

City of Laguna Beach
CEQA Implementation Handbook

Local Handbook for the Implementation of
The California Environmental Quality Act

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**City of Laguna Beach
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CEQA IMPLEMENTATION HANDBOOK

1. PURPOSE

This document is a handbook used by the City of Laguna Beach (“City”) for implementation of the California Environmental Quality Act (“CEQA”). The goal of this handbook is to assist the City in meeting the intent and goals of CEQA, codified as Public Resources Code Section 21000 et seq. and as regulated by the State CEQA Guidelines set forth in Title 14 of the California Code of Regulations, Section 15000 et seq. (as developed, and from time to time amended, by the State Office of Planning and Research for adoption by the Secretary for Resources in accordance with Section 21083); to enact the City’s local implementation procedures for CEQA; and to assure the quality, objectivity and legal adequacy of the resulting environmental documents and determinations. This document provides guidance relative to definitions, procedures, criteria and objectives for the City of Laguna Beach’s implementation of CEQA. The City shall comply with all applicable provisions of CEQA and the State CEQA Guidelines.

2. DETERMINATION OF EXEMPTION

The originating City Department or the Community Development Department shall review any activity proposed to be undertaken or approved by the City that may be subject to the CEQA. Prior to initiating the CEQA process, the City must determine that the project application is complete. Because “all phases of project planning, implementation and operation must be considered” (Guidelines 15063(a)(1)), in order to be deemed complete, the project must include all of its proposed actions (e.g., grading plan, fuel modification plan, staging plan and any plans for extension of utilities or infrastructure that might incur substantial effects). Upon determination that the application is complete, staff shall determine if:

- (a) The proposed activity is a “project” as defined by CEQA. (See CEQA Section 21080 and State CEQA Guidelines Section 15378.) If not, the activity is exempt from CEQA, and further environmental review is not required.
- (b) The proposed activity is a “project” but is statutorily or categorically exempt from CEQA. If so, the exemption is processed as described below.

Certain projects are exempt by statute. Statutory exemptions include (among other things) feasibility and planning studies, emergency projects and ministerial actions. (See Article 18 of the State CEQA Guidelines, Sections 15260-15285.) A complete list of the statutory exemptions, including ministerial City actions, is provided in the Appendix of this Handbook.

Several classes of projects have been found by the Secretary of Resources not to have a significant effect on the environment. These are “categorically exempt” and include minor alterations to land, new construction or conversion of small structures, replacement or reconstruction of existing structures and facilities, accessory structures, actions by regulatory agencies for protection of natural resources and several others. (See Article 19 of the State CEQA Guidelines, Sections 15300 – 15333.) A complete list of the classes of categorical exemptions is provided in the Appendix of this Handbook.

- (c) The proposed development is a “project” but with no potential to have a significant effect on the environment. General Rule Exemptions are defined in Section 15061(b)(3) of the State CEQA Guidelines. If so, the exemption is processed as described below.

It is important to note that the State CEQA Guidelines (Section 15300.2) identify clear **exceptions** to these exemptions.

- 1) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies.
- 2) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- 3) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. An example of such an exception might be construction of a single-family residence (Categorical Exemption, Class 3) which, due to its unusual size, has the potential to substantially degrade the existing visual character or quality of the site and its surroundings. Individual projects must be reviewed carefully for applicability of this exception due to the prevalence of diverse circumstances in Laguna Beach, many of which present potentially significant environmental constraints. A review of unusual circumstance must consider the full range of adopted policies that determine local findings of significant environmental effect.
- 4) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings or similar resources, within a highway officially designated as a state scenic highway. In Laguna Beach, Laguna Canyon Road (SR 133) and Coast Highway are both designated scenic highways. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- 5) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- 6) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

For City-sponsored projects: If the originating City Department that is sponsoring the proposed construction determines that the project is exempt, the originating Department shall prepare a Notice of Exemption (see appendix) with the explicit reason for the exemption and file the exemption in the address file, and make note of the exemption in related notices, staff reports and resolutions. The Notice of Exemption shall be posted on the City's website and City Hall bulletin board. The originating City Department shall also file the notice with the County Clerk. (CEQA does not require a Notice of Exemption to be filed with the City Clerk, but filing one begins a shorter statute of limitation period and thus reduces the City's exposure to lawsuits.)

For private projects: If the Community Development Department determines that a private construction project is exempt, it shall prepare a Notice of Exemption with the explicit reason for the exemption and file the exemption in the address file, and make note of the exemption in related notices, staff reports and resolutions. The Notice of Exemption shall be posted on the City's website and City Hall bulletin board. A Notice of Exemption may be filed with the County Clerk, if requested by the applicant. Any filing or recording fee shall be paid by the project applicant.

At each stage in the CEQA process (exemption determination, initial study preparation, etc.) staff must come to a conclusion and document that stage with an appropriate notice. The designated approval authority (Director, Design Review Board, Planning Commission or City Council) must consider the environmental information and staff's CEQA conclusions and either modify, conditionally approve or approve the CEQA determinations prior to making an entitlement decision about a proposed development project.

3. INITIAL STUDY PREPARATION AND REVIEW

If the project is not exempt, the applicant shall acquire data and information sufficient to conduct an Initial Study consistent with the State CEQA Guidelines (Section 15063), including, but not limited to, the information required by the Environmental Information Form set forth as Appendix H of the State CEQA Guidelines and repeated in the Appendix of this Handbook. The Initial Study, which shall be completed using the Initial Environmental Study/Checklist Form set forth in the Appendix of this Handbook shall be completed by the City staff or by a consultant, at the City's option. Technical data used in the Initial Study shall be provided to the City by qualified consultants approved by staff and, in some cases, with technical review provided by qualified experts on behalf of the City. The City maintains lists of various qualified professional consultants. If an applicant proposes to use a new consultant not on the list, the qualifications of the consultant and their experience résumé shall be provided to staff for review and approval. In all cases, preparation and review of the technical data shall be funded by the applicant.

A. Initial Review

Review the entire file including any scanned portions of the file. Ask questions of the project applicant if necessary. Review reports submitted by the applicant. Visit the site after reviewing the file, the Initial Study form, and City environmental constraint maps to determine if there are any potential problems to look for during the site visit. Note neighboring land uses and check for any aspects of the project or of the surrounding land uses that might cause or be subject to an adverse environmental impact.

Identify, list and consult with other City Departments and all Responsible and Trustee Agencies responsible for resources affected by the project to obtain input and comment about potential impacts. Determine if additional studies are needed. When all requested information has been submitted by the project applicant and the staff has determined the project application to be complete, begin preparing the Initial Study.

B. Special Studies

While preparing the Initial Study, in order to determine whether there may be significant impacts, one or more special studies may be required. For example, the project traffic may pass through one or more congested intersections, or the project site may be on or near a known archaeological site. To maintain objectivity in report conclusions, if a project has complex resources or is controversial, contract with a consultant directly and require the applicant to pay the cost. If the applicant has provided a study, and the project has complex resources or is controversial, then peer review of the study shall be required and the applicant shall be required to pay the cost. In this case, obtain an estimate from the peer review consultant and obtain a deposit from the applicant in a manner similar to contracting for an EIR (see EIR section, below).

If there appears to be one or more potential significant impacts associated with the project or if the project could have a major impact on its surrounding area, an EIR is required. Meet with the Planning Administrator and/or Department Director to discuss options.

C. Completing the Initial Environmental Study/Checklist

Use the City of Laguna Beach Initial Environmental Study/Checklist form. An electronic version can be found on the City website.

1. Review Checklist

Within the Initial Environmental Study/Checklist form there are areas with questions designed to elicit discussion regarding the types of environmental effects. At the end of the checklist is a special group of three questions, under the heading, "Mandatory Findings of Significance." The State CEQA guidelines place special emphasis on these three effects. If any effects in these three areas *may* be significant, an Environmental Impact Report ("EIR") must be prepared or mitigation measures must be incorporated into the project that eliminates the potential significant effects.

Review the checklist, making notes or checking boxes, based on knowledge of the project and the location. Check the general sources listed at the end of the form, to eliminate those environmental factors that are clearly not affected by the project. If the general sources indicate there might be an environmental impact, refer to the more specific sources, as well as experts within City staff, other government agencies or professionals in the field.

2. Review Primary Sources

Resources: The Community Development Department maintains resources including *maps, environmental impact reports, specialized studies and names of experts* in various fields.

Affected agencies: If it appears that the project will have a significant impact on a resource for which a State or Federal Agency is the trustee, contact the appropriate agency. For example, if a creek with a viable riparian habitat may be affected by the project, contact the local Fish and Game office. If there may be a significant impact on a wetland, the Corps of Engineers may need to be contacted in addition to Fish and Game.

If there are questions about a specific topic, call appropriate public agency experts. Make a note in the file of the name of each contact, date contacted and pertinent comments. The person should be cited at the end of the Initial Study in the list of sources.

Check the planning library for environmental documents that may have been prepared for projects in the vicinity of the project site. These previous studies can suggest the types of impacts a certain type of project may have or possible development constraints in a particular area of the City.

3. Significance Thresholds

The City's adopted policies and ordinances, along with relevant regional plans and regulatory policies and requirements imposed by regulatory and resource agencies provide the basis for local environmental thresholds of significance. Staff shall refer to the City's General Plan, Municipal Code, Design Review Guidelines and other relevant local planning documents (e.g., Downtown Specific Plan, Local Coastal Program, Hillside Development Guidelines, etc.) as well as regional plans (South Coast Air Quality Management Plan, San Diego Regional Water Quality Management Plan, etc.) for thresholds relevant to specific resources. Sections 15064 and 15065 of the State Guidelines also provide general guidance in determining significance thresholds and making the Mandatory Findings of Significance. In addition, the City's Planning Commission has established specific traffic intersection significance thresholds. These have been published in the Community Development Department's Policy Manual and have been repeated below for reference.

City of Laguna Beach Intersection Thresholds of Significance

A) Signalized Intersection Thresholds of Significance

To determine whether the addition of project-generated trips result in a significant impact at a signalized study intersection and thus requires mitigation, the following thresholds of significance may be utilized:

- A significant impact occurs at a signalized study intersection when the addition of project-generated trips causes the HCM analysis methodology forecast peak hour level of service of the study intersection to change from acceptable LOS operation (LOS D or better) to deficient LOS operation (LOS E or worse); and/or
- A significant impact occurs at a signalized study intersection when the addition of project-generated trips causes the HCM analysis methodology forecast average delay to increase by:
 - 6 seconds or more at an acceptably operating (LOS D or better) signalized intersection; or
 - 2 seconds or more at a deficiently operating (LOS E or worse) signalized intersection.

B) Stop-Controlled Intersection Thresholds of Significance

To determine whether the addition of project-generated trips results in a significant impact at a stop-controlled study intersection and thus requires mitigation, the following thresholds of significance may be utilized:

- A significant impact occurs at a stop-controlled study intersection when the addition of project-generated trips causes the HCM analysis methodology forecast peak hour level of service of the study intersection to change from acceptable LOS operation (LOS D or better) to deficient LOS operation (LOS E or worse) and satisfies a Caltrans traffic signal warrant; or
- A significant impact occurs at a deficiently operating (LOS E or worse) one way stop-controlled study intersection when the addition of project-generated trips causes the HCM analysis methodology forecast worst operating stop controlled approach delay to increase by 4 seconds or more and satisfies a Caltrans traffic signal warrant; or
- A significant impact occurs at a deficiently operating (LOS E or worse) two way stop-controlled study intersection when the addition of project-generated trips causes the HCM analysis methodology forecast worst stop-controlled approach delay to increase by 4 seconds or more and satisfies a Caltrans traffic signal warrant; or
- A significant impact occurs at a deficiently operating (LOS E or worse) all-way stop-controlled study intersection when the addition of project-generated trips causes the HCM analysis methodology forecast average delay to increase by 4 seconds or more and satisfies a Caltrans traffic signal warrant.

At the discretion of the Planning Commission the above thresholds of significance may be refined during the drafting process of the traffic study to address localized community issues and to provide an appropriate measure to identify traffic-related impacts while balancing the stated policies and goals of the General Plan. Refinement of traffic thresholds of significance will be conducted through a publicly noticed Planning Commission hearing during which the traffic consultant preparing the traffic study can present a preliminary report with proposed refined thresholds of significance for review and consideration for adoption to applicable traffic analyses. An example of traffic thresholds of significance refinement may include modifying the allowable increase in delay to be utilized for a stated threshold.

D. Writing the Initial Environmental Study/Checklist Discussion

Discuss all potential impacts, even if insignificant, and discuss any “no impact” conclusions that are potentially controversial or require clarification. For each subject discussed, describe any potential impacts, draw a conclusion and discuss possible mitigation of impacts that may be significant. In each case, cite the significance threshold used in the analysis and the level of mitigation that would be achieved by the mitigation measures (e.g., below significant, partially mitigated or still significant). Include explicit rationale for the basis of findings that a specific mitigation level will be achieved.

The *conclusion* should be supported by substantial evidence cited in the discussion (e.g., Will there be a significant impact on traffic, and can it be mitigated to a less than significant level?). Conclusions must be drawn *in light of the whole record and be based on facts, reasonable assumptions predicated upon facts and expert opinion supported by facts*. Be sure to consider impacts which may be individually less than significant, but which cumulatively may have a significant effect. If necessary, seek opinions from appropriate state and federal agencies. *Sources used during the initial study must be cited*. Such sources may be listed in full at the end of the report and referred to by abbreviation or number within the report.

E. Mitigation Measures

Determine if the identified significant environmental effects can be mitigated to a point where clearly no significant effect on the environment would occur. The final decision on which effects are significant and how they are to be mitigated will be made by the approval authority.

“Mitigation” includes:

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

Encourage the applicant to change the project so that potentially significant environmental impacts can be avoided. Clearly define the impact and the goal of mitigation. Mitigation measures should be specific, measurable, if possible, and feasible. They should not include code requirements that must be met by the project anyway.

If, without further study, mitigation is unable to be developed for some potential adverse effects, identify the specific impacts that must be evaluated and conclude that further study is required during the preparation of an EIR. These sections will be used to develop a scope of work for an EIR.

Applicant concurrence. The Planning Administrator and project planner/manager shall review the Draft Initial Study to determine if the project should be revised and/or mitigated. The applicant shall be encouraged to make such revisions. The applicant may:

1. Incorporate changes into the design of the project directly, and thereby avoid the imposition of mitigation measures, or
2. Sign a letter agreeing to the specific mitigation measure(s) proposed.

If the applicant does not agree to revise the project or agree to the specific mitigation measures, an EIR must be required.

F. Monitoring

For every mitigation measure, there must be a monitoring program that spells out how the City will determine if the measure has been met. The monitoring program for each measure should follow that measure in the list of mitigation measures at the front or end of the report (see Initial Environmental Study/Checklist in the Appendix for suggested format).

Monitoring should consist of clear and specific actions that the appropriate City Department/Division can undertake, like checking building permit plans for compliance, or that can be undertaken by others and reported to the Planning Division. If other agencies are required to monitor, the monitoring program should spell out the authority to make this requirement. Some measures may require the hiring of a consultant.

The mitigation reporting or monitoring program must identify the following for each mitigation measure:

1. The party responsible for implementing the measure.
2. The party responsible for verifying compliance (usually a City staff person).
3. The performance standards or objectives to be used to verify compliance.
4. The required timing of implementation. For measures that involve more than one action (e.g., phased measures or post-development monitoring), timing requirements must be identified for each major stage.

In general, avoid writing measures that require long-range monitoring for compliance, especially if the results are not easily measurable or viewed. However, some measure may be unavoidable under certain circumstance (e.g., habitat restoration requires monitoring and reporting for several years).

G. Review of Draft Initial Environmental Study/Checklist

Based on the initial study, the project manager shall take one of the following actions:

- (a) If there is no substantial evidence that a project may have a significant effect on the environment, or if revisions to a project and/or mitigation measure(s) have been made by or agreed to by the applicant so that clearly no significant effects on the environment would occur and there is no substantial evidence that the project as revised may have a significant effect on the environment, prepare and distribute a Notice to Adopt a (Mitigated) Negative Declaration (see Section H on the next page).
- (b) If there is substantial evidence that a project may have a significant effect on the environment, and mitigation is either not possible or not agreed to, an EIR must be prepared. Inform the applicant as soon as feasible of this determination. When possible, the EIR should incorporate analysis, information or studies already completed for the Initial Study.

H. Preparation and Distribution of Notice of Intent to Adopt a (Mitigated) Negative Declaration

Prepare a Notice of Intent to Adopt a (Mitigated) Negative Declaration form, summarizing the results of the Initial Study.

Review the Notice of Intent to Adopt a (Mitigated) Negative Declaration's checklist. Check the names of City Departments or Agencies and individuals who may have an interest in the site or project. Include the Orange County Clerk-Recorder (see CEQA Section 21092.3), the US Fish and Wildlife Service, the State Department of Fish and Game – Region 5, and the California Coastal Commission. If a state agency is a Responsible Agency, a Trustee Agency or otherwise has jurisdiction by law with respect to the project (see State CEQA Guidelines Section 15205), the Negative Declaration must also be sent to the State Clearinghouse. Check with the Clearinghouse for the number and type of copies required.

If the Negative Declaration is required to be sent to the state clearinghouse, allow for a review period of at least 30 days. If not, allow at least 20 days (State CEQA Guidelines Section 15205).

Publish the Notice of Intent to Adopt a (Mitigated) Negative Declaration in the local newspaper and post it on the City's website and City Hall bulletin board informing the public that the Initial Study and proposed negative declaration are available for review and comment (State CEQA Guidelines Section 15072). Include the tentative public hearing date(s) in the notice.

I. Comments and Final (Mitigated) Negative Declaration Action

Any person may submit comments, either orally or in writing, in a response to a Draft (Mitigated) Negative Declaration. Prior to making a decision to carry out or approve a project, the approval authority (Community Development Director, Design Review Board, Planning Commission or City Council) shall consider the proposed (Mitigated) Negative Declaration together with any comments received during the public review process. The approval authority shall approve the (Mitigated) Negative Declaration if it finds, on the basis of the Initial Study and all comments received during the public comment period and during the public hearing, that there is no substantial evidence that the project will have a significant effect on the environment.

The City is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability, but prior to its adoption. A "substantial revision" shall be required when:

1. A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or
2. The City determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

Notice of Determination and Department of Fish and Game Fee: After the approval authority adopts a Negative Declaration or Mitigated Negative Declaration, you must file a Notice of Determination (NOD) with the County Clerk (State CEQA Guidelines Sections 15075 and 15094). If the project also requires approval by a state agency (for example, San Diego Regional Water Resources Control Board), the NOD must also be sent to the State Office of Planning and Research (OPR). To shorten the statute of limitations, this notice must be sent within five days of the action.

1. Complete the NOD (see appendix).
2. Collect the required Department of Fish and Game (DFG) fee (DFG Code Paragraph 711.4) or obtain an exemption from the filing fee requirement from the Department of Fish and Game for a project that will have no effect on fish and wildlife.
3. Give the forms to the Department administrative staff, which will collect the necessary recording fee and file the notices with the County Clerk.

Inform other City Departments. Send copies of the conditions, mitigation measures, and monitoring program to City Departments who will be responsible for overseeing completion of the project.

4. NOTICE OF PREPARATION AND DETERMINATION OF SCOPE OF EIR

The City shall follow State CEQA Guideline Section 15082 and send by certified mail or any other method of transmittal that provides a record that the notice was received to the State Clearinghouse and each responsible and trustee agency a Notice of Preparation (NOP) stating that an EIR will be prepared. The NOP shall provide the responsible and trustee agencies with sufficient information to enable the agencies to make a meaningful response. At a minimum, the information shall include: 1) a description of the project; 2) the location of the project; and 3) the probable environmental effects of the project. The responsible and trustee agencies must respond within 30 days after receiving the NOP and provide the City with specific detail about the scope and content of the environmental information related to the responsible or trustee agency's area of statutory responsibility that must be included in the draft EIR.

Prior to completing the draft EIR, the City may hold a noticed public scoping meeting to help identify the range of actions, alternatives, mitigation measures and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not be important.

5. EIR CONSULTANT SELECTION AND CONTRACT

If an EIR is required, the City must choose the consultant who will prepare the document. The applicant must pay for the contract cost, plus an administrative fee for City review and editing.

A. Choosing a Consultant

1. *Prepare and send out a Request for Proposals (RFP)* to several (preferably local) environmental consulting firms. The RFP should include a detailed project description, a copy of the Initial Study (if prepared), project plans or maps and a list of the environmental issues the EIR would be expected to address. Provide a deadline for submittal of proposals (usually a minimum of 30 days). Request submittal of draft work programs, time schedules and cost estimates.

2. *Review proposal.*

- Narrow the selections to the top three or four candidates, if possible.
- Evaluate competency, timeliness, cost, special expertise and other relevant factors.

3. *Select a consultant.* Select the consultant to recommend to City Council.

B. Development and Approval of Contract

Contracts in excess of \$5,000 require City Council approval, even when the applicant pays the cost. Forward staff's recommendation to the City Council for final selection and contract approval authority for the City Manager. After City Council's approval of the consultant, inform the consultant of the selection and thank the others for applying.

1. *Negotiate* any necessary changes to the proposed work program, including a not-to-exceed cost, including reimbursables and work program contingencies (usually a minimum of \$10,000).
2. *Have the applicant submit a deposit* for the full consultant cost plus 25% administrative overhead.
3. *Create a contract*, using the City's standard contract form. Modify the consultant's draft work program as needed and include these as attachments. The contract should stipulate submittal of periodic progress reports from the consultant and work products as they are completed. Payment will be based on completion of the tasks included in the work program.
4. *Obtain signatures* on the contract, first from the consultant, then from the City Manager. Tell the consultant that work can begin.

C. Consultant - Project Proponent Communication

Communication between the proponent and the consultant is allowed under the following conditions:

- The communication involves (a) verification of material received by the consultant or (b) inquiry by the consultant concerning details of the project proposal or (c) subjects that are minor or incidental in nature.
- City staff (a) is present during or (b) provides prior approval for any discussion which goes beyond the above.
- Consultant maintains a record of proponent contacts to inform City staff or the subject of any discussion. These should be included in the consultant's status report.

6. ENVIRONMENTAL IMPACT REPORT (EIR) REVIEW

A. Administrative Draft

1. Project Description

The consultant shall prepare a project description based on the submittal by the applicant. The description shall be verified by the applicant to determine accuracy, and reviewed by the project planner for completeness. The project description shall be prepared in accordance with CEQA Guidelines Section 15124.

2. Additional Studies

During the course of preparing the EIR, additional studies may be required to determine the existence and extent of a particular environmental impact. The Administrative Draft EIR (ADEIR) shall not be submitted to the City until the studies are complete and the conclusions and recommendations are integrated into the ADEIR.

3. Administrative Draft Review

Staff shall review the consultant's Administrative Draft for adequacy and advise the consultant of needed changes. The ADEIR shall be provided to the City Attorney for review. The City Attorney shall review the document and the City's performance as a lead agency relative to CEQA, the State CEQA Guidelines and the City's CEQA Implementing Handbook, and provide comments to the project manager. A minimum of three copies of the Administrative Draft will be required (certain projects may require more). The Draft EIR will not be accepted until an adequate ADEIR is obtained.

4 Project Changes

Staff and the consultant shall review the Administrative Draft to determine whether any changes in the proposed project could be made which would mitigate the significant impacts of the proposed project. Such changes shall be suggested to the applicant.

The applicant may decline to make changes, and the Draft will be written according to the original description of the project. However, those project changes may be incorporated into alternatives or mitigation "not proposed by the project proponent."

B. EIR Format and Content

The overall organization and content of the document shall be in accordance with the State CEQA Guidelines, including the content requirements per Sections 15122 through 15131 for Draft EIRs and Section 15132 for a Final EIR. As required in Section 15130, the EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in Section 15065(c).

EIR Content Requirements

15122 – Table of Contents or Index

15123 – Summary

15124 – Project Description

15125 – Environmental Setting

15126 – Consideration and Discussion of Environmental Impacts

15126.2 – Consideration and Discussion of Significant Environmental Impacts

15126.4 – Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects

15126.6 – Consideration and Discussion of Alternatives to the Proposed Project

15127 – Limitations on Discussion of Environmental Impact

15128 – Effects Not Found to be Significant

15129 – Organizations and Persons Consulted

15130 – Discussion of Cumulative Impacts

15131 – Economic and Social Effects (optional)

15132 – Contents of final Environmental Impact Report

C. Draft EIR Circulation

When the Draft EIR is complete, a Notice of Completion (NOC) shall be prepared and filed with the Office of Planning and Research (OPR) State Clearinghouse and circulated with a request for comments on the Draft EIR. The NOC to OPR shall be accompanied by an Environmental Document Transmittal form and 15 copies of the Draft EIR for distribution. State CEQA Guidelines Sections 15086 and 15087 provide guidance on the required distribution for requesting comments on the Draft EIR. A Notice of Availability (NOA) that includes information about the availability of the Draft EIR for public review and comment, the starting and ending dates for the review comment period, what format comments may be submitted (facsimile, letter, electronic mail) and public hearing information shall also be published in the local newspaper and mailed to the owners and occupants of property within 300 feet of the proposed project. The Notice of Completion and Availability shall be posted in the Orange County Clerk's office. The Draft EIR shall be distributed to the local library, the City Clerk's office, the Community Development Department's front counter, appropriate neighborhood associations and made available electronically on the City's website. In addition, provide for the availability by purchase of a CD or DVD that has a digital copy of the draft EIR at the nominal cost of \$10.00. During the comment period, the City shall hold a noticed public hearing on the Draft EIR, usually at the Planning Commission level. Copies of the Draft EIR shall be distributed to the appropriate review and approval authorities, usually the City's Environmental Committee, Design Review Board, Planning Commission and City Council. The required minimum public review comment period is 30 days without state or federal agency involvement and 45 days if distributed to the State Clearinghouse for distribution to applicable agencies. The public review period should not be longer than 60 days. If possible, avoid scheduling Draft EIR public review periods between Thanksgiving and New Year's holidays.

D. Final EIR Preparation***1. Comments and Responses***

All comments, including minutes of the public hearing, shall be forwarded to the consultant, who will prepare responses. Comments may be summarized. In particular, when recommendations and objections raised in comments differ from conclusions of the Draft EIR, the consultant shall address in detail those comments and shall (a) indicate where the EIR has been changed to reflect these comments or (b) give reasons why specific comments and suggestions were not accepted.

Because a comment is outside the purview of CEQA does not mean it should be dismissed out of hand. Comments that are clearly thought out, even if they do not require a response under CEQA, should be acknowledged in a respectful manner. Comment responses should also include project alternative revisions or mitigation measure changes, if feasible. Forums can be noted where they can be meaningfully communicated, such as the public hearing on the project.

When there are a significant number of comments, the consultant may summarize certain common issues in the form of generic comments and responses. Copies of all correspondence must be included in the Final EIR, however.

The City shall make the written response to comments available to the public at least ten (10) days prior to any hearing at which consideration of the Final EIR has been agendized. Notice of the availability of the response to comments document that includes information about the availability of the Draft EIR for public review, what format comments may be submitted (facsimile, letter, electronic mail) and public hearing information shall also be published in the local newspaper and mailed to the owners and occupants of property within 300 feet of the proposed project. The response to comments document shall be distributed to the local library, the City Clerk's office, the Community Development Department's front counter, appropriate neighborhood associations and made available electronically on the City's website. In addition, provide for the availability by purchase of a CD or DVD that has a digital copy of the response to comment document at the nominal cost of \$10.00.

2. Recirculation of an EIR Prior to Certification

The consultant shall indicate text changes with deletions crossed-out and additions underlined. When significant new information (as defined in Section 15088.5 of the State CEQA Guidelines) is added to the Draft EIR prior to certification, the City shall give notice of a revised Notice of Completion and Availability for an additional cycle of review and comments on the significant new information in accordance with the procedures outlined in Section 15088.5.

3 Certification of the Final EIR, Required Significant Effect Findings and Monitoring

The Final EIR shall consist of the Draft EIR (revised as necessary in response to comments) and its appendices; comments and recommendations received on the Draft EIR either verbatim or in summary; a list of persons, organizations and public agencies commenting on the Draft EIR; written responses to oral and written comments received during the public review period, any other relevant information added by the City; and (as appropriate) a mitigation monitoring or reporting program.

Per State CEQA Guidelines Section 15090, the City Council shall certify, prior to approving the project, that:

- (i) The Final EIR has been completed in compliance with CEQA;
- (ii) The Final EIR was presented to the approval authority and the approval authority reviewed and considered the information contained in the Final EIR prior to approving the project; and
- (iii) The Final EIR reflects the approval authority's independent judgment and analysis.

Per State CEQA Guidelines Section 15091, the City Council shall not approve a project for which an EIR has been certified which identifies one or more significant environmental effects of the proposed project unless the approval authority makes one or more written findings supported by substantial evidence in the record for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (i) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- (ii) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency.
- (iii) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The City Council must also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. (See Section 3(F) of this Local CEQA Implementation Handbook for additional guidance regarding monitoring programs.)

4. Approval and Statement of Overriding Considerations

Per State CEQA Guidelines Section 15092, the City Council may decide whether or how to approve or carry out the project after considering the Final EIR and in conjunction with making findings under Section 15091. The City Council shall not decide to approve or carry out a project for which an EIR was prepared unless either:

- (i) The project as approved will not have a significant effect on the environment, or
- (ii) 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 City Council 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.

Per State CEQA Guidelines Section 15093, CEQA requires the City Council to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

When the City Council approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the Council shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

If the City Council makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to State CEQA Guidelines Section 15091.

5. Notice Of Determination and Department of Fish and Game Fee

After the decision to certify a final EIR has been made and after deciding to carryout or approve the project, the City shall file a Notice of Determination (NOD) with the County Clerk within five (5) working days. The NOD shall contain the information required in State CEQA Guidelines Section 15075. If the project also requires approval by a state agency (for example, San Diego Regional Water Resources Control Board), the NOD must also be sent to the State Office of Planning and Research (OPR). To shorten the statute of limitations, this notice must be sent within five days of the action.

1. Complete the NOD (see appendix).
2. Collect the required Department of Fish and Game (DFG) fee (DFG Code Paragraph 711.4) or obtain an exemption from the filing fee requirement from the Department of Fish and Game for a project that will have no effect on fish and wildlife (see Appendix).
3. Give the forms to the Department administrative staff, which will collect the necessary recording fee and file the notices with the County Clerk.

Inform other City Departments. Send copies of the conditions, mitigation measures and monitoring program to City Departments who will be responsible for overseeing completion of the project

7. REVIEW OF ENVIRONMENTAL DOCUMENTS FROM OTHER AGENCIES

The City is adjacent to other cities and unincorporated territory of the County of Orange. In addition, there may be a need to review projects from other lead agencies that might have environmental effects on the City's jurisdiction (e.g., local Water Districts, community service districts and Caltrans). Sometimes a project is proposed in one of these jurisdictions that is close to the City limits or is within the City's adopted Sphere of Influence. In this case, the other agency is required to route EIRs or Negative Declarations for such projects to the City of Laguna Beach for review.

The Community Development Director (CDD) or Planning Administrator will determine, by reviewing the project definition, if the City has an interest in the project. If so, the CDD or Planning Administrator will either review the environmental document or assign the review to one of the planners for review and comment, and may route these documents to the Planning Commission and/or City Council for review and comment when appropriate.

DEFINITIONS

Note: CEQA Sections 21060 – 21072 and State CEQA Guidelines Sections 15350 – 15387 list definitions pertaining to the California Environmental Quality Act.

“Act” or “CEQA” - the California Environmental Quality Act, found in Public Resources Code Sections 21000 et seq.

“Applicant/Proponent” - the person, entity, public agency or City Department that proposes a project.

“Approval Authority” - the City Council, Design Review Board, Planning Commission or Community Development Director responsible for taking action to approve, deny or modify a project.

“Environmental Impact Report” or “EIR” - an Environment Impact Report as defined in CEQA Section 21061 and State CEQA Guidelines Section 15632; and unless otherwise specified, shall also mean an Addendum to an EIR, Supplement to an EIR, a Program EIR, Subsequent EIR or Master EIR as appropriate.

“Originating Department” - the City Department that proposes to carry out the project, the agency or City Department with the authority to process or grant permits for the project, or the City Department with the greatest responsibility for supervising the project as a whole.

“Project” - Under CEQA, a project is the whole of an action which has the potential to result in significant environmental change in the environment, directly or ultimately. (Also, see State CEQA Guidelines Section 15378.)

Public Resource Code Section 21065

“Project” means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

- (a) An activity directly undertaken by any public agency.
- (b) An activity undertaken by a person which is supported, in whole or in part through contracts, grants, subsidies, loans or other forms of assistance from one or more public agencies.
- (c) An activity that involves the issuance to a person of a lease, permit, license, certificate or other entitlement for use by one or more public agencies.

“Significant Effect (on the Environment)” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance.

“State CEQA Guidelines” shall mean California Code of Regulations, Title 14 (Natural Resources), Section 15000 et seq.

APPENDIX

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Time Limits

1. Timely Compliance

The City shall carry out its responsibilities for preparing and reviewing environmental documents as expeditiously as possible to avoid unnecessary delays in the processing of projects.

Pursuant to Section 15100 of the State CEQA Guidelines, statutory time limitations that require action on a project within a specified period of time beyond which the project is automatically deemed approved do not commence until the application is deemed complete for processing. Pursuant to Sections 15100 and 15203(o), all other planning activities associated with project approval, except public hearings and final approvals, may take place concurrently with CEQA compliance. The actual time required for the CEQA environmental analysis and review phases varies with the complexity and magnitude of the project.

2. Time Limits for Public Projects

Only private projects (not including legislative or adjudicative actions requiring legislative changes, e.g., general plan amendments or zoning changes) are subject to time limits described in the Permit Streamlining Act (California Government Code Sections 65920-65960); however, at its discretion the City may also apply such time limits to public projects.

3. Minimum and Maximum Time Limits

The following are the minimum and maximum time periods for private projects necessary for each CEQA requirement.

- A. Preparation of Initial Study and decision of whether to prepare a negative declaration or EIR — 10 to 30 days from determination that application is complete;
- B. Preparation of proposed negative declaration — 10 to 105 days from determination that application is complete;
- C. Public review of proposed negative declaration — 21 days after distribution of a proposed negative declaration without state agency involvement; 30 days with State Clearinghouse distribution;
- D. Project approval for projects requiring a negative declaration — 6 months after adoption of negative declaration;
- E. Preparation of draft EIR — 10 to 180 eighty days after decision to prepare EIR;
- F. Public review of draft EIR — 30 days without state agency involvement; 45 days with State Clearinghouse distribution;
- G. Preparation of final EIR — 10 to 30 days after close of public review period;
- H. Certification of final EIR — 365 days from determination that application is complete;
- I. Project determination for projects requiring EIR — 6 months after EIR is certified.

3. Time Extensions

Time extensions may become necessary in any phase or sequence of CEQA processing due to state or federal agency review, unforeseen circumstances or when the approval authority determines that additional public review is warranted.

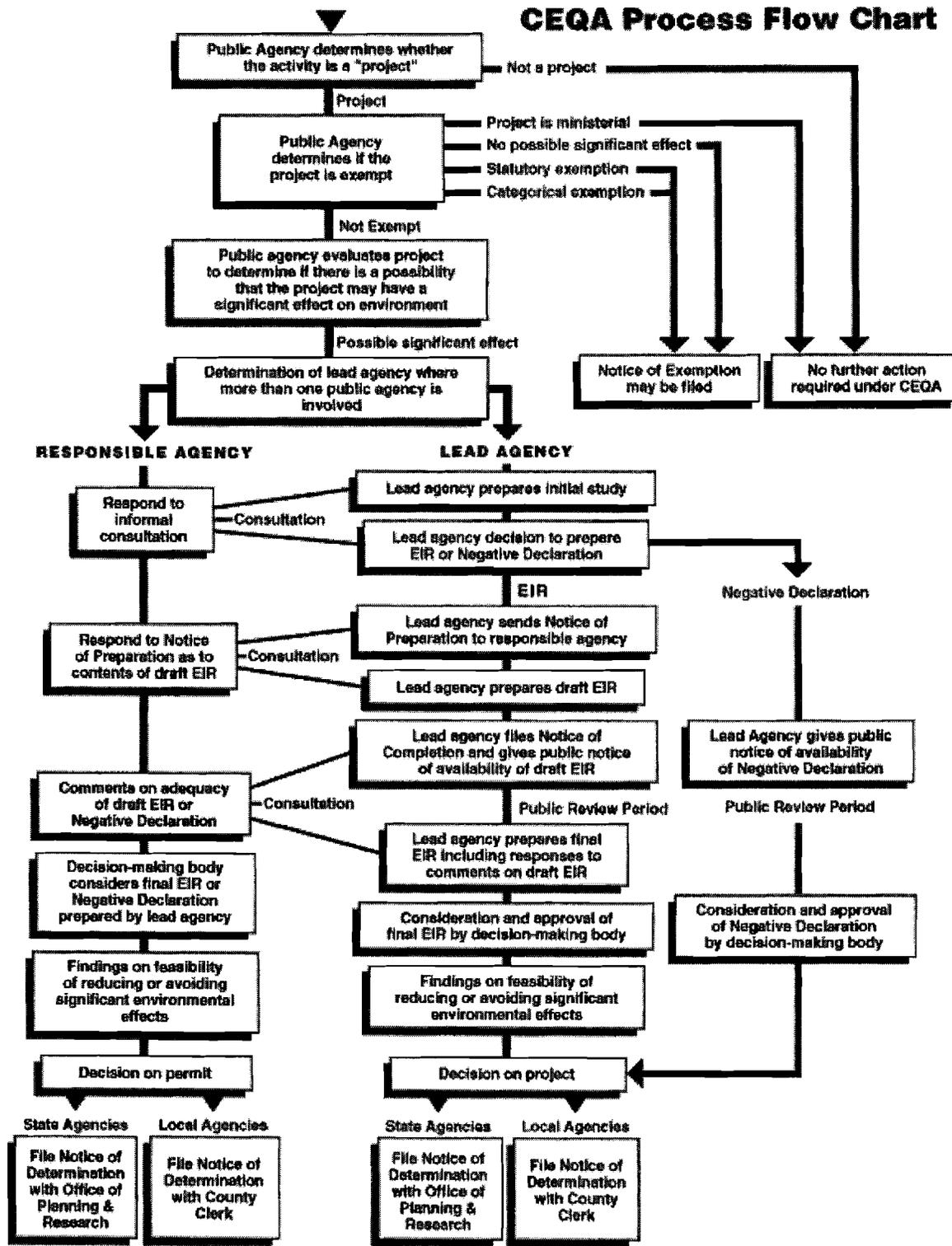
- A. If an applicant unreasonably delays meeting county requests for additional information necessary to complete the environmental review process, the City may:
 1. Suspend the running of the time periods and allow the application to “re-enter” the environmental review process after all necessary information has been submitted;
 2. Obtain from the applicant a one-time, 90-day extension of the deadline for final action; or
 3. Schedule the project for hearing and recommend that the project be disapproved without prejudice.
- B. If requested information is not provided within 60 days from the date an unreasonable delay is first identified, the application shall be deemed withdrawn under this section and all processing fees forfeited.
- C. No waivers of time beyond those expressly authorized by state law shall be accepted.

4. Statutes of Limitations

CEQA provides unusually short statutes of limitations on filing court challenges to the approval of projects under the Act. The statute of limitations periods are not public review periods or waiting periods for the person whose project has been approved. The project sponsor may proceed to carry out the project as soon as the necessary permits have been granted, although the applicant does proceed at risk in the event a legal challenge is timely commenced. The statute of limitations cuts off the right of another person to file a court action challenging approval of the project after the specified time period has expired.

The statute of limitations periods under CEQA are as follows:

1. Where the public agency filed a Notice of Determination in compliance with State CEQA Guidelines Sections 15075 or 15094, 30 days after the filing of the notice and the posting on a list of such notices.
2. Where the public agency filed a Notice of Exemption in compliance with State CEQA Guidelines Section 15062, 35 days after the filing of the notice and the posting on a list of such notices.
3. Where a certified state regulatory agency files a Notice of Decision in compliance with Public Resources Code Section 21080.5(d)(2)(E), 30 days after the filing of the notice.
4. Where the Secretary for Resources certifies a state environmental regulatory agency under Public Resources Code Section 21080.5, the certification may be challenged only during the 30 days following the certification decision.
5. Where none of the other statute of limitations periods in this section apply, 180 days after either: a) the public agency's decision to carry out or approve the project; or b) commencement of the project, if the project is undertaken without a formal decision by the public agency.



(See http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html)

Appendix H
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 in formation presented are true and correct to the best of my knowledge and belief.

Date _____

Signature _____

For _____

**INITIAL ENVIRONMENTAL STUDY / CHECKLIST
CITY OF LAGUNA BEACH, CALIFORNIA**

1. Project Title:

2. Lead Agency Name and Address: City of Laguna Beach
 Community Development Department
 505 Forest Avenue
 Laguna Beach, California 92651

3. Contact Person and Phone Number:

4. Project Location:

5. Project Sponsor's Name and Address:

6. General Plan Designation:

7. Zoning:

8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support or off-site features necessary for its implementation. Attach additional sheets if necessary.)

9. Surrounding Land uses and Setting: (Briefly describe the project's surroundings.)

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement):

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.

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

DETERMINATION: 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 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

[Click here and type author's name.]
Name

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

1. AESTHETICS Would the project:					
a) Have a substantial adverse effect on a scenic vista?	1			X	
---Explanation---					
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings or historic buildings within a scenic highway?					
c) Substantially degrade the existing visual character or quality of the site and its surroundings?					
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?					
2. AIR QUALITY (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?					
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?					

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

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?					
---	--	--	--	--	--

d) Expose sensitive receptors to substantial pollutant concentrations?					
--	--	--	--	--	--

e) Create objectionable odors affecting a substantial number of people?					
---	--	--	--	--	--

3. 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, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?					
--	--	--	--	--	--

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 U.S. Fish and Wildlife Service?					
--	--	--	--	--	--

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?					
---	--	--	--	--	--

d) Interfere substantially with the movement of any 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?					
---	--	--	--	--	--

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?					
---	--	--	--	--	--

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other local, regional or state habitat conservation plan?					
---	--	--	--	--	--

4. CULTURAL RESOURCES Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?					
---	--	--	--	--	--

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?					
--	--	--	--	--	--

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?					
---	--	--	--	--	--

d) Disturb any human remains, including those interred outside of formal cemeteries?					
--	--	--	--	--	--

5. GEOLOGY AND SOILS Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:					
---	--	--	--	--	--

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)					
--	--	--	--	--	--

ii) Strong seismic ground shaking?					
------------------------------------	--	--	--	--	--

iii) Seismic-related ground failure, including liquefaction?					
--	--	--	--	--	--

iv) Landslides?					
-----------------	--	--	--	--	--

b) Result in substantial soil erosion or loss of topsoil?					
---	--	--	--	--	--

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

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?					
--	--	--	--	--	--

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?					
--	--	--	--	--	--

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?					
---	--	--	--	--	--

6. HAZARDS AND HAZARDOUS MATERIALS Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?					
--	--	--	--	--	--

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?					
---	--	--	--	--	--

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

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?					
--	--	--	--	--	--

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?					
---	--	--	--	--	--

e) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?					
---	--	--	--	--	--

f) 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?					
--	--	--	--	--	--

7. HYDROLOGY AND WATER QUALITY Would the project:

a) Violate any water quality standards or waste discharge requirements?					
---	--	--	--	--	--

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

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., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?					
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?					
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?					
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?					

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

f) Result in an increase in pollutant discharges to receiving waters? (Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants [e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances and trash].)					
g) Result in significant alteration of receiving water quality during or following construction?					
h) Result in increased impervious surfaces and associated increased runoff?					
i) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?					
j) Result in increased erosion downstream?					
k) Result in an increase in any pollutant for which a downstream water body is already impaired, as listed on the Clean Water Act Section 303(d) list?					

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

l) Exacerbate already existing sensitive conditions to downstream environmentally sensitive area?					
m) Have a potentially significant adverse impact on the surface water quality of either marine, fresh or wetland waters?					
n) Have a potentially significant adverse impact on ground water quality?					
o) Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives, policies or degradation of beneficial uses?					
p) Impact aquatic, wetland or riparian habitat					
q) Otherwise substantially degrade water quality?					
r) Place housing within 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?					
s) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?					

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

t) 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?					
--	--	--	--	--	--

u) Inundation by seiche, tsunami or mudflow?					
--	--	--	--	--	--

8. LAND USE AND PLANNING Would the project:

a) Physically divide an established community?					
--	--	--	--	--	--

b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to a general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?					
---	--	--	--	--	--

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?					
---	--	--	--	--	--

9. 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?					
--	--	--	--	--	--

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

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?					
---	--	--	--	--	--

10. NOISE Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?					
---	--	--	--	--	--

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?					
---	--	--	--	--	--

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?					
--	--	--	--	--	--

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?					
--	--	--	--	--	--

11. 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)?					
---	--	--	--	--	--

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

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?					
---	--	--	--	--	--

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?					
---	--	--	--	--	--

12. PUBLIC SERVICES

a) 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:					
---	--	--	--	--	--

i) Fire protection?					
---------------------	--	--	--	--	--

ii) Police protection?					
------------------------	--	--	--	--	--

iii) Schools?					
---------------	--	--	--	--	--

iv) Parks?					
------------	--	--	--	--	--

v) Other public facilities?					
-----------------------------	--	--	--	--	--

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

13. 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?					
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?					

14. 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)?					
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?					
c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?					
d) Result in inadequate emergency access?					

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

e) Result in inadequate parking capacity?					
---	--	--	--	--	--

f) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?					
---	--	--	--	--	--

15. UTILITIES AND SERVICE SYSTEMS Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?					
---	--	--	--	--	--

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					
--	--	--	--	--	--

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					
---	--	--	--	--	--

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?					
--	--	--	--	--	--

Issues and Supporting Information Sources	Sources	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?					
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?					
g) Comply with federal, state and local statutes and regulations related to solid waste?					

16. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does this project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered rare or threatened species; or eliminate important examples of major periods of California history or prehistory?

--- Explain ---

b) Does this project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

c) Does this project have possible environmental effects that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of the individual project are significant when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects.)

d) Does this project have environmental effects that will cause substantial adverse effect on human beings, either directly or indirectly?

17. EARLIER ANALYSES.

Earlier analysis may be used where, pursuant to the 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). In this case a discussion should identify the following items:

a) **Earlier analysis used.** Identify earlier analyses 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 Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

18. SOURCE REFERENCES

1	--- Cite sources ---
2	
3	
4	
5	
6	
7	
8	
9	

19. Mitigation Measures. For effects that are "Less Than Significant with Mitigation Incorporated," describe the mitigation measure(s) which were incorporated and the extent to which they address site-specific conditions of the project. The responsible person, Department, Agency, etc., that will be responsible for verification and the event or time of verification should also be specified.

MITIGATION MONITORING PROGRAM

Number	Measure
1	Measure: Monitoring:
2	Measure: Monitoring:
3	Measure: Monitoring:
4	Measure: Monitoring:
5	Measure: Monitoring:
6	Measure: Monitoring:
7	Measure: Monitoring:

Statutory Exemptions – Article 18 of the State CEQA Guidelines

Statutory exemptions from CEQA consist of those exemptions that are authorized by the California Legislature and prescribed by the Secretary of Resources. The exemptions take several forms. Some exemptions are complete exemptions from CEQA; other exemptions apply to only part of the requirements of CEQA; and still other exemptions apply only to the timing of CEQA compliance. (The extent and limitations of an exemption should be determined with reference to the State CEQA Guidelines in each instance.) A listing of the titles of these exemptions is as follows:

- 15261 Ongoing Project
- 15262 Feasibility and Planning Studies
- 15263 Discharge Requirements
- 15264 Timberland Preserves
- 15265 Adoption of Coastal Plans and Programs
- 15266 General Plan Time Extension
- 15267 Financial Assistance to Low or Moderate Income Housing
- 15268 Ministerial Projects
 - Examples of City activities that are normally considered ministerial include, but are not limited to, the following:
 - Business licenses
 - Parking permits
 - Sign permits
 - Demolition permits
 - Building permits
 - Final subdivision maps
 - Certificates of use and occupancy
- 15269 Emergency Projects
- 15270 Projects Which Are Disapproved
- 15271 Early Activities Related to Thermal Power Plants
- 15272 Olympic Games
- 15273 Rates, Tolls, Fares and Charges
- 15274 Family Day Care Homes
- 15275 Specified Mass Transit Projects
- 15276 Transportation Improvement and Congestion Management Programs
- 15277 Projects Located Outside California
- 15278 Application of Coatings
- 15279 Housing for Agricultural Employees
- 15280 Lower Income Housing Projects
- 15281 Air Quality Permits
- 15282 Other Statutory Exemptions
- 15283 Housing Needs Allocation
- 15284 Pipelines
- 15285 Transit Agency Responses to Revenue Shortfalls

Categorical Exemptions – Article 19 of the State CEQA Guidelines

Categorical exemptions from CEQA are those exemptions that the Secretary for Resources has found to not have a significant effect on the environment. There are exceptions to the exemptions as noted in State CEQA Guidelines Section 15300.2 for projects that are ordinarily insignificant in their impact on the environment but may be significant because of their particular location. (As with statutory exemptions, the extent and limitations of a categorical exemption should be determined with reference to the State CEQA Guidelines in each instance.) A listing of the titles of these exemptions is as follows:

- 15301 Existing Facilities – Class 1
- 15302 Replacement or Reconstruction – Class 2
- 15303 New Construction or Conversion of Small Structures – Class 3*
(Note: The City uses this exemption for single family homes on legal building sites.)
- 15304 Minor Alterations to Land – Class 4*
- 15305 Minor Alterations in Land Use Limitations – Class 5*
- 15306 Information Collection – Class 6*
- 15307 Actions by Regulatory Agencies for Protection of Natural Resources – Class 7
- 15308 Actions by Regulatory Agencies for Protection of the Environment – Class 8
- 15309 Inspections – Class 9
- 15310 Loans – Class 10
- 15311 Accessory Structures – Class 11*
- 15312 Surplus Government Property Sales – Class 12
- 15313 Acquisition of Lands for Wildlife Conservation Purposes – Class 13
- 15314 Minor Additions to Schools – Class 14
- 15315 Minor Land Divisions – Class 15
- 15316 Transfer of Ownership of Land in Order to Create Parks – Class 16
- 15317 Open Space Contracts or Easements – Class 17
- 15318 Designation of Wilderness Areas – Class 18
- 15319 Annexations of Existing Facilities and Lots for Exempt Facilities – Class 19
- 15320 Changes in Organization of Local Agencies – Class 20
- 15321 Enforcement Actions by Regulatory – Class 21
- 15322 Educational or Training Programs Involving No Physical changes – Class 22
- 15323 Normal Operations of Facilities for Public Gatherings – Class 23
- 15324 Regulations of Working Conditions – Class 24
- 15325 Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions – Class 25
- 15326 Acquisition of Housing for Housing Assistance Programs – Class 26
- 15327 Leasing New Facilities – Class 27
- 15328 Small Hydroelectric Projects at Existing Facilities – Class 28
- 15329 Cogeneration Projects at Existing Facilities – Class 29
- 15330 Minor Actions to prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances – Class 30
- 15331 Historical Resource Restoration/Rehabilitation – Class 31
- 15332 In-Fill Development Projects – Class 32
- 15333 Small Habitat Restoration Projects – Class 33

* Pursuant to Section 15300.2 of the State CEQA Guidelines Classes 3, 4, 5, 6 and 11 are qualified by consideration of where the project is located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to be exempt in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state or local agencies.

Notice of Exemption

Form D

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

From: (Public Agency) _____

County Clerk
County of _____

(Address)

Project Title: _____

Project Location - Specific: _____

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

Description of Project: _____

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: (check one)

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

Reasons why project is exempt: _____

Lead Agency

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

If filed by applicant:

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

Signature: _____ Date: _____ Title: _____

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

January 2004

**NOTICE OF INTENT TO ADOPT A
(MITIGATED) NEGATIVE DECLARATION**
California Environmental Quality Act



CITY OF LAGUNA BEACH

505 Forest Avenue
Laguna beach, CA 92651
PHONE: (949) 497-0712
FAX: (949) 497-0771

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the City of Laguna Beach has prepared an Initial Study for the following project.

PROJECT
[project name]

LOCATION/ADDRESS
[location] [address]

APPLICATION NUMBERS
[application number]

APN(s)
[APN(s)]

GENERAL PLAN DESIGNATION AND ZONING
[GP designation] and [zoning]

PROJECT APPLICANT
[project applicant]

DESCRIPTION OF PROJECT
[type here]

ENVIRONMENTAL SETTING
[type here]

DECLARATION
Based on the Initial Study dated [IS date], staff has determined:

- This project does not have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered rare or threatened species; or eliminate important examples of major periods of California history or prehistory.
- This project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- This project does not have possible environmental effects that are individually limited but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of the individual project are significant when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects.)
- This project will not have environmental effects that will cause substantial adverse effect on human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which have been incorporated into this project:

- See attached mitigation measures.
- None required.

PUBLIC COMMENT PERIOD

[beginning date] to [hearing date] the public and all affected agencies are hereby invited to review the Negative Declaration and Initial Study with mitigation measures and submit written comments. Such comments may be submitted prior to or during the Commission’s hearing(s).

PUBLIC HEARING DATES

PLANNING COMMISSION MEETING

7:00 p.m. – [meeting date]
505 Forest Avenue, Laguna Beach, CA
Council Chamber

CITY COUNCIL MEETING

6:00 p.m. – [meeting date]
505 Forest Avenue, Laguna Beach, CA
Council Chamber

DOCUMENT AVAILABILITY

The Negative Declaration and Initial Study and other supporting environmental documents are available for public review at the City of Laguna Beach, Community Development Department, located at 505 Forest Avenue, City Hall, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

(MITIGATED) NEGATIVE DECLARATION PREPARED BY

City of Laguna Beach

505 Forest Avenue
Laguna Beach, CA 92651

Contact: [project planner]
Title: [title]
Telephone: (949) 497-0712
Fax: (949) 497-0771

Signature _____ Date [date signed] _____

COMMENTS DUE BY [due by date]

The attached Mitigated Negative Declaration dated [document date] is being referred to your agency/City department for review and comment. Your written comments should be received prior to, or be submitted verbally during the Public Hearing. If you have any questions, please contact the Contact Person above.

ATTACHMENTS

Negative Declaration and Initial Study

SUPPORTING ENVIRONMENTAL DOCUMENTS

[list supporting documents, if any]

DISTRIBUTION LIST

CITY DEPARTMENTS

- Community Development
- Fire
- Marine Safety
- Police
- Public Works
- Recreation
- Water Quality

FEDERAL

- Occupational Safety and Health Administration
- US Army Corps of Engineers
- US Environmental Protection Agency
- US Fish and Wildlife Service

STATE

- Air Resources Board
- California Coastal Commission
- California Coastal Conservancy
- Department of Conservation
- Department of Fish and Game – Region 5
- Department of Forestry and Fire Protection
- Department of Health and Drinking Water
- Department of Housing and Community Development
- Department of Parks and Recreation
- Department of Transportation District 12 (Caltrans)
- Department of Toxic Substances Control
- Department of Water Resources
- Governor’s Office of Planning and Research
- Integrated Waste Management Board
- Native American Heritage Commission
- Office of Emergency Services
- Office of Historic Preservation
- Resources Agency
- Seismic Safety Commission
- State Clearinghouse
- State Lands Commission
- State Water Resources Control Board

REGIONAL

- San Diego Regional Water Quality Control Board
- South Coast Air Quality Management District
- Southern California Association of Governments

COUNTY

- Orange County Clerk-Recorder
- Orange County Environmental Health Department
- Orange County Fire Department
- Orange County Flood Control District
- Orange County Harbors Beaches and Parks
- Orange County Integrated Waste Management Department
- Orange County Local Agency Formation Commission
- Orange County Planning & Development Services Department
- Orange County Public Facilities & Resources Department

LOCAL

- Aliso Water Management Agency
- City of Aliso Viejo
- City of Dana Point
- City of Irvine
- City of Laguna Hills
- City of Laguna Niguel
- City of Laguna Woods
- City of Newport Beach
- Laguna Beach Chamber of Commerce
- Laguna Beach County Water District
- Laguna Beach Independent
- Laguna Beach Unified School District
- Laguna Beach Visitor’s Bureau
- Laguna Beach Coastline Pilot
- Laguna News-Post
- Moulton Niguel Water District
- South Coast Water District
- South Orange County Wastewater Authority

UTILITIES

- Cox Digital Cable
- San Diego Gas & Electric
- Southern California Edison
- Southern California Gas Company
- Verizon

TO EXPEDITE SUBMITTAL OF YOUR COMMENTS, YOU MAY RESPOND BY FACSIMILE TO (949) 497-0771

- This Agency/City Department has comments, see attached.
- This Agency/City Department has no comments.

NAME OF AGENCY/CITY DEPARTMENT _____

SIGNATURE OF REPRESENTATIVE _____ DATE _____

Notice of Preparation

Form B

To: _____
(Agency)

(Address)

Subject: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency:	Consulting Firm (if applicable):
Agency Name _____	Firm Name _____
Street Address _____	Street Address _____
City/State/Zip _____	City/State/Zip _____
Contact _____	Contact _____

_____ 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 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 Location: _____
City (nearest) _____ County _____

Project Description: (brief)

Date _____ Signature _____
Title _____
Telephone _____

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15002(a), 15103, 15375.

January 2000

Notice of Completion & Environmental Document Transmittal

Appendix C

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # _____

Project Title: _____
Lead Agency: _____ Contact Person: _____
Mailing Address: _____ Phone: _____
City: _____ Zip: _____ County: _____

Project Location:

County: _____ City/Nearest Community: _____ Zip Code: _____
Cross Streets: _____
Assessor's Parcel No.: _____ Section: _____ Twp.: _____ Range: _____ Base: _____
Within 1/2 Miles: State Hwy #: _____ Waterways: _____
Airports: _____ Railways: _____ Schools: _____

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other _____
 Mir Neg Dec Other _____ FONSI

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other _____

Development Type:

Residential: Units _____ Acres _____ Water Facilities: Type _____ MGD
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW
 Educational _____ Waste Treatment: Type _____ MGD
 Recreational _____ Hazardous Waste: Type _____
Total Acres (approx.) _____ Other _____

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation:

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

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

Notice of Determination

Appendix D

To: Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St.
Sacramento, CA 95812-3044 Sacramento, CA 95814

From: Public Agency: _____
Address: _____
Contact: _____
Phone: _____

County Clerk
County of: _____
Address: _____

Lead Agency (if different from above):
Address: _____
Contact: _____
Phone: _____

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

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title: _____

Project Location (include county): _____

Project Description: _____

This is to advise that the _____ has approved the above described project on _____
 Lead Agency or 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 mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

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

Signature (Public Agency) _____ Title _____
Date _____

Date received for filing at OPR: _____

Revised 2004

**Department of Fish and Game
CEQA Filing Fees**

**SENATE BILL 1535 ENVIRONMENTAL FILING FEES
FACT SHEET**

Senate Bill 1535 (effective January 1, 2007) requires that the Department of Fish and Game (DFG) collect filing fees to defray the cost of managing and protecting fish and wildlife trust resources. The purpose of these fees is to help fund the cost of consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, developing monitoring requirements and carrying out other activities to protect public trust resources under the California Environmental Quality Act (CEQA).

The fees are collected by a mechanism that is superimposed on the CEQA environmental review process. At the completion of that CEQA process for most projects subject to CEQA a public notice of approval (usually a Notice of Determination (NOD)) is filed either with the appropriate County Clerk, State Clearinghouse or Resources Agency. The amount of the fee paid to DFG is determined by a fee schedule that is annually adjusted based on an inflation index. Under this law, a lead agency may not unilaterally exempt a project from the filing fee for a "de minimis" project. A filing fee will be required unless the project will have no effect on fish and wildlife. If the project will have an effect on fish and wildlife resources, even a minimal or de minimus effect, the fee is required. The project applicant asserting a project will have no effect on fish and wildlife should contact DFG, and DFG will review the project, make the appropriate determination, and in "no effect" cases, the Department will provide the project proponents with documentation of exemption from the filing fee requirement.

All project applicants subject to CEQA must pay an environmental filing fee for each non-exempt project for which a Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report or Certified Regulatory Program has been approved. The environmental filing fee is due upon filing of the NOD. Fish and Game Code Section 711.4(c)(3) provides that, "no project shall be operative, vested or final" until the required filing fees are paid.

**Department of Fish and Game
CEQA Filing Fee Schedule
(Fish and Game Code 711.4)
(Fees as of January 1, 2008)
(Note: fees are adjusted annually)**

CEQA Document	Fee
Negative Declaration	\$1,876.75
Mitigated Negative Declaration	\$1,876.75
Environmental Impact Report	\$2,606.75
County Clerk Processing Fee	\$50