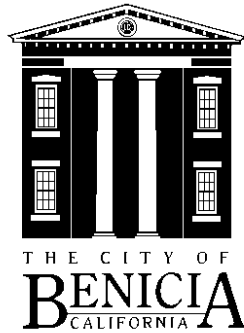


CEQA ENVIRONMENTAL REVIEW GUIDELINES



Adopted by City Council on September 18, 2007 by Resolution No. 07-113
Revised by City Council on June 3, 2014 by Resolution No. 14-49

CITY OF BENICIA

CEQA ENVIRONMENTAL REVIEW GUIDELINES

I. INTRODUCTION

A. **PURPOSE OF THESE GUIDELINES:** The purpose of these Guidelines is to provide the citizens of Benicia with a better understanding of the major components of the California Environmental Quality Act (CEQA) and the basic steps of the environmental review process as it pertains to planning and development policies, projects and applications reviewed and acted on by the City of Benicia. These guidelines are intended only to supplement, and not replace CEQA's State Law requirements which are found in the California Public Resources Code Sections 21000 – 21178 and the official State CEQA Guidelines prescribed by the Secretary of Resources, found in the California Code of Regulations Title 14, Chapter 3, Section 15000 - 15387 (hereafter "Guidelines"). Any ambiguities or conflicts are to be resolved in favor of the State Law and Regulations which are incorporated herein by reference.¹

B. **OVERVIEW OF CEQA:** The intent of California Environmental Quality Act (CEQA) is to require governmental agencies to consider the impacts and potential consequences to the environment of proposed policies, plans or projects. More specifically, its purpose is to:

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

In applying this to the City of Benicia, the CEQA environmental review process insures that the City is well informed about the potential environmental impacts of any proposed project, that the public is given an opportunity to comment on the potential environmental impacts of applicable projects, that all relevant information regarding environmental impacts is considered, and that decisions are made to avoid or reduce any potential harm to the environment, when possible.

1. **Not All Projects Require Environmental Review.** Not all permits or actions fall under the environmental review process required by CEQA. CEQA only applies to "discretionary projects" that require City approval. A project is "discretionary" if the City is required to exercise judgment in whether to approve or disapprove the project. This is in contrast to a "ministerial decision" where the City merely has to

¹ It is always advised that a CEQA specialist be consulted about projects, applications and decisions that are subject to CEQA review since the law in this area is very complex and fact specific.

² Public Resources Code Sections 21000, 21001

determine whether objective standards and requirements have been met. If a decision is ministerial, the City is not required to take any action under CEQA. CEQA also does not apply to activities that are not proposed for approval (such as the adoption of a zoning ordinance) or for a project that will not directly or indirectly result in a change in the environment.

2. **Brief Overview Of Environmental Review Process.** If a project is not exempt from CEQA, the City must prepare an “*initial study*” to determine whether the project may result in significant environmental effects. The term “*environment*” is defined as:

The physical conditions within the area that will be affected by a proposed project, including **land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance**, both within and beyond the project boundaries.³

From the initial study, the City determines which of the following actions are necessary:

a. **Negative Declaration.** A written statement that there are no potential significant environmental impacts and that an Environmental Impact Report is not necessary;

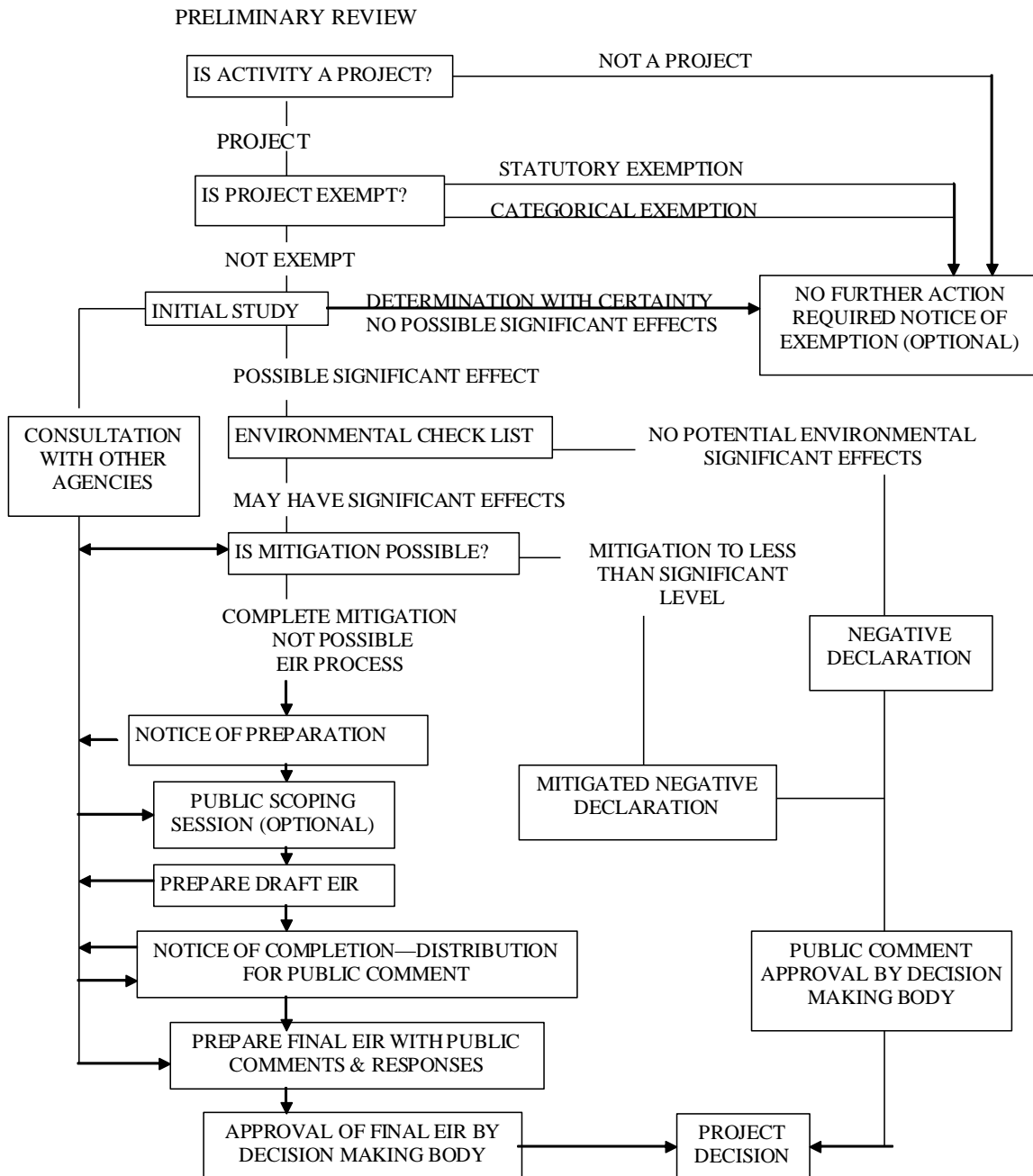
b. **Mitigated Negative Declaration.** A written statement that any potential significant environmental impacts can be eliminated or significantly reduced by imposing specific conditions on the project applicant; or

c. **Environmental Impact Report (EIR).** That there may be significant environmental impacts that require the preparation of an Environmental Impact Report and completion of the environmental review process.

All of these actions, which are laid out in more detail in the procedures that follow, are subject to public review at a public meeting. The environmental review process is intended to produce alternatives that will reduce the potential environmental impacts. However, the City may decide not to approve a project if significant environmental impacts cannot be avoided or to approve a project if there are overriding considerations (social, economic, public benefits, etc.) that are substantial enough to outweigh the potential environmental impacts.

³ Public Resources Code Section 21065; State Guidelines Section 15360

II. FLOW CHART OF CEQA PROCESS



III. ENVIRONMENTAL DOCUMENTS AND PROCEDURES

A. **PRELIMINARY REVIEW OF APPLICATION:** When submitting an application, the applicant must provide a complete Planning Application Form that includes a description of the project and a brief statement of expected environmental consequences. The applicant may also submit any additional information to aid in the determination of any potential environmental impacts.

The City has 30 days from submission to review applications for permits or other entitlements for completeness. (Guidelines §15060). The applicant *must* provide enough information for the City to determine whether the project is subject to CEQA. After the City has accepted an application as complete, the City shall begin the formal environmental evaluation.

Accepting an application as complete does not limit the authority of the City to require additional submittals needed for environmental evaluation of the project. Failure to provide information will delay the project, and may unnecessarily result in findings of significant environmental effects.

1. **Review for Exemption.** During the preliminary review of a project, the City (**Director of Community Development**) shall determine whether a particular activity is exempt from CEQA. All proposals or activities must be reviewed to determine if one of the following exemptions is appropriate:

a. **Not a Project.** The activity is not a *project* as defined by CEQA (Guidelines §15378).

b. **Ministerial Exemptions.** Certain projects are exempt from CEQA by Statute. These exemptions include feasibility or planning studies, ministerial projects, and emergency actions. A list of *ministerial exempt projects* is included in **Appendix A**. (See also, Guidelines §15268).

c. **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. Currently, the State's CEQA Guidelines §15300 - 15333 recognize 33 classes of categorically exempt projects. A partial list of these *categorical exemptions* is included as **Appendix B**.

d. **No Potential Impacts.** The activity or project is not subject to CEQA because it can be determined with certainty that there is no possibility that the activity or project in question will have a potentially significant effect on the environment. (Guidelines § 15061).

2. **Notice of Exemption.** If it is determined that a project is exempt, a Notice of Exemption may be filed by either the City or the applicant. The notice shall include the project description, the location of the project, a finding that the project is exempt, including its exemption type, and a brief statement of reasons to support the finding. (Guidelines § 15062).

The notice may not be filed with the County Clerk until the project has been approved. Copies of all notices will be made available for public inspection and will be posted for a period of 30 days by the County. The County Clerk will return the notice to the City with a notation of the posting period. This notice shall be retained by the City for at least twelve months. The filing of the Notice of Exemption initiates a 35-day statute of limitations on legal challenges to the City's determination that the project is exempt from CEQA. If the notice is not filed, a 180-day statute of limitations shall apply. (Guidelines § 15062(d)). The Notice of Exemption form may be found in **Appendix C** of this document.

B. INITIAL STUDY:

1. **Purpose of Initial Study.** (Guidelines §15063) If a project is not exempt, the City shall conduct an Initial Study to determine whether the project may have a significant effect on the environment. The purpose is to determine whether an Environmental Impact Report (EIR) must be prepared, or if a Negative Declaration or Mitigated Negative Declaration is sufficient.⁴ The Initial study shall do the following:

- a. Assess environmental impacts early in the design of a project;
- b. Document the factual basis for finding that a project will not have a significant effect on the environment in a Negative Declaration;
- c. 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, eliminating unnecessary EIRs;
- d. Determine if a previous EIR can be used for the project; and
- e. Assist in preparing an EIR, if one is required, by focusing on the effects determined to be significant, identifying the effects determined to be insignificant, and explaining the reasons for determining the significance/insignificance of each effect.

2. **Time Limit For Preparation.** The City has 30 days after accepting an application as complete to make the determination whether an EIR, a Mitigated Negative Declaration, or a Negative Declaration shall be prepared for review. The time limit may be extended for a maximum of 15 days by the City, only with the consent of the applicant

⁴ In cases where the City can determine that an EIR will clearly be required for the project, an Initial Study may not be required and steps may be taken to proceed with the EIR.

(Guidelines §15102). Failure to act within the prescribed time frame, however, shall not be presumed to create an entitlement.

3. **Consultation With Other Responsible Agencies.** (Guidelines §15063(g)) As soon as it is determined that an Initial Study is required, the City shall consult with all other agencies responsible for areas affected by the project. This consultation with other “responsible” or “trustee” agencies may be by phone contact or letter. In its findings, Staff shall indicate the recommendations of the other agencies as to whether an EIR or Negative Declaration should be prepared.

4. **Contents of Initial Study.** The Initial Study is typically prepared by City staff and includes: the project description, environmental setting, an environmental checklist, a discussion of any impacts and mitigation measures, and the mitigation monitoring program, if applicable. All phases of project planning, implementation, and operation must be considered, and explanations provided for responses to each question or category of questions on the environmental checklist.

a. **Environmental Checklist.** Using the environmental checklist, (see **Appendix D**), the City will consider if the proposed project significantly impacts any of the environmental elements summarized below:

- ***Aesthetics*** – Impacts on scenic vista, light or glare, visual quality of the site.
- ***Biological Resources*** – Impacts on protected or identified species of fish or wildlife, protected wetlands, or migratory patterns, impacts on habitat which threaten to eliminate a plant or animal community.
- ***Hazards & Hazardous Materials*** – Creation of hazardous emissions, materials, substances or waste, or potentially cause accidents leading to release of hazardous materials.
- ***Water Quality*** – Impacts on water quality standards or waste discharge requirements, depletion of groundwater supplies, alteration of drainage patterns, creation of flooding hazards.
- ***Air Quality*** – Impacts on air quality standards, result in cumulative net increase in pollution, creation of objectionable odors affecting substantial number of people.
- ***Geology & Soils*** – Exposure to earthquake seismic-related problems, landslides, soil erosion or ground instability.
- ***Land Use & Planning*** – Physical division of existing community, or conflict with applicable land use plan, policy or regulation (including

General Plan, Zoning Ordinance or habitat conservation plan) adopted to avoid or mitigate an environmental impact.

- **Mineral Resources** – Impacts on availability of known mineral resource or recovery site of value to region.
- **Public Services** – Impacts on public service for fire, police, schools, parks or other public facilities.
- **Utilities & Service Systems** – Impacts on wastewater treatment requirements or facilities, storm water or drainage facilities, water supplies, solid waste disposal needs.
- **Noise** – Exposure to excess noise or groundborne vibrations, or substantial increase in ambient noise levels.
- **Recreation** – Impacts causing increased use of recreational facility or parks or their habitat, such that substantial deterioration would occur, creating need for new facilities or expansion of existing facilities that might adversely impact the environment.
- **Population/Housing** – Impacts creating substantial population growth, or displacing substantial numbers of existing housing or people, requiring construction elsewhere.
- **Transportation & Traffic Issues** – Increase in traffic, which is substantial in relation to current conditions, creation of driving hazards, resulting in inadequate parking or emergency access.
- **Cultural Resources** – Impacts on historical resources, archaeological resources or unique geologic features.

An initial study may rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its findings. Complex projects may require special studies. However, an initial study is not required to include the level of detail necessary for an EIR.

5. **Determining Significant Environmental Effects.** The Initial Study is used to determine whether the project may have “*significant*” environmental impacts in the areas listed above. The definition of a “*significant effect*” is *any substantial adverse change in the physical conditions that exist around the proposed project*. Current conditions include existing development, plus any projects that are approved, but not yet constructed. However, there is no ironclad definition of what constitutes a significant effect because the significance of an activity may vary according to location. (See Guidelines § 15064 for further details). At minimum, the evaluation must consider the following:

a. **Primary or direct effects or impacts**, which are caused by or directly related to the project, such as construction-related impacts of dust and noise, traffic from heavy equipment.

b. **Secondary or indirect effects or impacts**, not immediately related to the project, but are caused indirectly by the project, such as those associated with growth resulting from additional infrastructure capacity. These indirect impacts must not be speculative, but reasonably foreseeable.

c. **Cumulative impacts**, such as those resulting from the total effect of a group of proposed projects or programs, over time. The test is whether the effects are “cumulatively considerable” which occurs when the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, current projects and probable future projects.

d. **Public opinion** regarding all areas affected shall be considered by the City. However, before requiring the preparation of an EIR, the City must still determine if the environmental change itself might be substantial.

e. **Substantial evidence** shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not be considered substantial evidence.

f. **Economic and social changes** resulting from a project are normally **not treated as significant effects** on the environment, unless they cause a physical change that becomes an impact. For example, if a project causes overcrowding of a public facility, the overcrowding may be a significant effect.

6. **Determining Significant Impacts on Historical Resources.** (Guidelines § 15064.5) A significant impact on the environment may be created if there is a substantial adverse change in the significance of a historical resource, which is a “cultural resource” on the Environmental Checklist. This would include the physical demolition, destruction, relocation, or alteration of the historical resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. Examples of material impairment would be if a project:

a. Demolishes or adversely and materially alters the physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion as a historical resource;

b. Demolishes or adversely and materially alters the physical characteristics that account for its inclusion as a historic resource or identification in a historical resources survey, unless the City, by a preponderance of evidence establishes that the resource is not historically or culturally significant; or

c. Demolishes or adversely and materially alters the physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by the City for purposes of CEQA.

7. **Mitigation of Impacts on Historic Resources.** Generally, a project that follows the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings or the Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than significant impact on the historic resource. The City, with the applicant, shall identify potentially feasible measures to mitigate significant adverse changes to the significance of a historic resource, which will become part of the conditions of approval for any permit, project or agreement.

8. **Mandatory Findings of Significance.** (Guidelines §15065) The Environmental Checklist also requires the City to consider whether there are any "*Mandatory Findings of Significance*" that would require an Environmental Impact Report (EIR) to be prepared. This occurs if there is substantial evidence, in light of the whole record, that any of the following conditions may occur, and that there are no mitigation measures or project modifications that can be agreed to that would either avoid the significant effect or reduce the effect to less than significant:

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 the species to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species, 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 that are individually limited but cumulatively considerable when viewed in connection with the effects of past projects, the effects of 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.

C. NEGATIVE DECLARATION PROCESS

1. **Decision to Prepare a Negative or Mitigated Negative Declaration.**

(Guidelines §15070) The City shall prepare a Negative Declaration or a Mitigated Negative Declaration for a project subject to CEQA when:

- a. The initial study shows that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment; or
- b. The initial study has identified potentially significant effects, however:
 - Revisions in the project plans or proposals made or agreed to by the applicant prior to public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
 - There is no substantial evidence, in light of the record as a whole, that the project as revised may have a significant effect on the environment.

2. **Contents of Negative or Mitigated Negative Declaration.**

(Guidelines §15071) The Negative or Mitigated Negative Declaration that is prepared for public review shall include the following:

- a. A brief description of the project;
- b. The location of the project, preferably shown on a map, and the name of the project proponent or applicant;
- c. The proposed finding that the project will not have a significant effect on the environment;
- d. The attachment of the Initial Study, documenting the reasons to support the findings of no significant impact;
- e. Mitigation measures, if required, that are included in the project to avoid potentially significant effects;
- f. The proposed Mitigation Monitoring Program (MMP).

3. **Mitigation Monitoring Program:** (Guidelines §15097) The mitigation monitoring or reporting plan is used in conjunction with approving a project to ensure that the mitigation measures and project revisions identified in the mitigated negative declaration (or the EIR) are implemented. The City may delegate reporting or monitoring responsibilities to another public or private entity, but is ultimately responsible for ensuring that implementation occurs in accordance with the program. (See **Appendix F** for City format of a Mitigation Monitoring Program).

4. **Notice of Intent to Adopt A Negative or Mitigated Negative Declaration:**

(Guidelines §15072) The City shall notify the public, responsible agencies, and County Clerk of its intention to adopt a Negative Declaration or Mitigated Negative Declaration,

and provide opportunities for public review of the proposed Negative or Mitigated Negative Declaration and any related documents.

a. The Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall specify that for any action requiring staff approval only, no final approval will occur prior to the expiration of twenty-one (21) calendar days from the date of the notice. If the notice is mailed, the 21 days shall begin as of postmark date. If the notice is published, the 21 days shall commence as of the date of publication. If the notice is posted on the project site, the 21 days shall commence as of the date of posting. If there is a combination of noticing methods, whichever is latest shall be the determining date (Guidelines §15072 & 15073).

b. If the project requires review by State agencies through the State Clearinghouse, no final action on the project shall occur prior to the expiration of thirty (30) calendar days from the date of the notice unless a shorter time period is approved by the State Clearinghouse (Guidelines §15073d).

c. Notices for items requiring public hearings shall include notice of hearing for both environmental and project review. Such combined notices shall apply to, but are not limited to City Council hearings, Planning Commission hearings, Zoning Administrator hearings, and Design Review hearings. (Guidelines §15074.1(b)).

5. Publishing, Mailing, and Posting of Notices.

a. For projects of City-wide application, a notice shall be placed at least one time in a newspaper of general circulation within Benicia and shall be posted on a public bulletin board in the foyer of the main entrance to City Hall at 250 East “L” Street, at the Benicia branch of the U.S. Post Office and any other facility deemed appropriate and cost effective (Guidelines §15072).

b. For site-specific projects, a notice shall be mailed to owners and occupants of property within 500 feet of the project boundaries, as such owners are shown on the latest equalized assessment rolls, and any homeowners, condominium, and tenant associations that the City knows of whose membership includes residents within that 500 feet (Guidelines §15072).

c. For all projects, responsible agencies, trustee agencies, and every other public agency with jurisdiction by law over resources affected by the project shall receive a copy of the notice with the Negative or Mitigated Negative Declaration. When one or more State agencies will be a responsible agency or a trustee agency, the City shall send copies of the Negative Declaration to the State Clearinghouse for distribution to State agencies (Guidelines §15073(a)).

d. For all projects, notice shall also be given to all organizations and individuals that have previously requested such notice (Guidelines §15072(b)). The notice shall specify the starting and ending dates for the review period during which the

City will receive comments, the time and place of any scheduled public hearings or meetings, the nature and location of the proposed project, and the address where draft documents are available for copying and review (Guidelines §15072(f)).

6. **Recirculation of a Negative Declaration Prior to Adoption.** (Guidelines §15073.5) The City shall recirculate a Negative or Mitigated Negative Declaration after public notice has been given, but prior to its adoption, when there is a “substantial revision” to the negative declaration. This occurs when:

a. A new, avoidable significant effect is identified and mitigation measures or project measures must be added in order to reduce the effect of significant on the environment; or

b. The City determines that the proposed mitigation measures or project revisions will not reduce the potential effects to less than significant and therefore new mitigation measure or project revisions are required.

7. **Changes That Do Not Require Recirculation of Negative Declaration.** Recirculation is not required under the following circumstances (Guidelines §15073.5):

a. Mitigation measures are replaced with equal or more effective measures (See Guidelines § 15074.1).

b. New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed Negative Declaration that are not new, avoidable significant effects.

c. Measures or conditions of project approval are added after circulation of the Negative Declaration that are not required by CEQA and that do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

d. New Information is added to the Negative Declaration that merely clarifies, amplifies, or makes insignificant modifications to the Negative Declaration.

8. **Public Review of Proposed Negative or Mitigated Negative Declaration.** (Guidelines §15105). The public review period for a proposed Negative Declaration or Mitigated Negative Declaration shall not be less than twenty (20) days. When it is submitted to the State Clearinghouse for review, the public review period shall not be less than thirty (30) days, although the State Clearinghouse can approve a shorter period of no less than twenty (20) days. The public review period shall be at least as long as the review period established by the State Clearinghouse.

9. **Consideration and Adoption of a Negative or Mitigated Negative Declaration.** (Guidelines §15074) Prior to approving a project, the decision-making body for the City shall consider and approve the Negative or Mitigated Negative

Declaration. Where an advisory board such as the Historic Preservation Review Commission or the Planning Commission is required to make a recommendation on a project to the decision-making body, the advisory body shall also review and consider the Negative Declaration.

a. The proposed Negative Declaration or Mitigated Negative Declaration, together with any comments received during the public review process shall be considered. The Negative or Mitigated Declaration shall be approved or recommended for approval, only if on the basis of the whole records before it (including the initial study and comments) that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration or Mitigated Negative declaration reflects the City's independent judgment and analysis.

b. When adopting a Mitigated Negative Declaration, the decision making body shall also adopt a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

10. **Substitution of Mitigation Measures.** (Guidelines §15074.1) If as a result of the public review process, including public hearings, the City concludes that certain mitigation measures identified in the Mitigated Negative Declaration are infeasible or otherwise undesirable, the City may, prior to the approval of the project, delete those measures and substitute other measures that the City determines are equivalent or more effective. Prior to this decision, the City must:

a. Hold a public hearing on the matter, which will generally be combined with the public hearing to consider the project; and

b. Adopt a written finding that the measure is equivalent or more effective in avoiding potential significant effects and that the measure itself will not cause any potentially significant effect on the environment.

11. **Components of Mitigation Monitoring or Reporting Program (MMP).** (Guidelines, §15097) In order to ensure that the mitigation measures and project revisions identified are implemented, the City shall adopt a program for monitoring or reporting on the revisions it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. Reporting generally consists of a written compliance review that is presented to the decision making body or authorized staff person. It may be required at various stages during project implementation or upon completion of the mitigation measure. Monitoring is generally an ongoing or periodic process of project oversight. The program best suited to ensure compliance often combines elements of both. (The City's format for Mitigation Monitoring Programs is attached as **Appendix F**).

a. Reporting is suited to projects that have readily measurable or quantitative mitigation measures or that already involve regular review. For example, a report may be

required upon issuance of final occupancy to a project whose mitigation measures were confirmed by the building official.

b. Monitoring is suited to projects with complex mitigation measures, which may exceed the expertise of the City to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

12. Filing of Notice of Determination. (Guidelines §15075) Within five working days after a project for which a Negative Declaration or Mitigated Negative Declaration has been prepared and approved, the City shall prepare and file a Notice of Determination with the County Clerk. (Guidelines §15075). Format for the Notice of Determination is provided in **Appendix G**.

a. If the Negative Declaration contains conditions for mitigation of an impact, the Notice of Determination shall include this information, along with the adoption of a Mitigation Monitoring Program.

b. The filing of the Notice of Determination with the County Clerk starts a 30-day statute of limitations on court challenges to the action on the project under CEQA.

13. Time Limit for Completion Of Negative Declaration Process. (Guidelines §15105) The City shall have a maximum of 105 days from the date of acceptance of a project application to complete a Negative Declaration. This time limit may be extended by the City, but only with the consent of the applicant, after determining that the extension will not violate applicable Permit Streamlining Act processing deadlines. Completion of a Negative Declaration within a 105-day period shall include the conduct of an Initial Study, public review, and the preparation of a document ready for approval by the decision-making body. Completion within the 105-day period need not include the approval of the Negative Declaration by the decision-making body.

D. ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS:

1. **Decision to Prepare an EIR.** (Guidelines §15081) The decision to prepare an EIR is made after either a preliminary evaluation of the application or as a result of the Initial Study and a determination that a project may have a significant effect on the environment that cannot be avoided by mitigation measures or modifications to the project. (See §C.7 above and Guidelines §§15064 – 15065).

2. **Notice of Preparation and Determination of Scope of EIR.** (Guidelines §15082) Immediately after determining that an EIR is required for a project, the City shall send to the Office of Planning and Research and any other responsible or trustee agency, a Notice of Preparation stating that an Environmental Impact Report will be prepared. The Notice shall include:

- a. A description of the project;
- b. Location of the project; and
- c. Probable environmental effects of the project.

The City shall immediately begin to work on the draft EIR, but may not circulate a draft EIR for public review before the time period of responses to the Notice of Preparation has expired.

3. **Response to the Notice of Preparation.** (Guidelines §15082) The Office of Planning and Research and other responsible or trustee agencies have 30 days after receiving the Notice of Preparation to respond. Such response should include, at minimum, the following:

- a. The significant environmental issues and reasonable alternatives and mitigation measures that the responsible or trustee agency or the Office of Planning and Research will need to have explored in the draft EIR; and
- b. Whether the agency will be a responsible or trustee agency for the project. If there is no response, the City may presume that none of the agencies have a response.

4. **Scoping Sessions – (Early Public Consultation).** (Guidelines §15083) Prior to completing the draft EIR, the City may hold a public scoping session to identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and to eliminate from detailed study any issues that are found not to be of potential significance.

5. **Preparing the Draft EIR.** (Guidelines §15084) The City shall be responsible for ensuring that a draft EIR is prepared. This can be done by the City, by another entity, by the applicant or a consultant retained by the applicant, by an independent contractor, or by using a previously prepared EIR. In all cases, the City shall ensure that the draft EIR that is prepared has been subject to City review and analysis, since it is responsible for the adequacy and objectivity of the draft EIR.

6. **Elements of the Draft EIR.** (Guidelines §15120) The draft EIR shall contain the following elements:

a. **A Table of Contents or an Index.** (Guidelines §15122) To assist the readers in finding the analysis of various subjects and issues;

b. **A Summary.** (Guidelines §15123) Which identifies:

- 1) Each significant effect with proposed mitigation measures and alternatives to reduce or avoid the effect;
- 2) The areas of known controversy, including those raised by other agencies and the public; and
- 3) Issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

c. **Project Description.** (Guidelines §15124) Which includes:

- 1) The precise location of the project;
- 2) A statement of the objectives of the project (for purposes of determining any potential overriding considerations);

- 3) A general description of the project's technical, economic and environmental characteristics;
- 4) A statement briefly describing the intended uses of the EIR; and
- 5) A list of the decisions subject to CEQA.

d. **Environmental Setting.** (Guidelines §15125) A description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or at the time environmental analysis is commenced, from both a local and regional perspective. This will generally be the baseline from which impacts are measured.

e. **Consideration and Discussion of Environmental Impacts.** (Guidelines 15126) All phases of a project must be considered when evaluating its impact on the environment, including planning, acquisition, development and operation. The following topics must be addressed:

- 1) Significant environmental effects of the proposed project (Guidelines §15126.2);
- 2) Significant environmental effects that cannot be avoided
- 3) Significant irreversible environmental changes that would be involved in the proposed project should it be implemented;
- 4) Growth-inducing impact(s) of the proposed project;
- 5) Mitigation measures proposed to minimize the significant effects (See Guidelines §1526.4); and
- 6) Alternatives to the proposed project (Guidelines §1526.6).

f. **Effects Not Found to be Significant.** (Guidelines §15128). A statement indicating the reasons that various possible significant effects were determined not to be significant and were therefore not discussed in detail. (Initial Study may be attached).

g. **Organizations and Persons Consulted.** (Guidelines §15129) The Draft EIR shall identify all federal, State or local agencies, other organizations and private individuals consulted in the preparation of the Draft EIR, as well as the person, firm or agency who prepared the EIR.

h. **Discussion of Cumulative Impacts.** (Guidelines §15130) This needs to be addressed regardless of whether the incremental effect of the project in combination with the effects of other projects is significant or not. Facts supporting either finding must be identified. If there is a significant effect, the current and probable future projects producing the significant effect must be identified and evaluated, including feasible options for mitigating or avoiding the project's contribution to any significant cumulative effect.

i. **Economic and Social Effects:** (Guidelines §15131) Economic or social effects of a project shall not be treated as significant effects on the environment. However, there can be a chain of cause and effect through anticipated economic or social changes resulting from the project to physical changes that may be a significant effect. It

is the physical change that must be the focus of the report. Economic, social and particularly housing factors shall be considered by the City together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR.

7. **Notice of Completion.** (Guidelines §15085) As soon as the Draft EIR is completed, a Notice of Completion must be filed with the Office of Planning and Research (OPR). The Notice shall include a brief description of the project, the proposed location, an address where copies of the Draft EIR are available; and the review period during which comments will be received. To the extent possible, the City will post this Notice on its website.

8. **Public Review Period For Draft EIR.** (Guidelines §15105) The public review period for a Draft EIR should not be less than 30 days nor longer than 60 days except in unusual circumstances. Unless a shorter time period is approved, the review period for a Draft EIR submitted to the State Clearinghouse, shall not be less than 45 days. In such cases, the public review process shall be at least as long as the review period established by the State Clearinghouse.

9. **Review Process for Draft Environmental Impact Report.** The public shall be given an opportunity to review and comment on the Draft EIR.

a. **Notice of Preparation.** A Notice of Preparation regarding the existence of the Draft EIR shall be mailed to all the property owners within 500 feet, all interested parties, and all EIR review agencies through the noticing requirements set forth in Section D-4. The Draft reviewers are encouraged to submit written comments early in the process on the sufficiency of the EIR, the possible impacts on the environment of the project, and potential alternatives to minimize environmental effects.

b. **Public Hearing.** A public hearing shall be conducted by the Historical Preservation Review Commission (HPRC), the Planning Commission or the City Council to receive comments on the Draft EIR.

10. **Further Evaluation and Response to Comments.** The City shall evaluate and prepare a written response to comments regarding the Draft EIR received during the public comment period. The response shall describe the significant environmental issues raised, any proposed revisions to mitigate anticipated impacts or objections, or if the City's position is at variance with the comment, the reasons why specific comments and suggestions were not accepted. Conclusionary statements need not be accepted if not based on factual information (Guidelines 15088). Depending on the decision of the decision making body, the written response may be as follows:

a. The Draft EIR may be revised and under certain circumstances recirculated if significant new information is added to the EIR after public notice for review has been provided (Guidelines 15088.5);

b. The comments may be addressed in a separate response section in the final EIR;

c. If the response makes important changes in the information contained in the text of the draft EIR, the City shall either revise the text in the body of the EIR, or include marginal notes indicating that the text is revised in its response to comments.

11. Preparation and Contents of Proposed Final Environmental Impact

Report. Once the Draft EIR has been accepted, a reasonable period of time, usually not to exceed 45 days, will be established to complete the Final EIR. A written proposed response or copy of the Final EIR shall be provided to each commenting agency and for public inspection at least 10 days prior to the EIR certification. The proposed Final EIR shall consist of (Guidelines §15132):

- a. The Draft EIR or a revision of the Draft.
- b. Copies of all written comments and a summary of verbal comments, including the minutes from hearings on the Draft EIR.
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d. The responses of the City to comments and significant points raised in the review and consultation process. These should be discussed with emphasis in proportion to their severity and probability of occurrence. (Guidelines §15143).
- e. Any additional information or modifications that the decision making body deems necessary to provide an adequate environmental review of the project.

12. Certification of Final Environmental Impact Report. (Guidelines §15090)

Prior to approving the project, the public will have an opportunity to make final comments on the proposed Final EIR before and during a public hearing before the decision making body. Prior to approving a project, the decision making body shall review and consider all the information in the EIR and must certify that the EIR has been completed in compliance with CEQA and reflects the independent judgment and analysis of the City.

a. **Findings.** (Guidelines §15091) The City shall not approve a project for which a completed EIR identifies one or more significant environmental effects unless it makes one or more written findings regarding each of those significant effects, including a brief explanation of the facts supporting each finding. The possible findings, which must be supported by substantial evidence in the record, are as follows:

1) Changes or alternations have been required or incorporated into the project that substantially lessen the environmental impact identified in the Final EIR, which will be subject to a Reporting or Mitigation Monitoring Program.

2) Such changes or alterations are within the responsibility and jurisdiction of another public agency, and not the City, and therefore need to be adopted

by the other public agency.

3) Specific economic, legal, social, technological or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

13. **Approval of Project.** (Guidelines §15092) After making the findings, the City shall decide whether or how to approve the project. A project shall not be approved unless:

- a. The project as approved will not have a significant effect on the environment;
- b. All significant effects have been eliminated or substantially lessened as outlined in the findings (as set forth above); or
- c. Any remaining significant effects on the environment are unavoidable as set forth in the findings (Section 15091) and are acceptable due to overriding considerations as set forth below; and
- d. If the project includes a housing development, the City shall not reduce the proposed number of housing units as a mitigation measure if there is another feasible specific mitigation measure that will provide comparable results.

14. **Statement of Overriding Considerations.** (Guidelines §15093) The City is required to balance the economic, legal, social, technological or other benefits of a proposed project against any unavoidable environmental risks in determining whether or not to approve the project. If the specific benefits listed above outweigh the unavoidable adverse environmental affects, then the impacts may be considered “acceptable.” If this occurs, the City shall prepare a Statement of Overriding Considerations listing the reasons to support the decision. This statement shall be supported by substantial evidence in the record and shall be a different finding than the one required in #11 a) above (and Guidelines §15091). It shall become part of the project record and the Notice of Determination listed below.

15. **Notice of Determination.** (Guidelines §15094) Within five working days after making the decision to approve the project, the City shall file a Notice of Determination with the County Clerk and if possible, post such Notice on its website, which shall include the following:

- a. Identification of the project, including the State Clearinghouse identification for the Draft EIR if applicable.
- b. A brief description of the project.
- c. The determination whether the project in its approved form will have a significant effect on the environment.
- d. A statement that an EIR was prepared and certified.
- e. Whether mitigations measures were made a condition of approval and whether a Mitigation Monitoring Plan/Program was adopted.
- f. Whether a statement of overriding considerations was adopted.

- g. Where the final EIR and record of project approval may be examined.

The Notice of Determination shall be posted by the County Clerk within 24 hours of receipt for a period of at least 30 days. Thereafter, the notice will be returned to the City and kept for no less than 12 months. The filing of the notice with the County will start a 30-day statute of limitation on court challenges to the approval of the project under CEQA.

16. **Timeline for Completing EIR Process.** (Guidelines §15108) The City shall complete and certify the Final EIR set forth in Section #11 above (Guidelines §15090), within one year after the City has accepted the application as complete. This time limit may be extended once for a period of not more than 90 days upon mutual consent of the City and the project applicant. Additionally, any unreasonable or unforeseen delay by an applicant in meeting requests by the City necessary to complete the EIR process shall suspend the running of time periods for any of the steps in the EIR process. The City may also disapprove a project or restart time lines where there is an unreasonably delay in meeting requests for information. (Guidelines §15109). These timelines are intended to be consistent with the requirements of State Law and shall be automatically adjusted pursuant to any applicable future State legislative or administrative act.

IV. **FEES**

The City of Benicia will charge and collect reasonable fees (approved by the City Council) to recover costs incurred by the City in preparing environmental documents not covered in contractual agreements with consultants as follows:

- a. Filing a Notice of Exemption.
- b. A fee to recover costs of preparation of the Initial Study (including subsequent preparation of a Draft Negative Declaration and filing of a Notice of Determination where applicable).
- c. Solicitation of proposals and administration of a consultant contract for preparation of an Environmental Impact Report (EIR) or Negative Declaration and processing of related environmental documents.
- d. A fee to recover costs of implementing the Mitigation Monitoring Program.
- e. A fixed fee to cover costs of processing appeals.
- f. In addition, the Community Development Department shall charge and collect a fee from members of the public for the actual cost of reproducing an environmental document requested by the member of the public after the initial number of copies provided in the EIR contract have been distributed.

The City provides an up-to-date fee schedule detailing the charges for these services.

APPENDIX LIST

- A. MINISTERIAL EXEMPTIONS
- B. CATEGORICAL EXEMPTIONS
- C. NOTICE OF EXEMPTION
- D. ENVIRONMENTAL CHECKLIST
- E. LIST OF POTENTIALLY SIGNIFICANT IMPACTS
- F. MITIGATION MONITORING PLAN
- G. NOTICE OF DETERMINATION

APPENDIX A

MINISTERIALLY EXEMPT PROJECTS

Pursuant to Section 15268 of the State CEQA Guidelines, the following City Actions are considered to be ministerially exempt from the provisions of the California Environmental Quality Act:

1. Issuance of business licenses.
2. Issuance of building permits.
3. Issuance of miscellaneous permits including those for solar collectors, signs, etc.
4. Issuance of occupancy permits.
5. Issuance of demolition permits not involving properties of historic or cultural significance.
6. Issuance of a grading permit, not to exceed 100 cubic yards, for an individual single-family detached dwelling and/or swimming pool on an existing lot.
Issuance of grading permits not to exceed 100 cubic yards in all other cases.
7. Approval of individual utility service connections and disconnections.
8. Issuance of Fire Department operating permits.
9. Annual renewal of licenses or permits for existing and continuing uses and activities not involving new construction.
10. Minor and emergency repairs to City facilities.
11. Approval of records of survey.
12. Approval of final parcel maps.
13. Approval of final subdivision maps.
14. Execution of major and minor subdivision improvement agreements.
15. Execution of deferred improvement agreements.
16. Any other actions which the Community Development Director finds to be comparably ministerial to the foregoing list.

APPENDIX B

CATEGORICALLY EXEMPT PROJECTS

Pursuant to Article 19 of the State CEQA Guidelines, the projects listed below are to be considered categorically exempt from the provisions of the California Environmental Quality Act. However, a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The following categorical exemptions are described by City ordinance:

1. Issuance of encroachment permits.
2. Approval of home occupation conditional use permits.

The following categorical exemptions are defined in the State Guidelines under the Section number listed. This list shall be automatically updated by the Planning Department to reflect changes in the State Guidelines.

15301	Existing Facilities
15302	Replacement or Reconstruction
15303	New Construction or Conversion of Small Structures
15304	Minor Alterations to Land
15305	Minor Alterations in Land Use Limitations
15306	Information Collection
15307	Actions by Regulatory Agencies for Protection of Natural Resources
15308	Actions by Regulatory Agencies for Protection of the Environment
15309	Inspections
15310	Loans
15311	Accessory Structures
15312	Surplus Government Property Sales
15313	Acquisition of Lands for Wildlife Conservation Purposes
15314	Minor Additions to Schools
15315	Minor Land Divisions
15316	Transfer of Ownership of Land in Order to Create Parks
15317	Open Space Contracts or Easements
15318	Designation of Wilderness Areas
15319	Annexations of Existing Facilities and Lots for Exempt Facilities
15320	Changes in Organization of Local Agencies
15321	Enforcement Actions by Regulatory Agencies
15322	Education or Training Programs Involving No Physical Changes
15323	Normal Operations of Facilities for Public Gatherings
15324	Regulations of Working Conditions
15325	Transfer of Ownership of Interest in Land to Preserve Existing Natural Conditions

- 15326 Acquisition of Housing for Housing Assistance Programs
- 15327 Leasing New Facilities
- 15328 Small Hydroelectric Projects at Existing Facilities
- 15329 Cogeneration Projects at Existing Facilities
- 15330 Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Hazardous Waste or Hazardous Substances
- 15331 Historical Resource Restoration/Rehabilitation
- 15332 In-fill Development Projects
- 15333 Small Habitat Restoration Projects

APPENDIX C

Notice of Exemption

Form D

To: [] Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

[] County Clerk
County of _____

From: (Public Agency) _____
(Address)

Project Title: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: (check one)

- [] Ministerial (Sec. 21080(b)(1); 15268);
[] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[] Categorical Exemption. State type and section number: _____
[] Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [] Yes [] No

Signature: _____ Date: _____ Title: _____

- [] Signed by Lead Agency
[] Signed by Applicant
Date received for filing at OPR: _____

January 2004



APPENDIX D

250 East L Street • Benicia, CA 94510 • (707) 746-4280 • Fax (707) 747-8121

Community Development Department
Planning Division

ENVIRONMENTAL CHECKLIST FORM

1. Property Information.

Address/location _____

APN(s) _____ Parcel area (sq. ft. or ac) _____

Other permits/approvals required for this project (federal, state, regional, etc.) _____

2. Project Information. Indicate which of the following types of impacts may be applicable to or generated by the project. Discuss below all items checked “Yes” or “Maybe”. Attach additional sheets if necessary.

Type of Impact	Yes	Maybe	No
a. Change in existing features of any bay, tidelands, beaches, lakes or hills, or substantial alteration of ground cover.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Change in scenic views or vistas from existing residential areas or public lands or roads.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Change in pattern, scale, or character of general area of project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Creation of significant amounts of solid waste or litter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Change in dust, ash, smoke, fumes, or odors in vicinity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Change in bay, lake, stream, or groundwater quality or quantity, or alteration of existing drainage patterns.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Change in existing noise or vibration levels in the vicinity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Site on filled land or slope of 10 percent or more.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Use or disposal of potentially hazardous materials (toxic substances, flammables, explosives, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Substantial change in demand for municipal services (police, fire, water, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Substantial increase in fossil fuel consumption (oil, natural gas, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Relationship to a larger project or series of projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Construction in a floodplain.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Use this space to discuss items checked “Yes” or “Maybe” (attach additional sheet if necessary)

3. By Applicant’s Signature. signing below, I hereby certify that the information I am submitting is complete and accurate to the best of my knowledge. I understand that any misstatement or omission of the requested information may cause unforeseen delays in the processing of my application.

Applicant _____ Date _____

For Staff Use: Appl. #(s)	Date Filed
----------------------------------	------------

APPENDIX E

LIST OF POTENTIALLY SIGNIFICANT IMPACTS

Impacts are project specific and may include some or all of the following.

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems

APPENDIX F

MITIGATION MONITORING AND REPORTING PROGRAM

INSERT PROJECT NAME AND ADDRESS

Introduction

This document describes the mitigation monitoring and reporting program (MMRP) for ensuring the effective implementation of the mitigation measures required for City of Benicia approval of [*insert project approvals, project name and location*].

City of Benicia

When a lead agency approves findings pursuant to §15074 upon completion of a [*Mitigated Negative Declaration/Environmental Impact Report*], it is required to adopt a reporting and monitoring program. The purpose of the reporting and monitoring program is to ensure that measures adopted to mitigate or avoid significant environmental impacts are implemented. A mitigation monitoring and reporting program does not need to be included with the [*Mitigated Negative Declaration/Environmental Impact Report*] as at times the findings which trigger the program are made after considering the [*Mitigated Negative Declaration/Environmental Impact Report*]. Note that mitigation measures are enforced through permit conditions, agreements, or other measures. The reporting and monitoring program will not only direct the implementation of mitigation measures by the applicant, but also facilitate the monitoring, compliance and reporting activities of the City and any monitors it may designate.

Project Background

- The applicant is requesting approval of [*describe project approvals and location and related facts*].

The [*Mitigated Negative Declaration/Environmental Impact Report*] for the [*project name*] found that the resulting actions would have potentially significant impacts in the areas of:

- [*List topics*]

In addition, no mitigation measures were identified for the following areas as all potential project impacts were determined to be either no impact or less than significant:

- [*List topics*]

Roles and Responsibilities

As the lead agency under CEQA, the City of Benicia will be responsible for ensuring full compliance with the provisions of this monitoring program and has primary responsibility for implementation of the monitoring program. The City of Benicia has the authority to halt any activity associated with the construction and operation of the [project name] if the activity is determined to be a deviation from the approved project or the adopted mitigation measures. The City of Benicia will act as the mitigation monitor and will designate to the applicant how to contact the monitor.

Mitigation Monitoring and Reporting Program

The table attached presents a compilation of the mitigation measures in the [Mitigated Negative Declaration/Environmental Impact Report] together with the required monitoring and reporting actions, effectiveness criteria, and timing.

Monitoring Checklist Format

The table attached includes spaces for identifying: (1) each mitigation measure included in the [Mitigated Negative Declaration/Environmental Impact Report]; (2) the party responsible for implementing that mitigation measure and any related requirements with respect to the timing of implementation; and (3) the party responsible for performing mitigation monitoring, plus information on the type and required timing implications of the monitoring procedures. These checklist categories are discussed in more detail below.

Identified Impact

This column would include each identified significant adverse impact as it is described in the [Mitigated Negative Declaration/Environmental Impact Report] summary table.

Mitigation Measure (Performance Criteria)

This column would include each mitigation measure as it is described in the [Mitigated Negative Declaration/Environmental Impact Report] summary table. The description could be supplemented by any applicable performance criteria (i.e., the measure by which the success of the mitigation can be gauged) associated with each measure.

Monitoring/Reporting Action

This column would describe the “type of monitoring action” required (e.g., condition of project approval, established plan check and/or inspection procedures or, if these are not sufficient, specialized monitoring procedures).

Implementing Entity

This column would describe the “implementation entity” responsible for carrying out each mitigation measure (e.g., a City department, another public agency).

Effectiveness Criteria

This column would describe if the monitoring action is succeeding.

Timing

This column would describe specific implementation timing requirements (e.g., at the completion of a particular development review or construction phase, prior to occupancy, or when some specific threshold is reached).

Mitigation Monitoring Table

Identified Impact	Mitigation Measure	Monitoring/ Reporting Action	Implementing Entity	Effectiveness Criteria	Timing
<i>[Use this line to list impact (i.e., Aesthetics)]</i>					
<i>Number and describe impacts or potential impacts</i>					
<i>[Use this line to list impact (i.e.; Agricultural Resources)]</i>					
<i>Number and describe impacts or potential impacts</i>					
<i>[Use this line to list impact (i.e., Air Quality)]</i>					
<i>Number and describe impacts or potential impacts</i>					
<i>[Continue listing all identified impacts for this project]</i>					

APPENDIX G

Notice of Determination

Form C

To: Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) _____

County Clerk
County of _____

(Address)

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title

State Clearinghouse Number
(If submitted to Clearinghouse)

Lead Agency
Contact Person

Area Code/Telephone/Extension

Project Location (include county)

Project Description:

This is to advise that the _____ has approved the above described project on _____
 Lead Agency Responsible Agency
_____ and has made the following determinations regarding the above described project:
(Date)

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

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

Signature (Public Agency)

Date

Title

Date received for filing at OPR:

January 2004