

**EXHIBIT A**

**CITY OF MENIFEE  
ENVIRONMENTAL REVIEW GUIDELINES & GUIDELINES FOR  
IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY  
ACT (CEQA)**

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**Attachment 1:** Appendix G: Environmental Checklist Form (State Guidelines for the Implementation of CEQA)

**Attachment 2:** Appendix H: Environmental Informational Form

## I. INTRODUCTION

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The California Environmental Quality Act (CEQA) of 1970 (as amended) is California's most fundamental and far reaching environmental law. CEQA is a procedural act that governs the review and approval process of most developments in California. These policies and procedures are written for the purpose of implementing the requirements of CEQA as contained in California Public Resources Code (PRC) Section 21000 and following and the State CEQA Guidelines (State Guidelines) contained in Title 14, Division 6, Chapter 3, Section 15000 and following of the California Code of Regulations (CCR).

### A. BASIC PURPOSES OF CEQA (§15002)<sup>1</sup>

The basic purposes of CEQA are to:

1. inform governmental decision-makers and the public about the environmental effects of proposed activities;
2. identify ways that damage to the environment can be avoided or significantly reduced,
3. prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and,
4. disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

### B. PURPOSE OF CITY GUIDELINES

The City's Environmental Review Guidelines (hereafter "Guidelines") set forth comprehensive procedures for complying with the California Environmental Quality Act. CEQA requires each public agency to adopt guidelines (objectives, criteria, and specific procedures) for administering **its responsibilities under CEQA (§15022)**. The purpose of these Guidelines is to protect both local and regional environmental resources in a manner that reflects local values.

An additional purpose of these Guidelines is to implement CCR Section 15006: to reduce delay and paperwork in determining if CEQA applies to particular projects. Section 15006 enumerates methods for conducting environmental review of projects that are not exempt. The intent of this document is to translate the myriad of State laws and judicial interpretations into a precise guide for use by the City, project proponents, and general public.

The City's Guidelines summarize State law. Please refer to the State Guidelines (the California Code of Regulations sections in parentheses), which are hereby incorporated by reference, for more detail. These Guidelines are not meant to replace the State Guidelines but to implement and tailor the general provisions of the State Guidelines to the specific operations of the City. If any section of these Guidelines is in conflict with or contrary to any provisions of CEQA or the State Guidelines, as each may be amended, the provisions of CEQA and the State Guidelines shall control.

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<sup>1</sup> Unless otherwise indicated, all sections references are to applicable section of the State Guidelines as set forth in Title 14, Division 6, Chapter 3, of the California Code of Regulations.

## II. OVERVIEW AND SUMMARY OF PROCEDURES

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The following subsections provide the procedures for following CEQA requirements. In all cases determinations shall be by the Director of Community Development Department (“Director”).

### A. APPLICABILITY (See also Section V. B., Actions that Constitute a Project)

A proposed activity or application must first be evaluated to determine if it is a "project" and is, therefore, subject to further CEQA review. A project is defined as any discretionary action that may cause a physical change to the environment. A project is the whole of an action that might result in a physical change to the environment, directly or ultimately. However, if the proposed activity is a project under CEQA, it may still be exempt from environmental review (see categorical exemptions and "common sense" exemptions).

### B. CEQA PROCESS

There are three steps in the CEQA process that incorporate environmental documentation. These three separate steps are taken in deciding which environmental document to prepare for a project subject to CEQA.

1. **Preliminary Review.** Within thirty (30) days of formal project submittal. City staff or City consultants will conduct a preliminary review of a project to determine whether it is subject to CEQA, or is exempt. If it is exempt, a Notice of Exemption may be filed. If the project is not exempt, then the applicant must submit a completed environmental assessment form.
2. **Initial Study. If the proposed activity is a project under CEQA (§15378)**, and is not exempt from review, the City will prepare an Initial Study<sup>2</sup>. Where an EIR is required, the preparation of an Initial Study is at the option of the City. The Initial Study determines whether a negative declaration, a mitigated negative declaration, or an Environmental Impact Report (EIR) is needed.

If the Initial Study identifies potentially significant impacts resulting from a 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 (§ 15063(g)). The applicant may make changes to the project, or agree to changes suggested by the City in order to avoid or reduce to insignificance potential impacts (§15063(c)(2) and §15070(b)(1)). (For public projects, see Section V. B. 1. a. below.)

3. **Preparation of a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:**
  - a. **Negative Declaration.** If no significant impacts are identified, a Negative Declaration is prepared. A Negative Declaration is a written statement by the City describing why a project will not have a significant impact on the environment and therefore does not require the preparation of an EIR. A Negative Declaration may be prepared when no substantial evidence exists that the project may have a significant environmental effect (§15070).
  - b. **Mitigated Negative Declaration.** If the City determines that project revisions or mitigation measures are needed to lessen the impacts to an insignificant level or to

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<sup>2</sup> Unless otherwise defined in these Guidelines, all initially capitalized terms shall have the meaning given such term in the State Guidelines.

avoid significant impacts, then a Mitigated Negative Declaration is prepared (§15041(a)). (See Section VI. G., Formulation of Mitigation Measures, below.

- c. **Focused EIR.** For certain small residential or commercial projects, where a master EIR has been prepared, 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 a Focused EIR is required. A Focused EIR shall be required when a specific physical condition, or several physical conditions have been identified within a proposed project area as being potentially impacted. (§§ 15178, 15179.5)
- d. **Full EIR.** A full EIR shall be required when the physical conditions exist within an area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, objects of historical or aesthetic significance, and historical and unique archeological resources.
- e. **Subsequent EIR.** A subsequent EIR shall be required when there are substantial changes proposed in the project which would require major revisions to the previous EIR; or that substantial changes in circumstances under which the project is undertaken will require major revisions of the previous EIR; or that new information of substantial importance, which was not known or could not have been known at the time of the previous EIR.

### **C. CONTENTS OF EIRs (§15120 et seq.)**

The required contents of EIRs, as set forth in Article 9 of the State Guidelines, are incorporated by this reference.

### **D. ENVIRONMENTAL CONSULTANT HIRING PROCESS**

The City of Menifee staff, in collaboration with project applicant, will hire environmental consultants to prepare CEQA-related technical studies, Initial Studies/MNDs, and Environmental Impact Reports (EIR) for private development projects where the Initial Study determines that potentially significant impacts could result with implementation of the proposed project. The following procedures summarize the consultant hiring process for CEQA-related technical studies, Initial Studies/MNDs, and Environmental Impact Reports (EIR).

#### **Qualified Consultant Lists**

The Community Development Department maintains qualified Environmental Consultant lists which are established through a Request for Qualifications (RFQ) process that is initiated every two years. The Community Development Department prepares and distributes an RFQ to consultants interested in providing CEQA services to the City of Menifee. The RFQ will be made available to the general consulting community and will be available via the City's web site. The City will review all submitted Statement of Qualifications and determine if the consultant meets the City's minimum published qualification requirements, including but not limited to project understanding, technical expertise, related project experience, team qualifications and competitive budget. The list of qualified consultants may be updated every two years (Spring 2021, Spring 2023, etc.), or as determined appropriate by the Community Development Director, to ensure that the City receives the highest caliber consulting services. Placement on the City's qualified CEQA consultant list does not guarantee any specific CEQA work.

When the Community Development Department determines that an EIR, MND, or technical study is required for a private development project, the City will select a limited number of environmental consultants from the qualified consultant list (in collaboration with the project applicant) to solicit proposals.- Proposals will be requested from a select number of consultants as determined by either a rotating list or a grouping of consultants determined to be highly qualified for a particular type of project. The request will clearly spell out the project description and the requested environmental consulting services required for the proposed project and will specify a due date and the required number of copies of the proposal to be submitted to the City. The proposal may also include other requirements as determined by the City and in coordination by Applicant/Developer. In addition, the proposal will clearly spell out the selection criteria and any criterion weight. Consultants may be disqualified from final selection, if the City determines that any conflict of interest exists.

### **Consultant Selection**

The City of Menifee will review all proposals submitted for a project CEQA document and make a determination of the most qualified proposal that meets the needs of the City/project. The successful consultant will be notified upon selection and will enter into contract negotiations with the City. All consultant contracts must be approved by the appropriate City authority in accordance with current city purchasing procedures.

### **Project Initiation/Applicant Deposits**

For private development projects, the City shall collect an initial deposit of 50% of the total amount of the contract plus a City administrative fee. The additional 50% of the contract amount shall be requested by City staff when approximately 50% of the environmental work has been completed or before the CEQA document is out for public review. If the additional funds are not submitted within two weeks of being requested, processing of the environmental document shall be placed on hold and will not be circulated. The environmental consultant will be given notice to proceed when the funds have been received from the applicant. City staff will provide periodic updates to the project applicant regarding project budget/available funds. The City administrative fee will be 15% of the total contract amount or \$5,000.00, whichever is less.

In addition, all City-managed Environmental Agreements (project specific) will be required to have 2 agreements in place prior to any work commencing:

1. Reimbursement Agreement between the City and the specific developer of the project
2. Professional Services Agreement between the City of Menifee and the selected consultant

### **E. AUTHORITY PROVIDED BY CEQA (§15040)**

CEQA gives the City, as lead agency, authority to mitigate, approve, or disapprove projects despite significant impacts, and to charge fees to recover costs incurred in the preparation of the environmental documentation.

### **F. MITIGATE (§15041(a))**

The City has authority to require changes in the project to lessen or avoid significant effects on the environment (CCR §§15041(a), 15042 and 15064(b); PRC §§21002 and 21004).

The City has the authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with the applicable constitutional requirements such as the "nexus" and "rough proportionality" standards required by case law.

### **G. APPROVE PROJECTS DESPITE SIGNIFICANT EFFECTS (§15043)**

The City may approve a project despite significant environmental effects identified in an EIR if the City makes a fully informed and publicly disclosed decision that:

1. there is no feasible way to lessen or avoid these effects; and
2. specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant impacts of the project.

### **H. DISAPPROVE PROJECTS (§15042)**

The City may disapprove a project, if necessary, to avoid one or more significant effects on the environment that would occur if the project were approved.

### **I. FEES (§15045)**

The City, as a lead agency, may charge and collect reasonable fees in order to recover the estimated cost incurred in preparing environmental documents and for procedures necessary to comply with CEQA on the project. These fees are subject to periodic review and adjustment in order to assure that City costs are recovered. Litigation expenses, costs and fees incurred in actions alleging noncompliance with CEQA are not recoverable.

Costs for the preparation of an EIR will be estimated on a case-by-case basis depending upon the scope of the EIR, and the estimated cost shall be deposited with the City prior to execution of a contract for services as outlined above. Certification of the final EIR will not be scheduled unless the account is in excess of the estimate/deposit in order to cover the costs of finalizing the EIR.

### **III. APPLICABILITY OF CEQA (§15002)**

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#### **A. TIME OF COMPLIANCE (§15004)**

Compliance with CEQA procedures as set forth in these Guidelines is required whenever the City proposes to carry out or approve a project. CEQA review, preparation, and certification of appropriate documentation occurs prior to or concurrently with an approval of a private project or authorization of a public project.

#### **B. RESPONSIBILITY FOR COMPLIANCE**

The Director shall ensure that these guidelines are followed for public and private projects. These guidelines apply to all agencies of the City.

## **IV. PRELIMINARY REVIEW**

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### **A. INITIAL PROJECT REVIEW**

All activities that are initiated by the City, which are determined to be a project under CEQA, funded in whole or part by the City, or require authorization or entitlement from the City are subject to CEQA review. City staff and City consultants, with primary responsibility for processing, reviewing, or authorizing activities affecting the environment should be familiar with these guidelines. Most activities that are not exempt from CEQA will be reviewed or processed by the Community Development Department. The Community Development Department will coordinate with the Engineering Department and Community Services Department as required for projects that may affect a City of Menifee public facility or may require specialized technical input (traffic, hydrology, geotechnical, etc.).

### **B. ACTIONS THAT CONSTITUTE A "PROJECT" (§15378)**

Except as otherwise provided, these Guidelines shall apply to Discretionary Projects proposed to be carried out or approved by the City. A project is defined as:

1. The whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, and that is any of the following:
  - a. An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local general plans or elements thereof pursuant to Government Code Sections 65100-65700.
  - b. An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
  - c. 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.
2. "Project" does not include:
  - a. Proposals for legislation to be enacted by the State Legislature;
  - b. Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above);
  - c. The submittal of proposals to a vote of the people of the State or of a particular community that does not involve a public agency sponsored initiative;
  - d. The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment;

- e. Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.
3. 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.

### **C. DETERMINING EXEMPTIONS (§15250)**

Generally, there are two types of exemptions: statutory and categorical. Statutory exemptions apply to projects that the State Legislature has ruled to have insignificant effects. Statutory exemptions include ministerial projects and emergency projects.

The City has 30 calendar days in which to determine whether a project is exempt or not. The City must act on a project determined to be exempt within 90 calendar days after determination of exemption. Exemptions do not apply where the cumulative impact of successive projects of the same type in the same place over time is significant; where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances; where a project may result in damage to scenic resources; when a project is labeled a hazardous waste site pursuant to Government Code Section 65962.5; or when a project may cause a substantial adverse change in the significance of a historical resource. After approving an exempt project, the City may file a Notice of Exemption with the County Clerk. All proposed activities must be reviewed to determine if one of the following exemptions is appropriate:

1. **Statutory Exemptions:** Certain activities have been exempted from CEQA by the Legislature. These exemptions include feasibility or planning studies, ministerial projects, and emergency actions. A complete list of statutory exemptions is included in the Article 18 of the State Guidelines (§15260 and following).
2. **Categorical Exemptions:** Certain classes or "categories" of projects have been determined by the State's Secretary for Resources to have an insignificant effect on the environment, and are known as categorical exemptions. A complete list of these exemptions is included in Article 19 of the State Guidelines (§15300 and following).
3. **Common Sense Exemption:** Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to environmental review. In such cases, the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment (§15061). When applicable, multiple exemptions shall be used for a project.
  - a. **Project Rejection or Disapproval:** The project will be rejected or disapproved by a public agency.
  - b. **Exemption Verification:** If a project falls within a Categorical Exemption category, the lead agency shall make an additional inquiry as to whether the Categorical Exemption is inapplicable, because of the existence of any of the following factors (§15300.2):
    - i. For classes 3, 4, 5, 6, and 11, the project may affect an environmental resource of hazardous or critical concern officially adopted pursuant to law

(e.g., an otherwise exempt project that would impact habitat of an endangered species).

- ii. The project and successive projects of the same type in the same place will result in Cumulative Impacts.
- iii. There are unusual circumstances creating the reasonable possibility of significant effects (e.g., an otherwise exempt project located in a wetland).
- iv. The project may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a highway officially designated as a state scenic highway. This exception does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- v. The project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- vi. The project may cause a substantial adverse change in the significance of a historical resource.

- c. If any of these factors cause the Categorical Exemption to be inapplicable, the applicant shall be required to submit an environmental information form and a detailed project description. Additional information, data, studies, and the like, may be required of the applicant in order for the City to make an environmental determination.

#### **D. NOTICE OF EXEMPTION (§15062)**

If a determination is made that the activity is exempt from CEQA, a Notice of Exemption (NOE) may be filed with the County Clerk.

1. When the City approves or decides to carry out the project, it shall file a Notice of Exemption with the office of the County Clerk. This initiates a 35-calendar day statute of limitations period on legal challenges to the City's determination that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180-calendar day statute of limitations applies. After the County Clerk has posted the NOE for 30 calendar days, a copy of the posted NOE is sent back to the City. The City is required to keep a copy of the NOE on file for a period of twelve months after that time.
2. The NOE shall include a brief description of the project, the location of the project, findings of exemption, including citation to the State CEQA Guidelines section under which it is found exempt, reasons supporting those findings, and the identity of the person undertaking the project, or some type of entitlement for use of the project.
3. If filed, the notice shall be filed with the County Clerk. If state resources could be affected the NOE shall be filed with the Office of Planning and Research (OPR). Copies of the NOE shall be available for public inspection. Public agencies are encouraged to post NOEs on the Internet.

#### **E. CITY PROJECTS: ENVIRONMENTAL REVIEW PROCEDURES (§15378(a)(1))**

When the City, or any of its departments, as the Lead Agency, contemplates any activity resulting in physical change in the environment, including but not limited to Public Works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances initiated by the City, and the adoption and amendment of the City of Menifee General Plan or any of its elements, the following procedures shall be followed.

The department which contemplates the activity shall request the Community Development Department to determine whether the activity qualifies for a categorical exemption. If the activity is categorically exempt, no further CEQA review is required and regular processing of plans for the activity may continue without further environmental review.

If the activity is not categorically exempt, an initial study shall be prepared by the City or City's consultant. The City of Menifee directly hires environmental consultants to prepare CEQA compliance documents (Environmental Impact Reports or Negative Declarations) for CIP projects. Depending on the type of project, either the Community Development Department, Public Works Department, or Community Services Department will oversee the process. The design and CEQA consultants are generally hired as a team under one contract. The environmental review process from that point on, including determinations and filing of notices, will be conducted in the same manner as specified above in the procedures for environmental review of private projects, with the department proposing to carry out the project being treated as the "applicant."

## **F. MSHCP Conformance**

Riverside County adopted the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) on June 17, 2003. The City of Menifee is a permittee to the MSHCP, and therefore development projects conducted within the city are required to comply with the MSHCP. Section 6.0 of the MSHCP identifies the local implementation measures, including city and county obligations. The first step of MSHCP review is to determine whether the project site is located within a criteria cell and/or is subject to special studies analysis. This information can be found on the Riverside County Integrated Plan (RCIP) conservation summary report generator website at [www.wrc-rca.org](http://www.wrc-rca.org).

For all discretionary projects, the city must make a consistency determination in accordance with Section 4.0 of the MSHCP. A project located outside of a criteria area does not mean that MSHCP compliance is not necessary. All discretionary projects are subject to the Riparian/Riverine, Vernal Pool and Fairy Shrimp policies (refer to Sections 6.1.1 – 6.1.4, 6.3.1, and 6.4 of the MSHCP). If a project is located within an identified species survey area, then a habitat suitability assessment must be conducted. This biological report must make a clear determination as to whether or not suitable habitat is present. If a project is located within a criteria cell, it must comply with the Reserve Assembly requirements. Once the city reviews the MSHCP biological report and has made the MSHCP consistency determinations, Community Development staff will send the consistency determination letter with supporting technical studies to the Western Riverside County Regional Conservation Authority (RCA). If a project is located within a criteria cell, a Joint Project Review (JPR) application will also be required. If the JPR determines that a project is located within an area identified for conservation, the city will be asked to revise the project to accommodate the conservation or proceed to the Habitat Acquisition and Negotiation Strategy (HANS) process. The City retains the authority within the parameters outlined in the MSHCP to make alternative determinations to achieve adequate compliance with MSHCP goals and objectives.

## **V. INITIAL STUDY**

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The City or City consultant will prepare an Initial Study within 30 calendar days after determining the application complete. The 30 calendar day period may be extended 15 calendar days upon the consent of the City and the project applicant. (For public projects, these time limits do not apply.)

### **A. PURPOSES OF AN INITIAL STUDY (§15063(c))**

1. Provide the City with information to use as the basis for deciding whether to prepare an EIR or Negative Declaration;
2. Enable 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;
3. Facilitate environmental assessment early in the design of a project;
4. 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;
5. Determine whether a previously prepared EIR could be used for the project;
6. Eliminate unnecessary EIRs;
7. Assist the preparation of an EIR, if one is required.

### **B. PROJECT INFORMATION REQUIRED**

The initial source of project information for the Initial Study is Appendix H the Environmental Assessment Form in Attachment 2 (§15063(f)). This form is completed by the applicant and received as part of the project (application) submittal. Any information that the project proponent or City deems relevant and will facilitate the environmental review of a project, should be submitted along with the project application. The City may require the project proponent to provide additional data and information determined necessary for the preparation of the Initial Study.

### **C. TECHNICAL STUDIES**

Applicants are encouraged, but not obligated to consult City staff prior to undertaking the preparation and submittal of any technical studies for their projects, as the City will determine the type and extent of studies required for the project related environmental documentation. If technical studies are prepared and submitted with application materials, the studies shall be prepared by a qualified consultant deemed to have technical competency and experience in the respective field on the City's approved list. Studies prepared as part of the due diligence process, as identified below, may be contracted directly by the applicant. When prepared by consultants in the approved list, these studies are not required to be peer reviewed unless the consultant preparing the environmental document or staff identifies a deficiency. Studies prepared by consultants not on the approved list, shall be peer reviewed by the City (or City's consultants) to determine if the extent of analysis satisfies the scope of the proposed project and it can be utilized in the CEQA process. The City has the right to reject applicant submitted technical studies and require that they be completed by a City-selected CEQA consultant, if necessary (§§15060(b), 15063(e), & 15064(b)). The environmental consultant will be directly contracted with the City of Menifee based on a pre-approved eligibility list, and all environmental consultant interaction with the applicant and the applicant's team will be managed by the City in a collaborative manner.

The City will hire an environmental consultant to assist with preparation of project specific technical studies, Mitigated Negative Declarations, and preparation of an EIR. For complex projects it is recommended that applicants meet with the Community Development Department staff prior to project application submittal to ensure that all submittal requirements are understood to avoid delays associated with incomplete case filings.

For general purposes, applicants can anticipate studies prepared as part of the due diligence and constrains mapping processes and that specifically relate to the land/property may be submitted to the City with project submittal. These generally include the following technical studies:

- Phase 1 Environmental Assessment
- Geotechnical/Soils Study
- Hydrology Study
- Cultural Resources/Archaeological Study\* (warrant project specific discussion with City staff)
- Biological/MSHCP Consistency Findings\* (warrant project specific discussion with City staff)

Technical studies that are specifically affected/informed by project design will be prepared as part of the City's CEQA review process, and should not be prepared in advance of the project submittal by the applicant until a full project description is agreed upon between the City and the Applicant. These generally include the following technical studies:

- Noise Study
- Air Quality/Greenhouse Gas/Energy Study
- Traffic Impact/VMT Study

If a specific study is not listed but is required for the project (i.e. Health Risk Assessment, Fire Protection Plan, Tribal Cultural Resource) it will be prepared by the City's consultant, unless otherwise determined by the Community Development Director.

An unreasonable delay by the applicant in providing information (surveys, maps, etc.) requested by the City shall suspend the running of the time periods as described in §15107 and §15108 (§15109). After a reasonable period of time, if no action has been taken to collect or supply the necessary information the project will be set on the approving agency agenda for denial without prejudice.

#### **D. PREPARATION**

1. Following preliminary review, the City or City consultants shall prepare an Initial Study for nonexempt projects to determine if the project may have a significant effect on the environment. An environmental assessment or a similar analysis prepared pursuant to the National Environmental Policy Act will meet the requirements of this section.
2. If the City determines that an EIR will be required for a project, the City may skip further initial review of the project and begin work directly on the EIR. However, an Initial Study can prove to be a useful tool in assisting the City in identifying the significant effects of the project upon which the EIR shall focus and provide findings why other effects would not be significant or potentially significant.

#### **E. CONTENT OF INITIAL STUDY (§15063(d))**

The Initial Study is prepared by City staff or by City consultants. An Initial Study may rely upon expert opinion supported by the facts, technical studies, or other substantial evidence to document its findings.

However, an Initial Study is neither intended nor required to include the level of detail included in an EIR. An Initial Study includes:

1. project description and location,
2. environmental setting,
3. environmental checklist,
4. identification of environmental effects by use of a checklist, matrix, or other method,
5. discussion of any impacts and ways to avoid or mitigate identified impacts,
6. examination of consistency with zoning, general plans and other applicable land use controls,
7. the name of the person or persons who prepared or participated in the Initial Study (§15063(d)).

All phases of project planning, implementation, and operation shall be considered in the Initial Study. Staff shall consult with City departments, public entities that may be a responsible or trustee agency for the project and any individuals or organizations otherwise concerned.

#### **F. DETERMINING ENVIRONMENTAL SIGNIFICANCE (§15064)**

Critical to the environmental analysis is the determination of significant effect. The CEQA Guidelines define the term "significant effect on the environment" as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance." (§15382).

The environmental evaluation must consider:

**Primary or Direct Impacts:** such as construction-related impacts of dust and noise (§15064(d)(1));

**Secondary or Indirect Impacts:** such as those associated with growth resulting from additional infrastructure capacity (§15064(d)(2)); and,

**Cumulative Impacts:** such as those resulting from the total effect of a group of proposed projects or programs, over time (§15065(c)).

Significance will be judged by the intensity and longevity of the change, the size of the area affected, and deviation from existing conditions. Establishing thresholds of significance is the best way to enable a determination of environmental impacts.

1. **Mandatory Findings of Significance (§15065):** The project may be found to have a significant effect on the environment if any of the following findings are made by the City.
  - a. The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a threatened or endangered plant

or animal, or eliminate important examples of the 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 significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- d. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

The City **must** prepare an EIR if any of these findings occur.

- 2. **Effects That Are Normally Significant:** A project will normally have a significant environmental effect if it may indirectly or directly affect the following:
  - a. Aesthetics: Have a substantial, demonstrable negative aesthetic effect.
  - b. Agricultural and Forestry Resources: Convert farmland to non-agricultural use.
  - c. Air Quality: Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations.
  - d. Biological Resources: Substantially affect a rare or endangered species, interfere substantially with the movement of any resident or migratory fish or wildlife species, substantially diminish habitat for fish, wildlife, or plants.
  - e. Cultural Resources: Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site, except as a part of a scientific study.
  - f. Energy: Encourage activities that result in the use of large amounts of fuel, water, or energy, use fuel, water, or energy in a wasteful manner.
  - g. Geology/Soils: Expose people or structures to major geologic hazards.
  - h. Greenhouse Gas Emissions: Significantly increase the generation of greenhouse gas emissions or conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gas.
  - i. Hazards and Hazardous Materials: Create a potential public health hazard or involve the use, production, or disposal of materials which pose a hazard to people or animal or plant populations in the area affected, interfere with emergency response plans or emergency evacuation plans.

- j. Hydrology/Water Quality: Substantially degrade water quality, substantially degrade or deplete groundwater resources, contaminate a public water supply, interfere substantially with groundwater recharge, cause substantial flooding, erosion, or siltation.
- k. Land Use/Planning: Conflict with adopted environmental plans and goals of the community where it is located, disrupt or divide the physical arrangement of an established community, conflict with established recreational, educational, religious, or scientific uses of the area, convert prime agricultural land to nonagricultural use, or impair the agricultural productivity of prime agricultural land.
- l. Mineral Resources: Result in the substantial loss of availability of a significant mineral resource.
- m. Noise: Increase substantially the ambient noise levels for adjoining areas.
- n. Population/ Housing: Induce substantial growth or concentration of population, or displace a large number of people.
- o. Public Services: Breach published national, state, or local standards relating to solid waste or litter control, extend a sewer trunk line with capacity to serve new development, require a "will serve" letter from a public agency and the agency identifies serious deficiencies in providing service.
- p. Recreation: Increase use of existing recreational facilities such that substantial physical deterioration would occur or be accelerated; require the construction or expansion of recreational facilities which might have a significant adverse effect on the environment.
- q. Transportation: Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.
- r. Tribal Cultural Resources: Cause substantial adverse change in the significance of tribal cultural resources.
- s. Utilities/Service Systems: Cause a significant environmental effect due to construction of new or expanded utilities or generate solid waste in excess of the capacity of local infrastructure.
- t. Wildfire: Significantly increase the risks associated with wildfires such as impairing emergency plans and evacuate routes or exacerbating natural risks.

## **G. THRESHOLDS (§15064)**

Determining the significance of environmental impacts is a critical and often controversial aspect of the environmental review process. It is critical because a determination of significance requires that the project be substantially altered, or that mitigation measures be readily employed to avoid the impact or reduce it below the level of significance. If the impact cannot be reduced or avoided, an Environmental Impact Report (EIR) must be prepared.

The State Guidelines define the term "significant impact on the environment" as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the

project. However, there is no ironclad definition of what constitutes a substantial change because the significance of an activity may vary according to location. Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable, quantitative, qualitative, or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less significant.

Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation and developed through a public review process and be supported by substantial evidence. Absent any such ordinance, resolution, rule or regulation, or for issue areas for which there are no thresholds, the guidance provided in State CEQA Guidelines Sections 15064, 15065, 15382, and Appendix G shall provide the basis for determining significance.

## **H. FORMULATION OF MITIGATION MEASURES (§15370)**

Mitigation measures are actions designed to alleviate or avoid the adverse environmental effects of proposed plans and projects. If there is a potential for significant impacts, efforts should be made to identify and incorporate mitigation measures, either into the project design prior to completion of the Initial Study, or staff, in consultation with the applicant, shall incorporate appropriate mitigation measures into the project approval. If identified impacts can be mitigated to a non-significant level, a Mitigated Negative Declaration can be used. Impacts must be reduced to a non-significant level or an EIR is required. Mitigation includes:

1. *Avoiding* the impact all together by not taking a certain action, or parts of an action or redesigning the project;
2. *Minimizing* impacts by limiting the degree or magnitude of the action and its implementation;
3. *Repairing, rehabilitating, or restoring* an impacted environment;
4. *Reducing or eliminating* the impact over time by preservation and maintenance operations during the life of the action;
5. *Compensation* for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

Creativity, reasonableness, and practicality should be used in developing mitigation measures for identified impacts, providing that the mitigation adequately and accurately addresses the impact.

A Mitigation Monitoring or Reporting Program shall be made a condition of approval of the project. The City shall require a Mitigation Monitoring Program for each mitigation measure required. The Mitigation Monitoring Program shall be prepared at the time of project approval. For mitigation of complicated or technical impacts, a consultant may need to be hired at the developer's expense (see Section IX. B., Preparation of Mitigation Monitoring or Reporting Program, below).

When other agencies have jurisdiction over aspects of the project, the developer will have to meet the design, mitigation, and monitoring requirements imposed by those agencies, as well as any additional requirements established by the City of Menifee.

## **VI. NEGATIVE DECLARATIONS (§15070)**

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There are two types of Negative Declarations: a (standard) Negative Declaration, and a Negative Declaration with mitigation, or "Mitigated Negative Declaration." When the Initial Study shows that the project may not have a significant effect on the environment CEQA allows for a Negative Declaration to be adopted. The City or City Consultant will prepare the Negative Declaration, in coordination with the project applicant.

CEQA continues to give the City the option of allowing applicants to modify their project so that the City can make a finding that the project would not have a significant effect on the environment as proposed. If the applicant can modify its project to avoid potential significant effects, the applicant can qualify for a Mitigated Negative Declaration.

### **A. PREPARATION OF A NEGATIVE DECLARATION (§15070)**

A Negative Declaration shall be prepared for nonexempt projects if:

1. The Initial Study shows that there is no substantial evidence of the project having a significant effect on the environment; or
2. The Initial Study identified potentially significant effects but:
  - a. Prior to completion of the Initial Study, the project is revised to avoid or mitigate the effects to a point where clearly no significant effects would occur; and
  - b. There is no substantial evidence that the project, as revised, may have a significant effect on the environment.

### **B. CONTENTS OF NEGATIVE DECLARATIONS (§15071)**

Negative Declaration shall include:

1. A brief project description;
2. The location of the project (preferably a location map), and the name of the project proponent;
3. A proposed finding that the project will not have a significant effect on the environment;
4. An attached copy of the Initial Study documenting reasons to support the finding;
5. Mitigation Measures, if any, included in the project to avoid potentially significant effects.

### **C. PUBLIC NOTICE (§15072)**

The City shall notify the public of its intention to adopt a Negative Declaration or a Mitigated Negative Declaration, and provide opportunities to review it and any related documents by direct mail to all landowners within a 300 foot radius of the exterior project boundary. The notice shall include a reference as to where all documents are available for review. The county clerk of each county within which the proposed project is located shall post such notices in the office of the county clerk within 24 hours of receipt for a period of at least 20 days. Notice shall also appear in a newspaper of local circulation.

Where one or more state agencies will be a Responsible Agency or a Trustee Agency or will exercise jurisdiction by law over natural resources affected by the project, the City shall send ten copies of the Negative Declaration to the State Clearinghouse for distribution to the state agencies (§15073).

Public review period for a Negative Declaration shall be at least 20 calendar days. The review period for a Negative Declaration which has been submitted to the State Clearinghouse shall be at least 30 calendar days (PRC §21091).

#### **D. TIME LIMITS (§15107, 15109)**

With private projects involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the negative declaration must be completed and approved within 180 days from the date when the lead agency accepted the application as complete. Lead agency procedures may provide that the 180-day time limit may be extended once for a period of not more than 90 days upon consent of the lead agency and the applicant.

Any unreasonable delays resulting from failure of the applicant to provide information requested by the City and necessary to complete the Negative Declaration, shall suspend these limits.

#### **E. CONSIDERATION AND APPROVAL OF NEGATIVE DECLARATIONS (§15074)**

Prior to project approval, the hearing body responsible for approval of the project shall consider the proposed Negative Declaration or Mitigated Negative Declaration with any comments received during the review process:

1. The hearing body shall approve the Negative Declaration only if it finds on the basis of the Initial Study and comments received, that there is no substantial evidence of significant effects on the environment.
2. The Negative Declaration shall reflect the City's independent judgment and analysis.
3. The City shall inform, through public notice, the location and custodian of documents or other material which constitutes the record.
4. When a Mitigated Negative Declaration is adopted, the City shall adopt a mitigation monitoring program (PRC §21081.6).
5. A Negative Declaration cannot be adopted for a project within the boundaries of a comprehensive airport land use plan without first considering safety and noise issues (PRC §21096).

#### **F. NOTICE OF DETERMINATION (§15075)**

After deciding to carry out or approve a project for which a Negative Declaration has been approved, the City shall file a Notice of Determination (NOD) with the County Clerk within five (5) working days. After the NOD has been posted for 30 calendar days by the County Clerk, the NOD will be returned to the City. The returned NOD must then be retained for not less than twelve months (PRC §21152). Filing and posting the NOD starts a 30-calendar day statute of limitations on court challenges to CEQA approvals. Failing to file the NOD within the required time period extends the statute of limitations to 180 calendar days. 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.

## **VII. ENVIRONMENTAL IMPACT REPORTS (EIRs)**

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The EIR process starts with the decision to prepare an EIR. This decision will be made either during preliminary review (§15060) or at the conclusion of an Initial Study (§15064). The City or City Consultant will prepare the EIR, in coordination with the project applicant.

### **A. DECISION TO PREPARE AN EIR (§15063)**

If the Initial Study determines that a project may have a significant effect on the environment, which cannot be eliminated by changing the project or adding mitigation measures, the City shall initiate the preparation of an EIR. If the City can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable.

The Director will determine whether an EIR is required within 30 calendar days of determining the application complete. A 15-calendar day extension may be approved upon consent of the applicant.

### **B. SCOPE OF AN EIR (§15082)**

The breadth of analysis in the EIR shall be determined by one or more of the following: the Initial Study, comments of the City staff or City consultants, and responses to the Notice of Preparation. The EIR should focus on potentially significant impacts, and need not discuss items determined to be insignificant by the Initial Study, or items not raised in response to the Notice of Preparation. For projects of unusual scope or, complexity, City staff may hold a community scoping meeting. If a scoping meeting is held, it shall be held during the same time period as the Notice of Preparation.

### **C. APPEAL**

If the applicant wishes to appeal the City's finding that an EIR is required, the applicant shall file an appeal within 20 calendar days of the date of mailing the letter. The applicant shall submit, along with the appropriate filing fee, a letter specifying the reasons why an EIR should not be required. The appeal shall be filed with the Community Development Department. Action on these appeals shall be heard by the decision-making body for the project.

### **D. NOTICE OF PREPARATION (§15082)**

Immediately after determining that an EIR is required, and upon written confirmation of acceptance by the applicant of the need to prepare an EIR, the City shall prepare and distribute a Notice of Preparation (NOP) stating that an environmental impact report will be prepared. The NOP shall consist of the Notice of Preparation form and include a copy of the Initial Study, if any. To send copies of the notice of preparation, the City shall use either certified mail or any other method of transmittal which provides it with a record that notice was received.

If any State agency is affected, the Notice shall be sent to the State Clearinghouse in the Office of Planning and Research for distribution and shall be filed with the county clerk.

**Response to Notice of Preparation (§15082(b)).** Each Responsible Agency shall provide a response within 30 calendar days after receiving the Notice of Preparation. If a Responsible Agency fails to reply within 30 calendar days with, either a response or a request for additional time, the City may assume that the Responsible Agency has no response to make.

The response at a minimum shall identify:

1. The significant environmental issues and reasonable alternatives and mitigation measures which the responsible agency will need to have explored in the draft EIR; and

2. Whether the agency will be a responsible agency or a trustee for the project.

A generalized list of concerns does not meet the requirements for response.

#### **E. FEES**

To begin the EIR preparation process the applicant shall submit to the Community Development Department:

1. See page 6 for fee related project information.

#### **F. PREPARATION OF ADMINISTRATIVE DRAFT EIR (§15084)**

The administrative draft of the EIR is considered a working document to be circulated among City staff, City consultants, and any responsible agency, if appropriate. The purpose of staff review is to evaluate the EIR for adequacy and accuracy prior to public circulation. Generally, review of the administrative draft EIR is concluded within a few weeks, after which comments are provided to the City's consultant, who prepares the draft EIR for publication and distribution.

#### **G. NOTICE OF COMPLETION OF A DRAFT EIR (§15085)**

As soon as the draft EIR is completed and ready for public circulation, a Notice of Completion shall be filed with the Governor's Office of Planning and Research (OPR), 1400 10th Street, Room 121, Sacramento, CA 95814. This notice of completion may be filed in a printed hard copy or in electronic form on a diskette or by electronic mail transmission. Additionally, public agencies are encouraged to make copies of notices of completion available in electronic format on the Internet. Receipt of this notice by OPR will initiate the mandatory 45 calendar day review period for draft EIRs. The State Clearinghouse may set shorter review periods when requested by the City due to exceptional circumstances.

#### **H. PUBLIC REVIEW OF DRAFT EIRs (§15087)**

At the time the Notice of Completion is filed with OPR, the City shall provide notice of the availability of a draft EIR by means of a public notice in a local newspaper. Additional notice shall be provided by direct mailing to property owners within 300 feet of the site. The public notice shall include the a brief description of the proposed project and its location; the starting and ending dates for the review period during with the City will receive comments and the manner in which the City will receive those comments; the date, time and place of any schedule meetings or hearings; a list of significant environmental effects anticipated as a result of the project to the extent which such effects are known to the lead agency at the time of the notice; the address where copies of the EIR and all documents incorporated by in the EIR will be available for public review; name of the staff person to contact; length of the review period; and deadline for receipt of comments. The public notice shall inform the public of the presence of hazardous wastes, if any.

Copies of the draft EIR will be made available at the City library and at the public counter at the Community Development Department. Copies of the draft EIR will be made available for purchase at a local printing/copying company. The public review period for a draft EIR shall not be less than 45 calendar days (30 calendar days when authorized by the State Clearinghouse (PRC §21091)).

#### **I. EVALUATION OF RESPONSES TO COMMENTS (§15088)**

After the review period for the draft EIR closes, staff will assemble all written comments and summary minutes of comments made at the public hearing(s) and transmit this package to the City's consultant for preparation of a response to the comments. Staff will work closely with the consultant to determine:

1. Which comments address significant environmental impacts and mitigation(s). These comments shall be responded to by the consultant/staff;
2. Which comments address the merits of the project (as distinguished from environmental impacts of the project) and do not require a response, but should be noted for the record;
3. Which comments are beyond the scope of environmental review (such as legal interpretations); and
4. Which comments on impacts are too speculative for evaluation.

Responses shall be provided for all comments. At least ten (10) calendar days before certifying the EIR, the response to comments shall be provided, either in a printed copy or in an electronic format, to all agencies or individuals who request response to their comments. If significant new information is added to the EIR after public notice of the availability of the draft EIR for public review, the City shall recirculate the EIR in accordance with Section 15088.5.

**J. PREPARATION OF THE FINAL EIR (§15132):**

The final EIR will consist of the draft EIR, copies of comments received, the response to comments (which includes corrections and error of fact of the draft EIR), a list of persons and organizations who made comments, and any other information added by the City.

**K. FINDINGS (§15091)**

The City shall not approve or carry out a project for which a certified EIR identifies one or more significant environmental effects unless written findings for each of the significant effects, accompanied by a brief explanation of the rationale for each finding are made. Findings must 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 certified final EIR. Necessary changes are generally identified after preparing the Initial Study.
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, including provision of employment opportunities for highly trained workers, make the identified mitigation measures or project alternatives infeasible. This finding shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
4. A Statement of Overriding Considerations (see Subsection L below) does not substitute for these required findings.

**L. STATEMENT OF OVERRIDING CONSIDERATIONS (§15093)**

If the benefits of a proposed project outweigh the unavoidable adverse effects, such effects may be considered "acceptable." The City shall take into consideration economic, legal, social and technological benefits for consideration when determining if the benefits outweigh the significant effects. If the City approves a project that allows the occurrence of significant effects, it shall adopt a

Statement of Overriding Considerations as part of the project approval that states specific reasons to support its action based on the certified final EIR and/or other information in the record. This Statement of Overriding Considerations shall be in writing and shall be supported by substantial evidence in the record. This statement does not substitute for, and shall be in addition to, findings required pursuant to Subsection K above. The City's consultant who prepared the draft and final EIR shall be responsible for drafting the findings, subject to review and approval by the decision-making body.

**M. CERTIFICATION OF THE FINAL EIR AND TIME LIMITS (§15090, 15108)**

The approving body shall certify the final EIR for private projects within one year of accepting the application for the project as complete. Upon consent of the applicant and the City, the one-year limit may be extended a maximum of an additional 90 calendar days. Delays by the applicant in providing necessary information to complete the final EIR shall suspend these time periods. In certifying the final EIR the approving body shall find that the final EIR was prepared in compliance with CEQA, was reviewed and considered prior to project approval, and reflects the independent judgment of the City.

**N. NOTICE OF DETERMINATION (§15094)**

A Notice of Determination (NOD) shall be filed with the County Clerk within five (5) working days of project approval when an EIR has been prepared and certified for a project. After the posting of the NOD for at least 30 calendar days the County Clerk shall send the NOD back to the City. The City shall retain the notice for not less than twelve months. 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.

## VIII. MITIGATION MONITORING AND/OR REPORTING PROGRAM

Mitigation measures are specific requirements which will minimize, avoid, rectify, reduce, eliminate, or compensate for significant environmental effects. A monitoring and reporting program's effectiveness depends in large part upon the quality of the mitigation measures themselves. Poorly drafted measures are not only difficult to implement, they are difficult to report on and monitor.

### A. PROCESSING OF MITIGATION MONITORING AND/OR REPORTING PROGRAM: ROLES AND RESPONSIBILITIES (§15097)

1. **Administrative Responsibilities:** It shall be the overall responsibility of the Director to perform the duties of Mitigation Coordinator.
2. **Selection of Monitor:** The Director shall be responsible for selecting the person(s) or firm(s) hired by the City, in consultation with the project developer, to monitor the Mitigation and Reporting Program for each project. In all cases, the person(s) or firm(s) responsible for monitoring shall have sufficient expertise to determine whether or not the mitigation measure has been accomplished.
3. **Monitoring Responsibility:** The Mitigation Coordinator (MC) shall be responsible for:
  - a. Coordinating the monitoring tasks and verification program;
  - b. Ensuring that the project proponent prepares a compliance schedule;
  - c. Coordinating monitoring by various City departments and other agencies;
  - d. Processing and filing compliance reports and verification reports; and
  - e. Preparing an annual environmental monitoring report.
  - f. The Mitigation Coordinator shall submit regular progress and verification reports to the Director.
4. **Enforcement Responsibility:** The Mitigation Coordinator is authorized to enforce compliance with the Monitoring Program. When compliance is lacking or incomplete, the Mitigation Coordinator is empowered to either stop work, temporarily stop work, or allow work to continue while compliance is being achieved.
5. **Exemptions - Limitations:** Any deviation from the adopted mitigation measures can only be amended or deleted by the approving body of the environmental document. All mitigation measures shall be met unless the circumstances or conditions that required the mitigation no longer exist.

### B. PREPARATION OF MONITORING AND/OR REPORTING PROGRAM

A Mitigation Monitoring and/or Reporting Program shall be prepared by the EIR consultant for every project for which an EIR was prepared where mitigation measures were adopted by the approving body. The Mitigation Monitoring and/or Reporting Program shall be reviewed and accepted by the

Community Development Department and for certain projects may also require approval by the approving body prior to its implementation and use. The Program shall contain the following:

1. A statement that the requirements of the adopted Program run with the real property on which the project is located and that successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted Program.
2. A statement which specifies the responsibilities of the applicant and the Mitigation Coordinator as well as any professional expertise required to evaluate any part of the Program.
3. The time requirements, schedule, phases or tasks for each mitigation measure that will, upon completion, result in issuance of a Program Completion letter from the Mitigation Coordinator.

The Mitigation Monitoring and Reporting Program shall be written to maintain consistency with the project as approved. It shall be the responsibility of the Mitigation Coordinator to determine that the proposed Mitigation Monitoring Program complies with City requirements.

### **C. PROGRAM COMPLETION LETTER**

It shall be the responsibility of the Mitigation Coordinator to determine compliance with each of the required mitigation measures. Once all of the mitigation measures have been met, the MC will prepare and mail a letter to the applicant indicating full compliance with the Mitigation Monitoring and Reporting Program for the project or phase. Should there be an ongoing mitigation measure imposed, the MC shall prepare and mail a letter to the applicant upon completion of all mitigation measures and indicate the ongoing need of the mitigation measure and the necessary time frame for follow-up.

### **D. COMPLIANCE WITH STATE GUIDELINE SECTION 15097**

At all times, the City's Mitigation Monitoring and/or Reporting Program will be consistent with State Guideline Section 15097.

**ATTACHMENT 1**

**APPENDIX G:  
ENVIRONMENTAL CHECKLIST FORM**

## **ATTACHMENT 2**

### **APPENDIX H: ENVIRONMENTAL ASSESSMENT FORM**