

City of Rosemead California



Procedures for Implementation of the California Environmental Quality Act

TABLE OF CONTENTS

SECTION		PAGE
1.0	INTRODUCTION	5
A.	AUTHORITY	5
B.	DEFINITIONS	5
C.	BASIC PURPOSES OF CEQA	8
D.	PURPOSE OF CITY PROCEDURES	9
E.	FEES	9
F.	RESPONSIBILITY FOR COMPLIANCE	9
G.	RESPONSIBLE AGENCY AUTHORITY	9
H.	TIME OF COMPLIANCE	10
I.	REVISION OF PROCEDURES	10
2.0	OVERVIEW AND SUMMARY OF PROCEDURES	11
A.	CEQA APPLICABILITY	11
B.	EXEMPTIONS	12
	Notice of Exemptions	13
C.	ENVIRONMENTAL IMPACT EVALUATION PROCEDURE	14
	Pre-application Consultation	14
	Project Descriptions	14
D.	CARRYING OUT THE INITIAL STUDY	14
	Purpose of the Initial Study	14
	Project Information Required for an Initial Study	15
	Early Consultation	15
	Preparation and Content of Initial Studies	15
	Determining Environmental Significance	16
	Environmental Factors Potentially Affected	17
	Time Limits	18
	Mitigation Measures	18
	Mitigation Monitoring Required	19
E.	NEGATIVE DECLARATIONS AND MITIGATED NEGATIVE DECLARATIONS	20
	When to Use	20
	Contents of Negative Declarations	20
	Public Notice for Negative Declarations	20
	Time Limits	21
	Notice of Determination	22
F.	ENVIRONMENTAL IMPACT REPORTS (EIRs)	22
	Types of EIRs	22
	Notification of Project Proponent and Payment of Fees	22
	Notice of Preparation	23
	Scoping Meetings	23
	Scope of an EIR	24
	Notice of Completion of a Draft EIR	24

TABLE OF CONTENTS

SECTION	PAGE
	Public Review of Draft EIR (Notice of Availability) 25
	Availability for Review 26
	Evaluation of and Responses to Comments 26
	Preparation of the Final EIR 26
	Certification of the Final EIR and Time Limits 27
	Alternatives 27
	Findings 27
	Approval 28
	Statement of Overriding Considerations 28
G.	GENERAL PROCEDURES FOR ENVIRONMENTAL DOCUMENTS 28
	Preparation of Environmental Documents 28
	Screen-check Drafts 29
	Consideration and Approval of Environmental Documents 29
	Fish & Wildlife Fees 30
H.	APPEALS 31
	Appeal of the Decision to Require an EIR to the Planning Commission 31
	Appeal of Decision to Require an EIR to the City Council 31
	Project Appeals 32
	Notice of Determination 32
I.	ENVIRONMENTAL DOCUMENTS ORIGINATING FROM OTHER AGENCIES 32
	Review and Comments 32
	Public Hearings 32
<hr/>	
SECTION 3.0	SPECIFIC IMPACTS 32
<hr/>	
A.	GREENHOUSE GASES 32
	Factors to Consider 33
	GHG Mitigation Measures 33
	Water Assessments 33

APPENDICES

Appendix A	Notice of Exemption Form
Appendix B	Environmental Information Form
Appendix C	Environmental Checklist Form (Initial Study)
Appendix D	Notice of Determination
Appendix E	Notice of Preparation
Appendix F	Notice of Completion
Appendix G	Notice of Determination Request (California Department of Fish and Wildlife)

SECTION 1.0 - INTRODUCTION

A. AUTHORITY

The California Environmental Quality Act (CEQA) requires public agencies to identify the potentially significant effects on the environment of projects they intend to carry out or build. This environmental review effort should be in good faith and based on reason and information. The consideration should include cumulative impacts.

These procedures implement the California Environmental Quality Act, and the Guidelines for Implementation of the California Environmental Quality Act (Guidelines). CEQA is found in the Public Resources Code, *Sections 21000* and following. The Guidelines are codified in Title 14 of the California Code of Regulations, Sections 15000 and following.

Section 15022 of the State Guidelines requires that each city adopt its own procedures for evaluating projects within its jurisdiction. Consistent with *Section 15022(d)* of the Guidelines, the City of Rosemead chooses to adopt the Guidelines by reference, as supplemented by these Procedures for Implementation of the California Environmental Quality Act (Procedures). These Procedures note references to provisions of the Guidelines and the Public Resources Code in *italics*. It is intended that the reader will refer to the appropriate sections for more detailed information.

CEQA and the Guidelines shall control in the case of conflict.

B. DEFINITIONS

The following definitions are used throughout these procedures.

“**Advisory body**” means the Community Development Director, a commission or committee required to make a recommendation on a project to the decision maker.

“**CEQA**” means the California Environmental Quality Act of 1970, as amended, found at Public Resources Code, Section 21000 and following.

“**Cultural resources**” mean sites, buildings, structures, objects, and districts that have traditional or cultural value for the historic significance they possess. Cultural resources range from archaeological materials, to historical roadways, to stands of trees.

“**Days**” means calendar days. □

“Decision maker” means the person or group of persons with the legal power to approve or disapprove a project. The City Council is the decision maker for the adoption and amendment of the general plan, specific plans, zoning amendments and designations, and annexations. The Planning Commission is the decision maker for conditional use permits, variances, discretionary site plan and design reviews and subdivision maps. The Director is the decision maker for modification permits. If a project requires no discretionary approval other than of a precise plan, site plan review or design review application under the City of Rosemead Municipal Code, the decision maker for purposes of CEQA is the Director, and all responsibilities applicable to other decision makers shall apply.

“Director” means the head of the Community Development Department, or his or her designee.

“Environmental Document” means Negative Declaration, Mitigated Negative Declaration or EIR.

“Environmental Impact Reports” – Types. CEQA allows for the preparation and use of different types of EIRs. □

“Project EIR” [Guidelines § 15161] means the type of EIR which examines the environmental impacts of a specific development project. It focuses primarily on the changes in the environment that would result from the project including planning, construction, and operation and is the most common type of EIR.

□ **“Subsequent EIR”** [Guidelines § 15162] means an EIR which is prepared after an EIR has been certified or a Mitigated Negative Declaration adopted when there is: substantial evidence that there are substantial changes to the project or the circumstances under which the project is undertaken which will require major revisions in the previous EIR or negative declaration due to new significant environmental effects or a substantial increase in the severity of a previously identified significant effect; or new information shows that the project will have significant effects not previously discussed, that the effects will be substantially more severe than previously shown, there are mitigation measures or alternatives which would reduce the significant effects but the project proponents decline to adopt such measures or alternatives . The Subsequent EIR focuses on the substantial changes in a project or on substantial new information. Subsequent EIRs are only prepared where there are further discretionary actions to be taken by the City. □

“Supplement to an EIR” [Guidelines § 15153] means an EIR which is prepared where an updated analysis is required, but only minor additions or changes are necessary. □ The supplement contains only the information necessary to make the previous EIR adequate for the project as revised.

“Addendum to an EIR” [Guidelines § 15164] means the document which is

prepared where changes or additions are necessary, but there are not significant or substantial changes which would require preparation of a subsequent or supplemental EIR. The changes are of a minor technical nature.

“Program EIR” [Guidelines §§ 15165 and 15168] means an EIR prepared to cover individual related projects or a phased project is to be undertaken and the total undertaking comprises a project with significant environmental effect. The EIR addresses the scope of the larger project.

“Staged EIR” [Guidelines § 15167] means an EIR prepared where a large capital project will require a number of discretionary approvals from the City and one of the approvals will occur more than two years before the construction will begin. The entire project will be evaluated, and the aspect of the project before the public agency for approval will be discussed with greater specificity; a supplement to the EIR shall be prepared for later approvals which are required for the project.

“Master EIR” [Guidelines §15175] is an EIR which is prepared for certain projects which will form the basis for later decision making. The Master EIR is intended to streamline later environmental review.

“Focused EIR” means an EIR that is more limited in scope which can be used on a subsequent project identified in a master EIR [Guidelines § 15178] or a multiple family residential development of no more than one hundred (100) units or a residential/commercial/retail mixed-use commercial development of not more than one hundred thousand (100,000) square feet [Guidelines § 15179.5] when specified conditions are met.

“Greenhouse Gas” means gases in an atmosphere that absorb and emit radiation within the thermal infrared range. This process is the fundamental cause of the greenhouse gas effect whereby the temperature is higher than it would be if direct heating by solar radiation were the only warming mechanism.

“Guidelines” means those provisions found at Title 14 of the California Code of Regulations, Section 15000 and following.

“Historical Resource” [Guidelines § 15064.5(a)] means a resource: listed in, or determined to be eligible for listing in the California Register of Historical Resources; a resource included in a local register of historical resources or identified as significant in an historical resource survey; or something that the City determines is historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

“Lead agency” means the public agency that has the principal responsibility for carrying out or approving a project. The lead agency drafts the Initial Study and

decides whether an EIR or Negative Declaration will be required.

“Ministerial” [Guidelines § 15369] means a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the activity. The public official merely implements legal requirements rather than using special discretion or judgment in reaching a decision.

“Planning Commission,” means the consulting advisory body created by and responsible to the City Council pursuant to City of Rosemead Municipal Code.

“Precise Plan,” for the purposes of these Guidelines, means administrative site plan reviews and administrative design review processes established by Title 17 of the Rosemead Municipal Code.

“Procedures” means the City of Rosemead’s supplement to the Guidelines.

“Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as further defined in *Guidelines § 15378*.

“Responsible agency” means any public agency, other than the lead agency, that has discretionary approval power over the project. For example, street improvements for a given project may require Caltrans review and approval, in which case Caltrans would be the responsible agency.

“Staff” means the Community Development Department staff of the City of Rosemead.

“Trustee agency” means a State agency that controls natural resources held in trust for the people of California, and which may be affected by a proposed activity. For example, the California Department of Fish and Wildlife is a trustee agency with regard to biological resources.

C. BASIC PURPOSES OF CEQA [Guidelines § 15002]

The basic purposes of CEQA are to:

1. Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities;
2. Identify ways that damage to the environment be avoided or significantly reduced;
3. Prevent environmental damage by requiring changes in projects through the use of alternatives or mitigation measures; and

4. Disclose to the public the reasons why a project is approved if significant environmental effects are involved.

D. PURPOSE OF CITY PROCEDURES

The purpose of the City of Rosemead Procedures for Implementing the Environmental Quality Act is to protect both local and regional environmental resources in a manner consistent with CEQA and the Guidelines. These Procedures summarize CEQA provisions for evaluating projects and preparing environmental documents. They convey criteria for determining if CEQA applies to particular projects, and methods for conducting environmental review of projects that are not exempt. These Procedures are intended as a guide for use by City officials, the public, project proponents, and City staff. In the case of conflict, the Guidelines shall prevail.

E. FEES [Guidelines § 15045]

The City, as a lead agency, may charge and collect reasonable fees in order to recover the estimated costs incurred in preparing environmental documents. Fees may also be charged for distributing and copying environmental documents. These fees shall be established by a City Council resolution, and shall be subject to periodic review and adjustment. All fees collected shall be held in connection with the terms and provisions of State law, and shall not confer a right on the part of developers, applicants, or project proponents to prevent the independent preparation, review and oversight of the environmental review and mitigation process by the City. The City is also required to collect CEQA fees for the Department of Fish and Wildlife and Los Angeles County. Current fee information is available in the City of Rosemead Planning Division.

F. RESPONSIBILITY FOR COMPLIANCE

The Director shall ensure that these Procedures are followed for all private and City-initiated projects. For City-initiated projects, the Director shall determine the appropriate environmental documentation for the project. The department head of the City department processing the project shall be responsible for ensuring that all projects comply with CEQA as directed by the Community Development Department; however, the Director or designee may prepare the required documentation if such expertise is not available in the initiating department. These Procedures apply to all agencies of the City.

G. RESPONSIBLE AGENCY AUTHORITY [Guidelines § 15096]

When acting as a responsible agency, the City shall review the environmental document and provide comments on those project activities which are within the City's area of expertise or which are required to be carried out or approved by the City, or otherwise be subject to the City's exercise of powers. The review shall

include compliance with the City of Rosemead General Plan (General Plan).

H. TIME OF COMPLIANCE

The City shall comply with CEQA provisions as set forth in these Procedures whenever the City proposes to carry out or approve an activity. CEQA review, preparation, and certification of appropriate documentation occur prior to granting an approval of private projects or authorization of public projects. EIRs and negative declarations should be prepared as early as possible in the planning process to enable environmental considerations to influence the project program and design, yet late enough to provide meaningful information for environmental assessment.

I. REVISION OF PROCEDURES

The Planning Commission may recommend revisions to these Procedures subject to approval by the City Council. The City will endeavor to revise these Procedures to conform to amendments to the Guidelines within one hundred twenty (120) days after the effective date of the amendments [*Guidelines § 15022 (c)*]. During the period while the City is revising its procedures, the City must conform to any statutory changes in CEQA or the State Guidelines that have become effective.

SECTION 2.0 OVERVIEW AND SUMMARY OF PROCEDURES

A. CEQA APPLICABILITY

A proposed project must first be evaluated to determine if it is a “project” and is, therefore, subject to CEQA review. A project is defined as any discretionary action that may cause a physical change to the environment. However, if the proposed activity is a project under CEQA, it may still be exempt from environmental review. Examples of projects include:

1. An activity directly undertaken by a public agency including:
 - a. Public works construction activities;
 - b. Clearing or grading of land;
 - c. Improvements to existing public structures;
 - d. Enactment and amendment of zoning ordinances; and
 - e. Adoption and amendment of local general plans.
2. An activity that is supported in whole or in part, through public agency contracts, grants, subsidies, loans, or other assistance from a public agency.
3. An activity involving the public agency issuance of a lease, permit, license, certificate or other entitlement for use by a public agency.

The following list contains types of activities that are not considered to be projects under CEQA:

1. Ministerial projects;
2. Certain continuing administrative or maintenance activities;
3. A City Council action placing a voter initiative on the ballot; and
4. Creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project that may result in physical environmental impacts.

B. EXEMPTIONS

Generally, there are two types of exemptions, statutory and categorical.

Statutory exemptions apply to projects that the State Legislature has deemed to be exempt from CEQA [Article 18, including Guidelines § 15260 – 15285]. These include, but are not limited to:

1. Ministerial projects;
2. Building permits;
3. Business licenses;
4. Final subdivision maps;
5. Individual utility service connections and disconnections;
6. Emergency projects following a natural disaster; and
7. Certain limited housing projects that meet specified criteria.

Categorical exemptions apply to certain classes of projects that the Secretary of Resources has determined do not cause significant effects [*Article 19, including Guidelines §§ 15300 -15332*]. Categorical exemptions are not absolute and may not be used in all circumstances [*Guidelines § 15300.2*]. Categorical exemptions include, but are not limited to:

1. Replacement or reconstruction;
2. Minor alterations to land;
3. Minor land divisions; and
4. Projects characterized as in-fill development which meet the following conditions:
 - a. The project is fully consistent with the applicable general plan policies as well as with applicable zoning designation and regulations;
 - b. The proposed development will occur within City limits on a project site of no more than five (5) acres substantially surrounded by urban uses;
 - c. The project site has no value as a habitat for endangered, rare or

threatened species;

- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e. The site can be adequately served by all required utilities and public services.

In accordance with Guidelines §15300.4, the City of Rosemead has determined that the following activities are exempt under CEQA:

1. Utility service connections and disconnections;
2. Transportation permits;
3. Regulatory permits;
4. Home occupation permits;
5. Permits issued by the Public Works Division for routine repair, maintenance and development of minor and/or site-specific improvements related to work in the public right-of-way, including: sewer, curb and gutter, A.C. berms, cross-gutters, manholes, chain link fencing, signs, driveway approaches, sidewalks, roadway, A.C. and concrete paving, catch basins, storm drains and block walls that are no more than six (6) feet in height;
6. Designation of historically, culturally, or architecturally significant sites as landmarks or points of interest, and other protective actions, including but not limited to façade easements, conservation easements, Mills Act contracts, preservation agreements, and other actions designed solely to prevent the demolition of historic resources.
7. Precise plan applications that require only administrative staff review.
8. Minor zoning code changes, refinements and clarifications; code changes that result in more effective environmental controls. This exemption excludes actions that significantly increase intensity, density or carrying capacity of development, vehicle trips or elimination of open space.

Notice of Exemption [Guidelines § 15062]

If a determination is made that the activity is exempt from CEQA, and the City approves or determines to carry out a project, a Notice of Exemption may be filed with the Los Angeles County Registrar-Recorder/County Clerk. This notice may be filed either by City staff or the project sponsor. The notice shall include a project description, the location, a finding that the project is exempt including its exemption type, and a brief statement of reasons to support the finding. Filing a

Notice of Exemption initiates a 35-day statute of limitations on legal challenges to the City's determination that the project is exempt. If the notice is not filed, a 180-day statute of limitations will apply. (See Appendix "A" for the Notice of Exemption Form.)

C. ENVIRONMENTAL IMPACT EVALUATION PROCEDURE

If the proposed activity is a project under CEQA and is not exempt from review, an initial study shall be prepared. Furthermore, no public or private project shall be approved or granted until the requirements of CEQA have been satisfied in accordance with the procedures set forth herein.

Pre-application Consultation [Guidelines § 15060.5]

For a potential project involving the issuance of a lease, permit, license, certificate, or other entitlement for use by the City or by a property owner, the Director shall, upon the request of a potential applicant and prior to the filing of a formal application, provide for consultation with the potential applicant to consider the range of actions, potential alternatives, mitigation measures, and any potential significant effects on the environment of the potential project. The Director may include in the consultation other public agencies that in the opinion of the Director may have an interest in the proposed project.

Project Descriptions

All public and private project applications that request a City of Rosemead discretionary permit or entitlement must be accompanied by an Environmental Information Form. (See Appendix "B" for the Environmental Information Form.) The description should provide enough detail to satisfy requirements for the preparation of an Initial Study.

D. CARRYING OUT THE INITIAL STUDY

Purposes of the Initial Study

An Initial Study is a preliminary analysis by the City that:

1. Provides the City with information to use as the basis for deciding whether to prepare an EIR, Negative Declaration, or Mitigated Negative Declaration;
2. Enables an applicant or the City to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration or Mitigated Negative Declaration;
3. Assists in preparing an EIR, if one is required, by focusing on the effects determined may be significant, identifying the effects determined to be insignificant, and explaining the reasons for determining the significance or insignificance of each effect;

4. Identifies whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects;
5. Assesses environmental impacts early in the design of a project;
6. Documents the factual basis for finding, in a Negative Declaration or Mitigated Negative Declaration, that a project will not have a significant effect on the environment;
7. Eliminates unnecessary EIRs; and
8. Determines if a previous EIR can be used for the project.

Project Information Required for an Initial Study

A primary source of project information for the Initial Study is the environmental information submitted by the applicant and received as part of the project information. The City may take up to thirty (30) days to review the project application and determine if it is complete. Once this decision is made the applicant may be notified by mail. If the application is deemed incomplete, the project sponsor will be notified as to what additional materials are necessary to complete the application. Failure to provide information will delay the project, and many unnecessarily result in findings of significant environmental effects.

Early Consultation [Guidelines§15063(g)]

As soon as the City determines that an Initial Study will be required for a project, the City shall informally consult with all responsible and trustee agencies responsible for resources affected by the project in order to obtain their recommendations as to whether an EIR, Mitigated Negative Declaration, or Negative Declaration should be prepared.

Preparation and Content of Initial Studies

The Initial Study (See Appendix "C" Environmental Checklist Form – Initial Study) is normally prepared by staff, but may be prepared by a consultant to the City. It includes the project description, location, environmental setting, environmental checklist, discussion of any impacts, and if necessary, mitigation measures and the mitigation monitoring program. Discussion statements should explain both yes and no responses to each question or category of questions on the checklist and provide documentation based on new or existing studies sufficient to provide reliable data for analysis of those impacts.

Additionally, the Initial Study should include an examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls, and should also include the name of the person or persons who prepared or participated in the Initial Study, as well as any other information required by Section 15063(d).

Complex projects may require special studies to be included as attachments to the Initial Study. Staff should consult with other City departments, outside public entities that may be a responsible for the project, and any individuals or organizations otherwise concerned.

Determining Environmental Significance

A significant effect on the environment is any substantial or potentially substantial adverse change in the physical conditions within the area affected by the proposed project [*Guidelines § 15382*]. Current conditions means the contemporaneous physical conditions rather than the hypothetical conditions reflecting build out under existing land use entitlements or maximum operations under an existing permit. If there has been made a fair argument, based on scientific and factual evidence that a project will have a significant effect and the effect cannot be mitigated or avoided, and EIR must be prepared.

In determining significant effects, City staff shall consider:

1. **Primary or Direct impacts**, which are caused by and immediately related to the project such as construction-related impacts of dust, noise, and traffic of heavy equipment;
2. **Secondary or Indirect impacts**, which are not immediately related to the project, but which are caused indirectly by the project such as those associated with growth resulting from additional infrastructure capacity [*Guidelines § 15064*];
3. **Cumulative Impacts**, such as those resulting from the total effect of a group of proposed projects or programs, over time, which includes projects that are approved but not yet constructed;
4. **Economic and Social Changes** resulting from a project shall not be treated as significant effects. Economic and social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect;

5. **Substantial Evidence:** The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. Substantial evidence means enough relevant information that a fair argument can be made that a project may have a significant effect on the environment, even though it may also be presented with other substantial evidence that the project will not have a significant effect. The City may also determine that 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 effect on the environment would occur and there is no substantial evidence in light of the whole record before the City that the project, as revised, may have a significant effect on the environment, then a mitigated negative declaration shall be prepared;

6. **No Evidence:** If the City determines there is no substantial evidence that the project may have a significant effect on the environment that cannot be mitigated, the City shall prepare a negative declaration or mitigated negative declaration;

7. **Historical and Cultural Resources:** A project with an effect that may cause a substantial adverse change in the significance of an historical, cultural, archaeological or paleontological resource is a project that may have a significant effect on the environment. The City shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource ensuring that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, conservation easements, Mills Act contracts, operational and maintenance agreements, or other measures; and

8. **Archeological and Native American Burial Sites:** CEQA also applies to effects on archaeological sites and Native American burial sites.

Environmental Factors Potentially Affected Are:

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Services Systems	<input type="checkbox"/>	Mandatory Findings of Significance

Significance will be judged by the intensity and longevity of the change, the size of the area affected, and deviation from existing conditions. The determination of whether or not a project has a significant effect on the environment will be based, in part, on the levels of significance as determined by the Initial Study.

Time Limits [Guidelines § 15102]

For private projects, the City will prepare an Initial Study within thirty (30) days of determining the application complete, or forty five (45) days if both the applicant and the City agree to a 15-day extension (for public projects, these time limits do not apply). The Initial Study will determine if the City recommends adopting a Negative Declaration or if the project requires an EIR.

Mitigation Measures [Guidelines § 15370]

If there is a potential for significant impacts, every effort should be made to identify and incorporate mitigation measures into the project design prior to completion of the Initial Study. If identified impacts can be mitigated to a non-significant level, the time and expense associated with preparation of an EIR can be avoided. All potentially significant adverse impacts must be reduced in this fashion, or an EIR is required. Creativity, reasonableness, and practicality should be used in developing mitigation measures for identified impacts. Mitigation includes:

1. Avoiding the impact altogether by not taking a certain action, or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and/or
5. Compensating for the impact by replacing or providing substitute resources or environments.

In developing mitigation measures, consideration should be given as to how the measures will be implemented and monitored. Mitigation measures should be drafted to include:

1. Quantifiable performance standards;
2. Clear indication as to who is responsible for performance;

3. Clear indication as to who is responsible for monitoring; and
4. Clear expectation for phasing or compliance date.

All mitigation measures shall be required to be incorporated as conditions of project approval or otherwise be enforceable through agreements or other measures.

Mitigation Monitoring Required [Public Resources Code § 21081.6]

The required mitigations and conditions must be implemented. The mechanism for doing that is a Mitigation Monitoring Program. Projects that are exempt from environmental review do not require mitigation measures. Projects that require an MND or EIR require approval of mitigation measures and a mitigation monitoring reporting program as part of the project approval.

Implementation of the program involves a monitoring and notification system, the submittal of reports by the applicant or consultants, review of reports by City staff, and site inspections.

When mitigation measures have been included in order to avoid significant effects on the environment, a mitigation monitoring program shall be prepared. This program shall be prepared to the specification of the Director. The project proponent or his/her designee shall be responsible for its implementation with oversight from the Director or his/her designee. All costs shall be borne by the project applicant.

For mitigation of complicated or technical impacts, staff may require that a qualified consultant be hired at the developer's expense. The applicant shall designate an individual to work with City staff in developing monitoring programs, a summary of which shall be included in the environmental document to make certain each mitigation measure can be monitored.

Monitoring programs shall be tailored to appropriately report on a particular mitigation measure called for in the environmental review document. Monitoring programs generally shall contain the following components: 1) procedures for monitoring the progress of mitigation during project construction and afterward; 2) a regular schedule for progress reports; 3) enforcement procedures; and, 4) an on-site environmental coordinator to administer the program and act as a liaison between the City and the project team. The City may also require reporting or monitoring programs from outside agencies that have jurisdiction over the natural resources affected by the project. If agencies require mitigation measures to be imposed on a particular project, that agency is required to prepare and submit a monitoring program related to those mitigation measures.

Where mitigation and/or monitoring requires the involvement of a Native American tribe with relation to cultural, archeological or paleontological impacts,

the project applicant may choose which of the tribes to use for any such monitoring or consultation so long as the chosen tribe is on the list maintained by the Native American Heritage Commission as a tribe in the area.

E. NEGATIVE DECLARATIONS AND MITIGATED NEGATIVE DECLARATIONS

When to Use

A Negative Declaration is the appropriate environmental documentation under the following circumstances:

1. If the Initial Study does not identify any significant impacts; or
2. If the Initial Study identifies potentially significant impacts, but mitigation measures have been included in the project for all identified impacts, enabling the Initial Study to conclude that there are not significant environmental impacts associated with implementation of the project.

If the Initial Study identifies significant adverse impacts and sufficient mitigation measures have not been included in the project to offset these impacts, staff will work with the applicant to draft mitigation measures and include them as part of the project. Project approval will be contingent on the applicant accepting and adhering to the mitigation measures imposed upon the project. Under these circumstances, a Mitigated Negative Declaration is the appropriate environmental documentation. For the purposes of this section, all references to Negative Declarations include Mitigated Negative Declarations.

Contents of Negative Declarations [Guidelines § 15071]

A Negative Declaration consists of a brief description of the project, including its commonly used name, the applicant's name, a location map, the Initial Study, the completed environmental checklist, the environmental setting discussion, and a draft mitigation monitoring program, if mitigation is identified. It also includes a summary of the conclusions reached to support findings that the project will not have a significant impact on the environment.

Public Notice for Negative Declarations [Guidelines § 15072, 15073]

The notice for public review and notice of intent to approve a Negative Declaration, and the notice of public hearing on the Negative Declaration may be combined, but shall not be less than the review period specified in *Public Resource Code Section 21091*, and shall be in the following manner:

1. Mailed or delivered to the owner of the subject real property or the property owner's duly authorized agent, and to the project applicant.
2. Mailed or delivered to each local agency (if not the City) which is expected to provide water, sewerage, streets, roads, schools or other essential

facilities and services that may be significantly affected.

3. Mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within three hundred (300) feet of the real property that is the subject of the hearing. If the number of owners to whom the notice would be mailed or delivered pursuant to this paragraph or subsection (1) is greater than one thousand (1,000), in-lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation within the City.
4. Notice shall be published in at least one newspaper of general circulation within the City.
5. This notice may also be consolidated and included with the notice of other land use actions (for example, zone changes, conditional use permits, etc.) if such applications are being considered.
6. Public notices shall be provided to responsible agencies and other agencies who have commented regarding a particular negative declaration or those agencies and/or individuals who have specifically requested a copy of such notice in writing.

The review period shall generally be twenty (20) days. However, if the project is of statewide, regional or area-wide significance, the review period shall be increased to thirty (30) days, unless a shorter period is approved by the Office of Planning and Research.

Comments received during the consultation and review period for the Negative Declaration which raise significant environmental issues shall be responded to by City staff with all comments received and any responses prepared being forwarded to the approving authority prior to the adoption of the Negative Declaration. City staff and/or approving authority may decide based on any new information provided that additional mitigation or preparation of an EIR is necessary at any time during this process. However, if any new information significantly modifies a project, additional public review shall be given.

Time Limits [Guidelines § 15107]

The Negative Declaration for a private project involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, must be completed and approved within one hundred eighty (180) days from the date that an application for a private project is deemed complete. Any unreasonable delays resulting from failure of the applicant to provide information requested by the City, which is necessary to complete the Negative Declaration, shall suspend these time limits.

Notice of Determination [Guidelines § 15075]

After the Negative Declaration has been approved, City staff shall file a Notice of Determination with the County Clerk. (See Appendix "D" for Notice of Determination Form) This notice shall be filed and posted within five working days following project approval. If the project requires a discretionary approval from any state agency, the notice shall also be filed with the Governor's Office of Planning and Research. Filing and posting the Notice of Determination starts a 30-day statute of limitations on court challenges to CEQA approvals. Failing to file the Notice of Determination within the required time period will extend the statute of limitations to one hundred eighty (180) days.

F. ENVIRONMENTAL IMPACT REPORTS (EIRs)

If a significant impact is identified that has not been, or cannot be adequately mitigated, the Initial Study shall conclude that the project has significant environmental effects and that an EIR is required.

Types of EIRs [Guidelines §§ 15160-15179.5]

In order to allow environmental review to occur as efficiently as possible, CEQA allows for the preparation and use of different types of EIRs. If an EIR is required, the City shall determine whether to:

1. Use a previous EIR;
2. Prepare a project EIR;
3. Prepare an Addendum to a previous EIR;
4. Prepare a Supplement to a previous EIR;
5. Prepare a Subsequent EIR;
6. Prepare a Program EIR;
7. Use a Staged EIR; or
8. Use a Master EIR;

Notification of Project Proponent and Payment of Fees

City Staff shall notify the applicant by letter that an EIR is required. The applicant must then authorize City staff to continue processing the application and remit the required fees as determined in accordance with the fee schedule adopted by the City Council.

Notice of Preparation [Guidelines § 15082]□

After determining that an EIR is required, the City shall prepare and distribute a Notice of Preparation of an EIR to:

1. The Office of Planning and Research;
2. Responsible agencies;
3. Trustee agencies with resources affected by the project; and
4. Federal agencies involved in approving or funding the project.

Notice to these agencies shall be sent by certified mail or any other transmittal method that provides the City with a record that the notice was received.

The Notice of Preparation shall consist of the City Notice of Preparation Form (Appendix “E”), and may include the Initial Study.

The Notice of Preparation shall also be sent to individuals or organizations who have previously requested such notification, and may also be sent to adjacent property owners.

The purpose of this notice is to inform responsible agencies, neighboring jurisdictions, area residents, and public interest groups that an EIR is being prepared, and to seek input about significant environmental issues and mitigation measures that should be explored.

The response period for the Notice of Preparation is a minimum of thirty (30) days, but may be longer for a controversial or complicated project [Guidelines § 15082 (b)].

Scoping Meetings [Guidelines §§ 15082, 15083]□

Scoping is an effective way to bring together and resolve the concerns of affected individuals.

At least one scoping meeting shall be conducted by the City as lead agency for any project of statewide, regional, or areawide significance or when requested by Caltrans when the project may affect highways or other Caltrans’ facilities. Notice of the meeting shall be sent to:

1. Any city or county that borders on the City of Rosemead;
2. Responsible agencies;
3. Trustee agencies with resources affected by the project;

4. Public agencies that have jurisdiction by law with respect to the project;
and
5. Any organization or individual who has filed a written request for the notice.

Scoping sessions may be called by the City as lead agency, responsible agency, trustee agency, Office of Planning and Research, or a project applicant, in which case the meeting shall be convened by the City within thirty (30) days of the request.

When the Director finds it appropriate, a community scoping session may be held before the advisory or decision making body.

If a scoping session is required (as it is when preparing an EIR/EIS jointly with a federal agency), where possible it should be noticed in the Notice of Preparation and advertised, as deemed appropriate by the Director.

Scope of an EIR [Guidelines § 15082 and § 15083]

The breadth of analysis in the EIR shall be determined by the Initial Study, comments of the scoping session (if required), and responses to the Notice of Preparation. In addition, the City may hold scoping meetings with responsible and trustee agencies, and any person or organization it believes will be concerned with the environmental effects of the project. The EIR should focus on potentially significant impacts, and need not address items determined to be insignificant by the Initial Study, or items not raised in response to the Notice of Preparation and from previous scoping meetings.

Notice of Completion of a Draft EIR [Guidelines §§ 15085, 15086]

When the Draft EIR is completed and ready for public circulation, a Notice of Completion must be filed with the Governor's Office of Planning and Research (OPR). (See Appendix "F" for Notice of Completion form.) The Notice of Completion shall comply with *Guidelines § 15085*. In addition, the City shall also send notice to:

1. Any city or county that borders on the City of Rosemead;
2. Responsible agencies;
3. Trustee agencies with resources affected by the project;
4. Public agencies that have jurisdiction by law with respect to the project;
5. For a project of statewide, regional, or area-wide significance, the transportation planning agencies and public agencies which have transportation facilities which could be affected by the project as further

defined in Guidelines § 15086; and

6. To those California Native American tribes on the contact list maintained by the Native American Heritage Commission where the City has reason to believe that there may be an impact on Native American historic, cultural or sacred sites.

Public Review of Draft EIR (Notice of Availability) [Guidelines § 15087]

At the time the Notice of Completion is filed with the Office of Planning and Research, the City shall provide public Notice of the Availability of the draft EIR to all interested organizations and individuals who have previously requested such notice. The notice shall include the staff person to contact, length of the review period, and deadline for receipt of comments, as well as other information required by *Guidelines § 15087(c)*. This notice may also be consolidated with the notice of other land use actions (for example, zone change, general plan amendment, conditional use permit, etc.) if such actions are being considered, but shall not be less than the review period specified in *Guidelines § 15087*, and shall be given in the following manner:

1. Mailed or delivered to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.
2. Mailed or delivered to each local agency (if not the City) expected to provide water, sewerage, streets, roads, schools or other essential facilities or services to the project whose ability to provide those facilities and services may be significantly affected.
3. Mailed or delivered to all the owners of real property as shown on the latest equalized assessment roll within three hundred (300) feet of the real property that is the subject of the hearing. If the number of owners to whom the notice would be mailed or delivered pursuant to this paragraph or subsection is greater than one thousand (1,000), in-lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
4. Notice shall be published in at least one newspaper of general circulation within the City.
5. Public notice shall be provided to responsible and other agencies who have commented regarding a particular Draft EIR, or those agencies and/or individuals who have specifically requested a copy of such notice. Copies of the Draft EIR for State agencies are distributed through the State Clearinghouse.
6. A copy of the notice shall be posted in the County Clerk's office for at least

thirty (30) days. However, if the project is of statewide, regional, or area-wide significance, the review period shall be increased to forty five (45) days, unless a shorter period is approved by the Office of Planning and Research.

Availability for Review

During the public review period, the EIR, including a copy of the Initial Study, shall be available to the public in the Community Development Department and the public library. Documents that are incorporated by reference shall be available for review in the Community Development Department.

Evaluation of and Responses to Comments [Guidelines § 15088]

After the review period for the draft EIR closes, staff will assemble all written comments (including e-mails) and make note of comments made at any public hearing(s) during the review period. Written responses shall be provided for all comments received during the review period, unless a response is not appropriate, in which case an explanation will be provided as to why a response is not warranted. The responses will be prepared by staff or the consultant, as determined by the Director.

At least ten days before certifying the EIR, the City shall provide a written response to comments to any public agency that commented on the draft EIR. The written response shall describe the disposition of significant environmental issues which were raised and give reasons why specific comments and suggestions were not accepted. The City may also provide a written response to comments made by individuals who provided comments during the public review period.

If comments are received after the close of the public review period, but prior to the close of any hearing on the project, the City shall endeavor to respond to such comments, but need not provide a separate written response.

The City shall recirculate the EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under *Guidelines § 15087* but before certification. Definitions of "significant new information" can be found in *Guidelines § 15088.5*.

Preparation of the Final EIR [Guidelines § 15132]

The Final EIR consists of the Draft EIR, comments received, a list of persons and organizations who made comments, and the response to comments document as well as any other information added by the City. Alternatively, the Draft EIR may be revised to incorporate responses to comments into the text of the report. If this format is utilized, the Final EIR would consist of the revised Draft EIR, comments received, a list of persons and organizations that commented, and an indication of where each comment raised is addressed in the revised text.

Certification of the Final EIR and Time Limits [Guidelines § 15090]

The decision making body with approval authority over the proposed project shall certify that the final EIR is in compliance with CEQA, was reviewed and considered prior to project approval, and reflects the independent judgment of the City.

The decision maker(s) shall certify the Final EIR for private projects within one year of accepting the application as complete. Upon consent of the applicant and the City, the one-year limit may be extended an additional ninety (90) days. Delays by the applicant in providing necessary information shall suspend these time periods.

Alternatives [Guidelines § 15126.6]

As part of its evaluation, the decision maker shall:

1. Determine that the proposed EIR meets the requirement of the CEQA and State Guidelines for a full and complete range of reasonable alternatives;
2. Confirm the identification in the EIR of the alternative which would present the least environmental damage as the “environmentally superior” alternative or identify a different alternative as the “environmentally superior” alternative;
3. In the event that the environmentally superior alternative is the “no project” alternative, identify the next least damaging alternative in its action on the draft; and
4. Select and approve a project alternative that is environmentally superior, or make the necessary findings as to why the environmentally superior alternative(s) are not feasible.

Findings [Guidelines § 15091]

The decision maker shall not approve or carry out a project for which an EIR identifies one or more significant environmental effects unless it makes one or more written findings for each of the significant effects, accompanied by a brief explanation of the rationale for each finding. Findings shall be supported by substantial evidence in the record of project review. The possible findings are:

1. Changes have been required, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the final EIR.
2. Changes that would avoid or substantially lessen the significant environmental effects are within the jurisdiction of another public agency or have already been adopted by another agency

3. Specific economic, legal, social, technological, or other considerations that render such measures or alternatives not feasible.

Approval [Guidelines § 15092]

After considering the Final EIR, the decision maker shall not approve a project for which an EIR was prepared unless either the project as approved will not have a significant effect on the environment, or all avoidable significant effects on the environment have been eliminated or substantially lessened, and any remaining significant effects on the environment are determined to be unavoidable under *Guidelines § 15091* and acceptable due to overriding concerns as described in *Guidelines § 15093*.

Statement of Overriding Considerations [Guidelines § 15093]

If the benefits of a proposed project outweigh the unavoidable adverse effects, such effects may be considered "acceptable". If the decision maker approves a project that allows the occurrence of significant effects, it shall adopt a Statement of Overriding Considerations that states specific reasons to support its action based on the Final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record. The Statement is in addition to the findings required above.

G. GENERAL PROCEDURES FOR ENVIRONMENTAL DOCUMENTS

Preparation of Environmental Documents

The Negative Declaration or EIR shall be prepared by staff or a consultant selected by the Director and retained by the City [See *Guidelines § 15084*]. Prior to retaining the consultant, the selected firm shall demonstrate to the satisfaction of the Director that it has no conflict of interest in regard to the project (i.e., the firm shall not have recently done work for the applicant or represented the applicant in other cities). The applicant shall be required to pay the total estimated cost of the environmental document, including any studies that may be required, to the City, prior to the preparation proceeding. The City shall retain full jurisdiction over the process to ensure an independent, objective, accurate and thorough document. The Director is responsible for the adequacy and objectivity of environmental documents presented to the decision maker. Developer deposits shall in no case be paid directly to the consultant, but instead shall be deposited in the City's general fund or deposit account and disbursed to the preparer based on its contract with the City. Contact between the consultant and the applicant shall be limited. Direct contacts by the applicant with the consultant or the consultant with the applicant without prior knowledge and approval of the Director are prohibited.

As part of the adoption of the Negative Declaration or certification of the EIR the decision maker must determine that the document reflects the independent judgment of the City.

Screen-check Drafts

The pre-circulation draft of the Environmental Document is referred to as the “Administrative” or “Screen-check” draft. This draft is considered to be a working document which will be circulated among City staff and responsible agencies, if appropriate, and is not available for public review. The purpose of staff review of the Screen-check draft is to evaluate the document for adequacy and accuracy prior to public circulation.

Consideration and Approval of Environmental Documents [See Guidelines § 15074]

The following requirements shall apply:

1. An advisory body making a recommendation on the project shall consider the proposed Environmental Document before making its recommendation.
2. The Negative Declaration must be adopted, or the EIR must be certified, by the decision maker prior to approval of the project.
3. If the Environmental Document is being processed concurrently with the project entitlement, the advisory body and decision making body shall consider the Environmental Document at the time of any public hearing that may be required for the project.
4. The decision making body shall consider the proposed Environmental Document along with any comments received during the review process and any comments from an advisory board and various responses brought forward.
5. At the discretion of the Director, public notice for a required public hearing may be combined with a public notice for the Environmental Document, provided the public notice complies with State law. While no hearing is required on the Environmental Document if no separate hearing is required on the project, it is the City’s policy to provide a public hearing on all draft EIRs, and, at the Director’s discretion, on other Environmental Documents where circumstances warrant.
6. The City shall recirculate an Environmental Document when the document must be substantially revised after public notice of its availability has previously been given, but prior to its approval in accordance with the Guidelines [Guidelines §§ 15073.5 (Negative Declarations), 15088.5 (EIRs)].

Fish & Wildlife Fees

Fish & Wildlife Code § 711.4 requires a payment to the California Department of Fish and Wildlife (“CDFW”) for projects for which a Negative Declaration or EIR has been prepared. No fee is required for projects which are exempt from CEQA. The fee is required to be paid in order for a project to be considered to be operative, vested or final and the permits to be valid.

City staff shall coordinate the environmental document review with CDFW. If CDFW determines that there will not be an impact on fish and wildlife, CDFW will sign a No Effect Determination (“NED”). [*14 California Code of Regulations § 735.5.*] All of the following must apply for CDFW to make such a determination. The project would not result in or have the potential to result in:

1. Harm, harassment, or taking of any fish and/or wildlife species;
2. Direct or indirect destruction, ground disturbance, or other modification of any habitat that may support fish and/or wildlife species;
3. Removal of vegetation with potential to support wildlife;
4. Noise, vibration, dust, light, pollution, or an alteration in water quality that may affect fish and/or wildlife directly or from a distance; and
5. Any interference with the movement of any fish and/or wildlife species.

In order to obtain this determination, staff shall file a “No Effect Determination Request” form (Appendix “G”) along with aerial photographs (if available), or topographic maps and a copy of the Environmental Document to the South Coast Region, Department of Fish and Wildlife, 3883 Ruffin Road, San Diego, CA 92123. These documents should be submitted at the time that the Negative Declaration or EIR is made available for review, or as soon thereafter as possible.

If CDFW determines that there will be no effect on fish and wildlife, it should issue a written no effect determination. When the determination is received, the City will file two copies of the NED with the County Clerk along with the Notice of Determination, and the appropriate filing fee. The City shall not delay filing a Notice of Determination pending a determination by CDFW. If a NED is made after the notice of determination has been filed, an applicant may request a refund by contacting CDFW by phone at (916) 651-0603 or by email at R5NoEffect@dfg.ca.gov. Upon verification, CDFW will issue a refund if a lesser fee was required based on CDFW’s review. CDFW filing fees are subject to change annually. Current fees are posted on the CDFG website: <http://www.dfg.ca.gov>.

H. APPEALS

Appeal of the Decision to Require an EIR to the Planning Commission [Guidelines § 15087]

The applicant or any organization or individual may appeal the decision to require an EIR. The appeal shall be made by filing a written request with the City Clerk, together with an appeal fee, as established by a resolution of the City Council, within ten days from the date the Notice of Preparation was published or mailed, whichever occurs last. The written request for appeal should contain the name, address and phone number of the appellant; the name, location and application number of the project being appealed; and the reason for the appeal.

The appeal shall be heard by the Planning Commission within thirty (30) days after it is filed. At the conclusion of the hearing, the Planning Commission shall sustain the decision of the Director to require a full EIR or a focused EIR or shall modify the decision of the Director to require a full EIR by authorizing a focused EIR, or shall reverse the decision of the Director and direct that a Negative Declaration be prepared. The decision of the Commission shall be final, unless appealed to the City Council.

During the period for appealing the decision of the Director to require an EIR, and for ten days after the decision becomes final, any interested organization or person may submit environmental comments, objections or concerns about the project to the Community Development Department in writing. Such comments shall be used in the preparation of the draft EIR.

Appeal of Decision to Require an EIR to the City Council

If the Planning Commission is not the final decision maker regarding the Environmental Document (because it is not the final decision maker on the project), there shall be a right to appeal the decision regarding the environmental document to the City Council. If the underlying project must first be appealed to the Planning Commission before an appeal may be taken to the City Council, then the appeal of the Environmental Document must also first be appealed to the Planning Commission.

The appeal shall be made by filing a written request with the City Clerk, together with an appeal fee, as established by a resolution of the City Council, within ten days from the date of the decision on the environmental document. The written request for appeal should contain the name, address and phone number of the appellant; the name, location and application number of the project being appealed; and the reason for the appeal. The appeal hearing shall be conducted within thirty (30) days after it is filed.

Any member of the City Council may appeal the decision by so informing the City Clerk in writing during the ten day appeal period.

Project Appeals

If the person or entity filing the appeal also is appealing the project decision, the project appeal should be combined with the environmental appeal and a single appeal fee charged. An appeal of a project shall not be deemed to include an appeal of the Environmental Document relating to the project unless the appeal so specifies and an appeal of the Environmental Document shall not be deemed to include an appeal of the project unless the appeal so specifies.

Notice of Determination [Public Resources Code § 21152, Guidelines §§ 15075, 15094]

Within five working days after the approval of a project becomes final, the City shall file a Notice of Determination with the County Clerk (See Appendix "D" for Notice of Determination form); a project does not become final until the appeal period has run out. If the project requires a discretionary approval from any State agency, the notice shall also be filed with the Governor's Office of Planning and Research. Filing and posting the Notice of Determination starts a 30-day statute of limitations on court challenges to CEQA approvals. Failing to file the Notice of Determination extends the statute of limitations to one hundred eighty (180) days.

I. ENVIRONMENTAL DOCUMENTS ORIGINATING FROM OTHER AGENCIES

Review and Comments

Environmental documents sent to the City for review should be forwarded to the Community Development Department for distribution to specific City departments as applicable.

The Community Development Department (or other designated department) will receive comments from other City departments and will forward these comments, along with its own, to the Lead Agency which has requested the review and comment.

Public Hearings

A public hearing may, but need not, be held on such documents. The City has the discretion to hold a public hearing and/or refer the documents to the Planning Commission or City Council for their review and comments prior to forwarding the City's comments to the Lead Agency.

SECTION 3.0 SPECIFIC IMPACTS

A. GREENHOUSE GASES (GHGS)

The most significant recent changes to the analysis of environmental impacts are associated with the cluster of laws adopted with respect to global warming. CEQA now requires that a determination be made relating to the significance of

greenhouse gas emissions. *[Guidelines § 15064.4]*

Factors to Consider

The City shall consider the following factors, among others, when determining the significance of GHG impacts:

1. The extent to which the project may increase or reduce GHG emissions as compared to the existing environment;
2. Whether the project emissions exceed a threshold that the City determines applies to the project, including the thresholds set forth below; and
3. The extent to which the project complies with regulations or requirements of a plan for the reduction or mitigation of GHGs.

GHG Mitigation Measures *[Guidelines § 15126.4(c)]* □

GHGs shall be subject to mitigation measures and monitoring. Mitigation measures may include:

1. Measures in an existing plan or mitigation program;
2. Reductions in emissions resulting from a project through implementation of project features, project design, or other measures;
3. Off-site measures, including offsets that are not otherwise required;
4. Measures that control greenhouse gases;
5. Applicants should view the following website of the California Attorney General for ideas of design features that can be incorporated into a project to reduce GHGs:

http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf

Additional information is available on the California Governor's Office of Planning and Research's CEQA Guidelines and Greenhouse Gases webpage: <http://www.opr.ca.gov/index.php?a=ceqa/index.html>.

B. WATER ASSESSMENTS *[Water Code §§ 10910-10915, Guidelines § 15155]*

Water assessments shall be included in an environmental document prepared for a "water-demand project." At the time that the City determines that an environmental document is required for such a project, it must identify the water provider in order to request the water assessment. The water assessment must

contain an evaluation of a twenty (20) year water supply for the project, as well as other existing and planned future uses.

The City may include its own evaluation of the water agency's assessment in the environmental document. The City shall make a determination, based on the entire record, whether the projected water supplies will be sufficient to satisfy the demands for the project in addition to existing and planned future uses. If the City determines that the supplies will not be sufficient, this determination must be included in its findings for the project.