

CITY OF REDLANDS

**LOCAL GUIDELINES FOR
IMPLEMENTING THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT
(1991)**

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STAFF SUMMARY OF THE CEQA EVALUATION PROCESS

Excerpted from these Local
Guidelines for Implementing
the Environmental Quality Act

<u>ACTION</u>	<u>GUIDELINES SECTION REFERENCE</u>
(A) Staff determines whether the City is Lead or Responsible Agency for the proposed activity.	2.01, 2.02, 2.04, 2.08
(1) As a Lead Agency, the City shall decide whether a Negative Declaration, Mitigated Negative Declaration or an EIR will be required and shall prepare and consider the document before making its decision on whether and how to approve the proposed activity.	2.03
(2) As a Responsible Agency, the City shall provide data as requested by the Lead Agency, consider the documents prepared by the Lead Agency and reach its own conclusion on whether and how to approve the proposed activity.	2.05, 2.06, 2.07
(B) Staff examines proposed activity ("project") to determine whether it is exempt.	3.03
(1) The project can be exempt for any of the following reasons:	
(a) The activity does not come within the legal definition of "project."	3.01
(b) It is a disapproved project.	3.06
(c) It can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.	3.07
(d) It is a ministerial, not discretionary, action taken by the City.	3.02
(e) It is covered by one of the exemptions in the CEQA statute.	3.08, 3.09, 3.10, 3.11, 3.12

- (f) It is covered by one of the categorical exemptions in the State Guidelines. 3.13
 - (2) If the activity is determined to be exempt, Staff completes and files internally a Preliminary Exemption Assessment (Form "A"). A Notice of Exemption (Form "B") may be filed with the Clerk of the Board of Supervisors ("Clerk of the Board") following City approval of a project in order to begin a thirty-five (35) day statute of limitations for legal challenges. (Attach Form "A", too.) 3.04, 3.05
 - (3) If the activity is not exempt, Staff proceeds with its own environmental evaluation, beginning with the preparation of an Initial Study.
- (C) Staff Preparation of an Initial Study. 5.01
 - (1) All Responsible and any Trustee Agencies must be consulted in the preparation of the Initial Study. 5.02
 - (2) Staff prepares an Initial Study. 5.06
 - (3) Based on the results of the Initial Study, Staff prepares Environmental Impact Assessment (Form "C") and submits its recommendation to the ERC. The ERC then reviews Staff's recommendation and instructs Staff to prepare the Environmental Checklist Form (Form "J"). 5.11
 - (a) If the ERC concludes that the project will not have a significant effect on the environment, then it must recommend that a Negative Declaration be prepared. 5.11 (See also 5.07, 5.08.)

- (b)

If the ERC concludes that the project could result in significant environmental effects but that the significant effects identified in the Initial Study have been avoided or mitigated to a point where clearly no significant effects would occur by revisions in the project plans or proposals made by or agreed to by the applicant, then it must recommend that a Mitigated Negative Declaration be prepared.

5.11
(See also 5.03, 5.07, 5.08)
- (c)

If the ERC concludes that the project could or may have a significant effect on the environment, it must recommend that an Environmental Impact Report be prepared.

5.11
(See also 5.07, 5.08)
- (D)

Staff Preparation of a Negative Declaration or Mitigated Negative Declaration.

6.01, 6.02
- (1)

If the ERC recommends preparation of a Negative Declaration or Mitigated Negative Declaration, Staff must prepare a Draft Negative Declaration (Form "E") (unsigned but otherwise fully completed including a statement of supporting reasons) and fill out a Notice of Preparation of a Draft Negative Declaration (Form "D") for final adoption. For a Mitigated Negative Declaration, Staff must also attach to Form "E" a description of mitigation measures for each significant impact.

6.02, 6.03
- (2)

Staff must then post a copy of the Notice of Preparation, the Draft Negative Declaration/ Mitigated Negative Declaration and Initial Study at the City office. The Notice must also be posted in the office of the Clerk of the Board of the County in which the project is located for a minimum of thirty (30) days.

6.04

- (3) At least twenty-one (21) days before the final adoption of the Negative Declaration/Mitigated Negative Declaration, Staff must give Notice of Preparation of a Draft Negative Declaration (Form "D") by mail to all individuals and organizations who have previously requested such notice and to the general public by at least one of the following:

6.03, 6.04, 6.05

- (a) publishing once in a newspaper of general circulation; 6.04
- (b) posting on and off site where the project is to be located; 6.04
- (c) mailing to owners and occupants of contiguous property. 6.04

A thirty (30) day public review period is required for Negative Declarations sent to the State Clearinghouse. 6.05

- (4) At the time noticed for the meeting of the decision making body (the Environmental Review Committee, the Planning Commission or the City Council), the ERC recommendation shall be considered. Written comments, if any, from the public and Responsible Agencies and Trustee Agencies are considered. If the decision making body determines that the project will not have a significant effect on the environment, it adopts the Negative Declaration/Mitigated Negative Declaration. (If the decision making body finds that the project may have a significant effect on the environment, it must order the preparation of an EIR.) For a Mitigated Negative Declaration, the City must also adopt a mitigation monitoring or reporting program. 6.08, 6.09, 6.10

MOTION: Move that this Environmental Review Committee/ Planning Commission/City Council finds that the project will not have a significant effect on the environment and that the Negative Declaration/ Mitigated Negative Declaration as proposed by Staff be adopted.

- (5) If the Negative Declaration/Mitigated Negative Declaration is adopted, the decision making body can act upon the project after reviewing, considering, and adopting the Negative Declaration/Mitigated Negative Declaration. 6.10

MOTION: Move approval of the project, and direct Staff to file and post a Notice of Determination in accordance with the City's Guidelines.

- (6) Staff must file a Notice of Determination (Form "F") with the Clerk of the Board and also with the Office of Planning and Research if the project requires state agency approval within five (5) working days of final approval after expiration of any appeal period. A fee of \$1,250 shall be paid at this time to the Clerk of the Board for projects which will adversely affect wildlife resources. The Clerk's office may charge a documentary handling fee of \$25 per filing. The Notice must be posted in the Clerk's office for a minimum of thirty (30) days. 6.11, 6.13
- (7) Staff simultaneously and conspicuously posts Notice of Determination at City Hall. 6.11
- (8) A thirty (30) day statute of limitations for legal challenges begins to run only after the Notice of Determination has been filed with and posted by the Clerk of the Board (and with the Office of Planning and Research if approval by any State agency is involved). 6.11

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| (E) | Staff Preparation of an EIR. | 7.01 |
| (1) | If an Environmental Impact Report ("EIR") is required, the City as Lead Agency shall send a Notice of Preparation (Form "G") to all Responsible and any Trustee Agencies. Responsible and Trustee Agencies must respond within thirty (30) days. The Notice must be posted in the office of the Clerk of the Board for thirty (30) days. | 7.02 |
| (2) | Staff shall commence preparation of a Draft EIR (staff may begin work on it immediately without awaiting responses to the Notice of Preparation). Early consultation ("scoping") is advisable during the drafting of the EIR with all Responsible Agencies, Trustee Agencies and interested individuals and organizations of which staff is reasonably aware. | 7.03, 7.04, 7.05
(See also 7.06-7.12.) |
| (3) | Upon completion of the Draft EIR, Staff shall file a Notice of Completion (Form "H") with the Office of Planning and Research and give notice inviting comment upon the Draft EIR (Form "K") by mail to all individuals and organizations who have previously requested such notice and to the general public by at least one of the following: | 7.13, 7.14, 7.15, 7.16 |
| (a) | publishing once in a newspaper of general circulation; | 7.13 |
| (b) | posting on and off site where the project is to be located; | 7.13 |
| (c) | mailing to owners and occupants of contiguous property. | 7.13 |
| | The Notice shall be posted in the Clerk of the Board's office for a minimum of thirty (30) days. This begins the comment period, which will be at least thirty (30) to forty-five (45) days depending on the project. | 7.13, 7.17 |

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| (4) | The decision making body may in its discretion conduct a public hearing on the Draft EIR no sooner than fourteen (14) days after filing of the Notice of Completion but before the expiration of the comment period. | 7.18 |
| (5) | Comments on the Draft EIR are evaluated by Staff, responses are compiled and a Final EIR is prepared. | 7.18, 7.19, 7.20 |
| (6) | If significant new information is added to the EIR, notice and consultation must be repeated. | 7.21 |
| (7) | The ERC considers the Final EIR and makes a recommendation to the decision making body regarding whether the Final EIR is in order and whether it has been completed in compliance with CEQA, the State Guidelines and the City's local guidelines. The Final EIR and the recommendation is presented to the City Council which shall certify that the Final EIR is in order and has been completed in compliance with CEQA, the State Guidelines, and the City's Guidelines, or refer it back to Staff for further work. A mitigation monitoring or reporting program must also be adopted. | 7.22, 7.23, 7.27 |

MOTION: Move that this City Council finds that the Final EIR on the project is adequate, and certifies that the Final EIR has been completed in compliance with the California Environmental Quality Act, the State Guidelines, and the City's local Guidelines, and that it has reviewed and considered the information contained therein in making its decision on the project.

- | | | |
|-----|--|------|
| (8) | The decision making body must review and consider the information in the EIR before considering and approving the project. | 7.23 |
|-----|--|------|

- (9) Before the decision making body approves a project, findings must be made as to whether each significant effect identified in the EIR will be mitigated and why alternatives which could reduce environmental impacts were rejected. 7.24

- (10) Before the decision making body approves a project which allows significant effects to occur without mitigating these effects to a level of insignificance, it must make written findings setting forth the overriding considerations which led the decision making body to forego full mitigation. 7.26

MOTION: Move approval of the project for the following reasons:

[State in writing reasons to support approval] and further find that:

[Incorporate one or more findings of overriding considerations.]

- (11) If the project is approved, the decision making body directs Staff to prepare a Notice of Determination (Form "F"). 7.28

MOTION: Move approval and instruct Staff to prepare and file a Notice of Determination thereon pursuant to the City's Guidelines.

- (12) Staff must file a Notice of Determination with the Clerk of the Board and also with the Office of Planning and Research if the project requires State approval within five (5) working days of final approval after expiration of the Appeal period. A fee of \$850 shall be paid at this time to the Clerk of the Board for projects which will adversely affect wildlife resources. The Clerk's office may charge a documentary handling fee of \$25 per filing. The Notice shall be posted in the office of the Clerk of the Board for thirty (30) days. If a Statement of Overriding Considerations is adopted, this must be noted in the Notice of Determination. 7.28, 7.31
- (13) Staff simultaneously and conspicuously posts Notice of Determination at City Hall. 706,941.1
- (14) The thirty (30) day statute of limitation for legal challenges begins to run only after the Notice of Determination has been filed with the Clerk of the Board (and with the Office of Planning and Research if approval by any State agency is involved). 7.28

**LOCAL GUIDELINES
FOR IMPLEMENTING THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(1991 REVISION)**

1. GENERAL PROVISIONS, PURPOSE AND POLICY

- 1.01 Purpose. The purpose of these Local Guidelines ("Guidelines") is to assist the City in implementing the provisions of the California Environmental Quality Act ("CEQA"). These Guidelines are consistent with the Guidelines for the Implementation of CEQA ("State CEQA Guidelines") which must be followed by state and local agencies in California. These Guidelines have been adopted pursuant to California Public Resources Code Section 21082 to help the City accomplish the 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 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.
 - (f) To disclose and demonstrate to the public the reasons why a governmental agency approved the project in the manner chosen.

1.02 Applicability. These Guidelines apply to any activity of the City which constitutes a "project" as defined in section 9.28. An Environmental Impact Report ("EIR") is required for each such project which may have a significant effect on the environment. When the City finds that a project will have no significant environmental effect, a Negative Declaration or Mitigated Negative Declaration rather than an EIR shall be prepared.

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

The EIR is an informational document. It should not be used to rationalize approval of a project, but at the same time, indications of adverse environmental impacts from the project which are identified in the EIR do not necessarily require disapproval of a project. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the City must respond to the information by one or more of the following methods:

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

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

- 1.03 Reducing Delay and Paperwork. The State Guidelines encourage local governmental agencies to reduce delay and paperwork by, among other things:
- (a) Integrating the CEQA process into early planning;
 - (b) Identifying projects which fit within categorical or other exemptions and are therefore exempt from CEQA processing;
 - (c) Using initial studies to identify significant environmental issues and to narrow the scope of EIRs;
 - (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.

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

1.05 Terminology. The terms "must" or "shall" identify mandatory requirements. The term "may" is permissive, with the particular decision being left to the discretion of the City. The term "should" identifies the guidance of the Office of Planning and Research, which the City can follow in the absence of countervailing considerations.

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

2. LEAD AND RESPONSIBLE AGENCIES

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

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

- (a) If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project will be located within the jurisdiction of another public agency.
- (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 the general governmental powers, rather than an agency with a single or limited purpose. (For example, a district which will provide a public service or utility to the project serves a limited purpose.) If two or more agencies meet this criteria equally, the agency which acts first on the project will be the Lead Agency.
- (c) 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 an agreement cannot be reached, the dispute may be submitted to the Office of Planning and Research by any public agency, or the applicant if a private project is involved.

2.03 Duties of a Lead Agency. As a Lead Agency, the City shall decide whether a Negative Declaration, Mitigated Negative Declaration or an EIR will be required for a project and shall prepare and consider the document before making its decision on whether or how to approve the project.

During the process of preparing an EIR, the City shall have the following duties:

- (a) Immediately after deciding that an EIR is required for a project, the City shall send to each Responsible Agency a Notice of Preparation (Form "G") stating that an EIR will be prepared. (See 7.02.)
- (b) The City shall prepare the Draft EIR for the project. (See 7.03.)
- (c) Once the Draft EIR is completed, the City shall file a Notice of Completion (Form "H") with the Office of Planning and Research. (See 7.13.)
- (d) The City shall consult with state, federal and local agencies which exercise authority over resources which may be affected by the project for their comments on the completed Draft EIR. (See 7.16.)
- (e) The City 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 7.13.)
- (f) The City shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. (See 7.20.)
- (g) The City shall prepare a Final EIR before approving the project. (See 7.21.)
- (h) The City shall certify that the Final EIR has been completed in compliance with CEQA and has been reviewed by the City Council. (See 7.23.)
- (i) The City shall include in the EIR Responsible Agencies' replies to the Notice of Preparation. (See 2.06.)

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

2.05 Duties of a Responsible Agency. As a Responsible Agency, the City shall consider the environmental documents prepared by the Lead Agency and reach its own conclusions on whether and how to approve the project involved. The City shall also both respond to consultation by the Lead Agency and attend meetings as requested by the Lead Agency to assist the Lead Agency in preparing adequate environmental documents. The City should also review and comment on Draft EIRs and Negative Declarations. Comments shall be limited to those project activities which are within the City's area of expertise or are required to be carried out or approved by the City or are subject to the City's

powers. For private projects, the City, as a Responsible Agency, may require the project proponent to provide such information as may be required and to reimburse the City for all costs incurred by it in reporting to the Lead Agency.

2.06 Response to Notice of Preparation by Responsible Agencies. Within thirty (30) days of receipt of a Notice of Preparation of an EIR, the City, as a Responsible Agency, shall specify to the Lead Agency the scope and content of the environmental information related to the City's area of statutory responsibility in connection with the proposed project. At a minimum, the response shall identify the significant environmental issues and possible alternatives and mitigation which the City, as a Responsible Agency, will need to have explored in the Draft EIR. Such information shall be specified in writing, shall be as specific as possible, and shall be communicated to the Lead Agency by certified mail or any other method of transmittal which provides it with a record that the notice was received, not later than thirty (30) days after receipt of the notice of the Lead Agency's determination. The Lead Agency shall incorporate this information into the EIR.

2.07 Use of Final EIR or Negative Declaration by Responsible Agencies. The City, as a Responsible Agency, shall consider the Lead Agency's Final EIR or Negative Declaration before acting upon or approving a proposed project. The City shall consider the adequacy of the prior environmental documents for its purposes and in certain instances may require that a subsequent EIR or a supplemental EIR be prepared. Mitigation measures and alternatives deemed feasible and relevant to the City's role in carrying out the project shall be adopted. Findings which are relevant to the City's responsibility shall be made. A Notice of Determination shall be filed by the Responsible Agency, but need not state that the Lead Agency's EIR or Negative Declaration complies with CEQA.

2.08 Shift in Lead Agency Responsibilities. The City, as a Responsible Agency, shall assume the role of the Lead Agency if:

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

- (b) The Lead Agency prepared environmental documents for the project, and all of the following conditions occur:
 - (1) A subsequent or supplemental EIR is required;
 - (2) The Lead Agency has granted a final approval for the project; and
 - (3) The statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.
- (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.

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. If the proposed activity does not come within the definition of "project" contained in section 9.28, it is exempt from CEQA review.

"Project" does not include:

- (a) Anything specifically exempted below.
- (b) Proposals for legislation to be enacted by the State Legislation.
- (c) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as provided in section 9.28), feasibility or planning studies.
- (d) The submittal of proposals to a vote of the people.
- (e) The closing of a public school and transfer of students to other facilities where the resulting physical changes are categorically exempt.

3.02 Ministerial Projects. A ministerial project is exempt from CEQA review. This is a project undertaken or approved by the City upon a given set of facts, in a prescribed manner, and in obedience to statute, ordinance, regulation, or other legal mandate. A ministerial project is one in which the City officer or employee has no power to exercise personal judgment or opinion as to the method in which the project will be carried out. CEQA review would be irrelevant for a ministerial project, because the City must act in a preordained way regardless of environmental impacts. The decision whether a proposed project 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. Ministerial projects include, but are not limited to:

- (a) Issuance of receipts for business taxes;
- (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 City does not retain significant discretionary power to modify or shape the project in a way which could respond to concerns which might be identified in an EIR.

Where 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.

3.03 Exemptions in General. CEQA and the State CEQA Guidelines exempt certain activities and provide that local agencies shall further identify and describe certain exemptions. The requirements of CEQA and the obligation to prepare an EIR, a Negative Declaration or Mitigated Negative Declaration do not apply to the exempt activities which are set forth in CEQA, the State Guidelines and this Chapter.

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

3.05 Notice of Exemption. After City approval of an exempt project, a "Notice of Exemption" (Form "B") may be filed by Staff with the Clerk of the Board of Supervisors ("Clerk of the Board"). The Preliminary Exemption Assessment shall be attached to the Notice of Exemption for filing.

The filing of a Notice of Exemption is recommended because it starts a thirty-five (35) day statute of limitations on legal challenges to the City's determination that the project is exempt from CEQA. If a Notice of Exemption is not filed, a one hundred eighty (180) day statute of limitations will apply.

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

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

- 3.08 Emergency Projects. The following types of emergency projects are exempt: (The term "emergency" is defined in section 9.10.)
- (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.
 - (b) Emergency repairs to public service facilities necessary to maintain service.
 - (c) Projects necessary to prevent or mitigate an emergency.
- 3.09 Feasibility and Planning Studies. A project which involves only feasibility or planning studies for possible future actions which the City has not yet approved, adopted or funded is exempt.
- 3.10 Rates, Tolls, Fares and Charges. The establishment, modification, structuring, restructuring or approval of rates, tolls, fares or other charges by the City which the City finds are for one or more of the purposes listed below are exempt.
- (a) Meeting operating expenses, including employee wage rates and fringe benefits;
 - (b) Purchasing or leasing supplies, equipment or materials;
 - (c) Meeting financial reserve needs and requirements;
 - (d) Obtaining funds for capital projects necessary to maintain service within existing service areas.
- When the City determines that one of the aforementioned activities pertaining to rates, tolls, fares or charges is exempt from the requirements of CEQA, it shall incorporate written findings setting forth the specific basis for the claim of exemption in the record of any proceeding in which such an exemption is claimed.
- 3.11 Subsurface Pipelines Within a Public Right-of-Way. The installation of a new pipeline or the maintainance, repair, restoration, reconditioning, relocation, replacement, removal or demolition of an existing subsurface pipeline is exempt where the project is less than one mile in length and located within a public street, highway or any other public right-of-way.
- 3.12 Other Specific Exemptions. CEQA and the State Guidelines exempt many other specific activities, including early activities related to thermal power plants, ongoing projects, transportation improvement programs, railroad grade separation projects, and restriping of streets or highways to relieve traffic congestion. Specific exemptions are

listed in Public Resources Code Sections 21080 through 21080.21 and in the State Guidelines Sections 15260 through 15277.

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

The exemptions of 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 where the project may impact an environmental resource of hazardous or critical concern which is designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies.

It is important to note that all exemptions for these classes are qualified to the extent that they are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant (for example, repeated additions to an existing building under Class 1) or when there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

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

Class 1 Existing Facilities.

The operation, repair, maintenance or minor alteration of existing public or private structures, facilities, equipment or other property of every kind, which involves negligible or no expansion of use beyond that previously existing. (State Guidelines Section 15301.)

Class 2 Replacement or Reconstruction.

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

Class 3 New Construction or Conversion of Small Structures.

Construction of limited numbers of small, new facilities or structures and installation of small, new equipment or facilities in small structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This exemption includes structures built for both residential and commercial uses. (The maximum number of structures allowable under this exemption is set forth in State Guidelines Section 15303.)

Class 4 Minor Alterations to Land.

Minor alterations in the condition of land, water, and/or vegetation which do not involve removal of mature or scenic trees. (State Guidelines Section 15304.)

Class 5 Minor Alterations in Land Use Limitations.

Minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density. (State Guidelines Section 15305.)

Class 6 Information Collection.

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

Class 7 Actions by Regulatory Agencies for Protection of Natural Resources.

Actions taken by regulatory agencies as authorized by State law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. (State Guidelines Section 15307.)

Class 8 Actions By Regulatory Agencies for Protection of the Environment.

Actions taken by regulatory agencies, as authorized by State or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

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 Guidelines Section 15309.)

Class 10 Loans.

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

Class 11 Accessory Structures.

Construction or placement of minor structures accessory to (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 life-guard 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 Guidelines Section 15311.)

Class 12 Surplus Government Property Sales.

Sales of surplus government property, except for certain parcels of land located in an area of statewide, regional or areawide concern. (State Guidelines Section 15312.)

Class 13 Acquisition of Lands for Wildlife Conservation Purposes.

Acquisition of lands for fish and wildlife conservation purposes, including habitat preservation, and for preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition. (State Guidelines Section 15313.)

Class 14 Minor Additions to Schools.

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

Class 15 Minor Land Divisions.

Divisions 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 requirements, 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 2 years, and the parcel does not have an average slope greater than 20 percent. (State Guidelines Section 15315.)

Class 16 Transfer of Ownership of Land in Order to Create Parks.

Acquisition or sale of land in order to establish a park where the land is in a natural condition or contains historic sites or archaeological sites. (CEQA will apply when a management plan is proposed that will change the area from its natural condition or significantly change the historic or archaeological site.) (State Guidelines Section 15316.)

Class 17 Open Space Contracts or Easements.

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

Class 18 Designation of Wilderness Areas.

Designation of wilderness areas under the California Wilderness System. (State Guidelines Section 15318.)

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

(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 pre-zoning 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.

(b) Annexations of individual small parcels of the minimum size for facilities exempted by Class 3. (State Guidelines Section 15319.)

Class 20 Changes in Organization of Local Agencies.

Changes in the organization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. (State Guidelines Section 15320.)

Class 21 Enforcement Actions by Regulatory Agencies.

Actions by the City to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted or prescribed by the City or a law, general rule, standard, or objective, administered or adopted by the City. (Construction activities undertaken by the City in taking the enforcement or revocation action are not included in this exemption.) (State Guidelines Section 15321.)

Class 22 Educational or Training Programs Involving No Physical Changes.

The adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. (State Guidelines Section 15322.)

Class 23 Normal Operations of Facilities for Public Gatherings.

Continued or repeated normal operations of existing facilities for public gatherings for which the facilities were 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 racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks. (State Guidelines Section 15323.)

Class 24 Regulation of Working Conditions.

Actions taken by the City to regulate employee wages, hours of work or working conditions where there will be no demonstrable physical changes outside the place of work. (State Guidelines Section 15324.)

Class 25 Transfers of Ownership of Interest in Land to Preserve Open Space.

Transfers of ownership of interest in land in order to preserve open space. Examples include, but are not limited to acquisition of areas to preserve existing natural conditions, to allow continued agricultural use of the areas, to allow restoration of natural conditions, or to prevent encroachment of development into floodplains. (State Guidelines Section 15325.)

Class 26 Acquisition of Housing for Housing Assistance Programs.

Actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. (State Guidelines Section 15326.)

Class 27 Leasing New Facilities.

Leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the City determines, based on specific criteria, that the building is exempt. (State Guidelines Section 15327.)

Class 28 Small Hydroelectric Projects as Existing Facilities.

Installation of certain small hydroelectric generating facilities in connection with existing dams, canals, and pipelines. (State Guidelines Section 15328.)

Class 29 Cogeneration Projects at Existing Facilities.

Installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting certain conditions. (State Guidelines Section 15329.)

4. TIME LIMITATIONS

4.01 Review of Private Project Applications. Staff shall determine whether the application for a private project is complete within thirty (30) days of receipt of the application. No application may be deemed incomplete for lack of a waiver of the time limitations in sections 4.03 and 4.04.

4.02 Determination of Environmental Impact. Except as provided in section 4.05, 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 City. This period may be extended 15 days with consent of the applicant.

4.03 Completion and Adoption of Negative Declaration. For private projects, the Negative Declaration/Mitigated Negative Declaration shall be completed and a recommendation made by the ERC no later than 105 days from the date on which an application requesting approval of a project is accepted as complete. Completion of a Negative Declaration/Mitigated Negative Declaration within the 105-day period shall include completion of the Initial Study, public review and the preparation of documents ready for approval by the decision making body. Completion within the 105-day period does not include the approval of the Negative Declaration/Mitigated Negative Declaration by the decision making body.

In the event that compelling circumstances justify additional time and the project applicant consents thereto, Staff may provide for a reasonable extension of the time limit for completing and adopting the Negative Declaration/Mitigated Negative Declaration.

4.04 Completion and Certification of Final EIR. For private projects, the Final EIR shall be completed and certified by the City Council no later than one (1) year from the date on which an application requesting approval of such project is received which contains all data and information which may be required by the City, and which is accepted as complete by the City. In the event that compelling circumstances justify additional time and the project applicant consents thereto, the City Council may provide for a reasonable extension of the time limit for completing and adopting the EIR.

4.05 Projects With Short Time Periods for Approval. A few statutes require agencies to make decisions on permits within time limits that are so short that review of the project under CEQA would be difficult. To enable the City as Lead Agency to comply with both the permit statute and CEQA, the City shall deem an application for a project as not received for filing under the permit statute until such time as the environmental documentation required by CEQA has been completed. This section will apply where all of the following conditions are met:

- (a) The enabling legislation for a program, other than the provisions for development projects under Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code, requires the Lead Agency to take action on an application within a specified period of time that is six (6) months or less, and
- (b) The enabling legislation provides that the project will become approved by operation of law if the Lead Agency fails to take any action within such specified time period, and
- (c) The project involves the 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 one (1) year from the date on which an application requesting approval of such project is accepted as complete for CEQA processing by the City. This one (1) year time limit may be extended once for a period not to exceed ninety (90) days upon consent of the applicant.

4.06 Suspension of Time Periods. An unreasonable delay by an applicant in meeting City requests necessary for the preparation of a Negative Declaration or an EIR shall suspend the running of the time periods described in sections 4.03 and 4.04 for the period of the unreasonable delay. Alternately, the City may disapprove a project application where there is unreasonable delay in meeting requests.

5. INITIAL STUDY

- 5.01 Preparation of Initial Study. If the City determines that it is the Lead Agency for a project which is not exempt, the City shall 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.
- (a) For City projects, the Initial Study shall be prepared by Staff or by private experts pursuant to contract with the City.
 - (b) For private projects, the person or entity proposing to carry out the project shall submit all data and information as may be required by the City to determine whether the proposed project may have a significant effect on the environment. All costs incurred by the City in reviewing the data and information submitted, or in conducting its own investigation based upon such data and information, or in preparing an Initial Study for the project shall be borne by the person or entity proposing to carry out the project.
- 5.02 Informal Consultation With Other Agencies. When more than one public agency will be involved in undertaking or approving a project, the City as Lead Agency shall consult with all Responsible and any Trustee Agencies. Such consultation shall be undertaken as part of the Initial Study process prior to determining whether an EIR, Mitigated Negative Declaration or Negative Declaration is required for the project.
- This early consultation, which may be done quickly and informally, is designed to insure that the EIR, Negative Declaration or Mitigated Negative Declaration will reflect 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. It may include consultation with other individuals or organizations with an interest in the project. The Office of Planning and Research, upon request of the City or a private project applicant, shall assist in identifying the various Responsible Agencies for a proposed project.

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

5.03 Consultation With Private Project Applicant. During or immediately after preparation of an Initial Study for a private project, the City 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 significance and there is no substantial evidence before the City that the project, as revised, may have a significant effect on the environment, the City may prepare and adopt a Negative Declaration. If any significant effect may still occur, despite alterations of the project, an EIR must be prepared.

5.04 Purposes of Initial Study. The Initial Study shall be used to determine whether a Negative Declaration, or Mitigated Negative Declaration or an EIR shall be prepared for a project. It provides written documentation of whether the City 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.

5.05 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;
- (c) An identification of environmental effects by use of a checklist, matrix, other method;
- (d) A discussion of ways to mitigate any significant effects identified;

- (e) An examination of whether the project is compatible with existing zoning and local land use plans;
- (f) The name of the person or persons who prepared or participated in the Initial Study;
- (g) A summary of any comments regarding the project received from Responsible Agencies, Trustee Agencies or other persons.
- (h) Identification of prior EIRs or environmental documents which could be used with the project.

5.06 Use of a Checklist Initial Study. When properly completed, the Environmental Information Form (Form "I") and the Environmental Checklist Form (Form "J") will meet the requirements of section 5.05 for private projects. For a City-initiated project, the requirements of section 5.05 will be met by use of the Environmental Checklist Form (Form "J") and a separate attachment containing a description of the project, including its location and an identification of the environmental setting and summaries of any comments received regarding the project.

Without supporting factual data, use of these checklist forms may no longer meet legal requirements. An Initial Study must consist of more than mere conclusions and must disclose the data or evidence upon which the City relied in conducting the study. The City should augment the checklist forms with supporting factual data and reference information sources when completing the forms. Explanation of all "yes" and "maybe" answers should be provided on attached sheets. It is also advisable to state briefly why "no" answers were checked.

- 5.07 Evaluating Significant Environmental Effects. In evaluating the environmental significance of effects disclosed by the Initial Study, the City 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. Even if a fair argument can be made to the contrary, an EIR should be prepared.
 - (b) Whether both primary (direct) and 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, to be treated as significant environmental effects. However, if a physical change causes such adverse changes, 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, controversy or disagreement alone shall not require preparation of an EIR in the absence of substantial evidence of significant effects.
- (e) Whether the project meets existing standards for air emissions and water discharges of a particular pollutant. If so, it may be presumed that the discharge will not create a significant environmental effect, absent information to the contrary.

5.08 Mandatory Findings of Significant Effect. Whenever any of the conditions set forth below are found to exist, a finding that a project may have a significant effect on the environment shall be required:

- (a) The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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 used in this subsection, "cumulatively considerable"

means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past, current and probable future projects.

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

5.09 Mandatory Preparation of an EIR for Waste Burning Projects. The City, as Lead Agency, shall prepare or cause to be prepared, and certify the completion of, an 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 either 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 ten percent (10%).

The City shall calculate the percentage of expansion for an existing facility by comparing the proposed facility capacity with either of the following that is applicable:

- (a) The facility capacity authorized in the facility's hazardous waste facilities permit pursuant to § 25200 of the Health & Safety Code, or its grant of interim status pursuant to § 25200.5 of the Health & Safety Code, 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.
- (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.

The EIR requirement does not apply to any project which exclusively burns any of the following:

- (a) digester gas produced from manure or any other solid or semi-solid animal waste;
- (b) methane gas produced from a disposal site which is used only for the disposal of solid waste;
- (c) forest, agricultural, wood, or other biomass wastes;

- (d) hazardous waste in an incineration unit which is transportable and which is either at a site for not longer than three years or is part of a remedial or removal action;
- (e) refinery waste burned in a flare on the site of generation;
- (f) methane gas produced at a municipal sewage treatment plant and burned in a flare;
- (g) hazardous waste, or hazardous waste as a supplemental fuel, as part of a research, development, or demonstration project which, consistent with the Resource Conservation and Recovery Act of 1976, has been determined to be innovative and experimental by the State Department of Health Services and which is limited in type and quantity of waste to that necessary to determine the efficacy and performance capabilities of the technology or process; provided, however, that any facility which operated as a research, development or demonstration project and for which an application is thereafter submitted for a hazardous waste facility permit for operation other than as a research, development, or demonstration project shall be considered a new facility for the burning of hazardous waste, and therefore subject to EIR requirements;
- (h) soils contaminated only with petroleum fuels or the vapors from these soils;
- (i) exclusively treats less than 3,000 pounds of hazardous waste per day in a thermal processing unit operated in the absence of open flame, and submits a worst-case health risk assessment of the technology to the State Department of Health Services for review and distribution to the public. This assessment shall be prepared in accordance with guidelines set forth in the Air Toxics Assessment Manual of the California Air Pollution Control Officers Association;
- (j) exclusively burns less than 1,200 pounds of infectious waste per day, as defined in Section 25117.5 of the Health and Safety Code, on hospital sites;
- (k) chemicals and fuels as part of firefighter training;

- (l) exclusively conducts open burns of explosives subject to the requirements of the local or regional air pollution control district and in compliance with OSHA and Cal-OSHA regulations; or
- (m) exclusively conducts onsite burning of less than 3,000 pounds per day of fumes directly from a manufacturing or commercial process.

Such projects are not exempt from the other requirements of CEQA, the State Guidelines, or these local Guidelines. 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 Section 25500, *et seq.*

5.10 Residential Development Pursuant to an Existing Community Plan and EIR.

During the Initial Study, Staff should determine whether the proposed project involves residential development consistent with an earlier zoning or community plan to accommodate the particular density of development for which an environmental impact report has been certified. If an earlier EIR for the zoning or planning action has been certified, and if the proposed project is approval of a subdivision map or residential development, CEQA applies only insofar as 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. 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 general plan which (1) applies to a defined geographic portion of the total area included in the general plan, (2) complies with Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code by referencing each of the mandatory elements specified in government Code Section 65302, and (3) contains specific development policies adopted for the area in the Community Plan and identifies measures

to implement those policies, so that the policies which will apply to each parcel can be determined.

- 5.11 Environmental Impact Assessment. 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 determine that a Negative Declaration be prepared and submitted to 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 determine that an EIR be prepared and submitted to the decision making body.

Staff shall submit its determination to the ERC for review. The ERC shall then accept, modify or reject Staff's recommendation. Such determination shall be made in writing on the Environmental Checklist Form (Form "J").

However, if the project does not require the approval of the decision making body and the ERC finds that a Negative Declaration will comply with CEQA, the ERC may approve such Negative Declaration and Staff shall notice and file it pursuant to these Guidelines.

- 5.12 Appeal of ERC Determination. Any applicant aggrieved by the determination of the ERC as to whether a Negative Declaration or an EIR be prepared may appeal that determination to the City Council. Such appeal must be made in writing to the City Clerk within ten (10) days of the ERC's determination. A third party may not appeal the ERC's determination except when the ERC is the final decision making body.

- 5.13 Final Determination. The decision making body shall have the final responsibility for determining whether an EIR, Negative Declaration or Mitigated Negative Declaration shall be required for any project it approves. The decision making body's determination shall be final and conclusive on all persons, including Responsible Agencies and Trustee Agencies, except as provided in Section 15050(c) of the State Guidelines.

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 that the project may have a significant, or potentially significant, adverse effect on the environment.

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 City 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, and
- (b) There is no substantial evidence before the City that the revised project may have a significant effect.

If an applicant proposes mitigation measures, the project plans must be revised to incorporate these mitigation measures before the proposed Mitigated Negative Declaration is released for public review. 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 City must know the measures now in order for them to be evaluated and accepted as adequate mitigation. Except where noted, the procedural requirements for the preparation and approval of a Negative Declaration and Mitigated Negative Declaration are the same.

6.03 Notice of Preparation of Draft Negative Declaration. When the ERC, based upon the Initial Study, recommends to the decision making body the adoption of a Negative Declaration, a Notice of Preparation of Draft Negative Declaration (Form "D") shall be provided to the public, to all Responsible Agencies and to every other public agency with jurisdiction by law over resources affected by the project at least twenty-one (21) days before the final adoption of the Negative Declaration by the decision making body. If the documents are submitted to the State Clearinghouse for circulation, the public review period shall be not less than thirty (30) days. (See Section 6.04.)

The Notice of Preparation 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 Negative Declaration are available for review.

6.04 Posting and Publication of Negative Declaration. The City shall have a copy of the Notice of Preparation, the Draft Negative Declaration and the Initial Study posted at the City's offices and made available for public inspection. The Notice must be provided either twenty-one (21) or thirty (30) days prior to final adoption of the Negative Declaration.

The Notice must also be posted in the office of the Clerk of the Board of Supervisors in the county in which the project is located and must remain posted for a minimum of thirty (30) days.

Notice of Preparation of a Negative Declaration shall be mailed to any individual who has filed a written request with the City Clerk. The City may charge a fee for this service, except to other public agencies. The City may require requests for notices to be renewed annually.

Notice shall be given by mail to all organizations and individuals who have previously requested such notice and to the general public 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.
- (b) Posting of notice on and off site in the area where the project is to be located.
- (c) Direct mailing to owners and occupants of property contiguous to the project, as such owners are shown on the latest equalized assessment roll.

6.05 Submission of Negative Declaration to State Clearinghouse. A Negative Declaration must be submitted to the State Clearinghouse for circulation in the following situations:

- (a) The Negative Declaration is prepared by a Lead Agency that is a state agency.

- (b) The 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.
- (c) The Negative Declaration is for a project identified in State Guidelines Section 15206 as being of statewide, regional, or areawide significance.

A Negative Declaration may also be submitted to the State Clearinghouse for circulation if a state agency has special expertise with regard to the environmental impacts involved. When the Negative Declaration is submitted to the State Clearinghouse for review, the public review period shall be at least thirty (30) days, and shall be at least as long as the period of review by the State Clearinghouse. The Lead Agency shall consider any comments on the Negative Declaration received by the State Clearinghouse within the public comment period. When a Negative Declaration is submitted to the State Clearinghouse, a Notice of Completion (Form "H") should be included as a cover sheet.

A shorter review period for a Negative Declaration by the State Clearinghouse can be requested by the decision making body. The shortened review period shall not be less than twenty-one (21) 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. 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 Guidelines Section 15206.

- 6.06 Special Notice Requirements for Waste and Fuel Burning Projects. For any project involving the burning of municipal wastes, hazardous wastes, or refuse-derived fuel, including but not limited to tires, as defined in Section 5.09, notice shall be given to all organizations and individuals who have previously requested notice and shall also be given by all three of the procedures listed in section 6.04 above. In addition, notification shall be given by direct mailing to the owners and occupants of property within one-

fourth of a mile of any parcel or parcels on which a project subject to this section is located.

These notice requirements apply only to those projects described in section 5.09. These notice requirements do not preclude the City from providing additional notice by other means if desired.

6.07 Content of Negative Declaration. A Negative Declaration must be prepared directly by or under contract to the Lead Agency 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, if any.
- (b) The location of the project and the name of the project proponent.
- (c) A finding that the project as proposed will not have a significant effect on the environment.
- (d) An attached copy of the Initial Study documenting reasons to support the finding.
- (e) For a Mitigated Negative Declaration, mitigation measures included in the project to avoid potentially significant effects.

6.08 Adoption of Negative Declaration. Following the publication, posting or mailing of the Notice of Preparation of a Draft Negative Declaration, but in no event sooner than twenty-one (21) days following the date of such publication, posting or mailing, the decision making body shall review the Negative Declaration together with any written comments received during the public review process. If the decision making body finds that the project will not have a significant effect on the environment it shall adopt the Negative Declaration. If, however, the decision making body finds that the proposed project may have a significant effect on the environment, it shall order the preparation of a Draft EIR and the filing of a Notice of Preparation of a Draft EIR.

6.09 Reporting or Monitoring Program for Mitigated Negative Declaration. When adopting a Mitigated Negative Declaration pursuant to section 6.02, the City 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 implemented by the project proponent or other responsible party in a timely manner and in accordance with

project approval. There is no requirement that the reporting or monitoring program be circulated for public review; however, the City may choose to circulate it for public comments along with the Mitigated Negative Declaration.

This reporting or monitoring program shall be designed to assure compliance during the implementation or construction of a project. If an agency with jurisdiction over the natural resources affected by the project has required that certain conditions be incorporated into the project, the City may request that agency to prepare and submit a proposed reporting or monitoring program.

Local agencies have the authority to levy fees sufficient to pay for this program. Therefore, the City 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 City shall be submitted to the regional transportation planning agency where the project is located if the project impacts have statewide, regional or areawide significance as identified in State Guidelines Section 15206. The transportation planning agency is required by law to adopt guidelines for the submittal of these reporting or monitoring programs, so the City may wish to tailor its submittal to such guidelines.

- 6.10 Approval or Disapproval of Project. At the time of adoption of a 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 together with any written comments received during the public review process, and shall approve or disapprove the 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 section 5.07 should be considered. (See 7.26 for approval requirements for facilities which may emit hazardous air emissions near schools.) If the Negative Declaration is revised significantly in response to comments received during the public review period (i.e., new mitigation measures are added), the documents should be recirculated for public review.

6.11 Notice of Determination. Following consideration and approval of a project for which the City is Lead Agency, the decision making body shall order Staff to prepare and file a Notice of Determination (Form "F") which shall contain the following:

- (a) An identification of the project including its common name where possible and its location;
- (b) A brief description of the project;
- (c) The date on which the City approved the project;
- (d) The determination of the City that the project will not have a significant effect on the environment;
- (e) A statement that a Negative Declaration has been prepared pursuant to the provisions of CEQA; and
- (f) The address where a copy of the Negative Declaration may be examined.

The Notice of Determination shall be filed with the Clerk of the Board of each county in which the project will be located within five (5) working days of final project approval after expiration of the appeal period. The Notice must be posted in the office of the Clerk of the Board for a minimum of thirty (30) days. If the project requires discretionary approval from any State agency, the Notice of Determination shall also be filed with the Office of Planning and Research. Simultaneously with the filing of the Notice of Determination with the Clerk of the Board, Staff shall cause a copy of the Notice of Determination to be posted at City Hall. A copy of the Notice of Determination must be sent to any person who has filed a written request with the City. The recipients of such documents may be charged a fee reasonably related to the cost of providing the service.

The filing and posting of a Notice of Determination with the Clerk of the Board, and if necessary with the Office of Planning and Research, starts a 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 30-day statute of limitation to challenge the subsequent phase begins to run when the second Notice is filed. Failure to file the Notice results in a 180-day statute of limitations.

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

6.13 Filing Fees for Projects Which Affect Wildlife Resources. At the time a Notice of Determination for a Negative Declaration is filed with the Clerk of the Board, a fee of \$1,250 shall be paid to the Clerk of the Board for projects which will adversely affect wildlife resources. These fees are collected by the Clerk of the Board on behalf of the California Department of Fish and Game ("DFG").

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 a Lead Agency and Responsible Agencies file separate Notices of Determination, only the Lead Agency is required to pay the fee.

In addition, the Clerk of the Board is authorized to charge a documentary handling fee of \$25 per filing in addition to the filing fee specified above.

No fees are required for projects exempt from CEQA; thus the City is not required to pay this fee for filing Notices of Exemption. Moreover, no fee is required for projects with a "de minimis" effect on wildlife resources. This is an important exception. If the City believes that a project will have a de minimis effect on wildlife resources, it should file the Certificate of Fee Exemption attached as Form "L". This form requires the City to set forth facts in support of the fee exemption. These should include: (1) a brief description of the project and its location; (2) a statement that an initial study has been prepared by the City to evaluate the project's effects on wildlife resources, if any; and (3) a declaration that there is no evidence before the City that the project will have any potential for adverse effect on wildlife resources. Two copies of this form must be filed with the Notice of Determination in order to obtain the fee exemption.

For private projects, the City shall pass these costs on to the project applicant.

7. ENVIRONMENTAL IMPACT REPORT

- 7.01 Decision to Prepare an EIR. Following preparation of an Initial Study, if the ERC finds that a proposed project not otherwise exempt may have a significant effect on the environment which cannot be mitigated, a Draft EIR shall be prepared. An EIR shall be prepared whenever the Initial Study or other evidence in the record has produced substantial evidence which supports a fair argument that a project may have a significant effect on the environment.
- 7.02 Notice of Preparation of Draft EIR. After the ERC determines that an EIR will be required for a proposed project, the City as Lead Agency shall prepare and send a Notice of Preparation (Form "G") to each Responsible Agency and Trustee Agency involved with the project. Responsible and Trustee Agencies have thirty (30) days to respond to the Notice of Preparation. When one or more state agencies will be a Responsible Agency, the City shall also send a copy of the Notice of Preparation (which also identifies the Responsible Agencies and Trustee Agencies to which the Notice was sent) to the Office of Planning and Research. The City shall send copies of the Notice of Preparation by certified mail or any other method of transmittal which provides it with a record that the Notice was received. The Notice must also be posted in the office of the Clerk of the Board in the county in which the project is located for thirty (30) days. 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 in an urban area, and
 - (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.
- 7.03 Preparation of Draft EIR. The City as Lead Agency is responsible for preparing a Draft EIR, and may begin preparation immediately without awaiting responses to the Notice of Preparation. However, information communicated to the City not later than

thirty (30) days after receipt of the City's Notice of Preparation shall be included in the Draft EIR.

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

7.04 Consultation with Other Agencies and Persons. Prior to completion of the Draft EIR, the City shall consult with each Responsible Agency and any public agency which has jurisdiction by law over the project. The City shall also consult with any city or county which borders on a city or county within which the project is located, unless otherwise designated annually by agreement between the Lead Agency and the city or county, and may consult with any person who has special expertise with respect to any environmental impacts involved with the project. The City 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 City is reasonably aware. The purpose of this consultation is to "scope" the EIR's range of analysis.

For a project of statewide, regional, or areawide significance as defined in State Guidelines Section 15206, the City shall consult with transportation planning agencies and public agencies which have transportation facilities within their jurisdictions that could be affected by the project. Consultation shall be conducted for the purpose of the Lead Agency obtaining information concerning a project's effects on major local arterials, public transit, freeways, highways, and rail transit service within the jurisdiction of a transportation planning agency or a public agency consulted by the Lead Agency. A transportation planning agency or public agency which provides information to the Lead Agency shall be notified of, and provided with copies of, environmental

documents pertaining to the project. CalTrans may require the City as Lead Agency to call at least one scoping session before an EIR is prepared for projects which may affect highways or facilities under the jurisdiction of CalTrans.

The Lead Agency may charge and collect from the applicant a fee not to exceed the actual cost of the consultations. A Responsible Agency or other public agency shall only make comments regarding those activities within its area of expertise or which are required to be carried out or approved by it. These comments must be supported by specific documentation.

For projects where federal involvement might require preparation of an Environmental Impact Statement ("EIS") under the National Environmental Policy Act ("NEPA") the Lead Agency shall consult with the appropriate federal agencies as provided in Section 15110 and Sections 15220-15228 of the State Guidelines.

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

7.06 General Aspects of an EIR. Both a Draft and Final EIR must contain the information outlined in section 7.10. 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.

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

The Initial Study should be used to focus the EIR, so that the EIR identifies and discusses only the specific environmental problems or aspects of the project which have been identified as potentially significant or important. A copy of the Initial Study shall be attached to the EIR 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 City 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.

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

7.08 Incorporation by Reference. An EIR may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Any incorporated document shall be considered to be set forth in full as part of the text of the EIR. Where part of another document is incorporated by reference, that document shall be made available to the public for inspection at the City office. The EIR shall state where incorporated documents will be available for inspection.

Where an EIR uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible, or briefly described if the data or information cannot be summarized. When information from an EIR that has previously been reviewed through the state review system ("State Clearinghouse") is

incorporated by the City, the state identification number of the incorporated document should be included in the summary or text of the EIR.

- 7.09 Standards for Adequacy of an EIR. An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which takes into account the environmental consequences of the project. The evaluation of environmental effects need not be exhaustive, but must be within the scope of what is reasonably feasible. The EIR should be written and presented in such a way that it can be understood by governmental decision-makers and members of the public. A good faith effort at completeness and full disclosure is necessary.

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

- 7.10 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 should normally be less than 300 pages. The required contents of an EIR are set forth in Sections 15122 through 15132 of the State Guidelines. Briefly summarizing each of those requirements, an EIR shall contain:

- (a) A table of contents or an index.
- (b) A brief summary of the proposed project and its environmental impacts.
- (c) A description of the proposed project. (See section 7.12 regarding future project expansion.)
- (d) A description of the project's environmental setting, from both a local and regional perspective.
- (e) A discussion of any inconsistencies between the proposed project and applicable general and regional plans.
- (f) A description of the direct and indirect significant environmental impacts of the proposed project explaining which, if any, can be avoided or mitigated to a level of insignificance, indicating reasons that various possible significant effects were determined not to be significant and denoting any significant effects which are unavoidable or could not be mitigated to a level of insignificance. If such impacts

are to be mitigated, a proposed monitoring program to assure that such mitigation occurs shall be included in a separate section of the EIR.

- (g) An analysis of a range of alternatives to the proposed project which could feasibly attain the project's objectives.
- (h) An examination of the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity.
- (i) A description of any significant irreversible environmental changes which would be involved in the proposed action should it be implemented.
- (j) An analysis of the growth-inducing impacts of the proposed action.
- (k) A discussion of any significant, reasonably anticipated future developments and the cumulative effects of all proposed and anticipated action. In certain situations, a regional analysis should be completed for certain impacts, such as air quality.
- (l) A discussion of any economic or social effects, to the extent that they cause or may be used to determine significant environmental impacts.
- (m) 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.
- (n) 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.

7.11 Analysis of Alternatives in an EIR. CEQA requires only an analysis of alternatives necessary to permit a reasoned choice; it does not require an extended discussion of alternatives which are of speculative feasibility. An agency is not required to consider each and every alternative, but only those which are feasible. However, excessive costs that would result from a potential alternative do not prevent a discussion of the alternative.

In some cases, it may be necessary for an EIR to evaluate alternative sites for a project. As with all alternatives analysis under CEQA, only those alternative sites which are feasible need to be analyzed. If the project is private, whether another site is owned or can reasonably be acquired by the project proponent may determine whether an

alternative site is feasible. For projects where a private party is the developer, alternative site analysis should be done if the developer owns or controls feasible alternative sites, has the ability to purchase or lease alternative properties, or otherwise has access to suitable alternative sites. Alternative site analysis is also probably appropriate where two or more private developers are seeking the approval of the City for the same type of development at different locations.

With regard to projects undertaken by the City itself, the City should consider the possibility of acquiring feasible alternative sites by eminent domain.

If through its local planning process the City has already considered alternative land uses and policies throughout its jurisdiction, this type of analysis need not be repeated in an EIR with regard to an alternative site discussion. Rather, when discussing sites the EIR should use and refer to these broader planning documents in support of its selection of the project site.

The consideration of all alternatives must be judged against "the rule of reason" which courts have indicated means that an alternatives discussion must be reasonable in scope and content; the key issue is whether the selection and discussion of feasible alternatives fosters informed decisionmaking and public participation.

The EIR must explain why the alternatives were rejected in favor of the proposed project.

The EIR must contain a discussion of both alternatives and mitigation measures. The mitigation measures must substantially lessen any significant environmental effect in order for a project to have mitigation measures imposed upon it. An EIR must contain a discussion of alternatives and mitigation measures even if the City concludes under section 7.10(f) that all significant environmental impacts have been mitigated.

7.12 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 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 discussion of future development which is unspecific or uncertain. However, if future action is not considered now, it must be considered and environmentally evaluated before it is actually implemented.

7.13 Notice of Completion of Draft EIR. Upon completion of a Draft EIR, Staff shall file a Notice of Completion (Form "H") with the Office of Planning and Research. The Notice shall contain a brief description of the proposed project, the location of the proposed project, current land use, development type and project issues discussed in the EIR.

The City shall provide public notice of the completion of a Draft EIR at the same time it sends a Notice of Completion to the Office of Planning and Research. The Notice of Availability of Draft EIR (Form "K") shall specify the period during which comments will be received on the Draft EIR, the date, time and place of any public hearings on the proposed project, a brief description of the project and its location and the address where copies of the Draft EIR are available for review.

Notice shall be given to all organizations and individuals who have previously requested it. In addition, notice to the general public shall be given by at least one of the following procedures:

- (a) Publication at least once in a newspaper of general circulation in the area affected by the proposed project.
- (b) Posting of notice on and off-site in the area where the project is to be located.
- (c) Direct mailing to owners and occupants of property contiguous to the project, as identified on the latest equalized assessment roll.

The Notice shall be posted in the office of the Clerk of the Board of Supervisors in the county in which the project is located for a period of thirty (30) days. Notice shall be mailed to any person who has filed a written request with the City. The City may require these requests to be renewed annually and may charge a fee for the reasonable cost of providing this service. A project will not be invalidated due to a failure to send

a requested notice provided there has been substantial compliance with these notice provisions.

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

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

- (1) The Draft EIR is prepared by a Lead Agency which is a state agency.
- (2) The Draft EIR is prepared by a public agency where a state agency is a Responsible Agency, Trustee Agency, and/or otherwise has jurisdiction by law with respect to the project.
- (3) The Draft EIR is for a project identified in State Guidelines Section 15206 as being of statewide, regional, or areawide significance.

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

Where the Draft EIR will be reviewed through the State review process handled by the State Clearinghouse, use a Notice of Completion (Form "H") as a cover sheet. Ten copies of the documents must be sent to the State Clearinghouse for circulation.

7.15 Special Notice Requirements for Waste and Fuel Burning Projects. For any project involving the burning of municipal wastes, hazardous wastes, or refuse-derived fuel, including, but not limited to, tires as defined in section 5.09, notice shall be given to all organizations and individuals who have previously requested notice. In addition, notification shall be given by direct mailing to the owners and occupants of property within one-fourth of a mile of any parcel or parcels on which such a project is located subject to this section.

7.16 Review of Draft EIR by Other Agencies and Persons. Upon the filing and posting of a Notice of Completion, Staff shall consult with and obtain comments from each Responsible Agency, Trustee Agency, and any other public agency having jurisdiction

by law over resources which may be affected by the project. Those public agencies having jurisdiction by law over the project shall be determined on a case-by-case basis.

Staff may also consult with and obtain comments from any person known to have special expertise with respect to any environmental impact involved whose comments relative to the Draft EIR would be desirable.

7.17 Time for Review of Draft EIR; Failure to Comment. A period of at least thirty (30) days from the Notice of Completion of the Draft EIR shall be allowed for review of and comment on the Draft EIR. If a state agency is a Responsible Agency, or if the Draft EIR is submitted to the State Clearinghouse, the review period shall be at least forty-five (45) days. When a Draft EIR is submitted to the State Clearinghouse for review, the public review period shall be at least as long as the period of review established by the State Clearinghouse. The Lead Agency shall consider any comments on the Draft EIR which are received by the State Clearinghouse within the public comment period.

A shorter review period of the Draft EIR by the State Clearinghouse can be requested by the Lead Agency; however, a shortened review period for a Draft EIR shall not be less than thirty (30) days. Any request for a shortened review period must be made in writing by the Lead Agency to the Office of Planning and Research. The Lead Agency may designate a person to make these requests.

A shortened review period is not available for any proposed project of statewide, regional or areawide environmental significance as determined pursuant to State 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, absent a written request for a specific extension of time for review and comment, together with the reasons for the request, that such agency, group, or person has no comment to make.

Continued planning activities concerning the proposed project, short of formal approval, may continue during the period set aside for review and comment on the Draft EIR.

- 7.18 Public Hearing on Draft EIR. A public hearing on the Draft EIR document is not required but may be held by the decision making body either in separate proceedings or in conjunction with other proceedings of the City. The procedures for the manner of conducting the public hearings shall be described at the time the hearing convenes.

The Draft EIR should be used as the outline for discussion at the public hearing. If a public hearing is held, it shall be conducted at least fourteen (14) days after the filing of the Notice of Completion, but in no event after the time set for expiration of the comment period.

Public notice of the time and place of the hearing shall be posted in a conspicuous location at City Hall and published in a newspaper of general circulation within the City at least fourteen (14) days in advance of the hearing. The notice also shall indicate the locations at which the Draft EIR is available for review.

- 7.19 Response to Comments on Draft EIR. The response of the City to comments received on the Draft EIR may take the form of a revision of the Draft EIR or may be an attachment to the Draft EIR. The responses of the City must describe the disposition of any significant environmental issues raised, such as any revisions to the proposed project designed to mitigate anticipated impacts or objections. In particular, any major issues raised when the City's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving reasons why specific comments and suggestion were not accepted. The response shall contain recommendations, when appropriate, to alter the project as described in the Draft EIR as the result of an analysis of the comments received.

- 7.20 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 section 7.10 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 City to the significant environmental points raised in the review and consultation process.

7.21 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 City shall give notice of preparation of the Draft EIR again pursuant to section 7.02 and shall recirculate the Draft EIR for another public review period. The City shall also consult again with those persons contacted pursuant to section 7.16 before certifying the EIR.

7.22 Certification of Final EIR. The Final EIR shall be presented to the ERC which shall review it and make a recommendation to the City Council regarding whether the Final EIR is in order and whether it has been completed in compliance with CEQA, the State Guidelines and the City's Guidelines. The Final EIR and ERC recommendation shall then be presented to the City Council. If the City Council finds that the Final EIR has been completed in compliance with CEQA, it shall certify that the Final EIR is in order and has been completed in compliance with CEQA, the State Guidelines and the City's Guidelines.

7.23 Consideration of EIR Before Approval or Disapproval of Project. The EIR shall be reviewed and considered by the decision making body before it approves or disapproves the proposed project for which the EIR was prepared. The decision making body may then proceed to consider the proposed project for purposes of approval or disapproval. Separately or in conjunction with its action approving or disapproving the project, the decision making body shall certify that it has reviewed and considered the information contained in the EIR.

7.24 Findings. The decision making body shall not approve or carry out a project if a completed EIR identifies at least one significant environmental effect of the project unless it makes one or more of the following written findings for each such significant effect, accompanied by a statement of the facts supporting each finding. (Documents incorporated by reference may also satisfy the findings requirements: see 7.08):

- (a) That changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects as identified in the

Final EIR. These mitigation measures must be expressly adopted or rejected in the EIR. Passing references to mitigation measures in other sections of the EIR, or in a Statement of Overriding Considerations, are not sufficient.

- (b) That such changes or alterations are within the responsibility and jurisdiction of another public agency and not the City. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (c) That specific economic, social or other considerations make infeasible the mitigation measures or project 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.

If any of the proposed alternatives could avoid or lessen an adverse impact for which no mitigation measures are proposed, the City shall analyze the feasibility of such alternative(s). If the project is to be approved without including such alternative(s), the City shall find that specific economic, social or other considerations make infeasible the project alternatives identified in the final EIR and shall list such considerations before such approval.

The decision making body shall not approve or carry out a project as proposed unless (1) the project as approved will not have a significant effect on the environment or (2) its significant environmental effects have been eliminated or substantially lessened (as determined through one or more of the findings indicated above), and any remaining unavoidable significant effects have been found acceptable because of facts and circumstances described in a Statement of Overriding Considerations. (See section 7.27.) Statements in the Draft EIR or comments on the Draft EIR are not determinative of whether the project will have significant effects.

7.25

Special Findings Required for Facilities Which may Emit Hazardous Air Emissions Near Schools. No EIR or Negative Declaration shall be approved for any project involving the construction or alteration of a facility within one-fourth of a mile of a school which might reasonably be anticipated to emit hazardous or acutely hazardous air emissions as defined below unless both of the following occur:

- (a) The Lead Agency preparing the EIR or Negative Declaration has consulted with the school district having jurisdiction over the school regarding the potential impact of the project on the school; and
- (b) The school district has been given written notification of the project not less than 30 days prior to the proposed approval of the EIR or Negative Declaration.
- (c) Definitions:
 - (1) "Hazardous air emissions" means any substance released into the air which is on the list prepared pursuant to Section 25532(a) and Section 44321 of the Health and Safety Code.
 - (2) "Acutely hazardous air emissions" means any substance released into the air defined by Section 25532(a) of the Health and Safety Code.

7.26 Statement of Overriding Considerations. Whenever a project approved by the decision making body will allow the occurrence of significant effects identified in the Final EIR without mitigation, the decision making body must state in writing the reasons to support its action based on the Final EIR and other information in the record. Specific economic, social or other considerations must justify the unmitigated environmental effects.

If the decision making body makes a Statement of Overriding Considerations, the statement must be included in the record of the project approval and mentioned in the Notice of Determination.

7.27 Reporting or Monitoring Program for EIR. When making the findings required section 7.25(a), the City 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 implemented by the project proponent or other responsible party in a timely manner and in accordance with project approval. There is no requirement that the reporting or monitoring program be circulated for public review; however, the City may choose to circulate it for public comments along with the Draft EIR.

This reporting or monitoring program shall be designed to assure compliance during the implementation or construction of a project. If an agency with jurisdiction over the natural resources affected by the project has required that certain conditions be incorpora-

ted into the project, the Lead Agency may request that agency to prepare and submit a proposed reporting or monitoring program.

Transportation information resulting from the reporting or monitoring program required to be adopted by the City shall be submitted to the regional transportation planning agency where the project is located if the project impacts have statewide, regional or areawide significance as identified in State CEQA Guidelines Section 15206. The transportation planning agency is required by law to adopt guidelines for the submittal of these reporting or monitoring programs, so the City 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 City will charge the project proponent a fee to cover actual costs of program processing and implementation.

7.28 Notice of Determination. Following consideration and approval of a project for which the City is the Lead Agency, the decision making body shall order Staff to prepare, certify and file, a Notice of Determination (Form "F") which shall contain the following:

- (a) An identification of the project by its common name where possible and its location.
- (b) A brief description of the project.
- (c) The date when the City approved the project.
- (d) Whether the project in its approved form will have a significant effect on the environment.
- (e) A statement that an EIR was prepared and certified pursuant to the provisions of CEQA.
- (f) Whether mitigation measures were made a condition of the approval of the project.
- (g) Whether findings and/or a Statement of Overriding Considerations was adopted for the project.
- (h) The address where a copy of the EIR (with comments and responses) and the record of project approval may be examined by the general public.

The Notice of Determination shall then be filed, within five (5) working days of the action, with the Clerk of the Board of each county in which the project will be located. The Notice must be posted in the office of the Clerk of the Board for a minimum of thirty (30) days. Simultaneously with the filing of the Notice of Determination with the Clerk of the Board, Staff shall cause a copy of such Notice to be posted at City Hall. If the project requires discretionary approval from a state agency, the Notice of Determination shall also be filed with the Office of Planning and Research.

The filing and posting by the Clerk of the Board of the Notice of Determination starts a thirty (30)-day statute of limitations on court challenges to the approval under CEQA.

7.29 Disposition of a Final EIR. The City 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 City 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 City may require that the project applicant provide a copy of the certified Final EIR to each Responsible Agency.

7.30 Private Project Costs. For private projects, the person or entity proposing to carry out the project shall bear all costs incurred by the City in preparing and filing the Draft and Final EIRs, as well as all publication costs incident thereto.

7.31 Filing Fees for Projects Which Affect Wildlife Resources. At the time a Notice of Determination for an EIR is filed with the Clerk of the Board, a fee of \$850 shall be paid to the Clerk of the Board for projects which will adversely affect wildlife resources. These fees are collected by the Clerk of the Board on behalf of the California Department of Fish and Game ("DFG").

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 a Lead Agency and Responsible Agencies file separate Notices of Determination, only the Lead Agency is required to pay the fee.

In addition, the Clerk of the Board is authorized to charge a documentary handling fee of \$25 per filing in addition to the filing fee specified above.

No fees are required for projects exempt from CEQA; thus, the City is not required to pay this fee for filing Notices of Exemption. Moreover, no fee is required for projects with a "de minimis" effect on wildlife resources. This is an important exception. If the City believes that a project will have a de minimis effect on wildlife resources, it should file the Certificate of Fee Exemption attached as Form "L." This form requires the City to set forth facts in support of the fee exemption. These should include: (1) a brief description of the project and its location; (2) a statement that an initial study has been prepared by the City to evaluate the project's effects on wildlife resources, if any; and (3) a declaration that there is no evidence before the City that the project will have any potential for adverse effect on wildlife resources. Two copies of this form must be filed with a Notice of Determination in order to obtain the fee exemption.

For private projects, the City shall pass these costs on to the project applicant.

8. TYPES OF EIRS

8.01 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 chapter describes a number of examples of various EIRs tailored to different situations. All EIRs must meet the content requirements summarized in section 7.10.

8.02 Subsequent EIR. A subsequent EIR is required when a previous EIR has been prepared and certified or a Negative Declaration has been adopted for a project and at least one of the three following situations occur. A subsequent EIR should not be prepared by the City unless:

- (a) Subsequent changes are proposed in the project which will require important revisions of a previous EIR due to the identification of new significant environmental impacts not considered in the previous EIR;
- (b) There are substantial changes with respect to the circumstances under which the project is to be undertaken, such as a substantial deterioration in the air quality where the project will be located, which will require important revisions of a previous EIR due to the identification of new significant environmental impacts not covered in the previous EIR; or
- (c) New information, which was not known and could not have been known at the time the previous EIR was certified as complete or the Negative Declaration was adopted, becomes available and shows that (1) the project will have one or more significant effects not discussed in a previous EIR, (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, 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.

A subsequent EIR must receive the same circulation and review as the previous EIR received.

8.03 Supplement to an EIR. The City as a Lead or Responsible Agency may choose to prepare a supplement to an EIR, rather than a subsequent EIR, if any of the conditions described in section 8.02 would require the preparation of a subsequent EIR and 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 City in making this determination, the decision making body should request an Initial Study and/or a recommendation by Staff. The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

A supplement to an 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 supplement. Findings pursuant to section 7.25 shall be made for each significant effect shown in the previous EIR as supplemented.

8.04 Addendum to an EIR. The City as a Lead or Responsible Agency may choose to prepare an addendum to an EIR, rather than a supplement to an EIR, only if none of the conditions described in section 8.02 calling for preparation of a subsequent EIR have occurred and minor technical changes or additions are necessary to make the EIR adequate. Changes to an EIR made by an addendum must not raise important new issues about significant effects on the environment. Since the 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 recirculated for public review but can 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.

8.05 Tiered EIR. A tiered EIR shall be used for later projects where a prior EIR has been prepared and certified for a program, plan, policy, or ordinance and the City determines that:

- (a) The later project is consistent with a program, plan, policy or ordinance for which an EIR has been prepared and certified;
- (b) The later project is consistent with applicable local land use plans and zoning of the city and county in which the later project would be located; and
- (c) The later project would not require a subsequent or supplemental EIR. (See sections 8.02 and 8.03.)

An Initial Study shall be prepared for later projects and used to determine whether a tiered EIR may be used and whether new significant effects should be examined.

A tiered EIR need not examine those effects which were either mitigated or avoided as a result of a prior EIR or examined in sufficient detail in a prior EIR to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or other means in connection with approval of the later project. Rather, a tiered EIR should summarize the issues discussed in a prior EIR, incorporate discussions from a prior EIR by reference and concentrate on the specific action proposed. A tiered EIR shall state where the earlier document is available and the purposes for which it is being referenced.

In order to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision, the City shall use tiered EIRs whenever feasible.

8.06 Staged EIR. Where 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 covering 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 City for approval shall be discussed with a greater degree of specificity.

Where a staged EIR has been prepared, a supplement to that EIR shall be prepared when a later approval is required for the project, and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.

8.07 Program EIR. A program EIR is an EIR which may be prepared on an integrated series of actions that are related either:

- (a) Geographically;
- (b) As logical parts in a chain of contemplated actions;
- (c) In connection with the issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
- (d) As individual projects carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

Subsequent activities in the program must be examined in the light of the program EIR to determine whether additional environmental documents must be prepared.

8.08 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 parts of the program. The program EIR can:

- (a) Provide the basis in an Initial Study for determining 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.
- (c) Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.

8.09 Use of an EIR from an Earlier Project. A single EIR may be utilized 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.

9. DEFINITIONS

Whenever the following terms are used in these Guidelines, they shall have the following meaning unless otherwise expressly defined:

- 9.01 "Applicant" means a person who proposes to carry out a project which requires a lease, permit, license, certificate, or other entitlement for use, or requires financial aid from one or more public agencies when applying for governmental approval or assistance.
- 9.02 "Approval" means a decision by the decision making or other authorized body or officer of the City which commits the City to a definite course of action with regard to a particular project. With regard to any project to be undertaken directly by the City, 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 City 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 City shall not, in and of itself, be deemed to constitute approval of a project.
- For purposes of these Guidelines, all environmental documents must be completed as of the time of project approval.
- 9.03 "CEQA" (the California Environmental Quality Act) means California Public Resources Code Sections 21000, et seq.
- 9.04 "Categorical Exemption" means an exception from the requirement of preparing a Negative Declaration or an EIR, based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.
- 9.05 "City" means the City of Redlands, California.
- 9.06 "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.

9.07 "Decision Making Body" means the body within the City, either the City Council, Planning Commission or Environmental Review Committee as defined below, with final approval authority over the particular project.

9.08 "Discretionary Project" means a project for which approval requires the exercise of independent judgment, deliberation, or decision-making on the part of the City.

9.09 "Draft EIR" means an EIR containing the information summarized in section 7.10.

9.10 "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, accident or sabotage.

9.11 "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.

9.12 "EIR" (Environmental Impact Report) means a detailed written statement setting forth the environmental effects and considerations pertaining to a project and may mean either a Draft or a Final EIR.

9.13 "Environmental Review Committee (ERC)" means a committee composed of three members consisting of the City: (1) Community Development Director, (2) City Manager, and (3) Public Works Director. The ERC shall function as a local agency for the purpose of implementing the provisions of CEQA by reviewing all projects for environmental effect and by recommending to the City Council or Planning Commission adoption of negative declarations and reviewing and recommending certification or

noncertification of all Final EIRs. The ERC shall function as the final decision making body for certain projects. The Community Development Department Administrator shall serve as Chairman of the ERC and each member shall select an alternate who shall attend the meetings of said Committee in their absence and be entitled to vote upon all matters before said Committee in the absence of the appointed member.

9.14 "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.

9.15 "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 Lead Agency to the comments received.

9.16 "Initial Study" means a preliminary analysis conducted by the City to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

9.17 "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 City will have jurisdiction by law over a project when the City, having primary and exclusive jurisdiction over the area involved, is the site of the project, the area in which the major environmental effects will occur, or the area in which reside those citizens most directly concerned by any such environmental effects.

9.18 "Lead Agency" means the public agency which has the principal responsibility for preparing environmental documents and for carrying out or approving a project which may have significant effects on the environment, where more than one public agency is involved with the same underlying activity.

9.19 "Mitigated Negative Declaration" means a written statement by the City briefly describing the reasons that a proposed project, as amended by the addition of mitigating conditions of approval or project revision, will not have a significant effect on the environment.

- 9.20 "Mitigation" means avoiding the environmental impact altogether by not taking a certain action or parts of an action, minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying the impact by repairing, rehabilitating or restoring the impacted environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, or compensating for the impact by replacing or providing substitute resources or environments.
- 9.21 "Negative Declaration" means a written statement by the City 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.
- 9.22 "Notice of Completion" means a brief report filed with the Office of Planning and Research by the City when it is the Lead Agency as soon as it has completed a Draft EIR and is prepared to send out copies for review.
- 9.23 "Notice of Determination" means a brief notice to be filed by the City when it approves or determines to carry out a project which is subject to the requirements of CEQA.
- 9.24 "Notice of Exemption" means a brief notice which may be filed by the City 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.
- 9.25 "Notice of Preparation" means a brief notice sent by a Lead Agency to notify the Responsible Agencies and Trustee Agencies that the Lead Agency plans to prepare an EIR for a project. The purpose of this notice is to solicit guidance from such agencies as to the scope and content of the environmental information to be included in the EIR.
- 9.26 "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.

9.27 "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 City. Private projects will normally be those listed in subsections (b) and (c) of section 9.28.

9.28 "Project" means the whole of an action which has a potential for resulting in a physical change in the environment, directly or ultimately, that is any of the following:

- (a) An activity directly undertaken by the City including but not limited to public works construction and related activities, clearing or grading of land, or improvements to existing public structures.
- (b) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, or which is supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance by the City.
- (c) 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 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.

9.29 "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.

9.30 "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.

- 9.31 "Staff" means the City Manager or his or her designee.
- 9.32 "State Guidelines" means the Guidelines for Implementation of the California Environmental Quality Act as adopted by the Secretary of the California Resources Agency as they now exist or hereafter may be amended. (California Administrative Code, Title 14, Sections 15000, *et seq.*)
- 9.33 "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.
- 9.34 "Tiering" means the coverage of general matters in broad scope or program EIRs, with subsequent narrower environmental documents (such as site-specific EIRs) incorporating by reference the general discussions and concentrating solely on the issues specific to the environmental document subsequently prepared.
- 9.35 "Transportation Facilities" means major local arterials and public transit within five miles of the project site and freeways, highways, and rail transit service within ten miles of the project site.
- 9.36 "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 include but are not limited to:
- (a) The California Department of Fish and Game with regard to the fish and wildlife of the State.
 - (b) The State Lands Commission with regard to State owned "sovereign" 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.
 - (e) The State Water Resources Control Board with respect to surface waters.
- 9.37 "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.

10. FORMS

PRELIMINARY EXEMPTION ASSESSMENT

(Certificate of Determination
When Attached to Notice of Exemption)

1. Name or description of project: _____

2. Location: _____
3. Entity or person undertaking project:
____ A. City of Redlands
____ B. Other
(1) Name: _____
(2) Address: _____
4. Staff Determination:

The City's Staff, having undertaken and completed a preliminary review of this project in accordance with the City's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:

- a. ____ The proposed action does not constitute a project under CEQA.
- b. ____ The project is a Ministerial Project.
- c. ____ The project is an Emergency Project.
- d. ____ The project constitutes a feasibility or planning study.
- e. ____ The project is categorically exempt.
Applicable Exemption Class: _____
- f. ____ The project is statutorily exempt.
Applicable Code Section Number: _____
- g. ____ The project is otherwise exempt on the following basis: _____

- h. ____ The project involves another public agency which constitutes the Lead Agency. Name of Lead Agency: _____

Date: _____
Staff _____

NOTICE OF EXEMPTION

TO: _____ Clerk of the Board of
Supervisors, County of
San Bernardino
385 North Arrowhead Blvd.
San Bernardino, CA 92415-0130

FROM: City of Redlands
Planning Department
P. O. Box 3005
Redlands, CA 92373

1. Project Title: _____
2. Project Location - Specific: _____
3. (a) Project Location - City: _____
(b) Project Location - County: _____
4. Description of nature, purpose, and beneficiaries of Project: _____
5. Name of Public Agency approving project: _____
6. Name of Person or Agency carrying out project: _____
7. Exempt status: (Check one)
 - (a) _____ Ministerial project.
 - (b) _____ Not a project.
 - (c) _____ Emergency Project.
 - (d) _____ Categorical Exemption. State type and class number: _____
 - (e) _____ Declared Emergency.
 - (f) _____ Statutory Exemption. State Code section number: _____
 - (g) _____ Other. Explanation: _____
8. Reason why project was exempt: _____
9. Contact Person: _____
Telephone: _____
10. Attach Preliminary Exemption Assessment (Form "A") before filing.

Date Received for Filing: _____

(Clerk Stamp Here)

Signature (City Representative) _____

Title _____

(City Representative Signs)

ENVIRONMENTAL IMPACT ASSESSMENT
(STAFF RECOMMENDATION FOR INTERNAL USE ONLY)

1. Name or description of project: _____
2. Location: _____
3. Entity or Person undertaking project:
 _____ A. City of Redlands
 _____ B. Other
 (1) Name: _____
 (2) Address: _____

4. Staff Determination:

The City's staff, having undertaken and completed an Initial Study of this project in accordance with the City's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" for the purpose of ascertaining whether the proposed project may have a significant effect on the environment, has reached the following conclusion:

- (a) _____ The project could not have a significant effect on the environment; therefore, a Negative Declaration should be adopted.
- (b) _____ The Initial Study identified potentially significant effects on the environment but revisions in the project plans or proposals made by or agreed to by the applicant would avoid the effects, or mitigate the effects to a point where clearly no significant effects would occur; therefore a Mitigated Negative Declaration should be adopted.
- (c) _____ The project may have a significant effect on the environment; therefore, an Environmental Impact Report will be required.

Date: _____

Staff _____

NOTICE OF PREPARATION OF DRAFT NEGATIVE DECLARATION/
MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Redlands has completed an Initial Study of the project in accordance with the City's Guidelines 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 City's Staff has concluded that the project will not have a significant effect on the environment, and has therefore prepared a Draft Negative Declaration. Copies of the Initial Study and Draft Negative Declaration are on file at City Hall, City of Redlands, Planning Department, P.O. Box 3005, Redlands, CA 92373 and are available for public review. Comments will be received until _____. Any person wishing to comment on this matter must submit such comments, in writing, to the City prior to this date. Comments of all Responsible Agencies are also requested.

At its meeting on _____ at _____, the City Council/Planning Commission/Environmental Review Committee will consider the project and the Draft Negative Declaration. If the City Council/Planning Commission/Environmental Review Committee finds that the project will not have a significant effect on the environment, it may adopt the Negative Declaration. This means that the decision making body may proceed to consider the project without the preparation of an Environmental Impact Report.

Date Received
for Filing: _____

(Clerk Stamp Here)

Staff

Title

NEGATIVE DECLARATION/MITIGATED NEGATIVE DECLARATION

1. Name, if any, and a brief description of project:

2. Location:

3. Entity or person undertaking project:

☐ A. City of Redlands

☐ B. Other

(1) Name:

(2) Address:

The City Council/Planning Commission/Environmental Review Committee, having reviewed the Initial Study of this proposed project and having reviewed the written comments received prior to the public meeting of the City Council/Planning Commission/Environmental Review Committee, including the recommendation of the City'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 City Council's/Planning Commission's/Environmental Review Committee's findings are as follows:

A copy of the Initial Study may be obtained at:

City of Redlands
Planning Department
2 Redlands Plaza
Redlands, CA 92373
Phone: (714) 798-7555

Staff

Date filed with Clerk of the Board

NOTICE OF DETERMINATION

TO: _____ Clerk of the Board of
Supervisors, County of:
San Bernardino
385 North Arrowhead Blvd.
San Bernardino, CA 92415-0130

FROM: City of Redlands
Planning Department
P. O. Box 3005
Redlands, CA 92373

_____ Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814
(File also with OPR if the
project requires state approval.)

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the Public
Resources Code.

Project Title _____

State Clearinghouse Number _____
(If submitted to Clearinghouse) Contact Person _____ Telephone Number _____

Project Location (Include County) _____

Project Description _____

This is to certify that the _____
(Lead Agency or Responsible Agency)
approved the above described project on _____ and made the following determinations:

1. The project _____ will _____ will not have a significant effect on the environment.
2. _____ An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA.
_____ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
_____ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures _____ were _____ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations _____ was _____ was not adopted for this project.
5. Findings _____ were _____ were not made pursuant to the provisions of CEQA.

THIS IS TO CERTIFY THAT THE FINAL EIR (WITH COMMENTS AND RESPONSES) OR NEGATIVE
DECLARATION AND RECORD OF PROJECT APPROVAL IS AVAILABLE TO THE GENERAL PUBLIC
AND MAY BE EXAMINED AT: CITY OF REDLANDS PLANNING DEPARTMENT, 2 REDLANDS PLAZA,
REDLANDS, CA 92373

Date _____ Signature _____

Date Received for Filing _____ Title _____

NOTICE OF PREPARATION

TO: _____
(Responsible Agency
or Trustee Agency)

(Address)

FROM: City of Redlands
Planning Department
P. O. Box 3005
Redlands, CA 92373

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report.

The City of Redlands 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 probable environmental effects are contained in the attached materials. A copy of the Initial Study ____ is ____ is not attached.

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 the City of Redlands at the address shown above. We will need the name for a contact person in your agency.

PROJECT TITLE: _____
PROJECT LOCATION: _____
PROJECT DESCRIPTION (brief): _____

PROJECT APPLICANT, IF ANY: _____

Date: _____ Signature _____
Title _____
Telephone _____

Consulting firm retained to prepare draft EIR (if applicable):

Name: _____
Address: _____
City/State/Zip: _____
Contact Person: _____

NOTICE OF COMPLETION

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 (916)445-0613

PROJECT TITLE

LEAD AGENCY

CITY OF REDLANDS

CONTACT PERSON

STREET ADDRESS

2 REDLANDS PLAZA

TELEPHONE

CITY

REDLANDS, CA 92373

ZIPCODE

COUNTY

SAN BERNARDINO

PROJECT LOCATION

COUNTY

CITY/NEAREST COMMUNITY

CROSS STREETS

TOTAL ACRES

ASSESSOR'S PARCEL NO.

SECTION

TOWNSHIP

RANGE

BASE

WITHIN 2 MILES: STATE HIGHWAY NO.

WATERWAYS

AIRPORTS

RAILWAYS

SCHOOLS

DOCUMENT TYPE

CEQA:

☐ NOP

☐ Early Cons

☐ Neg Dec

☐ Draft EIR

☐ Supplement/Subsequent

☐ EIR (Prior SCH No.)

☐ Other

LOCAL ACTION TYPE

☐ General Plan Update

☐ General Plan Amendment

☐ General Plan Element

☐ Community Plan

☐ Specific Plan

☐ Master Plan

☐ Planned Unit Development

☐ Site Plan

☐ Rezone

☐ Prezone

☐ Use Permit

☐ Land Division*

☐ Annexation

☐ Redevelopment

☐ Coastal Permit

☐ Other

*(Subdivision, Parcel Map, Tract Map, etc.)

DEVELOPMENT TYPE

☐ Residential:

Units

Acres

☐ Office:

Sq. ft.

Acres

☐ Commercial:

Sq. ft.

Acres

☐ Industrial:

Sq. ft.

Acres

☐ Educational

☐ Recreational

Employees

Employees

Employees

☐ Water Facilities:

Type

MGD

☐ Transportation:

Type

☐ Mining:

Mineral

☐ Power:

Type

Watts

☐ Waste Treatment:

Type

☐ Hazardous Waste:

Type

☐ Other:

PROJECT ISSUES DISCUSSED IN DOCUMENT

☐ Aesthetic/Visual

☐ Agricultural Land

☐ Air Quality

☐ Archeological/Historical

☐ Coastal Zone

☐ Drainage/Absorption

☐ Economic/Jobs

☐ Fiscal

☐ Flood Plain/Flooding

☐ Forest Land/Fire Hazard

☐ Geologic/Seismic

☐ Health Hazards

☐ Minerals

☐ Noise

☐ Population/Housing Balance

☐ Public Services/Facilities

☐ Recreation/Parks

☐ Schools/Universities

☐ Septic Systems

☐ Sewer Capacity

☐ Soil Erosion/Compaction/Grading

☐ Solid Waste

☐ Toxic/Hazardous

☐ Traffic/Circulation

☐ Vegetation

☐ Water Quality

☐ Water Supply/Groundwater

☐ Wetland/Riparian

☐ Wildlife

☐ Growth Inducing

☐ Land Use

☐ Cumulative Effects

☐ Other

PRESENT LAND USE/ZONING/GENERAL PLAN USE

PROJECT DESCRIPTION

DATE PROJECT NOTICED TO THE PUBLIC

REDLANDS.FH

FORM "H"

ENVIRONMENTAL INFORMATION FORM

Initial Study Part I

(To be completed by private project applicant to assist staff in completing initial study)

Date Filed: _____

GENERAL INFORMATION

1. Name and address of developer or project sponsor: _____
2. Address of project: _____
Assessor's Block and Lot Number: _____
3. Name, address, and telephone number of person to be contacted concerning this project: _____
4. Indicate number of the permit application for the project to which this form pertains: _____
5. 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: _____
6. Existing zoning district: _____
7. Proposed use of site (Project for which this form is filed): _____

PROJECT DESCRIPTION

8. Site size.
9. Square footage.
10. Number of floors of construction.
11. Amount of off-street parking provided.
12. Attach plans.
13. Proposed scheduling.
14. Associated projects.
15. Anticipated incremental development.

16. If residential, include the number of units, schedule of unit sizes, range of sales prices or rents and type of household size expected.
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area and loading facilities.
18. If industrial, indicate type, estimated employment per shift and loading facilities.
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities and community benefits to be derived from the project.
20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

Yes No

- | | | |
|---|---|---|
| — | — | 21. Change in existing features of any bays, tidelands, beaches, lakes, hills or substantial alteration of ground contours. |
| — | — | 22. Change in scenic views or vistas from existing residential areas or public lands or roads. |
| — | — | 23. Change in pattern, scale or character of general area of project. |
| — | — | 24. Significant amounts of solid waste or litter. |
| — | — | 25. Change in dust, ash, smoke, fumes or odors in vicinity. |
| — | — | 26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns. |
| — | — | 27. Substantial change in existing noise or vibration levels in the vicinity. |
| — | — | 28. Site on filled land or on slope of 10 percent or more. |
| — | — | 29. Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives. |
| — | — | 30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.). |

Yes No

- — 31. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.).
- — 32. Relationship to a larger project or series of projects.
- — 33. Has a prior environmental impact report been prepared for a program, plan, policy or ordinance consistent with this project?
- — 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?

ENVIRONMENTAL SETTING

35. 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.)
36. 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 _____

ENVIRONMENTAL CHECKLIST FORM
Initial Study Part II
(To be completed by Lead Agency)

I. BACKGROUND

1. Name of Proponent: _____
2. Address and Phone Number of Proponent:

3. Date of Checklist Submitted: _____
4. Agency Requiring Checklist: _____
5. Name of Proposal, if applicable: _____

II. ENVIRONMENTAL IMPACTS

(Explanations of all "Yes" and "Maybe" answers are required on attached sheets.)

- | | YES | MAYBE | NO |
|---|-----|-------|----|
| 1. <u>Earth</u> . Will the proposal result in: | | | |
| a. Unstable earth conditions or in changes in geologic substructures? | — | — | — |
| b. Disruptions, displacements, compaction or overcovering of the soil? | — | — | — |
| c. Change in topography or ground surface relief features? | — | — | — |
| d. The destruction, covering or modification of any unique geologic or physical features? | — | — | — |
| e. Any increase in wind or water erosion of soils, either on or off the site? | — | — | — |
| f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? | — | — | — |
| g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards? | — | — | — |

YES MAYBE NO

2. Air. Will the proposal result in:

- a. Substantial air emissions or deterioration of ambient air quality?
- b. The creation of objectionable odors?
- c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?
- d. Emission of hazardous air pollutants within one-fourth of a mile of a school?
- e. Burning of municipal wastes, hazardous waste or refuse-derived fuel and consists of either the construction of a new facility or the expansion of an existing facility by more than 10 percent?

—	—	—
—	—	—
—	—	—
—	—	—
—	—	—

3. Water. Will the proposal result in:

- a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?
- b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?
- c. Alterations to the course of flow of flood waters?
- d. Change in the amount of surface water in any water body?
- e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?
- f. Alteration of the direction or rate of flow of ground waters?
- g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
- h. Substantial reduction in the amount of water otherwise available for public water supplies?
- i. Exposure of people or property to water related hazards such as flooding or tidal waves?

—	—	—
—	—	—
—	—	—
—	—	—
—	—	—
—	—	—
—	—	—
—	—	—
—	—	—

	YES	MAYBE	NO
j. Significant changes in the temperature, flow or chemical content of surface thermal springs?	—	—	—
4. <u>Plant Life</u> . Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?	—	—	—
b. Reduction of the numbers of any unique, rare or endangered species of plants?	—	—	—
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	—	—
d. Reduction in acreage of any agricultural crop?	—	—	—
5. <u>Animal Life</u> . Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	—	—	—
b. Reduction of the numbers of any unique, rare or endangered species?	—	—	—
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	—	—	—
d. Deterioration to existing fish or wildlife habitat?	—	—	—
6. <u>Noise</u> . Will the proposal result in:			
a. Increases in existing noise levels?	—	—	—
b. Exposure of people to severe noise levels?	—	—	—
7. <u>Light and Glare</u> . Will the proposal produce new light and glare?	—	—	—
8. <u>Land Use</u> . Will the proposal result in a substantial alteration of the present or planned land use of an area?	—	—	—
9. <u>Natural Resources</u> . Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	—	—	—

	YES	MAYBE	NO
b. Substantial depletion of any nonrenewable natural resource?	—	—	—
10. <u>Risk of Upset.</u> Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset condition?	—	—	—
b. Possible interference with an emergency response plan or an emergency evacuation plan?	—	—	—
11. <u>Population.</u> Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	—	—	—
12. <u>Housing.</u> Will the proposal affect existing housing, or create a demand for additional housing?	—	—	—
13. <u>Transportation/Circulation.</u> Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	—	—	—
b. Effects on existing parking facilities, or demand for new parking?	—	—	—
c. Substantial impact upon existing transportation systems?	—	—	—
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	—
e. Alterations to waterborne, rail or air traffic?	—	—	—
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	—	—
14. <u>Public Services.</u> Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	—	—	—
b. Police protection?	—	—	—
c. Schools?	—	—	—
d. Parks or other recreational facilities?	—	—	—

	YES	MAYBE	NO
e. Maintenance of public facilities, including roads?	—	—	—
f. Other governmental services?	—	—	—
15. <u>Energy</u> . Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	—	—	—
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	—	—	—
16. <u>Utilities</u> . Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Power or natural gas?	—	—	—
b. Communications systems?	—	—	—
c. Water?	—	—	—
d. Sewer or septic tanks?	—	—	—
e. Storm water drainage?	—	—	—
f. Solid waste and disposal?	—	—	—
17. <u>Human Health</u> . Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	—	—
b. Exposure of people to potential health hazards?	—	—	—
18. <u>Aesthetics</u> . Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	—	—	—
19. <u>Recreation</u> . Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	—	—	—
20. <u>Cultural Resources</u> .			
a. Will the proposal result in the alteration or destruction of a prehistoric or historic archeological site?	—	—	—
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure or object?	—	—	—

YES MAYBE NO

c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

— — —

d. Will the proposal restrict existing religious or sacred uses within the potential impact area?

— — —

21. Mandatory Finding of Significance.

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

— — —

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

— — —

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

— — —

d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

— — —

22. EIR Tiering Determination.

(See § 12 Tiering Guidelines.)

a. Is this project consistent with a program, plan, policy or ordinance for which an EIR has been prepared and certified?

— — —

b. Is this project consistent with applicable local land use plans and zoning of the city and county in which it is located?

— — —

YES MAYBE NO

- c. May this project cause significant effects on the environment that were not examined in the prior EIR?

— — —

III. DISCUSSION

On attached sheets, discuss:

1. The environmental evaluation.
2. Ways, if any, to mitigate any significant effects identified.
3. Compatibility with existing zoning and plans.

IV. DETERMINATION

(To be completed by the Lead Agency.)

On the basis of this initial evaluation:

— I find 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 the mitigation measures described on an attached sheet have been added to the project by the applicant. A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.

— I find 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 significant effect on the environment, but that this project is consistent with a previously prepared TIERED EIR on the overall program, plan, policy or ordinance, and that such TIERED EIR adequately examines the possible environmental effects of this project.

Date: _____

(Signature)

For _____

NOTICE OF AVAILABILITY OF
DRAFT ENVIRONMENTAL IMPACT REPORT

TO: _____

Project Title _____

Project Location - Specific _____

Project Location - City _____ Project Location - County _____

Description of Nature, Purpose, and Beneficiaries of Project: _____

Lead Agency _____ Division _____

Date when project noticed to public: _____

Address where copy of EIR is available: _____

Review Period _____

Contact Person _____ Area Code - Telephone - Extension _____

[To be published, posted or mailed to contiguous owners/occupants.] _____

CERTIFICATE OF FEE EXEMPTION

City of Redlands
De Minimis Impact Finding
County of San Bernardino

Project Title/Location (include county):

Project Description:

Findings of Exemption (attach as necessary)

CERTIFICATION:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Lead Agency Representative

Title: _____

Lead Agency: City of Redlands

Date: _____