

TO: JAMES L. APP, CITY MANAGER
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: 2009 CEQA UPDATE (CITY INITIATED)
DATE: SEPTEMBER 15, 2009

Needs: For the City Council to consider the draft 2009 CEQA Update.

- Facts:
1. The California Environmental Quality Act requires public agencies to adopt objectives, criteria, and specific procedures for administering their responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents.
 2. The City's Rules and Procedures for Implementing CEQA (Rules and Procedures) are intended to address the most common situations faced by the City on a day-to-day basis in complying with CEQA. Where there are situations that are not addressed by the City's rules and procedures, or if any portion of these rules and procedures conflicts with any provision of, or amendment to, CEQA or the Guidelines, the provisions of CEQA and the Guidelines shall control.
 3. The City adopted our first set of CEQA Rules and Procedures on November of 1992 (Resolution 92-181). While our City rules and procedures have remained unchanged since 1992, CEQA and court decisions on the application of environmental legislation have change significantly since 1992. In 2008, City staff began the process of updating the City's Rules and Procedures in order to bring them into conformance with changes in CEQA legislation and applicable court decisions. Staff also reviewed the Guidelines and proposes that some Chapters and Sections be revised to more-clearly describe the requirements set forth in CEQA and our day to day operations.
 4. The major changes contained in the proposed updated Rules and Procedures are:
 - a. An interim procedure for evaluating climate change (as mandated by SB 32, SB 97, and recent court cases) is set forth in Subsection 5.3.C in Chapter 5 (Initial Study). SB 97 requires that the State amend the Guidelines to address climate change by January 1, 2010. Therefore, it is anticipated that a subsequent update to the Rules and Procedures will need to be adopted in 2010.
 - b. Mitigated Negative Declaration is defined in Chapter 6. This essentially replaces the out dated reference of "Expanded Initial Study" that was contained in Chapter 7 of the 1992 Rules and Procedures.

- c. The discussion of the EIR Process (now in Chapter 7) was expanded to address Guideline requirements (e.g. Certification, Findings, Mitigation Monitoring or Reporting, etc.) that were not previously addressed in detail.
 - d. Most of the forms in the Appendices were updated to reflect changes in the forms contained in the Guidelines. Appendices A (CEQA Flow Chart) and C (Environmental Information Form) are new to the Rules and Procedures, (but they were copies of versions in the Guidelines). Appendix M (Public Notice of Draft Negative Declaration) is new. It is a template prepared by staff to implement the requirements set forth in Section 6.3.A.2. Appendices Q (Examples of Greenhouse Gas Reduction Measure) and R (OPR's Attachment 2) provide additional guidance for evaluating climate change impacts.
5. The Planning Commission reviewed the 2009 CEQA Update at the Planning Commission meeting on August 25, 2009. There were a few procedural questions asked by the Commission, and a question asked if the Update would result in an increase in fees or added costs to development projects. Staff informed the Commission that the Update is only to establish the procedures for guiding a project through the CEQA process, and that there would not be additional fees or fiscal impacts associated with the Update.

The Planning Commission unanimously recommended that the City Council approve the 2009 CEQA Update.

Analysis
and

Conclusion: State law requires that the City establish it's own procedures on how it complies with CEQA. Our current procedures, which were last updated in November 1992, are in need of revision to reflect the current law and practices.

It is important to point out that the policies within the Update implement existing State law and does not create new "laws." In essence the Update provides a recipe on how we as planners navigate the complex CEQA process in a streamlined manner.

Since the changes are specific to state law, requests to change the laws is not an option. However, comments on the City's process and procedures and suggestions to make them easier to interpret are appropriate.

Fiscal

Impact: No fiscal impacts are anticipated in conjunction with the adoption of the 2009 CEQA Update.

Options: After consideration of all public testimony, that the City Council considers the following options:

- a. Adopt the 2009 CEQA Update;
- b. Amend, modify or reject the foregoing option.

Attachments:

1. Draft 2009 CEQA Update

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City of Paso Robles



Rules and Regulations For the Implementation of The California Environmental Quality Act

September 2009

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- Appendix B: Notice of Exemption
- Appendix C: Environmental Information Form
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Appendices

- Appendix E: Environmental Checklist Form (Initial Study)
- Appendix F: Mitigation Agreement
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- Appendix O: EIR Process Checklist
- Appendix P: Previous EIR Form
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1. PURPOSE, AUTHORITY AND SCOPE

1.1 Authority

These rules and procedures are adopted by the City of El Paso De Robles to implement the California Environmental Quality Act, or “CEQA” (California Public Resources Code Sections 21000 et seq.). The basic goal of CEQA is to maintain a high-quality environment now and in the future, while the specific goals of CEQA are for California’s public Agencies to:

1. Identify the significant environmental effects of their actions; and, either
2. Avoid those significant environmental effects, where feasible; or
3. Mitigate those significant environmental effects, where feasible.

The basic purposes of CEQA are to:

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

These rules and procedures are consistent with, and are intended to supplement, the Guidelines for Implementation of CEQA: California Code of Regulations, Title 14, Sections 15000-15387 and Appendices A – L thereto (hereafter referred to as “the Guidelines”). The Guidelines are hereby incorporated by reference; a copy of the Guidelines shall be kept on file in the Community Development Department.

1.2 Purpose

Section 21082 of CEQA and Section 15022 of the Guidelines require public agencies to adopt objectives, criteria, and specific procedures consistent with CEQA and the Guidelines for administering their responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. These rules and procedures are intended to address the most common situations faced by the City on a day-to-day basis in complying with CEQA. Where there are situations that are not addressed by these rules and procedures, or if any portion of these rules and procedures conflicts with any provision of, or amendment to, CEQA or the Guidelines, the provisions of CEQA and the Guidelines shall control.

1.3 Scope

These rules and procedures shall apply to the City of Paso Robles. The requirements of these rules and procedures shall apply to all projects, both public and private, which require city approval.

1.4 Revisions

The Community Development Director may, from time to time, revise these rules and procedures when he/she determines that: (1) such revisions are necessitated by amendments to CEQA, (2) such revisions are consistent with the goals, policies and objectives of the City Council, and (3) the revisions are essentially technical in their nature, and conform to the Guidelines. All other revisions shall be approved by Resolution of the City Council.

2. DEFINITIONS

The following definitions are intended to clarify and supplement, but not replace or negate, the definitions contained in the Guidelines. In the event of inconsistency, the Guidelines shall control.

Advisory Body: The public body or administrative official required by State Law or City Ordinance or Resolution to consider and make recommendations on a specific type of project. The Planning Commission is the advisory body for the following types of projects: general plan amendments, specific plans, and rezoning. (The Planning Commission has final decision making authority for tract maps, parcel maps, planned developments, conditionals use permits and variances. Decisions on these matters are appeal-able to the City Council).

Approval:

- a. Approval means the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.
- b. With private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.

Categorical Exemptions: “Categorical exemption” means an exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment. A list of and descriptions for Categorical Exemptions is contained in Sections 15300 – of 15333 of the Guidelines.

City: City means the City of El Paso De Robles.

Community Development Department: The Community Development Department shall refer to the staff of the Planning, Engineering, and Housing Divisions of the City of El Paso De Robles.

Coordinator (Environmental Coordinator): A person designated by the City Council who makes recommendations on the potential environmental impacts of projects and who manages the environmental review process for the City. The Community Development Director or his/her designee shall be the Environmental Coordinator.

Council: Council means the City Council of the City of El Paso De Robles.

County Clerk: County Clerk is the County Clerk for the County of San Luis Obispo.

Decision-Making Body: “Decision-making body” means the City Council, Planning Commission, or Community Development Director/Zoning Administrator..

Director: Director means the Director of Community Development for the City of Paso Robles or his/her designee.

Discretionary Project: “Discretionary project” means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

Guidelines: Guidelines means the State Guidelines for the Implementation of the California Environmental Quality Act California Code of Regulations, Title 14. Natural Resources, Division 6 Resources Agency, Chapter 3.

Lead Agency: “Lead Agency” means the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared. Criteria for determining which agency will be the Lead Agency for a project are contained in §15051.

Ministerial Projects: “Ministerial” describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee.

Mitigation Measures: “Mitigation” includes:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action.
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e. Compensating for the impact by replacing or providing substitute resources or environments.

Project:

- a. “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 any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

(2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

b. 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 that does not involve a public agency sponsored initiative.

(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 that will not result in direct or indirect physical changes in the environment.

c. The term “project” refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

d. Where the Lead Agency could describe the project as either the adoption of a particular regulation under subdivision (a)(1) or as a development proposal which will be subject to several governmental approvals under subdivisions (a)(2) or (a)(3), the Lead Agency shall describe the project as the development proposal for the purpose of environmental analysis. This approach will implement the Lead Agency principle as described in Article 4.

Responsible Agency: “Responsible Agency” means a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

Trustee Agency: “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:

a. The California Department of Fish and Game with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department;

- b. The State Lands Commission with regard to state owned “sovereign” lands such as the beds of navigable waters and state school lands.

3. APPLICATIONS PROCEDURES

3.1 Applicability

A. General. Appendix A of these rules and procedures contains a flow chart showing a summary of the complete CEQA process. (This flow chart is also Appendix A of the Guidelines.)

B. Non-Applicability/Exemption from CEQA. No environmental assessment is required under CEQA for the following circumstances:

1. If the activity is determined not to be a project as defined by Guidelines §15378; Pub. Res. Code §21065.
2. If the activity is ministerial (Pub. Res. Code §21080(b)(1); Guidelines §§15268, 15369).
3. If the activity is one which the decision-making body will disapprove (Pub. Res. Code §21080(b)(5); Guidelines §15270).
4. The activity is an emergency project (pub. Res. Code §§21080(b)(2), (3), (4); Guidelines §15269).
5. The activity is exempt by statute (see, e.g. Article 18, commencing with §15260 of the Guidelines).
6. The activity is categorically exempt (Pub. Res. Code §§21080(b)(9), 21084; Guidelines §§15301-15332).
7. The setting, modification, structuring, or restructuring of certain rates, tolls, fares, or charges other than rate increases to fund system expansions are exempt from CEQA review (Pub. Res. Code §21080(b)(8); Guidelines §15273).
8. Feasibility or planning studies carried out by a public agency when the agency has not approved, adopted, or funded any particular action (Pub. Res. Code §§21102, 21150).
9. The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; (Guidelines §15061(b)(3)).

C. Notice of Exemption. The City may or may not file a Notice of Exemption with the County Clerk pursuant to Guidelines §15062. If the Notice of Exemption is filed and posted, a 35-day statute of limitations will commence from the date of project approval; if the notice is not filed, a 180-day statute of limitations will apply (Guidelines §15062(d)). Appendix B is a Notice of Exemption. (This flow chart is the same as Appendix E of the Guidelines.)

D. Public Projects / Private Projects. For both public and private projects, the environmental determination and documents shall be prepared by or under the supervision of the Community Development Department of the City of Paso Robles.

3.2 Pre-submittal Meeting

When requested by an applicant, a pre-submittal meeting may be held with Community Development Department staff to discuss the general environmental issues affecting a project. Although a pre-submittal meeting is not required, it is strongly encouraged where there is a possibility that the project will have a significant effect on the environment.

3.3 Determining If Applications Are Complete

Once a project application has been submitted, it shall be checked to determine if it contains the required information prior to acceptance by the Community Development Department. A checklist of required items for each type of application is available at the Community Development Department and is available on the City’s website (www.prcity.com). It is the responsibility of the applicant to ensure that all required information is provided.

Appendix C is an Environmental Information Form that applicants must submit for all applications that are subject to CEQA. (This form is the same as Appendix H of the Guidelines.)

A. Incomplete Applications. When the Director determines that an application is incomplete, the applicant shall be notified in writing, within 30 days of the submittal, specifying the areas which were found to be incomplete, and what is needed to complete the application.

B. Complete Applications. The Director shall notify the applicant in writing when the application has been found to be complete. If no written determination of the completeness of the application is made within that period, the application will be deemed complete on the 30th day.

Time Limits

Environmental Document Time Limits	<ul style="list-style-type: none"> • 30 days from application’s acceptance as complete: Lead Agency must decide to prepare Negative Declaration or EIR. • 45 days from sending a Notice of Preparation for an EIR, the Lead Agency must execute consultant contract – if the EIR is to be prepared by a consultant. • 180 days from application’s acceptance as complete: Lead Agency must complete Negative Declaration. • 1 year from application’s acceptance as complete: Lead Agency must certify EIR.
Lead Agency Project Approval Time Limits	<ul style="list-style-type: none"> • 60 days from exemption decision or adoption of Negative Declaration. • 90 days from date of EIR certification for projects subject to Public Resources Code §§ 21110 or 21151 (housing projects in which 49% or greater of the units are reserved for lower income households). • 180 days from date of EIR certification for all other projects.
Responsible Agency Project Approval Time Limits	<ul style="list-style-type: none"> • 180 days after responsible agency accepts application as complete or after Lead Agency action, whichever is later.

4. EXEMPTION PROCESS

4.1 Exemption Determination

Within 30 days of accepting a planning application submittal as being complete, the Director shall determine if the project is exempt from the provisions of CEQA. This determination shall be made in accordance with the provisions of the Guidelines outlined below. NOTE: If the Coordinator determines that an activity or type of projects listed below may have a significant effect on the environment, the Coordinator may determine that it is not exempt from the requirements of CEQA.

A. Statutory Exemptions -- Article 18 of CEQA (Commencing with §15260 of the Guidelines)

B. Categorical Exemptions -- Article 19 of CEQA (Commencing with §15300 of the Guidelines) and the application of that categorical exemption is not barred by one of the exceptions set forth in §15300.2 of the Guidelines.

C. Projects with no possibility of significant effect -- The activity is covered by the general rule that CEQA only applies to projects which have potential for causing a significant effect to the environment, §15061(b)(3) of the Guidelines.

D. The project will be rejected or disapproved by a public agency – See §15061(b)(4) of the Guidelines.

E. Residential projects undertaken pursuant to a specific plan which meet the requirements of §15182 of the Guidelines.

F. The project is exempt pursuant to provisions of Article 12.5 of CEQA. – See Sections 15191 – 15196, which provide exemptions for agricultural housing, affordable housing, and infill residential.

G. “Certified regulatory programs.” There is also a partial exemption for “certified regulatory programs.” (Guidelines §§15250-15253)

4.2 Completing the Exemption Form

After the Director finds that a project is exempt pursuant to §15061 of the Guidelines, and he or she approves or determines to carry out the project, the Director may complete an Notice of Exemption Form (Appendix B).

4.3 Filing of Notice of Exemption

Following approval of an exempt project by the decision making body, a Notice of Exemption (Appendix B) may be filed as follows:

A. Public projects. The Coordinator may file a Notice of Exemption in accordance with §15062 of the Guidelines after the project's approval, if at all.

B. Private Projects. The Coordinator will not file a Notice of Exemption for private projects, but forms will be available at the Planning Division and the applicant should be encouraged to do so to shorten the statutory challenge period provided in CEQA, §15062 (d): The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply.

5. INITIAL STUDY PROCESS

"Initial Study" means a preliminary analysis prepared by the Lead Agency to determine the type of environmental document to process (e.g. EIR, Negative Declaration, or Mitigated Negative Declaration). It is also used to identify the significant environmental effects to be analyzed in an EIR. Use of the Initial Study is discussed in the Guidelines Article 5, commencing with §15060.

5.1 Conduct of the Initial Study

An initial study shall be prepared for all public and private projects once they are determined that an activity is subject to CEQA and no statutory or categorical exemptions apply, unless it has been determined that an EIR will be required and the applicant agrees. All initial studies shall be conducted in accordance with §15063 of the Guidelines.

5.2 Consultation

As soon as the determination to prepare an Initial Study has been made, Planning staff shall consult informally with, and solicit recommendations from, all Responsible and Trustee agencies (see §15063(g) of the Guidelines), and City departments. Appendix D lists reviewing agencies with special expertise in various subject areas which may be used to solicit comments in the review of environmental documents. For most projects, this consultation can be adequately satisfied by a telephone call to the appropriate member of the agency's staff. A written record of the phone call (e.g. memo to file or a funning phone log) shall be placed in the project file. The comments and recommendations of the Responsible or Trustee agency and City Departments shall be reflected in the Initial Study.

5.3 Evaluating Projects

A. Planning staff shall evaluate projects for their effect on the environment by using the Environmental Checklist Form (Appendix E), Environmental Information Form (Appendix C), and by calling upon various sources of information, including the General Plan, previously completed EIRs and other environmental studies, and make a written recommendation to the Coordinator which is supported by factual evidence.

1. For projects with no previous environmental documents, or previously prepared documents found to be inadequate because changes have been made to the project, the project setting, or because of the length of time since the original preparation date, the analysis shall focus on the identification of significant effects according to sections 15064 and 15065 of the Guidelines. These sections describe the criteria and mandatory findings for establishing whether a project may have a significant adverse effect on the environment.
2. When a project being analyzed is a change to, or further approval for, a project for which an environmental document was previously certified or adopted, provisions of sections 15162 (Subsequent EIRs and Negative Declarations), 15163 (Supplement to an EIR or Negative Declaration), and 15164 (Addendum to an EIR) of the Guidelines will apply. Guidelines §15064(f)(7)

B. If additional outside review is required to determine the potential significant effects of a project, (e.g., a study of potential traffic impacts) it should be determined at this point, or earlier in the process if possible, by City staff. Any fees for this study shall be borne by the applicant.

C. Evaluating for Climate Change (Interim Provisions): Pursuant to Senate Bill 97 (Dutton, 2007), new amendments of the Guidelines will be adopted and certified on or before January 1, 2010. These amendments will provide regulatory guidance on the analysis and mitigation of Green House Gas (GHG) emissions in CEQA documents. The Governor’s Office of Planning and Research (OPR) in cooperation with the Resources Agency, the California Environmental Protection Agency (Cal/EPA) and the California Air Resources Board (ARB) have provided informal guidance regarding the steps lead agencies should take to address climate change in their CEQA documents.

The CEQA analysis shall determine the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project’s incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

1. CEQA documents should consider the following general factors when analyzing whether a proposed project has the potential to cause a significant climate change impact on the environment:
 - a. The lead agencies should make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO₂ and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities.
 - b. Technical resources, including a variety of modeling tools, are available to assist public agencies to quantify GHG emissions. OPR recognizes that more sophisticated emissions models for particular types of projects are continually being developed and that the state-of-the-art quantification models are rapidly changing. OPR will periodically update the examples of modeling tools identified in OPR’s “Attachment 2”. (Appendix R)
 - c. There is no standard format for including the analysis in a CEQA document. A GHG/climate change analysis can be included in one or more of the typical sections of an EIR (e.g., air quality, transportation, energy) or may be provided in a separate section on cumulative impacts or climate change.
2. CEQA documents should consider the following general guidelines when determining the significance of the possible impacts.
 - a. When assessing a project’s GHG emissions, lead agencies must describe the existing environmental conditions or setting, without the project, which normally constitutes the baseline physical conditions for determining whether a project’s impacts are significant.

- b. As with any environmental impact, lead agencies must determine what constitutes a significant impact. In the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a “significant impact”, individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice.
 - c. The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project’s direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g., transportation impacts).
 - d. Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project.
3. CEQA documents should consider the following general guidelines when determining possible mitigation measures.
- a. Mitigation measures will vary with the type of project being contemplated, but may include alternative project designs or locations that conserve energy and water, measures that reduce vehicle miles traveled (VMT) by fossil-fueled vehicles, measures that contribute to established regional or programmatic mitigation strategies, and measures that sequester carbon to offset the emissions from the project.
 - b. The lead agency must impose all mitigation measures that are necessary to reduce GHG emissions to a less than significant level. CEQA does not require mitigation measures that are infeasible for specific legal, economic, technological, or other reasons. A lead agency is not responsible for wholly eliminating all GHG emissions from a project; the CEQA standard is to mitigate to a level that is “less than significant”.
 - c. If there are not sufficient mitigation measures that the lead agency determines are feasible to achieve the less than significant level, the lead agency should adopt those measures that are feasible, and adopt a Statement of Overriding Considerations (which would require an EIR) that explains why further mitigation is not feasible. A Statement of Overriding Considerations must be prepared when the lead agency has determined to approve a project for which certain impacts are unavoidable. These statements should explain the reasons why the impacts cannot be adequately mitigated in sufficient detail, and must be based on specific facts, so as not to be conclusive.
 - d. Agencies are encouraged to develop standard GHG emission reduction or mitigation measures that can be applied on a project-by-project basis. Appendix Q contains a preliminary menu of measures that lead agencies may wish to consider. This list is by no means exhaustive or prescriptive. Lead agencies are encouraged to develop their

own measures and/or propose project alternatives to reduce GHG emissions, either at a programmatic level or on a case-by-case review.

- e. In some cases GHG emission reduction measures will not be feasible or may not be effective at a project level. Rather, it may be more appropriate and more effective to develop and adopt program-level plans, policies and measures that will result in a reduction of GHG emissions on a regional level.

D. Upon completion of the Initial Study, Planning staff shall transmit it along with their preliminary determination to the Coordinator. If it is found that insufficient information exists to determine whether a project will have a significant effect on the environment, additional information from the applicant or one or more focused studies (e.g., traffic, biological, cultural, etc.) shall be required as appropriate to the nature of the project and/or the project site.

E. After a preliminary determination that a project may have a significant effect on the environment, the Coordinator should meet with the applicant in an attempt to reach agreement on acceptable mitigation measures and/or project alternatives which would lessen or avoid the significant effects outlined in the Initial Study. Where agreement is reached, the Coordinator shall revise the Initial Study to incorporate the changes, alternatives and/or mitigation. Changes to the project or mitigation measures shall be agreed to in writing by the applicant and documented in the Initial Study prior to the project being noticed and scheduled for a public hearing. Appendix F contains a sample Mitigation Agreement.

5.4 Preliminary Determinations

The Coordinator, on the basis of the environmental analysis and other information contained in the Initial Study, shall make one of the preliminary determinations listed below no later than 30 calendar days after accepting the application as complete. (NOTE This deadline may be extended an additional 15 days upon the consent of both the Coordinator and the project applicant as provided in Section 15102 of the Guidelines.)

- A.** That there is no possibility that the proposed project may have a significant effect on the environment and prepare a Negative Declaration.

Proceed to Chapter 6, Process for Negative Declarations and Mitigated Negative Declarations.

- B.** That, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project which lessen these potential impacts to acceptable levels and prepare a Mitigated Negative Declaration.

This determination should be made in cases where the mitigation measures are readily apparent and can be agreed to by the Coordinator and the applicant. The City shall prepare a reporting and monitoring program for any mitigation measures incorporated into the project to ensure compliance, as set forth in Chapter 13 of these rules and procedures.

Proceed to Chapter 6, Process for Negative Declarations and Mitigated Negative Declarations.

- C. That the project may have a significant effect on the environment, pursuant to §15064 of the Guidelines and prepare an EIR.

Proceed to Chapter 7, EIR Process.

- D. That, pursuant to §15153 of the Guidelines, an EIR has already been prepared which adequately evaluates the projects' potential effects, and no additional document is needed.

Proceed to Chapter 8, Previous EIR Process.

- E. That an EIR has already been prepared, and either a supplement or an addendum is appropriate (only minor additional information or alterations would be necessary to make the previous EIR adequately apply to the project.)

Proceed to Chapter 9, Program EIR Process.

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6. PROCESS FOR NEGATIVE DECLARATIONS AND MITIGATED NEGATIVE DECLARATIONS

“Negative Declaration” 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 Negative Declaration are described in §15071 of the Guidelines.

“Mitigated Negative Declaration” 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.

6.1 Preparation of a Draft Negative Declaration

As soon as the Coordinator determines that a project will not have a significant effect on the environment or the Initial Study identifies potentially significant effects but:

1. Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed Mitigated 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 effects would occur, and
2. There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment,

Planning staff shall prepare a draft Negative Declaration or Mitigated Negative Declaration in accordance with §15071 of the Guidelines.

To meet the requirements of the first condition, above, the applicant must:

- a. Revise the project plans (i.e., proposal letter, design plan drawings, and/or other exhibits explaining how the project will be constructed and operated) to show that the necessary mitigation measures will be incorporated into the project, and/or
- b. Execute a written Mitigation Agreement (Appendix F) in which the applicant agrees to carry out all measures identified by the Initial Study to mitigate impacts to a point where clearly no significant effects would occur.

6.2 Content of a Negative Declaration

A Negative Declaration circulated for public review shall include:

1. A brief description of the project, including a commonly used name for the project, if any;

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

The Draft Negative Declaration or Draft Mitigated Negative Declaration may establish thresholds, where appropriate, for a given project and mitigation measures based on these thresholds which reduce any potential significant impacts to a less than significant level. If revisions to the project are proposed during its review process, the project should be compared to the original project and environmental review to determine whether changes or additions to the mitigation measures are required. Changes in the project description which are designed to mitigate significant environmental effects shall be completed before the Draft Negative Declaration is released for public review as required by §15070 (b)(1) of the Guidelines.

6.3 Public Notice and Review

A. General. Public notice and review of the Draft Negative Declaration or Draft Mitigated Negative Declaration shall be for a 20 calendar day period prior to review or hearing by the body that has approval authority (30 days if State Clearinghouse review is required). (See Subsection B, below, for rules on Clearinghouse review.) It may be combined with the public notice required for a project, and follow requirements of §15072 and §15073 of the Guidelines.

1. A Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall:
 - a. Be mailed to all Trustee Agencies, Responsible Agencies, and the County Clerk. If State Clearinghouse review is required, said notice shall also be filed with the State Clearinghouse. Mailing shall allow for each recipient to receive said notice no later than the start of the 20 day or 30 day public review period.

The materials distributed to Trustee and Responsible Agencies need only include the Notice of Intent to Adopt a Negative Declaration (or Mitigated Negative Declaration), a copy of the Initial Study, and mitigation measures, if applicable. Planning staff may forward additional supporting information where they determine it would help in the review of the environmental determination. (NOTE: Failure to comply with this self-imposed requirement shall not invalidate the project approval.)

- b. Be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing; and

Planning staff may forward additional supporting information (e.g., copy of the Initial Study and mitigation measures) to such organizations and individuals if they have

specifically requested it. (NOTE: Failure to comply with this self-imposed requirement shall not invalidate the project approval.)

c. Be given by one of the following methods:

(1) Publication at least once in a newspaper of general circulation:

(2) Posting on- and off- the site in the area where the project is to be located and on the City Hall bulletin board;

(3) By direct mail to owners of property within 300 feet of the project as shown on the latest equalized assessment roll and as required for the specific project.

d. Be mailed to the applicant and his/her representatives.

Appendix G is a sample Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration.

2. A Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall specify the following:

a. A brief description of the proposed project and its location.

b. The starting and ending dates for the review period during which the lead agency will receive comments on the proposed negative declaration or mitigated negative declaration.

c. The date, time, and place of any scheduled public meetings or hearings to be held by the lead agency on the proposed project, when known to the lead agency at the time of notice.

d. The address or addresses where copies of the proposed negative declaration or Mitigated Negative Declaration including the revisions developed under §15070(b) and all documents referenced in the proposed Negative Declaration or Mitigated Negative Declaration are available for review. This location or locations shall be readily accessible to the public during the lead agency's normal working hours.

e. The presence of the site on any of the lists enumerated under §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 subdivision (f) of that section.

f. Other information specifically required by statute or regulation for a particular project or type of project.

B. State Clearinghouse Distribution. In addition to the persons and agencies listed in Section A.1, above, the draft Negative Declaration or draft Mitigated Negative Declaration shall also be distributed to the State Clearinghouse when the project is determined to be of statewide, regional or

area wide significance per §15206 of the Guidelines.

The materials distributed to the State Clearinghouse need only include the Notice of Intent to Adopt a Negative Declaration (or Mitigated Negative Declaration), a copy of the Initial Study, and mitigation measures, if applicable.

Planning staff may forward additional supporting information where they determine it would help in the review of the environmental determination. (NOTE: Failure to comply with this additional self-imposed requirement shall not invalidate the project approval.)

C. Public Hearings. As provided by §15202 of the Guidelines, CEQA does not require formal hearings at any stage of the environmental review process. However, if an agency provides a public hearing on its decision to carry out or approve a project, the agency should include environmental review as one of the subjects. In addition, the Coordinator may hold a public hearing on the environmental review process. This is done if a project does not require approval by the Planning Commission or City Council.

6.4 Completing the Negative Declaration or Mitigated Negative Declaration

A. If no comments are received during the 20 day review period (30 days for State Clearinghouse review) the Negative Declaration or Mitigated Negative Declaration may be accepted as complete.

B. If comments are received, the Coordinator shall review the comments and after giving them consideration, make one of the following determinations:

1. That an EIR should be prepared because the comments:
 - a. Fairly argue that on the basis of substantial evidence, the project may have a significant effect on the environment; OR
 - b. Indicate there is serious public controversy concerning the environmental effects of the project, which is supported by substantial evidence. (Controversy not related to an environmental issue does not require the preparation of an EIR.) OR
2. That the Negative Declaration or Mitigated Negative Declaration should be accepted as complete because the comments do not provide the basis for requiring an EIR, as outlined above. The Coordinator may, however, revise the Negative Declaration or Mitigated Negative Declaration and Initial Study in response to comments received, before accepting it as complete. If the Negative Declaration must have “substantial revision” as described in §15073.5 of the Guidelines, the document shall be re-circulated and noticed per Sections 15072 and 15073 of the Guidelines.

With private projects involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the Negative Declaration or Mitigated Negative Declaration must be completed and approved within 180 days from the date when the lead agency accepted the application as complete.

6.5 Approval of the Negative Declaration or Mitigated Negative Declaration

Before approving a project for which a Negative Declaration or Mitigated Negative Declaration has been prepared, any advisory body shall review and consider, and the decision-making body shall review and consider the Negative Declaration or Mitigated Negative Declaration. When approving a Mitigated Negative Declaration, a Mitigation Monitoring and Reporting Program, which lists all mitigation measures included in the Initial Study, must be adopted as part of the resolution approving a Mitigated Negative Declaration. Mitigation Monitoring Programs are discussed in more detail in Chapter 13. Appendix H is a sample Mitigation Monitoring and Reporting Program.

6.6 Notice of Determination.

After the decision making body has made a decision to approve a project for which a Negative Declaration or Mitigated Negative Declaration, the Environmental Coordinator shall, as soon as possible but no later than 5 working days following approval of the project, file a Notice of Determination (See Appendix I) with the County Clerk. Failure to notice within the time constraints herein shall in no way be construed to invalidate or set aside the action taken by the body.

The County Clerk Charges a fee of \$25 to file a Notice of Determination. Applicants for which a Negative Declaration or Mitigated Negative Declaration is necessary will be required to deposit a check in the amount of \$25, payable to the “County of San Luis Obispo”, with the City prior to scheduling their project for a public hearing. The City will file the check with the County Clerk at the same time that it files the Notice of Determination.

Fish and Game Fees, which are discussed in the following subsection, must also be submitted to the County Clerk at the same time that a Notice of Determination is filed.

If the project requires a discretionary approval from a State Agency, a copy of the Notice of Determination must also be filed with the State Clearinghouse.

6.7 Fish and Game Fees

Pursuant to Fish and Game Code §711.4, the State Department of Fish and Game (DFG) requires all project applicants for which a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report is necessary to pay a filing fee for each proposed project. The required fees will be collected by the County Clerk at the time of filing of Notices of Determination. Project approvals will not be effective until the Notice of Determination has been filed and the fee paid. In 2009, the fee for Negative Declarations and Mitigated Negative Declarations is \$1,993.00, and the fee for Environmental Impact Reports is \$2,768.25. These fees are adjusted annually by the State.

Applicants for which a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report is necessary will be required to deposit a check in the appropriate amount, payable to the “County of San Luis Obispo”, with the City prior to scheduling their projects for a public

hearing. The City will file the check with the County Clerk at the same time that it files the Notice of Determination.

Note: Although Section 711.4 provides an exemption for projects that the DFG find not to have any effect on fish and wildlife, DFG has not responded to City requests for such findings on City-initiated public works projects or on privately-initiated projects.

7. ENVIRONMENTAL IMPACT REPORT PROCESS

7.1 Types of EIRs

General: This section describes a number of examples of variations in EIRs as the documents are tailored to different situations and intended uses. These variations are not exclusive. Lead Agencies may use other variations consistent with the Guidelines to meet the needs of other circumstances. All EIRs must meet the content requirements discussed in Article 9 beginning with § 15120 of the Guidelines.

Project EIR: The most common type of EIR that examines environmental impacts of a specific development project and examines all phases of the project including planning, construction, and operation.

Subsequent EIR, Supplemental EIR and Addendum: Subsequent EIRs, Supplemental EIRs, and Addenda to an EIR are required when there is a change in the conditions analyzed in an EIR after the EIR has been certified but before all Lead or Responsible Agencies discretionary authorities have been granted for the project.

Program EIR: A Program EIR generally analyzes broad environmental effects of the program with the acknowledgment that site-specific environmental review may be required for a particular aspect of portions of the program when those aspects are proposed for implementations. It is normally prepared for an agency program or series of actions that can be characterized as one large project as well as for agency plans, policies, or regulatory programs. For example, a General Plan Update EIR is considered to be a Program EIR.

Staged EIR: Like the Program EIR, the “Staged EIR” is prepared for large-scale projects that are planned and developed over a long period of time. The first stage or phase EIR must include a general discussion of the entire project, including cumulative impacts as well as reflect that there will be future environmental documentation including project EIRs. The second-stage EIR will supplement the first, focusing more on detailed impact analysis related to the second-stage approval.

General Plan and Other Plan-Level EIR: General Plan EIRs are prepared for a city or county general plan, and usually meets the requirements for either a Program EIR or a Master EIR. All CEQA reviews on subsequent actions as authorized by the general plan should be based on the General Plan EIR using CEQA’s tiering provision.

Master EIR: Master EIRs are a first-tier document that are similar to Program EIRs, Staged EIRs, and other tiered environmental reviews. Master EIRs may be prepared for general plans, specific plans, projects consisting of smaller individual projects to be implemented in phases, regulations to be implemented by subsequent projects, state highway or transit projects subject to multiple reviews of approvals, regional transportation plans, congestion management plans, California Department of Fish and Game regulations for hunting and fishing, and federal military base reuse plans.

7.2 Decision to Prepare an EIR

The decision to prepare an EIR will be made either during preliminary review under §15060 of the Guidelines or at the conclusion of an Initial Study after applying the standards described in §15064 of the Guidelines. If the project is privately-initiated, the applicant shall be notified in writing of the decision to prepare an EIR.

7.3 Notice of Preparation

After deciding that an EIR is required, the Lead Agency must send a Notice of Preparation (NOP - Appendix J) soliciting participation in determining the scope of the EIR to the State Clearinghouse and to each Responsible and Trustee Agency and to every involve federal agency involved in approving or funding the project. The NOP may include the attached NOP form (Appendix J) however, all requirements listed in §15082 of the Guidelines shall be included.

7.4 Scope of EIR

Based on the results of the Initial Study, information received in response to the NOP, and/or other review of the project, planning staff, along with the selected consultant (if one should be contracted to prepare the environmental document), shall determine the scope of the EIR. A meeting may also be held with responsible agencies, trustee agencies and/or representatives from other City departments to determine the scope of the EIR. In addition, the City may choose to hold a noticed public hearing to solicit comments on the NOP from the public. The scope shall include a listing of all technical reports (traffic, noise, biology, and so forth) as well as any other special analyses which will be required.

7.5 Consultant Selection

The Coordinator shall contract for the preparation of an EIR in accordance with the procedures outlined in paragraph 7.5A, below, or shall direct Planning staff to prepare the environmental document. If a Draft EIR is to be prepared under contract with a consultant, the contract must be executed within 45 days from the date on which City sends a NOP.

A. Consultant Selection

1. The City shall maintain an informal resource list of qualified environmental consulting firms and may use that list as well as other available resources from which to select a consultant to prepare the EIR. This resource list should be compiled based on qualifications submitted by individual firms and should consist of:
 - a. Names and resumes of principals and employees of the firm who will be involved in the preparation of EIRs.
 - b. A listing of any relevant environmental documents prepared by the firm for which the firm was the lead consultant. Additional projects for which the firm was a sub-consultant may also be listed. The name of the project manager should be included, as well as the scope of work and a list of references.

The absence of any of the above noted data from the resource list, or the choosing of an alternative qualified consultant not on the resource list to prepare an EIR or other technical document, shall not invalidate the consultant selection.

2. EIRs shall be prepared by a qualified consultant under contract to the City. Following a determination that an EIR is required, the Director shall prepare a Request For Proposal (RFP) to prepare an Environmental Impact Report (EIR) or other technical report.
3. The RFP should include, a detailed project description, project information, the Notice of Preparation and initial study, if one was prepared, and the scope of work. An RFP should be sent to at least three consulting firms included on the City's EIR consultant resource list, and/or may be sent to additional qualified firms as determined to be appropriate by the Coordinator. The RFP should include a time line for responses to the City. The proposal shall be required to discuss the work to be done, the time required to complete the work, and the maximum costs for time and materials based on the stated scope of work.
4. The Coordinator shall submit his/her recommendation of a consultant to the City Council which shall approve the consultant.

B. Costs of Preparation. Costs associated with the preparation, printing, and distribution of EIRs and addenda and supplements for private projects shall be borne by the applicant. Prior to the City signing the consultant contract to prepare the EIR, the applicant shall deposit funds sufficient to pay for the required EIR in a City trust account. These funds shall be released by the City to the EIR consultant according to the terms of the Contract for the Preparation of an Environmental Impact Report.

The applicant shall also be required to pay the actual time and materials costs incurred by the City for any additional staff time required to administrate the preparation of the document – in addition to processing the development application for which the EIR is being prepared.

During the preparation of the environmental impact report, the City's consultant should be allowed free access to the applicant, provided that the Planning Staff is notified ahead of time of any meetings between the applicant and the consultant, and that no meeting be held without Planning staff's prior knowledge and consent. For instance, it may be advisable that the applicant review and comment on the Draft EIRs project description for accuracy and to ensure no project components are excluded. No information or conclusions should be released by the consultant to the applicant prior to notification to the City of such information.

7.6 Processing the Draft EIR (including subsequent and supplements)

Contents and Format. The EIR shall contain all of the elements specified in §§15120 through 15132 of the Guidelines and Appendix K.

Administrative Draft EIR. The consultant preparing the EIR shall submit an administrative draft EIR for review by City staff within the time allowed by the EIR contract. The consultant shall revise the administrative draft EIR to address City comments within the time specified in the EIR contract.

7.7 Notice of Completion and Public Notice

A. Notice of Completion. As soon as the Coordinator determines that the Draft EIR is properly completed, and is appropriate for distribution and processing, the City or its designee shall complete a Notice of Completion in accordance with §15085 of the Guidelines (See Appendix L).

B. Public Notice. Planning staff shall provide public notice of the availability of the draft EIR in accordance with §15087 of the Guidelines at the same time the Notice of Completion is filed. Public notice that a draft EIR has been completed, and is available for public review (including places where the document is available and the time available for making comments) shall be given to all organizations and individuals who have previously requested such notice and by at least one of the following procedures:

1. Publication at least once in a newspaper of general circulation;
2. Posting on the City hall bulletin board and on the project site; and/or
3. By direct mail to owners of all property within 300 feet of the project as shown on the latest equalized assessment roll.

Appendix M is a format for a public notice of availability a Draft EIR.

C. Distribution. Planning staff shall distribute, as provided in Sections 15087 of the Guidelines and below, the Draft EIR when complete, and request written comments during the review period:

1. Public agencies shall use the State Clearinghouse (a division of the State Office of Planning and Research) to distribute draft EIRs to state agencies for review and should use area wide clearinghouses to distribute the documents to regional and local agencies. The EIR may be sent to the San Luis Obispo County Council of Governments (SLOCOG) if the project is of regional significance.
2. Distribution to State agencies, if required, shall be through the State Clearinghouse in accordance with sections 15087 and 15205 of the Guidelines. EIRs forwarded to the Clearinghouse shall include copies of all Appendices.
3. Copies shall also be distributed to members of the advisory and decision making bodies for the project, the City Manager, directors of appropriate City departments, City project staff, and the applicant.
4. Copies of the EIR shall be made available for review in the City Library, at the City Clerk's office, on the City website, and at the Planning Division where loan copies shall be available. Any person wanting a copy of the EIR other than those to whom they have been distributed shall be charged a fee not to exceed the actual cost of reproduction. Documents shall also be made available for purchase via CD-ROM format.

D. Review. The review period shall begin following the distribution of public notices and EIR documents by the Planning staff, and shall be not less than 30 days nor longer than 60 days.

When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

E. Public Meetings. Although not required, it is the City's practice to hold a public meeting before the Planning Commission during the review period to receive input on the EIR in accordance with §15202 of the Guidelines.

F. Evaluation of Comments and Preparation of Responses. As comments are received, the consultant shall evaluate the comments and have responses prepared. Comments and responses to comments shall be included in the Final EIR as per §15088 and 15132 of the Guidelines.

G. Recirculation of an EIR. A lead agency is required to re-circulate an EIR when significant new information is added to the EIR after public notice is given per §15088.5 of the Guidelines.

7.8 Preparation and Processing of the Final EIR

A. Preparation. A proposed Final EIR shall be prepared by City staff or by a consultant retained by the City per §15089 of the Guidelines. Costs of preparation shall be borne by the applicant if not already included in the original EIR consulted work scope.

B. Contents. The contents of the proposed Final EIR shall be as specified by Sections 15132 of the Guidelines and Appendix K.

C. Format. Generally, when comments are received they shall be attached to the Draft EIR with responses. However, where Planning staff determines that responses to comments will require numerous or substantial revisions to the Draft EIR text, they shall be entered into the text of the existing Draft EIR text to comprise the Final EIR.

D. Distribution. Planning staff shall distribute the proposed Final EIR as soon as it is complete to the advisory or decision making body holding meetings on the project. The proposed Final EIR shall also be forwarded to each responsible agency and shall be kept on file in the Community Development Department and the planning agency of the County of San Luis Obispo if significant effects of the project may impact the County.

E. Certification of the Final EIR. Prior to approving the project, the Lead Agency must certify that the Final EIR was prepared in compliance with CEQA and was presented to the Lead Agency's decision-making body per §15090 of the Guidelines. When an EIR is certified by a non-elected decision-making body within a local lead agency (e.g. planning commission), it may be appealed to the local lead agency's elected decision-making body (i.e., City Council).

Appendix N is a sample resolution certifying an EIR. It includes statements for making findings and adopting a Statement of Overriding Considerations should the circumstances in Subsections F and H, below, exist.

F. Findings. No project shall be approved or carried out for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of the significant effects per §15091 of the Guidelines.

G. Approval. After considering the final EIR and in conjunction with making findings, the Lead Agency may decide whether or how to approve or carry out the project per §15092 of the Guidelines.

A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

1. The project as approved will not have a significant effect on the environment, or
2. The agency has:
 - a. Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
 - b. Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

H. Statement of Overriding Considerations. When approving a project with unavoidable significant environmental impacts, the Lead and Responsible Agency shall prepare a Statement of Overriding Consideration per §15093 of the Guidelines. The Statement of Overriding Considerations is a written statement explaining why the agency is willing to accept each significant impact. The Statement of Overriding Considerations must be included in the record of project approval and must be mentioned in the Notice of Determination.

I. Notice of Determination. A Notice of Determination (NOD) shall be filed for any approved project for which an EIR was prepared within five days of the project approval. (See Appendix I.)

The NOD must be filed with the County Clerk. Failure to notice within the time constraints herein shall in no way be construed to invalidate or set aside the action taken by the body. The County Clerk Charges a fee of \$25 to file a Notice of Determination. Applicants for which an EIR is necessary will be required to deposit a check in the amount of \$25, payable to the “County of San Luis Obispo”, with the City prior to scheduling their project for a public hearing. The City will file the check with the County Clerk at the same time that it files the Notice of Determination.

Fish and Game Fees, which are discussed in the Subsection 6.7, must also be submitted to the County Clerk at the same time that a Notice of Determination is filed. Applicants for which an EIR is necessary will be required to deposit a check in the appropriate amount, payable to the “County of San Luis Obispo”, with the City prior to scheduling their projects for a public hearing. The City will file the check with the County Clerk at the same time that it files the Notice of Determination.

If the project requires a discretionary approval from a State Agency, a copy of the Notice of

Determination must also be filed with the State Clearinghouse.

J. Mitigation Monitoring or Reporting. When significant effects or potentially significant effects are identified in an EIR (or a Mitigated Negative Declaration) the City must adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval per §15091(d) and §15097 of the Guidelines. The reporting or monitoring program must ensure compliance with the mitigation measures during project implementation. A sample Mitigation Monitoring and Reporting Plan appears in Appendix H.

K. Lead Agency Disposition of a Final EIR. The lead Agency shall file the final EIR with the planning agency of any city or county where significant effects may occur, include the Final EIR in any regular project report used for the project review or budgeting, retain the Final EIR as a public record for a reasonable time, and require the project applicant to provide copies of the Final EIR to Responsible Agencies per §15095 of the Guidelines.

7.9 Processing of an Addendum to an EIR

Section 15164 of the Guidelines provides that

- a. An Addendum to a previously certified EIR is prepared by a lead or responsible agency or responsible agency if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- b. An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration 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 negative declaration.
- d. The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- e. A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Planning staff may distribute the addendum to an EIR to any agency or individual it feels is qualified to review the document. Although circulation of the addendum is not required, it should be accomplished if there are agencies with expertise that could provide input on its contents. Copies shall also be transmitted to members of the advisory and decision making bodies for the project, the City Manager, directors of appropriate City departments, City project staff, and the applicant.

The decision-making body is required to consider the addendum with the Final EIR before making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR should be included in the addendum, in the findings, or elsewhere in the record and it must be supported by substantial evidence in the administrative record per §15164 of the Guidelines.

7.10 EIR Processing Checklist

Appendix O is a checklist for helping staff to ensure that all steps in the process of preparing, noticing, distributing, and completing an EIR as outlined in this Chapter are followed.

8. PREVIOUS ENVIRONMENTAL IMPACT REPORT PROCESS

8.1 Preparation of the Previous Environmental Impact Report Form

A single EIR may be used to evaluate more than one project if the projects are essentially the same in terms of environmental impacts. In such cases, planning staff shall prepare an Initial Study and complete the “Previous EIR” Form (Appendix P) in draft as soon as the Coordinator has determined that a previous environmental document is adequate (see §15153 of the Guidelines).

The Initial Study shall review the proposed project, using incorporation of the previous environmental document by reference if necessary, to determine whether that EIR would adequately describe:

1. The general environmental setting of the project;
2. The significant or potentially significant environmental effects of the project; and
3. Alternatives and mitigation measures related to each significant or potentially significant environmental effect.

8.2 Public Notice and Review

A. Public Review. Public Review of the Initial Study and Previous EIR shall be completed in the same manner set forth in Section 7.7C of these rules and procedures (§15087 of the Guidelines). The “Previous EIR” Form (Appendix P) may be used as the content of the necessary public notice. Public review of the previous EIR shall be not less than 30 days nor longer than 60 days. Where State review is required, the review period shall be not less than 45 days, unless a shorter time period is approved by the State Clearinghouse as provided for in §15105 of the Guidelines.

B. Additional Distribution. Planning staff shall provide additional notice through distribution of the Previous EIR form at the outset of the review period, to: all organizations and individuals who previously requested such notice, responsible and trustee agencies, other public agencies having jurisdiction by law, the applicant and the project file.

The materials distributed need only include the Previous EIR form.

Exceptions: (1) Planning staff may forward additional supporting information where they determine it would help in the review of the environmental determination, (2) anyone specifically requesting the supporting information shall be provided with it, (3) responsible and trustee agencies, the State Clearinghouse and San Luis Obispo County Area Coordinating Council shall receive the supporting analysis, as appropriate. NOTE: Failure to comply with these additional self-imposed requirements shall not invalidate the project approval.

C. The Coordinator may hold a public hearing on the adequacy of the previous EIR as provided by §15087(i) of the Guidelines.

8.3 Accepting the Previous EIR as Complete

A. If no comments are received during the review period, the Previous EIR shall automatically be accepted as complete.

B. The Coordinator shall respond to all comments received during the review period, and after giving them consideration, make one of the following determinations:

1. That an additional EIR should be prepared because the comments fairly argue that on the basis of substantial evidence, the previous EIR does not satisfy the criteria of §15153 of the Guidelines, as appropriate. At this point the Coordinator shall review the initial study, previous EIR, and the comments and determine whether either an additional EIR or a supplemental or an addendum to the original EIR should be prepared. OR,
2. That a new EIR need not be prepared because the comments do not demonstrate that the criteria in §15153 of the Guidelines have not been satisfied. In this case, staff may revise the initial study based upon any comments received prior to accepting the EIR as complete.

8.4 Certification of the Previous EIR

Before approving a project for which the previous EIR was prepared, the advisory body shall review and consider, and the decision-making body shall review, consider and approve the previous EIR as adequate.

In certifying the previous EIR as adequate, if the original EIR being used makes findings as provided in sections 15091 and 15093 of the Guidelines, these same findings, as modified for the project being approved, shall have to be made and incorporated into the resolution or ordinance approving the project.

8.5 Notice of Determination

A Notice of Determination (NOD) shall be filed for any approved project for which a previous environmental document was prepared within five days of the project approval. (See Appendix I.)

The NOD must be filed with the County Clerk. Failure to notice within the time constraints herein shall in no way be construed to invalidate or set aside the action taken by the body. The County Clerk Charges a fee of \$25 to file a Notice of Determination. Applicants for which an EIR is necessary will be required to deposit a check in the amount of \$25, payable to the “County of San Luis Obispo”, with the City prior to scheduling their project for a public hearing. The City will file the check with the County Clerk at the same time that it files the Notice of Determination.

Fish and Game Fees, which are discussed in the Subsection 6.7, must also be submitted to the County Clerk at the same time that a Notice of Determination is filed. Applicants for which an EIR is necessary will be required to deposit a check in the appropriate amount, payable to the “County of San Luis Obispo”, with the City prior to scheduling their projects for a public hearing. The City will file the check with the County Clerk at the same time that it files the Notice of Determination.

If the project requires a discretionary approval from a State Agency, a copy of the Notice of Determination must also be filed with the State Clearinghouse.

8.6. Mitigation Monitoring or Reporting

When significant effects or potentially significant effects are identified in a previous EIR, the City must adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval per §15091(d) and §15097 of the Guidelines. The reporting or monitoring program must ensure compliance with the mitigation measures during project implementation. A sample Mitigation Monitoring and Reporting Plan appears in Appendix H.

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9. PROGRAM ENVIRONMENTAL IMPACT REPORT PROCESS

9.1 General

A program EIR is one which may be prepared on a series of actions that can be characterized as one large project and meet the requirements of §15168 of the Guidelines.

9.2 Use with Later Activities

Subsequent activities that are proposed under a Program EIR must be examined to determine if an additional environmental document is necessary as set forth in §15168 (c) of the Guidelines. If no new effects could occur or no new mitigation measures are required pursuant to §15162 of the Guidelines, no new environmental document may be required. Public notice shall be given when the City proposes to approve an activity within the program and to rely on the program EIR for CEQA compliance. The notice shall be at least 20 days prior to review by the approval body and shall include a statement that the activity is within the scope of the program approved earlier and the program EIR adequately evaluates the activity for the purposes of CEQA.

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10. PROJECT REVIEW PROCESS

10.1 General

To the extent possible, continued processing activities by staff, advisory and decision making bodies, short of project approval by the decision making body, shall continue during preparation and review of environmental documents.

10.2 Public Notices

All public notices which are normally used as part of the decision making process shall note the existence of an environmental document, and shall state where the document is available for public inspection. For projects which will rely on a program EIR for CEQA compliance, notice will include statements that the activity is within the scope of the program approved earlier, and the program EIR adequately describes the activity for the purposes of CEQA (see §15168(e) of the Guidelines).

10.3 Consideration of Environmental Documents by Advisory Bodies

The role of an advisory body in the City's CEQA process is for its members to provide comments, as appropriate, to City staff during the public review period so the comments may be made part of the final environmental document to be considered by the decision making body. Significant environmental issues raised by the advisory body require the Coordinator to provide appropriate responses for their review and consideration in the final environmental document.

10.4 Consideration of Environmental Documents by Decision Making Bodies

A. General. Prior to approval or disapproval of a project, the decision making body shall review and certify the information contained in the final environmental document together with any comments received during the public review process.

B. Projects with Mitigated Negative Declarations and Negative Declarations. For projects with Mitigated Negative Declarations and Negative Declarations, the following shall apply:

1. The Draft Mitigated Negative Declaration or Negative Declarations shall be prepared and approved within 180 days after determining the application to be complete. §15107 of the Guidelines
2. Prior to approving a project, the decision-making body of the lead agency shall consider the proposed Negative Declaration or Mitigated Negative Declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed Negative Declaration or Mitigated Negative Declaration only if it finds on the basis of the whole record before it (including the Initial Study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration or Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.

3. When adopting a Negative Declaration or Mitigated Negative Declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
4. When adopting a Mitigated Negative Declaration, the lead agency 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.
5. The decision making body may conclude that the proposed mitigation measures or project revisions in the Mitigated Negative Declaration will not reduce potential effects to less than significant. Examples of such situations may include the following:
 - 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
 - The decision making body 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.

In such a case, the decision making body has the following options:

- a. Revise the Mitigated Negative Declaration to indentify new mitigation measures designed to reduce the effect to insignificance; or
- b. Decide to prepare an EIR.

If the decision making body chooses to revise the Mitigated Negative Declaration, the revised document must be recirculated after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073. However, per Section 15073.5 of the Guidelines, recirculation is not required if the following circumstances apply:

- a. Mitigation measures are replaced with equal or more effective measure pursuant to §15074.1 of the Guidelines;
- b. New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed mitigated negative declaration which are not new avoidable significant effects;
- c. Measures or conditions of project approval are added after circulation of the mitigated negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect;

- d. New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

C. Projects with Previous EIR. For projects with a previous EIR, the following shall apply:

1. The decision making body shall make the appropriate findings in accordance with Sections 15091 and 15093 of the Guidelines, if necessary.
2. The decision making body may conclude that the previous EIR is not adequate for the project under the criteria of the above mentioned sections of the Guidelines. In such an event, a majority of the decision making body shall also determine whether a Negative Declaration or an additional EIR shall be prepared.

E. Projects with a Final or Supplemental EIR or an Addendum to an EIR.

1. The final, supplemental or addendum to an EIR shall be completed and ready for approval and final action on the project shall occur within one year of the date the application was certified as complete.
2. The decision making body may conduct a public hearing on the Final EIR, Supplemental EIR, or Addendum to an EIR in accordance with §15087(i) concurrent with or before its hearing on the proposed project. No proposed Final EIR, Supplemental EIR, or Addendum to an EIR shall be considered for certification by a decision making body unless consideration of the document has been properly placed on the agenda of the decision making body and the public review period for the EIR has ended.
3. The decision making body shall solicit public testimony pursuant to any Final EIR, Supplemental EIR, or Addendum to an EIR on its agenda. Significant environmental issues raised during these meetings, and responses shall be added to the final, supplemental or addendum EIR prior to certification.
4. Findings
 - a. For any project with a Final EIR, Supplemental EIR, or Addendum to an EIR, the decision making body shall make the following finding as part of any resolution approving the project:

“That the final EIR (and supplement or addendum) has been completed in compliance with CEQA and the State Guidelines and the City's procedures, and the Final EIR (and supplement or addendum) was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final EIR (and supplement or addendum) prior to approving the project and the Final EIR (and supplement or addendum) reflects the lead agency’s independent judgment and analysis.”
 - b. The decision making body may still approve a project for which one or more significant effects have been identified upon making one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. (The findings are listed in §15091 of the Guidelines).

5. Statement of Overriding Considerations. Where the decision making body allows the occurrence of significant effects which are identified in the Final EIR or Supplemental EIR but are not mitigated, the decision making body must adopt a statement of overriding considerations in accordance with §15093 of the Guidelines. A sample Resolution adopting a Statement of Overriding Considerations is included as Appendix N.

F. Projects where impacts cannot be mitigated below a level of insignificance.

When it is determined that there will be an impact associated with a project which is not mitigable to a level of insignificance, it is not possible to approve a Negative Declaration for that project. The only provisions under which a project can be considered for approval when there are unmitigable impacts, is to proceed through the EIR process and make the required Statement of Overriding Considerations as described earlier in this section of rules and procedures.

11. PROCEDURES FOR THE CITY AS A RESPONSIBLE AGENCY

11.1 General

This section identifies the special duties of the City of Paso Robles when acting as a Responsible Agency under the provision of §15096 of the Guidelines.

11.2 Response to Consultation

The Community Development Director or his/her representative shall respond to consultation requests by a Lead Agency according to §15096(b) of the Guidelines.

11.3 Meetings

The Director or his/her representative shall attend meetings requested by the Lead Agency as provided in §15096(c) of the Guidelines.

11.4 Comments on Draft EIRs and Negative Declarations

The Director or his/her representative should review and comment on draft EIRs and Negative Declarations as provided by §15096 of the Guidelines. Where he/she feels appropriate, he/she may place the document on the agenda of the Planning Commission and/or City Council for public review and comment, or may distribute it to the members of these bodies and request their individual comments. Copies of the City's comments sent to the Lead agency will be provided to the City Manager and appropriate City departments and bodies.

11.5 Notice of Determination

This notice shall be filed in the manner provided under §15096(i) of the Guidelines.

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12. APPEAL PROCESS

12.1 General

Appeals of initial environmental determinations made by the Coordinator pursuant to Subsection 5.4 shall be in writing. An appeal of the Coordinator's determination shall be decided by the Planning Commission. The determination of the Planning Commission may be appealed to the City Council. The appeal must be filed with the Coordinator and the appeal provisions outlined below shall apply.

12.2 Appeals of Determination to Require an EIR, Supplemental EIR or EIR Addendum

A. Any person may appeal the Coordinator's decision to require an EIR for a project to the Planning Commission within ten (10) calendar days of the date written notice to the applicant that an EIR is required was mailed. Appeal of the environmental determination will be placed on the Planning Commission agenda. The decision of the Planning Commission shall be final unless within fifteen (15) calendar days the decision is appealed to the City Council.

B. The appeal of an EIR, supplement, or addendum shall state why the impacts identified by the Coordinator are, or are not, significant, how proposed mitigation measures will, or will not, prevent potential significant effects, or how the criteria of Sections 15162, 15163, or 15164 of the Guidelines are satisfied by a previous environmental document.

12.3 Other Appeals

A. Any person may request that the decision making body or affected advisory body modify the initial environmental determination made by the Coordinator.

B. An appeal request made pursuant to this section will be considered by the decision making body or affected advisory body at the same public meeting when the body considers taking action to approve, conditionally approve, or deny the project, unless the decision making body is considering the environmental determination separately from action on the project.

C. Appeals made pursuant to this section shall be submitted in writing to the Coordinator prior to the initial meeting at which the project or environmental determination will be considered by the decision making body or affected advisory body. No fee will be charged for an appeal of a decision of the Coordinator.

D. The project applicant shall be notified when the Coordinator receives an appeal pursuant to this section.

12.4 Appeals of Planning Commission Action

A. When the Planning Commission is the decision making body regarding a specific project, the Commission shall have final authority to act on the environmental determination associated with that project.

B. Appeal of the Planning Commission's action shall be made in accordance with Sections 21.23A.110 (Appeals of Planning Commission decisions) and §21.23A.120 (Application for appeal to the City Council) of the Zoning Code. Any such appeal must be made in writing to the Community Development Department of the City of Paso Robles within fifteen (15) calendar days from the date of the Planning Commission's formal action, along with the appropriate fees as determined by the City Council.

C. The project applicant shall be notified when the Community Development Department receives an appeal pursuant to this section.

D. The Director shall forward the appeal to the City Clerk's office who will then schedule the appeal for City Council review and public hearing.

E. The City Council shall consider the information contained in the environmental documents associated with the project, along with public testimony. If the Council acts to approve a Negative Declaration, or Certify a Final EIR or Supplemental EIR, the Council must make the required findings contained in Sections 15074 and 15090 of the Guidelines.

13. MITIGATION MONITORING

13.1 General

As noted in §15097 of the Guidelines, a Mitigation Monitoring Program shall be prepared and adopted whenever a Mitigated Negative Declaration or EIR is prepared. The purposes of a Mitigation Monitoring Program are to: (a) ensure that required mitigation measures are implemented; (b) allow the City and interested citizens to verify compliance before, during and after project construction; (c) generate information on the effectiveness of mitigation measures, to improve their effectiveness in future applications, and (d) guide future decision making.

13.2 Applicability

Mitigation monitoring shall be required for all non-exempt discretionary projects for which mitigation measures have been identified through a Mitigated Negative Declaration, EIR, supplement to an EIR, or EIR addendum.

13.3 Procedures

A. Mitigation Monitoring Checklist. After a non-exempt discretionary project is approved with conditions of approval which include mitigation measures identified through a Mitigated Negative Declaration, EIR or supplement, these mitigation measures shall be incorporated into a checklist as shown in Appendix H. Each measure will be identified separately on the checklist, with various spaces for monitoring the progress and effectiveness of each measure as it is implemented. This checklist is the basis of the monitoring program and a copy shall be distributed to all City departments which have supplied mitigation measures for their use in monitoring.

B. Monitoring Program. In most cases, mitigation measures can be monitored through the City's plan check process. Therefore, when an approved project with mitigation measures is submitted for plan check through the City, each plan checker will have a copy of the monitoring checklist. As each plan checker review the plans, the plans will be checked for compliance with each mitigation measure.

1. **Project Design Mitigation Measures (Project Specific).** A project design mitigation measure is one that is to be incorporated into project design to mitigate an impact, such as the provision of a retention basin or acoustical barrier. These mitigation measures will normally be shown on the building plans. These plans will be reviewed for each specific mitigation measure, and as each mitigation measure is shown, it will be noted on the form (Appendix H) and signed off. If a mitigation measure is not shown, the plans will be sent back for corrections. **Plans will not be approved until each project design mitigation measure has been incorporated into the project design.** After the plans are approved, and before final inspection of the building for occupancy, the project proponent shall submit proof that each mitigation measure shown on the plans has been installed or incorporated into the constructed project. Verification of compliance will then be noted on the monitoring form and signed off, thereby completing the process for a particular mitigation measure.

2. **Ongoing Mitigation Measure (Project Specific).** An ongoing mitigation measure is one that is associated with the project over a period of time, such as dust control or maintenance of landscaping. Monitoring this type of mitigation measure will be similar to that of a project specific mitigation measure noted above, except that the status of each mitigation measure will be noted at various times until no longer needed. An example would be hydroseeding until a project is constructed. The project proponent may be required to submit periodic reports on the status of these types of mitigation measures.

C. Outside Consultants. For the few cases in which compliance with a mitigation measure cannot be verified through the plan check process, or requires specialized expertise, an outside consultant may be hired. The City will hire the consultant and may collect a deposit from the project proponent for the consultant services.

D. Other Agencies. It will be the responsibility of other agencies to monitor mitigation measures requested by these other agencies. The City shall notify these agencies of what mitigation measures of theirs has been included in the project approval, and these agencies shall submit a proposed program to the City which outlines their proposed monitoring program. These agencies shall inform the City in writing when each of their mitigation measures has been complied with.

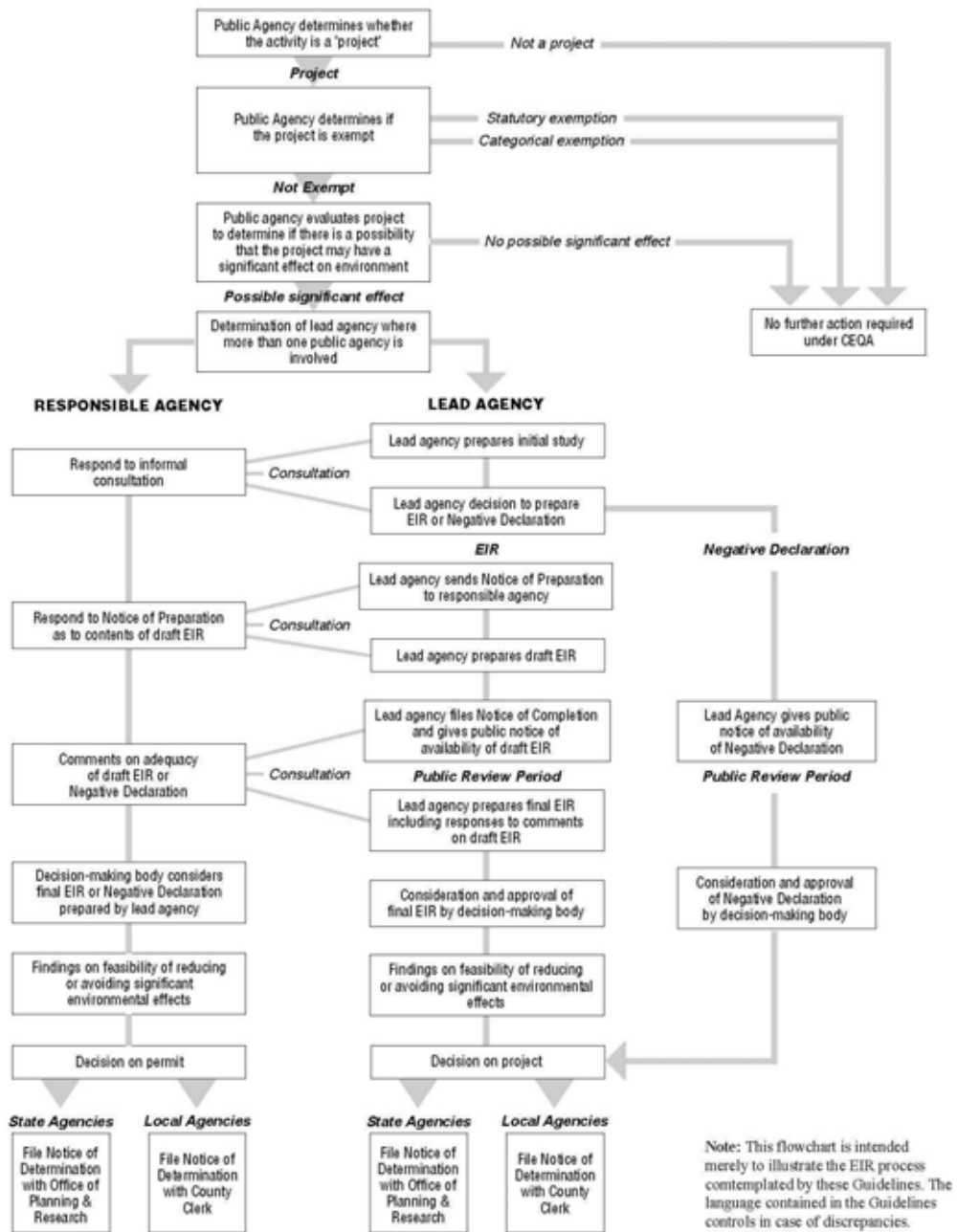
E. Completed Mitigation Monitoring Checklists. Completed mitigation monitoring forms shall be retained in the project file, and will be available for public review upon proper request.

F. Mitigation Monitoring Program Fees.

1. **Processing Fees.** The Director may charge and collect from the proponent of any proposed project a fee in the amount of the actual cost to the City for monitoring all mitigation measures for a project as described in this Chapter. A deposit may be required by the Director to be applied towards this fee. Any unused portion of the deposit will be refunded.
2. **Consultant Fees.** The cost associated with the use of outside consultants shall be paid for by the project proponent. A deposit may be required by the Director to be applied towards the consultant services. Any unused portion of the deposit will be refunded.

Appendix A

CEQA Process Flow Chart



Appendix B

Notice of Exemption

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

From: City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

County Clerk
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

Project Title:

Project Location - Specific:

Project Location - City: Paso Robles

Project Location - County: San Luis Obispo

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Paso Robles

Name of Person or Agency Carrying Out Project:

Exempt Status: *(check one)*

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

Reasons why project is exempt:

Lead Agency

Contact Person:

Phone: (805) 237-3970

Signature: _____ **Date:** _____

Signed by Lead Agency
Date received for filing at OPR:

Signature: _____ Date: _____ Title: _____
City of Paso Robles

Date received for filing at OPR: _____

Appendix C

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.

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.	<input type="checkbox"/>	<input type="checkbox"/>
22. Change in scenic views or vistas from existing residential areas or public lands or roads.	<input type="checkbox"/>	<input type="checkbox"/>
23. Change in pattern, scale or character of general area of project.	<input type="checkbox"/>	<input type="checkbox"/>
24. Significant amounts of solid waste or litter.	<input type="checkbox"/>	<input type="checkbox"/>
25. Change in dust, ash, smoke, fumes or odors in vicinity.	<input type="checkbox"/>	<input type="checkbox"/>
26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	<input type="checkbox"/>	<input type="checkbox"/>
27. Substantial change in existing noise or vibration levels in the vicinity.	<input type="checkbox"/>	<input type="checkbox"/>
28. Site on filled land or on slope of 10 percent or more.	<input type="checkbox"/>	<input type="checkbox"/>
29. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	<input type="checkbox"/>	<input type="checkbox"/>
30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	<input type="checkbox"/>	<input type="checkbox"/>
31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	<input type="checkbox"/>	<input type="checkbox"/>
32. Relationship to a larger project or series of projects.	<input type="checkbox"/>	<input type="checkbox"/>

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 information presented are true and correct to the best of my knowledge and belief.

Date _____ Signature _____

For _____

Appendix D

List of Agencies

San Luis Obispo County Air Pollution Control District 3433 Roberto Court San Luis Obispo, CA 93401	Central Coast Regional Water Quality Control Board 895 Aerovista Place, Suite 101 San Luis Obispo, CA 93401
San Luis Obispo Chapter of the California Native Plant Society P.O. Box 784 San Luis Obispo, CA 93406	County of San Luis Obispo Department of Agriculture 2156 Sierra Way, Suite A San Luis Obispo, CA 93401
Caltrans, District 5 San Luis Obispo Council of Governments 1150 Osos St. Ste 202 San Luis Obispo, CA 93401	County of San Luis Obispo Department of Public Works 1050 Monterey St., Room 207 San Luis Obispo, CA 93408
Department of Fish and Game, Region 4 Central Region Headquarters Office 1234 E. Shaw Avenue Fresno, CA 93710	County of San Luis Obispo Environmental Coordinator's Office 976 Osos Street , Room 200 San Luis Obispo, CA 93408
SLO LAFCO 1042 Pacific St # A San Luis Obispo, CA 93401	California Native American Heritage Commission 915 Capitol Mall, Room 364 Sacramento, CA 95814
State Clearinghouse P.O. Box 3044, Room 212 Sacramento, CA 95812-3044	University of California Santa Barbara Department of Anthropology University of California Santa Barbara, CA 93106-3210
San Luis Obispo County Clerk Recorder 1055 Monterey Street, D-120 San Luis Obispo, CA 93408	SLO Council of Governments 1150 Osos Street, Suite 202 San Luis Obispo, CA 93401
County of San Luis Obispo Department of Planning & Building 976 Osos Street, Room 300 San Luis Obispo, CA 93408	

Appendix E

ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM CITY OF PASO ROBLES

1. PROJECT TITLE:

Concurrent Entitlements:

2. LEAD AGENCY:

City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Contact:

Phone:

(805) 237-3970

Email:

3. PROJECT LOCATION:

(See attached location map.)

4. PROJECT PROPONENT:

Contact Person:

Phone:

Email:

5. GENERAL PLAN DESIGNATION:

6. ZONING:

7. PROJECT DESCRIPTION:

8. ENVIRONMENTAL SETTING:

9. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED):

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked 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.

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

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. “Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: 1, 2, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. 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? (Source: 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion: The San Luis Obispo County area is a non-attainment area for the State standards for ozone and suspended particulate matter. The SLO County Air Pollution Control District (APCD) administers a permit system to ensure that stationary sources do not collectively create emissions which would cause local and state standards to be exceeded. The potential for future project development to create adverse air quality impacts falls generally into two categories: Short term and Long term impacts.

Short term impacts are associated with the grading and development portion of a project where earth work generates dust, but the impact ends when construction is complete. Long term impacts are related to the ongoing operational characteristics of a project and are generally related to vehicular trip generation and the level of offensiveness of the onsite activity being developed.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| 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)? (Source: 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| d. Expose sensitive receptors to substantial pollutant concentrations? (Source: 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| e. Create objectionable odors affecting a substantial number of people? (Source: 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

IV. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Have a substantial 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 US Fish and Wildlife Service? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. CULTURAL RESOURCES: Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VI. 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. (Sources: 1, 2, & 3)

Discussion: The potential for and mitigation of impacts that may result from fault rupture in the project area are identified and addressed in the General Plan EIR, pg. 4.5-8. There are two known fault zones on either side of the Salinas Rivers valley. The Rinconada Fault system runs on the west side of the valley, and grazes the City on its western boundary. The San Andreas Fault is on the east side of the valley and is situated about 30 miles east of Paso Robles. The City of Paso Robles recognizes these geologic influences in the application of the Uniform Building Code to all new development within the City. Review of available information and examinations indicate that neither of these faults is active with respect to ground rupture in Paso Robles. Soils and geotechnical reports and structural engineering in accordance with local seismic influences would be applied in conjunction with any new development proposal. Based on standard conditions of approval, the potential for fault rupture and exposure of persons or property to seismic hazards is not considered significant. There are no Alquist-Priolo Earthquake Fault Zones within City limits.

- ii. Strong seismic ground shaking? (Sources: 1, 2, & 3)

Discussion: The proposed structure will be constructed to current UBC codes. The General Plan EIR identified impacts resulting from ground shaking as less than significant and provided mitigation measures that will be incorporated into the design of this project including adequate structural design and not constructing over active or potentially active faults.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
iii. Seismic-related ground failure, including liquefaction? (Sources: 1, 2 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Discussion: Per the General Plan EIR, the project site is located in an area with soil conditions that have a potential for liquefaction or other type of ground failure due to seismic events and soil conditions. To implement the EIR's mitigation measures to reduce this potential impact, the City has a standard condition to require submittal of soils and geotechnical reports, which include site-specific analysis of liquefaction potential for all building permits for new construction, and incorporation of the recommendations of said reports into the design of the project..</i>				
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
b. Result in substantial soil erosion or the loss of topsoil? (Sources: 1, 2, & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Discussion: Per the General Plan EIR the soil condition is not erosive or otherwise unstable. As such, no significant impacts are anticipated. A geotechnical/ soils analysis will be required prior to issuance of building permits that will evaluate the site specific soil stability and suitability of grading and retaining walls proposed. This study will determine the necessary grading techniques that will ensure that potential impacts due to soil stability will not occur. An erosion control plan shall be required to be approved by the City Engineer prior to commencement of site grading.</i>				
c. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Discussion: See response to item a.iii, above.</i>				
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Discussion: See response to item a.iii, above.</i>				
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS: Would the project:

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|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gasses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

VIII. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Discussion:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a. Violate any water quality standards or waste discharge requirements? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project will not affect groundwater quality since this project does not directly extract groundwater or otherwise affect these resources, and the proposed uses do not utilize materials or methods that would result in reduced groundwater quality. This project will not affect the quality of stormwater run-off discharging in surface waters with implementation of standard storm water discharge infrastructure that is in compliance with the National Pollution Discharge Elimination System (NPDES) requirements.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b. Substantially deplete 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., Would the production rate of pre-existing nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would decreased rainfall infiltration or groundwater recharge reduce stream baseflow? (Source: 7)</p> <p><i>Discussion: The project will not deplete groundwater supplies. The City, via its 2005 Urban Water Management Plan, is taking measures to protect its groundwater resources. Also, see response to item c, below.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 10)</p> <p><i>Discussion: The project includes structures and parking areas which will increase the amount of surface runoff and decrease absorption rates. However, a grading and drainage analysis will be required prior to issuance of building permits that will evaluate the site specific drainage patterns and absorption rates. This study will determine the necessary low impact development practices that will be required for post-construction storm-water management which will ensure that potential impacts due to storm-water runoff are mitigated. A grading and drainage plan shall be required to be approved by the City Engineer prior to commencement of site grading.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d. 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 amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 10)</p> <p><i>Discussion: See response to item c, above.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 10)</p> <p><i>Discussion: See response to item c, above.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>f. Otherwise substantially degrade water quality?</p> <p>Discussion:</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. 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? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Inundation by mudflow? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Conflict with any Best Management Practices found within the City's Storm Water Management Plan? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Substantially decrease or degrade watershed storage of runoff, wetlands, riparian areas, aquatic habitat, or associated buffer zones? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

X. LAND USE AND PLANNING: Would the project:				
a. Physically divide an established community? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any 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? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

XI. MINERAL 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? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
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? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

XII. 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? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Sources: 1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

XIII. POPULATION AND HOUSING: Would the project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

XIV. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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? (Sources: 1,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
b. Police protection? (Sources: 1,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Other public facilities? (Sources: 1,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

XV. RECREATION

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

XVI. TRANSPORTATION/TRAFFIC: Would the project:

a. Cause an increase in 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Result in inadequate parking capacity? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project=s projected demand in addition to the provider=s existing commitments? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. 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 past projects, the effects of other current projects, and the effects of probable future projects)? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EARLIER ANALYSIS AND BACKGROUND MATERIALS.

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

Earlier Documents Prepared and Utilized in this Analysis and Background / Explanatory Materials

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street Paso Robles, CA 93446
2	City of Paso Robles Zoning Code	Same as above
3	City of Paso Robles Environmental Impact Report for General Plan Update	Same as above
4	2005 Airport Land Use Plan	Same as above
5	City of Paso Robles Municipal Code	Same as above
6	City of Paso Robles Water Master Plan	Same as above
7	City of Paso Robles Urban Water Management Plan 2005	Same as above
8	City of Paso Robles Sewer Master Plan	Same as above
9	City of Paso Robles Housing Element	Same as above
10	City of Paso Robles Standard Conditions of Approval for New Development	Same as above
11	San Luis Obispo County Air Pollution Control District Guidelines for Impact Thresholds	APCD 3433 Roberto Court San Luis Obispo, CA 93401
12	San Luis Obispo County – Land Use Element	San Luis Obispo County Department of Planning County Government Center San Luis Obispo, CA 93408
13	USDA, Soils Conservation Service, Soil Survey of San Luis Obispo County, Paso Robles Area, 1983	Soil Conservation Offices Paso Robles, Ca 93446

Appendix F

CITY OF EL PASO DE ROBLES
MITIGATION AGREEMENT FOR PROPOSED
MITIGATED NEGATIVE DECLARATION

Lead Agency: City of El Paso de Robles
Director of Community Development
1000 Spring Street
Paso Robles, CA 93446

Contact Person:

File No.:
Applicant:.....
Project Description: ...
Location:

MITIGATION AGREEMENT:

As the applicant and property owner, we hereby agree to the mitigation measures listed in the attached Exhibit “A”, Mitigation Monitoring Plan, as identified in the related Initial Study, which are necessary in order to avoid or reduce any adverse environmental effects to a point where clearly no significant adverse effects would occur as a result of the projects approval. I also understand that additional mitigation measures may be required following the review of the “Proposed Negative Declaration” by the public and by the applicable advisory and final decision-making bodies.

FUTURE INDEPENDENT CEQA REVIEW:

As the applicant and property owner, we understand and hereby agree that in addition to the mitigation measures identified in Exhibit “A”, the City reserves the right to further review future development plans within the Project for California Environmental Quality Act (CEQA) compliance independently of the Initial Study attached to Resolution 07-__, to adopt a Mitigated Negative Declaration for _____ (file)_____.

This agreement shall be binding on the applicant/owner and on any successors in interest.

IN WITNESS WHEREOF, the Community Development Director or his assign, representing the City of El Paso de Robles, and the applicant/owner or his legal representative have executed this agreement on the _____ day of _____, 20____.

APPLICANT:

By: _____

Title: _____

CITY OF EL PASO DE ROBLES

By: _____

Title: _____

Appendix G

CITY OF EL PASO DE ROBLES NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION

NOTICE IS HEARBY GIVEN that the City Council/Planning Commission of the City of El Paso de Robles will consider adoption of a Negative Declaration in accordance with the California Environmental Quality Act and approval of the following project:

Project Title:

Applicant:

Project Location:

Project Description:

The Public Review Period for the proposed Negative Declaration will commence on _____, and end on _____ at a public hearing before the City Council/Planning Commission, which is scheduled to take place on Tuesday, _____, at the hour of 7:30 pm in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. All interested parties may appear and be heard at this hearing.

FINDING

The City of Paso Robles has reviewed the above project in accordance with the City of Paso Robles' Rules and Procedures for the Implementation of the California Environmental quality Act and has determined that an Environmental Impact Report need not be prepared because:

- The proposed project will not have a significant effect on the environment.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described on the attached sheet and hereby made a part of Negative Declaration have been added to the project.

The Initial Study which provides the basis for this determination is available at the City of Paso Robles, Community Development Department, 1000 Spring Street, Paso Robles, CA 93446.

NOTICE

The public is invited to provide written comment on the Draft Negative Declaration and/or to provide oral comment at the public hearing noted above. The appropriateness of the Draft Negative Declaration will be reconsidered in light of the comments received.

Questions about and comments on the proposed project and Negative Declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or e-mailed to CDdirector@prcity.com provided that any comments are received prior to the time of the Planning Commission hearing. Should you have any questions about this project, please call _____ at (805) 237-3970 or send email to _____@prcity.com.

(signature)
(type name & title)

Date

Appendix I

Notice of Determination

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

From: (Public Agency) City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

San Luis Obispo County Clerk-Recorder
1055 Monterey Street, #D-120
San Luis Obispo, CA 93408

Subject:

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

Project Title: _____

Project Proponent: _____

_____ (805) 237-3970
State Clearinghouse Number (If submitted to Clearinghouse) Lead Agency Contact Person Telephone

_____ **Project Location** (include county) City of El Paso de Robles, San Luis Obispo County

Project Description:

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

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

This is to certify that the Negative Declaration, comments and responses and record of project approval is available to the General Public at: Paso Robles City Hall, 1000 Spring Street, Paso Robles, CA 93446.

Signature (Public Agency) *Date* *Title*

Appendix J

Notice of Preparation

To: (insert address)

From: _____
Community Development Department
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Subject: **Notice of Preparation of a Draft Environmental Impact Report**

The City of Paso Robles 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: _____

Date _____

Signature _____

Title _____

Telephone _____

Email address _____

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

Appendix K

Form and Contents of an EIR

General

Environmental Impact Reports shall contain the information outlined in §15120 through §15132 of CEQA, but the format of the document may be varied. Each element must be covered, and when these elements are not separated into distinct sections, the document shall state where in the document each element is discussed.

Table of Contents or Index

An EIR shall contain at least a table of contents or an index to assist readers in finding the analysis of different subjects and issues.

Summary

An EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical. The summary shall identify each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect, areas of controversy known to the Lead Agency including issues raised by agencies and the public, and issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

Project Description

The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

1. The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
2. A statement of objectives sought by the proposed project.
3. A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.
4. A statement briefly describing the intended uses of the EIR.

Environmental Setting

An EIR must include a description of the physical environmental conditions in the vicinity of the project. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

Environmental Impacts

All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation. The subjects shall be discussed as directed in Sections 15126.2, 15126.4 and 15126.6 of CEQA preferably in separate sections or paragraphs of the EIR. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed.

Significant Environmental Impacts

An EIR shall identify and focus on the significant environmental effects of the proposed project. Some of the types of impacts include direct and indirect significant effects, significant impacts which can be mitigated but not reduced to a level of insignificance, significant irreversible environmental changes which would be caused by the proposed project should it be implemented, or growth-inducing impact of the proposed project.

Mitigation Measures

An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy. The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce

adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

Alternatives

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.

Organizations and Persons Consulted

The EIR shall identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the draft EIR, by contract or other authorization.

Cumulative Impacts

An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

Contents of the Final EIR

The Final EIR shall consist of:

1. The draft EIR or a revision of the draft.
2. Comments and recommendations received on the draft EIR either verbatim or in summary.
3. A list of persons, organizations, and public agencies commenting on the draft EIR.
4. The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
5. Any other information added by the Lead Agency.

Appendix L

Notice of Completion & Environmental Document Transmittal

For U.S. Mail: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH#

Project Title:

Lead Agency: _____ Contact Person: _____
 Street Address: _____ Phone: _____
 City: _____ Zip: _____ County: _____

Project Location:

County: _____ City/Nearest Community: _____
 Cross Streets: _____ Zip Code: _____
 Assessor's Parcel No. _____ Section: _____ Twp. _____ Range: _____ Base: _____
 Within 2 miles: State Hwy#: _____ Waterways: _____
 Airports: _____ Railways: _____ Schools: _____

Document Type:

CEQA:	NEPA:	Other:
<input type="checkbox"/> NOP	<input type="checkbox"/> Draft EIR	<input type="checkbox"/> Joint Document
<input type="checkbox"/> Early Cons	<input type="checkbox"/> Supplement to EIR	<input type="checkbox"/> Final Document
<input type="checkbox"/> Neg Dec	<input type="checkbox"/> Subsequent EIR	<input type="checkbox"/> Other:
<input type="checkbox"/> Mit Neg Dec	<input type="checkbox"/> Other:	
	<input type="checkbox"/> NOI	
	<input type="checkbox"/> EA	
	<input type="checkbox"/> Draft EIS	
	<input type="checkbox"/> FONSI	

Local Action Type:

<input type="checkbox"/> General Plan Update	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Use Permit	<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Land Division (Subdivision, etc.)	<input type="checkbox"/> Other
<input type="checkbox"/> General Plan Element	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Annexation	
<input type="checkbox"/> Community Plan	<input type="checkbox"/> Rezone	<input type="checkbox"/> Redevelopment	
<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Prezone		

Development Type:

<input type="checkbox"/> Residential: Units _____ Acres _____	<input type="checkbox"/> Water Facilities: Type _____ MGD _____
<input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Transportation: Type _____
<input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Mining: Mineral _____
<input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Power: Type _____ MW _____
<input type="checkbox"/> Educational _____	<input type="checkbox"/> Waste Treatment: Type _____ MGD _____
<input type="checkbox"/> Recreational _____	<input type="checkbox"/> Hazardous Waste: Type _____
Total Acres: (approx.) _____	<input type="checkbox"/> Other: _____

Project Issues That May Have A Significant Or Potentially Significant Impact:

<input type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Economic/Jobs	<input type="checkbox"/> Public Services/Facilities	<input type="checkbox"/> Traffic/Circulation
<input type="checkbox"/> Agricultural Land	<input type="checkbox"/> Fiscal	<input type="checkbox"/> Recreation/Parks	<input type="checkbox"/> Vegetation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Flood Plain/Flooding	<input type="checkbox"/> Schools/Universities	<input type="checkbox"/> Water Quality
<input type="checkbox"/> Archeological/Historical	<input type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input type="checkbox"/> Water Supply/Groundwater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Geologic/Seismic	<input type="checkbox"/> Sewer Capacity	<input type="checkbox"/> Wetland/Riparian
<input type="checkbox"/> Coastal Zone	<input type="checkbox"/> Minerals	<input type="checkbox"/> Soil Erosion/Compaction/Grading	<input type="checkbox"/> Growth Inducement
<input type="checkbox"/> Drainage/Absorption	<input type="checkbox"/> Noise	<input type="checkbox"/> Solid Waste	<input type="checkbox"/> Land Use
	<input type="checkbox"/> Population/Housing Balance	<input type="checkbox"/> Toxic/Hazardous	<input type="checkbox"/> Cumulative Effects
			<input type="checkbox"/> Other _____

Present Land Use/Zoning/General Plan Designation:

Project Description: (please use a separate page if necessary)

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice or Preparation or previous draft document) please fill in. Revised 2004

Reviewing Agencies Checklist

continued

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below.

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Parks & Recreation
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Reclamation Board
<input type="checkbox"/> Coachella Valley Mountains Conservancy	<input type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> S.F. Bay Conservation & Development
<input type="checkbox"/> Commission	
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Gabriel & Lower Los Angeles Rivers
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> & Mountains Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> Santa Monica Mountains Conservancy
<input type="checkbox"/> Office of Public School Construction	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Forestry & Fire Protection	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Housing & Community Development	
<input type="checkbox"/> Integrated Waste Management Board	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Native American Heritage Commission	<input type="checkbox"/> Other: _____

Local Public Review Period (to be filled in by lead agency)

Starting Date _____ Ending Date _____

Lead Agency (Complete if applicable): _____	Applicant: _____
Consulting Firm: _____	Address: _____
Address: _____	City/State/Zip: _____
City/State/Zip: _____	Phone: (____) _____
Contact: _____	
Phone: (____) _____	

Signature of Lead Agency Representative _____ **Date:** _____

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21161, Public Resources Code.

Appendix M

Notice of Availability of Draft Environmental Impact Report

Notice is hereby given that the following Draft Environmental Impact Report (EIR) is available for public review and comment:

Project Title:

Project Location: _____

City of Paso Robles, County of San Luis Obispo

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

The City of Paso Robles is the Lead Agency for this EIR. Copies of the Draft EIR may be obtained at the following locations:

City of Paso Robles, Community Development Department, 1000 Spring Street, Paso Robles, CA 93446. Phone: (805) 237-3970; Fax (805) 237-3904; email: planning@prcity.com.

City's website: www.prcity.com. A link to the Draft EIR will be placed on the Community Development Page. From the Home Page, select the "Government" tab; then select "Community Development" under "Departments" on the left side of the "Government" Page. The link will appear as a "Hot Topic" on the right side of the page.

One or more copies of the Draft EIR will be maintained at the Reference Desk, Paso Robles Public Library, 1000 Spring Street, Paso Robles, CA 93446.

The review period for this Draft EIR commences on _____ and will end on _____ at which time all written and oral comments must be received by the City.

A public meeting at which interested persons may make oral comments will be conducted on _____ during a regular meeting of the Planning Commission. This meeting will be held in the Library Conference Center (City Council Chambers), Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, CA. The meeting will commence at 7:30 pm.

For more information on the Draft EIR, please contact: _____
City of Paso Robles, 1000 Spring Street, Paso Robles, CA 93446. Phone: (805) 237-3970; Fax (805) 237-3904; email: _____@prcity.com.

Appendix N

RESOLUTION NO. XX-XXX
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
MAKING FINDINGS, ADOPTING STATEMENT OF OVERRIDING CONSIDERATIONS,
AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR)
APPLICATION #/PROJECT ADDRESS

WHEREAS, public hearings on this EIR were previously held before the Planning Commission on _____ and City Council on _____; and

WHEREAS, the EIR was considered by the City Council after extensive review by City staff and other agencies on _____, and with the comments of the Planning Commission and concerned public; and

WHEREAS, notices of said public hearing(s) were made at the time and in the manner required by law; and

WHEREAS, the potential environmental impacts of the project have been evaluated in accordance with the California Environmental Quality Act (CEQA) and the City's Rules and Procedures for Implementation of CEQA; and

WHEREAS, the City Council has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing(s).

BE IT RESOLVED by the City Council as follows:

SECTION 1. Environmental Determination. The City Council hereby certifies that the Final EIR adequately identifies the project's potentially significant impacts, alternatives to the proposed project, and recommended mitigation measures.

SECTION 2. Final EIR Findings and Statement of Overriding Considerations. Based upon all the evidence, the City Council makes the following findings and statement of overriding considerations in certifying the Final EIR:

1. The Final EIR has been completed in compliance with CEQA and was considered by the City prior to any approvals of the project.
2. The Final EIR reflects the independent judgment of the City
3. For each significant effect identified in the Final EIR under the categories of _____, the approved mitigation measures contained in the Final EIR will avoid or substantially lessen the identified adverse environmental impacts of the project to a level where they are not significant and have been incorporated into the project.
4. The significant effects identified in the _____ section of the EIR will not be fully mitigated to a degree where they are not significant with the incorporation of all of the identified mitigation measures contained in the Final EIR. However, the City Council finds that the adverse environmental effects are acceptable and makes a statement of overriding considerations for those significant and unavoidable environmental impacts because:
 - a. (State reason #1.)
 - b. (State reason #2.)
 - c.-? (State additional reasons as applicable.)

5. The City Council has identified the following overriding economic, social, and other public benefits of the project, which are additional reasons that the significant and unavoidable impacts identified in the Final EIR can be found acceptable, and hereby adopts them as a statement of overriding considerations:
 - a. (State reason #1.)
 - b. (State reason #2.)
 - c.-? (State additional reasons as applicable.)

6. The Mitigation Monitoring Program, attached as Exhibit A to this resolution, has been reviewed by the City Council in conjunction with its review of the final EIR, and shall be carried out by the responsible parties by the identified deadlines.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this XX day of Month Year by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

 _____, Mayor

ATTEST:

 _____, Deputy City Clerk

Appendix O

Environmental Impact Report Process Checklist

Project Name and File No.: _____

1. Applicant notified of EIR Requirement: _____
Date
2. Notice of Preparation distributed: _____
Date
3. Request for Proposal (RFP) prepared: _____
Date
4. RFP distributed to consultants: _____
Date
5. Consultant Services Agreement prepared: _____
Date
6. City Council approved contract award: _____
Date
7. Consultant Services Agreement signed by consultant: _____
Date
8. Notice of Preparation distributed: _____
Date
10. Notice of Scoping Meeting published/distributed: _____
Date
11. Scoping Meeting conducted: _____
Date
12. Administrative Draft EIR submitted to staff: _____
Date
13. Public Review Draft EIR submitted to staff: _____
Date
14. Notice of Completion distributed and Notice of Public Review Draft EIR published : _____
Date
15. Public Meeting on Draft EIR: _____
Date
16. Final EIR submitted to staff: _____
Date
17. Final EIR certified by approving body: _____
Date
18. Notice of Determination filed with State Clearinghouse & County Clerk : _____
Date

Appendix P

Previous Environmental Impact Report Form

Project Title and File Number:
Project Applicant (Name, mailing address, phone number and email address)
Project Location
Project Description:
Title of the previous Environmental Impact Report: _____
<p style="text-align: center;">Finding</p> <p>The City of Paso Robles has reviewed the above project in accordance with the City's Rules and Procedures for the Implementation of the California Environmental Quality Act (CEQA) and has determined that no additional environmental documentation is needed because an Environmental Impact Report (EIR) has been previously prepared which adequately addresses this project. (Section 15153 of the State's Guidelines to Implement CEQA)</p> <p>The key issues involving the previous EIR are whether it 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.</p> <p>The Initial Study which provides the basis for this conclusion and the previous EIR described above are on file at the City of Paso Robles's Community Development Department, 1000 Spring Street, Paso Robles, CA 93446. (805) 237-3970; email: planning@prcity.com.</p>
Draft prepared by: Date: Review Period:
<p style="text-align: center;">NOTICE</p> <p>The public is invited to comment on the previous environmental document during the review period. The appropriateness of the previous environmental document will be considered in light of the comments received.</p>
Comments received on Draft: <input type="checkbox"/> yes <input type="checkbox"/> no Initial Study Revised: <input type="checkbox"/> yes <input type="checkbox"/> no

Appendix Q

Examples of GHG Reduction Measures

(Source: Technical Advisory Document: CEQA and Climate Change, Governor's Office of Planning and Research)

The following are examples of measures that have been employed by some public agencies to reduce greenhouse gas emissions, either as general development policies or on a project-by-project basis. These are provided for illustrative purposes only.

LAND USE AND TRANSPORTATION

- Implement land use strategies to encourage jobs/housing proximity, promote transit-oriented development, and encourage high density development along transit corridors. Encourage compact, mixed-use projects, forming urban villages designed to maximize affordable housing and encourage walking, bicycling and the use of public transit systems.
- Encourage infill, redevelopment, and higher density development, whether in incorporated or unincorporated settings
- Encourage new developments to integrate housing, civic and retail amenities (jobs, schools, parks, shopping opportunities) to help reduce VMT resulting from discretionary automobile trips.
- Apply advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people, goods and services.
- Incorporate features into project design that would accommodate the supply of frequent, reliable and convenient public transit.
- Implement street improvements that are designed to relieve pressure on a region's most congested roadways and intersections.
- Limit idling time for commercial vehicles, including delivery and construction vehicles.

URBAN FORESTRY

- Plant trees and vegetation near structures to shade buildings and reduce energy requirements for heating/cooling.
- Preserve or replace onsite trees (that are removed due to development) as a means of providing carbon storage

GREEN BUILDINGS

- Encourage public and private construction of LEED (Leadership in Energy and Environmental Design) certified (or equivalent) buildings.

ENERGY CONSERVATION POLICIES AND ACTIONS

- Recognize and promote energy saving measures beyond Title 24 requirements for residential and commercial projects
- Where feasible, include in new buildings facilities to support the use of low/zero carbon fueled vehicles, such as the charging of electric vehicles from green electricity sources.
- Educate the public, schools, other jurisdictions, professional associations, business and industry about reducing GHG emissions.
- Replace traffic lights, street lights, and other electrical uses to energy efficient bulbs and appliances.
- Purchase Energy Star equipment and appliances for public agency use.
- Incorporate on-site renewable energy production, including installation of photovoltaic cells or other solar options.
- Execute an Energy Savings Performance Contract with a private entity to retrofit public buildings. This type of contract allows the private entity to fund all energy improvements in exchange for a share of the energy savings over a period of time.
- Design, build, and operate schools that meet the Collaborative for High Performance Schools (CHPS) best practices.
- Retrofit municipal water and wastewater systems with energy efficient motors, pumps and other equipment, and recover wastewater treatment methane for energy production.

- Convert landfill gas into energy sources for use in fueling vehicles, operating equipment, and heating buildings.
- Purchase government vehicles and buses that use alternatives fuels or technology, such as electric hybrids, biodiesel, and ethanol. Where feasible, require fleet vehicles to be low emission vehicles. Promote the use of these vehicles in the general community.
- Offer government incentives to private businesses for developing buildings with energy and water efficient features and recycled materials. The incentives can include expedited plan checks and reduced permit fees.
- Offer rebates and low-interest loans to residents that make energy-saving improvements on their homes Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.

PROGRAMS TO REDUCE VEHICLE MILES TRAVELED

- Offer government employees financial incentives to carpool, use public transportation, or use other modes of travel for daily commutes.
- Encourage large businesses to develop commute trip reduction plans that encourage employees who commute alone to consider alternative transportation modes.
- Develop shuttle systems around business district parking garages to reduce congestion and create shorter commutes.
- Create an online ridesharing program that matches potential carpoolers immediately through email.
- Develop a Safe Routes to School program that allows and promotes bicycling and walking to school.

PROGRAMS TO REDUCE SOLID WASTE

- Create incentives to increase recycling and reduce generation of solid waste by residential users.
- Implement a Construction and Demolition Waste Recycling Ordinance to reduce the solid waste created by new development. Add residential/commercial food waste collection to existing green waste collection programs.

Appendix R
OPR's Attachment 2

Attachment 2

Technical Resources/Modeling Tools to Estimate GHG Emissions

TOOL	AVAILABILITY	SCOPE LOCAL/ REGIONAL	SCOPE TRANSPORTATION/ BUILDINGS	DATA INPUT REQUIREMENTS	DATA OUTPUT
URBEMIS	<ul style="list-style-type: none"> Download Public domain (free) 	<ul style="list-style-type: none"> Local project level 	<ul style="list-style-type: none"> Transportation Some building (area source) outputs Construction 	<ul style="list-style-type: none"> Land use information Construction, area source, and transportation assumptions 	<ul style="list-style-type: none"> CO₂ (pounds per day) Mitigation impacts
Clean Air and Climate Protection (CACP) Software	<ul style="list-style-type: none"> Download Available to public agencies (free) 	<ul style="list-style-type: none"> Local project level 	<ul style="list-style-type: none"> Buildings Communities Governments 	<ul style="list-style-type: none"> Energy usage Waste generation and disposal Transportation fuel usage or VMT 	<ul style="list-style-type: none"> CO₂e (tons per year)
Sustainable Communities Model (SCM)	<ul style="list-style-type: none"> Custom model 	<ul style="list-style-type: none"> Regional Scalable to site level 	<ul style="list-style-type: none"> Transportation Buildings Neighborhoods Master planned communities 	<ul style="list-style-type: none"> Location and site specific information Transportation assumptions On-site energy usage 	<ul style="list-style-type: none"> CO₂e (tons per year)
Internet-accessed Planning for Community Energy, Economic and Environmental Sustainability I-PLACE ² S	<ul style="list-style-type: none"> Web-based Small access fee Full model now available in eight CA counties 	<ul style="list-style-type: none"> Regional Scalable to site level 	<ul style="list-style-type: none"> Transportation Housing Land Use Buildings Energy Economics 	<ul style="list-style-type: none"> Parcel level land use data (ability to work with less data) Project-level data for alternative comparisons 	<ul style="list-style-type: none"> CO₂ (any quantity over any time)
Climate Action Registry Reporting On-Line Tool (CARROT)	<ul style="list-style-type: none"> Web-based Available to Registry members General public can view entity reports 	<ul style="list-style-type: none"> Regional, scalable to entity and facility level 	<ul style="list-style-type: none"> General Reporting and Certification Protocols <ul style="list-style-type: none"> Transportation Buildings/facilities Specific protocols for some sectors 	<ul style="list-style-type: none"> Mobile source combustion (VMT or fuel usage) Stationary combustion (fuel usage) Indirect emissions (electricity usage) 	<ul style="list-style-type: none"> Each GHG and CO₂e (tons per year)
EMFAC	<ul style="list-style-type: none"> Download Public domain (free) 	<ul style="list-style-type: none"> Statewide Regional (air basin level) 	<ul style="list-style-type: none"> Transportation emission factors 	<ul style="list-style-type: none"> Travel activity data to calculate CO₂ from projects. 	<ul style="list-style-type: none"> CO₂ and methane (grams per mile) emission factors

VMT = Vehicle miles traveled

eCO₂ = Carbon dioxide equivalent emissions

Note: This is not meant to be a definitive list of modeling tools to estimate climate change emissions impacts. Other tools may be available.

Description of Modeling Tools

URBEMIS

The Urban Emissions Model is used extensively during the CEQA process by local air districts and consultants to determine the impacts of projects on criteria pollutants. It was recently updated to calculate CO₂ emissions as well. Future updates will include additional greenhouse gases. URBEMIS uses the ITE Trip Generation Rate Manual and the Air Resources Board's (ARB) motor vehicle emissions model (EMFAC) to calculate transportation-related CO₂ emissions and ARB's OFFROAD2007 model for CO₂ emissions from off-road equipment. Area source outputs include natural gas use, landscaping equipment, consumer products, architectural coatings, and fireplaces. It also estimates construction impacts and impacts of mitigation options. Web site: <http://www.urbemis.com>.

Clean Air and Climate Protection (CACP) Software

This tool is available to state and local governments and members of ICLEI, NACAA, NASEO and NARUC to determine greenhouse gas and criteria pollutant emissions from government operations and communities as a whole. The user must input aggregate information about energy (usage), waste (quantity and type generated, disposal method, and methane recovery rate) and transportation (VMT) for community analyses. CACP uses emission factors from EPA, DOE, and DOT to translate the energy, waste and transportation inputs into greenhouse gas (in carbon dioxide equivalents) and criteria air pollutant emissions. If associated energy, waste and transportation reduction are provided, the model can also calculate emission reductions and money saved from policy alternatives. Web site: <http://cacpssoftware.org>.

Sustainable Communities Model (SCM)

This model quantifies total CO₂e emissions allowing communities the ability to optimize planning decisions that result in the greatest environmental benefit for the least cost. Total CO₂e emissions are based on emissions from energy usage, water consumption and transportation. The model provides an interactive comparison of various scenarios to provide environmental performance, economic performance, and cost benefit analysis.

Web site: www.ctg-net.com/energetics/documents/doc_SCM_070731.pdf

I-PLACE'S

This model is an internet-accessed land use and transportation model designed specifically for regional and local governments to help understand how their growth and development decisions can contribute to improved sustainability. It estimates CO₂, criteria pollutant and energy impacts on a neighborhood or

regional level for existing, long-term baseline and alternative land use plans. The data input requirements are extensive and require a fiscal commitment from the Metropolitan Planning Organization and its member local governments. Once the data is available, the IPLACES tool can be developed for that region relatively quickly, in approximately one week. The benefits include a multifunctional tool that provides immediate outputs to compare alternatives during public meetings, multilevel password protected on-line access, as well as providing access for local development project CEQA analyses. This tool also supports regional travel models and integrated land use and transportation assessments. Web site: http://www.sacregionblueprint.org/sacregionblueprint/the_project/technology.cfm and <http://www.places.energy.ca.gov/places>

CARROT

The California Climate Action Registry offers the Climate Action Registry Reporting On-Line Tool (CARROT) for Registry members to calculate and report annual greenhouse gas (GHG) emissions. CARROT calculates direct and indirect GHG emissions for the following emission categories by source: stationary combustion, process emissions, mobile source combustion, fugitive emissions and electricity use by source. It calculates emissions using entity collected data such as fuel purchase records, VMT and utility bills. While reporting and certification through CARROT is only available to members, the public may access entity reports online. Reporting protocols are also available to the public, including the General Reporting Protocol (www.climateregistry.org/docs/PROTOCOLS/GRP%20V2-March2007_web.pdf) and cement, forestry and power/utility sector protocols. Additional sector protocols are under development. Website: www.climateregistry.org/CARROT/

EMFAC

The Air Resources Board's Emission FACTors (EMFAC) model is used to calculate emission rates from all motor vehicles in California. The emission factors are combined with data on vehicle activity (miles traveled and average speeds) to assess emission impacts. The URBEMIS model described above uses EMFAC to calculate the transportation emission impacts of local projects. Web site: <http://www.arb.ca.gov/msei/onroad/onroad.htm>