Our team visited the ACLS on July 6, 2023 to conduct a job walk and discuss the project. We visited again as part of this pre-proposal meeting on July 19, 2023 where we were able to build on the knowledge gained from the prior visit. *We understand your project* and will collaborate to develop a comprehensive Study that includes discussions and rehabilitation evaluations of the following:

- Lift station bypass and shutdown sequencing
- Generator replacement sequence
- Improved site access
- Hydraulics evaluation
- Pump replacement alternatives (3 alternatives, including submersible)
- Discharge piping improvements
- Electrical systems replacements
- Structural repairs
- HVAC rehabilitation
- I&C replacements

Project Team

BV has assembled a local team who knows you and understands the challenges of this project. Our team is led by **Derek Kurtti** who recently completed the JTM Pump Station project and is currently designing a similar lift station rehabilitation for a neighboring District. **Robert Kaessner** is the Project Engineer who has over 20 years of experience in water and wastewater pumping and conveyance systems. He understands how to develop a comprehensive study to support your ability to make informed rehabilitation decisions. Our team has the capacity in their current and future workloads for this study. We understand your expectations and are prepared to deliver the Aliso Creek Lift Station Improvements Alternatives Analysis Study.





Zeynep Erdal – Principal-In-Charge

Dr. Erdal is a Client Director for Black & Veatch. She has experience working on a wide variety of projects across California and is adept at guiding our teams to ensure your goals are always in sight as we drive the project. Zeynep recently worked with you on the aeration basin upgrades, as well as the JTM Pump Station project. She is excited to work with you to make sure the proposed ACLS alternative analysis study is delivered in a way that exceeds your expectations.

Derek Kurtti – Project Manager

Derek recently completed the JTM Pump Station Project and understands your team and goals. Derek's background in both design and construction will provide value in thinking through the challenges associated with the ACLS. He has first-hand experience designing interconnected pumping and piping system within congested areas and is currently working through a similar alternatives analysis for another lift station upgrade. Derek will guide our team through a strong preliminary design phase with emphasis on collaboration with your team. Derek will facilitate successful communication between BV and ETWD's groups including engineering, operations, maintenance, CMMS, and others.

Relevant project experience:

- Moulton Niguel Water District Aliso Creek Lift Station Rehabilitation
- El Toro Water District, JTM Pump Station
- City of San Diego – Point Loma WWTP Headworks Rehabilitation Project

Robert Kaessner – Project Engineer

Robert has been involved in a wide range of water resource related projects including detailed design of pump stations, pipelines, water/wastewater treatment facilities, and lift stations. Rob will ensure our team delivers thoughtful analysis of the project issues and maintains a high level of quality. Rob understands you will use this report to select an alternative that will be used in a separate final design. This analysis will provide the right information needed to make the rehabilitation decisions.

Relevant project experience:

- Southern California Edison, Grapeland Peaker Plant Sewer Main Replacement
- Vallecitos Water District, Meadowlark Water Reclamation Facility, Chemical Facility Rehabilitation and CIP Projects.
- Southern California Edison, Mira Loma Sewer Lift Station and Forcemain Replacement

Detailed Scope of Work

BV understands ETWD is requesting engineering services for the ACLS Improvements Alternatives Analysis Study. The scope of work is based upon the information contained in Section VI of the Request for Proposal (RFP). We have included and followed the outlined scope of work the District provided in the RFP to be used as a basis for any subsequent contract negotiations. The main purpose of this Study is to evaluate three alternatives to rehabilitate the ACLS and determine the most cost-effective approach, while also evaluating O&M requirements and protecting environmentally sensitive areas. The following tasks clarify our understanding of the scope of work, including our assumptions and any clarifications.

TASK 1 – PROJECT MANAGEMENT AND MEETINGS

PROJECT MANAGEMENT AND QUALITY CONTROL

As part of this task, the BV Project Manager will ensure the project schedule is complete and updated each month; the status reports are clear and submitted with each monthly invoice; ongoing quality control (QC) processes are followed; and will perform general coordination with ETWD staff.

BV has identified a quality control reviewer, Rich ten Bosch, to provide ongoing quality assurance and review the project Report prior to submittal to ETWD. Rich will not be directly involved in the design work to provide clear eyes reviews and support. All internal QC comments will be discussed and incorporated into the design package prior to submittal to ETWD.

MEETINGS

An in-person Project Kick-Off Meeting will be held after NTP has been issued. We propose to conduct a site visit the same day as the Kick-Off Meeting to thoroughly document existing conditions and validate initial assumptions. During the site visit, our team will collect more information from District staff about site characteristics and constraints, identify key issues, and capture photos of the project area and surrounding environment.

BV will prepare for and attend monthly Progress Meetings for up to 4 months (4 meetings) to coordinate the design progress. ETWD will receive each meeting agenda minimally one day in advance of the meeting. Additionally, meeting minutes and an ongoing log will be utilized throughout the project to record key action items and decisions made during the monthly progress meetings. These will be sent to ETWD within five business days of the meeting.

TASK 2 – DATA REQUEST AND REVIEW

Our team will carefully review the existing information necessary to complete this Project, including as-builts, reports, and other District provided information. We will prepare a clear and concise data request log in the event our team needs additional information from the District.



TASK 3 – ACLS IMPROVEMENT ALTERNATIVES ANALYSIS

Our team understands your goal to deliver a cost-effective, timely solution. To provide you with the best value, our team performed an initial review of the ACLS and present the following three alternatives, the first of which was requested in the RFP:

- Alternative No. 1: Convert dry pit to wet well (submersible pumps)
- Alternative No. 2: Convert wet well to submersible (chopper) lift station
- Alternative No. 3: Replace existing pumps with centrifugal chopper pumps

Exhibits 1 and 2 have been provided with this proposal to clarify our vision of these alternatives. Each alternative has its own advantages and challenges that our team will develop further during the Project. We will evaluate pump selection and arrangement, site access, and noise. In addition, each alternative will separately identify modifications required to meet current peak flows as well as additional flow from The Village at Laguna Hills development. The following table lists some of the key discussion items.

	Alternative 1: Convert Dry Pit to Wet Well (Submersible Pumps)	Alternative 2: Convert Wet Well to Submersible (Chopper) Lift Station	Alternative 3: Replace Existing Pumps with Chopper Pumps
BENEFITS	<ul style="list-style-type: none">• Improved access to discharge piping• Improved flow access and hydraulics	<ul style="list-style-type: none">• Eliminates need for grinder• Improved discharge piping arrangement• The vacant dry pit provides space for storage or future projects	<ul style="list-style-type: none">• Eliminates need for grinder• Utilizes existing structural openings• Improved flow meter access and hydraulics
CHALLENGES	<ul style="list-style-type: none">• Risk of surcharge in middle level of lift station• Maintaining motor cooling/submergence• Structural modifications to water-bearing walls	<ul style="list-style-type: none">• Structural modifications to existing wet well• New pump O&M for submersible access	<ul style="list-style-type: none">• Collaborate on discharge piping arrangement

Key considerations the analysis will include:

- Pump Hydraulics - The required firm capacity of ACLS is currently 4,000 gallons per minute (gpm). ETWD expects to receive approximately 200 gpm of additional flow due to the planned Village at Laguna Hills. The new pumps will accommodate this flow at approximately 170 FT TDH.

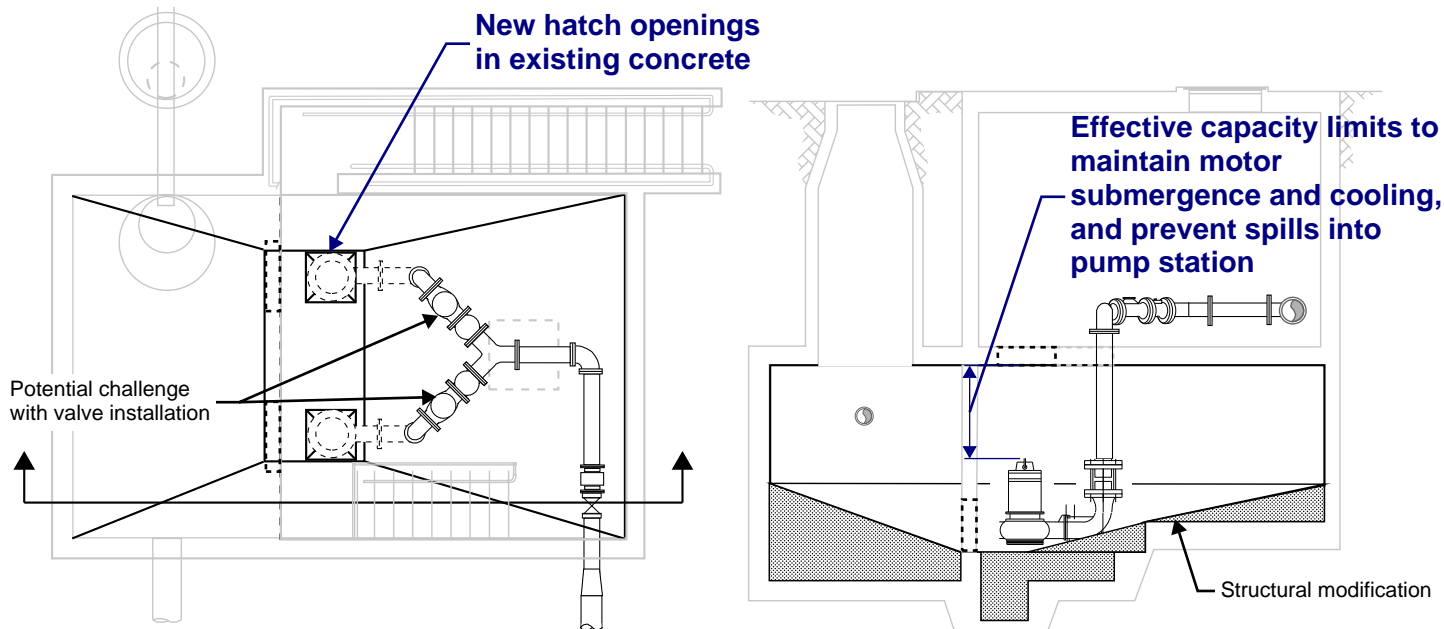


- Discharge Piping Arrangement – The new piping arrangement will improve valve and pump access, as well as improve the flow meter run and provide better accuracy and control/monitoring of the lift station.
- Preliminary wet well sizing criteria, emergency storage requirements, bypass provisions, and other required critical appurtenances. Ability to bypass for wet well cleaning, and use of diesel powered trailer mounted pump.
- Civil site layout including vehicle access, perimeter and fencing, landscaping improvements.
- Condition Assessment - BV will perform a visual condition assessment for the ACLS existing electrical (including generator sizing), structural, and HVAC components. This includes visual and desktop reviews of the existing facilities; no destructive testing will be performed. This efforts consist of a desktop review, site walk, and visual inspections.
- Construction Sequencing, Bypass Provisions, and Tie-in Plan - BV shall prepare a sequencing and bypass plan for the Project. The sequencing plan will provide direction to the contractor to perform specific tasks in a required sequence that minimizes impacts to the lift station (reduced shut-down time). Construction sequencing constraints would consider features such as procure/reuse the existing temporary bypass pump equipment, emergency storage wet well capacity, and standby emergency power during certain portions of the construction period. The sequence for each alternative, if necessary, will provide additional information for selecting the preferred rehabilitation alternative.

This proposal anticipates the following figures will be included with the analysis. These figures are not “design drawings” because they will show a variety of information within one page, instead of separating the feature by discipline. However, these drawings will eventually be used as the basis for the final design drawings.

1. Site Plan
2. Construction Sequencing Plan
3. Alternative 1 plan and sections
4. Alternative 2 plan and sections
5. Alternative 3 plan and sections
6. Electrical Site Plan
7. I&C Schematics and Diagrams

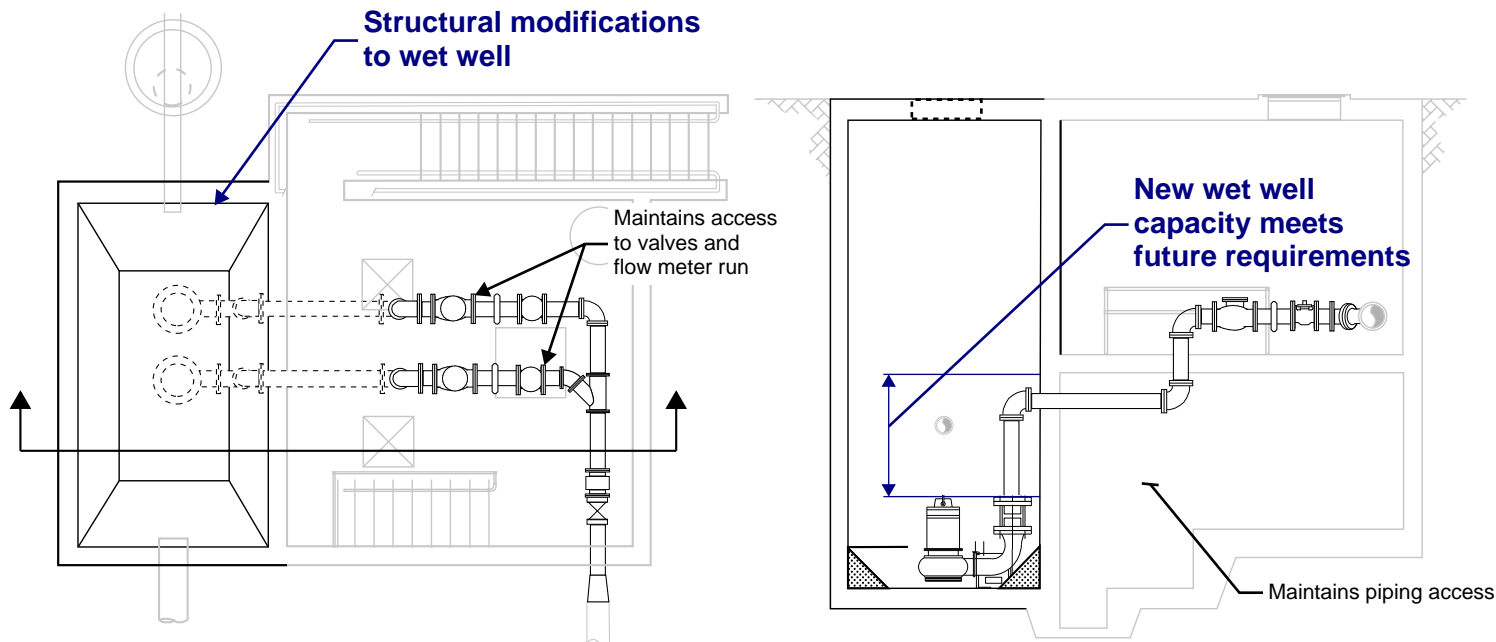
CONVERT DRY PIT TO WET WELL



DISCUSSION ITEMS:

- Effective wet well capacity to maintain motor submergence and cooling
- Potential challenge with valve installation
- Proposed hatch openings require structural modifications
- Structural modification to wet well and dry pit

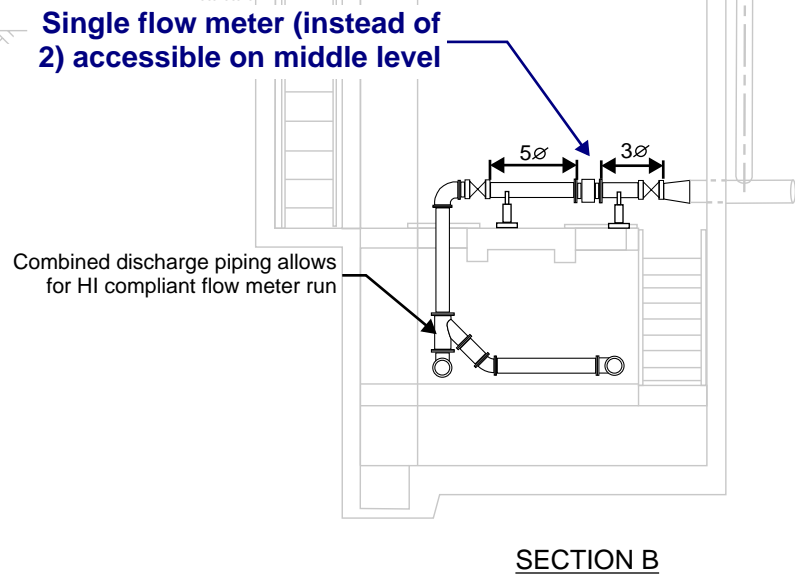
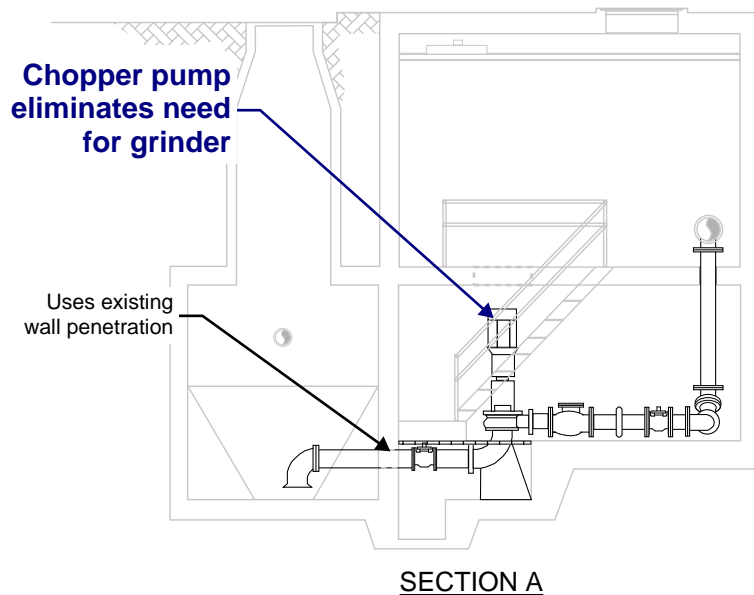
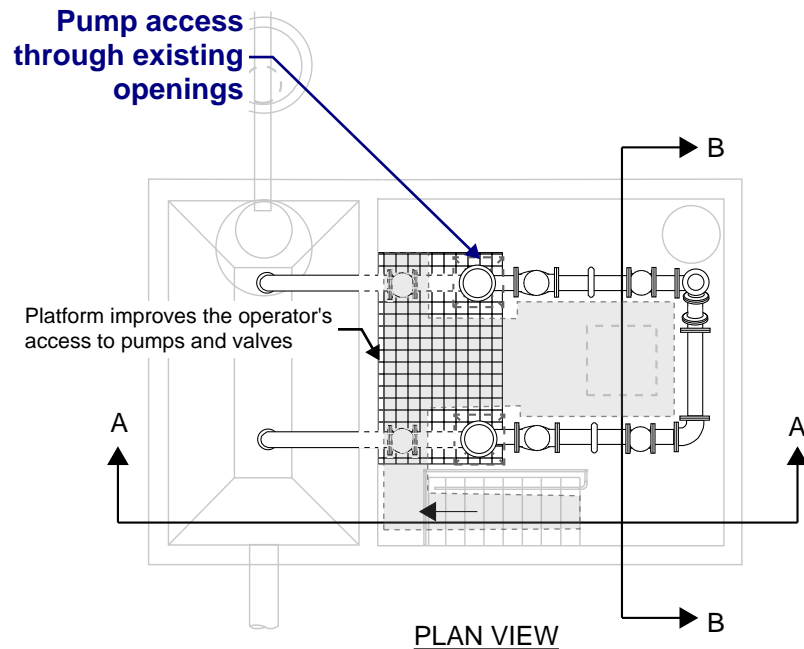
CONVERT WET WELL TO SUBMERSIBLE LIFT STATION



DISCUSSION ITEMS:

- Potential capacity improvements
- Structural modifications to wet well
- Maintains empty space for future rehabilitation projects
- Maintains access to valves and flow meter for operators

REPLACE EXISTING PUMPS WITH CHOPPER PUMPS



DISCUSSION ITEMS:

- Utilizes existing structural openings and lifting systems, reduced structural design effort
- Chopper pump satisfies required design flow of 4200 gpm and total dynamic head of 170 ft
- Improved access to discharge piping
- Installation of a single flow meter reduces O&M costs, improves accuracy
- New platform maintains a walkway and provides access to valves

EXHIBIT 2

OPINION OF PROBABLE CONSTRUCTION COST

Along with each of the three (3) lift station rehabilitation alternatives BV will provide an AACE International Class 4 cost estimate. Data used to prepare the cost estimate, including vendor quotations, will be included as an attachment.

NOTE: As part of a cost-conscious approach to this project, we propose the AACE Class 3 cost estimate is NOT be developed as part of this study. We propose this for two reasons: 1) a Class 4 estimate will be sufficient to allow ETWD to make a well informed and cost-effective rehabilitation decision to move into final design phase, as well as provide CIP budgetary information, and 2) the amount of detailed design will not substantially change after the preferred alternative is selected. Advancing the estimate may not provide the improved accuracy ETWD is expecting.

*This approach provides ETWD with the necessary information to make information decisions while saving approximately **\$8,000** by reducing the quantity of cost estimates performed on this project. This proposal does not include a Class 3 estimate, but this can be provided upon request.*

ALTERNATIVES REVIEW MEETING

Once the analysis is ready, BV will present the three alternatives, their advantages and disadvantages, and the AACE Class 4 cost estimates during a monthly progress meeting. After the meeting, ETWD staff will have sufficient information to identify one alternative for implementation. Minutes and action items will be provided following the meeting. ETWD comments to the analysis, and input received during the presentation will be reflected in the report under Task 4.

TASK 4 – ACLS IMPROVEMENT ALTERNATIVES ANALYSIS AND RECOMMENDATION REPORT

BV will prepare a draft and final ACLS Improvement Alternatives Analysis and Recommendation Report (Report). The Report will summarize the three alternatives presented in Task 3 and provide some additional information on the recommended alternative with relation to hydraulic calculations, layout, constructability, structural modifications, generator sizing, instrumentation and electrical related impacts.

Our BV QC reviewer will review the Draft Report for technical accuracy and overall consistency prior to submittal to ETWD. ETWD will have time to review the Draft Report and provide comments that will be discussed during a monthly progress meeting. Finally, BV will incorporate the comments and submit the Final Report by the January 16, 2024 deadline identified in the RFP.

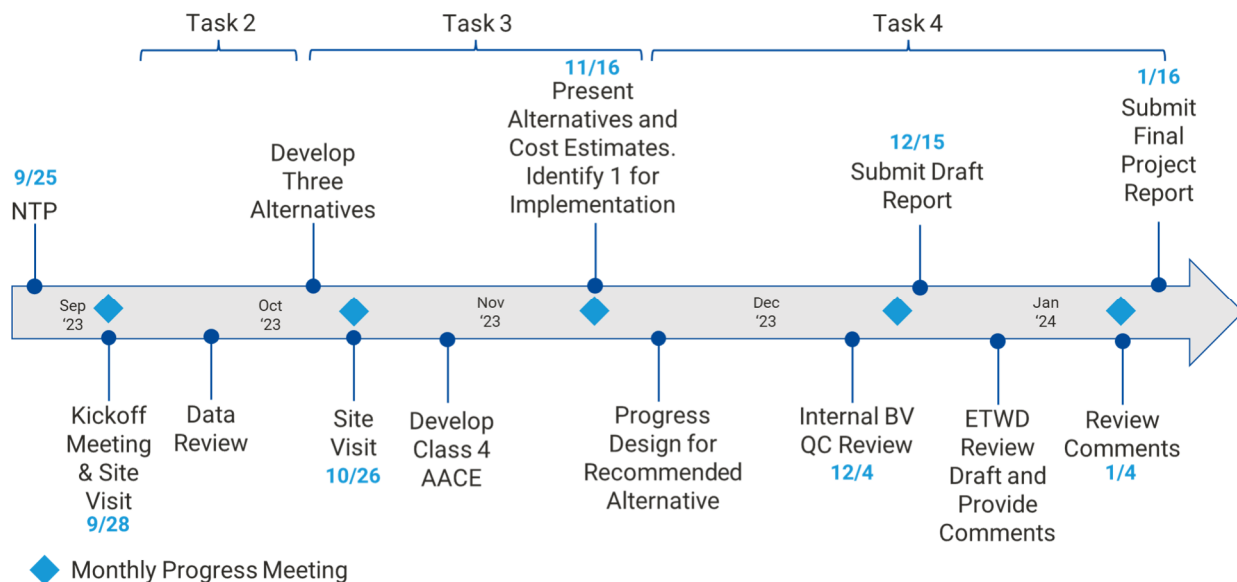
BV will transmit one (1) electronic copy in PDF format for both the Draft and Final Report submittals.

Assumptions:

1. Permitting support is not included
2. Design report will be 15-20 pages
3. Anticipated design flow rate is 4200 gpm
4. Existing lift station control strategy will not change
5. Final design services are not included

Schedule

BV understands the importance of providing ETWD staff with accurate planning level design and construction cost estimates that results from this alternative analysis. BV will ensure the schedule will be completed in time for the following fiscal year's budgeting process, which takes place at the beginning of 2024. BV proposes the following schedule:



Fee Proposal

As directed in the RFP, a Fee Proposal has been provide separate from this letter.

Legal and Insurance Requirements

INSURANCE

Black & Veatch can comply with the District's requirements for insurance coverage. An insurance certificate will be provided following project award.

CONTRACT

Black & Veatch has reviewed the sample contract agreement and takes no exception. However we respectfully request the same provisions as the JTM Pump Station Contract.



BLACK & VEATCH

Black & Veatch Corporation

220 Commerce, Suite 200

Irvine, California, 92602

P +1 949-788-4250 E KurttiD@bv.com

SUMMARY

Our team understands your needs and is ready to deliver this project. BV will perform this work primarily out of the Irvine office under the direction of your project manager, Derek Kurtti. We look forward to continue working with ETWD.

If you have any questions, please feel free to contact Derek Kurtti or me at (949) 788-4250.

Sincerely,

Black & Veatch Corporation

A handwritten signature in blue ink, appearing to read 'Zeynep Erdal'.

Zeynep Erdal, P.E., Project Director/Principal-in-Charge

cc: dk, hm, pw



August 23, 2023

El Toro Water District
Attn: Rory Harnisch, PE, Project Manager
24251 Los Alisos Blvd.
Lake Forest, California, 92630

Subject: Black & Veatch FEE Proposal to Provide Engineering Services for the Aliso Creek Lift Station Improvements Alternatives Analysis Study

Dear Mr. Harnisch:

Black & Veatch is pleased to submit this letter Fee Proposal for design engineering services for the Aliso Creek Lift Station Rehabilitation Alternatives Analysis project. As requested in the RFP we are providing this separate fee proposal. The following summarizes our proposed fee which is broken down into Tasks on the following page.

ACLS Alternatives Analysis Fee	\$116,140
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If you have any questions about this proposal, please contact me or our project manager Derek Kurtti at +1-949-471-3898 or KurttiD@bv.com

Very truly yours,

BLACK & VEATCH CORPORATION

Zeynep Erdal P.E.
Project Director/Principal-in-Charge

Cc: pw,dk,rk

EL TORO WATER DISTRICT
ALISO CREEK LIFT STATION REHABILITATION PRELIMINARY DESIGN

8/23/2023

Black & Veatch Proposed Labor and Fee Estimate

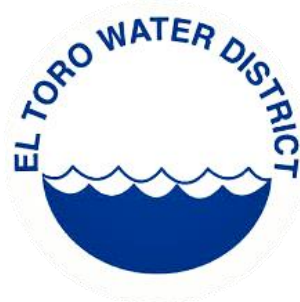


TASKS	LABOR										SUBCON		ODCs		
Rate Schedule:	Principal In Charge	Project Manager	Tech Adv/ QA/QC	Project Engineer	Engineer 6	Engineer 3	Engineer 2	CAD	Finance/ Admin	Total Hours	Expense	Total B&V Labor Costs	Paul Hansen Eng.	ODCs	Total Fee
	\$330	\$280	\$295	\$245	\$235	\$195	\$165	\$170	\$140				Estimating		
Personnel:	Erdal	Kurtti	ten Bosch	Kaessner	Various	Guerrero	Various	Various	Various		\$ 8.75				
TASK 1 - Project Management and Admin	8	32	0	8	0	0	0	0	48	96	\$840	\$21,120	\$0	\$0	\$21,960
1.1 Project Management and Admin (4mo)	4	24	0	0	0	0	0	0	48	76	\$665	\$15,425	\$0	\$0	\$16,090
1.2 Meetings	4	8	0	8	0	0	0	0	0	20	\$175	\$5,695	\$0	\$0	\$5,870
TASK 2 - Data Review and Site Visit	0	4	0	4	28	4	12	0	0	52	\$455	\$11,895	\$0	\$600	\$12,950
2.1 Data Request and Review	-	0	0	4	0	4	12	0	0	20	\$175	\$3,915	\$0	\$0	\$4,090
2.2 Site Visit	0	4	0	0	28	0	0	0	0	32	\$280	\$7,980	\$0	\$600	\$8,860
TASK 3 - Evaluation of Alternatives	0	16	12	34	24	44	80	28	0	238	\$2,083	\$50,613	\$14,600	\$600	\$53,295
3.1 Alternatives Evaluation	0	16	12	32	24	40	80	28	0	232	\$2,030	\$49,290	\$0	\$600	\$51,920
3.2 Cost Estimate (OPCC Level 4)	0	0	0	2	0	4	0	0	0	6	\$53	\$1,323	\$14,600	\$0	\$1,375
TASK 4 - Improvement Analysis Report	0	12	6	14	16	20	32	14	8	122	\$1,068	\$26,068	\$0	\$800	\$27,935
4.1 Draft Improvement Analysis Report	0	8	4	12	12	16	24	14	8	98	\$858	\$20,618	\$0	\$800	\$22,275
4.2 Final Improvement Analysis Report	0	4	2	2	4	4	8	0	0	24	\$210	\$5,450	\$0	\$0	\$5,660
4.3 Recommended Alt Cost Estimate (OPCC Level3)	0	0	0	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0
TOTAL TASKS	8	64	18	60	68	68	124	42	56	508	\$4,445	\$109,695	\$14,600	\$2,000	\$116,140

Proposal for Engineering Services Aliso Creek Lift Station Improvements Alternatives Analysis Study

August 23, 2023

Prepared for:



24251 Los Alisos Blvd
Lake Forest, CA 92630

Prepared by:



TETRA TECH

17885 Von Karman Ave., Suite 500
Irvine, CA 92614
949.809.5000



August 22, 2023

Rory Harnisch
El Toro Water District
24251 Los Alisos Blvd
Lake Forest, California 92630

**Reference: Proposal to Provide Engineering Services
Aliso Creek Lift Station Improvements Alternatives Analysis Study**

Dear Mr. Harnisch,

Tetra Tech appreciates the opportunity to submit our proposal to provide engineering services for the Aliso Creek Lift Station Improvements Alternatives Analysis Study. We have assembled an outstanding team that can provide the following distinct advantages for this project:

- ▶ **Extensive Sewer Lift Station Design Experience.** During the last twenty (20) years, members of our project team have been involved in the **design and/or construction of more than twenty (20) sewer lift station projects** for various Southern California agencies including Oso Lift Station for ETWD.
- ▶ **Extensive Sewer Lift Station Evaluation Experience.** Members of our project team have completed similar lift station evaluations for Moulton Niguel Water District (MNWD) and South Coast Water District as well as Oso Lift Station for ETWD.
- ▶ **Experience with Various Upgrade Options.** Our project team has recent design experience with: submersible pumps within wet wells; adding smaller pumps to handle low flows to resolve operational and clogging issues; expanding wet well capacities; and adding a permanent standby pump to an existing station. Our team will be able to provide a “*fresh look*” at all of the possible options for the upgrade based on this previous design experience.
- ▶ **Local In-House, Structural, Electrical and Control Capabilities.** Tetra Tech has in-house local, registered structural, electrical and control engineers with vast lift station design experience.
- ▶ **Understanding the Importance of Operator Friendly Facility Design.** With repeat lift station upgrades for City of Santa Ana, MNWD, and our Design-Build work for the Navy, Tetra Tech has a great understanding of the importance of an “operator friendly facility” design.
- ▶ **Dedication to the District.** Our approach will include a teamwork and partnering relationship. We will do this by exceeding your expectations through innovative and smart solutions, attention to detail, and our understanding of the District’s design processes and requirements.

Per RFP requirements, Tetra Tech agrees to the terms of the District’s agreement and can provide the requested insurance. Furthermore, Tetra Tech acknowledges receipt of Addendum No. 1 dated August 9, 2023, and Addendum No. 2 dated August 15, 2023. Should you have any questions regarding our proposal, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Epperson', written over a light blue horizontal line.

Tom Epperson, PE
Vice President

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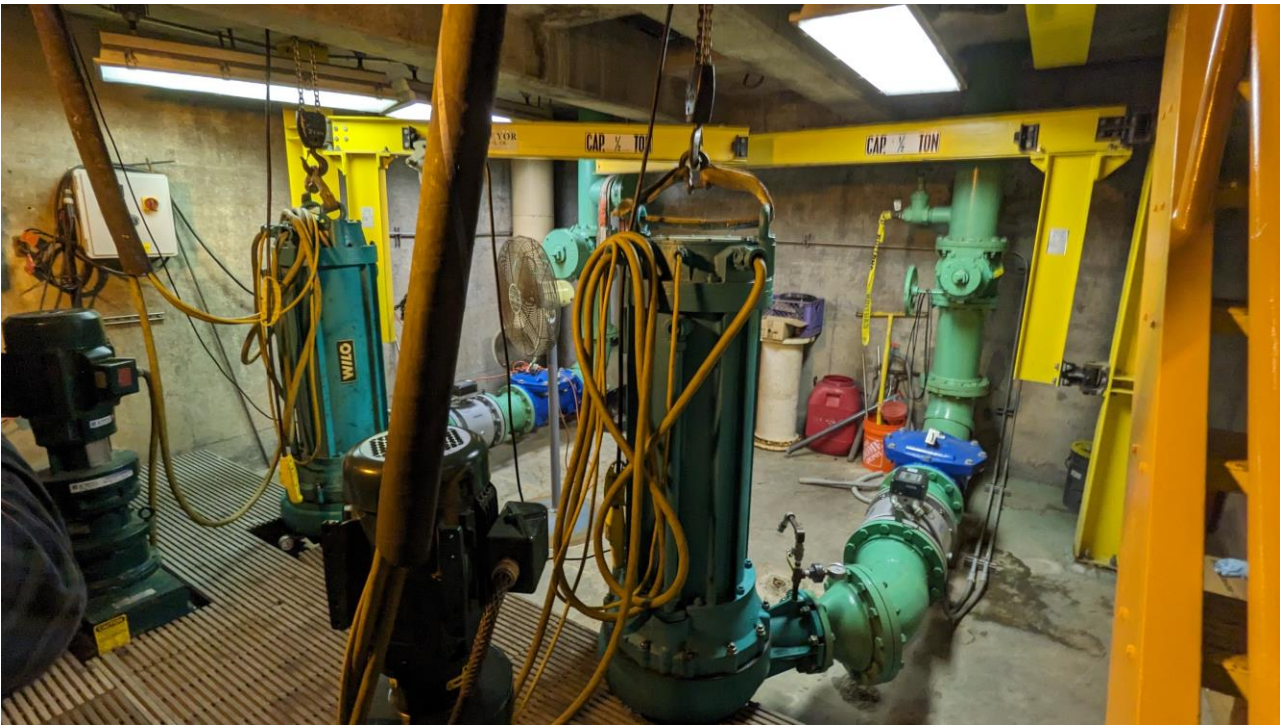
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FIRM OVERVIEW

Tetra Tech's goal is to provide the necessary expertise and resources to deliver projects on time, within budget, and in compliance with the design and construction standards of our clients and approval agencies. Leveraging our national presence, multi-disciplinary team, and client focused service, we apply lessons learned from our vast experience to each and every challenge. Clients benefit from this approach with consistently high-quality service, innovative designs, and functional solutions that are responsive to their needs and often exceed their expectations. A cornerstone of our success is our client-focused service, staff qualifications, firm commitment, and desire to successfully complete each assignment to the satisfaction of our clients.

Tetra Tech is a leader in water/wastewater/recycled water facility design and consistently ranks among the top engineering firms annually according to the *Engineering News-Record*, a highly regarded news magazine. **In 2023, Tetra Tech was ranked 4th among the top 500 design firms nationwide and was ranked #2 in the sewer and waste service!**



WHY TETRA TECH

Tetra Tech is the “right” team to provide the engineering consulting services for the Aliso Creek Lift Station Improvements Alternatives Analysis Study for the following reasons:

- **Extensive Sewer Lift Station Design Experience:** During the last twenty (20) years, members of our project team have been involved in the **design and/or construction of more than twenty (20) sewer lift station projects** for various Southern California agencies including Oso Lift Station for ETWD.
- **Extensive Sewer Lift Station Evaluation Experience:** Members of our project team have completed similar lift station evaluations for Moulton Niguel Water District and South Coast Water District as well as Oso Lift Station for ETWD.

- **Experience with Various Upgrade Options:** Our project team has recent design experience including submersible pumps within wet wells; adding smaller pumps to handle low flows to resolve operational and clogging issues; expanding wet well capacities; and adding a permanent standby pump to an existing station. Our team will be able to provide a “fresh look” at all of the possible options for the upgrade based on this previous design experience.
- **Local In-House, Structural, Electrical and Control Capabilities:** Tetra Tech has in-house local, registered structural, electrical and control engineers with vast lift station design experience.
- **Understanding the Importance of Operator Friendly Facility Design:** With repeat lift station upgrades for City of Santa Ana, Moulton Niguel Water District, and our Design-Build work for the Navy, Tetra Tech has a great understanding of the importance of an “operator friendly facility” design.
- **Dedication to the District:** Our approach will include a teamwork and partnering relationship. We will do this by exceeding your expectations through innovative and smart solutions, attention to detail, and our understanding of the District’s design processes and requirements.

Our extensive experience with similar projects will ensure that the District will receive a high level of service. This is a very challenging project, and it should be managed by a well tenured team of professionals who have a history of successfully completing similar projects within schedule and under budget. We have that team with **Tom Epperson, PE**, as Project Manager, **Laurence Esguerra, PE**, as Assistant Project Manager, and **Matt Vera, PE**, as Task Leader. Tom and Laurence worked together on ETWD’s Oso Lift Station and Tom and Matt worked together on the MWND’s Regional Lift Station Enhancements and their North Aliso Lift Station Reconstruction.

No two projects are the same, although many are similar. The key is to utilize elements of work that have been successful and can be appropriately applied to this project, such as, continue to improve construction efficiencies without lowering quality based on contractor feedback, and maximize the overall operational flexibility.

We feel that our previous work on the District's Oso Lift Station Improvement Project is an example of our quality product and attention to detail which has resulted in a lower overall cost for the District. We want to utilize the experience gained from working on previous projects, and to continue providing the District with exceptional services to assure that another project is successfully completed to the satisfaction of ETWD.

UNDERSTANDING OF PROJECT

The Aliso Creek Lift Station (ACLS) was built in 1965 located at Avenida Sevilla in the City of Laguna Woods. Its original construction included a total of four pumps, configured as two pumps in series on each of the two wet well outlets. At that time, sewage was collected from the adjacent surroundings including what is now part of the Laguna Woods community. Later, two additional sewage lift stations, 4920 and Mathis, were built upstream, adding to its total flow. Since then, several modifications were performed at the ACLS, including converting the existing four pump system into three, parallel pumps then later two, parallel dry pit submersible pumps and adding a grinder upstream of each pump.

In mid-2010, ETWD also installed a trailer mounted portable pump above grade for emergency backup. The ACLS was originally designed to pump 4,000 gpm at a total dynamic head of 170-ft with two pumps in operation. However, recent testing at the lift station has identified significant deficiencies in pump performance, especially on Pump No. 2, despite annual changeout of each pump's impeller and volute.

In early 2022, ETWD received bids for the Aliso Creek Generator Replacement Project. This project included the generator and ATS replacement, ancillary electrical work, and the construction of a secondary lift station access gate to support vacuum truck wet well maintenance. This project was not constructed as further improvements were realized.

In order to handle peak flows, the required firm capacity of ACLS is 4,000 gpm. ETWD expects to receive approximately 200 gpm of additional flow due to the planned Village at Laguna Hills development. At this time, ETWD assumes the ACLS cannot handle the additional flow.

The purpose of the proposed ACLS Improvements Alternatives Analysis Study (Study) is to determine the most cost-effective approach to achieving the required capacity at ACLS while also improving operations and maintenance, maintaining service, and protecting neighboring environmentally sensitive areas; keeping in mind the following:

- The lift station currently receives a peak flow of 4,000 gpm from the existing ETWD service area. The District expects to receive an additional 200 gpm of additional flow from the planned Village at Laguna Hills development. The total peak flow to the station will be assumed to be 4,200 gpm.
- Evaluate and improve the on-site storage and associated response times.
- Pump stations staff have identified a leak in the primary discharge pipeline within the pump station which will need to be repaired.
- A valve on the primary bypass assembly does not close and will need to be replaced.
- The District desires an additional bypass assembly on the secondary discharge pipeline for redundancy.
- The existing generator will need to be replaced and resized dependent on the proposed site alternative.
- Site access to be modified to facilitate access to the wet well; currently, the site does not allow for vacuum/vactor truck access.
- Site improvements for each alternative will be included as required. These improvements may include, but are not limited to, new perimeter retaining walls, replacement of existing entry gates, repaving the entire site, as-needed drainage improvements, relandscaping of adjacent areas, and relocation of existing utilities and equipment in conflict.
- All other components necessary for a complete and operational lift station.
- The Aliso Creek Lift Station is an active facility and will be continuously receiving sewage; the station must remain in operation at all times during construction. Improvements shall be designed to minimize impact to the site and minimize bypass pumping efforts.
- Determine if the existing SCE electrical service needs to be relocated/modified/upsized as well as any additional electrical/instrumentation impacts.

PROJECT APPROACH

Tetra Tech fully understands the importance of your project. We are offering an outstanding team, which combines the experience, depth, and

understanding needed for the successful delivery of this project. Our core principles establish how we plan to work together with the District to successfully complete this project:

✓	Service: Tetra Tech puts its clients first. We listen to and better understand our clients' needs and deliver smart, cost-effective solutions that meet those needs. Our philosophy is to "Do it Right."
✓	Value: Tetra Tech takes on our clients' problems as if they were our own. We develop and implement real-world solutions that are cost-effective, efficient, and practical.
✓	Excellence: Tetra Tech brings superior technical capability, disciplined project management, and excellence in safety and quality to all of our work.
✓	Opportunity: Our people are our number one asset. Our workforce is diverse and includes leading experts in our fields. Our entrepreneurial nature and commitment to success provides challenges and opportunities.

We value the relationship that has been established with ETWD, and look forward to continuing and further developing this association in the future. We are committed to providing ETWD with the same high-quality service you expect and deserve. **Our strength lies in our proven track record that has led to successful completion of more than 15 projects for ETWD since 2006, as well as other nearby agencies.**

PROJECT MANAGEMENT

Over the years, Tetra Tech has established well defined, rigorous procedures for project management. These techniques have been developed and refined and have contributed to our success and reputation. The keys to our project management system are communications, project planning, monitoring, and quality assurance. The Tetra Tech team's goal is to keep District staff "in the loop" from day one of the project. Communication tools include the formal progress reports afforded through our project management system and an informal give-and-take approach starting with **Tom Epperson, our Project Manager**, and extending to every member of the Tetra Tech team.

At the project's outset, the chain of command and appropriate communication methods will be agreed upon and can be as formal or as informal as the District desires. We will use the entire communication spectrum. We will conduct formal meetings with agenda and typewritten notes, and we will use informal meetings with notes to file. We will also have documentation of telephone

communications, with notes to file or letters of understanding as appropriate follow-up.

We are proposing to use e-mail to keep the District aware of the status of the project. Every month, Tetra Tech will prepare a brief (one or two paragraphs or bullet items) e-mail summarizing the following: activities completed in the previous two weeks; the activities planned for the upcoming weeks; any critical decisions that need to be made; and schedule of upcoming events/meetings. In addition, each month we will prepare a project status memorandum containing the following: summary of project schedule with Gantt; description of key issues/concerns which have surfaced along with proposed options and solutions; and a project status summary report showing current schedule and budget.

QUALITY CONTROL

Tetra Tech will administer a program of QA procedures for producing a quality product. Specific procedures shall cover, but not be limited to: planning; checking; reviewing; and scheduling of the work. All documents prepared will be subject to Tetra Tech's in-house procedures prior to submittal to ETWD for review. Discipline checks will be made of all design calculations, drawings, sketches, memorandums, construction costs, and reports. Checking will be performed by qualified individuals who are not directly involved in the design or supervision of the work. Tetra Tech has identified **Mark Bush, PE**, to be responsible for the quality assurance and quality control reviews.

SEWER LIFT STATION EXPERIENCE

The following is a summary of the various lift station projects that members of our Project Team have designed during the last twenty (20) years.

ETWD Projects

ETWD Oso Lift Station Improvements: preliminary design included evaluation of on-site storage, pump selection, and site alternatives evaluation; with final design resulting in the construction new 10-foot diameter wet well containing two submersible pumps, valve vault with check valves and meter, structural retrofit to repurpose the existing wet well for emergency storage, relocation and replacement of an existing generator, and new electrical and control equipment. These improvements were all completed while maintaining the existing lift station in service. In addition, the existing dry pit was backfilled with slurry and the new emergency generator was located on top of the structure. The project also included the construction of an emergency overflow connection to MNWD sewer within El Toro Road.

Sewer Lift Station Evaluation Experience

Members of our Project Team previously prepared lift station evaluations for the North Aliso and Camino Capistrano Lift Stations for Moulton Niguel Water District (MNWD). Based on the preliminary evaluation, MNWD authorized Tetra Tech to design the North Aliso Lift Station Reconstruction described below.

Previously, Tetra Tech prepared an inventory and assessment of MNWD's existing sewage lift stations. The study included assessment of seven (7) of the District's twelve (12) lift stations. The evaluation included: wet well capacity; existing response time; wet well expansion capabilities; pump efficiency; pump capacity/ redundancy; condition of valves; emergency bypass capabilities; emergency standby power; and access. As a result of the evaluation, Tetra Tech designed upgrades for seven (7) of the lift stations.

Previously, Tetra Tech prepared an inventory and assessment of South Coast Water District's (SCWD) existing sewage lift stations. Based on the findings of the inventory, Tetra Tech prepared recommendations for upgrades, modifications and/or improvements, prepared estimated

improvement costs and prioritized the work. The study included assessment of eleven (11) of SCWD's fourteen (14) lift stations. The evaluation of each lift station included: wet well capacity; existing response time; wet well expansion capabilities; pump efficiency; pump capacity/ redundancy; metering capabilities; odor control; condition of valves; emergency bypass capabilities; emergency standby power; lighting; ventilation; and access.

New Lift Stations

City of Santa Ana San Lorenzo Lift Station: replace an existing submersible lift station with a masonry building containing a separate electrical/control room, dry pit housing the pumps/motors, odor control facilities, emergency bypass facility, meter, grinders, and emergency generator.

NAVFAC Package 2 (Camp Pendleton) Replacement Lift Station: consists of a new wet well, submersible pumps, valve vault, and emergency generator. The existing lift station must remain in operation, without interruption, throughout the construction of the new lift station.

NAVFAC Coronado Sewer Pump Station Replacement (Coronado): replaced three (3) existing submersible pumps with new above ground packaged pumping station, including adding a back-up natural gas emergency pump, bypass pumping facilities, and re-coating of the existing wet well.

Upgrade Existing Lift Stations

MNWD North Aliso Lift Station Reconstruction: while maintaining existing lift station in service, expand existing lift station site with permanent soldier pile shoring, construct a new 12-foot diameter wet well containing three submersible pumps, separate valve building with check valves and meter, installation of two emergency bypass connections, separate building with electrical/control equipment and restroom, modification of dry pit to serve as additional storage.

MNWD Regional Lift Station Enhancements: while maintaining existing lift station in service, replaced one of the pumps with a smaller pump to handle low flows, performed wet well rehabilitation with polyurethane coating and piping modifications, constructed additional overflow wet well with

12-foot diameter manhole and added an on-site standby pump with approximate 12,000 gpm capacity which operates independently of the station's electrical equipment and reduces the station's response time to less than three minutes.

NAVFAC Package 1 (Camp Pendleton) Upgrades: upgrade nine (9) existing lift stations including addition of emergency generators, adding new grinders, improve SCADA capabilities, and site safety improvements.

NAVFAC Package 2 (Camp Pendleton) Upgrades: upgrade two (2) existing lift stations including addition of emergency generators, improve SCADA capabilities, and site safety improvements.

Odor Control Upgrades: added oxygenation odor control facilities at Lower Salada and Upper Salada Lift Stations for MNWD.

Pump/Motor/Valves Upgrades: replaced Fairbanks Morse pumps/motors with Cornell pumps/motors, replaced existing check valves and gate valves, and added a meter at Lower Salada, Upper Salada, Del Avion, Regional and Aliso Creek Lift Stations for MNWD.

Expand Wet Well Capacity: expanded the wet well capacity for MNWD at Upper Salada by adding an additional wet well concrete structure and at Upper Boundary Oak and Aliso Creek Lift Stations by constructing new buried RFP tanks.

SUBMERSIBLE PUMP EXPERIENCE

The following is a summary of several recent projects where Tetra Tech's Project Team has designed wet well facilities with submersible pumps:

MNWD's North Aliso Lift Station: while maintaining existing lift station in service, construct a new 12-foot diameter wet well containing three submersible pumps with separate valve building containing check valves and meter facilities.

IRWD's Peters Canyon Channel Water Capture: three diversion structures, each with 6 foot ID precast concrete wet well (20 to 25 feet deep); dual submersible pumps with slide rail disconnect assemblies; valve vault (check and gate valves); meter vault; and electrical and control equipment.

OCWD's Burris Pump Station: included a packaged lift station including wet well, dual submersible pumps with guide rail system, valve vault and electric/control equipment.

NAVFAC Package 2 Replacement Lift Station: new wet well, submersible pumps, valve vault and emergency generator.

PROJECTS WITH SIMILAR DESIGN ISSUES

The following lists recent projects with similar design issues:

ETWD Oso Lift Station Improvements: Project included constructing new lift station replacement within District's property while maintaining the existing lift station in service; working with maintenance staff to be comfortable with submersible pumps within wet well (existing lift station dry well facility); new wet well with submersible pumps; valve vault; converting existing wet well into an emergency storage basin; construction new electrical building on top of existing dry pit; and constructed emergency overflow to adjacent agency. A brief project description has been included within the Appendix of the proposal.

MNWD North Aliso Lift Station Reconstruction: Project included constructing new lift station replacement while expanding the District's existing property and maintaining the existing lift station in service; working with the District for site alternative analysis due to the space constraints of the site; constructability assessment due to deep excavations near existing structures and close neighboring properties; new wet well with submersible pumps; construction of new valve building; conversion of existing dry pit into an overflow storage basin; construction of new electrical building. A brief project description has been included within the Appendix of the proposal.

MNWD Regional Lift Station Enhancements: To improve the reliability of the station, the design included: adding an on-site standby pump that operates independently from the lift station power facilities; expanding the wet well capacity; replacing several valves; and downsizing of one pump to handle low flows to improve operational and clogging concerns. Extensive bypass pumping was

required during construction which Tetra Tech coordinated with District staff, Construction Manager and Contractor. A brief project description has been included within the Appendix of the proposal.

City of Santa Ana San Lorenzo Lift Station: Project included modifications to the existing influent sewer (approximately 1,000 feet) and extension of the force main (about 600 feet). A brief project description has been included within the Appendix of the proposal.

As you can see, the design experience of our project team covers all aspects of your project objectives which will allow our team to provide a “fresh look”

at all of the possible options for the upgrade of the lift station. With all of the repeat work for MNWD and the design-build experience with the Navy, we have a great understanding of the importance of an “operator friendly facility” design that provides the necessary reliability required for each site/facility.

LIFT STATION DESIGN EXPERIENCE

During the last twenty (20) years, members of our project team have been involved in the design and/or construction of more than twenty (20) sewer lift station projects for various Southern California agencies. The following is a summary of these lift station projects:

LIFT STATION FACILITIES COMPLETED BY PROJECT TEAM		
Client	Project Name	Design Complete
Moulton Niguel Water District	North Aliso Lift Station Replacements	In Design
City of Santa Ana	San Lorenzo Lift Station	Start-up
El Toro Water District	Oso Lift Station Improvements	2021
Moulton Niguel Water District	Regional Lift Station Enhancements	2020
Moulton Niguel Water District	North Aliso and Camino Capistrano Lift Station Preliminary Evaluation	2017
NAVFAC Southwest	Camp Pendleton Sewer Lift Station Package #1	2014
NAVFAC Southwest	Camp Pendleton Sewer Lift Station Package #2	2014
NAVFAC Southwest	Naval Base Coronado Sewer Lift Station	2013
Moulton Niguel Water District	Lower Salada Lift Station Oxygenation Upgrades	2008/2006/2000
Moulton Niguel Water District	Upper Salada Lift Station Oxygenation Upgrades	2007/2006
South Coast Water District	Sewer Lift Station Evaluation	2007
Moulton Niguel Water District	Del Avion Lift Station Pump/Motor Replacement	2006
South Coast Water District	Blue Lagoon Lift Station	2006
Moulton Niguel Water District	Regional Lift Station Pump/Motor Replacement	2004/2000
Moulton Niguel Water District	Upper Boundary Oak Lift Station Expansion	2003
Moulton Niguel Water District	Aliso Creek Lift Station Upgrades	2002
Irvine Ranch Water District	Coastal Ridge Lift Station	2002

KEY ISSUES

We believe Tetra Tech has an unparalleled grasp of the key issues as a result of our overall experience, capabilities and familiarity with other lift station projects. Our approach to resolving project issues is summarized in the table below:

SUMMARY OF KEY ISSUES	
Issues	Tetra Tech Approach
Pump Selection	<ul style="list-style-type: none"> • Perform flow monitoring of the upstream sewers to confirm minimum, average, and peak inflows to station (recommend two upstream manholes). • Prepare system curve and confirm lift requirements. • Confirm daily velocity in force main (need to maintain about 2 to 3 feet per second velocity in force main daily to keep it clean). • Evaluate several pump options: dry pit and submersible pumps and compare corresponding efficiencies at all operating ranges. Evaluate options on pump/impeller models and options suited towards applications prone to ragging. • Evaluate providing a smaller pump to handle night-time flows. This has the advantage of allowing the VFD to maintain wet well level even during low flows as well as it will maintain higher velocity during night time flows to minimize clogging. • Prepare alternative mechanical piping layouts and evaluate the hydraulic impacts of sewage grinders and other ancillary equipment.
Additional Wet Well Capacity	<ul style="list-style-type: none"> • Confirm existing response time from Lag 1 pump emergency level to top of wet well structure (about 4,300 gallons) and to rim elevation ignoring gravity sewer collection system storage (about 5,700 gallons). Assuming 1,400 gpm peak flow, the District only has three minutes from alarm to top of well structure and four minutes to rim elevation of manhole. • It should be noted that the emergency pump does not turn on automatically so will not help with response time if electrical or mechanical equipment fails. • Evaluate potential options to expand wet well capacity: construct additional manhole; construct additional wet well structure; install a new RFP tank; or convert the entire lower level into a wet well. Perform site evaluation to confirm feasibility for construction of any of these potential facilities. • Due to classification of the upper level if the lower level is converted to a wet well, it may make more sense to convert both the lower and upper level to a wet well structure. • Converting the existing lower level and/or upper level to a wet well structure is only feasible if a new submersible wet well manhole is constructed on-site. • Assessment of modifications to dry well to handle sewage (including penetration repair and installation of liner or coating of the dry pit floor and walls).
Improve Station Reliability	<ul style="list-style-type: none"> • Provide advantages and disadvantages of constructing a permanent emergency bypass pump that operates independently of the station's electrical equipment.

SUMMARY OF KEY ISSUES	
Issues	Tetra Tech Approach
Constructability	<ul style="list-style-type: none"> • Prepare conceptual level interim site plans to provide construction access as necessary to construct the proposed alternatives. • Identify conceptual level phasing/sequencing to minimize sewage bypass pumping and facilitate construction of proposed site improvements including the repair of the existing leak on the primary discharge pipeline and modifications to the bypass assembly. • Identify potential construction staging areas at or near the site to minimize impact to District operations and to the walking path adjacent to Aliso Creek Channel.
Miscellaneous Items	<ul style="list-style-type: none"> • Sizing of backup generator including any additional loads resulting from site alternatives. Determine AQMD requirements due to site and confirm OCFA permit requirements. • Develop conceptual control strategies reflecting alternative storage/pumping configurations. • Prepare vehicle access layouts for vector truck access to new/proposed storage facilities.

Based on our understanding of the project objectives, we feel the three critical issues to be resolved are:

1. If the dry pit configuration is maintained, include a third smaller pump/motor to handle the low flows. This will allow the District to control the lift station operation by level even during night time flows as well as decrease the frequency of clogging resulting from low velocities within the grinder and pumps during low flows.
2. Increase the wet well capacity so the District has additional response time or construct a permanent emergency pump facility.
3. Minimize the need for bypass pumping during construction of the improvements.

Our proposal is based on the following three alternatives that Tetra Tech will evaluate:

1. Replace the existing pumps within the lower level of the lift station. Use the third suction piping to construct the first new pump assembly including new grinder. Phase the replacement of the existing two pumps while maintaining the station in service. Install a smaller third pump for low flows.
2. Construct a new submersible lift station similar to Oso Lift Station while keeping the existing lift station in service. Once the new submersible lift station is in service, convert the lower and upper levels of the existing lift station to a wet well.
3. Expand existing wet well capacity by constructing an additional wet well facility and/or constructing a permanent emergency pump similar to MNWD's Regional LS Enhancements. This expansion of wet well capacity can be done concurrently with Alternative 1 or with the construction of a new submersible lift station similar to Oso Lift station. Instead of converting the upper and lower level to a wet well, either backfill and use it to place the generator or emergency pump on top of the pad or rehabilitate to be the valve vault for the submersible pump facility.

SCOPE OF WORK

The scope of work for this project consists of the following tasks. As requested in the RFP, any changes/additions/deletions have been italicized and bold to make sure they are apparent.

Task 1. Project Management and Meetings

Subtask 1a Project Management

Tetra Tech will communicate and coordinate as needed with ETWD staff to provide updates, follow up on action items, and manage the project on budget and on schedule. **Tetra Tech will** prepare and submit a concise monthly status report with the monthly invoice statement that includes the following:

- ETWD's standard form that includes a summary of expenditures by task showing total budget, billing to date, current billing, remaining amount;
- A summary of work progress/items complete for all work tasks;
- An estimate of actual percent complete based on progress compared to percent complete based on budget expended; and
- An updated progress schedule using a Gantt-type format.

Deliverables will include monthly status report and monthly invoices.

Subtask 1b Meetings

Tetra Tech will administer and lead the following meetings at a minimum for this project:

- Project Kick-Off Meeting: **Tetra Tech will** arrange and conduct a project kick-off meeting at the start of the project. The purpose will be to introduce project participants, establish lines of communications, review the accepted scope of work and the project approach, and discuss all other related information pertaining to ETWD's system.
- Progress Meetings: **Tetra Tech will** conduct monthly coordination and consultation meetings with ETWD during the course of the project. **Tetra Tech** assumes half of these meetings will be conducted in person and the other half will be virtual. For this

proposal, we have assumed four monthly meetings.

For all meetings, **Tetra Tech will** prepare and submit a meeting agenda to ETWD staff at least one business day in advance of the meeting and shall document and submit meeting minutes, highlighting action items and decisions, to ETWD staff within five days of the meeting. At each meeting, **Tetra Tech will** present and discuss an updated project schedule, project milestones, and planned activities.

Deliverables will include meeting agenda, minutes and action/decision logs.

Task 2. Data Request and Site Visit

Subtask 2a Data Request and Review

This task includes detailed review of the information provided by the District as part of the ACLS Improvement Project - Alternatives Analysis, Request for Proposals. After award, **Tetra Tech will** develop an additional data request log. ETWD will attempt to locate additional data as requested by the **Tetra Tech**.

Deliverables include a data request log.

Subtask 2b Site Visit

This task includes at least one site visit by the design team. The site visit will occur prior to a monthly progress meeting on the same day. The District's operations staff will accompany the design team and answer any questions during the visit. The focus of the visit will be to understand how the site functions, its surrounding environment with respect to the creek and nearby residents, and other constraints.

Task 3. ACLS Improvement Alternatives Analysis

Tetra Tech will determine at least three alternatives for improving ACLS. At least one alternative shall evaluate converting the entire ACLS lower level into a wet well. **Within the Key Issues section of our proposal, we have summarized the key project issues to be resolved as well as the three alternatives that we will evaluated.**

Each alternative shall separately identify modifications required to meet current peak flows as well as additional flow from The Village at Laguna

Hills development. Each alternative shall include an evaluation of pump selection, need for a separate grinder, site footprint, mechanical configuration, preliminary hydraulic calculations, constructability, structural modifications, generator sizing, and instrumentation and electrical related impacts.

Tetra Tech has included the scope of flow monitoring of two manholes upstream of the lift station. By obtaining this flow data, Tetra Tech will be able to confirm the lift station design during low and peak flow rates.

Tetra Tech will prepare AACE Class 4 capital and operational cost estimates for each alternative as part of a life cycle cost evaluation. These cost estimates shall include total project costs for design and construction. Cost estimates should leverage previous work by ETWD staff to include other site improvements for vector truck access and generator replacement. Estimates shall also include the cost to install a bypass in the secondary discharge within existing lift station limits and repair the leak in the primary header. During one of the monthly progress meetings, **Tetra Tech will** review the alternatives with ETWD in order to identify one for implementation.

Deliverables include a PowerPoint presentation of ACLS Improvement alternatives analysis, including AACE Class 4 life cycle cost estimates.

Task 4. ACLS Improvement Alternatives Analysis and Recommendation Report

Tetra Tech will provide a draft ACLS Improvement Alternatives Analysis and Recommendation Report (Report) that summarizes the alternatives analysis and more fully details the recommended alternative with more detailed hydraulic calculations, layout, constructability, structural modifications, generator sizing, and instrumentation and electrical related impacts. **Tetra Tech will** develop an AACE Class 3 cost estimate for the recommended design for implementation. This cost estimate shall include total project costs for design and construction. **Tetra Tech will** submit a draft report for ETWD review and comment, **including the following:**

- ***Analysis of the influent wet well flows based on the flow monitoring study results***
- ***Summary of preliminary hydraulic calculations***
- ***Recommended pump selection and hydraulic design point(s)***
- ***Assessment on the installation of a smaller pump and grinder***
- ***Confirm recommended locations of grinders (for dry pit alternative)***
- ***Evaluation of site layout and access and recommendation of site modifications***
- ***Evaluation and recommendation of Lift Station mechanical pump and piping configuration***
- ***Evaluation and recommendation of submersible pump facility similar to Oso Lift Station***
- ***Evaluation and recommendation for additional wet well capacity***
- ***Identify required modifications to existing storage facilities (possible retrofit of existing dry pit pump room)***
- ***Identify potential issues construction of proposed improvements***
- ***Identify recommended construction phasing***
- ***Recommendation of Lift Station control philosophy***
- ***Evaluation of generator sizing and installation constraints***
- ***Evaluation of existing instrumentation and electrical and recommendations for instrumentation and electrical improvements***

During one of the monthly progress meetings, **Tetra Tech will** review and discuss ETWD's comments. **Tetra Tech will** then develop the final Report, which incorporates all ETWD comments. The final Report will be signed and stamped by a CA Registered Professional Civil Engineer.

Deliverables include: fully searchable electronic .pdf file of the draft Report; consolidated comment log with responses; and fully searchable electronic .pdf file of the final Report.

ESTIMATED MAN HOURS

The estimated manhours for the individual tasks and subtasks are depicted within the spreadsheet below. Tetra Tech's proposed fee and schedule of hourly rates will be provided in a separate file as requested within the RFP.

ETWD Aliso Creek Lift Station Improvements Alternatives Analysis Study															
Project Phases / Tasks	Total Labor Hrs	Principal in Charge (Tom Epperson)	Project Manager 2 (Laurence Esguerra)	Project Engineer 2 (Matt Vera)	Principal in Charge (Mark Bush)	Engineer 3 (Norma Pablo)	Engineer 1 (Parrick Kol)	Sr. Project Administrator (Deana Escamilla)	Sr Project Manager (Mazen Kassar)	Project Engineer 2 (Doug Seaman)	Engineer 2 (James Roberts)	Project Manager 2 (Eric Yuen)	Project Engineer 1 (Jose Quiroz)	Sr Cadd Designer 1 (Eric Hutchins)	
		594	18	40	120	6	120	120	12	16	50	30	14	44	4
Task 1 Project Management and Meetings	48	9	19	20											
1a. Project Management	22	2	12	8											
Project Management (4 months)	8	2	6												
Monthly Status Reports (4)/Monthly Invoices (4)	14		6	8											
1b. Meetings	26	7	7	12											
Virtual Meetings (3)	12	3	3	6											
Meetings at Site (2)	14	4	4	6											
Task 2 Records Search and Records Review	54			4		14	14	2		8	4		8		
2a. Data Require and Review	30			4		8	8	2		4			4		
Record Drawing Review	30			4		8	8	2		4			4		
2b. Site Visit	24					6	6			4	4		4		
Task 3 ACLS Improvement Alternatives Analysis	348	5	13	60	6	90	94	2	8	24	16	6	20	4	
Base Map Preparation	23			1		6	16								
Flow Monitoring Study	5			1		2		2							
Pump Hydraulics/Pump Evaluation	19		1	6		12									
Mechanical Layout Evaluation	25		1	4		12	8								
Storage Requirements/Storage Siting	45		1	6		12	16					2	8		
Improve Station Reliability	9		1	4		4									
Construction Access and Misc. Items	18			4		6	8								
Alternative Site Plans (3)	52	2	4	12		16	18								
Construction Phasing	19	1	2	4		4	8								
Conceptual Interim Site Plans and Phasing	17		1	4		4	8								
Temporary Bypassing Assessment	13	1		4		4	4								
ACLS Lower Level Retrofit	16			2								2	8	4	
Electrical Improvements	18								2	8	8				
Instrumentation Improvements	18								2	8	8				
Generator Sizing and Relocation	6								2	4					
Cost Estimates (AACE Class 4)	39	1	2	8		8	8		2	4		2	4		
QA/QC	6				6										
Task 4 ACLS Improvement Alternatives Analysis	144	4	8	36	-	16	12	8	8	18	10	8	16		
Draft Report	82	2	4	24		8	8	6	4	8	6	4	8		
Final Report	39	1	2	8		4	4	2	2	6	4	2	4		
Cost Estimate (AACE Class 3)	23	1	2	4		4			2	4		2	4		
QA/QC	6				6										

PROJECT TEAM

Tetra Tech has a depth of resources for staffing this project with experienced and qualified personnel. We have included a Project Team Chart for the Final Design. The chart defines the project role of each key team member and delineates the communication and reporting relationships among key project staff. Brief resumes are included within the Appendix.



REFERENCES

Based on our successfully completed ETWD projects, especially the Oso Lift Station Improvements, we believe the District is one of our best references. Our goal for this project is to continue to provide the same high-quality service the District expects and deserves.

SATISFIED CLIENTS

Client satisfaction is a major objective for Tetra Tech. This commitment to our clients has earned us the privilege of providing continuous service to several of our below listed references. We believe that our clients will attest to our technical experience and responsive staff, and we encourage you to contact our references to verify our past performance firsthand.

City of Santa Ana Armando Fernandez, PE 714/647-3316 afernandez@santa-ana.org 2 Lift Stations	MNWD Water District Rodney Woods, PE 949/425-3547 rwoods@mnwd.com 2 Lift Stations	Orange County Water District Mike Markus, PE 714/378-3305 mmarkus@ocwd.com 2 Pump Stations and Well Injection	Irvine Ranch Water District Richard Mori, PE 949/453-5571 Mori@irwd.com 2 Lift Stations and 4 Diversion Structures	NAVFAC Southwest Allan Tomayo 619/545-8020 3 Lift Stations
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SCHEDULE

Tetra Tech has reviewed current and planned workload schedules for our project team, and are available to immediately begin work on this project. The following presents our proposed project schedule.

Milestone	Key Milestone Dates
Notice of Award	September 25, 2023
Kick-off Meeting	October 3, 2023
Aliso Creek Lift Station Site Visit	Week of October 16, 2023
ACLS Improvement Alternatives Analysis – Preliminary Alternatives Discussion	October 25, 2023
ACLS Improvement Analysis Alternatives Meeting	November 8, 2023
ETWD Review/Confirmation of Selected Alternative (2 Week)	November 22, 2023
Submit Draft ACLS Improvement Alternatives Analysis and Recommendation Report	December 14, 2024
ETWD Review/Comment Return	January 9, 2024
Final Report Submittal	January 16, 2024

Appendix A

Resumes

Education

BS, Environmental
Engineering, University of
California, Irvine, 1978

Registration

Professional Civil Engineer,
California, No. 36399, 1983

Years of Experience

42

Years with Tetra Tech

31

Tom Epperson, PE

Project Manager

Mr. Epperson has more than 42 years of professional experience in water, wastewater, and reclaimed water engineering. Tom has been responsible for the preparation of water, wastewater, and reclaimed water master plans; project design reports for various water, wastewater, and reclaimed water facilities; and the planning and design of water, wastewater, and reclaimed water pipelines, along with pump stations and reservoirs.

Mr. Epperson's experience includes completing the design, bidding, and construction management of over 300 miles of water/reclaimed water/sewer mains, 40 water/reclaimed water pump stations, 20 wellhead facilities, 15 sewer lift stations, and 28 water and reclaimed water storage

reservoirs throughout Southern California.

PROJECT EXPERIENCE

Regional Lift Station Force Main Replacement, Moulton Niguel Water District. Project Manager. Provided engineering services for the replacement of approximately 15,000 linear feet of 20-inch and 24-inch Techite sewer force main within Laguna Niguel Regional Park. Regional Lift Station and Force Mains are critical wastewater facilities that pump flow from MNWD sewer collection system to South Orange County Wastewater Authority Regional Treatment Plant. The replacement force main consists of dual 24-inch pipeline approximately 8,000 feet length and will be constructed within Laguna Niguel Regional Park. Scope of services include preliminary design, final design and construction phase services.

Oso Lift Station Improvement Project, El Toro Water District. Mr. Epperson is the project manager providing engineering services for the relocation of the existing lift station to a new property within Laguna Woods. The work includes a preliminary analysis of sewer flows for the basis of design, evaluating pumps to select the most efficient for the lift station demands, configuring the site to accommodate new construction while the existing remains in service, evaluating on-site storage and response times, considering odor control alternatives and converting the existing wet well into an emergency storage basin.

San Lorenzo Sewage Lift Station, City of Santa Ana. Project Manager. Prepared plans, specifications, and cost estimates to construct a new sewer lift station on San Lorenzo Avenue within the City of Santa Ana. The improvements included a wet well, dry well, three variable frequency drive pumps, aboveground CMU block control room, emergency generator, hardscape and landscape improvements and approximately 1,300 linear feet of new sewer main.

Lower Salada Lift Station Rehabilitation, Moulton Niguel Water District. Project Manager. Design and construction of a rehabilitation of the Lower Salada Lift Station, including rehab of the existing wet well and replacement of existing valves.

Coastal Ridge Lift Station, Irvine Ranch Water District. Project Manager. Design of a 260 gpm lift station with a required lift of approximately 285 feet. The project included the design of a wet well, dry well pump room, and meter vault.

Regional Lift Station Force Main Replacement Study, Moulton Niguel Water District. Project Manager for the preparation of the Regional Lift Station Force Main Replacement Study which included: developing design criteria; trenchless rehabilitation of the existing force mains; alternative alignments; hydraulic analysis; impacts of each alternative on the existing lift station; selection of the recommended alternative; summary of creek crossings, construction issues, and regulatory issues; and preliminary cost estimates and schedule for the force main replacement.

Education

BS, Civil and Environmental Engineering, University of California, Irvine, 1997

Registration

Professional Civil Engineer, California, No. 60477, 2000

Years of Experience

28

Years with Tetra Tech

28

Mark Bush, PE

QA/QC

Mark Bush's 28-year career has been focused on the design and construction of water and wastewater projects. He is responsible for the completion of more than 150 miles of potable water, recycled water, and sewer mains, 30 potable water, recycled water and sewer pump stations and well projects. Mr. Bush's background includes new design and rehabilitation of existing facilities. He understands the challenges of modifying existing facilities. Mark has recent experience completing projects in the San Diego region that included permitting with Caltrans and the crossing of environmentally sensitive areas such as the recently completed the 54" Carlsbad Desalination Conveyance Pipeline and the

Highway 76 East Segment Realignment projects, both located in Oceanside.

PROJECT EXPERIENCE

Sewer Lift Station Evaluations, Moulton Niguel Water District, Laguna Niguel, CA. QA/QC. Evaluated the existing mechanical and electrical conditions of five sewage lift stations throughout the District to increase reliability of the sewage collection system. Recommended anticipated improvements include wet well expansions, pipe and valve replacement, electrical and lighting improvements, and added standby generators.

Mid-Basin Injection: Centennial Park Design Services, Orange County Water District, Fountain Valley, CA. QA/QC. Responsible for the QA/QC of the design of four injection wells placed within Centennial Park in the City of Santa Ana for Orange County Water District. In addition to the engineering services for the four injection wells, the project includes the design of the supply pipeline, backflush pipeline, bridge crossing, two shared facility sites, a monitoring well site, site improvements, and paving of park access roads and parking lots.

Michigan and Harrison Road Sanitary Sewer Improvements, City of East Lansing, MI. QA/QC. Reviewed plans and specifications for critical sanitary sewer infrastructure upgrades that included the construction of a new inverted siphon river crossing, new conveyance piping ranging in diameter from 8 to 54-inches, two new combined sewer regulator structures, as well as the modification of several control structures, new storm sewers, and rehabilitation of 24-inch sanitary sewers within the limits of Michigan State University campus.

San Lorenzo Sewage Lift Station, City of Santa Ana. QA/QC. Reviewed plans, specifications, and cost estimates to construct a new sewer lift station on San Lorenzo Ave. within the City of Santa Ana. The improvements included a wet well, dry well, three variable frequency drive pumps, aboveground CMU block control room, emergency generator, hardscape and landscape improvements and approximately 1,300 linear feet of new sewer main.

Sewer Lift Station and Force Main Evaluation, South Coast Water District, Laguna Beach, CA. Lead Project Engineer on the project to perform an inventory and assessment of the District's existing lift stations and force mains, recommended upgrades/modifications, provided cost estimates and prioritize the recommended improvements. The project covered 11 of the District's 14 existing lift stations that were not currently being rehabilitated and all 14 of the existing force mains.

Magnolia Trunk Sewer and S-25 Sewer Lift Station Modifications, Long Beach Water Department, Long Beach, CA. Project Engineer for the design of approximately 800 feet of 21-inch VCP in downtown Long Beach on Magnolia Ave. and Ocean Blvd. The project also included modifications to the existing S-25 sewer lift station that removed a smaller pump and replaced it with a large sewage pump, reconfigured the pump discharge piping, and added an MOV consequently the City could abandon an aging 8-inch force main and use the new 12-inch force main that ultimately discharges into the new 21-inch Magnolia Trunk Sewer.

Education

BS, Civil Engineering,
University of California,
Irvine, 2004

Registration

Professional Civil Engineer,
California, No. 73803, 2009

Years of Experience

20

Years with Tetra Tech

20

Laurence Esguerra, PE

Assistant Project Manager

Mr. Esguerra has over 20 years of experience in water and wastewater specializing in the design of over 75 miles of potable water, recycled water and sewer pipelines, 5 pump stations, 5 production wells, 7 lift stations, reinforced concrete and steel reservoirs, flow control facilities, and pressure reducing valve vaults. Along with his extensive technical skills in water/wastewater Mr. Esguerra is experienced in project management by leading multi-disciplinary projects through preliminary design, final design and construction.

PROJECT EXPERIENCE

Regional Lift Station Force Main Replacement, Moulton Niguel Water District. Assistant Project Manager providing engineering services for the replacement of approximately 15,000 linear feet of 20-inch and 24-inch Techite sewer force main with Laguna Niguel Regional Park. Regional Lift Station and Force Mains are critical wastewater facilities that pump flow from MNWD sewer collection system to South Orange County Wastewater Authority Regional Treatment Plant. The replacement force main consists of dual 24-inch pipeline approximately 8,000 feet length and will be constructed with Laguna Niguel Regional Park. Scope of services include preliminary design, final design and construction phase services.

Crown Valley Pipeline Replacement, Moulton Niguel Water District. Project Manager for the replacement of the I.D. No. 1 Master Meter and the accompanying interconnecting piping between the South Coast Water District's Joint Transmission Main and the MNWD's proposed Crown Valley Transmission Main. Project consists of three components: Lower Salada Lift Station Force Main Replacement (approx. 9,400 LF of dual force mains), Crown Valley Parkway Transmission Main Lower Reach Replacement (approx. 9,700 LF of transmission main), and I.D. No. 1 Master Meter Relocation. Master Meter Relocation consists of existing utility relocations; new below-grade vault; new mechanical piping and appurtenances; retaining wall; 16-inch steel piping; site grading; miscellaneous electrical and SCADA improvements.

San Lorenzo Sewage Lift Station, City of Santa Ana. Project Engineer. Prepared plans, specifications, and cost estimates to construct a new sewer lift station on San Lorenzo Avenue within the City of Santa Ana. The improvements included a wet well, dry well, three variable frequency drive pumps, aboveground CMU block control room, emergency generator, hardscape and landscape improvements and approximately 1,300 linear feet of new sewer main.

Talega Lift Station Super Oxygen Generation System, Santa Margarita Water District. Project Engineer. Oversaw the development of the preliminary design memorandum of an odor control system using super oxygenation technologies.

Lower Salada Lift Station Rehabilitation, Moulton Niguel Water District. Project Engineer. Design and construction of a rehabilitation of the Lower Salada Lift Station, including rehab of the existing wet well and replacement of existing valves.

Upper Salada Sewage Lift Station Replacement of Oxygen Generation System, Moulton Niguel Water District. Design Engineer. Design services for the replacement of an oxygen gas generator for the existing odor control system.

Regional Lift Station Force Main Replacement Study, Moulton Niguel Water District. Design Engineer for the preparation of the study which included: developing design criteria; trenchless rehabilitation of the existing force mains; alternative alignments; hydraulic analysis; impacts of each alternative on the existing lift station; selection of the recommended alternative; summary of creek crossings, construction issues, and regulatory issues; and preliminary cost estimates and schedule for the force main replacement.

Education

BS, Civil Engineering,
University of California,
Irvine, 2013

Registration

Professional Civil Engineer,
California, No. 86663, 2016

Years of Experience

10

Years with Tetra Tech

5

Matt Vera, PE

Project Engineer

Mr. Vera has provided design engineering in various water and wastewater projects including domestic and reclaimed water pipelines, gravity sewer mains, sewer main rehabilitations, pump stations, lift stations, wells, flow control facilities, and pressure reducing valve vaults. Responsibilities have included preparation of construction plans, specifications, and design calculations; assisted supervisors in preparing project reports and memorandums.

PROJECT EXPERIENCE

Regional Lift Station Force Main Replacement, Moulton Niguel Water

District. Project Engineer providing engineering services for the replacement of approximately 15,000 linear feet of 20-inch and 24-inch Techite sewer force main with Laguna Niguel Regional Park. Regional Lift Station and Force Mains are critical wastewater facilities that pump flow from MNWD sewer collection system to South Orange County Wastewater Authority Regional Treatment Plant. The replacement force main consists of dual 24-inch pipeline approximately 8,000 feet length and will be constructed with Laguna Niguel Regional Park. Scope of services include preliminary design, final design and construction phase services.

Regional Treatment Plant Southerly Influent Sewer Improvements, Moulton Niguel Water District. Design Engineer for the modification and rehabilitation of to the southerly influent sewers for South Orange County Wastewater Authority's Regional Treatment Plant. The project consisted of the demolition and replacement of the existing influent structures to consolidate flows into the plant, the rehabilitation of approximately 700 LF of existing 36-inch diameter sewers with cured-in-place pipe lining, the installation of a new cast-in-place diversion structure and the rehabilitation of the existing 72-inch manholes. A flow metering structure and flow metering equipment were also added to the influent sewers to allow for more accurate pre-treatment chemical dosing. Site improvements were made to improve egress and ingress for the District including the addition of a supplemental access gate and access road. Conceptual bypass plans and construction sequence were of key importance as the Regional Treatment Plant influent sewers cannot be off-line.

2018-2019 Reservoir Management Systems Replacement, Moulton Niguel Water District. Project Engineer for a bulk sodium hypochlorite dosing system at five of its 20 potable water reservoir sites. This project was third phase of the District's system-wide improvements to standardize its chemical facility buildings and equipment types. The improvements consisted of the removal of the existing ClorTec facility and construction of a reservoir management system (RMS) building with separate ammonia and sodium hypochlorite rooms, including chemical tanks, metering pumps, reservoir mixers, piping to and from the reservoirs, spill containment, emergency shower and eyewashes, return mixing pumps and grading to ensure the new building lies seamlessly within the existing on-site facilities.

Crown Valley Pipeline Replacement, Moulton Niguel Water District. Project Engineer for the replacement of the I.D. No. 1 Master Meter and the accompanying interconnecting piping between the South Coast Water District's Joint Transmission Main and the MNWD's proposed Crown Valley Transmission Main. The Crown Valley Pipeline Replacements Project consists of three components: Lower Salada Lift Station Force Main Replacement (approximately 9,400 LF of dual force mains), Crown Valley Parkway Transmission Main Lower Reach Replacement (approximately 9,700 LF of transmission main), and I.D. No. 1 Master Meter Relocation. The Master Meter Relocation consists of existing utility relocations; new below-grade vault; new mechanical piping and appurtenances; retaining wall; 16-inch steel piping; site grading; miscellaneous electrical and SCADA improvements.

Education

BS, Civil Engineering,
California State Polytechnic
University, Pomona, 2007

MS, Structural Engineering,
California State Polytechnic
University Pomona, 2016

Registrations

Professional Civil Engineer,
California, No. 75983, 2009

Professional Structural
Engineer, California,
No. 6177, 2014

Years of Experience

16

Years with Tetra Tech

16

Eric Yuen, PE, SE

Structural Design

Mr. Yuen has more than 16 years of experience in the design, analysis and detailing in structural engineering. Eric is knowledgeable in reinforced concrete, masonry, structural steel and wood frame design, and construction for a variety of building and infrastructure projects including reservoirs, water/wastewater treatment facilities, as well as seismic retrofit of existing structures.

PROJECT EXPERIENCE

Regional Lift Station Force Main Replacement, Moulton Niguel Water District. Structural Project Engineer providing engineering services for the replacement of approximately 15,000 linear feet of 20-inch and 24-inch Techite sewer force main with Laguna Niguel Regional Park. Regional Lift Station and Force Mains are critical wastewater facilities that pump flow from MNWD sewer collection system to South Orange County Wastewater Authority Regional Treatment Plant. The replacement force main consists of dual 24-inch pipeline approximately 8,000 feet length and will be constructed

with Laguna Niguel Regional Park. Scope of services include preliminary design, final design and construction phase services.

Burris Pump Station, Orange County Water District. Structural Project Engineer. Design of the new Burris Pump Station which consists of four 1,750 horsepower vertical turbine pumps delivering a maximum flow rate of 200 cfs to the Santiago Basins from Burris Basin. Work consisted of reviewing the existing Burris Pump Station Evaluation Report, assisting OCWD with selecting a replacement option, performing final design of the selected option and providing bid and construction phase services. The project also includes unique designs, such as 190,000 cubic yards of earthwork to be completed prior to pump station construction, the construction of a 55-foot diameter by 55-foot-high circular wet well which was computer and physically modeled during design for flow characteristics, and the construction of an 180,000-gallon surge suppression system.

Timber Ridge Booster Pump Station Replacement, Yorba Linda Water District. Structural Project Manager. Project includes engineering planning, design and construction-phase services for the replacement of an existing 35-year old booster pump station. The District contracted Tetra Tech to design and construct a new CMU block pump station building; replace the existing gas engine pump and enclosure with a new electric driven pump/motor with the same or greater rated capacity; install an emergency natural gas engine driven generator set; install two bladder tanks for surge protection for the 1000 Zone and 1300 Zone; replace existing direct buried mag meters on the 1300 Zone and 1160 Zone discharge piping with above ground meters; and replace and upgrade the existing electrical equipment.

Fleming Zone 8 Tank and Zone 8 to 9 Booster Pump Station Demolition and Replacement, Irvine Ranch Water District. Structural Project Manager. Engineering design services for demolition and replacement of an existing above ground 0.15 MG Zone 8 steel tank and Zone 8 to 9 pump station consisting of two 600 gpm vertical turbine pumps each equipped with a 60 horsepower motor. The Fleming pump station site also contains an existing administrative building with a conference room and restroom, two storage buildings, and an AT&T cellular antenna facility. Services also include storage building replacement; reservoir management system building with sodium hypochlorite and aqueous ammonia storage and feed systems and an "in-tank" chemical injection and mixing system; a 2,000 gallon diesel fuel storage tank and dispensing system; and site electrical service, controls, and telemetry improvements.

Education

BS, Electrical Engineering,
California State University,
Long Beach, 1990

Registrations

Professional Electrical
Engineer, California,
No. 15809, 1998

General Construction,
Class B, California,
No. 777845, 2008

Years of Experience

31

Years with Tetra Tech

14

Mazen Kassar, PE

Electrical/Controls

Mr. Kassar has more than 31 years of experience in electrical engineering and industry standards that include electrical engineering staff management, project management, construction management and supervision, water and wastewater treatment, petro-chemical design, and environmental soil and groundwater treatment. Mazen's background includes designing medium and low voltage power distribution, instrumentation design, control systems and SCADA systems for a wide variety of projects, and the installation of electrical systems for remediation projects, including soil vapor extraction systems, and groundwater pump and-treat systems.

PROJECT EXPERIENCE

Regional Lift Station Force Main Replacement, Moulton Niguel Water District. Electrical Project Manager providing engineering services for the replacement of approximately 15,000 linear feet of 20-inch and 24-inch Techite sewer force main within Laguna Niguel Regional Park. Regional Lift Station and Force Mains are critical wastewater facilities that pump flow from MNWD sewer collection system to South Orange County Wastewater Authority Regional Treatment Plant. The replacement force main consists of dual 24-inch pipeline approximately 8,000 feet length and will be constructed within Laguna Niguel Regional Park. Scope of services include preliminary design, final design and construction phase services.

San Lorenzo Sewage Lift Station, City of Santa Ana. Electrical Project Manager. San Lorenzo Sewage Lift Station improvements include a wet well, dry well, three variable frequency drive pumps, aboveground CMU block control room, emergency generator, hardscape and landscape improvements, and approximately 1,300 linear feet of new sewer main. As the Electrical Engineer Mr. Kassar preformed electrical power system studies that included load flow, short circuit, and arc flash calculations.

Maxine Lift Station Bypass Connection, City of Santa Ana. Electrical Project Manager. The purpose of the Maxine Lift Station Bypass Connection Project was to install a connection on the existing force main that would allow the City to bypass sewer flows around the existing lift station utilizing a portable pump from the existing wet well to the force main. Managed the electrical power system studies which included load flow, short circuit, and arc flash calculations.

Burris Pump Station, Orange County Water District. Electrical Engineer for the design of the new Burris Pump Station which consists of four 1,750 horsepower vertical turbine pumps delivering a maximum flow rate of 200 cfs to the Santiago Basins from Burris Basin. Work consists of reviewing the existing Burris Pump Station Evaluation Report, assisting OCWD with selecting a replacement option, performing final design of the selected option and providing bid and construction phase services. The project also includes unique designs, including 190,000 cubic yards of earthwork to be completed prior to pump station construction, the construction of a 55-foot diameter by 55-foot-high circular wet well which was computer and physically modeled during design for flow characteristics, and the construction of an 180,000-gallon surge suppression system.

Package 1 Sewer Lift Station Improvements, NAVFAC Southwest, Marine Corps Base, Camp Pendleton. Lead Electrical Engineer for the Package 1 sewer lift station improvements project includes providing all design-build services to upgrade nine existing lift stations. The design of the upgrades includes the addition of emergency generators and communication connections to NAVFAC's Unity system, as well as designing and installing site lighting. At two of the existing lift stations, new grinders were designed to replace an existing one. The project included design of plans and specifications.

Appendix B

Project Descriptions

Laguna Woods, CA



Construction Fee

Schedule

2017 - 2021

Key Team Members

Tom Epperson, PE
Project Manager

Laurence Esguerra, PE
Project Engineer

Matt Vera, PE
Design Engineer

Reference

El Toro Water District
Dennis Cafferty, PE
949/837-7050, ext. 223
dcafferty@etwd.com

The main project objective was to improve the reliability and serviceability of the Oso Lift Station and associated equipment and infrastructure. A preliminary evaluation of the project alternatives was completed by Tetra Tech in April 2015. The information and recommendations presented in the Evaluation Memorandum was used to reach consensus to proceed with final design. ETWD decided to construct a New Lift Station as shown in the Evaluation Memorandum. This alternative required additional property from the City of Laguna Woods.

- Performing sewer monitoring to get more reliable flow data for a basis of design.
- Selecting pumps with the most efficiency to meet the specific demands of the Oso facility.
- Configuring the site to accommodate new construction while the existing pump station remains in service.
- Evaluating on-site storage and associated response times.
- Evaluating odor control options and measures.
- Evaluating potential emergency overflow to the Mouton Niguel Water District collection system.
- Replacing the standby generator.
- Relocating the bypass vault to within the ETWD's property.

- Constructing a new wet well with submersibles pumps and motors.
- Relocating and replacing the existing generator.
- Converting the existing wet well into an emergency storage basin and constructing the associated overflow piping.
- Constructing a new valve and meter vault.
- Demolishing the existing lift station.

Regional Lift Station Enhancements

Laguna Niguel, CA



Moulton Niguel Water District (MNWD) wished to improve the reliability of the Regional Lift Station by adding an on-site standby pump. The Backup System, Godwin Dri-Prime Backup System, provides independently-powered backup pumping in one dependable package unit and will engage during loss of power (whether scheduled or emergency), routine pump maintenance, or when the existing pumps cannot handle extreme flow events. In addition, the MNWD desired downsizing and modification of Pump No. 5 to handle low flows and evaluating adding additional wet well capacity.

After analyzing the existing flows and evaluating three Godwin pump models (CD400M, CD500M and NC350M), it was determined the CD500M pump can meet the flow capacities of the lift station without overflowing the storage provided by the existing wet well and the proposed overflow wet well, except for during extreme wet weather events. The downside of the higher capacity of the CD500M is that the pump will require multiple on/off cycles per hour during lower flows and results in a longer duration before the pump is primed. To address those concerns, the suction piping and operating levels were designed to self-prime a majority of the suction line and minimize the need to cycle on and off throughout normal flows. The CD400M meets the flow capacity for the majority of the typical day but is expected to have short periods of overflow during typical daily flows in amounts not exceeding the capacity of the overflow basin, with the exception of extreme wet weather events.

The existing wet well provides approximately 10 minutes of storage under average daily flows and approximately 5 minutes of storage during typical daily peak flows. A second wet well facility for additional storage capacity was desired. The proposed facilities would be located within an existing overflow detention area on site with the reconfiguration of the adjacent gravity sewer pipelines, as required.

The additional wet well facility would need to be constructed while the lift station is operational. The following four alternatives were evaluated:

- Replacement of the existing manhole with a larger diameter precast manhole.
- Constructing a cast-in-place maximizing the capacity within the detention basin footprint.
- Constructing a cast-in-place or pre-cast concrete structure.
- Construction a fiberglass reinforced plastic tank structure.

It was determined a 12-foot diameter pre-cast concrete manhole connecting to the existing manhole would be the most cost-effective option. The installation of the new pre-cast manhole adjacent to the existing offers a shorter installation time compared to the other options, while still providing the required storage capacity to prevent spillage into the overflow detention area.

Fee

\$3,500,000

Schedule

2018 - 2022

Key Team Members

Tom Epperson, PE
Project Manager

Matt Vera, PE
Project Engineer

Mazen Kassar, PE
Electrical Engineer

Reference

Moulton Niguel Water District
David Larsen, PE
949/425-3578
dlarsen@mnwd.com

San Lorenzo Sewer Lift Station

Santa Ana, CA

Fee

\$7,000,000

Schedule

2014 - 2019

Key Team Members

Tom Epperson, PE
Project Manager

Mark Bush, PE
QA/QC

Laurence Esguerra, PE
Project Engineer

Mazen Kassar, PE
Electrical Engineer

Reference

City of Santa Ana
Rudy Rosas, PE
714/647-3379
rrosas@santa-ana.org



Tetra Tech provided design engineering services for the

preparation of plans, specifications and cost estimates to construct a new sewer lift station on San Lorenzo Avenue within the City of Santa Ana. The new San Lorenzo Lift Station replaces an existing smaller submersible lift station located within Bristol Street, a heavily traveled arterial. This project included preliminary and final design including pump selection, hydraulic analysis, pipeline alignment and site and building layout studies. An environmental impact report was prepared for the project and mitigation measures incorporated into the final design. The challenges on this project included deep excavation (approximately 35 feet), a tight site requiring vertical shoring, heavily traveled streets, adjacent residences and businesses and maintaining flow within the sewer system. The final design of the project included:



- A temporary bypass to maintain sewer flow during construction of the new lift station.
- Three 20 horsepower, 1,200 gpm variable frequency drive pumps, protected from clogging by in-line grinders.
- Cast-in-place concrete wet well and dry well.
- Above ground CMU building for electrical equipment and odor control.
- Gravity scrubber utilizing activated carbon scrubber for odor control.
- Mechanical piping including epoxy lined ductile iron piping, plug valves and a magnetic flow meter.
- Forced air ventilation in the wet well (exhaust and intake).
- HVAC design for the electrical control room.
- Connect an existing emergency diesel fueled generator to the new lift station.
- Electrical conduit installed by horizontal direction drilling.
- 600 linear feet of two 10-inch diameter parallel PVC sewer force main.
- 950 linear feet of 12 and 15-inch diameter PVC gravity sewer design.

Burris Pump Station Replacement

Anaheim, CA



Fee

\$1,300,000

Schedule

2013 - 2017

Key Team Members

Tom Epperson, PE
Project Manager

Laurence Esguerra, PE
Project Engineer

Eric Yuen, PE, SE
Structural Engineer

Mazen Kassar, PE
Electrical Engineer

Reference

Orange County Water
District
Mike Markus, PE
714/378-3305
mmarkus@ocwd.com

Orange County Water District (OCWD) operated the previous Burris Pit Pump Station for over 20 years. However, due to the design of the existing pump station, the OCWD was not able to properly maintain or replace the existing pumps and motors. The OCWD elected to completely replace the existing pump station. The project was constructed to minimize disruption to the existing pump station and basin with the intent of meeting the OCWD's goal of "No Water to the Ocean." The new pump station includes four 1,750 horsepower vertical turbine pumps delivering a maximum flow rate of 200 cfs to the Santiago Basins from the Burris Basin. The new pump station includes a 55 foot diameter by 50 foot high wet well, trash rack, dual 96-inch intake pipelines and a 108,000 gallon surge suppression system. After completion of the new facility, the old pump station was taken out of service, useful equipment salvaged, the building was demolished and the new pump station was connected to the existing pipeline.

Prior to construction of the new pump station, Burris Pump Station Phase 1 constructed an earthen berm within the existing Burris Pit to surround the future wet well, trash rack and intake pipelines which was constructed during Phase 2. Phase 1, allowed OCWD to operate the basin during construction of new pump station. Over 190,000 cubic yards of on-site material was moved to complete Phase 1 in November 2013 and the basin was in operation for the 2013-2014 storm season. Phase 2 began in September 2014 and completed in November 2017. The final design of the project included:

- Construction of an earthen berm to allow operation of the existing basin and pump station during construction of the new pump station.
- Four 1,750 horsepower vertical turbine pumps, two variable frequency drive pumps, two constant speed pumps with soft start.
- Cast-in-place concrete wet well (55 foot diameter by 50 foot high).
- 108,000 gallon surge suppression system.
- HVAC design for the electrical control room and washroom.
- Package sewer lift station consisting of submersible pumps, valve vault and control panel.
- Connection to existing 66-inch steel discharge pipeline.
- Overhead bridge crane for pump and motor removal.
- Electronic davit crane system for wet well access.

Fee Proposal



August 23, 2023

Rory Harnisch
El Toro Water District
24251 Los Alisos Blvd
Lake Forest, California 92630

**Reference: Fee Proposal to Provide Engineering Services
Aliso Creek Lift Station Improvements Alternatives Analysis Study**

Dear Mr. Harnisch,

Tetra Tech is pleased to submit our fee proposal in response to El Toro Water District's (District) Request for Proposal (RFP) to provide engineering services for the Aliso Creek Lift Station Improvements Alternatives Analysis Study. Pursuant to the RFP, we are providing this Fee Proposal in a separate email.

Our technical proposal, project understanding, scope of work, and schedule form the basis of our Fee Proposal. Attached is a detailed spreadsheet showing staff-hour breakdown consistent with the requirements of the RFP. Our proposed total not-to-exceed labor and other direct cost fee for Tetra Tech and subconsultants is \$120,000. Also included herewith is our 2024 Hourly Charge Rate and Expense Reimbursement Schedule.

The District is counted among Tetra Tech's most valued clients, and we are excited about the opportunity to continue to grow this relationship by delivering a project that exceeds your expectations.

Should you have any questions or wish to discuss the information presented in our proposal, please feel free to contact me at 949/809-5156 or via email at tom.epperson@tetrattech.com.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Tom Epperson', written over a horizontal line.

Tom Epperson, PE
Vice President

M:\Marketing\Proposals\FY 2023\ETWD_Aliso Creek LS Analysis

Price Proposal																Price Summary / Totals				
ETWD Aliso Creek Lift Station Improvements Alternatives Analysis Improvements study for the Aliso Creek Lift Station Submitted to: El Toro Water District (Attn: Rory Harnisch) Contract Type: T&M		340.00	260.00	170.00	340.00	140.00	115.00	130.00	305.00	170.00	125.00	260.00	155.00	148.00	Task Pricing Totals			120,000		
															Specify Add'l Fees on Setup			0		
		Civil/Mechanical	Civil/Mechanical	Civil/Mechanical	Civil/Mechanical	Civil/Mechanical	Civil/Mechanical	Civil/Mechanical	Civil/Mechanical	Electrical/Controls	Electrical/Controls	Electrical/Controls	Structural	Structural	Structural	Technology Use Fee				
															Total Price			120,000		
															Pricing by Resource					
	Total Labor Hrs	Principal in Charge (Tom Epperson)	Project Manager 2 (Laurence Eguerra)	Project Engineer 2 (Matt Vera)	Principal in Charge (Mark Bush)	Engineer 3 (Norma Pablo)	Engineer 1 (Patrick Kol)	Sr. Project Administrator (Deana Escamilla)	Sr Project Manager (Mazen Kasar)	Project Engineer 2 (Doug Seaman)	Engineer 2 (James Roberts)	Project Manager 2 (Eric Yuen)	Project Engineer 1 (Jose Quiroz)	Sr Cadd Designer 1 (Eric Hutchins)	Labor Rate Esc.	Labor	Subs	ODCs	Task Pricing Totals	
Project Phases / Tasks	600	18	40	120	12	120	120	12	16	50	30	14	44	4	0.00%	101,342	18,400	258	120,000	
Task 1 Project Management and Meetings	48	9	19	20												11,400		100	11,500	
1a. Project Management	22	2	12	8												5,160			5,160	
Project Management (4 months)	8	2	6													2,240			2,240	
Monthly Status Reports (4)/Monthly Invoices (4)	14		6	8												2,920			2,920	
1b. Meetings	26	7	7	12												6,240		100	6,340	
Virtual Meetings (3)	12	3	3	6												2,820			2,820	
Meetings at Site (2)	14	4	4	6												3,420		100	3,520	
Task 2 Records Search and Records Review	54			4		14	14	2		8	4		8			7,610		90	7,700	
2a. Data Require and Review	30			4		8	8	2		4			4			4,280			4,280	
Record Drawing Review	30			4		8	8	2		4			4			4,280			4,280	
2b. Site Visit	24					6	6			4	4		4			3,330		90	3,420	
Task 3 ACLS Improvement Alternatives Analysis	348	5	13	60	6	90	94	2	8	24	16	6	20	4		54,762	18,400	38	73,200	
Base Map Preparation	23			1		6	16									2,850		38	2,888	
Flow Monitoring Study	5			1		2		2								710	18,400		19,110	
Pump Hydraulics/Pump Evaluation	19		1	6		12										2,960			2,960	
Mechanical Layout Evaluation	25		1	4		12	8									3,540			3,540	
Storage Requirements/Storage Siting	45		1	6		12	16					2	8			6,560			6,560	
Improve Station Reliability	9		1	4		4										1,500			1,500	
Construction Access and Misc. Items	18			4		6	8									2,440			2,440	
Alternative Site Plans (3)	52	2	4	12		16	18									8,070			8,070	
Construction Phasing	19	1	2	4		4	8									3,020			3,020	
Conceptual Interim Site Plans and Phasing	17		1	4		4	8									2,420			2,420	
Temporary Bypassing Assessment	13	1		4		4	4									2,040			2,040	
ACLS Lower Level Retrofit	16			2								2	8	4		2,692			2,692	
Electrical Improvements	18								2	8	8					2,970			2,970	
Instrumentation Improvements	18								2	8	8					2,970			2,970	
Generator Sizing and Relocation	6								2	4						1,290			1,290	
Cost Estimates (AACE Class 4)	39	1	2	8		8	8		2	4		2	4			6,690			6,690	
QA/QC	6				6											2,040			2,040	
Task 4 ACLS Improvement Alternatives Analysis	150	4	8	36	6	16	12	8	8	18	10	8	16			27,570		30	27,600	
Draft Report	82	2	4	24		8	8	6	4	8	6	4	8			14,230		30	14,260	
Final Report	39	1	2	8		4	4	2	2	6	4	2	4			6,770			6,770	
Cost Estimate (AACE Class 3)	23	1	2	4		4			2	4		2	4			4,530			4,530	
QA/QC	6				6											2,040			2,040	
Totals	600	18	40	120	12	120	120	12	16	50	30	14	44	4		101,342	18,400	258	120,000	



2024

HOURLY CHARGE RATE AND EXPENSE REIMBURSEMENT SCHEDULE

	<u>2024</u>		<u>2024</u>
Project Management		Construction	
Project Manager 1	\$225.00	Construction Project Rep 1	\$80.00
Project Manager 2	\$260.00	Construction Project Rep 2	\$87.00
Sr Project Manager	\$305.00	Sr Constr Project Rep 1	\$103.00
Program Manager	\$340.00	Sr Constr Project Rep 2	\$118.00
Principal in Charge	\$340.00	Construction Manager 1	\$168.00
		Construction Manager 2	\$190.00
		Construction Director	\$238.00
Engineers		General & Administrative	
Engineering Technician	\$80.00	Project Assistant 1	\$68.00
Engineer 1	\$115.00	Project Assistant 2	\$77.00
Engineer 2	\$125.00	Project Administrator	\$97.00
Engineer 3	\$140.00	Sr Project Administrator	\$130.00
Project Engineer 1	\$155.00	Sr Graphic Artist	\$154.00
Project Engineer 2	\$170.00	Technical Writer 1	\$100.00
Sr Engineer 1	\$175.00	Technical Writer 2	\$126.00
Sr Engineer 2	\$185.00	Sr Technical Writer	\$158.00
Sr Engineer 3	\$225.00		
Principal Engineer	\$305.00		
Planners		Information Technology	
Planner 1	\$106.00	Systems Analyst / Programmer 1	\$78.00
Planner 2	\$118.00	Systems Analyst / Programmer 2	\$118.00
Sr Planner 1	\$128.00	Sr Sys Analyst / Programmer 1	\$132.00
Sr Planner 2	\$154.00	Sr Systems Analyst / Programmer 2	\$200.00
Sr Planner 3	\$178.00		
Designers & Technicians		Project Accounting	
CAD Technician 1	\$66.00	Project Analyst 1	\$92.00
CAD Technician 2	\$77.00	Project Analyst 2	\$118.00
CAD Technician 3	\$92.00	Sr Project Analyst	\$158.00
CAD Designer	\$102.00		
Sr CAD Designer 1	\$128.00	Reimbursable In-House Costs:	
Sr CAD Designer 2	\$148.00	Photo Copies (B&W 8.5"x11")	
CAD Director	\$153.00	Photo Copies (B&W 11"x17")	
Survey Tech 1	\$51.00	Color Copies (up to 8.5"x11")	
		Color Copies (to 11"x17")	
		Compact Discs	
		Large format copies	
Health & Safety			
H&S Administrator	\$97.00		
Sr H&S Administrator	\$118.00	Mileage-Company Vehicle	
H&S Manager	\$148.00	Mileage-POV	
		*current GSA POV mileage rate subject to change	

All other direct costs, such as production, special photography, postage, delivery services, overnight mail, printing and performed by subcontractor, will be billed at cost plus 15%.

NOTE: Rates subject to change annually.



STAFF REPORT

To: Board of Directors

Meeting Date: September 25, 2023

From: Hannah Ford, Engineering Manager

Subject: R-6 Reservoir Perimeter Road Repair

BACKGROUND

The perimeter road around the District's 275-million-gallon R-6 Reservoir has suffered significant damage during construction of the R-6 Reservoir Floating Cover and Liner Replacement Project. The road is approximately 28 feet wide and slopes away from the reservoir lip towards an asphaltic concrete (AC) berm at the outer edge of the pavement. The existing loop road pavement has exceeded its intended design life and shows signs of pavement failure, including portions that have completely failed as shown in Figure 1.



Figure 1 – R-6 Reservoir Perimeter Road Damage

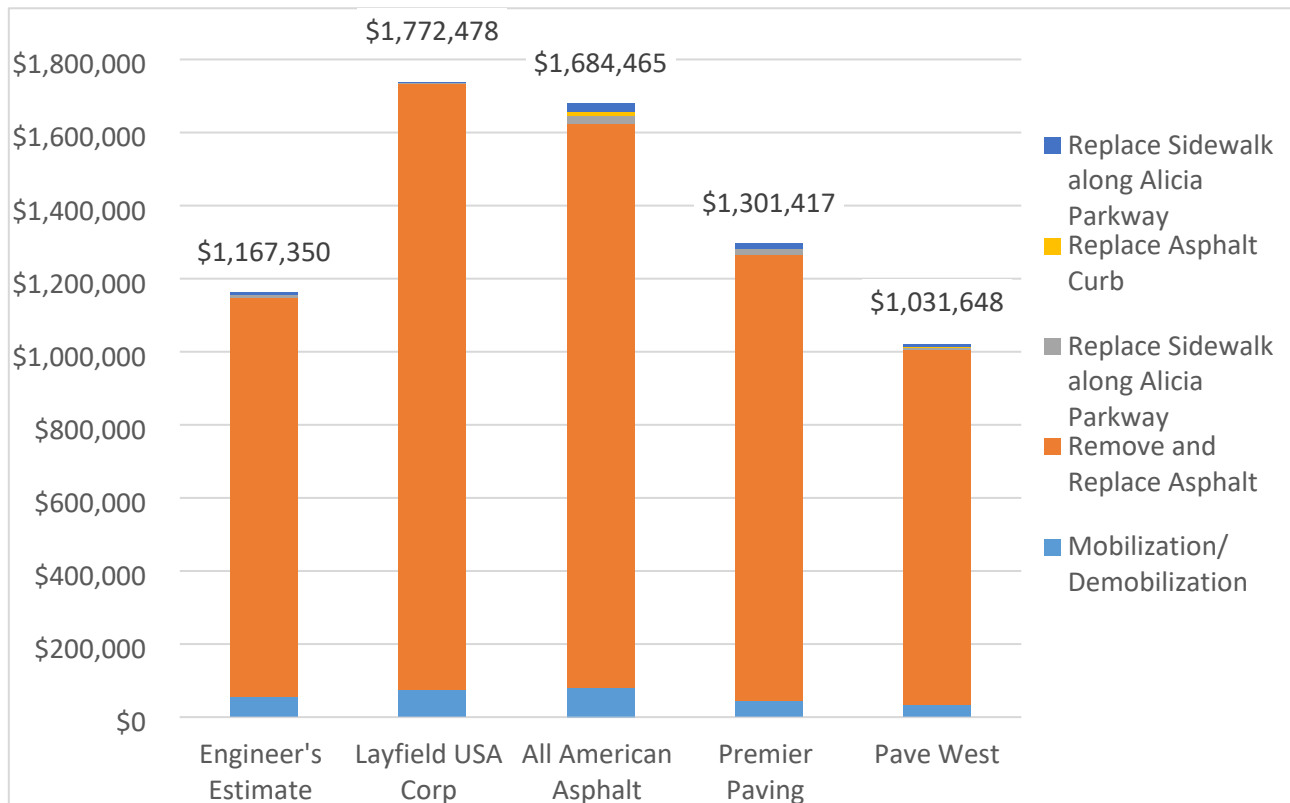
After hiring LaBelle Marvin to conduct a geotechnical evaluation and alternatives analysis to determine the most cost-effective repair for the perimeter road, the District decided to replace the entire road with a new 4-inch section of AC over 8-inches of aggregate base. LaBelle Marvin completed the final design at the end of August 2023.

BID EVALUATION

The District invited four qualified contractors to bid the project, and all four attended the mandatory prebid meeting. The District issued a total of three addenda to the original bid documents. Staff opened four bids on Tuesday, September 12, with the breakdown shown in Table 1 and Figure 2.

Table 1 – Bid Comparison to Engineer's Estimate

Description	Engineer's Estimate	Layfield USA Corp	All American Asphalt	Premier Paving	Pave West
Mobilization/Demobilization	\$55,588	\$76,011	\$80,000	\$45,000	\$35,000
Remove and Replace Asphalt	\$1,092,500	\$1,657,211	\$1,544,815	\$1,220,117	\$971,598
V-Ditch Delineators and Bollards	\$10,637	\$35,823	\$28,000	\$18,800	\$16,300
Replace Asphalt Curb	\$1,125	\$1,344	\$9,650	\$2,500	\$2,750
Replace Sidewalk along Alicia Parkway	\$7,500	\$2,090	\$22,000	\$15,000	\$6,000
Total	\$1,167,350	\$1,772,478	\$1,684,465	\$1,301,417	\$1,031,648
Difference from Engineer's Estimate		\$605,128	\$517,115	\$134,067	(\$135,702)
Subcontractors		1 @ 95% - asphalt	1 @ 1.65% - surveying	1 @ 1.2% - remove and replace concrete	1 @ 3% - grinding

**Figure 2 – R-6 Reservoir Perimeter Road Repair Bid Summary**

The spread between the low and high bids is approximately 72 percent. The apparent low bid was submitted by Pave West. The District checked references for Pave West and determined their bid to be qualified.

MATERIAL OBSERVATION AND TESTING SERVICES DURING CONSTRUCTION

District staff recommends GMU Engineers and Geologists (GMU) to provide Material Observation and Testing Services During Construction. GMU offers a deep well of experience on similar paving projects, including previous work with Pave West, which will benefit the District in the pursuit of a successful project. Attachment A contains the proposed scope of work, which amounts to \$34,663.

BUDGET ANALYSIS

Table 3 summarizes total project costs for the perimeter road repair, which partner agencies Santa Margarita Water District (SMWD) and Moulton Niguel Water District (MNWD) will share. District staff have provided the bid results to SMWD and MNWD. SMWD will bring to its board for approval on September 22nd, and MNWD has agreed to the proposed recommendation.

Table 3 –Perimeter Road Repair Total Project Cost

Project Element	Total Cost	ETWD Share of Total Cost	SMWD Share of Total Cost	MNWD Share of Total Cost
Alternatives Analysis	\$12,480	\$4,721	\$5,245	\$525
Design	\$3,565	\$1,604	\$1,783	\$178
Bidding	\$1,950	\$878	\$975	\$98
Inspection	\$34,663	\$15,598	\$17,332	\$1,733
Construction	\$1,031,648	\$464,242	\$515,824	\$51,582
Contingency	\$154,747	\$69,636	\$77,374	\$7,737
Total	\$1,237,063	\$556,678	\$618,532	\$61,853

The R-6 Reservoir Floating Cover and Liner Project construction contract is currently tracking \$608,711 under budget with two net deduct change orders, so none of the budgeted Project contingency of \$1,160,000 has been consumed. The total project cost for the perimeter road of \$1,227,400 would still leave over \$0.5 million in contingency, as shown in Table 4. Further, adequate funding for ETWD's portion of the perimeter road repair is available as part of the revenue bond.

Table 4 –Available Budget from R-6 Reservoir Floating Cover and Liner Project

Project Element	Cost
Original Contract	\$23,608,825
R-6 Reservoir Floating Cover and Liner Project Change Order No. 1	(\$48,872)
R-6 Reservoir Floating Cover and Liner Project Change Order No. 2*	(\$559,839)
Available Contingency	\$1,160,000
Remaining Budget (Deduct Change Orders plus Contingency)	\$1,768,711
Perimeter Road Repair	\$1,237,063
Remaining Contingency after Perimeter Road Repair	(\$531,648)

*Estimated – not yet finalized

In an effort to maintain low costs and capitalize on the extensive knowledge of the designer for the R-6 Reservoir Floating Cover and Liner Project, in house staff will leverage the remainder of Hilts Consulting Group, Inc. (HCG)'s contract for construction management.

CEQA

District staff prepared and filed a Class 1 and Class 2 Categorical Notice of Exemption with the County because the work only rehabilitates existing facilities without an increase in capacity. State CEQA Guideline Section 15301 provides exemption for the operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. State CEQA Guideline Section 15302 provides exemption for replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The 30-day public comment period started on Friday, September 15th and will expire on Saturday, October 14th.

RECOMMENDATION

Recommended Action:

Staff recommends that the Board of Directors authorize the District's General Manager to 1) issue a contract to Pave West in the amount of \$1,031,648 for construction of the perimeter road repair around the R-6 Reservoir and 2) issue a contract to GMU Engineers and Geologists in the amount of \$34,663 for Material Observation and Testing Services During Construction. Staff also recommends that the Board authorize the General Manager to fund the project costs from the District's Capital Reserves in accordance with the District's adopted Capital Reserve Policy.



September 13, 2023

Hannah Ford
Engineering Manager
El Toro Water District
24251 Los Alisos Boulevard
Lake Forest, CA 92630

GMU Project No. P-23138

Subject: Proposal to Provide Material Observation and Testing Services for ETWD R-6 Reservoir – Perimeter Road Repair Project

Reference: (1) “El Toro Water District, Contract Documents and Specifications for Construction of El Toro Water District, Work Order #31-047, R-6 Reservoir Perimeter Road Repair,” dated August 2023.

(2) Project Plans “Construction Plans for R-6 Reservoir Pavement Improvements W.O 31-0.47,” dated August 2023.

Dear Ms. Ford:

GMU is pleased to submit this proposal to provide material observation and testing services for the El Toro Water District (ETWD) R-6 reservoir located at 23392 La Glorietta, Mission Viejo, CA.

Our understanding of this project is based on our review of the referenced (1) Project Specifications and Documents and referenced (2) Project Plans.

We understand that the construction of this project is anticipated to span 60 working days, after the commencement date started in the Notice to Proceed. In summary, this project consists of removing 12 inches of the existing pavement materials and constructing a 4-inch thick Asphalt Concrete (AC) layer (TYPE III B3 PG 64-10) over an 8-inch thick Aggregate Base (AB) layer over approximately 125,000 SF.

We propose to provide periodic quality assurance material observation and testing services for this project.

Our services will be performed following the Project Specifications and the current edition of the Standard Specifications for Public Works Construction. We propose to provide the following scope of services:



SCOPE OF WORK

- **Aggregate Base and Subgrade:** For the exposed bottom of excavations, the aggregate base and subgrade materials will be tested for in-place density and moisture content using a nuclear gauge, or probed for stiffness. When a nuclear gauge is used, relative compaction will be calculated based on the in-place density and the results of the maximum density laboratory tests.
- **AC Materials:** During AC paving, a GMU Senior Engineering technician will perform field observations, sampling, and testing of the 4-inch thick AC layer, including measurement of in-place density using a nuclear gauge, as well as monitor temperatures, mix appearance, lift thicknesses, and general paving operations. Samples will be collected and returned to our Caltrans-certified laboratory for various tests, including Hveem Stability, maximum density, asphalt binder content, and gradation tests.
- **Project Management, Engineering Support, and Reporting:** GMU's Principal and Director of Pavement Engineering, Roger Schlierkamp, will oversee the quality assurance aspects of this project. Materials submittals will be reviewed. The preconstruction meeting will be attended. The results of the laboratory tests will be reviewed, prepared, and presented in laboratory test result reports.

ESTIMATED COST

We propose to provide the above outlined services on a time-and-materials basis in accordance with our 2023 GMU Schedule of Charges, including prevailing wage rates for covered work. Our estimated budget has been developed based on a review of the referenced documents and an assumed number of hours our services will be requested (120 hours of field observation and testing, 35 hours of laboratory testing).

El Toro Water District, R-6 Reservoir Project, Perimeter Road Repair

ESTIMATED BUDGET (TIME AND MATERIALS) \$34,663.00

Please note that GMU's scope and costs are highly dependent on the contractor's actual work schedule, means-and-methods, efficiency, as well as the duration or amount of observation, sampling, and testing that may be requested by the City. Given this, the scope of work and costs outlined in this proposal should be considered an estimate only and additional budget may be required depending on the actual construction schedule or requests for observation/sampling/testing services by the water district.

Ms. Hannah Ford, EL TORO WATER DISTRICT

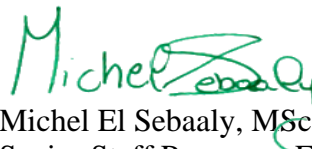
Proposal to Provide Material Observation and Testing Services for ETWD R-6 Reservoir Project – Perimeter Road Repair, El Toro Water District, Mission Viejo, California

Please notify us if the proposed scope of services does not meet your current needs, or if any significant changes are made to the proposed project limits so that we can revise our scope of services. Revision of the scope of services may affect the estimated fee.

The proposed scope of services is consistent with the level of care and skill ordinarily exercised by engineering professionals with experience in this area. No warranty, either expressed or implied, is made.

Please do not hesitate to call if you have any questions regarding this information.

Sincerely,
GMU



Michel El Sebaaly, MSc, EIT
Senior Staff Pavement Engineer



Roger W. Schlierkamp, MSc, PE C81529
Principal, Director of Pavement Engineering

Attachment(s):

- GMU 2023 Schedule of Charges

rws/mes P-23138 (9-13-23)



2023 SCHEDULE OF CHARGES

PROFESSIONAL SERVICES

Document Preparation and Project Services	\$ 105.00/hour
CAD/GIS Design Engineer	\$ 123.00/hour
Staff Engineer or Geologist	\$ 165.00/hour
Senior Staff Engineer or Geologist	\$ 182.00/hour
Project Engineer or Geologist	\$ 205.00/hour
Senior Engineer or Geologist	\$ 240.00/hour
Associate Engineer or Geologist	\$ 260.00/hour
Principal/Director	\$ 285.00/hour

FIELD INSPECTION & TESTING SERVICES

Staff Engineering Technician	\$ 105.00/hour*
• Services provided under direct supervision of a Senior Engineering Technician	
Senior Engineering Technician	\$ 124.00/hour*
• Inspections for soils/grading, asphalt, concrete, batch plants, piles/caissons, etc.	
• Certifications by ACI, ICC, Caltrans, local jurisdictions, etc.	
Registered Special Inspector (<i>No 4-hour minimum</i>)	\$ 124.00/hour*
• Certifications by ACI, ICC, Caltrans, local jurisdictions, etc.	
• Reinforced concrete, Post-Tension, Masonry, Welding, Bolting, Fireproofing	
Instrumentation Engineer	\$ 165.00/hour
• Slope inclinometer and Piezometer monitoring	
• Manometer for floor-level surveys	
• Stormwater turbidity & pH meter	
• Groundwater monitoring - pressure transducer, datalogger, water chemistry meter, etc.	
• Pipeline video camera for drains, wells, etc.	
Engineering Seismological Technician (includes 3-channel seismograph)	\$ 165.00/hour
• Blast vibration monitoring	
• Construction vibration & noise monitoring (pile driving, drilling, demolition, etc.)	

***Notes:**

- (1) Rates include vehicle, nuclear density gauge, and equipment for testing, inspection, and sampling.
- (2) No 4-hour minimum charges apply, except for night work.
- (3) Overtime is charged at 1.5 times the base rate. Overtime is defined as time worked on the project in excess of 8 hours per day and all time on Saturdays, Sundays, and holidays.
- (4) Prevailing Wage projects, additional hourly surcharge for Field Personnel per CA Labor Code §1720, et seq.

Add \$ 32.00/hour

LABORATORY TESTING SERVICES

Laboratory Testing	\$ 133.00/hour
<i>(For special materials testing and laboratory costs on a per-test basis, see GMU's Laboratory Fee Schedule)</i>	

OTHER CHARGES

Outside Services	Cost + 15%
Reimbursables & Reprographics	Cost



STAFF REPORT

To: Board of Directors **Meeting Date: September 25, 2023**

From: Michael Miazga, IT Manager

Subject: R-6 Reservoir Security System Replacement Project

Staff is proposing the procurement and installation of a state-of-the-art security system to safeguard the R-6 Reservoir. This security system proposal has been meticulously prepared in collaboration with Convergent, a renowned vendor specializing in security solutions.

Scope of Work:

The proposed scope of work involves the installation of a Magos Radar Detection system at the R6 Reservoir site. Convergent will be responsible for supplying and installing the following components:

1. **Magos Radar Detection System:** Two Magos Radar Units will be installed on a pole, to be provided by the District. These radar units will be strategically positioned to cover the entire interior area of the reservoir. The radar systems will be interconnected with an Axis PTZ (Pan-Tilt-Zoom) camera for auto-tracking purposes.
2. **Genetec Video Management System:** Convergent will furnish and install the Genetec Video Management System. Convergent will license the radar and PTZ camera into the Genetec system.
3. **Q6100-e Multi-lens Camera:** A Q6100-e multi-lens camera will be attached to the PTZ on the pole to provide high-quality video surveillance.
4. **Outdoor Enclosure:** Convergent will install an outdoor enclosure at the base of the pole to house the Power over Ethernet (PoE) switch, which is required to power the radar and cameras.
5. **Optex Verification Bridge:** This bridge will be programmed by Convergent to serve as a monitoring bridge for Convergent Central Station. It will monitor video alarms activated through the radar system.

R-6 Reservoir Security System Replacement Project
Page 2

Convergent will also provide a bucket truck for installation and ensure thorough testing and commissioning of the system during project closeout.

Area of coverage:



Cost Breakdown:

The total cost of implementing this comprehensive security system is as follows:

Description	Cost
Convergent Radar/Video System Installation	\$89,234
Pole and Pull Fiber and Power Cabling Installation	\$15,000
Contingency	\$10,000
Total Project Cost	\$114,234

Benefits of the Security System:

Implementing this security system offers several advantages, including:

1. Enhanced Perimeter Protection: The Magos Radar Detection system provides robust perimeter security, detecting intrusions even in adverse weather conditions.
2. Real-time Monitoring: The Genetec Video Management System enables real-time monitoring and recording of activities in and around the reservoir.
3. Auto-tracking Capabilities: The system's auto-tracking feature ensures that any detected intrusion is closely monitored and recorded, enhancing response times.
4. Remote Monitoring: The Optex Verification Bridge allows for remote monitoring by Convergent Central Station, ensuring timely response to any security breaches.
5. Compliance with Prevailing Wage: The project pricing complies with prevailing wage standards.

References

References were provided by Magos Radar including Yale University. Yale started using this type of intrusion detection system around 4 years ago in over 10 different mainly sports facilities. Staff confirmed they were very happy with the solution, they found it removed all false positives the previous motion detection PTZ solution experienced. They recommended that we add the Q6100 multi-lens camera to the solution in addition to the PTZ.

Magos also referred Liberty Utilities Hydrogeneration in Missouri as another positive reference. Liberty installed a Magos radar system around two years ago to monitor a large dam and lake facility. They have audible alarms based on zones defined on the lakes to alert people in boats to move from restricted areas as well as a PTZ for visual verification, monitoring and recording. They are happy with the performance of the solution.

Genetec provided positive references including Irvine Ranch Water District, Metro Water District and Los Angeles Department of Water and Power.

RECOMMENDATION

Staff recommends that the Board of Directors authorize the District's General Manager to issue a contract to Convergent in the amount of \$89,234.00 for the installation of a security system at the R-6 Reservoir. Staff also recommends that the Board authorize the General Manager to fund the project costs from the District's Capital Reserves in accordance with the District's adopted Capital Reserve Policy.



STAFF REPORT

To: Board of Directors

Meeting Date: September 25, 2023

From: Hannah Ford, Engineering Manager

Subject: Lead and Copper Rule Revision Update

BACKGROUND

The United States Environmental Protection Agency published the Lead and Copper Rule Revision (LCRR) in 2021. LCRR requires the District to develop a service line material inventory for all service lines – regardless of ownership (i.e., public and private) or intended use (i.e., active and inactive). The inventory will require classifying service lines using one of the following four definitions:

- Lead
- Galvanized Requiring Replacement
- Non-Lead
- Unknown

Any service lines that are identified as Lead, Galvanized Requiring Replacement or unknown will require the development of a Lead Service Line Replacement Plan.

The inventory will be developed based on as built information and, where lacking, further inspection through visual or other methods. As shown in the timeline in Figure 1, the District must submit its initial inventory to the Division of Drinking Water (DDW) by October 16, 2024.

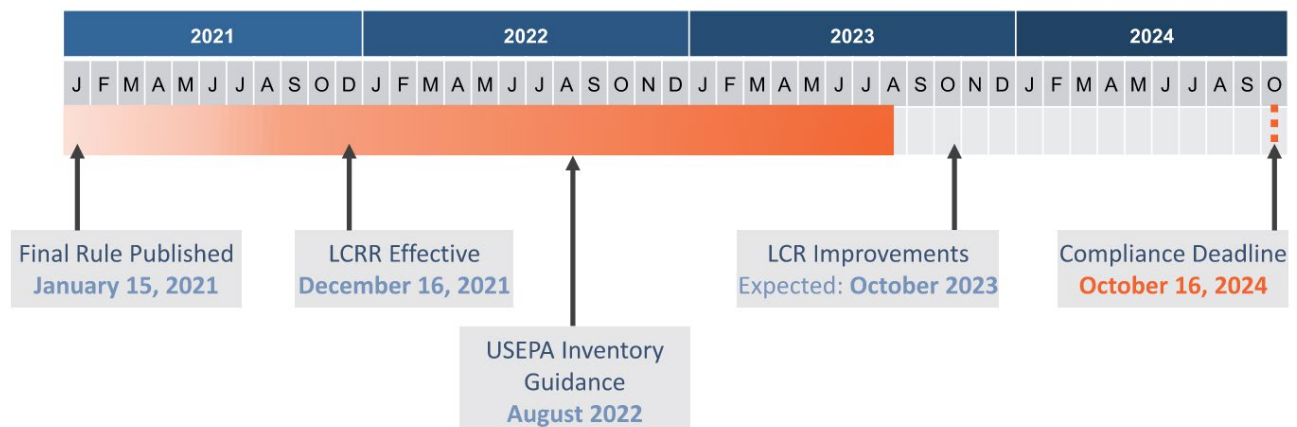


Figure 1 – LCR Timeline

To assist its member agencies, Municipal Water District of Orange County (MWDOC) hired Hazen and Sawyer (Hazen) to provide a choice based LCRR compliance assistance program. The inventory development effort is the first step in a multi-phased process to phase out lead service lines, as shown in the Figure 2.

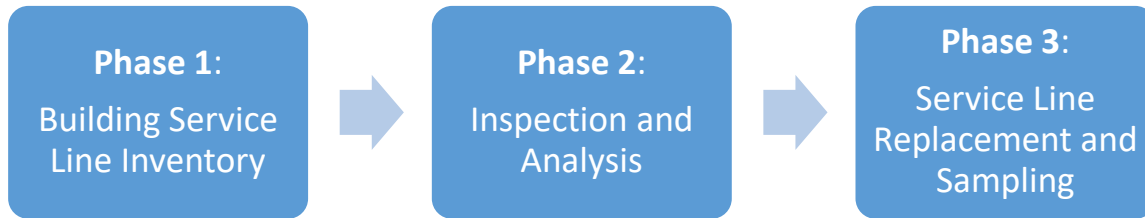


Figure 2 – LCR Task Flow Chart

Although this effort was not budgeted in the CIP, District staff recommend participating in the regional effort to ensure compliance and augment existing staff resources. Hazen is offering a bulk discount per task if at least 10 agencies join the agreement, and MWDOC has indicated that at least that many agencies will be participating in the overall program, allowing for the District to benefit from economies of scale.

After reviewing scope of work with MWDOC and Hazen, District staff determined the appropriate level of effort for Phase 1 will cost between \$75,478 and \$99,835. The District will need to pay for half of the Phase 1 costs in the 2023-34 fiscal year. The remaining half of the cost for Phase 1 will not be due until next fiscal year, at which point the District will budget for this program. Future participation in the following phases could bring the overall program costs to between \$141,974 and \$200,655.

RECOMMENDATION

Recommended Action:

Staff recommends that the Board of Directors authorize the General Manager to enter into a cost sharing agreement with the Municipal Water District of Orange County in an amount not to exceed \$100,000 for Phase 1 engineering services from Hazen and Sawyer as part of its Lead and Copper Rules Revision compliance assistance program.



STAFF REPORT

To: Board of Directors **Meeting Date:** September 24, 2023

From: Dennis Cafferty, General Manager

Subject: 2023 Update to the District's Local CEQA Guidelines

Background:

The California Environmental Quality Act ("CEQA"), codified at Public Resources Code section 21000 et seq., is California's most comprehensive environmental law. It generally requires public agencies 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 public agencies to adopt specific objectives, criteria and procedures for evaluating public and private projects that are undertaken or approved by such agencies.

Discussion:

The District contracts with Best, Best & Krieger (BB&K) to perform an annual update of the District's Local CEQA Guidelines. BB&K has prepared a proposed updated set of Local CEQA Guidelines for 2023 in compliance with CEQA's requirements. These Guidelines reflect recent changes to CEQA. These Local CEQA Guidelines also provide instructions and forms for preparing all environmental documents required under CEQA. The updated Guidelines are enclosed for reference. A summary of the changes precedes the detailed Guidelines.

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 El Toro Water District 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.

Recommended Action: Staff recommends that the Board of Directors adopt Resolution No. 23-9-1 approving the 2023 update to the District's Local California Environmental Quality Act (CEQA) Guidelines.

RESOLUTION NO. 23-9-1

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ADOPTING THE 2023 UPDATE TO THE DISTRICT'S
LOCAL CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA GUIDELINES)
(PUB RESOURCES CODE §§21000 ET SEQ.)

RESOLUTION NO. 23-9-1

**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 the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.), and the California courts have interpreted specific provisions of CEQA; and

WHEREAS, Public Resources Code section 21082 requires all public agencies to adopt objectives, criteria and procedures for (1) the evaluation of public and private projects undertaken or approved by such public agencies, and (2) the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, the El Toro Water 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, BE IT RESOLVED, as follows:

SECTION 1. The District hereby adopts the "2023 Local Guidelines for Implementing the California Environmental Quality Act," 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, SIGNED AND APPROVED this 25th day of September 2023.

Kay Havens, President
of the El Toro Water District and of
the Board of Directors thereof

ATTEST:

DENNIS P. CAFFERTY, Secretary
of the El Toro Water District and of
the Board of Directors thereof

Memorandum

TO: Project 5 District Client
FROM: Best Best & Krieger LLP
DATE: April 17, 2023
RE: Summary of Changes to Local CEQA Guidelines

In 2022, the California Legislature took action to exempt certain transportation, water system, and housing projects from the California Environmental Quality Act (“CEQA”). We have revised the District’s Local Guidelines for Implementing CEQA (“Local Guidelines”) to account for these CEQA developments. This memorandum summarizes the substantive amendments to the District’s Local Guidelines.

The Local Guidelines and this memorandum are designed to help the District comply with CEQA when considering a project subject to CEQA. We still recommend, however, that you consult with an attorney when you have specific questions on major, controversial, or unusual projects or activities.

The Local Guidelines, the related CEQA forms, and other important legal alerts may be accessed via the Best Best & Krieger CEQA client portal at <http://clients.bbklaw.net/pfcc/>. For technical support, please contact Tammy Ingram at tammy.ingram@bbklaw.com.

REVISIONS TO LOCAL GUIDELINES

1. SECTION 3.20 TRANSIT PRIORITIZATION PROJECTS

With its adoption of Senate Bill (“SB”) 922, the California Legislature amended Public Resources Code section 21080.25 to exempt certain transit, bicycle, and pedestrian projects that meet specified criteria and do not induce single-occupancy vehicle trips.

Examples of projects exempt under SB 922 include, but are not limited to: (1) pedestrian and bicycle facilities; (2) transit prioritization projects, such as the installation of traffic signs or new signals; (3) a project for the institution or increase of bus rapid transit, bus, or light rail service; (4) a public project to construct or maintain infrastructure or facilities to charge, refuel, or maintain zero-emission public transit buses, trains, or ferries; and (5) a decision to reduce or eliminate minimum parking requirements or institute parking maximums.

We revised Section 3.20 of the Local Guidelines to account for this exemption and to set forth conditions that must be met for the exemption to apply.

2. SECTION 3.21 TRANSPORTATION PLANS, PEDESTRIAN PLANS, AND BICYCLE TRANSPORTATION PLANS

The California Legislature amended Public Resources Code section 21080.20 to exempt “active transportation plans” and “pedestrian plans” from CEQA. An “active transportation plan”

refers to a plan developed by a local jurisdiction that promotes and encourages people to choose walking, bicycling, or rolling through the creation of safe, comfortable, connected, and accessible walking, bicycling, or rolling networks, and encourages alternatives to single-occupancy vehicle trips. A “pedestrian plan” refers to a plan developed by a local jurisdiction that establishes a comprehensive, coordinated approach to improving pedestrian infrastructure and safety.

While a lead agency’s adoption of an active transportation plan or pedestrian plan is exempt from CEQA, specific projects identified within those plans remain subject to CEQA unless such projects are exempt under a separate provision of CEQA.

We revised Section 3.21 of the Local Guidelines to account for this exemption and to set forth procedural requirements that must be met when finding a project exempt under this provision.

3. SECTION 3.22 WATER SYSTEM WELLS AND DOMESTIC WELL PROJECTS

With the adoption of AB 1642 and its codification at Public Resources Code section 21080.31, the Legislature has enacted a new statutory exemption that applies to the construction, maintenance, repair, or replacement of wells where certain conditions are met. To qualify for the exemption, (1) the domestic well or water system to which the well project is connected must be designated by the State Water Resources Control Board (“State Board”) as high risk or medium risk in the State Board’s drinking water needs assessment; (2) the well project must be designed to mitigate or prevent a circumstance where residents that rely on the well or the water system to which the well is connected would be left without an adequate supply of safe drinking water; (3) the well project may not be designed primarily to serve irrigation or future growth; and (4) a series of other conditions must be met.

We added Section 3.22 to the Local CEQA Guidelines to provide for this statutory exemption and to set forth in greater detail the circumstances in which it may apply.

4. SECTION 9.08 AFFORDABLE HOUSING DEVELOPMENTS IN COMMERCIAL ZONES

The Legislature has created a new CEQA-exempt, ministerial approval process for multifamily housing developments meeting specified criteria, codified at Public Resources Code section 65912.110, et seq. For a proposed multifamily housing development project to qualify for this exemption, the project must (1) ensure that 100 percent of the project’s units, excluding managers’ units, be dedicated to lower income households at an affordable cost or affordable rent; (2) meet applicable objective zoning standards, objective subdivision standards, and objective design review standards, as defined; (3) be located in a zone where office, retail, or parking are a principally permitted use; (4) meet certain labor standards; and (5) meet a list of other conditions, specified in the Local Guidelines.

We have added Section 9.08 to the Local Guidelines to include this exemption and to set forth the various conditions a project must meet to qualify for the exemption.

**5. SECTION 9.09 MIXED-INCOME HOUSING DEVELOPMENTS ALONG
COMMERCIAL CORRIDORS**

The Legislature has additionally created another CEQA-exempt, ministerial approval process for proposed multifamily housing development projects that meet certain affordability criteria, set forth at Public Resources Code section 65912.120, et seq. In addition to meeting the specified affordability criteria, the proposed project must (1) abut a commercial corridor and have frontage along the commercial corridor of at least fifty feet; (2) not be located on a project site greater than 20 acres; (3) be located in a zone where office, retail, or parking is a principally permitted use; (4) meet certain labor standards; and (5) meet a list of over twenty other conditions, specified in the Local Guidelines.

We have added Section 9.09 to the Local Guidelines to include this exemption and to set forth the various conditions a project must meet to qualify for the exemption.

6. VARIOUS SECTIONS UPDATED REFERENCES TO CALIFORNIA PUBLIC RECORDS ACT

The Legislature has recodified and reorganized the entirety of the California Public Records Act (“PRA”) consistent with Assembly Bill (“AB”) 463. Whereas the PRA was previously codified at Government Code section 6250, et seq., the PRA is now codified at Government Code section 7920.000, et seq. We have updated all references to the PRA in the Local Guidelines consistent with AB 463. The reorganization makes no substantive changes to the PRA.

Other Changes

Effective January 1, 2023, the Department of Fish and Wildlife has increased its fees. For a Negative Declaration or a Mitigated Negative Declaration, the new filing fee is \$2,764.00. For an EIR, the new filing fee is \$3,839.25. For an environmental document prepared pursuant to a Certified Regulatory Program, the filing fee has been increased to \$1,305.25.

Conclusion

As always, CEQA remains complicated and, at times, challenging to apply. The only constant in this area of law is how quickly the rules change. Should you have questions about any of the provisions discussed above, please contact a BB&K attorney for assistance.

BEST BEST & KRIEGER LLP



CEQA Guidelines

2023

Prepared For:

El Toro Water District

**Local Guidelines for Implementing the California
Environmental Quality Act**

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www.BBKlaw.com

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2023

**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

(2023)

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 California Natural 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 Local Guidelines apply to any activity that constitutes a “project,” as defined in Local Guidelines Section 11.57, for which the District is the Lead Agency or a Responsible Agency. These Local Guidelines are also intended to assist the District in determining whether a

proposed activity constitutes a project that is subject to CEQA review, or whether the activity is exempt from CEQA.

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 Environmental Impact Reports (EIRs);
- (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 that 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 for 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 to the last email address provided by the requestor to the District. Any request to receive public notices shall be in writing and shall be renewed annually.

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 District 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.

The District must also post certain environmental documents (such as Draft and Final Environmental Impact Reports, Draft Negative Declarations, and Draft Mitigated Negative Declarations) and CEQA notices (such as Notices of Preparation, Notices of Availability, Notices of Intent to Adopt a Negative Declaration, Notices of Exemption, and Notices of Determination) on its website, if any.

(Reference: Pub. Resources Code, §§ 21082.1, 21091(d)(3), 21092.2.)

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 include: initial studies, negative declarations, mitigated negative declarations, draft and final EIRs, and documents prepared as a substitute for an EIR, negative declaration, or mitigated negative declaration.

The District shall make CEQA-related documents (e.g., Negative Declarations, Mitigated Negative Declarations, Draft EIRs, Final EIRs, and notices relating to these documents) available to the public-at-large on its website. Requests for documents made pursuant to the California Public Records Act must comply with the Government Code. (See, for example, Government Code section 7922.570 for information regarding providing documents in electronic format.)

1.10 TIME OF PREPARATION

Before granting any approval of a non-exempt project subject to CEQA, the Lead Agency or Responsible Agency shall consider either (1) a Final EIR, (2) a Negative Declaration, (3) a Mitigated Negative Declaration, or (4) another document authorized by the State CEQA Guidelines to be used in the place of an EIR or Negative Declaration (e.g., an Addendum, a Supplemental EIR, a Subsequent EIR, etc.).

Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs, Negative Declarations, and Mitigated Negative Declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.

To implement the above principles, the District shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. For example, the District shall not:

- (A) Formally make a decision to proceed with the use of a site for facilities which would require CEQA review, regardless of whether the District has made any final purchase of the site for these facilities, except that the District may designate a preferred site for CEQA review and may enter into land acquisition agreements when the District has conditioned its future use of the site on CEQA compliance.
- (B) Otherwise take any action that gives impetus to a planned or foreseeable project in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.

With private projects, the District shall encourage the project proponent to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time.

While mere interest in, or inclination to support, a project does not constitute approval, a public agency entering into preliminary agreements regarding a project prior to approval shall not, as a practical matter, commit the agency to the project. For example, the District shall not grant any vested development entitlements prior to compliance with CEQA. Further, any such pre-approval agreement should, for example:

- (A) Condition the agreement on compliance with CEQA;
- (B) Not bind any party, or commit any party, to a definite course of action prior to CEQA compliance;

- (C) Not restrict the Lead Agency from considering any feasible mitigation measures and alternatives, including the “no project” alternative; and
- (D) Not restrict the Lead Agency from denying the project.

The District’s environmental document preparation and review should be coordinated in a timely fashion with the District’s existing planning, review, and project approval processes. These procedures, to the maximum extent feasible, are to run concurrently, not consecutively.

(See State CEQA Guidelines, § 15004; *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116.)

1.11 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.

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.

(Reference: State CEQA Guidelines, §§ 15050, 15367.)

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 that 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 that acts first on the project will normally 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.

(Reference: State CEQA Guidelines, § 15051.)

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 with 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, however, may take longer to execute the contract if the project applicant and the District mutually agree to an extension of the 45-day time period. (Pub. Resources Code, § 21151.5; see also 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 District 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 shall begin consultation with the tribe consistent with California law and 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 7.25);
- (f) The District shall consult with state, federal and local agencies that exercise authority over resources that may be affected by the project for their comments on the completed Draft EIR (see, e.g., Local Guidelines Sections 5.02, 5.16, Section 7.26);
- (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 7.25);
- (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 7.30);
- (i) The District shall prepare or cause to be prepared a Final EIR before approving the project (see Local Guidelines Section 7.31);
- (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 7.33); 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 2.08, 7.30 and 7.31).

2.04 CEQA DETERMINATIONS MADE BY NON-ELECTED BODY; PROCEDURE TO APPEAL SUCH DETERMINATIONS.

As Lead Agency, the District may charge a non-elected decisionmaking body with the responsibility of making a finding of exemption or adopting, certifying or authorizing environmental documents. Any such determination, however, shall be subject to the District's procedures allowing for the appeal of the CEQA determination of any non-elected body to the District's Board of Directors. In the absence of a procedure governing such appeal, any CEQA determination made by a non-elected decisionmaker shall be appealable to the District's Board of Directors within ten (10) days of the non-elected decisionmaker's determination. If the non-elected decisionmaker's CEQA determination is not timely appealed as set forth herein, the non-elected decisionmaker's determination shall be final.

In the event the District's 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 as set forth above.

(Reference: State CEQA Guidelines, §§ 15061(e), 15074(f), 15090(b).)

2.05 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 that 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, that includes the project site, and shall provide the information contained in the applicant's statement.

(Reference: Gov. Code, § 65962.5.)

2.06 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 that have discretionary approval power over the project shall be identified as Responsible Agencies.

(Reference: State CEQA Guidelines, § 15381.)

2.07 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 and comment on Draft EIRs, Negative Declarations, and Mitigated Negative Declarations. Comments shall be limited to those project activities that 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 that 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 that 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 that 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.

(Reference: State CEQA Guidelines, § 15096.)

2.08 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 that 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, email, or any other method of transmittal that provides it with a record that the response was received. The Lead Agency shall incorporate this information into the EIR.

(Reference: Pub. Resources Code, § 21080.4; State CEQA Guidelines, § 15103.)

2.09 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 that 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.

(Reference: State CEQA Guidelines, § 15096.)

2.10 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 apply:
 - (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.

(Reference: State CEQA Guidelines, § 15052.)

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.

The term “project,” as defined by CEQA, 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 that 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.

(Reference: State CEQA Guidelines, §§ 15060(c), 15378.)

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 that 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 the approval of 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;

- (f) Issuance of building permits where the Lead Agency does not retain significant discretionary power to modify or shape the project; and
- (g) Until January 1, 2024, approval of an application to install an emergency standby generator to serve a macro cell tower where conditions set forth in Government Code section 65850.75 are met.

(Reference: State CEQA Guidelines, § 15268.)

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 generally do not apply to the exempt activities that are set forth in CEQA, the State CEQA Guidelines, and Chapter 3 of these Local Guidelines.

(Reference: State CEQA Guidelines, §§ 15260 – 15332.)

3.04 NOTICE OF EXEMPTION.

After approval of an exempt project, a “Notice of Exemption” (Form “A”) may be filed by the District or its representatives with the County Clerk of each county in which the activity will be located. A Notice of Exemption must be filed electronically with the County Clerk if that option is offered by the County Clerk. After filing, the District must additionally post the Notice of Exemption on the District’s website, if any.

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 also file a notice with the Office of Planning and Research (“OPR”) identifying the exemption.

The County Clerk must post a Notice of Exemption within twenty-four (24) hours of receipt, and the Notice must remain posted for thirty (30) days. The 30-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. 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 County Clerk Memo to determine if such a fee will be required for the project.

The Notice of Exemption must, among other things, 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 for use from the District as part of the project. Certain counties require the name and address of an applicant to be included in the “Project Applicant” box of the Notice of Exemption, even when the only project proponent is the District; in these counties, if the District is the only project proponent, the District’s name and address should be provided in the “Project Applicant” box of the Notice of Exemption. Check the county’s requirements before submitting the Notice of Exemption for filing and posting.

The Notice of Exemption may be filed by the project applicant, rather than the Lead Agency, in certain circumstances. Specifically, the Lead Agency may direct the project applicant to file the Notice of Exemption where the activity that the Lead Agency has determined is exempt from CEQA either:

(a) is undertaken by a *person* (not a public agency) and 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.

(See Pub. Resources Code, §§ 21065, (b), (c), 21152). Where the Notice of Exemption is filed by a project applicant rather than the Lead Agency, the applicant must attach a Certificate of Determination to the Notice of Exemption to be filed. The Certificate of Determination may be in the form of a certified copy of an existing document or record of the Lead Agency. Alternatively, the Lead Agency may prepare a Certificate of Determination (see Form “B”) stating that the activity is exempt from CEQA, and the Lead Agency may provide the Certificate of Determination to the applicant. The applicant must attach the Certificate of Determination to the Notice of Exemption to be filed.

The filing of a Notice of Exemption, when appropriate, 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. If a Notice of Exemption is not filed, a 180-day statute of limitations will apply. Please see Local Guidelines Section 3.12 for certain circumstances in which the Lead Agency is required to file a Notice of Exemption.

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.

(Reference: Pub. Resources Code, § 21152; State CEQA Guidelines, § 15062.)

3.05 DISAPPROVED PROJECTS.

CEQA does not apply to projects that the Lead Agency rejects or disapproves. Even if a project for which an EIR, Negative Declaration, or Mitigated Negative Declaration has been prepared is ultimately disapproved, the project applicant shall not be relieved of its obligation to pay the costs incurred to prepare the EIR, Negative Declaration, or Mitigated Negative Declaration for the project.

(Reference: State CEQA Guidelines, §§ 15061(b)(4), 15270.)

3.06 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 from CEQA.

(Reference: State CEQA Guidelines, § 15061(b)(3).)

3.07 EMERGENCY PROJECTS.

The following types of emergency projects are exempt from CEQA (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. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.
- (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, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety, or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.
- (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. 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.
- (e) Seismic work on highways and bridges pursuant to Streets and Highways Code section 180.2.

(Reference: State CEQA Guidelines, § 15269.)

3.08 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 from CEQA.

(Reference: State CEQA Guidelines, § 15262.)

3.09 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 from CEQA.

- (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.

(Reference: State CEQA Guidelines, § 15273.)

3.10 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.

“Pipeline” includes subsurface facilities but does not include any surface facility related to the operation of the underground facility.

(Reference: Public Resources Code, § 21080.21.)

3.11 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 CEQA 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-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 to 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.

(Reference: State CEQA Guidelines, § 15284.)

3.12 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).

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:
 - (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.

(Reference: State CEQA Guidelines, § 15192.)

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

(Reference: Pub. Resources Code, §§ 21084, 21159.22; State CEQA Guidelines, §§ 15192, 15193.)

- C. Specific Requirements for Affordable Housing Projects in Urbanized Areas.** 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 meets one of the following conditions:
 - (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 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.

(Reference: Pub. Resources Code, §§ 21083, 21159.23; State CEQA Guidelines, § 15194.)

D. Specific Requirements for Affordable Housing Projects Near Major Transit Stops.

- (a) Except as provided in subdivision (b), CEQA 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 Public Resources Code section 21159.21, described in Section A above.
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 (subdivision a or subdivision b) are met:
 - a. (1) 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; and
 - (2) 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.
 - b. 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 units that would otherwise be required pursuant to subparagraph 7.a above.
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) Notwithstanding subdivision (a) above, 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 the criteria described above in Section 3.12D(a), but is not exempt from CEQA as a result of satisfying the criteria described in Section 3.12D(b), the analysis of the environmental effects of the project in the EIR or the negative declaration for the project shall be limited to an analysis of the project-specific effects of the project and any effects identified pursuant to Paragraph 2 or 3 of Section 3.12D(b), above.

(Reference: Pub. Resources Code, §§ 21083, 21159.24; State CEQA Guidelines, § 15195.)

- E.** Whenever the Lead Agency determines that a project is exempt from environmental review based on Public Resources Code sections 21159.22 [Section 3.12B of these Local Guidelines], 21159.23 [Section 3.12C of these Local Guidelines], or 21159.24 [Section 3.12D 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.

(Reference: State CEQA Guidelines, § 15196.)

3.13 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 from CEQA.

(Reference: State CEQA Guidelines, § 15282(m).)

3.14 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.

(Reference: Local Guidelines Section 3.01; State CEQA Guidelines, § 15378(b)(3).)

3.15 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.

(Reference: Pub. Resources Code, §§ 21155.1, 21151.2, 21159.28.)

3.16 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 Public Resources Code 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 Public Resources Code section 21094.5.5.

(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.

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

(Reference: Pub. Resources Code, § 21094.5.)

3.17 EXEMPTION FOR INFILL PROJECTS IN TRANSIT PRIORITY AREAS

A residential or mixed-use project, or a project with a floor area ratio of at least 0.75 on commercially-zoned property, including any required subdivision or zoning approvals, is exempt from CEQA if the project satisfies the following criteria:

- The project is located within a transit priority area as defined in Section 11.74 below;
- The project is consistent with an applicable specific plan for which an environmental impact report was certified; and
- The project 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 has accepted the determination that the sustainable communities strategy or the alternative planning strategy would achieve the applicable greenhouse gas emissions reduction targets.

Further environmental review shall be required for a project meeting the above criteria only if one of the events specified in Section 8.04 below occurs.

(Reference: State CEQA Guidelines, § 15182(b).)

3.18 EXEMPTION FOR RESIDENTIAL PROJECTS UNDERTAKEN PURSUANT TO A SPECIFIC PLAN

Where a public agency has prepared an EIR for a specific plan after January 1, 1980, a residential project undertaken pursuant to and in conformity with that specific plan is generally exempt from CEQA. Residential projects covered by this section include, but are not limited to, land subdivisions, zoning changes, and residential planned unit developments.

Further environmental review shall be required for a project meeting the above criteria only if, after the adoption of the specific plan, one of the events specified in Section 8.04 below occurs. In that circumstance, this exemption shall not apply until the city or county which adopted the specific plan completes a subsequent EIR or a supplement to an EIR on the specific plan. The exemption provided by this section shall again be available to residential projects after the Lead Agency has filed a Notice of Determination on the specific plan as reconsidered by the subsequent EIR or supplement to the EIR.

(Reference: State CEQA Guidelines, § 15182(c).)

3.19 TRANSFER OF LAND FOR THE PRESERVATION OF NATURAL CONDITIONS

CEQA does not apply to the acquisition, sale, or other transfer of interest in land by the District for the purpose of fulfilling any of the following purposes: (1) preservation of natural conditions existing at the time of transfer, including plant and animal habitats, (2) restoration of natural conditions, including plant and animal habitats, (3) continuing agricultural use of the land; (4) prevention of encroachment of development into flood plains; (5) preservation of historical

resources; or (6) preservation of open space or lands for park purposes. CEQA similarly does not apply to the granting or acceptance of funding by the District for the foregoing purposes.

The foregoing applies even if physical changes to the environment or changes in the use of the land are a reasonably foreseeable consequence of the acquisition, sale, or other transfer of the interests in land, or of the granting or acceptance of funding, provided that environmental review otherwise required by CEQA occurs before any project approval that would authorize physical changes being made to that land.

The District must file a Notice of Exemption with the State Clearinghouse and the County Clerk should it find a project exempt under this provision.

(Reference: Pub. Resources Code, § 21080.28.)

3.20 TRANSIT PRIORITIZATION PROJECTS.

CEQA exempts the following projects when (i) the project is carried out by a local agency that is the lead agency for the project; (ii) the project does not induce single-occupancy vehicle trips, add additional highway lanes, widen highways, or add physical infrastructure or striping to highways except for minor modifications needed for efficient and safe movement of transit vehicles, bicycles, or high-occupancy vehicles, such as extended merging lanes, shoulder improvements, or improvements to the roadway within the existing right of way; (iii) the project does not include the addition of any auxiliary lanes; and (iv) the construction of the project shall not require the demolition of affordable housing units:

- (1) Pedestrian and bicycle facilities—including bicycle parking, bicycle sharing facilities, and bikeways as defined in Section 890.4 of the Streets and Highways Code—that improve safety, access, or mobility, including new facilities, within the public right-of-way;
- (2) Projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians within the public right-of-way;
- (3) Transit prioritization projects, which are defined to mean any of the following transit project types on highways or in the public right-of-way:
 - (a) Signal and sign changes, such as signal coordination, signal timing modifications, signal modifications, or the installation of traffic signs or new signals;
 - (b) The installation of wayside technology and onboard technology;
 - (c) The installation of ramp meters;
 - (d) The conversion to dedicated transit lanes, including transit queue jump or bypass lanes, shared turning lanes and turn restrictions, the narrowing of lanes to allow for dedicated transit lanes or transit reliability improvements,

or the widening of existing transit travel lanes by removing or restricting street parking; and

- (e) Transit stop access and safety improvements, including, but not limited to, the installation of transit bulbs and the installation of transit boarding islands.
- (4) A project for the designation and conversion of general purpose lanes to high-occupancy vehicle lanes or bus-only lanes, or highway shoulders to part-time transit lanes, for use either during peak congestion hours or all day on highways with existing public transit service or where a public transit agency will be implementing public transit service as identified in a short range transit plan.
- (5) A project for the institution or increase of bus rapid transit, bus, or light rail service, including the construction or rehabilitation of stations, terminals, or existing operations facilities, which will be exclusively used by zero-emission, near-zero emission, low oxide of nitrogen engine, compressed natural gas fuel, fuel cell, or hybrid powertrain buses or light rail vehicles, on existing public rights-of-way or existing highway rights-of-way, whether or not the right-of-way is in use for public mass transit. The project shall be located on a site that is wholly within the boundaries of an urbanized area or urban cluster, as designated by the United State Census Bureau.
- (6) A project to construct or maintain infrastructure to charge or refuel zero-emission transit buses, provided the project is carried out by a public transit agency that is subject to, and in compliance with, the State Air Resources Board's Innovative Clean Transit regulations (Article 4.3 (commencing with Section 2023) of Chapter 1 of Division 3 of Title 13 of the California Code of Regulations) and the project is located on property owned by the transit agency or within an existing public right-of-way.

A lead agency applying an exemption pursuant to this paragraph for hydrogen refueling infrastructure or facilities necessary to refuel or maintain zero-emission public transit buses, trains, or ferries shall hold a noticed public hearing and give notice of the meeting consistent with Public Resources Code section 21080.25(b)(6)(B).
- (7) The maintenance, repair, relocation, replacement, or removal of any utility infrastructure associated with a project identified in paragraphs (1) to (6), inclusive.
- (8) A project that consists exclusively of a combination of any of the components of a project identified in paragraphs (1) to (7), inclusive.
- (9) A planning decision carried out by a local agency to reduce or eliminate minimum parking requirements or institute parking maximums, remove or restrict parking, or implement transportation demand management requirements or programs.

Additional conditions apply to a project otherwise exempt under this section if the project exceeds fifty hundred million dollars (\$50,000,000), as set forth in Public Resources Code section 21080.25(d)-(e).

Moreover, a project exempt under this section may be subject to certain labor requirements, including that the project be completed by a skilled and trained workforce, as set forth in Public Resources Code section 21080.25(f).

If the District determines that a project is not subject to CEQA pursuant to this section and approves that project, the District must file a Notice of Exemption with both the Office of Planning and Research and the County Clerk of the county in which the project is located.

This exemption shall remain in effect only until January 1, 2030, and as of that date it will be repealed.

(Reference: Pub. Resources Code, § 21080.25.)

3.21 TRANSPORTATION PLANS, PEDESTRIAN PLANS, AND BICYCLE TRANSPORTATION PLANS.

CEQA does not apply to an active transportation plan, a pedestrian plan, or a bicycle transportation plan for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and the related signage for bicycles, pedestrians, and vehicles. An active transportation plan or pedestrian plan is encouraged to include the consideration of environmental factors, but that consideration does not inhibit or preclude the application of this section.

An individual project that is part of an active transportation plan or pedestrian plan remains subject to CEQA unless another exemption applies to that project.

Before determining that a project is exempt pursuant to this section, the Lead Agency must hold noticed public hearings in areas affected by the project 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.

If the District determines that a project is not subject to CEQA pursuant to this section and approves that project, the District must file a Notice of Exemption with both the Office of Planning and Research and the County Clerk of the county in which the project is located.

For purposes of this section, the following definitions apply:

- (1) “Active transportation plan” means a plan developed by a local jurisdiction that promotes and encourages people to choose walking, bicycling, or rolling through the creation of safe, comfortable, connected, and accessible walking, bicycling, or rolling networks, and encourages alternatives to single-occupancy vehicle trips.

- (2) “Pedestrian plan” means a plan developed by a local jurisdiction that establishes a comprehensive, coordinated approach to improving pedestrian infrastructure and safety.

This exemption shall remain in effect only until January 1, 2030, and as of that date it will be repealed. (Reference: Pub. Resources Code, § 21080.20.)

3.22 WATER SYSTEM WELLS AND DOMESTIC WELL PROJECTS

CEQA does not apply to the construction, maintenance, repair, or replacement of a well or a domestic well that meets all of the following conditions:

- (1) The domestic well or water system to which the well is connected has been designated by the State Water Resources Control Board (“State Board”) as high risk or medium risk in the State Board’s drinking water needs assessment;
- (2) The well project is designed to mitigate or prevent a failure of the well or the domestic well that would leave residents that rely on the well, the water system to which the well is connected, or the domestic well without an adequate supply of safe drinking water;
- (3) The lead agency determines all of the following:
 - (a) The well project is not designed primarily to serve irrigation or future growth.
 - (b) The well project does not affect wetlands or sensitive habitats.
 - (c) Unusual circumstances do not exist that would cause the well project to have a significant effect on the environment.
 - (d) The well project is not located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code.
 - (e) The well project does not have the potential to cause a substantial adverse change in the significance of a historical resource.
 - (f) The well project’s construction impacts are fully mitigated consistent with applicable law.
 - (g) The cumulative impact of successive reasonably anticipated projects of the same type as the well project, in the same place, over time, is not significant.

Before determining that a well project is exempt pursuant to this section, a lead agency must contact the State Board to determine whether claiming the exemption under this section will affect the ability of the well project to receive federal financial assistance or federally capitalized financial assistance.

A lead agency that determines that a well project is exempt under this section must file a notice of exemption with both OPR and the County Clerk. The notice of exemption must explain whether the project is additionally exempt from CEQA under Public Resources Code section 21080 (e.g., whether it is a ministerial project, an emergency repair necessary to maintain service, or an action necessary to prevent or mitigate an emergency), Public Resources Code section 21080.47 (see Section 3.23 of these Local Guidelines, below), or under the Class 1 (Existing Facilities) or Class 2 (Replacement or Reconstruction) categorical exemptions (see Section 3.28 of these Local Guidelines, below). If none of the exemptions referenced in this paragraph apply to a project that is otherwise exempt under this section, the notice of exemption must explain why the exemptions referenced in this paragraph do not apply to the project.

For purposes of this section, the following definitions apply:

A “well” is defined as a wellhead that provides drinking water to a “water system.”

A “domestic well” is defined as a groundwater well used to supply water for the domestic needs of an individual residence or a water system that is not a public water system and that has no more than four service connections.

A “water system” is defined to mean a “public water system” as that term is defined in Health and Safety Code section 116275(h) (i.e., a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year), a “state small water system” as that term is defined in Health and Safety Code section 116275(n) (i.e., a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year), or a tribal water system.

(Pub. Resources Code, § 21080.31 [in effect until January 1, 2028].)

3.23 SMALL DISADVANTAGED COMMUNITY WATER SYSTEM AND STATE SMALL WATER SYSTEM.

CEQA does not apply to certain water infrastructure projects that primarily benefit a “small disadvantaged community water system” or a “state small water system,” as these terms are defined in Public Resources Code section 21080.47. If certain labor requirements and other conditions are met as set forth in Public Resources Code section 21080.47, the installation, repair, or construction of the following for the benefit of a small disadvantaged community water system or state small water system is exempt from CEQA:

- (1) Drinking water groundwater wells with a maximum flow rate of up to 250 gallons per minute;
- (2) Drinking water treatment facilities with a footprint of less than 2,500 square feet that are not located in an environmentally sensitive area;

- (3) Drinking water storage tanks with a capacity of up to 250,000 gallons;
- (4) Booster pumps and hydropneumatic tanks;
- (5) Pipelines of less than one mile in length in a road right-of-way or up to seven miles in length in a road right-of-way when the project is required to address threatened or current drinking water violations;
- (6) Water services lines; and
- (7) Minor drinking water system appurtenances, including, but not limited to, system and service meters, fire hydrants, water quality sampling stations, valves, air releases and vacuum break valves, emergency generators, backflow prevention devices, and appurtenance enclosures.

(Reference: Pub. Resources Code, § 21080.47.)

3.24 CONSERVATION AND RESTORATION OF CALIFORNIA NATIVE FISH AND WILDLIFE.

(a) CEQA does not apply to a project that is exclusively one of the following (though a project may exclusively be one of the following even if it has incidental public benefits, such as public access or recreation) and meets the criteria set forth in subdivision (b) of this section:

- (1) A project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend.
 - (2) A project to restore or provide habitat for California native fish and wildlife.
- (b) This section does not apply to a project unless the project does both of the following:
- (1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and
 - (2) Includes procedures and ongoing management for the protection of the environment.
- (c) This section does not apply to a project that includes construction activities, except for construction activities solely related to habitat restoration.
- (d) The lead agency shall obtain the concurrence of the Director of Fish and Wildlife for the determinations required pursuant to subdivisions (a) through (c) above.
- (e) Within 48 hours of making a determination that a project is exempt pursuant to this section, the lead agency shall file a Notice of Exemption with the Office of Planning and Research, and the Department of Fish and Wildlife must post the concurrence of the Director of Fish and Wildlife on the department's website.

This exemption is in effect until January 1, 2025. (Pub. Resources Code, § 21080.56.)

3.25 LINEAR BROADBAND DEPLOYMENT IN A RIGHT-OF-WAY.

(a) CEQA does not apply to a project that consists of linear broadband deployment in a right-of-way if the project meets all of the following conditions:

- (1) The project is located in an area identified by the Public Utilities Commission as a component of the statewide open-access middle-mile broadband network pursuant to Section 11549.54 of the Government Code.
- (2) The project is constructed along, or within 30 feet of, the right-of-way of any public road or highway.
- (3) The project is either deployed underground where the surface area is restored to a condition existing before the project or placed aurally along an existing utility pole right-of-way.
- (4) The project incorporates, as a condition of project approval, measures developed by the Public Utilities Commission or the Department of Transportation to address potential environmental impacts. At a minimum, the project shall be required to include monitors during construction activities and measures to avoid or address impacts to cultural and biological resources.
- (5) The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by the planning department of a city or county as part of a local agency permit process, that are required to mitigate potential impacts of the proposed project, and to 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), as applicable, other applicable state laws, and all applicable federal laws.

(b) If a project meets all of the requirements of subdivision (a), the project applicant shall do all of the following:

- (1) 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 the exemption of the project pursuant to this section.
- (2) File a Notice of Exemption.

- (3) In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.
- (4) Comply with all conditions authorized by law imposed by the planning department of a city or county 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-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), as applicable, other applicable state laws, and all applicable federal laws.

(Pub. Resources Code, § 21080.51.)

3.26 NEEDLE AND SYRINGE EXCHANGE SERVICES.

The Legislature has authorized cities and counties meeting certain requirements to apply to the State Department of Public Health for authorization to provide hypodermic needle and syringe exchange services consistent with state standards in any location where the State Department of Public Health determines that the conditions exist for the rapid spread of human immunodeficiency virus (HIV), viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used hypodermic needles and syringes. (Health and Safety Code, § 121349.) Needle and syringe exchange services application submissions, authorizations, and operations performed pursuant to Health and Safety Code section 121349 are exempt from review under CEQA. (Health and Safety Code, § 121349(h).)

3.27 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, 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.

3.28 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 from CEQA. For any project that falls within one of these classes of categorical exemptions, the preparation of environmental documents under CEQA 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 an environmental resource of hazardous or critical concern that 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 resource or may result in 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 from CEQA:

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 existing or former use. The types of “existing facilities” itemized in State CEQA Guidelines section 15301 are not intended to be all-inclusive of the types of projects which might fall within the Class 1 categorical exemption. The key consideration is whether the project involves negligible or no expansion of use. (State CEQA Guidelines, § 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, § 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 structures built for both residential and commercial uses. (State CEQA Guidelines, § 15303 outlines, among other things, the maximum number of structures allowable under this exemption[.])

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, § 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, § 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, § 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, § 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, § 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, § 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, § 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, § 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 identified 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, § 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, § 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 than 25% or ten (10) classrooms, whichever is less. The addition of portable classrooms is included in this exemption. (State CEQA Guidelines, § 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, §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, § 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, § 15317.)

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

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

This exemption applies only to the following annexations:

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or rezoning 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) Annexations of individual small parcels of the minimum size for facilities exempted by Class 3, New Construction or Conversion of Small Structures.

(State CEQA Guidelines, § 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, § 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 enforcement of 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 for judicial enforcement is exempt under this Class. (Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.) (State CEQA Guidelines, § 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, § 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 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, § 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, § 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, § 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, § 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, § 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, § 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, § 15329.)

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.

- (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.

(State CEQA Guidelines, § 15330.)

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, § 15331.)

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

- (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, § 15332.)

Class 33: Small Habitat Restoration Projects.

This exemption applies to projects to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife, provided that such projects meet the following criteria:

- (a) The project does not exceed five acres in size;
- (b) 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;
- (c) There are no hazardous materials at or around the project site that may be disturbed or removed; and
- (d) 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.

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; and 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. (State CEQA Guidelines, § 15333.)

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 based on an applicant's refusal to waive the time limitations set forth 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.

(Reference: State CEQA Guidelines, § 15101.)

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.

(Reference: State CEQA Guidelines, § 15102.)

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 and Lead Agency consent thereto, Staff may provide that the 180-day time limit may be extended once for a period of not more than 90 days.

(Reference: State CEQA Guidelines, § 15107.)

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 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.

(Reference: State CEQA Guidelines, § 15108.)

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 Permit Streamlining 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.

(Reference: Gov. Code §§ 65941, 65944.)

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.

(Reference: Gov. Code §§ 65950, 65950.1; see also State CEQA Guidelines, § 15107.)

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.

(Reference: Gov. Code §§ 65940.5, 65952.2.)

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.).

(Reference: State CEQA Guidelines, § 15111.)

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 the National Environmental Policy Act ("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 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.

(Reference: State CEQA Guidelines, §§ 15109, 15110, and 15224; see Section 5.04 of these Local Guidelines for information about projects that are subject to both CEQA and NEPA.)

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.

The District, as Lead Agency, may use any of the following arrangements or combination of arrangements to prepare an Initial Study:

- (1) Preparing the Initial Study directly with the District's own staff.
- (2) Contracting with another entity, public or private, to prepare the Initial Study.
- (3) Accepting a draft Initial Study prepared by the applicant, a consultant retained by the applicant, or any other third person.
- (4) Executing a third party contract or memorandum of understanding with the applicant to govern the preparation of an Initial Study by an independent contractor.
- (5) Using a previously prepared Initial Study.

The Initial Study sent out for public review, however, must reflect the independent judgment of the Lead Agency.

For private projects, the person or entity proposing to carry out the project shall complete Form "I" of these Local CEQA Guidelines, submit the completed Form "I" to the District, and submit all other 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.

(Reference: State CEQA Guidelines, §§ 15063, 15084.)

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 7.25, 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.

(Reference: State CEQA Guidelines, § 15063.)

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 or Mitigated Negative Declaration. If any significant effect may still occur despite alterations of the project, an EIR must be prepared.

(Reference: State CEQA Guidelines, § 15063(g).)

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 separate NEPA and CEQA documents for a project that is subject to both NEPA and CEQA. (State CEQA Guidelines, § 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, § 15222.) To avoid the need for the federal agency to prepare a separate document for the same project, the Lead Agency must involve the federal agency in the preparation of the joint document. The Lead Agency may also enter into a Memorandum of Understanding with the federal agency to ensure that both federal and state requirements are met.

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, § 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, § 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, § 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, § 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.

(Reference: State CEQA Guidelines, § 15063.)

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

(Reference: State CEQA Guidelines, § 15063(d).)

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 that 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 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.

The District may use a threshold of significance (as that term is defined in State CEQA Guidelines section 15064.7) to determine whether a project may cause a significant environmental

impact. When using a threshold of significance, the District should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with the threshold, however, does not relieve the District of the obligation to consider substantial evidence indicating that a project's environmental effects may still be significant.

(Reference: State CEQA Guidelines, § 15064(b)(2).)

5.09 DETERMINING THE SIGNIFICANCE OF TRANSPORTATION IMPACTS

On or about December 28, 2018, the California Natural Resources Agency added a new section to the State CEQA Guidelines—Section 15064.3, entitled “Determining the Significance of Transportation Impacts.” Section 15064.3 provides:

(a) Purpose.

This section describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, “vehicle miles traveled” refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact.

(b) Criteria for Analyzing Transportation Impacts.

(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.

(3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other

destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

(c) Applicability.

The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide.

(Reference: State CEQA Guidelines, § 15064.3.)

5.10 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;
- (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.

(Reference: State CEQA Guidelines, § 15065.)

5.11 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.

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 7.27.)

5.12 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, 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.

(Reference: State CEQA Guidelines, § 15183.)

5.13 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.

5.14 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 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.

(Reference: State CEQA Guidelines, § 15064.5.)

5.15 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).

(Reference: State CEQA Guidelines, § 15064.5(c).)

5.16 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

(a) Projects Subject to Consultation Requirements.

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 Local Guidelines Section 11.83. 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. A sample request for a water supply assessment is provided as Form “N” of these Local CEQA Guidelines.

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.

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.

(3) 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.

The degree of certainty regarding the availability of water supplies will vary depending on the stage of project approval. A Lead Agency should have greater confidence in the availability of water supplies for a specific project than might be required for a conceptual plan (i.e. general plan, specific plan). An analysis of water supply in an environmental document may incorporate by reference information in a water supply assessment, urban water management plan, or other publicly available sources. The analysis shall include the following:

- (1) Sufficient information regarding the project's proposed water demand and proposed water supplies to permit the Lead Agency to evaluate the pros and cons of supplying the amount of water that the project will need.
- (2) An analysis of the reasonably foreseeable environmental impacts of supplying water throughout all phases of the project.
- (3) An analysis of circumstances affecting the likelihood of the water's availability, as well as the degree of uncertainty involved. Relevant factors may include but are not limited to, drought, salt-water intrusion, regulatory or contractual curtailments, and other reasonably foreseeable demands on the water supply.
- (4) If the Lead Agency cannot determine that a particular water supply will be available, it shall conduct an analysis of alternative sources, including at least in general terms the environmental consequences of using those alternative sources, or alternatives to the project that could be served with available water.

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 7.25.

5.17 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.

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.

5.18 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.

(Reference: Pub. Resources Code, § 21083.4.)

5.19 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 by State CEQA Guidelines section 15064.4. For projects subject to CEQA, the District shall 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.

In performing analysis of greenhouse gas emissions, the District, as Lead Agency, shall have discretion to determine, in the context of a particular project, whether to:

- (1) Quantify greenhouse gas emissions resulting from a project; and/ or
- (2) Rely on a qualitative analysis or performance-based standards.

B. Factors in Determining Significance.

In determining the significance of a project's greenhouse gas emissions, the District, when acting as Lead Agency, should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national, or global emissions. The District's analysis should consider a timeframe that is appropriate for the project. The District's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes.

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

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting. 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. The Lead Agency 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, the Lead Agency 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 (see, e.g., State CEQA Guidelines section 15183.5(b)). 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. In determining the significance of impacts, the Lead Agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

The Lead Agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The Lead Agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The Lead Agency must support its selection of a model or methodology with substantial evidence. The Lead Agency should explain the limitations of the particular model or methodology selected for use.

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:

- (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 in a 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;
- (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.

5.20 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 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.

5.21 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.

5.22 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 Directors’ 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.

(Reference: Pub. Resources Code, § 21151.)

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.)

(Reference: State CEQA Guidelines, § 15070(a).)

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 Mitigated 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 Mitigated 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.

(Reference: State CEQA Guidelines, § 15070(b).)

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 that has jurisdiction by law or exercises authority over resources affected by the project, including:
 - (1) Any water supply agency consulted under Local Guidelines Section 5.16;
 - (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 5.11 (regarding mandatory preparation of EIR) (see also Local Guidelines Section 7.27), 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 shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code section 33333.3.

The Notice of Intent must also be posted to the Lead Agency's website, if any. (Pub. Resources Code, § 21092.2(d).) Additionally, for a project of statewide, regional, or area-wide significance, the Lead Agency should also consult with public transit agencies with facilities within one-half mile of the proposed project.

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.

The public review period for a Negative Declaration or Mitigated Negative Declaration shall not be less than twenty (20) days; the public review period shall be at least thirty (30) days where the Negative Declaration or Mitigated Negative Declaration is for a proposed project where

(1) a state agency is the lead agency, a responsible agency, or a trustee agency; (2) a state agency otherwise has jurisdiction by law with respect to the project; or (3) the proposed project is of sufficient statewide, regional, or area-wide significance as determined pursuant to State CEQA Guidelines section 15206. The Lead Agency shall give notice of the public review period by filing and posting a Notice of Intent to Adopt a Negative Declaration (Form “D”) with the County Clerk before commencement of the public review period; where a public review period of at least 30 days is required, the Lead Agency shall also electronically submit the Notice of Intent to the State Clearinghouse. (Pub. Resources Code, § 21091.)

For purposes of calculating the length of the public review period, the last day of the public review period cannot fall on a weekend, a legal holiday, or other day on which the lead agency’s offices are closed.¹ (Reference: *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, 708.)

The District requires requests for notices to be in writing and 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.

If the Negative Declaration or Mitigated Negative Declaration has been submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least as long as the period of review and comment by state agencies. (See Local Guidelines Section 6.10.) Day one of the state agency review period shall be the date that the State Clearinghouse distributes the Negative Declaration or Mitigated Negative Declaration to state agencies.

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 incorporated by reference 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 2.05); and
- (g) The significant effects on the environment, if any, anticipated as a result of the proposed project.

¹ A public agency’s “offices are closed” for purposes of this section on days in which the agency is formally closed for business (for example, due to a weekend, a legal holiday, or a formal furlough affecting the entire office). A public agency’s office is not considered closed for purposes of this section where the agency’s office may be physically closed, but the agency is nonetheless open for business and is operating remotely or virtually (for example, in response to the Covid-19 pandemic).

(Reference: Pub. Resources Code, §§ 21082.1, 21091, 21161; State CEQA Guidelines, §§ 15072, 15105, 15205.)

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; and
- (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 the remediation of lands contaminated with hazardous wastes and meets certain other requirements. (Reference: Pub. Resources Code, §§21080.4 and 21092; Health & Safety Code, §§ 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.

(Reference: State CEQA Guidelines, §§ 15105(b), 15190.5(c).)

6.06 SPECIAL FINDINGS REQUIRED FOR FACILITIES THAT 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 or a Mitigated 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 or Mitigated 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 or Mitigated Negative Declaration, the proposed Negative Declaration or Mitigated Negative Declaration, and the 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 or Mitigated 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 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. Where the application for a housing development project is deemed to be complete on or after March 4, 2020 and before December 31, 2021, the California Native American tribe shall have 60 days to respond to the Lead Agency and request consultation. (Reference: Gov. Code, § 65583(i).)

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.

(Reference: Pub. Resources Code, §§ 21080.3.1, 21080.3.2.)

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 the mitigation measures are determined to avoid or lessen the proposed project's impacts on tribal cultural resources, and if the mitigation measures are 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 Government Code section 7927.005, and State CEQA Guidelines section 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 American 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 Negative Declaration or 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 American 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.

(Reference: Pub. Resources Code, § 21082.3.)

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.
 - (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.

(Reference: Pub. Resources Code, § 21084.3.)

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 on the District's website, if any, and shall make these documents 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 a Negative Declaration or Mitigated Negative Declaration prepared for a project subject to state agency review, as set forth in Local Guidelines Section 6.11, 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, Notice of the Intent to Adopt shall be given to the last known name and address of all organizations and individuals who have previously requested notice; by posting the notice on the website of the lead agency; and 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, when acting as Lead Agency, 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 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 that refutes the comment or adequately explains the District's action in light of the comment will assist the District in defending against a legal challenge. The District shall notify any public agency that 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.

(Reference: Pub. Resources Code, § 21092; State CEQA Guidelines, §§ 15072-15073.)

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, in an electronic form as required by the Office of Planning and Research, regardless of whether the document must be circulated for review and comment by state agencies under State CEQA Guidelines section 15205 and 15206. The Negative Declaration or Mitigated Negative Declaration must be submitted via the Office of Planning and Research's CEQA Submit website (<https://ceqasubmit.opr.ca.gov/Security/LogOn?ReturnUrl=%2f>). The CEQA Submit website differentiates between environmental documents that do require review and comment by state agencies and those that do not. In particular, the website provides a "Local Review Period" tab for submitting documents that do not require review and comment by state agencies, and a "State Review Period" tab for submitting documents that do require review and comment by state agencies.

A Negative Declaration or Mitigated Negative Declaration must be submitted to the State Clearinghouse for review and comment by state agencies (i.e., a Negative Declaration or Mitigated Negative Declaration must be submitted through the CEQA Submit website under the "State Review Period" tab) 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 that require submission to the State Clearinghouse for circulation:

- (1) Projects that have the potential to cause 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 that would affect sensitive wildlife habitats or the habitats of any rare, threatened, or endangered species;
- (5) Projects that would interfere with water quality standards; and
- (6) Projects that 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.

The public review period for a Negative Declaration or a Mitigated Negative Declaration shall not be less than twenty (20) days. The review period, however, shall be at least thirty (30) days if the Negative Declaration or Mitigated Negative Declaration is for a proposed project where a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction by law with respect to the project; or the proposed project is of sufficient statewide, regional, or areawide significance as determined pursuant to the guidelines certified and adopted pursuant to State CEQA Guidelines section 15206. When the Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse for state agency review, 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.

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 review period

shall not be less than twenty (20) days. Such a request must be made in writing by the Lead Agency to the Office of Planning and Research. 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 areawide environmental significance, as defined by State CEQA Guidelines section 15206.

When the Lead Agency completes its Negative Declaration or Mitigated Negative Declaration for a proposed project, the Lead Agency must also cause a Notice of Completion (Form “H”) to be filed with the Office of Planning and Research via the Office of Planning and Research’s CEQA Submit website. The Notice of Completion should briefly identify the project, indicate that an environmental document has been prepared for the project, and identify the project location by latitude and longitude.

The Lead Agency must post the Notice of Intent, Notice of Completion, and Negative Declaration or Mitigated Negative Declaration on its website, if any.

(Reference: Pub. Resources Code, §§ 21082.1, 21161; State CEQA Guidelines, §§ 15205, 15206.)

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

For any project that involves the burning of municipal waste, hazardous waste, or refuse-derived fuel (such as tires) and that does not require an EIR, as defined in Local Guidelines Section 5.11, a Notice of Intent to Adopt a Negative Declaration or Mitigated 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.

These notice requirements apply only to those projects described in Local Guidelines Section 5.11. These notice requirements do not preclude the District from providing additional notice by other means if desired.

(Reference: Pub. Resources Code, § 21092(c).)

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 that will supply the project to determine whether the public water system 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 5.16 for more information on these requirements.

(Reference: State CEQA Guidelines, § 15155.)

6.14 CONTENT OF NEGATIVE DECLARATION OR MITIGATED 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; and
- (d) An attached copy of the Initial Study documenting reasons to support the finding.

For a Mitigated Negative Declaration, feasible mitigation measures included in the project to substantially lessen or avoid potentially significant effects 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.

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

(Reference: State CEQA Guidelines, § 15071.)

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.

(Reference: State CEQA Guidelines, § 15370.)

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 or Mitigated 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 that 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 or a Mitigated Negative Declaration. Any final CEQA determination made by a non-elected decisionmaker, however, is appealable to the District's Board of Directors within either (a) the time period set forth in the District's established process to appeal the non-elected decisionmaker's CEQA determination; or, if no such process exists, (2) ten (10) days of the non-elected decisionmaker's determination. If the non-elected decisionmaker's CEQA determination is not timely appealed as set forth herein, the non-elected decisionmaker's determination shall be final.

(Reference: State CEQA Guidelines, § 15074.)

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 that 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 Mitigated 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 7.38. 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 that mitigate impacts to resources that 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.

(Reference: State CEQA Guidelines, §§ 15074, 15097.)

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 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 that may emit hazardous pollutants or that may handle extremely hazardous substances within one-quarter mile of a school site.)

(Reference: State CEQA Guidelines, § 15092.)

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 when 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.

(Reference: State CEQA Guidelines, § 15073.5.)

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 or Mitigated 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 or Mitigated Negative Declaration, location, and the State Clearinghouse identification number for the proposed Negative Declaration or Mitigated Negative Declaration if the Notice of Determination is filed with the State Clearinghouse;
- (b) For private projects, identification of the person undertaking a project that is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use from one or more public agencies;
- (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 must also post the Notice of Determination on its website. Such electronic notice is in addition to the posting requirements of the State 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 of Determination prior to the date on which the District adopts the Negative Declaration or Mitigated 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 limitations 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.

(Reference: State CEQA Guidelines, § 15075.)

6.21 ADDENDUM TO NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District may prepare an addendum to an adopted Negative Declaration or Mitigated Negative Declaration if only minor technical changes or additions are necessary. The District may also prepare an addendum to an adopted Negative Declaration or Mitigated Negative Declaration when none of the conditions calling for a subsequent Negative Declaration or Mitigated 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 or Mitigated Negative Declaration. The District shall consider the addendum with the adopted Negative Declaration or Mitigated Negative Declaration prior to project approval.

(Reference: State CEQA Guidelines, § 15164.)

6.22 SUBSEQUENT NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

When a Negative Declaration or Mitigated Negative Declaration has been adopted for a project, or when an EIR has been certified, no subsequent Negative Declaration, Mitigated

Negative Declaration, or EIR shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (a) Substantial changes are proposed in the project which will require major revisions of the previous EIR, Negative Declaration, or Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR, Negative Declaration, or Mitigated 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, Subsequent Negative Declaration, Subsequent Mitigated Negative Declaration, or Addendum would be applicable. Subsequent Negative Declarations and Mitigated 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.

(Reference: State CEQA Guidelines, § 15162.)

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 or Mitigated Negative Declaration and Notice of Determination.

6.24 FILING FEES FOR PROJECTS THAT AFFECT WILDLIFE RESOURCES.

At the time a Notice of Determination for a Negative Declaration or Mitigated Negative Declaration is filed with the County or Counties in which the project is located, a fee of \$2,764.00, or the then applicable fee, shall be paid to the Clerk for projects that 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 Code 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)). The applicable DFW Regional Office’s 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 appropriate DFW Regional Office. The project’s CEQA document may need to be provided to the appropriate DFW Regional Office along with a written request. Documentation submitted to the appropriate DFW 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.

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 District's conclusions, DFW will provide the District with written confirmation. Retain DFW's 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.

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.

(Reference: Pub. Resources Code, § 21151.)

7.02 CONTRACTING FOR PREPARATION OF EIRS.

If an EIR is prepared under a contract with 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. (Reference: Pub. Resources Code, § 21151.5.)

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 Staff deems necessary for completion of the EIR. (Reference: State CEQA Guidelines, §§ 15084, 15090.)

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 submit a Notice of Preparation (Form "G") to the Office of Planning and Research through its CEQA Submit website 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 5.16;
 - (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, 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 in Local Guidelines Section 7.04, 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 7.36, any potentially affected school district;
- (f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.11 (See also Local Guidelines Section 7.27), 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, the agricultural and farm agencies and organizations specified in Health and Safety Code section 33333.3.

Additionally, for a project of statewide, regional, or area-wide significance, the Lead Agency should also consult with public transit agencies with facilities within one-half mile of the proposed project.

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 in writing via certified mail, email, or an equivalent procedure. Agencies that do not respond within thirty (30) days shall be deemed not to have any comments on the Notice of Preparation.

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 2.05.)

(Reference: Pub. Resources Code, § 21080.4; State CEQA Guidelines, § 15082.)

7.04 SPECIAL NOTICE REQUIREMENTS FOR AFFECTED MILITARY AGENCIES

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

- (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.

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.

(Reference: Pub. Resources Code, §§ 21080.4, 21092; Health & Safety Code, §§ 25300, et seq., 25396, 25187; State CEQA Guidelines, § 15082(a).)

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. A project may qualify as an Environmental Leadership Development Project if it is one of the following:

- (1) A residential, retail, commercial, sports, cultural, entertainment, or recreational use project that meets the following standards:

- The project is certified as Leadership in Energy and Environmental Design (LEED) gold or better by the United States Green Building Council; and
 - The project, where applicable, achieves a 15 percent greater standard for transportation efficiency than comparable projects; and
 - The project is located on an infill site; and
 - For a project that is within a metropolitan planning organization for which a sustainable communities strategy or alternative planning strategy is in effect, the infill project shall be 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 has accepted a metropolitan planning organization's determination, under subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.
- (2) A clean renewable energy project that generates electricity exclusively through wind or solar, but not including waste incineration or conversion.
- (3) A clean energy manufacturing project that manufactures products, equipment, or components used for renewable energy generation, energy efficiency, or for the production of clean alternative fuel vehicles.
- (4) A housing development project—i.e., a project that entails either residential units only; mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use; or transitional housing or supportive housing—that meets all of the following conditions:
- The housing development project is located on an infill site.
 - For a housing development project that is located within a metropolitan planning organization for which a sustainable communities strategy or alternative planning strategy is in effect, the project 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 has accepted a metropolitan planning organization's determination, under subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.
 - Notwithstanding paragraph (1) of subdivision (a) of Section 21183, the housing development project will result in a minimum investment of fifteen million

dollars (\$15,000,000), but less than one hundred million dollars (\$100,000,000), in California upon completion of construction.

- At least 15 percent of the housing development project is dedicated as housing that is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code. Upon completion of a housing development project that is qualified under this paragraph and is certified by the Governor, the lead agency or applicant of the project shall notify the Office of Planning and Research of the number of housing units and affordable housing units established by the project. Notwithstanding the foregoing, if a local agency has adopted an inclusionary zoning ordinance that establishes a minimum percentage for affordable housing within the jurisdiction in which the housing development project is located that is higher than 15 percent, the percentage specified in the inclusionary zoning ordinance shall be the threshold for affordable housing.
- Except for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code, no part of the housing development project shall be used for a rental unit for a term shorter than 30 days, or designated for hotel, motel, bed and breakfast inn, or other transient lodging use. Moreover, no part of the housing development project shall be used for manufacturing or industrial uses.

The Governor may certify a leadership project for streamlining before the lead agency certifies an EIR for the project if various conditions set forth in Public Resources Code section 21182 are met. The conditions include but are not limited to the following: (1) except as set forth above, the project will result in a minimum investment of one hundred million dollars (\$100,000,000) in California upon completion of construction; (2) the project creates high-wage, highly skilled jobs that pay prevailing wages and living wages, provide construction jobs and permanent jobs for Californians, helps reduce unemployment, and promotes apprenticeship training; and (3) the project will not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation.

If the Governor certifies a project as an Environmental Leadership Development Project, any lawsuit challenging the project—including any potential appeals to the court of appeal or the California Supreme Court—must be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the trial court.

This section shall remain in effect until January 1, 2026. This section does not comprehensively set forth the rules governing Environmental Leadership Development projects. For more information, please see Chapter 6.5 of the Public Resources Code, starting with Public Resources Code section 21178.

7.06 PREPARATION OF DRAFT EIR.

The Lead Agency is responsible for preparing a Draft EIR. The Lead Agency may begin preparation of the Draft EIR 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.

(Reference: State CEQA Guidelines, § 15084.)

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 if 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 tribal representative of, traditionally and culturally affiliated California Native American 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.

(Reference: Pub. Resources Code, §§ 21080.3.1, 21080.3.2.)

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 the mitigation measures are determined to avoid or lessen the proposed project's impacts on tribal cultural resources, and if the mitigation measures are 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 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 Government Code section 7927.005, and State CEQA Guidelines section 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 American 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 American 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.

(Reference: Pub. Resources Code, § 21082.3.)

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.

(Reference: Pub. Resources Code, § 21084.3.)

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 that 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 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 gather 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 that are within its area of expertise or that are required to be carried out or approved by

the Responsible Agency. 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 that mitigate impacts to resources that 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. Moreover, the Lead Agency should also consult with public transit agencies with facilities within one-half mile of the proposed project. 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.

(Reference: State CEQA Guidelines, §§ 15082, 15083.)

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 5.16 and 5.17 for more information on these requirements.)

(Reference: State CEQA Guidelines, § 15155.)

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.

(Reference: State CEQA Guidelines, § 15154.)

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 7920.000, 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 that 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 that will be used in an EIR, or that will control the detailed design, construction, or operation of the proposed project and that will be prepared in support of an EIR.

(Reference: State CEQA Guidelines, § 15149.)

7.16 INCORPORATION BY REFERENCE.

An EIR, Negative Declaration, or Mitigated Negative Declaration may incorporate by reference all or portions of another document that 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.

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.

(Reference: State CEQA Guidelines, § 15150.)

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 that enables them to make a decision that 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.

(Reference: State CEQA Guidelines, § 15151.)

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 7.24 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, when acting as Lead Agency, may choose any baseline that is appropriate as long as the District'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 that 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 5.20);
- (h) An analysis of a range of alternatives to the proposed project that could feasibly attain the project's objectives as discussed in Local Guidelines Section 7.23;
- (i) A description of any significant irreversible environmental changes that 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 that 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 7.24;
- (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 that 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 7.22, which could minimize significant adverse impacts.

(Reference: State CEQA Guidelines, §§ 15120-15148.)

7.19 CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS.

An EIR must identify and focus on the significant effects of the proposed project on the environment. 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 or risk exacerbating by bringing development and people into the area. If applicable, an EIR should also evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified on authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.

If analysis of the project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary use of energy, or wasteful use

of energy resources, the EIR shall mitigate that energy use. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include, among others, the project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project. This analysis is subject to the rule of reason and shall focus on energy use that is caused by the project. This analysis may be included in related analyses of air quality, greenhouse gas emissions, transportation or utilities in the discretion of the Lead Agency.

The EIR must describe all significant impacts, including those that 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 that 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 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.

(Reference: Pub. Resources Code, § 21100.)

7.20 ENVIRONMENTAL SETTING

An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which the Lead Agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.

(1) Generally, the Lead Agency should describe physical environmental conditions as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, the Lead Agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, the Lead Agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.

(2) The Lead Agency may use projected future conditions (beyond the date of project operations) as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-

makers and the public. Use of projected future conditions as the only baseline must be supported by reliable projections based on substantial evidence in the record.

(3) An existing conditions baseline shall not include hypothetical conditions—such as those that might be allowed, but have never actually occurred, under existing permits or plans—as the baseline.

(State CEQA Guidelines, § 15125.)

7.21 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 that 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 that 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 impacts to which the identified other projects contribute, rather than on the attributes of other projects that do

not contribute to the cumulative impact. The discussion of significant cumulative impacts must include either of the following:

- (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, the Lead Agency should clearly explain the basis for its determination 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.

(Reference: State CEQA Guidelines, § 15130.)

7.22 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 Trustee 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 shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the Lead Agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.

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, regulation, 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—i.e., there must be an essential nexus between the mitigation measure and a legitimate governmental interest, and the mitigation measure must be "roughly proportional" to the impacts of the project.

Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of a 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 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;
 - (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.

(Reference: State CEQA Guidelines, § 15126.4.)

7.23 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 that are infeasible. Rather, an EIR 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 that 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.

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 that 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.

(Reference: State CEQA Guidelines, § 15126.6.)

7.24 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 that is unspecific or uncertain. However, if future action is not considered now, it must be considered and environmentally evaluated before it is actually implemented.

(Reference: *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 396.)

7.25 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 the Office of Planning and Research in an electronic form via the Office of Planning and Research’s CEQA Submit website, which is located at the following web address: <https://ceqasubmit.opr.ca.gov/Security/LogOn?ReturnUrl=%2f>. The Notice of Completion 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.

The Office of Planning and Research 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 the Office of Planning and Research, 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 during which the District will receive comments, the manner in which the District will receive those comments, 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 incorporated by reference in the EIR will be available for public review, and a description of how the Draft EIR can be obtained in electronic format. This location shall be readily accessible to the public during the District’s normal working hours; 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 that has jurisdiction by law or exercises authority over resources affected by the project, including:
 - (1) Any water supply agency consulted under Local Guidelines Section 5.16;
 - (2) Any city or county bordering on the project area;
 - (3) For a project of statewide, regional, or area-wide significance, any transportation agencies or public agencies that 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 that could be affected by the project;
 - (4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, 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 11.67 of 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, 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 7.36, any potentially affected school district;
- (f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.11 (see also Local Guidelines Section 7.27), 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 requires requests for copies of these Notices to be in writing and to be renewed annually; moreover, the District may charge a fee for the reasonable cost of providing these Notices. 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.

Notice shall be given to the last known name and address of all organizations and individuals who have previously requested notice; by posting the notice on the website of the lead agency; and 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
- (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 shall also post an electronic copy of the Notice of Completion, Notice of Availability, and Draft EIR on its website, if any.

(Reference: Pub. Resources Code, § 21082.1; State CEQA Guidelines, §§ 15085, 15087.)

7.26 SUBMISSION OF DRAFT EIR TO STATE CLEARINGHOUSE.

A Draft EIR must be submitted to the State Clearinghouse, at the same time as the Notice of Completion, in an electronic form as required by the Office of Planning and Research, regardless of whether the document must be circulated for review and comment by state agencies under State CEQA Guidelines section 15205 and 15206. The Draft EIR must be submitted via the Office of Planning and Research's CEQA Submit website (<https://cegasubmit.opr.ca.gov/Security/LogOn?ReturnUrl=%2f>). The CEQA Submit website differentiates between environmental documents that do require review and comment by state agencies and those that do not. In particular, the website provides a "Local Review Period" tab for

submitting documents that do not require review and comment by state agencies, and a “State Review Period” tab for submitting documents that do require review and comment by state agencies.

A Draft EIR must be submitted to the State Clearinghouse for review and comment by state agencies (i.e., the Draft EIR must be submitted through the CEQA Submit website under the “State Review Period” tab) 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 that require submission to the State Clearinghouse for circulation:

- (1) General plans, elements, or amendments for which an EIR was prepared;
- (2) Projects that 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 that would affect sensitive wildlife habitats or the habitats of any rare, threatened, or endangered species;

- (6) Projects that would interfere with water quality standards; and
- (7) Projects that would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

A Draft EIR may also be submitted to the State Clearinghouse for review and comment by state agencies when a state agency has special expertise with regard to the environmental impacts involved.

Submission of the Draft EIR to the State Clearinghouse affects the timing of the public review period as set forth in Local Guidelines Section 7.28.

(Reference: Pub. Resources Code, § 21091; State CEQA Guidelines, §§ 15205, 15206.)

7.27 SPECIAL NOTICE REQUIREMENTS FOR WASTE- AND FUEL-BURNING PROJECTS.

For any waste-burning project, as defined in Local Guidelines Section 5.11, in addition to the notice requirements specified in Local Guidelines Sections 7.25 and 7.26, 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.

(Reference: Pub. Resources Code, § 21092(c).)

7.28 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.

If the Draft EIR is for a proposed project where a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction by law with respect to the project; or the proposed project is of sufficient statewide, regional, or area-wide significance as determined pursuant to State CEQA Guidelines section 15206, the review period shall be at least forty-five (45) days (unless a shorter period is approved as set forth below), and the lead agency shall provide the document in an electronic form, as required by the Office of Planning and Research, to the State Clearinghouse for review and comment by state agencies.

For purposes of calculating the length of the public review period, the last day of the public review period cannot fall on a weekend, a legal holiday, or other day on which the lead agency's offices are closed.² (Reference: *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, 708.)

² A public agency's "offices are closed" for purposes of this section on days in which the agency is formally closed for business (for example, due to a weekend, a legal holiday, or a formal furlough affecting the entire office). A public agency's office is not considered closed for purposes of this section where the agency's office may be physically closed, but the agency is nonetheless open for business and is operating remotely or virtually (for example, in response to the Covid-19 pandemic).

If a state agency is a Responsible Agency, or if the Draft EIR is submitted to the State Clearinghouse for review and comment by state agencies, 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.

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.

(Reference: Pub. Resources Code, § 21091; State CEQA Guidelines, §§ 15203, 15205(d).)

7.29 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 3.15; to adopt a bicycle transportation plan as explained in Local Guidelines Section 3.18; 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.

(Reference: State CEQA Guidelines, § 15202.)

7.30 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 that 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. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.

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, either in printed copy or in an electronic format, to any public agency that 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.

(Reference: State CEQA Guidelines, § 15088.)

7.31 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.

(Reference: State CEQA Guidelines, §§ 15089, 15132.)

7.32 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 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 7.25 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.

(Reference: State CEQA Guidelines, § 15088.5.)

7.33 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.

(Reference: State CEQA Guidelines, § 15090.)

7.34 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.

(Reference: State CEQA Guidelines, § 15092.)

7.35 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) the project's 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 7.37). 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.

(Reference: State CEQA Guidelines, § 15091.)

7.36 SPECIAL FINDINGS REQUIRED FOR FACILITIES THAT 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 or Mitigated 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 or Mitigated 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, Mitigated 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, Mitigated 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.

(Reference: State CEQA Guidelines, § 15186.)

7.37 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 that 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.

(Reference: State CEQA Guidelines, § 15093.)

7.38 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 that 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.

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 that 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 that have readily measurable or quantitative mitigation measures or that already involve regular review. "Monitoring" is generally an ongoing or periodic process of project oversight. Monitoring is suited to projects with complex mitigation measures that 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;
- (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) A 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.

(Reference: State CEQA Guidelines, § 15097.)

7.39 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. If the notice of determination is filed with the State Clearinghouse, the State Clearinghouse identification number for the draft EIR shall be provided.
- (b) A brief description of the project;
- (c) The District’s name and the applicant’s name (if any). If different from the applicant, the Notice of Determination shall further provide, if applicable, the identity of the person undertaking the project that is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies, or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use from one or more public agencies.
- (d) The date when the District approved the project;
- (e) Whether the project in its approved form with mitigation will have a significant effect on the environment;
- (f) A statement that an EIR was prepared and certified pursuant to the provisions of CEQA;
- (g) Whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted;
- (h) Whether findings were made and/or whether a Statement of Overriding Considerations was adopted for the project; and
- (i) 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 7.42 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 electronically with the Office of Planning and Research 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, when acting as lead agency, must post its Notice of Determination for a project on its website, if any.

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.

(Reference: Pub. Resources Code, §§ 21092.2, 21108; State CEQA Guidelines, § 15094.)

7.40 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.

(Reference: State CEQA Guidelines, § 15095.)

7.41 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.

7.42 FILING FEES FOR PROJECTS THAT 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 \$3,839.25, or the then applicable fee, shall be paid to the Clerk for projects that 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.

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.)

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, Negative Declarations, or Mitigated Negative Declarations prepared for narrower projects. The later EIR, Negative Declaration, or Mitigated 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, Negative Declaration, or Mitigated 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 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 ratio 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 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 7.37.)

(Reference: State CEQA Guidelines, § 15152.)

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. This type of EIR must examine all phases of the project, including planning, construction, and operation.

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.

(Reference: State CEQA Guidelines, §§ 15161, 15180.)

8.04 SUBSEQUENT EIR.

A Subsequent EIR is required when a previous EIR has been prepared and certified, or a Negative Declaration or Mitigated 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
- (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/Mitigated 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, Negative Declaration, or Mitigated 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. As a potential tool to determine whether a Subsequent EIR is required, see Form J-1 of these Local Guidelines.

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 that 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. (Reference: State CEQA Guidelines, § 15162.)

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.

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.

(Reference: State CEQA Guidelines, § 15163.)

8.06 ADDENDUM TO AN EIR.

The District shall prepare an Addendum to a previously certified EIR, rather than a Subsequent or Supplemental EIR, only if changes or additions to the EIR are necessary, but 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.

(Reference: State CEQA Guidelines, § 15164.)

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.

(Reference: State CEQA Guidelines, § 15167.)

8.08 PROGRAM EIR.

A Program EIR is an EIR that 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 that can be mitigated in similar ways.

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 has ruled that “CEQA does not mandate that a first-tier program EIR identify with certainty particular sources of water for second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific sources 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.

(Reference: State CEQA Guidelines, § 15168.)

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 on later activities in 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 later activity 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. Where the later activities involve site-specific operations, 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 within the scope of the Program EIR. If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to an EIR, Negative Declaration, or Mitigated Negative Declaration. That later analysis may tier from the Program EIR as provided in State CEQA Guidelines section 15152.

If the District finds that no Subsequent EIR 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.) Whether a later activity is within the scope of a Program EIR is a factual question that the Lead Agency determines based on substantial evidence in the record. Factors that the Lead Agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the Program EIR.

(Reference: State CEQA Guidelines, § 15168.)

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.

(Reference: State CEQA Guidelines, § 15165.)

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 7.25 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:
 - (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 Supplemental 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.

(Reference: State CEQA Guidelines, § 15175.)

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 that 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.

(Reference: State CEQA Guidelines, § 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. 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, the Lead Agency can approve the activity as being within the scope of the project covered by the Master EIR, and no new environmental document is required.

(Reference: State CEQA Guidelines, § 15180.)

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 or any other non-legislative discretionary approval if the development satisfies 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 developed 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)(1) A site that meets the requirements of clause (2) and satisfies any of the following:

(I) The site is zoned for residential use or residential mixed-use development.

(II) The site has a general plan designation that allows residential use or a mix of residential and nonresidential uses.

(III) The site is zoned for office or retail commercial use and meets the requirements of Gov. Code section 65852.24.

(2) At least two-thirds of the square footage of the development designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Government Code section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

(iii) If the development contains units that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction or covenant providing that any lower or moderate income housing units required pursuant to subparagraph B of Paragraph (iv) of this Subsection shall remain available at affordable housing costs or rent to persons and families of lower or moderate income 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 subparagraphs (A) and (B) below:

(A) The development 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, as shown on the most recent production report received by the department, is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain 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 does either of the following:

A. The project dedicates a minimum of 10 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 80 percent of the area median income. However, 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 local ordinance applies.

B. If the project is located within the San Francisco Bay area, the project, in lieu of complying with subclause (A),

dedicates 20 percent of the total number of units, before calculating any density bonus, to housing affordable to households making below 120 percent of the area median income with the average income of the units at or below 100 percent of the area median income. However, a local ordinance adopted by the locality applies if it requires greater than 20 percent of the units be dedicated to housing affordable to households making at or below 120 percent of the area median income, or requires that any of the units be dedicated at a level deeper than 120 percent. In order to comply with this subclause, the rent or sale price charged for units that are dedicated to housing affordable to households between 80 percent and 120 percent of the area median income shall not exceed 30 percent of the gross income of the household. For purposes of this subclause, “San Francisco Bay area” means the entire area within the territorial boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco.

(2) 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 housing affordable to households making at or 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, before calculating any density bonus, to housing affordable to households making at or below 80 percent of the area median income. However, if 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 at or below 80 percent of the area median income, that ordinance applies.

(3) The locality did not submit its latest production report to the department by the time period required by Government Code 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).

(C)(i) A development proponent that uses a unit of affordable housing to satisfy the requirements of subparagraph (B) may also satisfy any other local or state requirement for affordable housing, including local ordinances or the Density Bonus Law in Government Code section 65915, provided that the development proponent complies with the applicable requirements in the state or local law.

(C)(ii) A development proponent that uses a unit of affordable housing to satisfy any other state or local affordability requirement may also satisfy the requirements of subparagraph (B), provided that the development proponent complies with applicable requirements of subparagraph (B).

(C)(iii) A development proponent may satisfy the affordability requirements of subparagraph (B) with a unit that is restricted to households with incomes lower than the applicable income limits required in subparagraph (B).

(v) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the 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 section if the development is consistent with the standards set forth in the general plan.

(C) A project that satisfies the requirements of Government Code section 65852.24 shall be deemed consistent with objective zoning standards, objective design standards, and objective subdivision standards if the project is consistent with the provisions of subdivision (b) of Government Code section 65852.24 and if none of the square footage in the project is designated for hotel, motel, bed and breakfast inn, or other transient lodging use, except for a residential hotel. For purposes of this subdivision, “residential hotel” shall have the same meaning as defined in Section 50519 of the Health and Safety Code.

(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 Government Code section 51179, or sites that have adopted fire hazard mitigation measures pursuant to 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 either of the following apply:

- (i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Government Code section 65962.5; or
- (ii) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable 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 of the Government Code.

(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:

(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 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 through 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) Subsections (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 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, 2023, 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, 2023, 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 7920.000, et seq.) and shall be open to public inspection. An applicant that fails to provide a monthly 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 (Government Code section 66410, et seq.) 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)(A)(1) Before submitting an application for a development subject to the streamlined, ministerial approval process described in this section, the development proponent shall submit to the local government a notice of its intent to submit an application. The notice of intent shall be in the form of a preliminary application that includes all of the information described in Section 65941.1 of the Government Code, as that section read on January 1, 2020.
- (2) Upon receipt of a notice of intent to submit an application, the local government shall engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, of the proposed development. In order to expedite compliance with this subdivision, the local government shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.
- (3) The timeline for noticing and commencing a scoping consultation in accordance with this subdivision shall be as follows:
 - A. The local government shall provide a formal notice of a development proponent's notice of intent to submit an application to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development within 30 days of receiving that notice of intent. The formal notice provided pursuant to this subclause shall include all of the following:
 - 1. A description of the proposed development.
 - 2. The location of the proposed development.
 - 3. An invitation to engage in a scoping consultation in accordance with this subdivision.
 - B. Each California Native American tribe that receives a formal notice pursuant to this clause shall have 30 days from the receipt of that notice to accept the invitation to engage in a scoping consultation.
 - C. If the local government receives a response accepting an invitation to engage in a scoping consultation pursuant to this subdivision, the local government shall commence the scoping consultation within 30 days of receiving that response.

(B) The scoping consultation shall recognize that California Native American tribes traditionally and culturally affiliated with a geographic area have knowledge and expertise concerning the resources at issue and shall take into account the cultural significance of the resource to the culturally affiliated California Native American tribe.

(C) The parties to a scoping consultation conducted pursuant to this subdivision shall be the local government and any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development. More than one California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development may participate in the scoping consultation. However, the local government, upon the request of any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development, shall engage in a separate scoping consultation with that California Native American tribe. The development proponent and its consultants may participate in a scoping consultation process conducted pursuant to this subdivision if all of the following conditions are met:

- (1) The development proponent and its consultants agree to respect the principles set forth in this subdivision.
- (2) The development proponent and its consultants engage in the scoping consultation in good faith.
- (3) The California Native American tribe participating in the scoping consultation approves the participation of the development proponent and its consultants. The California Native American tribe may rescind its approval at any time during the scoping consultation, either for the duration of the scoping consultation or with respect to any particular meeting or discussion held as part of the scoping consultation.

(D) The participants to a scoping consultation pursuant to this subdivision shall comply with all of the following confidentiality requirements: (1) Government Code section 7927.000; Government Code section 7927.005; Public Resources Code section 21083.3, subdivision (c); (4) State CEQA Guidelines section 15120, subdivision (d); and any additional confidentiality standards adopted by the California Native American tribe participating in the scoping consultation.

(E) CEQA does not apply to the scoping consultation conducted pursuant to this subdivision.

- (b)(ii)(A) If, after concluding the scoping consultation, the parties find that no potential tribal cultural resource would be affected by the proposed development, the development proponent may submit an application for the proposed development

that is subject to the streamlined, ministerial approval process described in this section

(B) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is documented between the California Native American tribe and the local government on methods, measures, and conditions for tribal cultural resource treatment, the development proponent may submit the application for a development subject to the streamlined, ministerial approval process described in this section. The local government shall ensure that the enforceable agreement is included in the requirements and conditions for the proposed development.

(C) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is not documented between the California Native American tribe and the local government regarding methods, measures, and conditions for tribal cultural resource treatment, the development shall not be eligible for the streamlined, ministerial approval process described in this section.

(D) For purposes of this paragraph, a scoping consultation shall be deemed to be concluded if either of the following occur:

- (1) The parties to the scoping consultation document an enforceable agreement concerning methods, measures, and conditions to avoid or address potential impacts to tribal cultural resources that are or may be present.
- (2) One or more parties to the scoping consultation, acting in good faith and after reasonable effort, conclude that a mutual agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources that are or may be present cannot be reached.

(E) If the development or environmental setting substantially changes after the completion of the scoping consultation, the local government shall notify the California Native American tribe of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribe.

(b)(iii) A local government may only accept an application for streamlined, ministerial approval pursuant to this section if one of the following applies:

(A) A California Native American tribe that received a formal notice of the development proponent's notice of intent to submit an application pursuant to this section did not accept the invitation to engage in a scoping consultation.

- (B) The California Native American tribe accepted an invitation to engage in a scoping consultation pursuant to this section but substantially failed to engage in the scoping consultation after repeated documented attempts by the local government to engage the California Native American tribe.
- (C) The parties to a scoping consultation pursuant to this subdivision find that no potential tribal cultural resource will be affected by the proposed development.
- (D) A scoping consultation between a California Native American tribe and the local government has occurred and resulted in an agreement.
- (b)(iv) A project shall not be eligible for the streamlined, ministerial process described in this section if any of the following apply:
 - (A) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.
 - (B) There is a potential tribal cultural resource that could be affected by the proposed development and the parties to a scoping consultation conducted pursuant to this subdivision do not document an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in this section.
 - (C) The parties to a scoping consultation conducted pursuant to this subdivision do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.
- (b)(v) (A) If, after a scoping consultation conducted pursuant to this subdivision, a project is not eligible for the streamlined, ministerial process described in this section for any or all of the following reasons, the local government shall provide written documentation of that fact, and an explanation of the reason for which the project is not eligible, to the development proponent and to any California Native American tribe that is a party to that scoping consultation:
 - (1) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.
 - (2) The parties to the scoping consultation have not documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment.
 - (3) The parties to the scoping consultation do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.
- (b)(v) (B) The written documentation provided to a development proponent pursuant to this paragraph shall include information on how the development proponent may

seek a conditional use permit or other discretionary approval of the development from the local government.

(b)(vi) This section is not intended, and shall not be construed, to limit consultation and discussion between a local government and a California Native American tribe pursuant to other applicable law, confidentiality provisions under other applicable law, the protection of religious exercise to the fullest extent permitted under state and federal law, or the ability of a California Native American tribe to submit information to the local government or participate in any process of the local government.

(b)(vii) For purposes of this subdivision:

(A) “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 local governments 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 importance. A lead agency shall consult the tribal consultation best practices described in the “State of California Tribal Consultation Guidelines: Supplement to the General Plan Guidelines” prepared by the Office of Planning and Research.

(B) “Scoping” means the act of participating in early discussions or investigations between the local government and California Native American tribe, and the development proponent if authorized by the California Native American tribe, regarding the potential effects a proposed development could have on a potential tribal cultural resource, as defined in Section 21074 of the Public Resources Code, or California Native American tribe, as defined in Section 21073 of the Public Resources Code.

(b)(viii) This subdivision (b) shall not apply to any project that has been approved under the streamlined, ministerial approval process provided under this section before September 25, 2020.

(c) (i) If a local government determines that a development submitted pursuant to this section is consistent with the objective planning standards specified in subdivision (a) and pursuant to paragraph (iii) of this subdivision, it shall approve the development. 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).

(iii) For purposes of this section, a development is consistent with the objective planning standards specified in subdivision (a) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards. The local government shall not determine that a development, including an application for a modification under subdivision (g), is in conflict with the objective planning standards on the basis that application materials are not included, if the application contains substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

(d) (i) 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, and if the development is consistent with all objective standards, the local government shall approve the development as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(A) 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.

(B) 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.

(ii) If the development is consistent with the requirements of subparagraph (A) or (B) of paragraph (ix) of subdivision (a) and is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Government Code section 66410)) shall be

exempt from the requirements of CEQA and shall be subject to the public oversight timelines set forth in paragraph (i).

(iii) If a local government determines that a development submitted pursuant to this section is in conflict with any of the standards imposed pursuant to paragraph (i), it shall provide the development proponent written documentation of which objective standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that objective standard or standards consistent with the timelines described in paragraph (i) of subdivision (c).

(e) (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.

(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.

(f) (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 satisfies both of the following requirements:

(A) The project includes public investment in housing affordability, beyond tax credits.

(B) At least 50 percent of the units are affordable to households making at or 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 satisfy the requirements of subparagraphs (A) and (B) of paragraph (f)(i), that approval shall remain valid for three years from the date of the final action establishing that approval, or if litigation is filed challenging that approval, from the date of the final judgment upholding that approval. Approval shall remain valid for a project provided construction activity, including demolition and grading activity, on the

development site has begun pursuant to a permit issued by the local jurisdiction and is in progress. For purposes of this subdivision, “in progress” means one of the following:

- (A) The construction has begun and has not ceased for more than 180 days.
- (B) If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.
- (C) Notwithstanding subparagraph (ii), a local government may grant a project 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 the development proponent requests a modification pursuant to subdivision (g), then the time during which the approval shall remain valid shall be extended for the number of days between the submittal of a modification request and the date of its final approval, plus an additional 180 days to allow time to obtain a building permit. If litigation is filed relating to the modification request, the time shall be further extended during the pendency of the litigation. The extension required by this paragraph shall only apply to the first request for a modification submitted by the development proponent.

(g) (i)(A) A development proponent may request a modification to a development that has been approved under the streamlined, ministerial approval process provided in subdivision (b) if that request is submitted to the local government before the issuance of the final building permit required for construction of the development.

(i)(B) Except as provided in paragraph (g)(iii), the local government shall approve a modification if it determines that the modification is consistent with the objective planning standards specified in subdivision (a) that were in effect when the original development application was first submitted.

(i)(C) The local government shall evaluate any modifications requested pursuant to this subdivision for consistency with the objective planning standards using the same assumptions and analytical methodology that the local government originally used to assess consistency for the development that was approved for streamlined, ministerial approval pursuant to subdivision (b).

(i)(D) A guideline that is adopted or amended by the Department of Housing and Community Development after a development is approved through the streamlined, ministerial

approval process described in subdivision (b) shall not be used as a basis to deny proposed modifications.

(ii) Upon receipt of the development proponent's application requesting a modification, the local government shall determine if the requested modification is consistent with the objective planning standard and either approve or deny the modification request within 60 days after submission of the modification, or within 90 days if design review is required.

(iii) Notwithstanding paragraph (g)(i), the local government may apply objective planning standards adopted after the development application was first submitted to the requested modification in any of the following instances:

- (A) The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more. The calculation of the square footage of construction changes shall not include underground space.
- (B) The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more and it is necessary to subject the development to an objective standard beyond those in effect when the development application was submitted in order to mitigate or avoid a specific, adverse impact as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Government Code section 65589.5, upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact. The calculation of the square footage of construction changes shall not include underground space.
- (C) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical fire, and grading codes, may be applied to all modification applications that are submitted prior to the first building permit application. Those standards may be applied to modification applications submitted after first building permit application if agreed to by the development proponent.
- (iv) The local government's review of a modification request pursuant to this subdivision shall be strictly limited to determining whether the modification, including any modification to previously approved density bonus concessions or waivers, modify the development's consistency with the objective planning standards and shall not reconsider prior determinations that are not affected by the modification.

(h) (i) A local government shall not adopt or impose 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.

(ii) A local government shall issue a subsequent permit required for a development approved under this section if the application substantially complies with the development as it was approved pursuant to subdivision (b). Upon receipt of an application for a subsequent permit, the local government shall process the permit without unreasonable delay and shall not impose any procedure or requirement that is not imposed on projects that are not approved pursuant to this section. The local government shall consider the application for subsequent permits based upon the objective standards specified in any state or local laws that were in effect when the original development application was submitted, unless the development proponent agrees to a change in objective standards. Issuance of subsequent permits shall implement the approved development, and review of the permit application shall not inhibit, chill, or preclude the development. For purposes of this paragraph, a “subsequent permit” means a permit required subsequent to receiving approval under subdivision (b), and includes, but is not limited to, demolition, grading, and building permits and final maps, if necessary.

(i) (i) 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).

(ii) This section shall not prevent a development from also qualifying as a housing development project entitled to the protections of Government Code section 65589.5. This paragraph does not constitute a change in, but is declaratory of, existing law.

(j) CEQA does not apply to actions taken by a state agency, local government, or the San Francisco Bay Area Rapid Transit District to:

(i) Lease, convey, or encumber land owned by the local government or the San Francisco Bay Area Rapid Transit District or to facilitate the lease, conveyance, or encumbrance of land owned by the local government, or for the lease of land owned by the San Francisco Bay Area Rapid Transit District in association with an eligible TOD project, as defined pursuant to Section 29010.1 of the Public Utilities Code, nor to any decisions associated with that lease, or to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(ii) Approve improvements located on land owned by the local government or the San Francisco Bay Area Rapid Transit District that are necessary to implement a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

- (k) For purposes of this section the following definitions shall apply:
- (1) “Affordable housing cost” has the same meaning as set forth in section 50052.5 of the Health and Safety Code.
 - (2) (A) Subject to the qualification provided by subparagraph (B), “affordable rent” has the same meaning as set forth in Section 50063 of the Health and Safety Code.

(B) For a development for which an application pursuant to this section was submitted prior to January 1, 2019, that includes 500 units or more of housing, and that dedicates 50 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at, or below, 80 percent of the area median income, affordable rent for at least 30 percent of these units shall be set at an affordable rent as defined in subparagraph (k)(1), and “affordable rent” for the remainder of these units shall mean a rent that is consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.
 - (3) “Department” means the Department of Housing and Community Development.
 - (4) “Development proponent” means the developer who submits an application for streamlined approval pursuant to this section.
 - (5) “Completed entitlements” means a housing development that has received all the required land use approvals or entitlements necessary for the issuance of a building permit.
 - (6) “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.
 - (7) “Moderate income housing units” means housing units with an affordable housing cost or affordable rent for persons and families of moderate income, as that term is defined in Section 50093 of the Health and Safety Code.
 - (8) “Production report” means the information reported pursuant to subparagraph (D) of paragraph (2) of subdivision (a) of Government Code section 65400.

(9) “State agency” includes every state office, officer, department, division, bureau, board, and commission, but does not include the California State University or the University of California.

(10) “Subsidized” means units that are price or rent restricted such that the units are 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.

(11) “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.

(12) “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.

(l) The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (b) is not a “project” under CEQA.

(m) This section shall remain in effect until January 1, 2026.

(Reference: Gov. Code, § 65913.4.)

9.02 MINISTERIAL APPROVAL PROCESS FOR URBAN LOT SPLITS AND HOUSING DEVELOPMENTS WITH NO MORE THAN TWO RESIDENTIAL UNITS WITHIN A SINGLE-FAMILY RESIDENTIAL ZONE (SB 9)

(a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, and shall therefore not be subject to CEQA, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which 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 wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel is not located on a site that is any of the following:

(A) 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;

- (B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993);
- (C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code 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—unless the parcel is a site excluded from the specified hazard zone by a local agency, or is a site that has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;
- (D) 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 State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;
- (E) 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, and by any local building department;
- (F) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency;
- (G) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification;
- (H) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation

Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resources protection plan;

- (I) 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, the California Endangered Species Act, or the Native Plant Protection Act; or lands under conservation easement; or
 - (J) Lands under conservation easement.
- (3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:
- (A) 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;
 - (B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
 - (C) Housing that has been occupied by a tenant in the last three years.
- (4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- (5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:
- (A) If a local ordinance so allows; or
 - (B) The site has not been occupied by a tenant in the last three years
- (6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

Other regulations governing the approval of a housing development under this section are set forth in Government Code section 65852.21(a).

(b) Notwithstanding any other provision of local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split—and such urban lot split shall therefore not be subject to CEQA—only if the local agency determines that the parcel map for the urban lot split meets all of the following requirements:

- (1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
- (2) Both newly created parcels are no smaller than 1,200 square feet, except that a local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval.
- (3) The parcel being subdivided meets all of the following requirements:
 - (A) The parcel is located within a single-family residential zone.
 - (B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which 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 wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
 - (C) The parcel is not located on a site enumerated in Paragraph (a)(2) above.
 - (D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
 - (i) 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.
 - (ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 - (iv) Housing that has been occupied by a tenant in the last three years.

- (E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- (F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.
- (G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

Other regulations governing the approval of an urban lot split under this section are set forth in Government Code section 65852.21(b).

9.03 APPROVAL OF ORDINANCE TO ZONE ANY PARCEL FOR UP TO 10 UNITS OF RESIDENTIAL DENSITY PER PARCEL IN CERTAIN CIRCUMSTANCES (SB 10)

(a) A local government may adopt an ordinance to zone a parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area or an urban infill site. This subsection shall not apply to either of the following:

- (1) Parcels located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code 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 paragraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
- (2) Any local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land, as defined in subdivision (h) of Section 65560, or for park or recreational purposes.

(b) An ordinance adopted in accordance with this section, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that zoning ordinance, shall not constitute a "project" under CEQA.

(c) Notwithstanding any other law that allows ministerial or by right approval of a development project or that grants an exemption from CEQA, a residential or mixed-use residential project consisting of more than 10 new residential units on one or more parcels that are zoned pursuant to an ordinance adopted under this section shall not be approved ministerially or by right and shall not be exempt from CEQA. This subdivision, however, shall not apply to a project located on a parcel or parcels that are zoned pursuant to an ordinance adopted under this

section, but subsequently rezoned without regard to this section. A subsequent ordinance adopted to rezone the parcel or parcels shall not be exempt from CEQA. Any environmental review conducted to adopt the subsequent ordinance shall consider the change in the zoning applicable to the parcel or parcels before they were zoned or rezoned pursuant to the ordinance adopted under this section.

Other regulations governing the approval of an ordinance under this section are set forth in Government Code section 65913.5.

9.04 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.

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 one-half of the amount be paid when the department approves the zone and one-half of the amount be 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 district 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. (Reference: Pub. Resources Code, § 21155.10, 21155.11.)

9.05 INTERIM MOTEL HOUSING PROJECTS.

“Interim motel housing projects” are statutorily exempt from CEQA. A project is exempt from CEQA as an “interim motel housing project” where the project consists of the conversion of a structure with a certificate of occupancy as a motel, hotel, residential hotel, or hostel to supportive or transitional housing and the conversion meets at least one of the following conditions: (1) the conversion does not result in the expansion of more than 10 percent of the floor area of any individual living unit in the structure; and (2) the conversion does not result in any significant effects relating to traffic, noise, air quality, or water quality.

If the District determines that a project is exempt from CEQA as an interim motel housing project, it must file a Notice of Exemption with the State Clearinghouse.

(Reference: Pub. Resources Code, § 21080.50 [in effect until January 1, 2025].)

9.06 SUPPORTIVE HOUSING AND “NO PLACE LIKE HOME” PROJECTS.

A decision by the District to seek funding from, or the Department of Housing and Community Development’s awarding of funds pursuant to, the “No Place Like Home Program” (set forth in Part 3.9 of Division 5 of the Welfare and Institutions Code, commencing with Section 5849.1) does not constitute a “project” under CEQA.

“Supportive housing” in areas where multifamily and mixed uses are permitted may be a “use by right” and thus exempt from CEQA if the supportive housing project meets certain criteria set forth in Government Code section 65651. A “supportive housing” project is a project that provides housing with no limit on length of stay, that is occupied by persons within the target population—i.e., persons with disabilities, families who are homeless, or homeless youth—and that is linked to onsite or offsite services that assist the supportive housing resident to retain housing, improve their health status, and maximize their ability to live and, when possible, work in the community. A policy by a city or county to approve as a use by right proposed housing developments with a limit higher than 50 units does not constitute a “project” under CEQA. To see the requirements of the exemptions relating to supportive housing, please see Government Code section 65651.

If a No Place Like Home project is not exempt from CEQA under Government Code section 65651, the development applicant may request, within 10 days after the District determines the type of environmental documentation required for the project under CEQA, that the District prepare and certify the record of proceeding for the environmental review of the No Place Like Home project in accordance with Public Resources Code section 21186.

If the District approves or determines to carry out a No Place Like Home project that is subject to CEQA, the District shall file a notice of that approval or determination in accordance with the requirements of Public Resources Code section 21151, subdivision (a), except that the Notice of Determination shall be filed within two working days after the approval or determination becomes final. Likewise, if the District approves or determines to carry out a No Place Like Home project that is not subject to CEQA, the District shall file a Notice of Exemption in accordance with the requirements of Public Resources Code section 21152, subdivision (b), except that the

Notice of Exemption shall be filed within two working days after the approval or determination becomes final.

(Reference: Pub. Resources Code, § 21163, *et seq.*; Gov. Code, § 65651; Health & Safety Code, § 50675.14.)

9.07 SHELTER CRISIS AND EMERGENCY HOUSING.

An action taken by certain cities, counties, or state agencies to lease, convey, or encumber land owned by a city or county—or an action to facilitate the lease, conveyance, or encumbrance of land owned by the local government—for, or to provide financial assistance to, a homeless shelter constructed pursuant to the provisions of Government Code section 8698.4 is statutorily exempt from CEQA. This narrow exception applies to specified efforts to assist specified cities or counties that have declared a shelter crisis and seek to build a homeless shelter. To see all the requirements of this exemption, please see Government Code section 8698.4.

(Reference: Gov. Code, § 8698.4 [in effect until January 1, 2026].)

9.08 AFFORDABLE HOUSING DEVELOPMENTS IN COMMERCIAL ZONES.

A proposed affordable multifamily housing development project is subject to streamlined, ministerial review and is not subject to CEQA if it meets the following requirements:

1. One hundred percent of the units within the development project, excluding managers' units, must be dedicated to lower income households at an affordable cost, as defined by Section 50052.5 of the Health and Safety Code, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee. The units must be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units.
2. The proposed development must meet applicable objective zoning standards, objective subdivision standards, and objective design review standards as further defined in Government Code section 65912.113(f) & (g).
3. The proposed housing development must meet certain density requirements set forth in Government Code section 65583.2(c)(3).
4. The project must be located in a zone where office, retail, or parking are a principally permitted use.
5. At least 75 percent of the perimeter of the project site must adjoin parcels that are developed with urban uses. Parcels that are only separated by a street or highway shall be considered adjoined.
6. The project may not be located on a site or adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use.

7. The project site must be located on a legal parcel or parcels that are either (a) in a city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau; or (b) in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
8. None of the proposed housing may be located within 500 feet of a freeway.
9. None of the proposed housing may be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.
10. The project may not be located on a site that qualifies as either prime farmland or farmland of statewide importance.
11. The project site may not be located in wetlands.
12. The project site may not be located in a very high fire hazard severity zone.
13. The project site may not be located on a hazardous waste site, with limited exceptions as set forth in Government Code section 65913.4(a)(6)(E).
14. The project site may not be located within a delineated earthquake fault zone, unless the development complies with applicable seismic protection building code standards as set forth in Government Code section 65913.4(a)(6)(F).
15. The project may not be located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (“FEMA”).
16. The project site may not be located within a regulatory floodway as determined by FEMA, with limited exceptions as set forth in Government Code section 65913.4(a)(6)(H).
17. The project site may not be located on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act, or other adopted natural resource protection plan.
18. The project site may not be located on 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, the California Endangered Species Act, or the Native Plant Protection Act.
19. The project site may not be located on lands under conservation easement.

20. The project site may not be located on an existing parcel of land or site that is governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.
21. For a project proposed on a site within a neighborhood plan area, the applicable neighborhood plan must permit multifamily housing development on the site. Additional requirements apply to projects within a neighborhood plan area as of January 1, 2024, as set forth in Government Code section 65912.113(i).
22. For a project proposed on a vacant site, the project may not result in significant and unavoidable impacts to tribal cultural resources on the site.
23. The development proponent must complete a Phase I Environmental Site Assessment, and the proponent must undertake additional measures if a recognized environmental condition is found as set forth in Government Code section 65912.113(c).

A project approved under this section must meet certain labor standards, as set forth in Government Code section 65912.130, et seq. For example, a private housing development project under this section is subject to a requirement that all construction workers employed in the execution of the development 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.

(Reference: Gov. Code, § 65912.110, et seq.)

9.09 MIXED-INCOME HOUSING DEVELOPMENTS ALONG COMMERCIAL CORRIDORS.

A proposed multifamily housing development project is subject to streamlined, ministerial review and is not subject to CEQA if it meets the following requirements:

1. The proposed development project must meet all of the following affordability criteria, as set forth in greater detail in Government Code section 65912.122:
 - (a)(1) A rental housing development shall include either of the following:
 - (A) Eight percent of the units for very low income households and 5 percent of the units for extremely low income households; or
 - (B) Fifteen percent of the units for lower income households.
 - (2) The development proponent must agree to, and the local government must ensure, the continued affordability of all affordable rental units included pursuant to this section for 55 years.
 - (b)(1) An owner-occupied housing development shall include either of the following:

- (A) Thirty percent of the units must be offered at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, to moderate-income households; or
 - (B) Fifteen percent of the units must be offered at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, to lower income households.
 - (2) The development proponent must agree to, and the local government must ensure, the continued affordability of all affordable rental units included pursuant to this section for 45 years.
 - (c) If the local government has a local affordable housing requirement, the housing development project shall comply with all of the following:
 - (1) The development project shall include the percentage of affordable units required by this section or the local requirement, whichever is higher.
 - (2) The development project shall meet the lowest income targeting in either policy.
 - (3) If the local affordable housing requirement requires greater than 15 percent of the units to be dedicated for lower income households and does not require the inclusion of units affordable to very low and extremely low income households, then the rental housing development shall do both of the following:
 - (A) Include 8 percent of the units for very low income households and 5 percent of the units for extremely low income households; and
 - (B) Fifteen percent of units affordable to lower income households shall be subtracted from the percentage of units required by the local policy at the highest required affordability level.
 - (d) Affordable units in the development project shall have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.
- 2. The project site must abut a commercial corridor and have frontage along the commercial corridor of at least 50 feet.
- 3. The project site may not be greater than 20 acres.

4. The project must be located in a zone where office, retail, or parking are a principally permitted use.
5. At least 75 percent of the perimeter of the project site must adjoin parcels that are developed with urban uses. Parcels that are only separated by a street or highway shall be considered adjoined.
6. The project may not be located on a site or adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use.
7. The project site must be located on a legal parcel or parcels that are either (a) in a city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau; or (b) in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
8. The proposed development must meet applicable objective zoning standards, objective subdivision standards, and objective design review standards as further explained in Government Code section 65912.123(j).
9. The proposed housing development must meet certain density requirements set forth in Government Code section 65912.123(b).
10. The proposed housing development must meet certain height and setback requirements set forth in Government Code section 65912.123(c)-(d).
11. The project may not be located on a site where any of the following would apply:
 - (a) The development would require the demolition of the following types of housing: (i) 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; (ii) housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; (iii) or housing that has been occupied by tenants within the past 10 years, excluding any manager's units.
 - (b) The site was previously used for permanent housing that was occupied by tenants, excluding any manager's units, that was demolished within 10 years before the development proponent submitted its application for the development.
 - (c) The site would require the demolition of a historic structure that was placed on a national, state, or local historic register.
 - (d) The property contains one to four dwelling units.

- (e) The property is vacant and zoned for housing but not for multifamily residential use.
 - (f) The existing parcel of land or site is governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act
- 12. None of the proposed housing may be located within 500 feet of a freeway.
- 13. None of the proposed housing may be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.
- 14. The project may not be located on a site that qualifies as either prime farmland or farmland of statewide importance.
- 15. The project site may not be located in wetlands.
- 16. The project site may not be located in a very high fire hazard severity zone.
- 17. The project site may not be located on a hazardous waste site, with limited exceptions as set forth in Government Code section 65913.4(a)(6)(E).
- 18. The project site may not be located within a delineated earthquake fault zone, unless the development complies with applicable seismic protection building code standards as set forth in Government Code section 65913.4(a)(6)(F).
- 19. The project may not be located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (“FEMA”).
- 20. The project site may not be located within a regulatory floodway as determined by FEMA, with limited exceptions as set forth in Government Code section 65913.4(a)(6)(H).
- 21. The project site may not be located on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act, or other adopted natural resource protection plan.
- 22. The project site may not be located on 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, the California Endangered Species Act, or the Native Plant Protection Act.
- 23. The project site may not be located on lands under conservation easement.
- 24. For a project proposed on a site within a neighborhood plan area, the applicable neighborhood plan must permit multifamily housing development on the site.

Additional requirements apply to projects within a neighborhood plan area as of January 1, 2024, as set forth in Government Code section 65912.121(i).

25. For a project proposed on a vacant site, the project may not result in significant and unavoidable impacts to tribal cultural resources on the site.
26. The development proponent must complete a Phase I Environmental Site Assessment, and the proponent must undertake additional measures if a recognized environmental condition is found as set forth in Government Code section 65912.123(f).

A project approved under this section must meet certain labor standards, as set forth in Government Code section 65912.130, et seq. For example, a private housing development project under this section is subject to a requirement that all construction workers employed in the execution of the development 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.

(Reference: Gov. Code, § 65912.120, et seq.)

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;
- (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 CEQA or these Local Guidelines;
- (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
- (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), or 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 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 2021.” 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.

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, which includes 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 that 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.

- 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 the Notice of Preparation is published for an EIR or the date the Notice of Intent to Adopt a Negative Declaration is published. 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 exemption from CEQA for a class of projects 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” means the California Environmental Quality Act, codified at 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 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.)

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. To

determine whether a project is discretionary, the key question is whether the public agency can use its subjective judgment to decide whether and how to carry out or approve a project.

11.18 “District” means the El Toro Water District.

11.19 “EIR” means Environmental Impact Report, 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 causes, 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 may 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 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.

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 is not 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, a Negative Declaration, or a Mitigated Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

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 has primary and exclusive jurisdiction over 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—i.e., 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.
- 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 section 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 or bus rapid 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. (Pub. Resources Code, § 21064.3; see also Pub. Resources Code, § 21060.2; 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. 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 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 location, 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” includes 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, including through permanent protection of such resources in the form of conservation easements.
- 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. 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 3.10 and 3.11 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 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 3,000 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 Public Resources Code 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, 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
 - (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 Natural 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.)

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 Public Resources Code 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 Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this definition, the Lead 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 Public Resources Code section 21084.1, a unique archaeological resource as defined in subdivision (g) of Public Resources Code section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Public Resources Code 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
 - (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;
- (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.)
- 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.

12. FORMS

See forms A – S which accompany these Guidelines.

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

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

- 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

X. *****

Y. *****

Z. *****

NOTICE OF EXEMPTION

TO: <input type="checkbox"/> Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044	FROM: Name: (Public Address: Agency) Telephone:
<input type="checkbox"/> Clerk of the Board of Supervisors or County Clerk (Include County name) 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) <input type="checkbox"/> Ministerial project.	(Pub. Resources Code § 21080(b)(1); State CEQA Guidelines § 15268)
(b) <input type="checkbox"/> Not a project.	State CEQA Guidelines 15050(c)(2)-(3)
(c) <input type="checkbox"/> Declared Emergency	(Pub. Resources Code § 21080(b)(3); State CEQA Guidelines § 15269(a))
(d) <input type="checkbox"/> Emergency Project.	(Pub. Resources Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c))
(e) <input type="checkbox"/> Categorical Exemption. State type and section number:	

(f) <input type="checkbox"/> Statutory Exemption. State Code section number:	
(g) <input type="checkbox"/> Other. Explanation:	
9. Reason why project was exempt:	

10. Lead Agency Contact Person: Telephone:	
11. If filed by applicant: Attach Certificate of Determination (Form "B") before filing.	
12. Was a public hearing held by the Lead Agency to consider the exemption? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, the date of the public hearing was:	

Signature

Date:

Name

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.

CERTIFICATE OF DETERMINATION

(If Notice of Exemption filed by Project Applicant, Project Applicant must Attach 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 California Environmental Quality Act (CEQA) and the Lead Agency's Local Guidelines for Implementing CEQA has concluded that this project does not require further environmental assessment because:		
a. <input type="checkbox"/>	The proposed action does not constitute a project under CEQA.	
b. <input type="checkbox"/>	The project is a Ministerial Project.	
c. <input type="checkbox"/>	The project is an Emergency Project.	
d. <input type="checkbox"/>	The project constitutes a feasibility or planning study.	
e. <input type="checkbox"/>	The project is categorically exempt.	
	Applicable Exemption Class:	
f. <input type="checkbox"/>	The project is statutorily exempt.	
	Applicable Exemption:	
g. <input type="checkbox"/>	The project is otherwise exempt on the following basis:	
h. <input type="checkbox"/>	The project involves another public agency which constitutes the Lead Agency.	
	Name of Lead Agency:	

Date:

Staff:

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.	<p>Staff Determination:</p> <p>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:</p>	
	a. <input type="checkbox"/>	The project could not have a significant effect on the environment; therefore, a Negative Declaration should be adopted.
	b. <input type="checkbox"/>	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. <input type="checkbox"/>	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.		
<input type="checkbox"/> The Project site IS on a list compiled pursuant to Government Code section 65962.5.		
<input type="checkbox"/> The Project site IS NOT on a list compiled pursuant to Government Code section 65962.5.		
<input type="checkbox"/> The proposed project IS considered a project of statewide, regional or areawide significance.		
<input type="checkbox"/> The proposed project IS NOT considered a project of statewide, regional or areawide significance.		
<input type="checkbox"/> The proposed project WILL affect highways or other facilities under the jurisdiction of the State Department of Transportation.		
<input type="checkbox"/> The proposed project WILL NOT affect highways or other facilities under the jurisdiction of the State Department of Transportation.		
<input type="checkbox"/> A scoping meeting WILL be held by the Lead Agency.		
<input type="checkbox"/> 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 to		

Any person wishing to comment on this matter must submit such comments, in writing, to the Lead Agency prior to .
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:	
(2) Address:	
B. Other (Private)	
(1) Name:	
(2) Address:	
<p>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:</p>	
<p>The Lead Agency hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study is attached.</p>	
<p>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:</p>	
Phone No.:	

Date Received
for Filing:

Staff

NOTICE OF DETERMINATION

TO:	<input type="checkbox"/> Clerk of the Board of Supervisors or <input type="checkbox"/> County Clerk Address:	FROM:	Public Agency/Lead Agency Name: Address: Contact: Phone:				
TO:	<input type="checkbox"/> Office of Planning and Research 1400 Tenth Street, Rm. 113 Sacramento, CA 95814	Lead Agency (if different from above) Address: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Contact:</td> <td></td> </tr> <tr> <td>Phone:</td> <td></td> </tr> </table>		Contact:		Phone:	
Contact:							
Phone:							

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (If submitted to SCH):
Project Title:
Project Applicant (include address and telephone number):
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 [<input type="checkbox"/> will <input type="checkbox"/> will not] have a significant effect on the environment.	
2.	<input type="checkbox"/>	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.
	<input type="checkbox"/>	A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
	<input type="checkbox"/>	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.	<input type="checkbox"/>	Mitigation measures [<input type="checkbox"/> were <input type="checkbox"/> were not]made a condition of the approval of the project.
4.	<input type="checkbox"/>	A Mitigation Monitoring or Reporting Plan [<input type="checkbox"/> was <input type="checkbox"/> was not] adopted for this project.
5.	<input type="checkbox"/>	A Statement of Overriding Considerations [<input type="checkbox"/> was <input type="checkbox"/> was not] adopted for this project.
6.	<input type="checkbox"/>	Findings [<input type="checkbox"/> were <input type="checkbox"/> 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:	_____
	Signature
	Name:
	Title:

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Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

NOTICE OF PREPARATION

TO:	FROM: Name: Address: Telephone:
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SUBJECT: Notice of Preparation of a Draft Environmental Impact Report.

The _____ 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.

<input type="checkbox"/>	A copy of the Initial Study IS attached.
<input type="checkbox"/>	A copy of the Initial Study IS NOT attached.
<input type="checkbox"/>	The proposed project IS considered a project of statewide, regional or areawide significance.
<input type="checkbox"/>	The proposed project IS NOT considered a project of statewide, regional or areawide significance.
<input type="checkbox"/>	The proposed project WILL affect highways or other facilities under the jurisdiction of the State Department of Transportation.
<input type="checkbox"/>	The proposed project WILL NOT affect highways or other facilities under the jurisdiction of the State Department of Transportation.
<input type="checkbox"/>	A scoping meeting WILL be held by the Lead Agency.
<input type="checkbox"/>	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:
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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 _____ 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:	_____
	Name:	
	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	
MAILING ADDRESS			TELEPHONE	
CITY AND STATE	ZIP CODE		COUNTY	
PROJECT LOCATION				
COUNTY	CITY/NEAREST COMMUNITY			
LAT. / LONG.:				
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	
<input type="checkbox"/>	NOP	<input type="checkbox"/>	Supplemental EIR	<input type="checkbox"/>	NOI	<input type="checkbox"/>	Joint Document
<input type="checkbox"/>	Early Cons	<input type="checkbox"/>	Subsequent EIR	<input type="checkbox"/>	EA	<input type="checkbox"/>	Final Document
<input type="checkbox"/>	Neg Dec	<input type="checkbox"/>	(Prior SCH No.):	<input type="checkbox"/>	Draft EIS	<input type="checkbox"/>	Other:
<input type="checkbox"/>	Mit Neg Dec	<input type="checkbox"/>	Other:	<input type="checkbox"/>	FONSI		
<input type="checkbox"/>	Draft EIR						

LOCAL ACTION TYPE

<input type="checkbox"/>	General Plan Update	<input type="checkbox"/>	Specific Plan	<input type="checkbox"/>	Rezone	<input type="checkbox"/>	Annexation
<input type="checkbox"/>	General Plan Amendment	<input type="checkbox"/>	Master Plan	<input type="checkbox"/>	Prezone	<input type="checkbox"/>	Redevelopment
<input type="checkbox"/>	General Plan Element	<input type="checkbox"/>	Planned Unit Development	<input type="checkbox"/>	Use Permit	<input type="checkbox"/>	Coastal Permit
<input type="checkbox"/>	Community Plan	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>	Land Division (Subdivision, etc.)	<input type="checkbox"/>	Other:

DEVELOPMENT TYPE

<input type="checkbox"/>	Residential:	Units:	Acres:	<input type="checkbox"/>	Water Facilities:	Type:	MGD:	
<input type="checkbox"/>	Office:	Sq. ft.	Acres:	Employees:	<input type="checkbox"/>	Transportation:	Type:	
<input type="checkbox"/>	Commercial:	Sq. ft.	Acres:	Employees:	<input type="checkbox"/>	Mining:	Mineral:	
<input type="checkbox"/>	Industrial:	Sq. ft.	Acres:	Employees:	<input type="checkbox"/>	Power:	Type:	MW:
<input type="checkbox"/>	Educational:				<input type="checkbox"/>	Waste Treatment:		
<input type="checkbox"/>	Recreational:				<input type="checkbox"/>	Hazardous Waste:		
<input type="checkbox"/>					<input type="checkbox"/>	Other:		

PROJECT ISSUES DISCUSSED IN DOCUMENT:

<input type="checkbox"/>	Aesthetic/Visual	<input type="checkbox"/>	Geologic/Seismic	<input type="checkbox"/>	Toxic/Hazardous
<input type="checkbox"/>	Agricultural Land	<input type="checkbox"/>	Minerals	<input type="checkbox"/>	Traffic/Circulation
<input type="checkbox"/>	Air Quality	<input type="checkbox"/>	Noise	<input type="checkbox"/>	Vegetation
<input type="checkbox"/>	Archaeological/Historical	<input type="checkbox"/>	Population/Housing Balance	<input type="checkbox"/>	Water Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Public Services/Facilities	<input type="checkbox"/>	Water Supply/Groundwater
<input type="checkbox"/>	Coastal Zone	<input type="checkbox"/>	Recreation/Parks	<input type="checkbox"/>	Wetland/Riparian
<input type="checkbox"/>	Drainage/Absorption	<input type="checkbox"/>	Schools/Universities	<input type="checkbox"/>	Wildlife
<input type="checkbox"/>	Economic/Jobs	<input type="checkbox"/>	Septic Systems	<input type="checkbox"/>	Growth Inducement
<input type="checkbox"/>	Fiscal	<input type="checkbox"/>	Sewer Capacity	<input type="checkbox"/>	Land Use
<input type="checkbox"/>	Flood Plain/Flooding	<input type="checkbox"/>	Soil Erosion/Compaction/Grading	<input type="checkbox"/>	Cumulative Effects
<input type="checkbox"/>	Forest Land/Fire Hazard	<input type="checkbox"/>	Solid Waste	<input type="checkbox"/>	Greenhouse Gases
<input type="checkbox"/>	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			<i>Appendix C</i>
Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X." If you have already sent your document to the agency please denote that with an "S."			
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 & Wildlife 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:
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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.

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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

- | | | | |
|--------------------------|--------------------------|-----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 21. | Change in existing features of any bays, tidelands, beaches, lakes, hills or substantial alteration of ground contours. |
| <input type="checkbox"/> | <input type="checkbox"/> | 22. | Change in scenic views or vistas from existing residential areas or public lands or roads. |
| <input type="checkbox"/> | <input type="checkbox"/> | 23. | Change in pattern, scale or character of general area of project. |
| <input type="checkbox"/> | <input type="checkbox"/> | 24. | Significant amounts of solid waste or litter. |
| <input type="checkbox"/> | <input type="checkbox"/> | 25. | Change in dust, ash, smoke, fumes or odors in vicinity. |
| <input type="checkbox"/> | <input type="checkbox"/> | 26. | Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns. |
| <input type="checkbox"/> | <input type="checkbox"/> | 27. | Substantial change in existing noise or vibration levels in the vicinity. |
| <input type="checkbox"/> | <input type="checkbox"/> | 28. | Site on filled land or on slope of 10 percent or more. |
| <input type="checkbox"/> | <input type="checkbox"/> | 29. | Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives. |
| <input type="checkbox"/> | <input type="checkbox"/> | 30. | Substantial change in demand for municipal services (police, fire, water, sewage, etc.). |
| <input type="checkbox"/> | <input type="checkbox"/> | 31. | Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.). |
| <input type="checkbox"/> | <input type="checkbox"/> | 32. | Relationship to a larger project or series of projects. |
| <input type="checkbox"/> | <input type="checkbox"/> | 33. | Has a prior environmental impact report been prepared for a program, plan, policy or ordinance consistent with this project? |
| <input type="checkbox"/> | <input type="checkbox"/> | 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? |

YES NO

- ☐ ☐ 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 that 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, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

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 21080.3.2.) 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.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture/Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Energy |

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. Except as provided in public resources code section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	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 pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	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 result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

X. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XII. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XIV. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XV. 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVI. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVII. TRANSPORTATION. Would the project:

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVIII. TRIBAL CULTURAL RESOURCES

a) 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XIX. UTILITIES AND SERVICE SYSTEMS.

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XXI. MANDATORY FINDINGS OF SIGNIFICANCE. (State CEQA Guidelines section 15065(a).)

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have 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 the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Authority cited: Public Resources Code sections 21083, 21083.05, 21083.09.

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 County 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.

SUPPLEMENTAL ENVIRONMENTAL CHECKLIST FORM

FOR USE WHEN REVIEWING SUBSEQUENT DISCRETIONARY ACTIONS PURSUANT TO A
PREVIOUSLY APPROVED OR CERTIFIED ENVIRONMENTAL DOCUMENT

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. Previous Environmental Document: Please describe the previously adopted ND or MND or the previously certified EIR (include the date the document was adopted or certified, the date the project was approved, the date the NOD was filed with the County, and a summary of potentially significant effects identified in the CEQA document).
9. Description of Project: (Describe the previously approved project and the authorized entitlements/ discretionary actions. Describe whether the subsequent discretionary action now proposed was considered in the previously approved CEQA document and describe any differences between the proposed action and the approved project.)
10. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings.)
11. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):
12. 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.

NEW SIGNIFICANT ENVIRONMENTAL EFFECTS OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS CEQA DOCUMENT. The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | <input type="checkbox"/> Greenhouse Gases |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Tribal Cultural Resources |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous approved ND or MND or certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no “new information of substantial importance” as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND or MND or previously certified EIR adequately discusses the potential impacts of the project without modification.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous approved ND or MND or certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no “new information of substantial importance” as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND, MND or previously certified EIR adequately discusses the potential impacts of the project; however, minor changes require the preparation of an ADDENDUM.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND, MND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is “new information of substantial importance,” as that term is used in CEQA Guidelines Section 15162(a)(3). However, all new potentially significant environmental effects or substantial increases in the severity of previously identified significant effects are clearly reduced to below a level of significance through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT MND is required.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous environmental document due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is “new information of substantial importance,” as that term is used in CEQA Guidelines Section 15162(a)(3). However, only minor changes or additions or changes would be necessary to make the previous EIR adequate for the project in the changed situation. Therefore, a SUPPLEMENTAL EIR is required.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous environmental document due to the involvement of significant new environmental effects or a substantial increase in the severity of previously

identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT EIR is required.

Signature

Date

Printed Name

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A finding of "No New Impact/No Impact" means that the potential impact was fully analyzed and/or mitigated in the prior CEQA document and no new or different impacts will result from the proposed activity. A brief explanation is required for all answers except "No New Impact/No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No New Impact/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 New Impact/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. A finding of "New Mitigation is Required" means that the project may have a new potentially significant impact on the environment or a substantially more severe impact than analyzed in the previously approved or certified CEQA document and that new mitigation is required to address the impact.
3. A finding of "New Potentially Significant Impact" means that the project may have a new potentially significant impact on the environment or a substantially more severe impact than analyzed in the previously approved or certified CEQA document that cannot be mitigated to below a level of significance or be avoided.
4. A finding of "Reduced Impact" means that a previously infeasible mitigation measure is now available, or a previously infeasible alternative is now available that will reduce a significant impact identified in the previously prepared environmental document.
5. 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.
6. 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. 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 proposed action.
 - c. Infeasible Mitigation Measures. Since the previous EIR was certified or previous ND or MND was adopted, discuss any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives.
 - d. Changes in Circumstances. Since the previous EIR was certified or previous ND or MND was adopted, discuss any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause a change in conclusion regarding one or more effects discussed in the original document.

7. 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.
8. Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
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 a 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;
 - b. differences between the proposed activity and the previously approved project described in the approved ND or MND or certified EIR; and
 - c. the previously approved mitigation measure identified, if any, to reduce the impact to less than significance.

SAMPLE QUESTION

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
I. AESTHETICS. Except as provided in Public Resources Code section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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:

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES. Would the project:

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

X. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XI. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XII. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XIII. NOISE. Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XIV. POPULATION AND HOUSING. Would the project:

a) Induce substantial unplanned 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
XV. 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XVI. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XVII. TRANSPORTATION. Would the project:				
a) Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
XVIII. TRIBAL CULTURAL RESOURCES. Would the project:				
a) 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

X. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XI. MANDATORY FINDINGS OF SIGNIFICANCE. (State CEQA Guidelines section 15065(a).)

a) Does the project have 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 the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact <input type="checkbox"/>	New Mitigation is Required <input type="checkbox"/>	No New Impact/No Impact <input type="checkbox"/>	Reduced Impact <input type="checkbox"/>
c) 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.)				
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTICE OF AVAILABILITY OF DRAFT EIR

To:	
From:	
Lead Agencies:	
Contacts (name, address, telephone, email address):	
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:	
Significant environmental effects:	
Place and time of scheduled meetings:	
Date when project noticed to public:	
Address where copy of the EIR is available <u>and</u> how it can be obtained in an electronic format:	
Review Period:	to
Comments on the Draft EIR may be submitted via e-mail to xxxxxxxx, or via U.S. mail to xxxxx, at the above mailing address by _____.m. on _____, 2023. In addition, comments may be provided at the public hearing noticed above.	

California Department of Fish and Wildlife – South Coast Region 5

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 dependent 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:

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 to

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)

**THIS IS A SAMPLE FORM AND SHOULD BE MODIFIED TO MEET THE NEEDS OF
THE PARTICULAR PROJECT/CIRCUMSTANCE**

General Manager

Re: Water Supply Assessment for Project within the _____

Dear _____,

We have received an application from [project proponent] for the following project (“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, [Agency name] requests 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 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.

**THIS IS A SAMPLE FORM AND SHOULD BE MODIFIED AS NECESSARY TO MEET THE
NEEDS OF THE PARTICULAR PROJECT/CIRCUMSTANCE**

General Manager

Re: Water Supply Verification for Project within the of _____

Dear _____,

_____ has submitted to the [public agency] an application for tentative map (No.)
for the following subdivision ("Subdivision"):

_____ 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 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), requests your _____ 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.

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 P.O. Box 3044 Sacramento, CA 95812-3044	FROM:	Lead Agency: Address: Phone No.: Contact:
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State Clearinghouse Number:
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: <input type="checkbox"/> Environmental Impact Report (EIR). The Lead Agency issued a Notice of Preparation on _____ and received comments from applicable State agencies. <input type="checkbox"/> 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.	<input type="checkbox"/>	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.	<input type="checkbox"/>	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.	<input type="checkbox"/>	The document is a supplement to a draft EIR or proposed negative declaration or mitigated negative declaration previously submitted to the State Clearinghouse.
4.	<input type="checkbox"/>	The health and safety of the community would be at risk unless the project is approved expeditiously.
5.	<input type="checkbox"/>	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:

Signature of Designated Lead Agency Representative

Print Name:

Title:

Date Received for Filing:

SUMMARY FORM FOR ELECTRONIC DOCUMENT SUBMITTAL

Lead agencies must submit Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH) through the CEQA Submit portal. The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123 electronically only. Please include the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

State Clearinghouse Number:

Project Title:

Lead Agency:

Contact Name:

Email:

Phone Number:

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 back-up 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 1/2 mile of an Existing Major Transit Stop or High Quality Transit Corridor. A residential project is eligible if it is located within 1/2 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 1/2 mile of an existing major transit stop, or 1/4 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 1/2 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: [Click to enter text.](#)
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):
13. 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, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

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 21080.3.2.) 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

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.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Wildfire | |

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 will be filed. (State CEQA Guidelines, § 15094.)
- ☐ 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. 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. (State CEQA Guidelines, § 15183.3(f)(2).)
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. (State CEQA Guidelines, § 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.

Issues:

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
I. AESTHETICS. Except as provided in Public Resources Code section 21099, would the project:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VI. ENERGY. Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII. GEOLOGY AND SOILS.

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
X. HYDROLOGY AND WATER QUALITY.						
Would the project:						
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XI. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XII.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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XIII. NOISE. Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
XIV. POPULATION AND HOUSING. Would the project:						
a) Induce substantial unplanned 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XV. 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVI. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

XVII. TRANSPORTATION.

Would the project:

- | | | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVIII. TRIBAL CULTURAL RESOURCES. Would the project:

a) 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
ii) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XIX. UTILITIES AND SERVICE SYSTEMS.

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XXI. MANDATORY FINDINGS OF SIGNIFICANCE. (State CEQA Guidelines section 15065(a).)

a) Does the project have 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 the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Authority: Public Resources Code Sections 21083, 21094.5.5
Reference: Public Resources Code Sections 21094.5 and 21094.5.5



STAFF REPORT

To: Board of Directors

Meeting Date: September 25, 2023

From: Hannah Ford, Engineering Manager

Subject: Water and Sewer Master Plan Update

The District hired Carollo Engineers, Inc. (Carollo) to update the Water and Sewer Master Plan since its last version in 2004. Carollo developed the draft report at the end of 2022. District staff incorporated recommendations into the Fiscal Year (FY) 2023-2024 capital budget while Carollo developed the final report.

Key outcomes of the Water and Sewer Master Plan Update include:

- Recommendations for water system improvements to provide adequate fire flow based on a newly calibrated water system hydraulic model;
- Recommendations for collection system improvements to reduce surcharging based on a newly calibrated sewer hydraulic model informed by sewershed monitoring;
- Pump test results to inform the upcoming Aliso Creek Lift Station Alternatives Analysis;
- Potential operational and capital recommendations to improve energy efficiency; and
- Training for District staff to run the newest hydraulic model for fire flow analysis.

During the Engineering Committee Meeting, District staff will present a live demonstration of the outcomes of the Master Plan via ESRI Story Maps.



STAFF REPORT

To: Board of Directors

Meeting Date: September 25, 2023

From: Hannah Ford, Engineering Manager
Rory Harnisch, Senior Engineer

Subject: Capital Project Status Report

I. R-6 Reservoir Floating Cover and Liner Replacement Project

Layfield USA, Corp. (Layfield) inflated each section of the reservoir to clean, inspect, and repair pinholes. Figure 1 and 2 show the underside and outside of an inflated area, respectively. During inflation, District staff inspected the underside of the cover in the burn area to confirm adequate cleaning took place, as shown in Figure 3.



Figure 1 – Floating Cover Inflation



Figure 2 – Floating Cover Inflation



Figure 3 – ETWD Inspection



Figure 4 – Valve Control Panels

As shown in Figure 4, Layfield installed the delayed valve control panels. However, the cords for the valve open/close switches were even further delayed. District staff delayed fill by one week when Mueller indicated the cords would arrive in time. However, the following week the cords were still not on site, and the vendor was unable to provide an update on delivery status. District staff decided to fill without the cords (i.e., without valve open status) and will pursue dive installation after reservoir fill is complete. District started fill on Monday, September 11th and plans to complete fill by Tuesday, October 3rd.

Table 1 summarizes the total budget, timeframe, and percent complete for the current construction contract with Layfield. Invoiced to date reflects work through the end of August 2023, and budget expenditure is on track with schedule completion. The District anticipates issuing one final change order, which will be a net deduct and schedule extension. Although the change order will include some minor cost adders for pipe coating and life preserver ring replacements, it will result in a net deduct by formally removing the perimeter road repair work and cover cleaning from the contract as well as reimbursement for inspection costs associated with Saturday work. Layfield will also provide a credit for damaged V-ditch delineators and bollard installation because the District included this work in the perimeter road repair contract.

Table 1 – R-6 Floating Cover and Liner Replacement Schedule and Budget Status

Construction Contract	Total	Earned to Date	Percent Complete
Budget	\$23,559,953 ¹	\$21,495,263	91%
Schedule	August 18, 2022 – September 30, 2023		99%

¹Includes deductive Change Order No. 1 of \$48,872.24.

II. Effluent Transmission Main (ETM) Backflow Prevention Project

District staff continues to work with the contractor, Don Peterson Contracting (DPC), to finalize the construction project. After successfully completing the shutdown and restoring service to the Effluent Transmission Main (ETM), as shown in Figure 5, DPC continued the remainder of construction activities. DPC installed the concrete sidewalk and is waiting on delivery of the final pipe support to complete the project.



Figure 5 – Effluent Transmission Main Check Valve Installation

Due to procurement of the pipe and existing ETM Techite repair, the project completion date has extended to mid-September. Staff issued Change Order No. 1, in the amount of \$14,999.75, which included the existing ETM Techite repair costs. Staff will issue change order No. 2 to extend to construction contract once the final pipe support is delivered and the project is nearing completion.

Based on the August invoice, budget expenditure remains on track with schedule. Staff expects to receive a final invoice by the end of September. Table 2 summarizes the total budget, timeframe, and percent complete for this project.

Table 2 –ETM Backflow Prevention Project Schedule and Budget Status

Construction Contract	Total	Earned to Date	Percent Complete
Budget	\$208,920 ¹	\$197,414	88%
Schedule	April 24, 2023 – August 1, 2023 ²		See Note 1

¹Includes Change Order No. 1 of \$ 14,999.75 for the existing ETM Techite repair.

²Staff will issue Change Order No. 2 to extend the contract.

III. Effluent Pump Station Rehabilitation Project

The contractor, Filanc, has re-mobilized to the project site in order to install the pumps as shown in Figure 6. As a reminder, this project was delayed due to the requirement of the Effluent Pump Station (EPS) to be at full capacity for the critical shutdown window of the ETM Backflow Prevention Project. Because the ETM project shutdown is complete, Filanc was permitted to return to the site to complete the EPS project. During pump installation, there were two locations where the pipe flange was broken and required replacement. Filanc provided flange adapters and corrected the issue. This cost will be included in Change Order No. 2 along with a time extension and a \$20,000 deductive change order negotiated with the pump supplier at the beginning of this project.



Figure 6 – New Effluent Pump No. 2

Based on the June invoice, budget expenditure remains on track with schedule. Staff expects to receive a final invoice by the end of September. Table 3 summarizes the total budget, timeframe, and percent complete for this project.

Table 3 –EPS Pump Station Rehabilitation Project Schedule and Budget Status

Construction Contract	Total	Earned to Date	Percent Complete
Budget	\$ 390,221 ¹	\$ 275, 471	71%
Schedule	March 23, 2022 – March 15, 2023 ²		See Note 2

¹Original contract value plus Change Order 1 which amounted to \$3,221.14.

²Staff will issue Change Order No. 2 to extend the contract, include a cost to repair the damaged flanges, and include the deduct of \$20,000.

IV. Mathis Lift Station Inlet Repair

District staff conducted a value engineering exercise and developed an alternative design that significantly reduces cost. This alternative would install a drop section on the inside of the wet well, as shown in Figure 7, plug the existing drop-section penetrations, and install a Cured-in-Place-Pipe lining from the existing upstream manhole in the street up to the wet well. Staff have been developing this re-design in house and will provide a better update to the Board next month.

Because the re-design occurred during the bid phase, staff notified the bidders that the District is exploring an alternative solution. District Operations staff continue to monitor the Lift Station and its influent blockage.

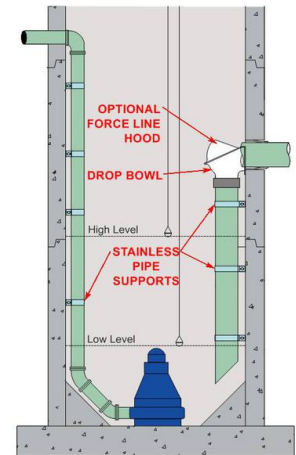


Figure 7 – Example Interior Drop Section

V. New Warehouse

District staff and the Engineer, Richard Brady and Associates (Brady), continue working with the contractor Dumarc Corporation (Dumarc) on the submittal phase of the project. Dumarc mobilized to the project site after the Labor Day holiday to prepare for construction.

The first on site progress meeting was held this month. Dumarc is scheduled to perform site civil work and construct the Pre-Engineered Metal Building (PEMB) before the nesting season begins on February 1, 2024. The long lead item electrical components have an anticipated delivery of early December 2024, at which time Dumarc will re-mobilize to the site for installation.

VI. Asset Management

Hazen and Sawyer (Hazen) reviewed the District's WRP asset inventory, conducted a kickoff meeting, staff interviews, and condition assessments at the WRP. Next, Hazen will develop consequence of failure scoring to factor into each asset's risk score.

District staff reviewed the draft Pump Station Asset Management Plan Technical Memorandum (TM) and returned to Hazen for finalization. In parallel, Hazen transferred the Pump Station Asset Management PowerBI dashboards to the District's network for hosting so now the District can make edits and update. Hazen is developing recommendations for how to integrate CMMS with every District Department and the asset management work as part of the interviews conducted with each Department last week.

VII. System Wide Arc Flash and Coordination Study

Hazen conducted a kick off meeting with staff this month and plans to request data from Southern California Edison (SCE) as a critical path item. District staff are working with Hazen to schedule site visits at each facility. The WRP site visit for this Study may require a shutdown, so District staff plan to coordinate that shutdown with the ATS installation.

VIII. Tertiary Disinfection Optimization Project

Trussell Technologies, Inc. (Trussell Tech) kicked off the tracer study effort with a site visit to the WRP last month. Trussell Tech is now working on a draft tracer study for District review and comment. District staff plan to conduct the tracer test by the end of the calendar year.

IX. DAF Unit 2 Retrofit and Rehabilitation

The District is working with the contractor, SS Mechanical Corp (SS), on the submittal phase of the project. SS plans to mobilize to the project site in late September when the pre-purchased mechanical components arrive.

In November of 2022, District staff pre-purchased the mechanical components, which are scheduled to arrive in late September. Staff also pre-purchased the 40-HP Nikuni pump, which is on site already.

X. Caltrans I-5 Widening Utility Relocations

Phase B is complete, and the District received reimbursements for Phase B work activities from Caltrans. Staff maintains communication with the Caltrans contractor and Caltrans construction management team for Phase C activities, which will include relocation of two fire hydrants and an irrigation meter. Phase C is anticipated to begin in October 2023.

XI. Cathodic Protection Repair on Moulton Parkway

The District hired the Farwest Corrosion Control Company (FCCC) to conduct a survey of the 1,000-ft section of piping along Moulton Parkway. Results indicate some interference with cathodic protection on the Joint Transmission Main (JTM), so FCCC will need to conduct another set of surveys to determine where the cathodic jumps from JTM to the District's main and how to best restore the impressed current cathodic protection system to the entire main.

XII. WRP Main Electrical Power Breaker

District staff worked with Schneider Electric to install the last of the three purchased breakers at the WRP in May. Next, District staff has been verifying the status of the purchased ATs, which were anticipated in August 2023. The manufacturer indicated that delivery may be further delayed but is working to rectify that timeline. The latest ship date is November 2023.

XIII. Energy Efficiency Analysis

District staff continues to work on developing the recommended energy efficiency projects for the WRP and pump stations. Table 4 summarizes the projects staff are developing. District staff continue to work on gather data to provide to SoCalREN on Secondary Clarifier No. 1 and WAC Rehabilitation Project, which may result in a SCE rebate. The WRP asset management team will evaluate the other project concepts indicated in Table 3 to assist District staff in determining the recommended path forward.

Table 4 – Energy Efficiency Progress Summary

Facility	Recommended Project	Projected Savings (kWh/yr)	Budgetary Cost	Projected Payback (years) ⁽¹⁾	Status
WRP					
ABAC based Aeration Control	Introduce ammonia-based aeration control (ABAC) in aeration basins.	334,000	\$84,000	1.7	Although no rebate from SCE is possible, the District will install for energy savings.
WAC Rehabilitation	Eliminate waste activated clarifier (WAC) sludge blower. Replace with polymer addition.	147,000	\$112,000	4.9	Will remove WAC blower as part of Secondary Clarifier No. 1 Rehabilitation Project. Working with SoCalREN to obtain rebate.
Odor Control System Optimization	Install H ₂ S analyzers for trimming and VFDs on blowers.	29,000	\$31,000	5.0	Will evaluate as part of the WRP asset management work.
Aerated Grit Chamber Optimization	Optimize blower for aerated grit chamber.	54,000	\$65,000	5.6	Issued purchase order for new VFD at the end of August 2023.
RAS Pump Optimization	Flow pace and trim based on sludge blanket monitoring.	113,000	\$156,000	6.4	Will evaluate as part of the WRP asset management work.
Aeration Distribution Optimization	Automate valves on droplegs to zones of aeration basins.	94,000	\$254,000	12.5	
Large Bubble Mixing in Equalization Basin	Replace mixing pumps with large bubble diffusers.	235,000	\$880,000	17.3	
Water Pump Stations					
P-1	Rehabilitate due to degraded efficiency.	98,000	\$107,000	6.4	Included in FY 24/25 CIP budget.
P-4 – Pumps 2 and 3	Following recent testing, rehabilitate due to degraded efficiency.	62,299	\$40,092	4.3	Issued purchase order for new VFD at the end of August 2023.
Spartan	Rehabilitate due to degraded efficiency.	59,164	\$28,996	3.5	Included in FY 22/23 CIP budget. Determining rebate prior to purchase.
Sewer Lift Stations					
Aliso Creek	Needs repair to improve both efficiency and operability.	107,255	\$72,215	3.9	District staff are pursuing a project to resolve issues within the lift station.

⁽¹⁾Does not include potential rebate from SCE.

F.Y. 2023/24 CAPITAL IMPROVEMENT PROGRAM BUDGET ITEMS > \$50,000 BOARD APPROVAL SCHEDULE															
Category	Project Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenue Bond / CIP Budget	Board Approved Cost
2023/24 Capital Projects															
	P-3 Pump Station Rehabilitation							RFP	A	E	E	E	E	\$200,000	
	Moulton/El Toro Cathodic Protection Study	ET	ET											\$100,000	< \$50,000
	Surcharge Capacity Repair on Gowdy Avenue						RFP	A	E	E	E	E	B	\$52,000	
	Northline Coating Improvement Project				B	A	C	C	C					\$91,000	
	Headworks and Secondary Clarifier Rehabilitation			RFP	RFP	A	E	E	E	E	E	E	E	\$2,926,000	
	Grit Chamber Rehabilitation	E	A	E	A	C	C	C	C	C	C	C	C	\$861,861	\$542,228
	DAF Unit No. 2 Rehabilitation Project	A	C	C	C	C								\$221,641	\$209,595
	Aliso Creek Pump Station Rehabilitation Project	RFP	RFP	A	E	E	E	E	E	RFP	A	E	E	\$826,000	
	Asset Management	A	E	E	E	E	E	E						\$120,000	\$113,140
	System-Wide Arc Flash and Coordination Study	RFP	A	E	E	E	E	E	E					\$180,000	\$179,550
2023/24 Capital Equipment															
	R-6 Security Cameras and Fence Alarm Replacement			A	C	C								\$84,000	
	Freeway Electrical Equipment Replacement		A											\$110,000	\$155,646
	Core Switch Replacement	Ordered and received, total cost was within GM authority												\$63,000	< \$50,000
Revenue Bond Projects															
	R-6 Reservoir Floating Cover	C	C	A	C									\$12,442,344	\$11,347,202
	New Warehouse	C	C	C	C	C	C	C						\$4,006,421	\$3,924,409
	South Orange County Turnout Project	E	E	E	E	E	E	E	E	E	E	E	E	\$3,000,000	
Previous Fiscal Year Carryover															
	P-4 Pump Replacement	ET	A					R	C					\$59,000	\$73,701
	ETM Backflow Prevention Project	C	C											-	\$304,463
	Tertiary Disinfection Optimization Project	A	E	E	E	P	E	E	E	B	A	C	C	-	\$107,321
	Effluent Pump Station Rehabilitation		C	C	C									\$150,000	\$425,000
	WRP Main Electrical Power Breaker Upgrades							R	C					\$140,000	\$196,124
	Mathis Lift Station Inlet Drop Piping Repair	E	E	E	A	C	C							-	
	Caltrans I-5 Widening Utility Relocations		C	C										\$0	\$627,365
Total														\$25,633,267	\$18,205,744

Key:

Water

Wastewater

Split between Water and Wastewater

Board Involvement

Abbreviations:
A = Approve by Board
B = Bid
BP = Board Presentation
C = Construction

E = Engineering/Study
ET = Evaluate
L = Legal
N = Negotiate

O = Order
P = Permit
RFP = Request for Proposal
R = Receive

EL TORO WATER DISTRICT

Glossary of Water Terms

Accumulated overdraft: The amount of water necessary to be replaced in the intake area of the groundwater basin to prevent the landward movement of ocean water into the fresh groundwater body.

Acre-foot, AF: A common water industry unit of measurement. An acre-foot is 325,851 gallons, or the amount of water needed to cover one acre with water one foot deep. An acre-foot serves annual needs of two typical California families.

ACWA: Association of California Water Agencies.
A statewide group based in Sacramento that actively lobbies State and Federal Government on water issues.

Advanced treatment: Additional treatment processes used to clean wastewater even further following primary and secondary treatment. Also known as tertiary treatment.

AFY: Acre-foot per year.

Alluvium: A stratified bed of sand, gravel, silt, and clay deposited by flowing water.

AMP: Allen McCulloch pipeline.

Major pipeline transporting treated water to water districts between Yorba Linda, where it starts to El Toro Water District reservoir, where it terminates.

Annexation: The inclusion of land within a government agency's jurisdiction.

Annual overdraft: The quantity by which the production of water from the groundwater supplies during the water year exceeds the natural replenishment of such groundwater supplies during the same water year.

Aqueduct: A man-made canal or pipeline used to transport water.

Aquifer: An underground geologic formation of rock, soil or sediment that is naturally saturated with water; an aquifer stores groundwater.

Arid: Dry; deserts are arid places. Semi-arid places are almost as dry as a desert.

Artesian: An aquifer in which the water is under sufficient pressure to cause it to rise above the bottom of the overlying confining bed, if the opportunity is provided.

Artificial recharge: The addition of surface water to a groundwater reservoir by human activity, such as putting surface water into recharge basins. (See also: groundwater recharge and recharge basin.)

AWWA American Water Works Association
Nationwide group of public and private water purveyors and related industrial suppliers.

Base flow: The portion of river surface flow which remains after deduction of storm flow and/or purchased imported water.

Bay-Delta: The Sacramento-San Joaquin Bay-Delta is a unique natural resource of local, state and national significance. The Delta is home to more than 500,000 people; contains 500,000 acres of agriculture; provides habitat for 700 native plant and animal species; provides water for more than 25 million Californians and 3 million acres of agriculture; is traversed by energy, communications and transportation facilities vital to the economic health of California; and supports a \$400 billion economy.

BIA: Building Industry Association.

Biofouling: The formation of bacterial film (biofilm) on fragile reverse osmosis membrane surfaces.

Biosolids: Solid organic matter recovered from a sewage treatment process and used especially as fertilizer.

BMP: Best Management Practice. An engineered structure or management activity, or combination of these, that eliminates or reduces adverse environmental effects.

Brackish water: A mixture of freshwater and saltwater.

Brown Act: Ralph M. Brown Act enacted by the State legislature governing all meetings of legislative bodies. Also known as the Open Meeting requirements.

Canal: A ditch used to move water from one location to another.

CASA: California Association of Sanitation Agencies The sanitation equivalent of ACWA concerned solely with issues affecting the treatment and disposal of solid waste and wastewater.

CEQA: California Environmental Quality Act.

CERCLA: Comprehensive Environmental Response, Compensation and Liability Act. This federal law establishes the Superfund program for hazardous waste sites. It provides the legal basis for the United States EPA to regulate and clean up hazardous waste sites, and if appropriate, to seek financial compensation from entities responsible for the site.

CFS: Cubic feet per second.

Chloramines: A mixture of ammonia and chlorine used to purify water.

Clarify: To make clear or pure by separation and elimination of suspended solid material.

Coagulation: The clumping together of solids so they can more easily be settled out or filtered out of water. A chemical called aluminum sulfate (alum) is generally used to aid coagulation in water treatment and reclamation.

Coastkeepers: A non-profit organization dedicated to the protection and preservation of the marine habitats and watersheds of Orange County through programs of education, restoration, enforcement and advocacy.

Colored water: Groundwater extracted from the basin that is unsuitable for domestic use without treatment due to high color and odor exceeding drinking water standards.

Condensation: The process of water vapor (gas) changing into liquid water. An example of condensation can be seen in the tiny water droplets that form on the outside of a glass of iced tea as warmer air touches the cooler glass.

Confined aquifer: An aquifer that is bound above and below by dense layers of rock and contains water under pressure.

Conjunctive use: Storing imported water in a local aquifer, in conjunction with groundwater, for later retrieval and use.

Contaminate: To make unclean or impure by the addition of harmful substances.

CPCFA: California Pollution Control Financing Authority. State agency providing funds for wastewater reclamation projects.

Crisis:

1. **a:** The turning point for better or worse **b:** a paroxysmal attack of pain, distress, or disordered function **c:** an emotionally significant event or radical change of status in a person's life <a midlife crisis>
2. The decisive moment (as in a literary plot)
3. **a:** An unstable or crucial time or state of affairs in which a decisive change is impending; *especially* : one with the distinct possibility of a highly undesirable outcome <a financial crisis> **b:** a situation that has reached a critical phase

CTP Coastal Treatment Plant

CWPCA California Water Pollution Control Association. A 7000 member non-profit educational organization dedicated to water pollution control.

Dam: A barrier built across a river or stream to hold water.

Decompose: To separate into simpler compounds, substances or elements.

Deep percolation: The percolation of surface water through the ground beyond the lower limit of the root zone of plants into a groundwater aquifer.

Degraded water: Water within the groundwater basin that, in one characteristic or another, does not meet primary drinking water standards.

Delta: Where the rivers empty; an outlet from land to ocean, also where the rivers deposit sediment they carry forming landforms.

Delta Vision: Delta Vision is intended to identify a strategy for managing the Sacramento-San Joaquin Delta as a sustainable ecosystem that would continue to support environmental and economic functions that are critical to the people of California.

Demineralize: To reduce the concentrations of minerals from water by ion exchange, distillation, electro-dialysis, or reverse osmosis.

De-nitrification: The physical process of removing nitrate from water through reverse osmosis, microfiltration, or other means.

Desalting (or desalination): Removing salts from salt water by evaporation or distillation. Specific treatment processes, such as reverse osmosis or multi-stage flash distillation, to demineralize seawater or brackish (saline) waters for reuse. Also sometimes used in wastewater treatment to remove salts other pollutants.

Desilting: The physical process of removing suspended particles from water.

Dilute: To lessen the amount of a substance in water by adding more water.

Disinfection: Water treatment which destroys potentially harmful bacteria.

Drainage basin: The area of land from which water drains into a river, for example, the Sacramento River Basin, in which all land area drains into the Sacramento River. Also called catchment area, watershed, or river basin.

Drought: A prolonged period of below-average precipitation.

DPHS: California Department of Public Health Services. Regulates public water systems; oversees water recycling projects; permits water treatment devices; certifies drinking water treatment and distribution operators; supports and promotes water system security; provides support for small water systems and for improving technical, managerial, and financial (TMF) capacity; provides funding opportunities for water system improvements.

DVL: Diamond Valley Lake. Metropolitan's major reservoir near Hemet, in southwestern Riverside County.

DWR: California Department of Water Resources. Guides development/management of California's water resources; owns/operates State Water Project and other water facilities.

Endangered Species: A species of animal or plant threatened with extinction.

Endangered Species Act of 1973 (ESA): The most wide-ranging of the dozens of United States environmental laws passed in the 1970s. As stated in section 2 of the act, it was designed to protect critically imperiled species from extinction as a "consequence of economic growth and development untended by adequate concern and conservation.

Ecosystem: Where living and non-living things interact (coexist) in order to survive.

Effluent: Wastewater or other liquid, partially or completely treated or in its natural state, flowing from a treatment plant.

Evaporation: The process that changes water (liquid) into water vapor (gas).

Estuary: Where fresh water meets salt water.

Evapotranspiration: The quantity of water transpired (given off), retained in plant tissues, and evaporated from plant tissues and surrounding soil surface. Quantitatively, it is expressed in terms of depth of water per unit area during a specified period of time.

FCH Federal Clearing House – Environmental Review/Processing

FEMA Federal Emergency Management Agency

Filtration: The process of allowing water to pass through layers of a porous material such as sand, gravel or charcoal to trap solid particles. Filtration occurs in nature when rain water soaks into the ground and it passes through hundreds of feet of sand and gravel. This same natural process of filtration is duplicated in water and wastewater treatment plants, generally using sand and coal as the filter media.

Flocculation: A chemical process involving addition of a coagulant to assist in the removal of turbidity in water.

Forebay: A reservoir or pond situated at the intake of a pumping plant or power plant to stabilize water level; also, a portion of a groundwater basin where large quantities of surface water can recharge the basin through infiltration.

Gray water reuse: Reuse, generally without treatment, of domestic type wastewater for toilet flushing, garden irrigation and other non-potable uses. Excludes water from toilets, kitchen sinks, dishwashers, or water used for washing diapers.

Green Acres Project (GAP): A 7.5 million gallons per day (MGD) water reclamation project that serves tertiary treated recycled water to irrigation and industrial users in Costa Mesa, Fountain Valley, Huntington Beach, Newport Beach, and Santa Ana.

God Squad: A seven-member committee that is officially called the "Endangered Species Committee". Members consist of Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Council of Economic Advisers, the Administrator of the National Oceanic and Atmospheric Administration and one individual from the affected state. The squad was established in 1978 by an amendment to the 1973 Endangered Species Act (ESA). It has only been called into action three times to deal with proposed federal agency actions that have been determined to cause "jeopardy" to any listed species. Such actions may receive an exemption from the ESA if five members of the committee determine that the action is of regional or national significance, that the benefits of the action clearly outweigh the benefits of conserving the species and that there are no reasonable and prudent alternatives to the action.

Groundwater: Water that has percolated into natural, underground aquifers; water in the ground, not water puddled on the ground.

Groundwater basin: A groundwater reservoir defined by the overlying land surface and the underlying aquifers that contain water stored in the reservoir. Boundaries of success-ively deeper aquifers may differ and make it difficult to define the limits of the basin.

Groundwater mining: The withdrawal of water from an aquifer in excess of recharge over a period of time. If continued, the underground supply would eventually be exhausted or the water table could drop below economically feasible pumping lifts.

Groundwater overdraft: The condition of a groundwater basin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of years during which water supply conditions approximate average.

Groundwater recharge: The action of increasing groundwater storage by natural conditions or by human activity. See also: Artificial recharge.

Ground Water Replenishment System (GWRS): A joint project of the Orange County Water District and the Orange County Sanitation District that will provide up to 100,000 acre-feet of reclaimed water annually. The high-quality water will be used to expand an existing underground seawater intrusion barrier and to replenish the groundwater basin underlying north and central Orange County.

Groundwater table: The upper surface of the zone of saturation (all pores of subsoil filled with water), except where the surface is formed by an impermeable body.

GPM: Gallons per minute.

Ground Water Replenishment System (GWRS): Orange County Water District's state-of-the-art, highly advanced, waste-water treatment facility.

Hydrologic balance: An accounting of all water inflow to, water outflow from, and changes in water storage within a hydrologic unit over a specified period.

Hydrologic cycle: The process of water constantly circulating from the ocean, to the atmosphere, to the earth in a form of precipitation, and finally returning to the ocean.

Imported water: Water that has originated from one hydrologic region and is transferred to another hydrologic region.

Inflatable rubber dams: Designed to replace temporary sand levees that wash out during heavy storm flow, the dams hold back high-volume river flows and divert the water into the off-river system for percolation.

Influent: Water or wastewater entering a treatment plant, or a particular stage of the treatment process.

Irrigation: Applying water to crops, lawns or other plants using pumps, pipes, hoses, sprinklers, etc.

JPIA Joint Powers Insurance Authority. A group of water agencies providing self-insurance to members of the ACWA.

LAIF Local Agency Investment Fund. Statewide pool of surplus public agency money managed by State Treasurer.

Leach: To remove components from the soil by the action of water trickling through.

MAF: Million acre feet.

MCL: Maximum contaminant level set by EPA for a regulated substance in drinking water. According to health agencies, the maximum amount of a substance that can be present in water that's safe to drink and which looks, tastes and smells good.

MET: Metropolitan Water District of Southern California.

MGD: Million gallons per day.

Microfiltration: A physical separation process where tiny, hollow filaments members separate particles from water.

Microorganism: An animal or plant of microscopic size.

MWD: Metropolitan Water District of Southern California.

MWDOC: Municipal Water District of Orange County. Intermediate wholesaler between MWD and 27 member agencies including ETWD.

Non-point source pollution: Pollution that is so general or covers such a wide area that no single, localized source of the pollution can be identified.

NPDES National Pollution Discharge Elimination System

OCBC: Orange County Business Council.

OCEMA Orange County Environmental Management Agency

OCWD: Orange County Water District.

Opportunity:

1. A favorable juncture of circumstances.
2. A good chance for advancement or progress .

Organism: Any individual form of life, such as a plant, animal or bacterium.

PCM Professional Community Management, Inc. Property Management company providing services to Laguna Woods Village and other homeowner associations.

Perched groundwater: Groundwater supported by a zone of material of low permeability located above an underlying main body of groundwater with which it is not hydrostatically connected.

Percolation: The downward movement of water through the soil or alluvium to the groundwater table.

Permeability: The capability of soil or other geologic formations to transmit water.

Point source: A specific site from which waste or polluted water is discharged into a water body, the source of which is identified. See also: non-point source.

Potable water: Suitable and safe for drinking.

PPB: Parts per billion.

Precipitation: Water from the atmosphere that falls to the ground as a liquid (rain) or a solid (snow, sleet, hail).

Primary treated water: First major treatment in a wastewater treatment facility, usually sedimentation but not biological oxidation.

Primary treatment: Removing solids and floating matter from wastewater using screening, skimming and sedimentation (settling by gravity).

Prior appropriation doctrine: Allocates water rights to the first party who diverts water from its natural source and applies the water to beneficial use. If at some point the first appropriator fails to use the water beneficially, another person may appropriate the water and gain rights to the water. The central principle is beneficial use, not land ownership.

Pumping Plant: A facility that lifts water up and over hills.

Recharge: The physical process where water naturally percolates or sinks into a groundwater basin.

Recharge basin: A surface facility, often a large pond, used to increase the infiltration of surface water into a groundwater basin.

Reclaimed wastewater: Wastewater that becomes suitable for a specific beneficial use as a result of treatment. See also: wastewater reclamation.

Reclamation project: A project where water is obtained from a sanitary district or system and which undergoes additional treatment for a variety of uses, including landscape irrigation, industrial uses, and groundwater recharge.

Recycling: A type of reuse, usually involving running a supply of water through a closed system again and again. Legislation in 1991 legally equates the term "recycled water" to reclaimed water.

Reservoir: A place where water is stored until it is needed. A reservoir can be an open lake or an enclosed storage tank.

Reverse osmosis: (RO) A method of removing salts or other ions from water by forcing water through a semi-permeable membrane.

RFP Request for Proposal

Riparian: Of or on the banks of a stream, river, or other body of water.

RO: Reverse osmosis. See the listing under "reverse osmosis."

R-O-W Right-of-way

Runoff: Liquid water that travels over the surface of the Earth, moving downward due to gravity. Runoff is one way in which water that falls as precipitation returns to the ocean.

RWQCB Regional Water Quality Control Board. State agency regulating discharge and use of recycled water.

Safe Drinking Water Act (SDWA): The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. (SDWA does not regulate private wells which serve fewer than 25 individuals.) SDWA authorizes the United States Environmental Protection Agency (US EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. US EPA, states, and water systems work together to make sure that these standards are met.

Safe yield: The maximum quantity of water that can be withdrawn from a groundwater basin over a long period of time without developing a condition of overdraft, sometimes referred to as sustained yield.

SAFRA Santa Ana River Flood Protection Agency

Salinity: Generally, the concentration of mineral salts dissolved in water. Salinity may be measured by weight (total dissolved solids - TDS), electrical conductivity, or osmotic pressure. Where seawater is known to be the major source of salt, salinity is often used to refer to the concentration of chlorides in the water.

SAWPA: Santa Ana Watershed Project Authority.

SCADA Supervisory Control and Data Acquisition

SCAP Southern California Alliance of Publicly. Newly formed group of public agencies seeking reasonable regulation of sewer industry.

SCH State Clearing House – Environmental Review/Processing

Seasonal storage: A three-part program offered by Metropolitan Water District of Southern California:

STSS (Short Term Seasonal Storage) financially encourages agencies with local groundwater production capabilities to produce a higher percentage of their demand in the summer from their local groundwater supplies, thus shifting a portion of their demand on the MWD system from the summer to winter;

LTSS (Long Term Seasonal Storage) financially encourages retail agencies to take and store additional amounts of MWD water above their normal annual demands for later use; Replenishment Water provides less expensive interruptible water that is generally available and used to increase the operating yield of groundwater basins.

Seawater intrusion: The movement of salt water into a body of fresh water. It can occur in either surface water or groundwater basins.

Seawater barrier: A physical facility or method of operation designed to prevent the intrusion of salt water into a body of freshwater.

Secondary treatment: The biological portion of wastewater treatment which uses the activated sludge process to further clean wastewater after primary treatment. Generally, a level of treatment that produces 85 percent removal efficiencies for biological oxygen demand and suspended solids. Usually carried out through the use of trickling filters or by the activated sludge process.

Sedimentation: The settling of solids in a body of water using gravity.

Settle: To clarify water by causing impurities/solid material to sink to a container's bottom.

Sewer: The system of pipes that carries wastewater from homes and businesses to a treatment plant or reclamation plant. Sewers are separate from storm drains, which is a system of drains and pipes that carry rain water from urban streets back to the ocean. Overwatering your yard can also cause water to run into the streets and into storm drains. Storm drain water is not treated before it is discharged.

SigAlert: Any unplanned event that causes the closing of one lane of traffic for 30 minutes or more, as opposed to a planned event, like road construction, which is planned.

SJBA San Juan Basin Authority

Sludge: The solids that remain after wastewater treatment. This material is separated from the cleaned water, treated and composted into fertilizer. Also called biosolids.

SOCWA South Orange County Wastewater Authority. Regional Joint Powers Authority formed for collection and treatment of sewerage (previously known as AWMA/SERRA/SOCRA). SOCWA member agencies:

CSC – City of San Clemente

CSJC – City of San Juan Capistrano

CLB – City of Laguna Beach

ETWD – El Toro Water District

EBSD – Emerald Bay Service District

IRWD – Irvine Ranch Water District

MNWD – Moulton Niguel Water District

SCWD – South Coast Water District

SMWD – Santa Margarita Water District

TCWD – Trabuco Canyon Water District

SRF State Revolving Fund

Storm Drain: The system of pipes that carries rain water from urban streets back to the ocean. Overwatering your yard can also cause water to run into the streets and into storm drains. Storm drain

water is not treated before it is discharged. Storm drains are separate from sewers, which is a separate system of pipes to carry wastewater from homes and businesses to a treatment plant or reclamation plant for cleaning.

Storm flow: Surface flow originating from precipitation and run-off which has not percolated to an underground basin.

SWP: State Water Project. An aqueduct system that delivers water from northern California to central and southern California.

SWRCB State Water Resources Control Board

TDS: Total dissolved solids. A quantitative measure of the residual minerals dissolved in water that remain after evaporation of a solution. Usually expressed in milligrams per liter.

Tertiary treatment: The treatment of wastewater beyond the secondary or biological stage. Normally implies the removal of nutrients, such as phosphorous and nitrogen, and a high percentage of suspended solids.

THM: Trihalomethanes. Any of several synthetic organic compounds formed when chlorine or bromine combine with organic materials in water.

TMA: Too many acronyms.

TMDL: Total maximum daily load; A quantitative assessment of water quality problems, contributing sources, and load reductions or control actions needed to restore and protect bodies of water.

Transpiration: The process in which plant tissues give off water vapor to the atmosphere as an essential physiological process.

Turbidity: Thick or opaque with matter in suspension; muddy water.

Ultraviolet light disinfection: A disinfection method for water that has received either secondary or tertiary treatment used as an alternative to chlorination.

VE Value Engineering

VOC: Volatile organic compound; a chemical compound that evaporates readily at room temperature and contains carbon.

Wastewater: Water that has been previously used by a municipality, industry or agriculture and has suffered a loss of quality as a result.

Water Cycle: The continuous process of surface water (puddles, lakes, oceans) evaporating from the sun's heat to become water vapor (gas) in the atmosphere. Water condenses into clouds and then falls back to earth as rain or snow (precipitation). Some precipitation soaks into the ground (percolation) to replenish groundwater supplies in underground aquifers.

Water rights: A legally protected right to take possession of water occurring in a natural waterway and to divert that water for beneficial use.

Water-use Efficiency: The water requirements of a particular device, fixture, appliance, process, piece of equipment, or activity.

Water year (USGS): The period between October 1st of one calendar year to September 30th of the following calendar year.

Watermaster: A court appointed person(s) that has specific responsibilities to carry out court decisions pertaining to a river system or watershed.

Water Reclamation: The treatment of wastewater to make it suitable for a beneficial reuse, such as landscape irrigation. Also called water recycling.

Watershed: The total land area that from which water drains or flows to a river, stream, lake or other body of water.

Water table: The top level of water stored underground.

WEF Water Environment Federation. Formerly – Water Pollution Control Federation (WPCF). International trade group advising members of sewage treatment techniques and their effect on the environment.

Weir box: A device to measure/control surface water flows in streams or between ponds.

Wellhead treatment: Water quality treatment of water being produced at the well site.

Wetland: Any area in which the water table stands near, at, or above the land surface for a portion of the year. Wetlands are characterized by plants adapted to wet soil conditions.

Xeriscape: Landscaping that requires minimal water.