

AGENDA
SPECIAL MEETING OF THE CITY COUNCIL
LAND USE / ECONOMIC DEVELOPMENT SUBCOMMITTEE
Agoura Hills City Hall - City Manager's Conference Room
30001 Ladyface Court, Agoura Hills, California 91301
Thursday, August 20, 2026
3:00 PM

Please silence all cell phones and other electronic devices during the meeting.

NOTE: *The Subcommittee and City staff will be participating in this meeting in-person in the City Manager's Conference Room. Members of the public have the opportunity to participate in-person in the conference room. For public participation on items listed on this Agenda, refer to "Public Comments" below.*

PUBLIC PARTICIPATION (PUBLIC COMMENT)

Option A: To provide public comments in-person at the meeting

Members of the public have an opportunity to attend the meeting in-person and speak or submit a written comment on any item listed on this Agenda. Public testimony is limited to three (3) minutes per speaker; a speaker's time may not be transferred to another speaker. Written public comments submitted at the meeting are not read aloud by staff.

To request to speak in-person at the meeting. *The Subcommittee will open the floor for public comment and any in-person attendee who raises their hand will have the opportunity to speak. Public testimony is limited to three (3) minutes per speaker; a speaker's time may no be transferred to another speaker.*

Option B: To submit written public comments by e-mail (prior to the meeting)

Members of the public have an opportunity to submit email correspondence on any item listed on the Agenda by sending an email to: comments@agourahillscity.gov. All public correspondence received by 2:00 p.m. on the meeting date will be provided to the Subcommittee prior to the meeting. Public comments are not read into the record. Any public comments received after 2:00 p.m. on the meeting day will not be considered as part of the Subcommittee's deliberations or entered into the official record, but will be provided to the Subcommittee the next day.

CALL TO ORDER

ROLL CALL

Mayor Pro Tem Deborah Klein Lopez
Councilmember Penny Sylvester

APPROVAL OF AGENDA

PUBLIC COMMENTS

(This section is reserved for persons wishing to address items not listed on the Agenda that are under the subject matter jurisdiction of the City Council. Please refer to "Public Participation" above for full details on how to speak or submit written public comments under this category.)

DISCUSSION ITEMS

1. Code Enforcement Discussion

RECOMMENDATION: Discuss the general code enforcement process and tools for compliance and provide guidance to staff.

2. Cultural Heritage Resolution

RECOMMENDATION: Staff recommends that the LUEDC review staff's proposed approach to establish the City's official Historic and Cultural Resource Property list to include Amazing Kate's, the old post office, the Agoura sign and Reyes Adobe, and to formally adopt the 2023 Cultural Heritage Survey prepared by Rincon Consultants.

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SUBCOMMITTEE OR STAFF COMMENTS

ADJOURNMENT

Date Posted: August 13, 2026



REPORT TO LAND USE / ECONOMIC DEVELOPMENT SUBCOMMITTEE

DATE: AUGUST 20, 2026

TO: HONORABLE MEMBERS OF THE LAND USE / ECONOMIC DEVELOPMENT SUBCOMMITTEE

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: ROBBY NESOVIC, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CODE ENFORCEMENT DISCUSSION

The purpose of this item is to give an update on the code enforcement process and the tools available to the City to remediate the more challenging code enforcement cases.

When we first receive a code enforcement complaint, our code enforcement officer investigates the complaint to confirm whether a violation exists. We notify the property owner that we will conduct a site inspection, and typically conduct the inspection within 10 days unless the property owner refuses to allow the code enforcement officer onto the property. In those cases, an inspection warrant is necessary if there is sufficient evidence that a violation likely exists.

Following the site inspection, if a violation exists, our first goal is to obtain voluntary compliance by educating the violator about the City's rules and requirements and why they are important. We typically send a courtesy notice confirming the violation and requesting compliance within 10-30 days, depending on the violation. For violations involving immediate health and safety issues, a notice of violation is issued immediately. If the violation is not corrected within the stated grace period, a formal notice of violation is sent. The formal notice of violation contains actions that the City will take if the violation is not abated in a timely manner.

Using this standard process, the City's code enforcement officer is able to efficiently resolve the vast majority of public complaints. For example, in the 2025 calendar year, the City's code enforcement officer responded to well over 100 complaints that were processed through SeeClickFix. Complaints are also submitted through phone or e-mail. For the complaints submitted via SeeClickFix, over 90 percent of cases were resolved and closed within an average of 22 calendar days.

While most complaints are resolved expeditiously, there are outliers that involve one of two general types of violators: (1) violators that refuse to comply; and (2) violators that want to comply but do not have the means to comply.

For violators that refuse to comply, the resolution is usually straightforward - the City is able to compel the violator to comply through administrative citations or civil or criminal prosecution. While these remedies involve due process and take time and money to achieve a favorable resolution, the outcome is almost always successful and the City is typically able to recover its code enforcement costs. Part of this discussion will involve preoperty owners such as homeowner's associations (HOA) or other groups who have maintenance responsibilities in area(s) adjacent to the public right-of-way. There have been situations in which an HOA is unable to make repairs or replace dilapidated fencing or signs were they may not have a dues collection or have limited funding.

For violators that genuinely want to comply but truly do not have the means to comply, the resolution is never straightforward and must be addressed on a case-by-case basis. In these cases, the formal violation and/or prosecution pathway is often not the best approach because it would usually require the violator or defendant to spend resources on legal defense rather than abating the violation. City staff typically works with these types of violators to obtain voluntary compliance over a reasonable period of time.

FISCAL IMPACT

This item has no fiscal impact on the 2026-27 Budget as it is a discussion about code enforcement operational procedures.

RECOMMENDATION

Discuss the general code enforcement process and tools for compliance and provide guidance to staff.



REPORT TO LAND USE / ECONOMIC DEVELOPMENT SUBCOMMITTEE

DATE: AUGUST 20, 2026
TO: HONORABLE MEMBERS OF THE LAND USE / ECONOMIC DEVELOPMENT SUBCOMMITTEE
FROM: NATHAN HAMBURGER, CITY MANAGER
BY: ANGELA GEORGEFF, SENIOR PLANNER
SUBJECT: CULTURAL HERITAGE RESOLUTION

The purpose of this report is to present an alternative approach to creating a historical preservation ordinance by adopting a resolution establishing an official historic and cultural resource property list and adopting the 2023 Cultural Heritage Windshield Survey prepared by Rincon Consultants.

In 2022, City Council directed staff to establish procedures to protect local historic and cultural resources and ensure public input on alterations. In April 2023, Rincon Consultants completed a Cultural Heritage Survey (Windshield Survey) to identify potential assets.

Staff initially drafted a Historic Preservation Ordinance, and presented it to the Land Use and Economic Development Subcommittee on July 28, 2025. As presented, the LUEDC raised concerns of the draft because it created a cumbersome, bureaucratic process and would cost upward of another \$100,000 in future fiscal years to accomplish its original goal, which is simply to allow for greater protection of the few resources that the community may identify as potentially historically or culturally significant.

To efficiently meet Council's goals, staff now proposes establishing a Historic and Cultural Resource Property List, as encouraged by the City's local CEQA Implementation Guidelines. This targeted approach protects specific assets without creating complex historic districts.

The City currently has one property that is listed on the California Register of Historical Resources, the Reyes Adobe Historical Site. In addition to the Adobe, the Windshield Survey references other existing sites that may be potentially significant after further study, including:

- Amazing Kate's (28317 Agoura Road)
- Old Post Office (28245 Agoura Road)
- Agoura Sign (NW Corner of Agoura/Lewis intersection)

By formally establishing a Historic and Cultural Resource Property List backed by the 2023 Rincon Survey, the City can ensure adequate historical/cultural review and public input for any future projects impacting these structures. Furthermore, if any modifications to the sites are proposed, the Municipal Code requires a Conditional Use Permit (CUP) to be reviewed and approved by the Planning Commission. This will ensure public notice and thorough review of any potential impacts.

FISCAL IMPACT

This item has no direct fiscal impact on the Fiscal Year 2025-26 or 2026-27 budget as these documents will be completed by staff.

RECOMMENDATION

Staff recommends that the LUEDC review staff's proposed approach to establish the City's official Historic and Cultural Resource Property List to include Amazing Kate's, the Old Post Office, the Agoura Sign, and the Reyes Adobe, and formally adopt the 2023 Cultural Heritage Survey prepared by Rincon Consultants.

Attachments

[Agoura Historic Resources Survey_04282023.pdf](#)

[Local CEQA Implementation Guidelines.pdf](#)



Rincon Consultants, Inc.

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www.rinconconsultants.com

April 28, 2023
Project No: 22-13783

Jessica Cleavenger, Senior Planner
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301
Via email: jcleavenger@agourahillscity.org

Subject: Historical Resources Windshield Survey for the City of Agoura Hills

Dear Ms. Cleavenger:

The City of Agoura Hills (City) retained Rincon Consultant's Inc. (Rincon) to conduct a historical resources windshield survey to inform and support future historical resources-related planning by providing a baseline of information to inform the process. This memorandum presents a summary of the work performed by Rincon, specifically a focused background research effort including a review of existing documentation related to the history and development of Agoura Hills as necessary to inform survey efforts, followed by a windshield survey. All work was carried out in accordance with the applicable guidelines and standards, including the *Secretary of the Interior's Standards for Archaeology and Historic Preservation* and National Park Service (NPS) Bulletin No. 24, *Guidelines for Local Surveys: A Basis for Preservation Planning* by Architectural Historians who meet the Secretary of the Interior's Professional Qualification Standards (PQS) for architectural history and history (36 CFR Part 61).

Methods

Background Research

Throughout the end of 2022 and beginning of 2023, Rincon conducted background research consisting of a review of source materials relating to the history and development of Agoura Hills. Sources included but were not limited to historical maps and aerial photographs, written histories of the area, and historical records. The purpose of the background research effort was to define the historical and architectural context of the city to support the future identification of potential historical resources. Existing historical resources documentation and federal, state, and local historical resource registers were also reviewed to identify known historical resources. A list of these sources is included below.

Sources

- Historic period aerial images of Agoura Hills accessed via the online collections of the University of California Santa Barbara Library and Nationwide Environmental Title Research (NETROnline)
- Historic period topographic maps accessed via topoview.com
- Los Angeles County Assessor's office records
- Historic period newspaper publications accessed via newspapers.com



- Historic period photographs of Agoura Hills and surrounding region accessed via several online repositories including but not limited to Calisphere, the Los Angeles County Library, and Pepperdine Libraries Digital Collections
- City of Agoura Hills General Plan (March 2010)
- City of Agoura Hills Municipal Code, in particular Article IX-Chapter 5-Part 6
- Other sources as noted in the references section.

Historical Resource Registers

- National Register of Historic Places
- California Register of Historical Resources
- California Office of Historic Preservation Built Environment Resources Directory for Los Angeles County
- Lists of California State Historical Landmarks and Points of Interest
- List of Potential Resources Provided by the City via email.

Windshield Survey

NPS Bulletin No. 24, describes a reconnaissance-level survey “as a ‘once over lightly’ inspection of an area, most useful for characterizing its resources in general and for developing a basis for deciding how to organize and orient more detailed survey efforts.” (NPS Bulletin No. 24, p. 12). Also known as a “windshield survey” this type of survey is most appropriate for generating a broad understanding of the types of resources present in a given area, in order to inform and guide future survey efforts, designation decisions, and historic preservation planning.

On February 17, 2023, Rincon Senior Architectural Historian, Rachel Perzel, conducted a windshield survey of Agoura Hills, which consisted of traveling through Agoura Hills by car and on foot noting the general distribution of buildings, structures, neighborhoods, and landscapes. Focus was given to properties with construction dates prior to 1978 (45 years of age at the time of survey) with the intent of characterizing the developmental and architectural history of the city. Observations related to architectural style, integrity and potential character-defining features were noted and photographs were taken to support field observations. Properties identified as part of this effort will require additional study to determine if they qualify as historical resources. Ms. Perzel also field checked and photographed all previously designated and/or identified resources to confirm existing conditions.

Regulatory Framework

As detailed above, the current study was prepared to inform future planning efforts relating to historical resources. Historical resources are generally considered to include built environment properties (buildings, structures, and objects) and are a resource type under the broader category of cultural resources, which also includes prehistoric and historic archaeological resources. Various federal and state regulations and guidelines govern the identification and treatment of cultural resources, and are triggered depending on funding and/or permitting considerations. Projects involving funding or permitting by a federal agency are subject to the provisions of the National Historic Preservation Act (NHPA) of 1966, which also established the National Register of Historic Places (NRHP). Section 106 of



the NHPA requires federal agencies to consider a project's potential to adversely affect historic properties, or archaeological or built environment properties that are eligible or listed in the NRHP. At the state level, the California Environmental Quality Act (CEQA) requires lead agencies to determine if a project could have a significant impact on historical or unique archaeological resources. CEQA applies to discretionary projects, which are those that require the exercise of judgment or deliberation by a public agency. Historical resources are defined by CEQA as properties which are listed or eligible for listing in the California Register of Historical Resources (CRHR) or a local register. The criteria for eligibility for the NRHP and CRHR are generally consistent and include properties which are significant at the local, state, or national level under one or more of the following criteria:

- NRHP Criterion A/CRHR Criterion 1: Is associated with events that have made a significant contribution to the broad patterns or history; or
- NRHP Criterion B/CRHR Criterion 2: Is associated with the lives of persons who are significant in our past; or
- NRHP Criterion C/CRHR Criterion 3: Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values; or
- NRHP Criterion D/CRHR Criterion 4: That have yielded, or may be likely to yield, information important in prehistory or history.

Under both Section 106 of the NHPA and CEQA, projects involving qualifying historical resources must consider the potential impacts of a given project. The general threshold for determining impacts to built environment impacts is generally the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (the Standards). Developed by the National Park Service, the Standards establish professional standards and provide advice on the preservation and protection of historic properties and make broad-brush recommendations for maintaining, repairing, replacing historic materials, and designing new additions or making alterations. If a project is unable to comply with the Standards and/or would result in a significant impact, mitigation is generally implemented to reduce impacts to the greatest degree possible.

For further information, a detailed summary of both Section 106 of the NHPA and CEQA is included as an attachment to this memorandum.

Local History

The following provides a brief overview of the history of Agoura Hills with the intent of broadly characterizing the styles, types, and location of potential resources which represent the developmental and architectural history of the city. This brief overview may provide the basis for the development of a formal historic context statement, a historic preservation planning tool which provides a consistent evaluative framework for historical resources.

The area encompassing present-day Agoura Hills is located in the traditional territory of the Ventureño Chumash, a linguistically and culturally distinct Chumash group. Ventureño Chumash groups were socially and religiously multifaceted, with a complex culture that included an extensive trading network and multiple subsistence strategies (Gamble et al. 2001; Arnold and Green 2002). Historic Spanish period accounts suggest the overarching social structure was patrilineal chiefdoms. These have been



separated into three sub-chief categories: “Big Chief,” who lead groups of settlements, “Chief,” who was head of a single village, and “Lesser Chief,” who was subordinate to the others (Gamble et al. 2001). The Ventureño Chumash exploited multiple subsistence strategies. In addition to the gathering of acorns and other seeds and fruits, hunting and fishing were also an important aspect of Chumash subsistence. Archaeological evidence suggests that the Ventureño Chumash also practiced lithic production of tools in separate lithic workspaces nearby their occupation sites, and woven baskets were also used for food storage and preparation.

The Spanish arrived in the late 1700s and dramatically altered traditional Chumash lifeways, considerably reducing the Chumash population. During the Spanish period in California, the construction of missions and associated presidios was a major emphasis, with a focus on the forced integration of local Native American populations into Christianity and communal enterprise (Cole 1999). During this period, the Spanish established El Camino Real, a road connecting their settlements throughout the state, including through the area that would become Agoura Hills. Beginning in 1784 land grants were issued to retiring soldiers and other early settlers of Alta California. Although the grantees were permitted to inhabit and work the land, the land titles remained property of the Spanish king (Livingston 1914). One of these land grants was issued to Miguel Ortega for the over 17,000-acre Rancho Las Virgenes, a portion of which is now Agoura Hills (City of Agoura Hills 2010).

Following Ortega’s death in 1809, the grant was abandoned and remained so after Mexico gained independence from Spain in 1821. Extensive land grants, or ranchos, were established during the Mexican Period, in part to increase the population inland from the more settled coastal areas where the Spanish had first concentrated their colonization efforts. Rancho Las Virgenes was eventually given to José Maria Dominguez as a Mexican land grant in 1834 (City of Agoura Hills 2010). In 1845, Dominguez’s niece, Maria Antonia Machado, purchased the land from her uncle and along with her son José Paulino, constructed an adobe home on the land in 1850. This home, the NRHP eligible/CRHR listed Reyes Adobe, remains and is one of the oldest houses in Agoura Hills; it was retained by the Reyes family until 1916 (City of Agoura Hills 2010).

The area that would become Agoura Hills remained largely agricultural and sparsely populated through the entry into the American period in 1848 and the end of the nineteenth century. By 1900, the area was a popular stagecoach stop along El Camino Real due in part to a natural spring at the foothills of Ladyface Mountain. Modern development began in earnest in 1924 when Ira and Leon Colodny purchased 500 acres in the area and sold subdivided lots, calling the development “Independent Acres.” In 1927, Paramount Pictures purchased a large portion of the former Rancho Las Virgenes south of the city to use as a ranch for films (County of Los Angeles 2023). This area, then referred to as “Picture City”, was one of the early developments in Agoura Hills and was situated in its southeast corner along the Cheeseboro Canyon mountains (USGS 1932). The Picture City Chamber of Commerce petitioned for a permanent local name and post office, and in 1928 the name of “Agoura” was chosen, after Pierre Agoure, a Basque rancher who moved to the area in the 1870s for sheepherding (County of Los Angeles 2023).

In the 1930s and 1940s, growth in the area remained limited largely due to a lack of a proper water supply (City of Agoura Hills 2010). With the establishment of the La Virgenes Municipal Water District in the 1950s however, a reliable water source made Agoura Hills more attractive to families and businesses and development and the population substantially increased. With its proximity to Los Angeles, families were drawn to relatively quiet and suburban character of Agoura Hills despite its commuting distance to the larger metropolitan region. During this period, the local Highway 101 through Agoura Hills was



expanded into the Ventura Freeway, further contributing to the expansion and population growth of the city and surrounding area. Agoura Hills continued to expand with large suburban developments as well as school and shopping areas from east to west, primarily on the east side of Kanan Road at first, eventually continuing west past Kanan Road beginning in the 1970s (NETRONline 2023). The first substantial housing tracts were also developed during this period in the Hillrise, Liberty Canyon, and Lake Lindero communities (City of Agoura 2010).

On December 8, 1982, Agoura Hills became the 83rd city in Los Angeles County through local vote and in 1985 and 1987 the city adopted its first General Plan and Municipal Code, respectively (City of Agoura Hills 2010). Today, Agoura Hills is a prosperous community, popular for its schools and family-oriented environment (Pascal 2013).

Results

As detailed above, the intent of the current historical resources windshield survey is to provide baseline data to inform future historical resources-related planning efforts. This includes identifying known and potential historical resources and characterizing the historical and architectural character of Agoura Hills. Potential resources identified herein will require additional efforts to confirm historical resources eligibility.

Although Agoura Hills was not formally incorporated until 1982, it has a long history and played an important role in the development of Los Angeles dating back to the Mexican period. A visual depiction of the city's development by decade is provided in Figure 1. The city includes one extant property associated with this early period, the Reyes Adobe, which is located just north of the Ventura Freeway off of Reyes Adobe Road. Now known as the Reyes Adobe Historical Site, the property is listed in the CRHR and has been previously determined eligible for listing in the NRHP by the California State Historic Preservation Officer; as such it meets the definition of a historical resource pursuant to Section 15064.5(a) of the CEQA Guidelines. The property includes the 1850 adobe (Figure 2) and a later barn which possess significant associations with both the rancho period of California and adobe architecture. This property has also been recognized as significant by the City in the 2010 General Plan.

Agoura Hills has not been previously subject to a formal, citywide historical resources survey and a review of available information failed to identify any additional properties which are designated or have previously been found eligible for listing in the NRHP or CRHR. The city does not currently have a historic preservation ordinance or adopted criteria by which to designate historical resources locally; however, the city recognized the unique character of the commercial portion of the area known as "Old Agoura" through the adoption of the Old Agoura Design Overlay District (Article IX-Chapter 5, Part 6 the Agoura Hills Municipal Code). The intent of this overlay designation is to "preserve the unique character of Old Agoura through the establishment of special public improvement standards and design guidelines." It establishes permitted, conditional, and prohibited uses, in addition to providing design standards relating to building coverage, height, and signs among other considerations.

The municipal code establishing the overlay district also identifies four properties within the district which would require conditional use permits prior to any modification, alteration or change, specifically "Amazing Kate's," "Old Post Office," "Stage Door Theatre," and "Agoura Sign." The background research and survey failed to identify Amazing Kate's and confirmed that the Stage Door Theatre was demolished in 2022 (Steepleton 2022). The Old Post Office and Agoura Sign, however, were observed during the survey and are located on the north side of Agoura Road at its intersection with Lewis Road, just south

of the Ventura Freeway (Figure 3 and Figure 4). These properties have not been formally evaluated and do not meet the definition of a historical resource as defined by federal or state regulations; however, further study may suggest they are eligible historical resources due to potentially significant historical and/or architectural associations.

Additionally, although the overlay district as currently adopted in the municipal code does not meet the definition of a “historic district” pursuant to federal guidelines and regulations, it does recognize and provide a mechanism for the management of the unique historical character of this area. Further research and survey work will be required to determine if there is a sufficient concentration of related resources which collectively convey the historical development of Agoura Hills and would therefore qualify for formal designation as a historic district.

The background research and field survey also worked to identify and characterize the types and location of potential historical resources in Agoura Hills. As detailed in the developmental history above, Agoura Hills’ growth was minimal through the nineteenth century and there appear to be no extant buildings from this period, with the exception of the Reyes Adobe. El Camino Real provided an early economic driver for Agoura Hills as the surrounding region grew in the early 1900s. As such, much of the early development of Agoura Hills was focused along El Camino Real, or what would become Agoura Road and the first iteration of U.S. Highway 101. A review of Los Angeles County Assessor data indicates there are a small number of properties along Agoura Road which date to the 1920s through 1940s and are associated with this early development. This area is located within the Old Agoura Design Overlay District and includes properties such as the Old Post Office.

Pre-World War II era residential development was focused primarily in the eastern portion of the present-day city boundaries, in “Old Agoura.” The portion of this area north of the Ventura Freeway appears to be the historical location of Independent Acres subdivision. It includes a number of residential properties dating from the pre-World War II era in addition to infill development which postdates that period. The field survey observed two over-road signs, reading ‘Old Agoura,’ which demarcate entry into this area (Figure 5).¹ Old Agoura is characterized by its distinctly rural quality with wide treelined streets that meander in both flat and hilly areas and low-density, single-family residences (Figure 6). The layout and mix of development from various decades create a distinct feeling of organic growth in this area. Many properties in the area embody a rustic character, featuring mature naturalistic landscaping and integrating equestrian related or inspired buildings and/or features such as farm style fencing, corrals, and barns (Figure 7). Common architectural styles observed in this area include variations on the Ranch Style, Spanish Revival, and Tudor Revival Style.

While development in the Los Angeles region boomed in the decades immediately following World War II, growth in Agoura Hills was initially slower, at least during the 1950s and 1960s. A review of Los Angeles County Assessor data and visual observation indicate that during this period pockets of residential development occurred in the Old Agoura area north of the Ventura Freeway (which reached its current configuration in the 1950s). Beginning in the 1960s and following more earnestly in the 1970s and 1980s much larger and more built-out residential subdivisions were established. These were located in previously undeveloped areas in the north-central and -western areas of the city. Unlike the organic growth which occurred prior to this period, the subdivisions exhibit smaller lots and designed landscaping which differs from the rural setting exhibited by most pre-World War II properties. Many of the subdivisions feature consistent architectural styling, primarily Ranch-style, with one and two

¹ Research indicates that these signs date to the 1990s.

story/split level variations (Figure 8). This suggests that they were developer-built from recycled plans/designs, a trend common throughout California in the post-World War II period. Consistent with Old Agoura, subdivisions featuring Revival Style residences were also observed in this area (Figure 9).

Before World War II, commercial development remained concentrated along the Ventura Freeway corridor. Similarly, in the post-World War II period, commercial development including office parks similarly expanded, in particular during the 1970s and 1980s, responding to residential developments and growing population. Potentially noteworthy early examples include the Whizin Market Square (Figure 10), which dates to the 1950s and is home to the Canyon Club, a regionally well-known music venue. The architectural styling of commercial buildings is representative of the popular styles of the period, including elements of the Ranch and Modern styles (Figure 11). The survey additionally identified the presence of one potentially architecturally significant resource, an AT & T building located on Roadside Drive west of its intersection with Kanan Road (Figure 12).

The city's current post office was constructed just north of the freeway, at 5158 Clareton Drive, between 1986 and 1989 in a simplified Brutalist style (NETROnline 2023)(Figure 13). Agoura Hills has seen limited development since the 1980s. That which has occurred has been primarily commercial and located along the Ventura Freeway corridor. Sparse residential growth has occurred in the northeastern area of the city and has been limited to infill single-family residences rather than the large-scale subdivisions which occurred in the 1970s and 1980s.

Conclusions

As detailed above, Agoura Hills has a long history of built environment resources dating back to the nineteenth century. Resources from the pre-World War II era however are rare and as such have a greater potential for historical significance. The Reyes Adobe Historical Site is the only property within the city which is currently designated in the CRHR. The City has recognized some individual properties from this era in the Old Agoura Design Overlay District; however, they have not been formally evaluated or designated. Additional analysis of these properties and others from this era may find they are eligible for historical resources consideration. As part of this process, NPS guidance should be referenced, which states greater degree of alteration may be acceptable when considering the historical integrity of rare property types (NPS 1997:47).

Resources from the immediate post-World War II era, specifically the 1950s are also less prevalent in the city and may have greater significance as a result. Beginning in the 1960s, however, residential development in Agoura Hills shifted to larger subdivisions, which featured planned homes with similar architecture and property characteristics. Properties from this era are less likely to be individually eligible due to the sheer number which exist and the collective history they share. These subdivisions may be more appropriately considered as potential historic districts; however further analysis would be required to determine if any possess significant historical or architectural associations which would warrant such consideration. Additional resources to consider as the City moves forward with its preservation goals may include the sites of the city's first park and City hall, historical trees, movie filming locations, and the locations of specific historic events.

The California Office of Historic Preservation generally recognizes a 45-year threshold for historical resources eligibility. Because the majority of Agoura Hills' built environment has recently or is close to passing this age threshold, the city is presented with a unique opportunity to determine its next steps relating to the treatment of historic resources. As the City moves to advance these goals, efforts may



include the adoption of a historic preservation ordinance, development of a historic context statement, and preparation of a formal citywide historic resources survey. The information presented herein establishes a valuable starting point to inform these efforts by identifying the types of resources which are present, thereby providing a tool to inform future integrity considerations, and to determine a process that is tailored to the needs of the City and its residents.

We appreciate the opportunity to support the City with this endeavor and are available to provide continued support at your request.

Sincerely,

Rincon Consultants, Inc.

A handwritten signature in black ink, reading "Rachel Perzel".

Rachel Perzel, MA
Senior Architectural Historian

A handwritten signature in black ink, reading "Steven Treffers".

Steven Treffers, MHP
Cultural Resources Director

Attachments

Attachment 1 Supportive Graphics

Attachment 2 Regulatory Framework



References

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Attachment 1

Supportive Graphics

City of Agoura Hills

Year Built

- No Assessor Data Available
- 1940s
- 1950s
- 1960s
- 1970s
- 1980s
- 1990s
- Post-1990

0 1,000 2,000 Feet

Imagery provided by Earthstar® Data and its licensors © 2023.

Figure 2 Reyes Adobe, as Observed During the Survey



Figure 3 Old Post Office, as Observed During the Survey



Figure 4 Agoura Sign, as Observed During the Survey



Figure 5 Representative Photo: Old Agoura Signs Observed by Survey



Figure 6 Representative Photo: Residential Street Characteristic of Old Agoura



Figure 7 Representative Photo: Residential Property Characteristic of Old Agoura



Figure 8 Representative Photo: Residential Subdivisions which Characterize the Eastern Portion of Agoura Hills



Figure 9 Representative Photo: Residential Subdivisions which Characterize the Eastern Portion of Agoura Hills



Figure 10 The Canyon Club, as Observed During the Survey



Figure 11 Representative Example: Office Park Exhibiting Modern Architectural Style



Figure 12 AT & T Building on Roadside Drive, west of Kanan Road as Observed During the Survey



Figure 13 Current Agoura Hills Post Office at 5158 Clareton Drive



Attachment 2

Regulatory Framework

Regulatory Framework

Federal

Projects that involve federal funding or permitting (i.e., have a federal nexus) must comply with the provisions of the National Historic Preservation Act of 1966 (NHPA), as amended (16 United States Code [USC] 470f). The NHPA of 1966 established a federal program for the preservation of historic properties, including built environment, archaeological, and traditional cultural resources. Towards this end, the NHPA establishes both institutions and defined processes to direct federal agencies and support state and local governments in their historic preservation programs and activities. These institutions and processes include the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officers (SHPO), the NRHP, and the Section 106 review process.

Section 106 of the NHPA

Section 106 (16 USC 470f) requires federal agencies to account for the effects of their undertakings on historic properties, and to afford the ACHP a reasonable opportunity to comment on such undertakings. Historic properties are defined as buildings, structures, districts, sites, or objects which are included in or eligible for inclusion in the NRHP. Section 106 is implemented through 36 CFR Part 800, which outlines the process for historic preservation review, including participants, identification efforts, and the assessment and resolution of adverse effects. Per 36 CFR 800.16(y), a federal undertaking is defined as any project requiring or receiving a federal permit, license, approval, or funding. Federal agencies must take steps to determine if the undertaking would result in an adverse effect to historic properties and take measures to avoid or resolve those effects as feasible.

National Register of Historic Places

Authorized by Section 101 of the NHPA, the NRHP is the nation's official list of cultural resources worthy of preservation. The NRHP recognizes the quality of significance in American, state, and local history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects. Per 36 CFR Part 60.4, a property is eligible for listing in the NRHP if it meets one or more of the following criteria:

- Criterion A:** Is associated with events that have made a significant contribution to the broad patterns of our history
- Criterion B:** Is associated with the lives of persons significant in our past
- Criterion C:** Embodies the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction
- Criterion D:** Has yielded, or may be likely to yield, information important in prehistory or history

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The NPS recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several of these seven qualities—if not all—defined in the following manner:

Location:	The place where the historic property was constructed or the place where the historic event occurred
Design:	The combination of elements that create the form, plan, space, structure, and style of a property
Setting:	The physical environment of a historic property
Materials:	The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property
Workmanship:	The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory
Feeling:	A property's expression of the aesthetic or historic sense of a particular period of time
Association:	The direct link between an important historic event or person and a historic property

Certain properties are generally considered ineligible for listing in the NRHP, including cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions, relocated structures, or commemorative properties. Additionally, a property must be at least 50 years of age to be eligible for listing in the NRHP. The NPS states that 50 years is the general estimate of the time needed to develop the necessary historical perspective to evaluated significance (NPS 1997: 41). Properties which are less than 50 years must be determined to have "exceptional importance" to be considered eligible for NRHP listing.

Assessment of Effects

According to Section 106, adverse effects to historic properties are determined by applying the Criteria of Adverse Effects, which is included below for reference.

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the NRHP. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative (36 CFR Section 800.5).

As indicated by 36 CFR Section 800.5, adverse effects to historic properties include but are not limited to the following:

- (i) Physical destruction of or damage to all or part of the property
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines
- (iii) Removal of the property from its historic location
- (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance
- (iv) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features

- (v) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization
- (vi) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance

State

California Environmental Quality Act

California Public Resources Code (PRC) Section 21084.1 requires lead agencies determine if a project could have a significant impact on historical or unique archaeological resources. As defined in PRC Section 21084.1, a historical resource is a resource listed in, or determined eligible for listing in, the CRHR, a resource included in a local register of historical resources or identified in a historical resources survey pursuant to PRC Section 5024.1(g), or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant. PRC Section 21084.1 also states resources meeting the above criteria are presumed to be historically or cultural significant unless the preponderance of evidence demonstrates otherwise. Resources listed in the NRHP are automatically listed in the CRHR, as are California Historical Landmarks 770 and above; both are therefore historical resources under CEQA. Historical resources may include eligible built environment resources and archaeological resources of the precontact or historic periods.

CEQA Guidelines Section 15064.5(c) provides further guidance on the consideration of archaeological resources. If an archaeological resource does not qualify as a historical resource, it may meet the definition of a “unique archaeological resource” as identified in PRC Section 21083.2. PRC Section 21083.2(g) defines a unique archaeological resource as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: 1) it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information, 2) has a special and particular quality such as being the oldest of its type or the best available example of its type, or 3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological resource does not qualify as a historical or unique archaeological resource, the impacts of a project on those resources will be less than significant and need not be considered further (*CEQA Guidelines* Section 15064.5[c][4]). *CEQA Guidelines* Section 15064.5 also provides guidance for addressing the potential presence of human remains, including those discovered during the implementation of a project.

According to CEQA, an impact that results in a substantial adverse change in the significance of a historical resource is considered a significant impact on the environment. A substantial adverse change could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (*CEQA Guidelines* Section 15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR or a local register (*CEQA Guidelines* Section 15064.5[b][2][A]).

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a][b]).

The requirements for mitigation measures under CEQA are outlined in CEQA Guidelines Section 15126.4(a)(1). In addition to being fully enforceable, mitigation measures must be completed within a defined time period and be roughly proportional to the impacts of the project. Generally, a project which is found to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (the Standards) is considered to be mitigated below a level of significance (*CEQA Guidelines* Section 15126.4 [b][1]). For historical resources of an archaeological nature, lead agencies should also seek to avoid damaging effects where feasible. Preservation in place is the preferred manner to mitigate impacts to archaeological sites; however, data recovery through excavation may be the only option in certain instances (*CEQA Guidelines* Section 15126.4[b][3]).

California Register of Historical Resources

The CRHR was established in 1992 and codified by PRC Sections 5024.1 and Title 14 Section 4852. The CRHR is an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change (PRC 5024.1(a)). The criteria for eligibility for the CRHR are consistent with the NRHP criteria but have been modified for state use in order to include a range of historical resources that better reflect the history of California (PRC, 5024.1(b)). Unlike the NRHP however, the CRHR does not have a defined age threshold for eligibility; rather, a resource may be eligible for the CRHR if it can be demonstrated sufficient time has passed to understand its historical or architectural significance (California Office of Historic Preservation [OHP] 2011). Furthermore, resources may still be eligible for listing in the CRHR even if they do not retain sufficient integrity for NRHP eligibility (OHP 2011). Generally, the OHP recommends resources over 45 years of age be recorded and evaluated for historical resources eligibility (OHP 1995: 2).

A property is eligible for listing in the CRHR if it meets one of more of the following criteria:

- Criterion 1:** Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
- Criterion 2:** Is associated with the lives of persons important to our past
- Criterion 3:** Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
- Criterion 4:** Has yielded, or may be likely to yield, information important in prehistory or history

Impacts Assessment

According to Section 15064.5(b) of the CEQA Guidelines, projects which may cause a substantial adverse change in the significance of a historical resource would result in a significant effect on the environment. These impacts could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA Guidelines §15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of a historical resource that convey its

historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register (CEQA Guidelines §15064.5[b][2][A]).

For the purposes of CEQA, impacts to a historical resource are considered mitigated below a level of significance when the project conforms to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (the Standards) (CEQA Guidelines §15126.4 [b][1]). The goal of the Standards serves to preserve the historic materials and distinctive character of a historical resource. Character-defining features are the tangible, visual elements of a building—including its setting, shape, materials, construction, interior spaces, and details—that collectively creates its historic identity and conveys its historic significance.

The Standards establish professional standards and provide advice on the preservation and protection of historic properties and make broad-brush recommendations for maintaining, repairing, replacing historic materials, and designing new additions or making alterations. They cannot be used, in and of themselves, to make essential decisions about which features of a historic property should be saved and which might be changed. Rather, once an appropriate treatment is selected, the Standards provide philosophical consistency to the work. There are Standards for four distinct but interrelated approaches to the treatment of historic properties: preservation, rehabilitation, restoration, and reconstruction.

According to the Standards, rehabilitation is deemed appropriate “when repair and replacement of deteriorated features are necessary, when alterations or additions to the property are planned for a new or continued use, and when its depiction at a particular period of time is not appropriate, rehabilitation may be considered as a treatment.” The following lists the Standards for Rehabilitation:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

RESOLUTION NO. 02-1228

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS REPEALING RESOLUTION NO. 92-732 AND ADOPTING PROCEDURES IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS AMENDED TO DATE.

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

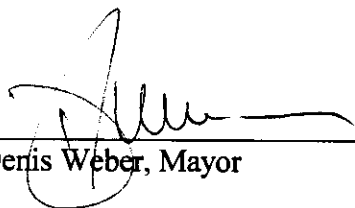
Section 1. Resolution No. 92-732, and any other resolution or action of the City of Agoura Hills which adopts procedures for implementing the California Environmental Quality Act for the City is hereby repealed.

Section 2. In accordance with Public Resources Code Section 21082, the City Council hereby adopts the guidelines attached to this resolution labeled Guidelines for Implementing the California Environmental Quality Act and incorporated herein by this reference as its Guidelines for the consideration and evaluation of projects and the preparation of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, and other forms of CEQA processing in compliance with the California Environmental Quality Act, as amended to date.

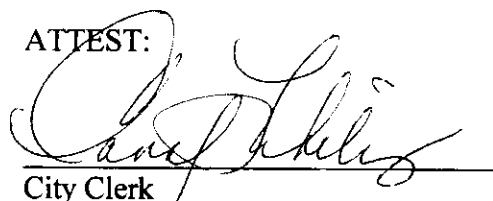
Section 3. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 13th day of March, 2002.

AYES: Weber, Reinhardt, Rishoff, Corridori, and Kuperberg
NOES: None
ABSTAIN: None
ABSENT: None



Denis Weber, Mayor

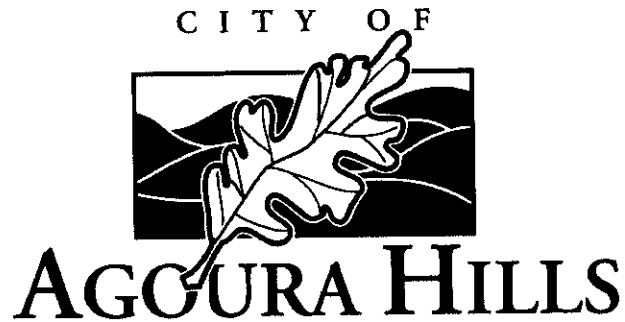
ATTEST:


City Clerk

THE CITY OF AGOURA HILLS

GUIDELINES FOR IMPLEMENTING THE

CALIFORNIA ENVIRONMENTAL QUALITY ACT



City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301
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Website: ci.agoura-hills.ca.us

LOCAL CEQA GUIDELINES
(Revised December 2001)

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THE CITY OF AGOURA HILLS RULES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The following rules and regulations are adopted pursuant to the California Environmental Quality Act, Public Resources Code sections 21000, *et seq.* ("CEQA"). These rules shall implement on a local level CEQA and the State Guidelines, 14 California Code of Regulations, sections 15,000 *et seq.* ("State CEQA Guidelines") which are incorporated by reference.

DIVISION I GENERAL PROVISIONS AND DEFINITIONS

Section 101 - Intent

These rules and procedures are established and adopted with the following intent:

- a. To incorporate environmental impact analysis into the planning process.
 - b. To develop and maintain a master environmental data system to be utilized in the review of individual projects.
 - c. To set a reasonable and definitive time frame for the review and decision-making process.
 - d. To focus environmental review on substantive issues, feasible mitigation measures and reasonable alternatives.
 - e. To make the environmental review process more effective and efficient.
 - f. To provide the public with information on the criteria, policies, and procedures used in the environmental assessment process.
1. Projects that may be exempt from CEQA review are not exempt from analysis necessary to determine whether a development is consistent with Environmental Performance Standards in the General Plan. In some cases, projects that may formally be exempt under CEQA criteria that ultimately have environmental consequences will be addressed as part of General Plan Consistency Review Process. Therefore, an exemption from CEQA does not mean a project is exempt from environmental considerations in the General Plan.

Section 102 - Definitions

- a. The words and phrases used in these rules shall have the same meaning as similar words or phrases used in CEQA or the State CEQA Guidelines.
- b. "City" shall mean the City of Agoura Hills.
- c. "Cumulative Impacts" means two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.
 - 1. The individual effects may be changes resulting from a single project or a number of separate projects.
 - 2. The cumulative impacts from several projects is the change in the environment which results from the incremental impacts of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.
 - 3. A discussion of cumulative impacts shall reflect their severity and significance, but need not be discussed in as great detail as is provided for the direct effects attributable to the project alone. The discussion of cumulative impacts should be guided by a standard of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. The following elements are necessary to an adequate discussion of significant cumulative impacts. Either:
 - (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
 - (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact. Any such planning

document shall be referenced and made available to the public at a location specified by the lead agency.

4. A summary of the expected environmental effects to be produced by those projects with specific reference to additional information and where that information is available, and
 5. A reasonable analysis of the cumulative impacts of the relevant projects.
- d. Decision-making body means any person or group of people within a public agency permitted by law to approve or disapprove the project at issue.
 - e. "Environmental Impact Report ("EIR")" means a detailed statement under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects, and may mean either a draft or a final EIR.
 - f. "Environmental Impact Statement ("EIS")" means an environmental impact document prepared pursuant to the National Environmental Policy Act ("NEPA").
 - g. "Initial Study" means a preliminary analysis prepared by the lead agency to determine whether an EIR or a negative declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.
 - h. "Lead Agency" means that public agency which has the principal responsibility for carrying out or approving a project.
 - i. "Mitigation means:
 1. Avoiding the impact altogether by not taking a certain action or parts of an action.
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
 3. Rectifying the impact by repairing, rehabilitating or restoring the impacted environments.

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
 5. Compensating for the impact by replacing or providing substitute resources or environments.
-
- j. "Mitigated Negative Declaration ("MND")" means a negative declaration prepared for a project when the Initial Study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.
 - k. "Negative Declaration ("ND") means a written statement by the Lead Agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and therefore does not require the preparation of an EIR. The contents of a ND are described in State CEQA Guideline 15071.
 - l. "Notice of Completion ("NOC") means a brief notice filed with the OPR by a Lead Agency as soon as it has completed a draft EIR and is prepared to send out copies for review.
 - m. "Notice of Determination ("NOD") means a brief notice to be filed by a public agency after it approves or determines to carry out a project which is subject to the requirements of CEQA.
 - n. "Notice of Exemption ("NOE") means a brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the project.
 - o. Office of Planning and Research ("OPR") means the Governor's Office of Planning and Research located at 1400 Tenth Street, Sacramento,

California 95814, Phone: (916) 322-2318, Facsimile: (916) 322-3785,
Email: opr.webmaster@opr.ca.gov.

- p. "Permit" means a permit, lease, license, certificate, or other entitlement for use.
- q. "Planning Division" means the Planning Department of the City of Agoura Hills.
- r. "Planning Director" means the Director of Planning and Community Development of the City of Agoura Hills.
- s. "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and that is any of the following:
 - 1. An activity directly undertaken by the City, 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 to ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code sections 65100-65700.
 - 2. An activity undertaken by a person which is supported in whole or in part through City contracts, grants, subsidies, loans, or other forms of assistance.
 - 3. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by any City Officer or body.

"Project" does not include:

- 1. Proposals for legislation to be enacted by the State Legislature.
- 2. Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances covered above).

3. The submittal of proposals to a vote of the people of the state or of a particular community.
 4. 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.
 5. Organizational or administrative activities of governments which are political or which are not physical changes in the environment (such as the reorganization of a school district or detachment of park land).
- t. "Project Sponsor" means
1. Any person, including public agency, applying to the City for a permit, or
 2. Any officer of the City who has the responsibility to carry out a public project for the City.
- u. "Public Agency" means a state agency, board or commission and any local or regional agency as defined in the State CEQA Guidelines. It does not include the courts of the state or CEQA agencies of the federal government.
- v. "Responsible Agency" means a public agency which proposes to carry out or approve a project for which a Lead Agency has prepared the environmental documents. It includes all public agencies other than the Lead Agency which have discretionary approval power over the project.
- w. "Significant Effect on the Environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the activity, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.
- x. "Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.

Trustee Agencies include:

1. The California Department of Fish and Game with regard to the fish and wildlife of the state.

2. The State Lands Commission with regard to state owed "sovereign" lands.
3. The State Department of Parks and Recreation with regard to units of the State Park System.
4. The University of California with regard to sites within the Natural Land and Water Reserve System.

Section 103 - Complete Applications

No application for a permit that is subject to CEQA shall be deemed complete, received for filing, or processed, unless and until (1) all information required by the Planning Director to complete an Initial Study is received, or (2) it is determined that the application is exempt from CEQA.

Section 104 - Compliance With CEQA

No City officer or body shall directly undertake any activity resulting in a physical impact on the environment, or support in whole or in part through contract, grant, subsidy, loan, or other form of assistance, or grant a permit for an activity which may have a physical impact on the environment until:

- a. The Planning Director has made a determination that the proposed project is exempt from CEQA and these rules, or
- b. The Planning Director has made a written determination that the proposed project will not have a significant effect on the environment, a ND has been completed, and the ND has been approved by the decision-making body of the City, or
- c. The Planning Director has made a written determination that the proposed project will not have a significant effect on the environment, a MND has been completed, and the MND has been approved by the decision-making body of the City, or
- d. The Planning Director has made a written determination that the proposed project may have a significant effect on the environment, has prepared the required final EIR, and the final EIR has been certified and considered by the decision-making body of the City or,

- e. The Planning Director has made a written determination that the City is not the Lead Agency and the Lead Agency has complied with CEQA and all appropriate State CEQA Guidelines.

Section 105 - Initial Study

The Planning Director shall not in any case make a written determination that the proposed project may or will not have a significant effect on the environment until an Initial Study has been completed; provided, however, that a determination that a project is exempt may be made without the preparation or completion of an Initial Study.

Section 106 - Compliance With Rules

No application for a permit shall be considered and no permit shall be approved or issued by any Decision-making body of the City until all procedures required by these rules have been completed, including, if required, the preparation and certification of a final EIR by the Decision-making body of the City.

Section 107 - Advisory Bodies

When an advisory body or officer is required to make a recommendation on a project to the decision-making body of the City, the advisory officer or body shall review and consider the EIR or ND or MND prior to making its recommendation.

Section 108 - Responsible Agency

In any case where the City is a Responsible Agency, but is not the Lead Agency for a project, the following procedures shall apply:

- a. Within thirty (30) days after receiving an application for a development project, the appropriate Decision-making body of the City shall notify the Project Sponsor as to whether or not the application is complete. If the application is incomplete, the notification shall specify the parts of the application which are incomplete and indicate how the application may be made complete.
- b. Where the Lead Agency, prior to completing its Initial Study, requests that the City recommend whether an EIR or ND or MND should be prepared for a project, the Planning Director shall make a recommendation which shall include the reasons for the recommendation.

- c. Where the Lead Agency has notified the City of its intent to file a ND or MND, and has asked for comments regarding this decision, the Planning Director, within thirty (30) days of receipt of said notice, appropriateness of using a ND or MND or, if the City has determined that an EIR should be prepared, the reply should identify the significant environmental effects which could result from the project be modified to eliminate the significant effects.
- d. If the Lead Agency has notified the City that it has determined that an EIR is required, the Planning Director shall insure that the Lead Agency, within thirty (30) days of receipt of the Notice of Preparation ("NOP") by City, is sent a written reply by certified mail. This written reply shall specify the scope and content of the environmental information related to the City's area of statutory responsibility which must be included in the draft EIR and shall designate the name those employees that will attend any meetings scheduled by the Lead Agency to discuss the scope and content of the EIR. The City's response shall, at a minimum, identify the environmental issues, possible alternatives, and mitigation measures which the Responsible Agency will need to have explored in the draft EIR.
- e. Where a Lead Agency has forwarded an EIR to the City for review, the Planning Director shall insure that written thirty (30) days of receipt of the EIR, the Lead Agency is sent a written reply. This written reply shall focus on any shortcomings in the EIR and such additional alterations or mitigation measures that should be included in the EIR.
- f. If an EIR or ND or MND has been prepared for a project by the Lead Agency, no decision-making body of the City, acting as a Responsible Agency, shall approve the project as proposed until it has considered the environmental effects of the project as shown in the EIR or ND or MND. Nor shall any such County officer or body approve the project as proposed if it finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen any significant effect the project would have on the environment; provided, however, that only those alternatives and mitigation measures that deal with the environmental effects of those activities that are within the scope of the authority of the City shall be considered.
- g. Where there are significant effects on the environment identified in the EIR prepared by the Lead Agency, no approval shall take place until the decision-making body of the City makes the findings required by Section 611 of these rules.

- h. Within one hundred eighty (180) days after the Lead Agency approves a project, or within one hundred eighty (180) days after the appropriate City officer or body finds the application for the project to be complete, whichever occurs later, the decision-making body of the City shall approve or disapprove the project.
- i. The determination of the Lead Agency of whether to prepare an EIR or a ND or MND shall be final and conclusive on the City unless the determination is challenged as provided in Section 21167 of the Public Resources Code or circumstances change as provided in Section 607 of these rules.
- j. If a decision-making body of the City is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the City shall begin to act as the Lead Agency when any of the following conditions occur:
 - 1. The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.
 - 2. The Lead Agency prepared environmental documents for the project but the following conditions occur:
 - (A) A subsequent EIR is required pursuant to Section 707 of these rules, and
 - (B) The Lead Agency has granted a final approval for the project, and
 - (C) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.
 - 3. The Lead Agency prepared inadequate environmental documents without first consulting the City as required, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.
- k. If a project has been approved by a Lead Agency after the certification of a final EIR or of a ND or MND, but has not yet been approved by the City and it is determined by the City that one or more of the circumstances

outlined in Section 708 of these rules exist, the City shall not grant its approval of the project until the appropriate environmental document has been prepared and considered.

- l. The City, upon approving a project in its capacity as a Responsible Agency, shall file a NOD with the County Clerk for the County of Los Angeles in the same manner as it provided under Section 409 and Section 612 of these rules.

Section 109 - Availability of Documents to Public

All reports or documents prepared or filed pursuant to these rules shall be available for public inspection in the Planning Department.

Section 110 - Consultants

- a. The Planning Director shall prepare and maintain a list of qualified environmental consulting firms. The determination to place a firm on this list shall be based on the disciplines available in the firm, the experience of the firm in assessing projects in the Agoura Hills area or areas with similar environments, the professional credentials of the firm, quality of previous work, and the ability of the firm to coordinate, organize and present a broad range of environmental data.
- b. When the Planning Director determines that it is necessary to contract with a consultant to prepare an EIR, only those consultants on the above-referenced list shall be considered. Prior to making this choice, the Planning Director may request bids from not less than three (3) consultants with the final choice being made on the basis of the cost and time required to prepare the document, the special expertise necessary to assess the environmental impacts, and the type of project involved.

Section 111 - Conflicts With State CEQA Guidelines

In the event of any conflict between these rules and the State CEQA Guidelines, the State CEQA Guidelines shall control.

DIVISION II

EXEMPTIONS FROM THESE RULES

Section 201 - Applicability

These rules shall not apply to:

- a. Any project categorically exempt under the State CEQA Guidelines or anything specifically exempted by state law.
- b. Proposals for legislation to be enacted by the State Legislature.
- c. The submittal of proposals to the voters of Agoura Hills, except for development agreements.
- d. Continuing administrative or maintenance activities, including, but not limited to, purchases of supplies, personnel-related actions, general policy and procedure making, and feasibility or planning studies.
- e. The following emergency projects:
 - 1. Any project undertaken, carried out or approved by the City or other public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Section 8550 *et seq.* Of the Government Code.
 - 2. Emergency repairs to public service facilities necessary to maintain service.
 - 3. Specific actions necessary to prevent or mitigate an emergency as set forth in State CEQA Guideline 15269.
- f. The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by the City Council which the City Council finds are for the purpose of:
 - 1. Meeting operating expenses, including employee wage rates and fringe benefits;
 - 2. Purchasing or leasing supplies, equipment or materials;

3. Meeting financial reserve needs and requirements, or
4. Obtaining funds for capital projects, necessary to maintain service within existing service areas.

The City Council shall incorporate written finding in the record of any proceeding in which an exemption under this subsection is claimed setting forth with specificity the basis for the claim of exemption.

- g. Projects which the City rejects or disapproves.
- h. Project involving only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded, provided, however, that such studies must take into account environmental factors.
- i. Projects 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. Where an exemption under this section is claimed:
 1. The Planning Director shall review the project application materials in light of the criteria in the Initial Study environmental checklist form.
 2. If based on that criteria, 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 Planning Director shall prepare a NOE pursuant to State CEQA Guideline 15062 and place it in the project application file. If the project is approved, the NOE may be filed with the City Clerk.
- j. Family day care homes as specified in State CEQA Guideline 15274.
- k. The following mass transit projects:
 1. The institution or increase of passenger or commuter service or rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.
 2. Facility extensions not to exceed four (4) miles in length which are required for transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.

- l. Project undertaken by the City to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5 of the Public Resources Code. Any site-specific effect on the project which was not analyzed as a significant effect in the plan or written documentation required by Section 21080.5 is subject to these rules.
- m. Housing for agricultural employees as specified in State CEQA Guideline 15279.
- n. Lower income housing projects as specified in State CEQA Guideline 15280.
- o. The construction of housing or neighborhood commercial facilities in an urbanized area pursuant to the provisions of Section 21080.7 of the Public Resources Code.
- p. The conversion of an existing rental mobile home park to a resident initiated subdivision, cooperative, or condominium for mobile homes as set forth in Section 21080.8 of the Public Resources Code.
- q. The adoption of an ordinance regarding second units in a single-family or multiple-family residential zone by the City to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.
- r. The closing of any public school or the transfer of students from that public school to another school in which kindergarten or any grades 1 through 12 is maintained as set forth in 21080.18 of the Public Resources Code.
- s. A project for restriping streets or highways to relieve traffic congestion as set forth in Section 21080.19 of the Public Resources Code.
- t. The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one (1) mile in length.
- u. Minor alterations to utilities made for the purposes of complying with Sections 4026.7 and 4026.8 of the Health and Safety Code as set forth in Section 21080.26 of the Public Resources Code.

- v. The adoption of an ordinance exempting the City from the provisions of the Solar Shade Control Act as set forth in Section 25985 of the Public Resources Code.
- w. The adoption or amendment of a nondisposal facility element as set forth in Section 41735 of the Public Resources Code.
- x. Determinations made regarding the City's regional housing needs as set forth in Section 65584 of the Government Code.
- y. Any action necessary to bring the City's general plan or relevant mandatory element of the general plan into compliance pursuant to a court order as set forth in Section 65759 of the Government Code.
- z. Temporary changes in the point of diversion, place of use, of purpose of use due to a transfer or exchange of water or water rights as set forth in Section 1729 of the Water Code.
- aa. The preparation and adoption of Urban Water Management Plans pursuant to the provisions of Section 10652 of the Water Code.
- bb. The inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing hazardous or volatile liquid pipeline or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline as set forth in State CEQA Guideline 15284.

Section 202 - Relation of Categorical Exemptions to Ministerial Projects

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are already exempt, Categorical Exemptions should be applied only where a project is not ministerial under the City's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the OPR that such an activity is discretionary.

Section 203 - Ministerial Projects

- a. Ministerial projects are exempt from the requirements of these rules and no environmental documents are required. For the purpose of these rules, the

following actions shall be conclusively be presumed to be ministerial:

1. Issuance of all building permits
 2. Issuance of grading permits for cut and fill quantities under 10,000 cubic yards
 3. Approval of final land division maps.
 4. Issuance of permits of licenses for Certificate of Occupancy or Film Permits
- b. For all other projects the determination of whether the project is ministerial shall be made on a case-by-case basis based upon analysis of the law and the facts relevant to the project.

Section 204 - Categorical Exemptions

These rules shall apply to activities which do not have a significant effect on the environment.

- a. Class 1. The operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the Lead Agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether The project involves negligible or no expansion of an existing use. Examples include but are not limited to:
1. Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
 2. Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
 3. Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety) except where the activity will involve

removal of a scenic resource including a stand of trees, a rock out cropping, or an historic building;

4. Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
5. Additions to existing structures provided that the addition will not result in an increase of more than:
 - (A) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
 - (B) 10,000 square feet if:
 - (1) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - (2) The area in which the project is located is not environmentally sensitive.
6. Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
7. New copy on existing on and off-premise signs;
8. Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);
9. Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, stream flows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
10. Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial

or industrial buildings, where no physical changes occur which are not otherwise exempt;

11. Demolition and removal of individual small structures listed in this subsection;
 - (A) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of thirty (30) persons.
 - (B) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
 12. Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
 13. Conversion of a single family residence to office use.
 14. Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600 *et seq.*, of the Health and Safety Code) and accepts no offsite waste.
 15. Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.
- b. Class2. Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:
1. Replacement or reconstruction of existing school and hospitals to provide earthquake resistant structures which do not increase capacity more than fifty (50) percent.
 2. Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

3. Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
 4. Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.
- c. Class 3. Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:
1. One single-family residence, or a second dwelling unit in a residential zone.
 2. A duplex or similar multi-family residential structure totaling no more than four dwelling units.
 3. A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area.
 4. Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
 5. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
 6. An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600 *et seq.*, of the Health and Safety Code) and accepts no offsite waste.
- d. Class 4. Minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of healthy, mature, scenic

trees except for forestry or agriculture purposes. Examples include, but are not limited to:

1. Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist or environmentally sensitive area.
2. New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.
3. Filling of earth into previously excavated land with material compatible with the natural features of the site.
4. Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
5. Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.
6. Minor trenching and backfilling where the surface is restored;
7. Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;
8. The creation of bicycle lanes on existing rights-of-way;
9. Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

- e. Class 5. Minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:
 - 1. Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
 - 2. Issuance of minor encroachment permits;
 - 3. Reversion of acreage in accordance with the Subdivision Map Act.
- f. Class 6. Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.
- g. Class 7. Actions taken by City as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.
- h. Class 8. Actions taken by the City, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.
- i. Class 9. Activities limited entirely to inspections, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.
- j. Class 10. Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:

1. Loans made by the Department of Veterans Affairs under the Veterans Farm Act of 1943.
 2. Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.
- k. Class 11. Construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:
1. On-premise signs;
 2. Small parking lots;
 3. Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.
- l. Class 12. Sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern identified in State CEQA Guideline 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:
1. The property does not have significant values for wildlife habitat or other environmental purposes, and
 2. Any of the following conditions exist:
 - (A) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or
 - (B) The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or
 - (C) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

- m. Class 13. Acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.
- n. Class 14. Minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.
- o. Class 15. Division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.
- p. Class 16. Acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:
 - 1. The management plan for the park has not been prepared, or
 - 2. The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.
- q. Class 17. The establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.
- r. Class 18. Designation of Wilderness areas under the California Wilderness System .

- s. Class 19. Annexations:
1. To the City or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
 2. Of individual small parcels of the minimum size for facilities exempted by State CEQA Guideline 15303, New Construction or Conversion of Small Structures.
- t. Class 20. Changes in the organization or reorganization of where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:
1. Establishment of a subsidiary district.
 2. Consolidation of two or more districts having identical powers.
 3. Merger with the City of a district lying entirely within the boundaries of the City.
- u. Class 21. Actions by the City to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the City or enforcement of a law, general rule, standard, or objective, administered or adopted by the City. Such actions include, but are not limited to, the following:
1. The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement;
 2. The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.
 3. Law enforcement activities by peace officers acting under any law that provides a criminal sanction;

4. Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.
- v. Class 22. The adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:
 1. Development of or changes in curriculum or training methods.
 2. Changes in the grade structure in a school which do not result in changes in student transportation.
- w. Class 23. The normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.
- x. Class 24. Actions taken by the City as authorized by statute, to regulate any of the following:
 1. Employee wages,
 2. Hours of work, or
 3. Working conditions where there will be no demonstrable physical changes outside the place of work.
- y. Class 25. Transfers of ownership in interest in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:
 1. Acquisition, sale, or other transfer of areas to preserve existing natural conditions, including plant or animal habitats.
 2. Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.

3. Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.
 4. Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.
 5. Acquisition, sale or other transfer to preserve historical resources.
- z. Class 26. Actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.
- aa. Class 27. The leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:
1. Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or ND has been prepared;
 2. Shall be substantially the same as that originally proposed at the time the building permit was issued;
 3. Shall not result in a traffic increase of greater than 10% of front access road capacity, and
 4. Shall include the provision of adequate employee and visitor parking facilities.
 5. Examples of Class 27 include, but are not limited to:
 - (A) Leasing of administrative offices in newly constructed office space;
 - (B) Leasing of client service offices in newly constructed retail space;

(C) Leasing of administrative and/or client service offices in newly constructed industrial parks.

bb. Class 28. The installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

1. The capacity of the generating facilities in 5 megawatts or less;
2. Operation of the generating facilities will not change the flow regime in the affected stream, canal or pipeline including, but not limited to:
 - (A) Rate and volume of flow;
 - (B) Temperature;
 - (C) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and
 - (D) Timing of release.
3. New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river.
4. Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.
5. There will be no significant upstream or downstream passage of fish affected by the project.
6. The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.
7. The project will not cause violations of applicable state or federal water quality standards.
8. The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places, and

9. Construction will not occur in the vicinity of any endangered, rare, or threatened.
- cc. Class 29. The installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.
1. At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:
 - (A) Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the country, and
 - (B) Comply with all applicable state, federal, and local air quality laws.
 2. At commercial and industrial facilities, the installation of cogeneration facilities will be exempt if the installation will:
 - (A) Meet all the criteria described in Subsection (a).
 - (B) Result in no noticeable increase in noise to nearby residential structures.
 - (C) Be contiguous to other commercial or institutional structures.
- dd. Class 30. Any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less. No cleanup action shall be subject to this Class 31 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit, with the exception of low temperature, thermal desorption, or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code section 25123.6 except for small scale in situs oil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with the applicable state and local environmental permitting requirements including, but not limited to, air quality rules such as those governing volatile organic compounds and water

quality standards, and approved by the regulatory body with jurisdiction over the site. Examples of such minor cleanup actions include but are not limited to:

1. Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;
 2. Maintenance or stabilization of berms, dikes, or surface impoundments;
 3. Construction or maintenance of interim or temporary surface caps;
 4. Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;
 5. Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;
 6. Application of dust suppressants or dust binders to surface soils;
 7. Controls for surface water run-on and run-off that meets seismic safety standards;
 8. Pumping of leaking ponds into an enclosed container;
 9. Construction of interim or emergency ground water treatment systems;
 10. Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.
- ee. Class 31. Projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

- ff. Class 32. Projects characterized as in-fill development meeting the conditions described in this section.
1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
 2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
 3. The project site has no value, as habitat for endangered, rare or threatened species.
 4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 5. The site can be adequately served by all required utilities and public services.

The use of the Infill Exemption under CEQA can only apply to areas that have previously been graded for which no significant environmental resources or environmental management concerns have been identified. In cases where all of the conditions of this exemption apply but some residual concern exists for environmental protection or in cases where the compliance of an otherwise exempt project with the performance standards in the General Plan is subject to interpretation or question, a "Conditional Exemption" may be applied to a project. The use of this type of "Conditional Exemption" shall require that the applicant agree to a set of environmental mitigations derived from the General Plan Performance Standards prior to determining the project Exempt under Class 32 Infill Exemption category.

Section 205 - Exemptions

- a. Categorical exemptions of Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located--a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes shall apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies. Therefore, these classes are considered to apply all

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

- b. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- c. Significant Effect. 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.
- d. Scenic Highways. A categorical exemption shall not be used for a project which 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 does not apply to improvements which are required as mitigation by an adopted ND or certified EIR.
- e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The City shall prepare an Historic and Cultural Resource Property List which will provide an inventory of known historic and prehistoric resources within the City. The City may also require a cultural resource field reconnaissance for archaeological resources prior to granting an exemption under Class 1 through 32 exemptions. The known inventory of historic and cultural properties shall be used in the future to determine whether projects otherwise exempt from CEQA review may need to be assessed for impacts due to historic and local cultural significance.
- g. Projects that may typically be exempt from CEQA under the various classes of categorical exemption may not qualify for such exemptions if they are situated in hillside areas that may result in highly visible modifications to the native landscape character or landforms. Single family homes or commercial developments, for example, that have the potential to substantially degrade regional viewsheds or scenic character or conflict with the overall intent of the Santa Monica Mountains National Recreation Area General Management Plan

may not necessarily be granted categorical exemptions from CEQA review.

Section 206 - Notice of Exemption

- a. When the City determines that an activity is exempt from the requirements of CEQA, and the City approves or determines to carry out the activity, it may file a NOE. An Initial Study may, but is not required to be prepared, prior to determining that an activity is exempt from these rules. This notice, if prepared, shall be available for public inspection in the Office of the Planning Department during regular working hours for a reasonable period of time.
- b. All such notices shall include:
 - 1. A brief description of the project;
 - 2. A finding that the project is exempt, including a citation to the State CEQA Guidelines section under which it is found to be exempt; and
 - 3. A brief statement of reasons to support the findings.
- c. The NOE, if prepared, shall be filed with the County Clerk for the County of Los Angeles after the project is approved. Copies of all such notices shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the office of the County Clerk for the County of Los Angeles and shall remain posted for a period of 30 days.

DIVISION III
PRELIMINARY REVIEW OF PROJECTS AND INITIAL STUDIES

Section 301 - Preapplication Consultation

- a. For a potential project involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the City shall, upon the request of a potential applicant and prior to the filing of a formal application, provide for consultation with the potential applicant to consider the range of actions, potential alternatives, mitigation measures, and any potential significant effects on the environment of the potential project.
- b. The City may include in the consultation one or more responsible agencies, trustee agencies, and other public agencies who in the opinion of the City may have an interest in the proposed project. The City may consult the Office of Permit Assistance in the Trade and Commerce Agency for help in identifying interested agencies.

Section 302 - Time Limits

- a. No application for a permit shall be received for filing and accepted as complete unless accompanied by the fee required by Resolution No's. 91-52 and 93-179 and such data and other information as is required by the Planning Director in order to prepare the Initial Study. If in the opinion of the Planning Director an adequate Initial Study cannot be prepared based on the data submitted, the Project Sponsor shall be notified in writing of that fact. Any such notification shall expressly state what additional information must be submitted before the Initial Study can be undertaken. A determination by the Planning Director that additional information is needed shall be made within 30 calendar days of the date on which an application requesting the issuance of a permit is received.
- b. Within 30 days after accepting an application for a permit as complete, the Planning Director shall make an initial determination as to whether the project is exempt or will need an EIR, a MND or a ND.
- c. A form for the applicant's project description is Appendix G.

Section 303 - Initial Study

The Initial Study shall be prepared in writing by the Planning Department. The Initial Study shall reflect the specificity of the proposed project and shall contain at least the following information:

- a. A description of the project including its location;
- b. An identification of the environmental setting;
- c. An identification of the environmental effects by use of a checklist, matrix, or other method;
- d. A discussion of ways to mitigate the significant effects identified, if any;
- e. A list of all agencies that were consulted prior to completing the Initial Study;
- f. An examination of whether the project is compatible with existing zoning and plans;
- g. The names of all persons who prepared or participated in the preparation of the Initial Study.
- h. A single Initial Study may be used to evaluate more than one project if such projects are essentially the same in the terms of environmental impact.
- i. An Initial Study prepared in connection with an earlier project may be used to evaluate the environmental effects of a later project if the circumstances of the projects are essentially the same.

Section 304 - Consultation

As soon as the City has determined that an Initial Study will be required for the project, the Lead Agency shall consult informally with all responsible agencies and all Trustee Agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a ND should be prepared. During or immediately after preparation of an Initial Study for a private project, the Lead Agency 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.

DIVISION IV
APPROVAL OF PROJECTS THAT WILL HAVE NO SIGNIFICANT EFFECT
ON THE ENVIRONMENT

Section 401 - Procedure

- a. If the Planning Director finds that on the basis of the Initial Study the project will not have a significant effect on the environment, a ND shall be completed.
- b. If the Initial Study identifies potentially significant effect(s), but revisions to the project which would avoid or mitigate the effect(s) where clearly no significant effects would occur, a MND may be prepared.
- c. Before completing a ND or MND, the Planning Director shall consult with all responsible agencies. After completing the draft ND or MND, the Planning Director shall also consult with and seek to obtain comments from each Responsible Agency and other public agencies having jurisdiction by law. All comments received shall be forwarded to the decision making body of the City as attachments to the completed MND or ND.

Section 402 - Contents of ND

A ND shall include:

- a. A brief description of the project, including a commonly used name for the project, if any;
- b. The location of the project and the name of the project proponent;
- c. A finding that the project will not have a significant effect on the environment;
- d. An attached copy of the Initial Study documenting reasons to support the finding.

Section 403 - Contents of MND/Expanded Initial Study

A MND shall include the contents itemized in Section 402 and also mitigation measures, if any, included in the project to avoid potentially significant effects. The data contained in the MND shall include a reasoned analysis of all potentially significant effects. The technical information used to analyze the effects of the project shall be included in the MND as appendices. All analysis used in the MND evaluation and mitigation measure derivation process shall be included in the document.

A limited evaluation of project alternatives may be included in the MND. This alternatives analysis shall be included in the appendices to Expanded Initial Studies and MNDs when deemed appropriate or necessary. The alternatives considered under an MND would be limited to documenting the process of modifying a project from the original proposal submitted by the applicant to the project as presented to the decision-makers. If an alternatives analysis is requested by the Director, the City Manager, or by the decision-making body, then such an analysis would be prepared under the "Limited Scope EIR" process referenced in Section 701 of the Guidelines.

Section 404 - Submittal to State Clearinghouse

- a. A copy of the ND or MND shall be submitted to the State Clearinghouse for review if a state agency is a responsible or trustee agency or otherwise has jurisdiction by law with respect to the involved project, or if the project is of statewide, regional or areawide significance.
- b. A proposed project shall be determined to be of statewide, regional or areawide significance if the project meets any of the criteria set forth in State CEQA Guideline Section 15073.

Section 405 - Notice of Intent to Adopt a ND or MND

- a. The City shall provide a notice of intent to adopt a ND or MND to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by the City of the ND or MND to allow the public and agencies the review period provided under State CEQA Guideline 15105.
- b. The City shall mail a notice of intent to adopt a ND or MND to the last known name and address of all organizations and individuals who have

previously requested such notice in writing and shall also give notice of intent to adopt a ND or MND by at least one of the following procedures to allow the public the review period provided under State CEQA Guideline 15105:

1. Publication at least one time in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
 2. Posting of notice by on and off site in the area where the project is to be located.
 3. Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.
- c. The City may provide the public notice at the same time and in the same manner as public notice required by any other laws for the project.
- d. For a project of statewide, regional, or areawide significance, the City shall also provide notice to transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project as specified in Section 21092.4(a) of the Public Resources Code. "Transportation facilities" includes: major local arterials and public transit within five miles of the project site and freeways, highways and rail transit service within 10 miles of the project site.
- e. A notice of intent to adopt a ND or MND shall specify the following:
1. A brief description of the proposed project and its location.
 2. The starting and ending dates for the review period during which the City will receive comments on the proposed ND or MND. This shall include starting and ending dates for the review period. If the review period has been shortened pursuant to State CEQA Guideline 15105, the notice shall include a statement to that effect.
 3. The date, time, and place of any scheduled public meetings or hearings to be held by the City on the proposed project, when known to the City at the time of notice.

4. The address or addresses where copies of the proposed ND or MND including the revisions developed under State CEQA Guideline 15070(b) and all documents referenced in the proposed ND or MND are available for review. This location or locations shall be readily accessible to the public during the City's normal working hours.
5. The presence of the site on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to lists of hazardous waste facilities, land designated as hazardous waste property, and hazardous waste disposal sites, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that section.
6. Other information specifically required by statute or regulation for a particular project or type of project.

Section 406 - Public Review of a Proposed ND or MND

- a. The City shall provide a public review period pursuant to State CEQA Guideline 15105 of not less than 20 days. When a proposed ND or MND and Initial Study are submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period is approved by the State Clearinghouse under State CEQA Guideline 15105(d).
- b. When a proposed ND or MND and Initial Study have been submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least as long as the review period established by the State Clearinghouse.
- c. A copy of the proposed ND or MND and the Initial Study shall be attached to the notice of intent to adopt the proposed declaration that is sent to every Responsible Agency and trustee agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project.
- d. 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, or where the project is of statewide, regional, or areawide environmental significance, the City shall send copies of the proposed ND or MND to the State Clearinghouse for distribution to state agencies.

- e. The City shall notify in writing any public agency which comments on a proposed ND or MND of any public hearing to be held for the project for which the document was prepared. A notice provided to a public agency pursuant to State CEQA Guideline 15072 satisfies this requirement.

Section 407 - Recirculation of a ND Prior to Adoption

- a. The City is required to recirculate a ND when the document must be substantially revised after public notice of its availability has previously been given pursuant to State CEQA Guideline 15072, but prior to its adoption. Notice of Recirculation shall comply with State CEQA Guidelines 15072 and 15073.
- b. A “substantial revision” of the ND shall mean:
 - 1. A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
 - 2. The City determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

Section 408 - Consideration and Adoption of a ND or MND

- a. Any advisory body of the City making a recommendation to the decision-making body of the City shall consider the proposed ND or mitigated ND before making its recommendation.
- b. The decision-making body has the discretion to adopt or reject the adequacy and completeness of an ND or MND. If the decision-making body determines that, based on the record as a whole, a proposed project or undertaking will have a significant effect on the environment, or if the decision-making body determines that the project effects should be considered under the alternatives analysis requirements for an EIR, this body may direct that the MND be overturned and that an EIR shall be prepared. This decision shall not be arbitrary and shall necessarily be supported by other tests in CEQA concerning when an EIR rather than MND shall be prepared.
- c. When adopting a ND or mitigated ND, the City shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

- d. When adopting a mitigated ND, the City shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

Section 409 - Substitution of Mitigation Measures in a Proposed MND

- a. As a result of the public review process for a proposed MND, including any administrative decisions or public hearings conducted on the project prior to its approval, the City may conclude that certain mitigation measures identified in the mitigated ND are infeasible or otherwise undesirable. Prior to approving the project, the City may, in accordance with this section, delete those mitigation measures and substitute for them other measures which the City determines are equivalent or more effective.
- b. Prior to deleting and substituting for a mitigation measure, the City shall do both of the following:
 - 1. Hold a public hearing on the matter. Where a public hearing is to be held in order to consider the project, the public hearing required by this section may be combined with that hearing. Where no public hearing would otherwise be held to consider the project, then a public hearing shall be required before a mitigation measure may be deleted and a new measure adopted in its place.
 - 2. Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.

The decision-making body has the discretion to adopt or reject the adequacy and completeness of an ND or MND. If the decision-making body determines that, based on the record as a whole, a proposed project or undertaking will have a significant effect on the environment, or if the decision-making body determines that the project effects should be considered under the alternatives analysis requirements for an EIR, this body may direct that the MND be overturned and that an EIR shall be prepared. This decision shall not be arbitrary and shall necessarily be supported by other tests in CEQA concerning when an EIR rather than MND shall be prepared.

Section 410 – Notice of Determination Filing Procedures

After making a decision to carry out or approve a project for which a ND or MND has been prepared, the City shall file a NOD with the Clerk of Los Angeles County within five working days after the approval of the project. If the project requires a discretionary approval from any state agency, the NOD also shall be filed with the OPR. The necessary funds required for filing said NOD shall be provided by the project applicant.

Section 411 – Required Contents of Notice of Determination

The NOD filed pursuant to Section 409 shall include the following:

- a. An identification of the project, including its common name, where possible, and its location;
- b. A brief description of the project;
- c. The date on which the agency approve the project;
- d. The determination of the Decision-making body of the City that the project will not have a significant effect on the environment;
- e. That a ND or MND has been prepared pursuant to the provision of CEQA;
- f. The address where a copy of the ND or MND may be examined;
- g. A form of the NOD is Appendix Q.

DIVISION V
DETERMINING THAT A PROJECT WILL HAVE A SIGNIFICANT EFFECT
ON THE ENVIRONMENT

Section 501 - EIR Must Be Prepared

- a. If the Planning Director finds that the project may have a significant effect on the environment, an EIR shall be prepared in accordance with Division VI of these rules.
- b. A project shall be found to have a significant effect on the environment if:
 - 1. An EIR is required by State CEQA Guideline 15081.5.
 - 2. The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.
 - 3. The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
 - 4. The project has possible environmental effects which are individually limited, but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in State CEQA Guideline 15130.
 - 5. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

Section 502 - EIR May Be Prepared

The Planning Director should require an EIR if:

- a. It can be fairly argued on the basis of substantial evidence that the project may have a significant effect on the environment, or
- b. There is serious public controversy concerning the environmental effects of a project, or
- c. There is or it can be anticipated that there will be a substantial body of opinion that considers or will consider a project to have adverse environmental effects.

Section 503 - Thresholds of Significance

To be completed as a supplemental guide. The Thresholds of Significance will be presented at a future Planning Commission and City Council Hearing for review and approval. These Thresholds will be incorporated by reference into the CEQA guidelines.

Section 504 – Notice of Preparation (NOP)

- a. If the Planning Director determines that an EIR will be required for a project, a NOP shall immediately be sent by certified mail or any other method of transmittal which provided a record that notice was received to the Project Sponsor, all responsible and trustee agencies, and all federal agencies involved in approving or funding the project. If one or more of the responsible agencies so notified is a state agency, the Planning Director shall also send a copy of this notice to the State Clearinghouse. When the NOP is submitted to the State Clearinghouse, the state identification number issued by the Clearinghouse shall be the identification number for all subsequent environmental documents on the project. The identification number should be referenced on all subsequent correspondence regarding the project specifically on title pages of the draft and final EIR and on the NOD.
- b. For projects identified in State CEQA Guideline 15083.5, the NOP shall also be sent to all affected public water systems.
- c. The Planning Director, the Project Sponsor, a Responsible Agency or a trustee agency may request one or more meetings between representatives

of the above-named agencies to determine the scope and content of the environmental information any agency may require. The Planning Director shall schedule any such meeting within 30 days if requested to do so by the Project Sponsor or any of the above-named agencies.

- d. The notice required by this section shall provide the above-named agencies and the federal agencies with sufficient information describing the project and the environmental effects to enable said agencies to make a meaningful response. Such notice shall include:
 - 1. A description of the project;
 - 2. The location of the project, indicated either on an attached topographical map, or by a street address in an unbanded area; and
 - 3. The probable environmental effect of the project.

Section 505 - Revised Projects

Upon receipt of the Planning Director's determination that an EIR will be required, the project's sponsor may revise the project. If one or more of the significant effects on the environment are mitigated by the revised project, a revised Initial Study shall be prepared and the Planning Director shall make a new determination as to whether the project may have a significant effect on the environment. Where the significant effects of a project are clearly mitigated to a point where no significant environmental effects would occur, a MND shall be prepared instead of an EIR.

DIVISION VI PREPARATION OF AN EIR AND APPROVAL OF PROJECT

Section 601 - Fees

- a. If, pursuant to Division V of these rules, the Planning Director determines that an EIR will be required, the Planning Director shall prepare or cause to be prepared an EIR.
- b. The Planning Director shall notify the Project Sponsor of the amount of the required deposit and that the deposit and any data required by the Planning Director must be submitted not more than 30 days after receipt of the notice.

- c. It shall be conclusively presumed that the Project Sponsor has abandoned the project if any required deposit is not submitted within the required time period; provided, however, this time period may be extended only for an additional 30 days in the event that compelling circumstances justify the extension and the Project Sponsor requests the extension. Any application that, pursuant to this Section, is presumed abandoned shall thereupon immediately be returned to the Project Sponsor and no further processing shall occur.
- d. The Planning Director shall keep accurate records and accounts of all expenses incurred by the City in the preparation of the draft and final EIR, including administrative overhead.
- e. Within 5 working days of the completion of the final EIR, the Planning Director shall mail to the Project Sponsor an itemized statement of all expenses incurred by the City in preparing the EIR. If the total expenses incurred are less than the amount of the deposit, the Planning Director shall refund the difference to the Project Sponsor within 30 days of the completion of the final EIR.

Section 602 - Early Consultation

Prior to completing the draft EIR, the Planning Director may consult directly with any person or organization he or she believes will be concerned with the environmental effects of the project.

Section 603 - Contents and Format of EIR

EIRs shall contain the information outlined in State CEQA Guidelines 15020-15132.

Section 604 – Notice Completion (NOC)

- a. Upon the completion of a draft EIR by the Planning Director, the Planning Director shall file a NOC of the draft EIR. The notice shall include a brief description of the project, its proposed location, an address where copies of the EIR are available and the period during which comments will be received. A form of the NOC is Appendix O.
- b. The NOC shall be filed with the County Clerk of the County of Los Angeles and with the OPR.

- c. A copy of the draft EIR shall be forwarded to the OPR for review if a state agency is a responsible or trustee agency, if the project is of statewide, regional or areawide significance as that term is defined by State CEQA Guidelines, or if the EIR has been prepared for a general plan an element of the general plan, or an amendment of an existing general plan.

Section 605 - Consultation

- a. The City shall consult with and request comments on the draft EIR from:
 - 1. Responsible Agencies.
 - 2. Trustee agencies with resources affected by the project.
 - 3. Any other state, federal, and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project., including water agencies consulted pursuant to State CEQA Guideline 15083.5;
 - 4. Any city or county which borders on a city or county within which the project is located.
 - 5. For a project of statewide, regional, or areawide significance, the transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project. "Transportation facilities" includes: major local arterials and public transit within five miles of the project site, and freeways, highways and rail transit service within 10 miles of the project site.
 - 6. For a subdivision project located within one mile of a facility of the State Water Resources Development System, the California Department of Water Resources.
- b. The City may consult directly with:
 - 1. Any person who has special expertise with respect to any environmental impact involved.
 - 2. Any member of the public who has filed a written request for notice with the City.

3. Any person identified by the applicant whom the applicant believes will be concerned with the environmental effects of the project.

Section 606 - Public Notice and Review

- a. At the same time as the NOC is filed, public notice of the completion of the draft EIR shall be given. Such notice shall include:
 1. A brief description of the proposed project and its location.
 2. The starting and ending dates for the review period during which the City will receive comments. If the review period is shortened, the notice shall disclose that fact.
 3. The date, time, and place of any scheduled public meetings or hearings to be held by the City on the proposed project when known to the City at the time of notice.
 4. A list of the significant environmental effects anticipated as a result of the project, to the extent which such effects are known to the City at the time of the notice.
 5. The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the City's normal working hours.
 6. The presence of the site on any of the lists of sites enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that Section.
- b. Public Notice of the completion of the draft EIR shall be given by all the following procedures:
 1. Mailing to all organizations and individuals who have previously requested such notice and have provided the Planning Department with a self-addressed stamped envelope for that purpose.

2. Publication once in a newspaper of general circulation in the area affected by the proposed project.
 3. Postings on the bulletin board at City Hall.
 4. Mailing to owners and occupants of contiguous properties.
 5. Providing to the County Clerk of Los Angeles County for posting.
- c. In order to insure that copies of all draft EIRs are made available to the public, the Planning Director should furnish copies to appropriate libraries.

Section 607 - Response to Comments

- a. Written comments from public agencies, organizations or individuals consulted by the Planning Department, and any written comments from the public received prior to the expiration of the period provided for in Section 606 of these rules shall be evaluated by the Planning Department as a part of the final EIR prepared by the Planning Department. Comments received after the review period may be evaluated as part of the final EIR, but if not evaluated shall be forwarded, along with the final EIR, to the decision-making body of the City.
- b. The Planning Department shall respond in writing to all comments that are required to be evaluated by this section. The response may take the form of a revision of the draft EIR or may be an attachment to the draft EIR. In either case, the response shall describe the disposition of all significant environmental issues raised by the comments. Where the response from the Planning Department is at variance with the recommendations or objections raised by the comments, reasons must be given why these specific comments or suggestions were not accepted.
- c. All comments received shall be kept on file of the office of the Planning Director for a reasonable period of time and shall be available for public inspection.

Section 608 - Preparation of a Final EIR

- a. The Planning Director shall, within 30 calendar days of the expiration of that time period provided by Section 606 of these rules, respond to all written comments received within that time period and prepare a final EIR.

- b. The final EIR shall consist of:
 - 1. The draft EIR or a revision of the draft EIR.
 - 2. Comments and recommendations received on that draft EIR, either verbatim or in summary.
 - 3. A list of all persons, organizations and public agencies commenting on the draft EIR.
 - 4. The responses of the Planning Department.

Section 609 - Certification of Final EIR

- a. Prior to approving a project the City shall certify that:
 - 1. The final EIR has been completed in compliance with CEQA;
 - 2. The final EIR was presented to the decision-making body of the City, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
 - 3. The final EIR reflects the City's independent judgment and analysis.
- b. When an EIR is certified by a non-elected decision-making body within the City, that certification may be appealed to the City Council.

Section 610 - Notice of Public Hearing on the Project

- a. At least 10 days prior to any public hearing on the project for which a final EIR has been completed, public notice shall be given including the following information:
 1. A brief description of the project and its proposed location;
 2. The decision-making body of the City that will consider approval of the project;
 3. The date, time and place of the hearing;
 4. A statement that an EIR has been prepared for the project and the addresses of not less than two locations where it is available for inspection;
 5. A statement that prior to making a decision, the decision-making body of the City will certify the final EIR and all testimony, oral or written, pertaining to the EIR.
- b. The public notice shall be given the following procedures:
 1. Mailing to all organizations and individuals who have previously requested such notice and have provided the Planning Department with a self-addressed stamped envelope for that purpose;
 2. Publication once in a newspaper of general circulation in the area affected by the proposed project;
 3. By the same procedure as provided by the statute or ordinance applicable to the project for notice of public hearing;
 4. If no statute or ordinance applicable to the project provides a procedure for the giving of notice of public hearing pursuant to subsection (b)(3) of this section, notice shall also be given by mail to all owners of real property which is located within 300 feet of the exterior boundaries of the proposed project, as such owners are shown on the last equalized assessment roll. If the number of owners to whom notice would be mailed exceeds 1,000, as an alternative to this mailed notice, notice may be given by publication of a one-quarter page display advertisement in a newspaper of

general circulation in the area affected by the proposed project. A display advertisement so published shall also satisfy the publication requirement of subsection (b)(2) of this section.

- c. The public notices required by this section may be combined with any public notice otherwise required by law for the project.

Section 611 - Findings

- a. The City may not approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the City makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- b. The findings required by subsection (a) shall be supported by substantial evidence in the record.
- c. The finding in subsection (a)(2) shall not be made if the City has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- d. When making the findings required in subsection (a)(1), the City shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must

be fully enforceable through permit conditions, agreements, or other measures.

- e. The City shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- f. A statement made pursuant to State CEQA Guideline 15093 does not substitute for the findings required by this section.

Section 612 – Notice of Determination (NOD)

- a. After approving a project for which an EIR has been prepared, the Decision-making body of the City which has approved the project shall within 5 working days of the approval of the project file a NOD with the Clerk of Los Angeles County and, if the project requires the discretionary approval from a state agency, with the OPR. The project applicant shall be responsible for the payment of the NOD filing fees. These fees must be paid to the County of Los Angeles.
- b. The NOD shall include:
 - 1. An identification of the project, including its common name where possible and its location;
 - 2. A brief description of the project;
 - 3. The date the project was approved;
 - 4. The determination of the approving officer or body whether the project in its approved form will have a significant effect on the environment;
 - 5. A statement that an EIR was prepared and certified pursuant to CEQA.
 - 6. Whether mitigation measures were made a condition of the approval of the project;
 - 7. Whether the findings were made pursuant to State CEQA Guideline 15091;

8. Whether a Statement of Overriding Considerations was adopted for the project pursuant to State CEQA Guideline 15093;
9. The address where a copy of the EIR and the record of project approval may be examined.

Section 613 - Mitigation Monitoring Program

When the City has made the findings required in Sections 403 and 611 of these rules relative to an EIR or adopted a MND, the City shall adopt a mitigation monitoring program in compliance with State CEQA Guideline 15097.

Section 614 - Disposition of Final EIR

The City shall:

- a. File a copy of the final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.
- b. Include the final EIR as part of the regular project report which is used in the existing project review and budgetary process if such a report is used.
- c. Retain one or more copies of the final EIR as public records for a reasonable period of time.
- d. Require the applicant to provide a copy of the certified, final EIR to each Responsible Agency.

DIVISION VII

TYPES OF EIRs AND SUBSEQUENT ENVIRONMENTAL DOCUMENTS

Section 701 - Project EIR

Section 701 – Project EIR and Limited Scope EIRs: The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from a specific development project. The EIR shall examine all phases of the project including planning, construction, and operation and shall also address relevant cumulative effects. The scope of a Project EIR may be reduced to a Limited Scope EIR when five or fewer environmental effects have been determined to be potentially significant. The purpose of this type of project EIR is

to ensure that the range of significant effects are studied with greater thoroughness than the level of analysis typically completed for an Expanded Initial Study and Mitigated Negative Declaration. Limited Scope EIRs are designed to ensure that a formal alternatives analysis is completed in cases where staff has identified a feasible alternative that generally meets the applicant's development objectives. These documents may also serve the purpose of reviewing possible alternative land use designs for a project if a proposal has substantial conflicts with the City's General Plan.

Section 702 - EIR as Part of a General Plan

- a. The requirements for preparing an EIR on a local general plan, element, or amendment thereof will be satisfied by using the general plan, or element document, as the EIR and no separate EIR will be required, if:
 - 1. The general plan addresses all the points required to be in an EIR by Article 9 of State CEQA Guidelines, and
 - 2. The document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.
- b. Where an EIR rather than a MND or ND has been prepared for a general plan, element, or amendment thereto, the EIR shall be forwarded to the State Clearinghouse for review. The requirement shall apply regardless of whether the EIR is prepared as a separate document or as a part of the general plan or element document.

Section 703 - Staged EIR

- a. Where a large capital project will require a number of discretionary approvals from government agencies and one of the approvals will occur more than two years before construction will begin, a staged EIR may be prepared covering the entire project in a general form. The staged EIR shall evaluate the proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project. The aspect of the project before the public agency for approval shall be discussed with a greater degree of specificity.
- b. When a staged EIR has been prepared, a supplement to the EIR shall be prepared when a later approval is required for the project, and the information available at the time of the later approval would permit

consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.

Section 704 - Program EIR

A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

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

Section 705 - Master EIR

- a. The Master EIR procedure is an alternative to preparing a project EIR, staged EIR, or program EIR for certain projects which will form the basis for later decision making. It is intended to streamline the later environmental review of projects or approval included within the project, plan or program analyzed in the Master EIR. Accordingly, a Master EIR shall, to the greatest extent feasible, evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects.
- b. A City may prepare a Master EIR for any of the following classes of projects:
 1. A general plan, general plan update, general plan element, general plan amendment, or specific plan.
 2. Public or private projects that will be carried out or approved pursuant to, or in furtherance of, a redevelopment plan.
 3. A project that consists of smaller individual projects which will be carried out in phases.
 4. A rule or regulation which will be implemented by later projects.

5. Projects that will be carried out or approved pursuant to a development agreement.
- c. The City may develop and implement a fee program in accordance with applicable provisions of law to generate the revenue necessary to prepare a Master EIR.
- d. The contents and limitations of master EIRs are specified in State CEQA Guidelines 15176, 15177, 15178 and 15179.

Section 706 - Focused EIR

- a. When a project is a multiple family residential development of 100 units or less or is a residential and commercial or retail mixed-use commercial development of not more than 100,000 square feet, whether or not the project is identified in the Master EIR, a focused EIR shall be prepared pursuant to this section when the following conditions are met:
 1. The project is consistent with a general plan, specific plan, community plan, or zoning ordinance for which an EIR was prepared within five years of certification of the focused EIR; and
 2. The parcel on which the project is to be developed is either:
 - A. Surrounded by immediately contiguous urban development;
 - B. Previously developed with urban uses; or
 - C. Within one-half mile of an existing rail transit station.
- b. A focused EIR prepared pursuant to this section shall be limited to a discussion of potentially significant effects on the environment specific to the project, or which substantial new information shows will be more significant than described in the prior EIR. No discussion shall be required of alternatives to the project, cumulative impacts of the project, or the growth inducing impacts of the project.
- c. This section does not apply where the City can make a finding pursuant to State CEQA Guideline 15177 that the subsequent project is within the scope of the Master EIR, where the City can prepare a MND or focused EIR pursuant to State CEQA Guideline 15178, or where, pursuant to State

CEQA Guideline 15162 or State CEQA Guideline 15163, the EIR referenced in subdivision (a)(1) of this section must be updated through the preparation of a subsequent EIR or a supplemental EIR.

Section 707 - Joint EIR-EIS

The City under CEQA may work with a federal agency to prepare a joint document which will meet the requirements of both CEQA and NEPA. Use of such a joint document is described in Article 14, beginning with State CEQA Guideline 15220.

Section 708 - Subsequent EIRs and NDs

- a. When an EIR has been certified or a MND or ND adopted for a project, no subsequent EIR shall be prepared for that project unless the City determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or a MND or a ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or MND or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the MND or ND was adopted, shows any of the following;
 - (A) The project will have one or more significant effects not discussed in the previous EIR or MND or ND;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- b. If changes to a project or its circumstances occur or new information becomes available after adoption of a MND or ND, the City shall prepare a subsequent EIR if required under subsection (a). Otherwise the City shall determine whether to prepare a subsequent MND or ND, an addendum, or no further documentation.
- c. Once a project has been approved, the City's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project was approved, any of prior to the occurrence of the conditions described in subsection (a) occurs, a the subsequent EIR or MND or ND shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent MND or ND adopted.
- d. A subsequent EIR or subsequent MND or ND shall be given the same notice and public review as required under State CEQA Guidelines 15087 or 15072. A subsequent EIR or MND or ND shall state where the previous document is available and can be reviewed.

Section 709 - Supplement to an EIR

- a. The City may choose to prepare a supplement to an EIR rather than a subsequent EIR if:
 - 1. Any of the conditions described in State CEQA Guideline 15162 would require the preparation of a subsequent EIR, and

2. Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
- b. The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
- c. A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under State CEQA Guideline 15087.
- d. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
- e. When the City decides whether to approve the project, the decision-making body of the City shall consider the previous EIR as revised by the supplemental EIR. A finding under State CEQA Guideline 15091 shall be made for each significant effect shown in the previous EIR as revised.

Section 710 - Addendum to an EIR or MND or ND

- a. The City shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in State CEQA Guideline 15162 calling for preparation of a subsequent EIR have occurred.
- b. An addendum to an adopted MND or ND may be prepared if only minor technical changes or additions are necessary or none of the conditions described in State CEQA Guideline 15162 calling for the preparation of a subsequent EIR or ND have occurred.
- c. An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted MND or ND.
- d. The decision-making body of the City shall consider the addendum with the final EIR or adopted MND or ND prior to making a decision on the project.
- e. A brief explanation of the decision not to prepare a subsequent EIR pursuant to State CEQA Guideline 15162 should be included in an addendum to an EIR, the City's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Section 711 - Use of an EIR from an Earlier Project

- a. The City may employ a single EIR to describe more than one project, if such projects are essentially the same in terms of environmental impact. The City may use an earlier EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same.
- b. When the City proposes to use an EIR from an earlier project as the EIR for a separate, later project, the City shall use the following procedures:
 1. The Planning Director shall review the proposed project with an Initial Study, using incorporation by reference if necessary, to determine whether the EIR would adequately describe:
 - A. The general environmental setting of the project,
 - B. The significant environmental impacts of the project, and
 - C. Alternatives and mitigation measures related to each significant effect.
 2. If the Planning Director believes that the EIR would meet the requirements of subsection (1), the City shall provide public review as provided in State CEQA Guideline 15087 stating that the City plans to use the previously prepared EIR as the draft EIR for this project. The notice shall include as a minimum:
 - A. An identification of the project with a brief description;
 - B. A statement that the City plans to use a certain EIR prepared for a previous project as the EIR for this project;
 - C. A listing of places where copies of the EIR may be examined; and
 - D. A statement that the key issues involving the EIR are whether the EIR should be used for this project and whether there are any additional, reasonable alternatives or mitigation measures that should be considered as ways of avoiding or reducing the significant effects of the project.

3. The Planning Department shall prepare responses to comments received during the review period.
 4. Before approving the project, the decision-making body of the City shall:
 - A. Consider the information in the EIR including comments received during the review period and responses to those comments,
 - B. Decide either on its own or on a staff recommendation whether the EIR is adequate for the project at hand, and
 - C. Make or require certification to be made as described in State CEQA Guideline 15090.
 - D. Make findings as provided in State CEQA Guidelines 15091 and 15093 as necessary.
 5. After making a decision on the project, the City shall file a NOD.
- c. An EIR prepared for an earlier project may also be used as part of an Initial Study to document a finding that a later project will not have a significant effect. In this situation a ND will be prepared.
 - d. An EIR prepared for an earlier project shall not be used as the EIR for a later project if any of the conditions described in State CEQA Guideline 15162 would require preparation of a subsequent or supplemental EIR.

ARTICLE VIII SPECIAL SITUATIONS

Section 801 - Residential Projects Consistent with a Community Plan or Zoning

- a. CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

- b. In approving a residential project meeting the requirements of this section, the City shall limit its examination of environmental effects under CEQA to effects to those which the City determines, in an initial study or other analysis:
 - 1. Are peculiar to the project or the parcel on which the project would be located, although the effect may occur on or off the site of the project;
 - 2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the residential project is consistent;
 - 3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
 - 4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.
- c. If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.
- d. This section shall apply only to residential projects which meet the following conditions:
 - 1. The project is consistent with:
 - (A) A community plan adopted as part of a general plan, or
 - (B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of residential development, or
 - (C) The City's general plan.

2. An EIR was certified by the City for the zoning action, the community plan, or the general plan.
- e. This section shall limit the analysis of only those significant environmental effects for which:
1. Each public agency with authority to mitigate any of the significant effects on the environment identified in the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the City found to be feasible, and
 2. The City makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.
- f. An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the City with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire City, but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the City is relying. Such policies or standards need not be part of the general plan or any community plan, but can be found within another pertinent planning document such as a zoning ordinance. Where the City, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the City, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the City decides to apply the standards or policies as permitted in this section.
- g. Examples of uniformly applied development policies or standards include, but are not limited to:

1. Parking ordinances.
 2. Public access requirements.
 3. Grading ordinances.
 4. Hillside development ordinances.
 5. Flood plain ordinances.
 6. Habitat protection or conservation ordinances.
 7. View protection ordinances.
- h. An environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.
- i. Where a the prior EIR relied upon by the City was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a residential project subject to this section.
1. “Community plan” is defined as a part of the general plan of the City which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.
 2. For purposes of this section, “consistent” means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.
- j. This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not

adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.

Section 802 - State Mandated Local Projects

Whenever a state agency issues an order which requires a City to carry out a project subject to CEQA, the following rules apply:

- a. If an EIR is prepared for the project, the City shall limit the EIR to considering those factors and alternatives which will not conflict with the order.
- b. If the City undertakes a project to implement a rule or regulation imposed by a certified state environmental regulatory program listed in State CEQA Guideline 15251, the project shall be exempt from CEQA with regard to the significant effects analyzed in the document prepared by the state agency as a substitute for an EIR. The City shall comply with CEQA with regard to any site-specific effect of the project which was not analyzed by the certified state agency as a significant effect on the environment. The City need not re-examine the general environmental effects of the state rule or regulation.

Section 803 - School Facilities

- a. CEQA establishes a special requirement for certain school projects, as well as certain projects near schools, to ensure that potential health impacts resulting from exposure to hazardous materials, wastes, and substances will be carefully examined and disclosed in a MND or ND or EIR, and that the City will consult with other agencies in this regard.
- b. When a project located within one-fourth mile of a school involves the construction or alteration of a facility which might reasonably be anticipated to emit hazardous or acutely hazardous air emissions, or which would handle acutely hazardous material or a mixture containing acutely hazardous material in a quantity equal to or greater than that specified in subdivision (a) of Section 25536 of the Health and Safety Code, which may impose a health or safety hazard to persons who would attend or would be employed at the school, the City must:

1. Consult with the affected school district or districts regarding the potential impact of the project on the school when circulating the proposed MND or ND or draft EIR for review.
 2. Notify the affected school district of the project, in writing, not less than 30 days prior to approval or certification of the MND or ND or EIR.
- c. When the City has carried out the consultation required by paragraph (2) of subdivision (b), the MND or ND or EIR shall be conclusively presumed to comply with this section, notwithstanding any failure of the consultation to identify an existing facility.
- d. The following definitions shall apply for the purposes of this section:
1. "Acutely hazardous material," is as defined in 22 C.C.R. Section 66260.10.
 2. "Administering agency," is as defined in Section 25501 of the Health and Safety Code.
 3. "Hazardous air emissions," is as defined in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.
 4. "Hazardous substance," is as defined in Section 25316 of the Health and Safety Code.
 5. "Hazardous waste," is as defined in Section 25117 of the Health and Safety Code.
 6. "Hazardous waste disposal site," is as defined in Section 25114 of the Health and Safety Code.

Section 804 - Multiple and Phased Projects

Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the City shall prepare a single program EIR for the ultimate project as described in State CEQA Guideline 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the City to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of the City,

but is not deemed a part of a larger undertaking or a larger project, the City may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

DIVISION IX

APPEALS OF DETERMINATIONS TO REQUIRE AN EIR

Section 901 - Right to Appeal

- a. The Project Sponsor may appeal the determination that a project may have a significant effect on the environment.
- b. Appeals of the determination of Planning Director that a project may have a significant effect on the environment shall be directed to the City Council and shall be accompanied by the fee set forth in Ordinance No. 95-101.
- c. An appeal from a determination that a project may have a significant effect on the environment shall not be accepted unless it contains the name and mailing address of the appellant and briefly discusses how the proposed project will avoid the adverse environmental effects documented in the Initial Study, and a list of names and addresses of owners of real property which is located within 300 feet of the exterior boundaries of the project site, as such owners are shown on the last equalized assessment roll. All such appeals shall be filed with the Planning Department within 10 days of receipt by the Project Sponsor of the Planning Director's determination that an EIR will be required.

Section 902 - Public Hearing

Appeals from a determination that a project may have a significant effect on the environment shall be set for hearing within 30 days after receipt of a complete appeal by the Planning Department. Public notice of the appeal hearing shall be given at least 10 days prior to the hearing by the procedures provided in Section 901 of these rules and shall also be mailed to the Project Sponsor, all responsible agencies, and all public agencies having jurisdiction by law with respect to the project. Such notice shall include the following information:

- a. A brief description of the project and its proposed location.
- b. The date, time and place of the hearing.

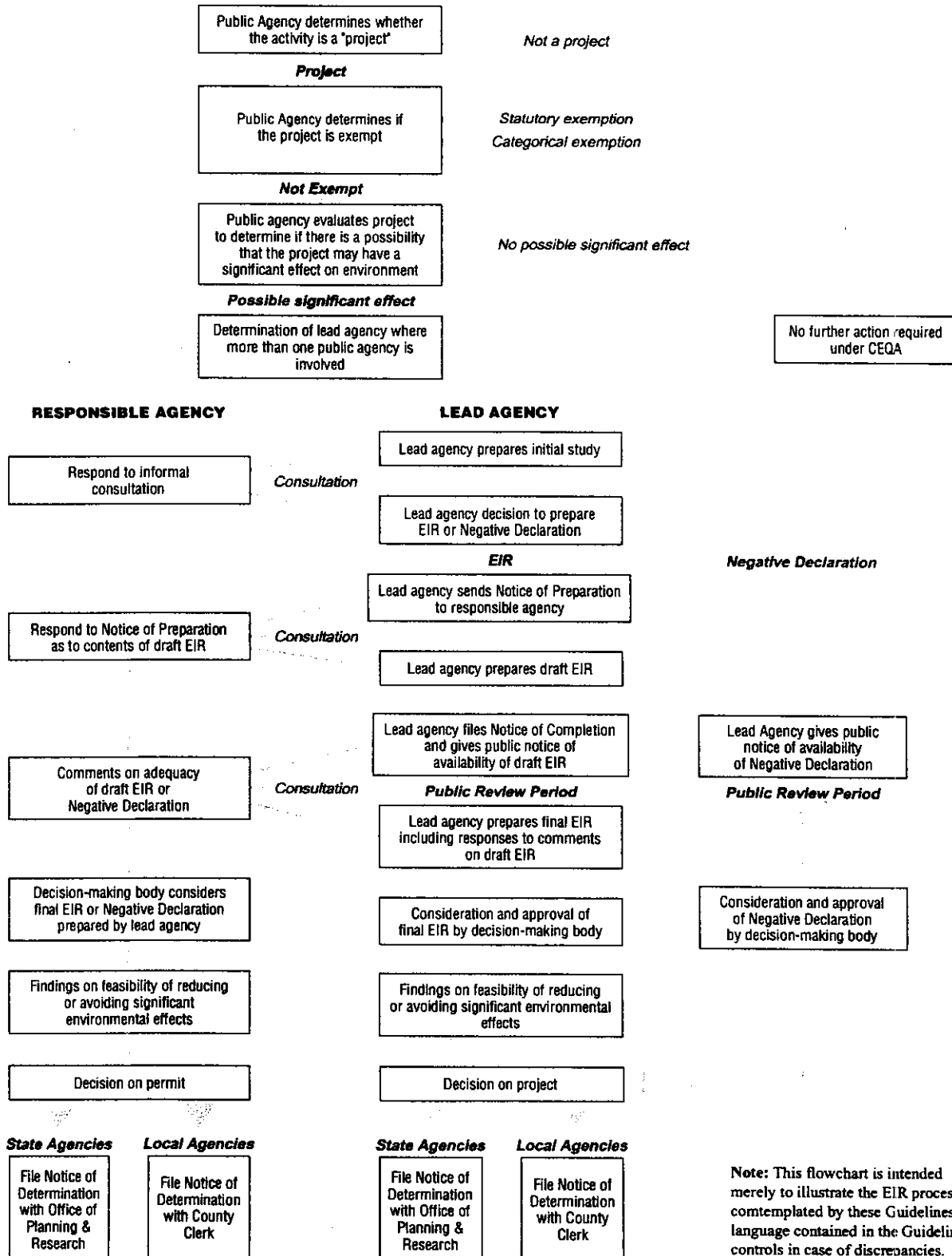
- c. That an appeal has been filed on the determination that an EIR should be prepared.
- d. That the City Council may determine at the hearing that the project will not have a significant effect on the environment, and if so determined, an EIR will not be required.
- e. A statement that prior to making a decision, the City Council will consider all testimony, or and written, as to whether the project may have a significant effect on the environment.

Section 903 – Notice of Decision

The City Council shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing. The City Council shall state the reasons for its decision, which reasons shall be made a part of the written record of the project. A copy of the notice of decision shall be mailed to the appellant and to any person who has made a written request for a copy of the decision.

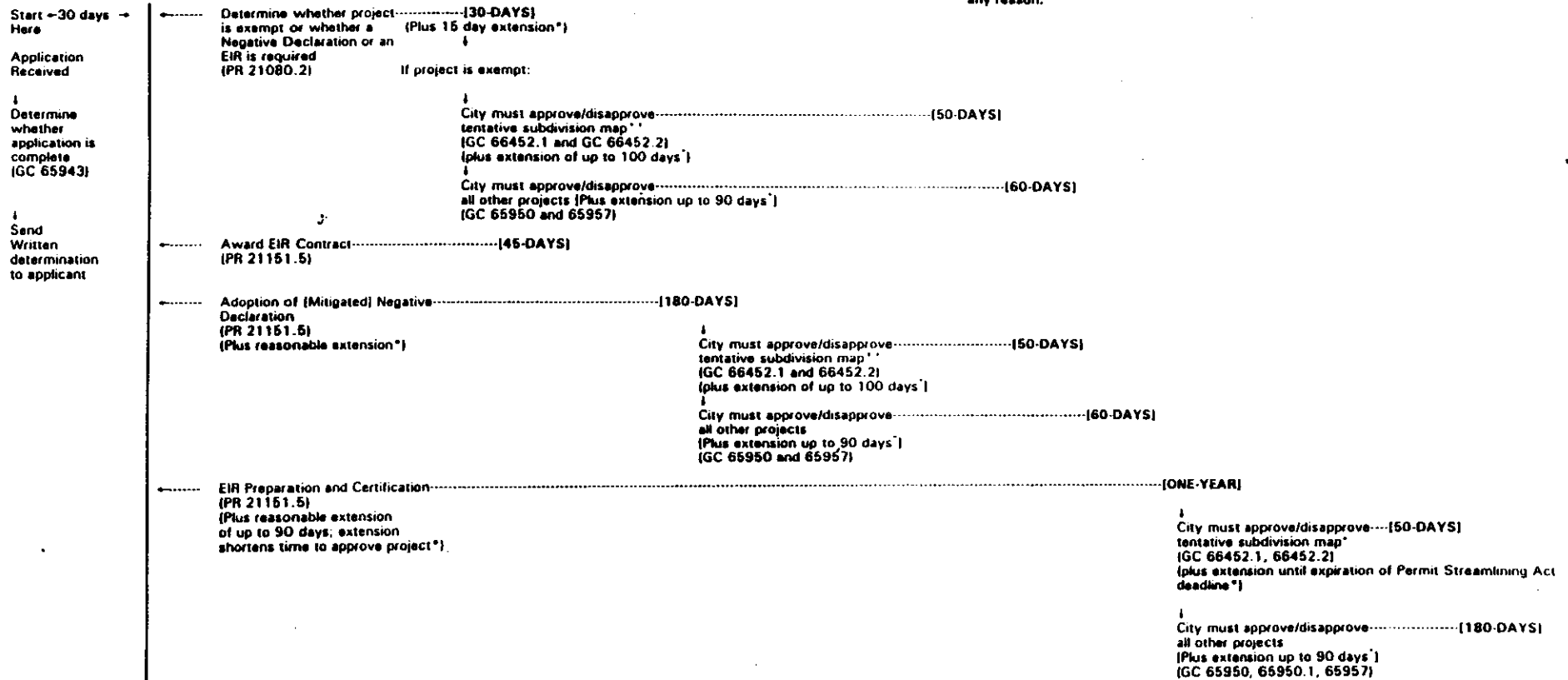
Appendix A

CEQA PROCESS FLOW CHART



**APPENDIX B
TIME LIMITS FOR APPROVAL OF PRIVATE DEVELOPMENT PROJECTS**

This chart is intended to illustrate the time limits established by State law and does not establish any additional limits on the City's authority. Nothing in these Guidelines shall be construed to provide for automatic approval of a project for any reason.



- * Consent of applicant required for any extension
- ** If an advisory agency makes a recommendation to the legislative body concerning the tentative subdivision map, the advisory agency must act within 50 days and the legislative body must act within 30 days after the approval or certification of the environmental document
- * If an advisory agency makes a recommendation to the legislative body concerning the tentative subdivision map, the advisory agency must act within 50 days and the legislative body must act within 30 days after its first meeting following the recommendation.

APPENDIX C

Examples of Tiering EIR's

**FIRST TIER EIR
(15152)**

- project encompasses separate but related projects such as general plan, zoning, development
- later tiers move from general to specific analysis of projects

**Later Project
EIR**

- later project is consistent with general plan or zoning
- initial study must examine significant effects not covered in prior EIR
- later EIR must state lead agency is using tiering concept and must comply with section 15152

**STAGED EIR
(15167)**

- one large project will require a number of discretionary approvals from govt. agencies and one of those approvals will occur more than two years before construction commences

**Supplement to the
Staged EIR**

- supplements to the staged EIR are prepared for later government agency approvals on the same overall project if information available at the time of that later approval would permit consideration of additional environmental impacts, mitigation measures or reasonable alternatives

**PROGRAM EIR
(15168)**

- series of actions or activities that can be characterized as one large project and are related either:
 - geographically
 - as logical parts of a chain of activities
 - in connection with rules, regulations, plans or other general criteria governing a continuing program
 - as individual activities carried out under common authority (statutory or regulatory) and having similar environmental effects which can be mitigated in similar ways

- no subsequent EIR is required for individual components of the redevelopment plan unless substantial changes or substantial new information triggers a subsequent EIR or supplement to an EIR pursuant to (sections 15162 or 15163)

Housing/neighborhood commercial facilities (15181)

- a project involving construction of housing or neighborhood commercial facilities in an urbanized area
- a prior EIR for a specific plan, local coastal program, or port master plan may be used as the EIR for such a project (no new EIR need be prepared) provided section 15181 procedures are complied with

Projects Consistent with Community Plan, General Plan, or Zoning (15183)

- a project which is consistent with a community plan adopted as part of a general plan or zoning ordinance or a general plan of a local agency and where there was an EIR certified for the zoning action or master plan
- the EIR for the residential project need only examine certain significant environmental effects, as outlined in section 15183

Regulations on Pollution Control Equipment (PRC section 21159)

- section 21159 requires environmental analysis of reasonably foreseeable methods of compliance at the time of adoption of rule or regulation requiring the installation of pollution control equipment
- an EIR prepared at the time of adoption of the rule or regulation is deemed to satisfy the requirement of section 21159

Installation of Pollution Control Equipment (PRC section 21159.1)

- a focused EIR is permitted where project 1) consists solely of installation of pollution control equipment; 2) is required by rule or regulation adopted by the State Air Resources Board, an air pollution control district or air quality management district, the State Water Resources Control Board, a California regional water quality control board, the Dept. of Toxic Substances Control, or the California Integrated Waste Management Board; and 3) meets the procedural requirements outlined in section 21159.1

Subsequent Project EIR

- only if subsequent activity has effects not examined in the previously certified program EIR will additional environmental documentation be required (if subsequent activity has no new effects, that activity is covered by the program EIR)

MASTER EIR
(15175)

- alternative to project, staged, or program EIR
- can be used for:
 - general plan (or gen. plan element, amendment, or update)
 - redevelopment plan projects (public or private)
 - project consisting of phases of smaller individual projects
 - other activities described in 15175
- after five years from initial certification, adopting authority must review the Master EIR and prepare subsequent or supplemental EIR if substantial changes have occurred with respect to circumstances under which the original Master EIR was adopted
- no new EIR is required for subsequent projects within the scope of the Master EIR which cause no additional significant effect

Focused EIR
(15177)

- a subsequent, Focused EIR is required only where:
 - substantial new/additional information shows adverse environmental effects not examined in Master EIR or more significant than described in EIR, or
 - substantial new/additional information shows mitigation measures previously determined to be infeasible are now feasible and will avoid/reduce the significant effects to a level of insignificance

SPECIAL SITUATIONS / EIRs

Multiple-family residential development / residential and commercial or retail mixed-use development (PRC 21158.5 and Guideline §15179.5)

- project is multiple-family residential development up to 100 units or is a residential and commercial or retail mixed-use development of not more than 100,000 square feet
- if project complies with procedures in section 21158.5, only a focused EIR need be prepared, notwithstanding the fact that the project wasn't identified in the Master EIR

Redevelopment Project (15180)

- all public and private activities or undertakings in furtherance of a redevelopment plan (public or private) constitute a single project
- the redevelopment plan EIR is treated as a program EIR

APPENDIX D

PROJECTS OF STATEWIDE, REGIONAL OR AREAWIDE SIGNIFICANCE

Projects meeting the criteria listed in this appendix shall be deemed to be of statewide, regional, or areawide significance. EIR's or (Mitigated) Negative Declarations prepared by the Lead Agency on a project described below shall be submitted to the State Clearinghouse and should be submitted also to the local metropolitan association of governments.

The Lead Agency shall determine that a proposed project is of statewide, regional, or areawide significance if the project meets any of the following criteria:

- a. The project is a proposed local general plan, element, or amendment thereof for which an EIR was prepared.
- b. A project has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located. Examples of the effects include generating significant amounts of traffic or substantially interfering with the attainment or maintenance of state or national air quality standards. Projects subject to this paragraph include:
 1. A proposed residential development of more than 500 dwelling units.
 2. A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.
 3. A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.
 4. A proposed hotel/motel development of more than 500 rooms.
 5. A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.
- c. A project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 (Williamson Act) for any parcel of 100 or more acres.
- d. A project for which an EIR was prepared which would be located in, and have a substantial impact upon, one of the following areas of critical environmental sensitivity as listed in Section 15206 of the State CEQA Guidelines:
 1. The Lake Tahoe Basin.
 2. The Santa Monica Mountains Zone, as defined by Section 74663 of the Government Code.

3. The California Coastal Zone as defined in, and mapped pursuant to, Section 30103 of the Public Resources Code.
 4. An area within 1/4 mile of a wild and scenic river as defined by Section 5093.5 of the Public Resources Code.
 5. The Sacramento-San Joaquin Delta, as defined in Water Code Section 12220.
 6. The Suisun Marsh as defined in Public Resources Code Section 29101.
 7. The jurisdiction of the San Francisco Bay Conservation and Development Commission as defined in Government Code Section 66610.
- e. A project which would substantially affect sensitive wildlife habitats including, but not limited to riparian lands, wetlands, bays, estuaries, marshes, and habitats for endangered, rare and threatened species as defined by the State CEQA Guidelines.
 - f. A project which would interfere with attainment of regional water quality standards as stated in the approved areawide waste treatment management plan.
 - g. A project which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

APPENDIX E

LIST OF CATEGORICAL EXEMPTIONS

Note: A categorical exemption may not be used for the following projects:

- (a) A project where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (b) When the cumulative impact of successive projects of the same type in the same place, over time is significant;
- (c) A project which may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an official state scenic highway, designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, unless the project consists of improvements as mitigation for a project for which a (Mitigated) Negative Declaration has been approved or an environmental impact report has been certified; and
- (d) A project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (e) A project which may cause a substantial adverse change in the significance of a historical resource.

Class 1: Existing Facilities. Class 1 consists of the operation, repair, maintenance, ~~{permitting, leasing, licensing,}~~ or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that ~~previously existing, including but~~ **{existing at the time of the Lead Agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include, but are}** not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or public utility services;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety) ~~except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building~~.
- (d) Restoration, or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it

is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;

- (e) Additions to existing structures provided that the addition will not result in an increase of more than:
 - (1) 50 percent of the floor area of the structures before the addition, or 2500 square feet, whichever is less; or
 - (2) 10,000 square feet if:
 - A. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and
 - B. The area in which the project is located is not environmentally sensitive.
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features including navigational devices;
- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources.
- (j) Fish stocking by the California Department of Fish and Game.
- (k) Division of existing multiple-family or single family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.
- (l) Demolition and removal of individual small structures listed in this subsection ~~except where the structures are of historical, archaeological, or architectural significance~~:
 - (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.
 - (2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes, and similar structures where not more than six dwelling units will be demolished.
 - (3) A store, motel, office, restaurant or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the

exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.

- (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (m) Minor repair and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
- (n) Conversion of a single-family residence to office use.
- (o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section ~~25015~~ 117600}, et seq., of the Health and Safety Code) and accepts no offsite waste.
- {(p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.}**

As used herein, the term "urbanized areas" means a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1000 persons per square mile.

Class 2: Replacement Or Reconstruction. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50%.
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity.
- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- (d) Conversion of overhead electric utility distribution system facilities to underground, including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Class 3: New Construction Or Conversion Of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel ~~for to be associated with a project within a two-year period~~. Examples of this exemption include, but are not limited to:

- (a) ~~Single-family residences not in conjunction with the building of two or more such units~~ **{One single-family residence, or a second dwelling unit in a residential zone}**. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
- (b) ~~Apartments, duplexes and similar structures with~~ **{A duplex or similar multi-family residential structure totalling}** no more than four dwelling units ~~if not in conjunction with the building or conversion of two or more such structures~~. In urbanized areas, the exemption applies to ~~single~~ apartments, duplexes and similar small structures designed for not more than six dwelling units ~~if not constructed in conjunction with the building or conversion of two or more such structures~~.
- (c) ~~Stores, motels, offices, restaurants, and similar small structures~~ **{A store, motel, office, restaurant, or similar structure}** not involving the use of significant amounts of hazardous substances~~, if designed for an occupant load of 30 persons or less, if not constructed in conjunction with the building of two or more such structures~~ **{and not exceeding 2500 square feet in floor area}**. In urbanized areas, the exemption also applies to **{up to four such}** commercial buildings **{not exceeding 10,000 square feet in floor area}** on sites zoned for such use~~, if designed for an occupant load of 30 persons or less, if not constructed in conjunction with the building of four or more such structures and~~ if not involving the use of significant amounts of hazardous substances **{where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive}**.
- (d) Water main, sewage, electrical, gas and other utility extensions**{, including street improvements,}** of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.
- (f) An accessory steam sterilization unit for the treatment of medical waste at ~~an existing~~ **{a}** facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section ~~125015~~ **{117600}**, et seq., of the Health and Safety Code) and accepts no offsite waste.

"Urbanized area" is defined in Class 1 above.

Class 4: Minor Alterations To Land. Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of **{healthy,}** mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in a scenic area officially designated by federal, state or local governmental action, or in officially mapped areas of severe geologic hazard **{such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist}**.

- (b) New gardening or landscaping{, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping}.
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site.
- (d) Minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production.
- (e) Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.
- (f) Minor trenching and backfilling where the surface is restored.
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies.
- (h) The creation of bicycle lanes on existing rights-of-way.
- {(i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.}

Class 5: Minor Alterations In Land Use Limitations. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than a 20% slope, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard and set back variances not resulting in the creation of any new parcel.
- (b) Issuance of minor encroachment permits.
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

Class 6: Information Collection. Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information-gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded:

Class 7: Actions By Regulatory Agencies For Protection Of Natural Resources. Class 7 consists of action taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include

but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

Class 8: Actions By Regulatory Agencies For Protection Of the Environment. Class 8 consists of actions taken by regulatory agencies, as authorized by state law or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

Class 9: Inspections. Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.

Class 10: Loans. Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:

- (a) Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.
- (b) Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.

Class 11: Accessory Structures. Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

- (a) On-premise signs;
- (b) Small parking lots;
- (c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable rest rooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

Class 12: Surplus Government Property Sales. Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern as set forth in section (d) of Appendix D of these Guidelines. However, if the surplus property to be sold is located in such areas, its sale is exempt if:

- (a) The property does not have significant values for wildlife habitat or other environmental purposes, and
- (b) Any of the following conditions exist:

- (1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or
- (2) The property to be sold would qualify for an exemption under any other class of categorical exemption in these Guidelines; or
- (3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

Class 13: Acquisition Of Lands For Wildlife Conservation Purposes. Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Class 14: Minor Additions To Schools. Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

Class 15: Minor Land Divisions. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20%. "Urbanized area" is defined in Class 1 above.

Class 16: Transfer Of Ownership Of Land In Order To Create Parks. Class 16 consists of the acquisition ~~or~~ sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains ~~historic sites~~ {historical} or archaeological ~~sites~~ {resources} and either:

- (a) The management plan for the park has not been prepared, or
- (b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological ~~site~~ {resources}. CEQA will apply when a management plan is proposed that will change the area from its natural condition or ~~significantly change~~ {cause substantial adverse change in the significance of} the historic or archaeological ~~site~~ {resource}.

Class 17: Open Space Contracts Or Easements. Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included in this exemption and will normally be an action subject to the CEQA process.

Class 18: Designation Of Wilderness Areas. Class 18 consists of the designation of wilderness areas under the California Wilderness System.

Class 19: Annexations Of Existing Facilities and Lots For Exempt Facilities. Class 19 consists of only the following annexations:

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- (b) Annexations of individual small parcels of the minimum size for facilities exempted under Class 3 above.

Class 20: Changes In Organization Of Local Agencies. Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (a) Establishment of a subsidiary district.
- (b) Consolidation of two or more districts having identical powers.
- (c) Merger with a city of a district lying entirely within the boundaries of the city.

Class 21: Enforcement Actions. Class 21 consists of actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

- (a) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement.
- (b) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.
- (c) Law enforcement activities by peace officers acting under any law that provides criminal sanction.

Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

Class 22: Educational Or Training Programs Involving No Physical Changes. Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in

the interior of existing school or training structures. Examples include, but are not limited to:

- (a) Development of or changes in curriculum or training methods.
- (b) Changes in the grade structure in a school which do not result in changes in student transportation.

Class 23: Normal Operations Of Facilities For Public Gatherings. Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same kind of purpose. For purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks.

Class 24: Regulation Of Working Conditions. Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- (a) Employee wages,
- (b) Hours of work, or
- (c) Working conditions where there will be no demonstrable physical changes outside the place of work.

Class 25: Transfers Of Ownership Of Interests In Land To Preserve ~~Open Space~~ {Existing Natural Conditions and Historical Resources}. Class 25 consists of the transfers of ownership of interests in land in order to preserve open space{, habitat, or historical resources}. Examples include but are not limited to:

- (a) Acquisition{, sale, or other transfer} of areas to preserve the existing natural conditions{, including plant or animal habitats.}
- (b) Acquisition{, sale, or other transfer} of areas to allow continued agricultural use of the areas.
- (c) Acquisition{, sale, or other transfer} to allow restoration of natural conditions{, including plant or animal habitats.}
- (d) Acquisition{, sale, or other transfer} to prevent encroachment of development into flood plains.
- {(e) Acquisition, sale, or other transfer to preserve historical resources.}**

Class 26: Acquisition Of Housing For Housing Assistance Programs. Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.

Class 27: Leasing New Facilities. Class 27 consists of the leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:

- (a) Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared,
- (b) Shall be substantially the same as that originally proposed at the time the building permit was issued,
- (c) Shall not result in a traffic increase of greater than 10% of front access road capacity, and
- (d) Shall include the provision of adequate employee and visitor parking facilities.

Examples of projects within Class 27 include but are not limited to:

- (1) Leasing of administrative offices in newly constructed office space.
- (2) Leasing of client service offices in newly constructed retail space.
- (3) Leasing of administrative and/or client service offices in newly constructed industrial parks.

Class 28: Small Hydroelectric Projects At Existing Facilities. Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- (a) The capacity of the generating facilities is 5 megawatts or less.
- (b) Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
 - (1) Rate and volume of flow,
 - (2) Temperature,
 - (3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and
 - (4) Timing of release.

- (c) New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river.
- (d) Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.
- (e) There will be no significant upstream or downstream passage of fish affected by the project.
- (f) The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.
- (g) The project will not cause violations of applicable state or federal water quality standards.
- (h) The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places, and
- (i) Construction will not occur in the vicinity of any endangered, rare or threatened species.

Class 29: Cogeneration Projects At Existing Facilities. Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.

- (a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:
 - (1) Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the county, and
 - (2) Comply with all applicable state, federal, and local air quality laws.
- (b) At commercial and institutional facilities, the installation of cogeneration facilities will be exempt if the installation will:
 - (1) Meet all the criteria described in subsection (a),
 - (2) Result in no noticeable increase in noise to nearby residential structures, and
 - (3) Be contiguous to other commercial or institutional structures.

{Class 30: Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$ 1 million or less. No cleanup action shall be

subject to this Class 31 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit, with the exception of low temperature thermal desorption, or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site. Examples of such minor cleanup actions include but are not limited to:

- (a) Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;
- (b) Maintenance or stabilization of berms, dikes, or surface impoundments;
- (c) Construction or maintenance of interim or temporary surface caps;
- (d) Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;
- (e) Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;
- (f) Application of dust suppressants or dust binders to surface soils;
- (g) Controls for surface water run-on and run-off that meets seismic safety standards;
- (h) Pumping of leaking ponds into an enclosed container;
- (i) Construction of interim or emergency ground water treatment systems;
- (j) Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

Class 31: Historical Resource Restoration/Rehabilitation. Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Class 32: In-Fill Development Projects. Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as a habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

LIST OF STATUTORY EXEMPTIONS

The following is a partial list of statutory exemptions which are available pursuant to the Public Resources Code § 21080 et seq., State CEQA Guidelines Sections 15260 et seq., and other provisions of state law, as listed below, which should be referred to whenever additional detail or clarification is necessary. This list is not exclusive. This list is provided for convenience, therefore if there is any conflict between this list and state law, the state law controls. A similar list may be found in State CEQA Guidelines Section 15282.

1. Ministerial projects proposed to be carried out or approved by public agencies. {Such projects include, but are not limited to, final subdivision maps and individual service connections and disconnections.}
2. Emergency repairs to ~~public~~ {publicly or privately owned} service facilities necessary to maintain service {essential to the public health, safety or welfare}.
3. Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster ~~stricken~~ area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code. {This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.}
4. Specific actions necessary to prevent or mitigate an emergency. {This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.}
5. Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official state scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
6. Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 et seq.}
- ~~15~~ {7}. Projects which a public agency rejects or disapproves.

- ~~{8. The closing of any public school or the transfer of students from that public school to another school in which kindergarten or any grades 1 through 12 is maintained as set forth in 21080.18 of the Public Resources Code.}~~
- ~~9. {9}. A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations ~~and~~ {and} parking facilities.~~
- ~~10. {10}. A project for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.~~
- ~~11. {11}. Facility extensions not to exceed four miles in length which are required for the transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.~~
- ~~12. {12}. Projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5 of the Public Resources Code. Any site-specific effect of the project which was not analyzed as a significant effect in the plan or other written documentation required by Section 21080.5 is not exempt from the requirements of CEQA.~~
- ~~13. {13}. A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission, has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities.~~
- ~~14. A project of less than one mile in length within a public street or highway or any other public right of way for the installation of a new pipeline or the~~
- {14. The installation of new pipeline or } maintenance, repair, restoration, {removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length.}**
- 15. CEQA does not apply to any project consisting of the inspection, maintenance, repair, restoration,} reconditioning, relocation, replacement, ~~removal, or demolition of an existing pipeline. For purposes of this paragraph, "pipeline" includes subsurface facilities but does not include any surface facility related to the operation of the underground facility. } or removal of an existing hazardous or volatile liquid pipeline or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline. For more information on this exemption, see State CEQA Guidelines Section 15284.}~~**
- ~~16. {16}. Adoption by a city or county of an ordinance to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code, regarding second units~~

in residential zones~~\\{~~, as set forth in Section 21080.17 of the Public Resources Code. }

- ~~13~~ {17}. The conversion of an existing rental mobilehome park to a resident-initiated subdivision, cooperative, or condominium for mobilehomes if the conversion will not result in an expansion of or change in existing use of the property {as set forth in Section 21080.8 of the Public Resources Code}.
- ~~14~~ {18}. Local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq.
- ~~15~~ {19}. A time extension granted by the Office of Planning and Research for the preparation or adoption of one or more elements to a general plan.
- ~~16~~ {20}. The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; (3) meeting financial reserve needs and requirements; (4) obtaining funds for capital projects, necessary to maintain service within existing service areas; or (5) obtaining funds necessary to maintain such intra-city transfers as are authorized by city charter. Rate increases to fund capital projects for the expansion of a system remain subject to CEQA. The public agency seeking use of this exemption shall incorporate written findings in the record of any proceeding in which an exemption under this paragraph is claimed setting forth with specificity the basis for the claim of exemption.
- ~~17~~ {21}. The excavation and disposal of Native American human remains pursuant to Section 5097.98 of the Public Resources Code.
- ~~18~~ {22}. The adoption of ~~a local~~ {an} ordinance exempting a ~~jurisdiction from solar shade control requirements pursuant to~~ {city or county from the provisions of the Solar Shade Control Act as set forth in} Section 25985 of the Public Resources Code.
- ~~19~~ {23}. Approval by a local agency of a large family day care home pursuant to Section 1597.46 of the Health & Safety Code.
- ~~20~~ {24}. Any project which only involves the repiping, redesign, or use of reclaimed water by a nonresidential structure necessary to comply with a requirement issued by a public agency pursuant to Section 13554(a) of the Water Code. This exemption shall not apply to any project to develop reclaimed water, to construct conveyance facilities for reclaimed water, or any other project not specified in Section 13554(a) of the Water Code.
- ~~21~~ {25}. A project involving the construction of housing or neighborhood commercial facilities in an urbanized area that is covered by a specific plan prepared pursuant to Government Code Section 65450 et seq. for which an EIR was

prepared and certified, provided certain findings are made pursuant to Public Resources Code Section 21080.7.

- ~~22~~ **{26}**. Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation **{as set forth in Section 21080.13 of the Public Resources Code}**.
- ~~23~~ **{27}**. A proposal to establish, revise or adopt regional housing needs for the share of housing needs of persons or all income levels for a city or county by the Department of Housing and Community Development, and any recommendation by a city or county for a revision to such proposal pursuant to Government Code Section 65584.
- ~~24~~ **{28}**. Any actions necessary to bring a city general plan or one or more elements thereof into compliance with any court order or judgment pursuant to Government Code Section 65759.
- ~~25~~ **{29}**. A temporary change in the point of diversion, place or use or purpose of the use of water due to a transfer or change of water rights under certain limited circumstances specified in California Water Code Section 1725 et seq.
- ~~26~~ **{30}**. The adoption or amendment of a nondisposal facility element pursuant to Section 41730 et seq. of the Public Resources Code (Public Resources Code Section 71735).
- ~~27~~ **{31}**. The adoption or amendment of an Urban Water Management Plan pursuant to Section 10610 et seq. of the California Water Code (Water Code ~~Section~~ **{Sections 10652 &}** 10851) or to the adoption or amendment of a groundwater plan pursuant to Section 10750 et seq. of the California Water Code (Water Code Section 10851).
- ~~28~~ **{32}**. A project involving the construction, conversion or use of residential housing for agricultural employees under certain circumstances pursuant to Public Resources Code Section 21080.10 and State CEQA Guidelines Section 15279.
- ~~29~~ **{33}**. A project involving the construction, conversion or use of 45 or more units of low income residential housing provided all conditions of Public Resources Code Section 21080.14 and State CEQA Guidelines Section 15280 are satisfied.
- ~~30~~ **{34}**. A project for restriping streets or highways to relieve traffic congestion **{as set forth in Section 21080.19 of the Public Resources Code}**.
- ~~31~~ **{35}**. The adoption of a local coastal program or a long range land use development plan pursuant to Division 20 of the Public Resources Code.
- {36}**. **Actions taken on or after July 1, 1995 to implement budget reductions made by a publicly owned transit agency as a result of a fiscal emergency caused by the failure of agency revenues to adequately fund agency programs and facilities.**

For more information on this exemption, see State CEQA Guidelines Section 15285.

37. The notification of discovery of Native American burial sites as set forth in Section 5097.98(c) of the Public Resources Code.
38. Specified prison facilities as set forth in Sections 21080.01, 21080.02, 21080.03 and 21080.07 of the Public Resources Code.
39. The lease or purchase of the rail right-of-way used for the San Francisco Peninsula commute service between San Francisco and San Jose as set forth in Section 21080.05 of the Public Resources Code.
40. Any activity or approval necessary for or incidental to project funding or authorization for the expenditure of funds for the project, by the Rural Economic Development Infrastructure Panel as set forth in Section 21080.08 of the Public Resources Code.
41. Settlements of title and boundary problems by the State Lands Commission and to exchanges or leases in connection with those settlements as set forth in Section 21080.11 of the Public Resources Code.
42. The activities and approvals by a local government necessary for the preparation of general plan amendments pursuant to Public Resources Code Section 29763 as set forth in Section 21080.22 of the Public Resources Code. Section 29763 of the Public Resources Code refers to local government amendments made for consistency with the Delta Protection Commission's regional plan.
43. Minor alterations to utilities made for the purposes of complying with Sections 4026.7 and 4026.8 of the Health and Safety Code as set forth in Section 21080.26 of the Public Resources Code.
44. The acquisition of land by the Department of Transportation if received or acquired within a statewide or regional priority corridor designated pursuant to Section 65081.3 of the Government Code as set forth in Section 33911 of the Public Resources Code.
45. Cooperative agreements for the development of Solid Waste Management Facilities on Indian country as set forth in Section 44203(g) of the Public Resources Code.
46. Industrial Development Authority activities as set forth in Section 91543 of the Government Code.}

Appendix G
ENVIRONMENTAL INFORMATION FORM

(To be Completed by Applicant)

Date Filed _____

General Information

1. Name and address of developer or project sponsor: _____
2. Address of project: _____
Assessor's Block and Lot Number: _____
3. Name, address, and telephone number of person to be contacted concerning this project:

4. Indicate number of the permit application for the project to which this form pertains: _____
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

6. Existing zoning district: _____
7. Proposed use of site (Project for which this form is filed): _____

Project Description

8. Site size.
9. Square footage.
10. Number of floors of construction.
11. Amount of off-street parking provided.
12. Attach plans.
13. Proposed scheduling.
14. Associated projects.
15. Anticipated incremental development.
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
18. If industrial, indicate type, estimated employment per shift, and loading facilities.

APPENDICES

19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

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

	Yes	No
21. Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	☐	☐
22. Change in scenic views or vistas from existing residential areas or public lands or roads.	☐	☐
23. Change in pattern, scale or character of general area of project.	☐	☐
24. Significant amounts of solid waste or litter.	☐	☐
25. Change in dust, ash, smoke, fumes or odors in vicinity.	☐	☐
26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	☐	☐
27. Substantial change in existing noise or vibration levels in the vicinity.	☐	☐
28. Site on filled land or on slope of 10 percent or more.	☐	☐
29. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	☐	☐
30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	☐	☐
31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	☐	☐
32. Relationship to a larger project or series of projects.	☐	☐

Environmental Setting

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or polaroid photos will be accepted.
34. Describe the surrounding properties, including information on plant~ and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or polaroid photos will be accepted.

Certification

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and in formation presented are true and correct to the best of my knowledge and belief.

Date _____

Signature _____

For _____

APPENDIX H

STATUS OF APPLICATION

APPLICATION NO. _____ DATE REC'D.: _____
APPLICANT: _____ REPRESENTATIVE: _____
ADDRESS: _____ ADDRESS: _____

Location of Project: _____

Pursuant to state law the City's staff has completed a preliminary review of the application noted above and finds that the information submitted is:

- ☐ Sufficiently complete as of the date indicated below to allow the application to be processed.

Please note that the City may require further information in order to clarify, amplify, correct, or otherwise supplement the application. If the City requires such additional information, it is strongly suggested that you supply that information promptly to avoid any delay in the processing of the application.

- ☐ Not complete. The application has been held in abeyance because certain information is missing, you failed to comply with certain requirements, or both. The information needed to complete the application is listed below, and must be supplied before the application can be deemed complete. For further information please call _____

Additional Information/Requirements:

Staff Signature

Date

8. Regulatory identification number: _____

9. Date of List: _____

Date _____

(Signature)

For _____
(Applicant)

Appendix I
INITIAL STUDY CHECKLIST

1. Project Title:
2. Case Processing Numbers:
3. Lead Agency Name and Address:
4. Contact Person and Phone Number:
5. Project Location:
6. Project Sponsor's Name and Address:
7. General Plan Designation:
Existing:
Proposed:
8. Zoning:
Existing:
Proposed:
9. Project Description:
10. Surrounding Land Uses and Setting:
11. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreements): Refer to Project Description

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors listed below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature

Date

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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1. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?				
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				
d) Result in direct or indirect population related growth inducement impacts (significantly expand employment opportunities, remove policy impediments to growth, or contribute to potential extensions of growth inducing infrastructure)?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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2. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service?				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				
g) Result in damage to, loss of, or removal of native oak trees or other locally identified specimen trees of significance?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d) Expose sensitive receptors to substantial pollutant concentrations?				
e) Create objectionable odors affecting a substantial number of people?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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4. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5				
b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				
d) Disturb any human remains, including those interred outside of formal cemeteries?				
e) Result in physical disruption of an identified sacred place or other ethnographically documented location of significance to native Californians?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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5. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
(ii) Strong seismic ground shaking?				
(iii) Seismic-related ground failure, including liquefaction?				
(iv) Landslides?				
b) Result in substantial soil erosion or the loss of topsoil?				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				
d) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				
e) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?				
f) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				
g) Result in remediation scars (benched slopes, etc.) whose dimensions cannot be predicted with reasonable accuracy based on a preliminary geotechnical report?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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6. HAZARDS AND HAZARDOUS MATERIALS. Would the project?

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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7. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?				
b) Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?				
d) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
e) Otherwise substantially degrade water quality?				
f) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				
i) Inundation by seiche, tsunami, or mudflow?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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8. AESTHETICS. Would the project:

a) Obstruct any scenic vista or view open to the public or will the proposal result in the creation of an aesthetically offensive development open to public view?				
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				
c) Substantially degrade the existing visual character or quality of the project site and its surroundings?				
d) Create sources of incompatibility with the existing scenic and aesthetic environment of the community or quality of life impacts on residents?				
e) Create a new source of substantial light or glare which would adversely affect day views in the area?				
f) Significantly impact any existing streetscape or public space which has been designed to provide areas of public assembly and congregation?				
g) Conflict with adopted design guidelines or development standards which have been implemented to improve the quality of architecture in the community?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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9. MINERAL AND NATURAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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10 NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project or in rural areas, increase measurably the ambient noise levels more than 5 dbs?				
d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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11. POPULATION AND HOUSING. Would the project:

a) Result in impacts to an established ethnic community?				
b) Create substantial demands for affordable low income housing in a jurisdiction which does not have an adequate stock of such housing?				
c) Result in substantial conflicts between type, size, and quality of proposed and existing housing in the project vicinity?				
d) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- 12. PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?				
b) Police protection?				
c) Schools?				
d) Parks?				
e) Other public facilities?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

- 13. RECREATION.** Would the project:

a) Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

14. TRANSPORTATION/TRAFFIC. Would the project:

a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or City General Plan Circulation Element threshold?				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				
d) Substantially increase hazards related to existing intersections or roadway design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. residential traffic conflicts with farm equipment)?				
e) Result in inadequate secondary or emergency access?				
f) Result in inadequate parking capacity?				
g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

15. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				
e) Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs for a minimum ten year period?				
g) Comply with federal, state, and local statutes and regulations related to solid waste?				
h) Provide for on-site source separation and recycling facilities which are adequately sized for the proposed use?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

16. MANDATORY FINDINGS OF SIGNIFICANCE.

i) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				
j) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?				
k) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				

Appendix J
Mitigation Monitoring Program

Mitigation Monitoring Plan:			
Mitigation Measure	Monitoring Actions	Verification of Frequency	Compliance

Notice of Exemption

To Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, Ca 95814

From (Public Agency) Address

County Clerk
County of _____

Project Title

Project Location-Specific

Project Location-City

Project Location-County

Description of Nature, Purpose, and Beneficiaries of Project

Name of Public Agency Approving Project

Name of Person or Agency Carrying Out Project

Exempt Status (Check One)

- ☐ Ministerial (Sec. 15073)
- ☐ Declared Emergency (Sec. 15071(a))
- ☐ Emergency Project (Sec. 15071(b) and (c))
- ☐ Categorical Exemption. State and section 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: _____

APPENDIX L
CITY OF _____

(MITIGATED) NEGATIVE DECLARATION

CASE NUMBER:

APPLICANT:

ADDRESS:

PROJECT DESCRIPTION:

PROJECT LOCATION:

On the basis of the Initial Study prepared for the project, it has been determined that the project would not have a potential for a significant effect on the environment; or the project has been modified to incorporate the mitigation measures listed below so that it would not have a potentially significant effect on the environment. A copy of said Initial Study is attached. Other materials which constitute the basis upon which the decision to adopt this (Mitigated) Negative Declaration is to be based is available for review at the _____

Department, _____, CA _____.

~~This document constitutes a (Mitigated) Negative Declaration.~~

{This document constitutes a (Mitigated) Negative Declaration.}

(Insert mitigation measures here.)

1. SEE ATTACHED SHEET

RESPONSIBLE AGENCIES: (any public agency which has discretionary approval power over the project).

TRUSTEE AGENCIES: (could include California Department of Fish and Game, State Lands Commission, State Department of Parks and Recreation, and University of California).

Notice Pursuant To Section 21092.5 Of the Public Resources Code:

A Public Hearing will be held in the _____ Council Chambers, _____, California, on (DATE) at _____ p.m. to consider this project. At that time, any interested person is welcome to attend and be heard on this matter.

Prior to the Public Hearing, the public is invited to submit written comments on this (Mitigated) Negative Declaration to the _____ Planning Department, attention: _____, CA _____ or phone _____.

Please refer to the Case Number listed above.

Date:

Director of Planning

Appendix M

**NOTICE OF PUBLIC HEARING BEFORE THE
CITY OF CALABASAS PLANNING COMMISSION
AND
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION and
EXPANDED INITIAL STUDY**

TO: Interested Parties, Responsible and Trustee Agencies, Adjacent Cities, and the County of Los Angeles

FROM: City of Calabasas Planning Commission

Pursuant to law, the City Planning Commission hereby gives notice that a public hearing will be held to consider the adoption of a Mitigated Negative Declaration and Expanded Initial Study to determine whether or not the environmental analysis of the impacts of the project described below is accurate and complete.

APPLICATION:

REQUEST:

PROPERTY LOCATION:

APPLICANT:

ENVIRONMENTAL DOCUMENTATION: Mitigated Negative Declaration and Expanded Initial Study

PLACE OF HEARING: Calabasas City Hall, City Council Chambers

DATE AND HOUR:

Pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15063, an Initial Study with recommended mitigation measures has been prepared for the project. The Initial Study indicates the proposed project with the recommended mitigation measures will not have a significant effect on the environment and a draft Mitigated Negative Declaration has been prepared, pursuant to CEQA guidelines Section 15070. An Expanded Initial Study has also been prepared which contains a detailed analysis of the resources that will be affected by the project. The public review and comment period for the Initial Study begins on _____ and ends on _____. The City may accept late comment from responsible and trustee agencies through _____. Copies of the Initial Study, Draft Mitigated Negative Declaration and supporting documentation (Expanded Initial Study) are available for inspection in the office of Planning Department, Calabasas City Hall, 26135 Mureau Road, Calabasas, CA 91302.

The City Planning Commission will be considering the adoption of the Mitigated Negative Declaration for the proposed project during the hearing described above. Persons wishing to comment on the proposed applications, the Initial Study or Draft Mitigated Negative Declaration may do so orally or in writing at the public hearing, or in writing prior to the close of the comment period.

If you challenge the decision of the City Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Planning Commission at, or prior to, the public hearing. For further information regarding this application please contact Kurt Christiansen, AICP, Senior Planner, at (818) 878-4225, Monday through Friday, except legal City holidays, between the hours of 8:00 a.m. and 5:00 p.m.

Mark Persico, AICP
Planning & Building Services Director

Appendix N
NOTICE OF PREPARATION

To: _____

(Address)

From: _____

(Address)

Subject: Notice of Preparation of a Draft Environmental Impact Report

_____ will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (☐ is ☐ is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to _____ at the address shown above.
We will need the name for a contact person in your **agency**.

Project Title: _____

Project Applicant, if any: _____

Date _____

Signature _____

Title _____

Telephone _____

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Appendix O
NOTICE OF COMPLETION

State of California
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Project Title:

Project Location - Specific:

Project Location - City:

Project Location - County:

Description of Nature, Purpose, and Beneficiaries of Project:

Lead Agency:

Division:

Address Where Copy of EIR is Available:

Review Period:

Contact Person:

Area Code/Phone/Extension:

Revised March 1986

APPENDICES

Notice of Completion and Environmental Document Transmittal Form

See NOTE below

SCH # _____

1. Project Title: _____
 2. Lead Agency: _____ 3. Contact Person: _____
 3a. Street Address: _____ 3b. City: _____
 3c. County: _____ 3d. Zip: _____ 3e. Phone: _____

Project Location

4. County: _____ 4a. City/Community: _____
 4b. Assessor's Parcel No. _____ 4c. Section: _____ Twp. _____ Range: _____ Base: _____
 5a. Cross Streets: _____ 5b. For Rural, Nearest Community: _____
 6. Within 2 Miles: a. State Hwy #: _____ b. Airports: _____
 c. Railways: _____ d. Waterways: _____

7. Document Type**CEQA:**

- ☐ 01. NOP
☐ 02. Early Cons
☐ 03. Neg Dec
☐ 04. Draft EIR
☐ 05. Supplement/Subsequent EIR (Prior SCH No.) _____
☐ 06. NOE
☐ 07. NOC
☐ 08. NOD

NEPA:

- ☐ 09. NOI
☐ 10. PONS
☐ 11. Draft EIS
☐ 12. EA

Other:

- ☐ 13. Joint Document
☐ 14. Final Document
☐ 15. Other _____

8. Local Action Type

- ☐ 01. General Plan Update
☐ 02. New Element
☐ 03. General Plan Amendment
☐ 04. Master Plan
☐ 05. Annexation
☐ 06. Specific Plan
☐ 07. Community Plan
☐ 08. Redevelopment
☐ 09. Rezone
☐ 10. Land Division (Subdivision, Parcel Map, Tract Map, etc.)
☐ 11. Use Permit
☐ 12. Waste Mgmt Plan
☐ 13. Cancel Ag Preserve
☐ 14. Other _____

9. Development Type

- ☐ 01. Residential: Units _____ Acres _____
☐ 02. Office: Sq.ft. _____ Acres _____ Employees _____
☐ 03. Shopping/Commercial: Sq.ft. _____ Acres _____ Employees _____
☐ 04. Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ 05. Water Facilities: Type _____ MGD _____
☐ 06. Transportation: Type _____
☐ 07. Mining: Mineral _____
☐ 08. Power: Type _____ Watts _____
☐ 09. Waste Treatment: Type _____
☐ 10. OCS Related _____
☐ 11. Other: _____

10. Total Acres: _____

11. Total Jobs Created: _____

12. Project Issues Discussed in Document

- | | | | |
|---|---|--|---|
| ☐ 01. Aesthetic/Visual | ☐ 09. Geologic/Seismic | ☐ 17. Social | ☐ 25. Wetland/Riparian |
| ☐ 02. Agricultural Land | ☐ 10. Jobs/Housing Balance | ☐ 18. Soil Erosion | ☐ 26. Wildlife |
| ☐ 03. Air Quality | ☐ 11. Minerals | ☐ 19. Solid Waste | ☐ 27. Growth Inducing |
| ☐ 04. Archeological/Historical | ☐ 12. Noise | ☐ 20. Toxic/Hazardous | ☐ 28. Incompatible Landuse |
| ☐ 05. Coastal Zone | ☐ 13. Public Services | ☐ 21. Traffic/Circulation | ☐ 29. Cumulative Effects |
| ☐ 06. Economic | ☐ 14. Schools | ☐ 22. Vegetation | ☐ 30. Other _____ |
| ☐ 07. Fire Hazard | ☐ 15. Septic Systems | ☐ 23. Water Quality | |
| ☐ 08. Flooding/Drainage | ☐ 16. Sewer Capacity | ☐ 24. Water Supply | |

13. Funding (approx.): Federal \$ _____ State \$ _____ Total \$ _____

14. Present Land Use and Zoning: _____

15. Project Description: _____

16. Signature of Lead Agency Representative: _____ Date: _____

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.

APPENDICES

Form Revised April 1986 — Replaces CA189

Mark distribution on reverse

Reviewing Agencies

- | | |
|---|---|
| ☐ Resources Agency
☐ Boating/Waterways
☐ Conservation
☐ Fish and Game
☐ Forestry
☐ Colorado River Board
☐ Dept. Water Resources
☐ Reclamation
☐ Parks and Recreation
☐ Office of Historic Preservation
☐ Native American Heritage Commission
☐ S. F. Bay Cons. & Dev't Commission
☐ Coastal Commission
☐ Energy Commission
☐ State Lands Commission
☐ Air Resource Board
☐ Solid Waste Management Board
☐ SWRCB: Sacramento
☐ RWQCB: Region # _____
☐ Water Rights
☐ Water Quality | ☐ Caltrans District _____
☐ Dept. of Transportation Planning
☐ Aeronautics
☐ California Highway Patrol
☐ Housing and Community Development
☐ Statewide Health Planning
☐ Health
☐ Food and Agriculture
☐ Public Utilities Commission
☐ Public Works
☐ Corrections
☐ General Services
☐ OLA
☐ Santa Monica Mountains
☐ TRPA
☐ OPR - OLGA
☐ OPR - Coastal
☐ Bureau of Land Management
☐ Forest Service
☐ Other _____
☐ Other _____ |
|---|---|

For SCH Use Only

Date Received at SCH _____
 Date Review Starts _____
 Date to Agencies _____
 Date to SCH _____
 Clearance Date _____

Catalog Number _____
 Applicant _____
 Consultant _____
 Contact _____ Phone _____
 Address _____

Notes:

Appendix P

NOTICE OF AVAILABILITY ENVIRONMENTAL IMPACT REPORT

TO: Interested Parties, Responsible and Trustee Agencies, Adjacent Cities, and the County of Los Angeles

FROM: City of Calabasas Planning Commission

Pursuant to law, the City of Calabasas hereby gives notice pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) and the CEQA Guidelines of the City of Calabasas, _____ has analyzed the request for _____ (project title) proposed to be located at _____ (address).

The proposal (briefly describe project) _____.

After reviewing the Initial Study and any applicable mitigating measures for the project, _____ has determined that impacts are anticipated as a result of this project _____ (list impacts). Accordingly, an environmental impact report has been drafted.

A public hearing will be held by the _____ (hearing body) to consider this proposed environmental impact report on _____ (date), at _____ (time), at _____ (location). A public hearing will be held by the _____ (hearing body) to consider the proposed project on _____ (date), at _____ (time), at _____ (location).

Public comments will be received by the City prior to final approval of the environmental impact report and action on the project, beginning _____ through _____.

Copies of all relevant material, including the project specifications, initial study, and the environmental impact report, are available for review in the offices of _____.

Planning & Building Services Director

Appendix Q
NOTICE OF DETERMINATION

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) _____

☐ County Clerk
County of _____

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)

Contact Person

Area Code/Telephone/Extension

Project Location: _____

Project Description: _____

This is to advise that the _____ has approved the above described
(Lead Agency or Responsible Agency)

project on _____ 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.

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

Date received for filing and posting at OPR: _____

Signature (Public Agency)

Title

Revised March 1986

APPENDIX R

~~ARCHAEOLOGICAL IMPACTS~~

~~I. CEQA applies to effects on historic and prehistoric archaeological resources.~~

~~II. Public agencies should seek to avoid damaging effects on an archaeological resource whenever feasible. If avoidance is not feasible, the importance of the site shall be evaluated using the criteria outlined in Section III.~~

~~A. In situ preservation of a site is the preferred manner of avoiding damage to archaeological resources. Preserving the site is more important than preserving the artifacts alone because the relationship of the artifacts to each other in the site provides valuable information that can be lost when the artifacts are removed. Further, preserving the site keeps it available for more sophisticated future research methods. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.~~

~~B. Avoiding damage may be accomplished by many approaches, including:~~

~~1. Planning construction to miss archaeological sites;~~

~~2. Planning parks, greenspace, or other open space to incorporate archaeological sites;~~

~~3. "Capping" or covering archaeological sites with a layer of soil before building tennis courts, parking lots, or similar facilities. Capping may be used where:~~

~~a. The soils to be covered will not suffer serious compaction;~~

~~b. The covering materials are not chemically active;~~

~~c. The site is one in which the natural processes of deterioration have been effectively arrested; and~~

~~d. The site has been recorded.~~

~~4. Deeding archaeological sites into permanent conservation easements.~~

~~III. If the Lead Agency determines that a project may affect an archaeological resource, the agency shall determine whether the effect may be a significant effect on the environment. If the project may cause damage to an important archaeological resource, the project may have a significant effect on the environment. For the purposes of CEQA, an "important archaeological resource" is one which:~~

~~A. Is associated with an event or person of:~~

~~1. Recognized significance in California or American history or~~

~~2. Recognized scientific importance in prehistory.~~

~~B. Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions;~~

~~C. Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind;~~

~~D. Is at least 100 years old and possesses substantial stratigraphic integrity; or~~

~~E. Involves important research questions that historical research has shown can be answered only with archaeological methods.~~

~~IV. If an archaeological resource is not an important archaeological resource, both the resource and the effect on it shall be noted in the initial study or EIR but need not be considered further in the CEQA process.~~

~~V. If avoidance of the important archaeological resource is not feasible, the Lead Agency should include an excavation plan for mitigating the effect of the project on the qualities which make the resource important under Section III.~~

~~A. If an excavation plan is prepared, it shall:~~

~~1. Be a brief summary of the excavation proposed as part of a mitigation plan;~~

~~2. Be available for review only on a need-to-know basis;~~

~~3. Not include the specific location of any archaeological resources if the plan will be made known to the general public.~~

~~B. An excavation plan may:~~

~~1. List and briefly discuss the important information the archaeological resources contain or are likely to contain;~~

~~2. Explain how the information should be recovered to be useful in addressing scientifically valid research questions and other concerns identified in subdivision (a);~~

~~3. Explain the methods of analysis and, if feasible, display of excavated materials;~~

~~4. Provide for final report preparation and distribution; and,~~

~~5. Explain the estimated cost of and time required to complete all activities undertaken under the plan.~~

~~C. The Lead Agency may require a mitigation plan to be carried out as a condition of approval of the project.~~

~~VI. A public agency following federal clearance process under the National Historic Preservation Act or the National Environmental Policy Act may use the documentation prepared under the federal guidelines in the place of documentation called for in this appendix.~~

~~VII. LIMITATIONS ON MITIGATION. Special rules apply to mitigating significant effects on important archaeological resources.~~

~~A. If it is not feasible to revise the project to avoid an important archaeological resource, the Lead Agency shall require the project applicant to guarantee to pay one half of the cost of mitigating the significant effect of the project on important archaeological resources.~~

~~1. In determining the payment to be required from the applicant, the Lead Agency shall consider the in kind value of project design or expenditures intended to permit any or all important archaeological resources or California Native American culturally significant sites to be undisturbed or preserved in place.~~

~~a. Consideration of in kind values does not require a dollar for dollar set off against the payment by the project applicant.~~

~~b. In deciding on an appropriate set off, the Lead Agency shall consider such factors as whether the project design or expenditures would provide other benefits to the applicant and whether the design or expenditures required special changes in the project plans.~~

~~2. When it decides to carry out or approve the project, the Lead Agency shall, if necessary, reduce the mitigation measures specified in the EIR to those which can be funded with:~~

~~a. The money guaranteed by the project applicant, and~~

~~b. Money voluntarily guaranteed by any other person or persons for the mitigation.~~

~~3. In order to allow time for interested persons to provide a voluntary funding guarantee, the Lead Agency shall not decide to carry out or approve a project having a significant effect on important archaeological resources until 60 days after completing the final EIR on the project.~~

~~4. In no event shall the Lead Agency require the applicant to pay more for mitigation within the site of the project than the following amounts:~~

~~a. One half of one percent of the projected cost of the project, if the project is a commercial or industrial project.~~

~~b. Three fourths of one percent of the projected cost of the project for housing project consisting of one unit.~~

~~c. If a housing project consists of more than one unit, three fourths of one percent of the projected cost of the first unit plus the sum of the following:~~

~~(i) \$200 per unit for any of the next 99 units;~~

~~(ii) \$150 per unit for any of the next 400 units;~~

~~(iii) \$100 per unit for units in excess of 500.~~

~~B. Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after the applicant receives the final approval necessary to begin physical development of the project.~~

~~1. With a phased project, the mitigation measures shall be completed within 90 days after approval is granted for the phased portion to which the specific mitigation measures apply.~~

~~2. The project applicant can elect to extend the time limits for completing the field excavation phase of the approved mitigation plan.~~

~~3. A mitigation plan shall not authorize violation of any law protecting American Indian cemeteries.~~

~~C. Excavation as part of a mitigation plan shall be restricted to those parts of an important archaeological resource that would be damaged or destroyed by the project unless special circumstances require limited excavation of an immediately adjacent area in order to develop important information about the part of the resource that would be destroyed.~~

~~D. Excavation as mitigation shall not be required for an important archaeological resource if the Lead Agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, provided that the determination is documented in the EIR.~~

~~E. The limitations on mitigation shall not apply to:~~

~~1. A public project if the Lead Agency decides to comply with other provisions of CEQA that apply to mitigation of significant effects, and~~

~~2. A private project if the applicant and the Lead Agency jointly elect to comply with other provisions of CEQA that apply to mitigation of significant effects.~~

~~F. The time and cost limitations described in this section do not apply to surveys and site evaluation activities intended to determine whether the project location contains archaeological resources, and if so, whether the archaeological resources are important as defined in this appendix.~~

~~VIII. Discovery of Human Remains.~~

~~A. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:~~

~~1. The coroner of the county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required, and~~

~~2. If the remains are of Native American origin,~~

~~a. The descendants from the deceased Native Americans have made a recommendation\~~

~~{HISTORICAL AND ARCHAEOLOGICAL RESOURCES~~

A. Historical Resources. For purposes of this Appendix, the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which the Lead Agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the Lead Agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the Lead Agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:

(a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(b) Is associated with the lives of persons important in our past;

(c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(d) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude the Lead Agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

B. Significant Effect. A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) "Substantial adverse change in the significance of an historical resource" means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(a) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(c) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by the Lead Agency for purposes of CEQA.

(3) Generally, a project that follows the Secretary of the 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's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) The Lead Agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The Lead Agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

C. Archaeological Sites. CEQA applies to effects on archaeological sites. When a project will impact an archaeological site, the Lead Agency shall first

determine whether the site is an historical resource, as defined in Section A of Appendix R.

(1) If the Lead Agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and Section 15064, Section 15126.4 of the State CEQA Guidelines and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(2) If an archaeological site does not meet the criteria defined in Section A, but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(3) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

D. Native American Human Remains. When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, the Lead Agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code § 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission." Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act.

E. Accidental Discovery of Human Remains. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(a) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(b) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased native american.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

~~b. The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.~~

~~B. (2)~~ Where the following conditions occur, the landowner or his authorized representative shall ~~reenter~~ {rebury} the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

~~1. (a)~~ The Native American Heritage Commission is unable to identify a ~~descendant,~~ {most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. }

~~2. (b)~~ The descendant identified fails to make a recommendation; or

~~3. (c)~~ The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

~~C. If the human remains are discovered before the Lead Agency has finished the CEQA process, the Lead Agency shall work with the Native American Heritage Commission and the applicant to develop an agreement for treating or disposing, with appropriate dignity, of the human remains and any associated grave goods. Action implementing such an agreement is exempt from:~~

~~1. The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).~~

~~2. The requirements of CEQA and the Coastal Act.~~

~~IX {F. Accidental Discovery of Historical or Archaeological Resource. As part of the objectives, criteria, and procedures required by Public Resources Code Section 21082 or as part of conditions imposed for mitigation, a lead agency should make provisions for {If potential historical or unique} archaeological sites {resources are} accidentally discovered during construction. These provisions should include {, then these resources shall receive} an immediate evaluation of the find {by a qualified archaeologist}. If the find is determined to be an {important} {historical or unique} archaeological resource, {contingency funding and} a time allotment sufficient to allow {recovering an archaeological sample or to employ one of the} {for implementation of} avoidance measures {or appropriate mitigation} should be {available} {imposed on the construction project}. {Construction work} {Work} could continue on other parts of the building site while {historical or unique} archaeological {resource} mitigation takes place.~~