

CITY OF LAGUNA WOODS

LOCAL

CALIFORNIA ENVIRONMENTAL QUALITY ACT

GUIDELINES

City Council Adoption: April 29, 2024

Resolution No. 24-13

TABLE OF CONTENTS

DEFINITIONS	iv
I. INTRODUCTION	1
II. DELEGATION OF RESPONSIBILITY	1
A. Responsibilities of the Planning Director	1
B. Responsibilities of the Project Manager	2
III. OVERVIEW AND SUMMARY OF PROCEDURES.....	2
A. Applicability	3
IV. AUTHORITY PROVIDED BY CEQA (PRC, § 21004; GUIDELINES, § 15040).....	3
A. Mitigate (PRC, §§ 21002 & 21004; Guidelines, § 15041(a)).....	3
B. Approve Projects Despite Significant Effects (Guidelines, § 15043).....	3
C. Disapprove Projects (Guidelines, § 15042)	4
D. Fees (PRC, § 21089; Guidelines, § 15045).....	4
V. EXEMPTIONS	5
A. Statutory Exemptions.....	6
B. Categorical Exemptions	6
C. Common Sense Exemptions	6
D. Article 12.5 Exemptions	7
E. Exemption Verification.....	7
F. Ministerial Projects	7
G. Determination and Filing of Notice of Exemption	9
VI. CITY PROJECTS: ENVIRONMENTAL REVIEW PROCEDURES (PRC § 21065; GUIDELINES § 15378(a)(1))	9
VII. INITIAL STUDY (GUIDELINES, § 15063).....	10
A. Initial Study Purpose.....	10
B. Preparation	10
C. Content of Initial Study (PRC, § 21080; Guidelines, § 15063(d))	11
D. Determining Environmental Significance (PRC, § 21068; Guidelines, § 15382).....	11
E. Mandatory Findings of Significance (Guidelines, § 15065).....	12
F. Thresholds.....	13

VIII.	CONSULTANTS AND SUB-CONSULTANT SELECTION PROCEDURE.....	14
A.	Deposit	15
B.	Execution of Contract	15
IX.	NEGATIVE DECLARATIONS (PRC, §§ 21064 AND 21064.5; GUIDELINES, § 15070)	15
A.	Preparation of a Negative Declaration or Mitigated Negative Declaration (PRC, §§ 21064 and 21064.5; Guidelines, § 15070)	15
B.	Contents of Negative Declarations or Mitigated Negative Declaration (Guidelines, § 15071).....	16
C.	Public Notice (PRC, § 21092; Guidelines, § 15072).....	16
D.	Approval or Denial of Negative Declarations or Mitigated Negative Declaration	18
E.	Notice of Determination (PRC, § 21152; Guidelines, § 15075).....	18
X.	ENVIRONMENTAL IMPACT REPORTS (EIRs).....	18
A.	Decision to Prepare an EIR (PRC, § 21080; Guidelines, § 15063)	18
B.	Letter to Applicant	19
C.	Scope of an EIR (PRC, § 21080.4; Guidelines, § 15082).....	19
D.	Appeal	19
E.	Notice of Preparation (Guidelines, § 15082)	20
F.	Response to Notice of Preparation.....	20
G.	Preparation of Administrative Draft EIR (Guidelines, § 15084).....	21
H.	Notice of Completion of a Draft EIR (Guidelines, § 15085).....	21
I.	Public Review of Draft EIRs (PRC, § 21091; Guidelines, § 15087).....	21
J.	Evaluation of Responses to Comments (PRC, § 21092.5; Guidelines, § 15088)	22
K.	Public Hearing on Draft EIR.....	22
L.	Preparation of the Final EIR (PRC, § 21100; Guidelines, § 15089).....	23
M.	Findings (PRC, § 21081; Guidelines, § 15091).....	23
N.	Consideration of Drafting Findings for Project Approval	24
O.	Statement of Overriding Considerations (PRC, § 21081; Guidelines, § 15093)	24
P.	Certification of the Final EIR and Time Limits.....	24
Q.	Notice of Determination	25

XI. MITIGATION MONITORING AND/OR REPORTING PROGRAM (PRC, § 21081.6; GUIDELINES, § 15097)25

- A. Processing of Mitigation Monitoring and/or Reporting Program: Roles and Responsibilities 25
- B. Preparation of a Mitigation Monitoring and/or Reporting Program..... 26
- C. Enforcement Responsibility 27
- D. Program Completion Letter 27
- E. Compliance With State CEQA Guidelines § 15097 27

DEFINITIONS

- A. “Applicant” – The person, entity, City department, or agency which has submitted an application to the City for review or approval of any activity which is deemed a Project pursuant to the California Environmental Quality Act (CEQA) or these Local CEQA Guidelines.
- B. “CEQA” – The California Environmental Quality Act, commencing with § 21000 *et seq.* of the California Public Resources Code, and as may be amended from time to time.
- C. “City” – The City of Laguna Woods, California.
- D. “City Council” – The City Council of the City.
- E. “City Manager” – The City Manager of the City.
- F. “County” – The County of Orange, California.
- G. “County Clerk” – The Clerk-Recorder of the County.
- H. “Decision-Making Body” - The person, commission, or council which has authority by law or ordinance to make a final decision to approve or disapprove the Project at issue. See Lead Agency.
- I. “Discretion” or “Discretionary” - The Decision-Making Body’s exercise of judgment or deliberation regarding a decision to approve, approve with condition, or disapprove an action or Project, as distinguished from situations in which the Decision-Making Body merely has to determine whether there has been conformance with applicable statutes, ordinances, or regulations.
- J. “Greenhouse Gases” - Gases that trap heat in the atmosphere. The accumulation of greenhouse gases in the atmosphere regulates the earth’s temperature. Reference gases include: Carbon dioxide (CO₂); Methane (CH₄); Nitrous oxide (N₂O); Hydrofluorocarbons (HFCs); Perfluorocarbons (PFCs); and Sulfur Hexafluoride (SF₆).
- K. “Lead Agency” – The City will be the Lead Agency or Decision- Making Body, for those Projects for which they have principal responsibility for carrying out or approving.
- L. “Lead Department” - The City’s Planning & Environmental Services Department, which shall serve as clearinghouse for the purposes of processing and coordinating environmental review for the City.

- M. “Local CEQA Guidelines” – The City’s Local CEQA Guidelines as adopted by resolution of the City Council.
- N. “Ministerial” - Minimal or no exercise of personal judgment by the Decision-Making Body or a public official as to the wisdom or manner of carrying out an action or Project. The Decision-Making Body or public official merely applies the particular law or regulation to the facts.
- O. “Planning Director” - The City Manager or his/her/their designee (which may include a consultant hired by the City), who shall have overall responsibility for City CEQA functions. As used in these Local CEQA Guidelines, CEQA functions include CEQA review of all City Projects and Projects submitted to the City for approval or review pursuant to State and federal law.
- P. “Project” – Any discretionary activity undertaken or proposed by an Applicant, including any City department, which creates, or has the potential to cause either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment, as guided by California Public Resources Code § 21065 and by § 15378 of the State CEQA Guidelines.
- Q. “Project Manager” – The Planning Director’s designee who shall take direction from the Planning Director and be responsible for carrying out a City Project or reviewing a Project submitted to the City for processing.
- R. “State” – The State of California.
- S. “State CEQA Guidelines” – The Guidelines for the California Environmental Quality Act, commencing with § 15000 *et seq.* of the California Code of Regulations, Title 14, Chapter 3, and as may be amended from time to time.
- T. “State Clearinghouse” – The State Clearinghouse division of the California Governor’s Office of Planning and Research.

I. INTRODUCTION

The City’s Local CEQA Guidelines set forth comprehensive procedures for complying with CEQA. Pursuant to CEQA, public agencies must adopt guidelines (objectives, criteria, and specific procedures) for administering their responsibilities under CEQA (Pub. Resources Code (“PRC”), §§ 21000–21189) and State CEQA Guidelines (Cal. Code Regs., Tit. 14, Div. 6, Chpt. 3, §§ 15000–15387) . (All citations are to the State CEQA Guidelines unless otherwise noted.) The purpose of the City’s Local CEQA Guidelines is to protect both local and regional environmental resources in a manner that reflects local values.

The City may update the Local CEQA Guidelines periodically to account for amendments, changes to the primary thresholds of significance, and/or to ensure best practices are being applied. While the Local CEQA Guidelines apply to most Projects, there may be unique circumstances where the Planning Director may use his/her/their discretion to deviate if necessary to comply with CEQA or the State CEQA Guidelines. The Local CEQA Guidelines are not exhaustive or intended to be exhaustive. Therefore, the City reserves the right to request additional Project-specific information in its evaluation that may not be identified or described in the Local CEQA Guidelines. The Planning Director may also adopt departmental policies and procedures to further implement the provisions of CEQA, the State CEQA Guidelines, and the Local CEQA Guidelines.

In conjunction with adoption of the Local CEQA Guidelines, CEQA (Pub. Resources Code, §§ 21000–21189) and the State CEQA Guidelines (occasionally referred to herein as the “Guidelines”) (Cal. Code Regs., Tit. 14, §§ 15000–15387) are hereby incorporated by reference in accordance with Section 15022, subdivision (d) of the CEQA Guidelines. All future revisions to CEQA and the CEQA Guidelines shall hereafter be considered to be a part of the Local CEQA Guidelines without further action by the City Council. In the event of any inconsistency or conflict between the Local CEQA Guidelines and the CEQA Guidelines, the provisions of the CEQA Guidelines shall take precedence.

II. DELEGATION OF RESPONSIBILITY

A. Responsibilities of the Planning Director (PRC, §§ 21083 and 21087; Guidelines, § 15025)

Responsibilities of the Planning Director shall include, but not be limited to, the responsibilities listed throughout these Local CEQA Guidelines, as well as the following activities:

1. Ensuring that the Local CEQA Guidelines set forth in this document are followed;

2. Conducting environmental review of all City Projects and Projects submitted to the City for review and approval;
3. Conducting preliminary review to determine if an application identifies a Project under CEQA;
4. Reviewing the application and Project for completeness;
5. Initial determination of the level of environmental review for a Project in accordance with CEQA, the State CEQA Guidelines, City Council policy and direction, and as defined in these Local CEQA Guidelines;
6. Preparing, processing, filing, and posting all environmental documents and notices as required;
7. Adopting, preparing, and updating City procedures, policies, thresholds, guidelines, and criteria as needed to forward the intent of these Local CEQA Guidelines;
8. Adhering to CEQA processing time limits as qualified under these Local CEQA Guidelines;
9. Determining the adequacy of the CEQA document; and
10. Reviewing CEQA documents prepared for other agencies, providing adequate comments and complying with the requirements for a Responsible Agency under § 15096 of the State CEQA Guidelines.

B. Responsibilities of the Project Manager

The Project Manager shall assist the Planning Director in carrying out the activities required by these Local CEQA Guidelines including, but not limited to, ensuring timely submission of all Project information needed by the Planning Director.

III. OVERVIEW AND SUMMARY OF PROCEDURES

The following subsections provide the procedures for following CEQA requirements. In all cases, determination shall be by the Planning Director in consultation with the Project Manager.

A. Applicability

A proposed activity or application must first be evaluated to determine if it is a "Project" and is, therefore, subject to further CEQA review. However, if the proposed activity is a Project under CEQA, it may still be exempt from environmental review if the Project falls under a satisfying criteria as set forth under State CEQA Guidelines, Article 12.5, commencing at § 15191; a statutory exemption as set forth under State CEQA Guidelines, Article 18, commencing at § 15260; a categorical exemption as set forth under State CEQA Guidelines, Article 19, commencing at § 15300; or by other statutory exemption outside the CEQA statutes, as established by the State Legislature.

IV. AUTHORITY PROVIDED BY CEQA (PRC, § 21004; GUIDELINES, §§ 15040-15045)

CEQA gives the City, as Lead Agency, authority to require feasible changes in the activities involved in the Project in order to substantially lessen or avoid effects on the environment, disapprove or approve Projects despite significant impacts, and to charge fees to recover costs incurred in the preparation of the environmental documentation.

A. Mitigate (PRC, §§ 21002 & 21004; Guidelines, § 15041)

The City, as Lead Agency, has authority to require feasible changes in any or all activities involved in the Project in order to substantially lessen or avoid significant effects on the environment, consistent with the applicable constitutional requirements such as the "nexus" and "rough proportionality" standards required by case law. The Lead Agency shall prepare mitigation measures to achieve the objective of mitigating or avoiding significant effects on the environment identified in the Mitigated Negative Declaration or Environmental Impact Report ("EIR"). These mitigation measures shall be implemented by the Applicant as part of the Project approvals and shall be incorporated in a mitigation monitoring and reporting program adopted by the Lead Agency.

B. Approve Projects Despite Significant Effects (Guidelines, § 15043)

The City may approve a Project despite significant environmental effects identified in an EIR if the City makes a fully informed and publicly disclosed decision that: (1) there is no feasible way to lessen or avoid these effects; and (2) the City adopts, when certifying an EIR, a statement of overriding considerations with findings that specifically identify the

expected benefits from the Project that outweigh the policy of reducing or avoiding significant environmental impacts of the Project.

C. Disapprove Projects (Guidelines, § 15042)

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

D. Fees (PRC, § 21089; Guidelines, § 15045)

The City, as a Lead Agency, may charge and collect reasonable fees from the Applicant in order to recover the estimated cost in preparing environmental documents and for procedures necessary to comply with CEQA on the Project. These fees are subject to periodic review and adjustment in order to assure that City costs are recovered. Litigation expenses, costs, fees, and all fee awards incurred in actions alleging noncompliance with CEQA shall be borne by the Applicant.

Costs for the preparation of the CEQA document will be estimated on a case-by-case basis depending upon the scope of the CEQA review. If the Project necessitates City staff or City consultant assistance prior to the submittal of the Project Application, the Applicant will be required to submit a deposit in an amount to be determined by the Planning Director, to cover all of the City and its consultants' pre-application costs, including but not limited to the hourly rate of employees and consultants and appropriate support and overhead expenses. The deposit shall be based on the amount of time anticipated to respond to the Applicant's inquiries. Any balance remaining at the completion of the work shall be refunded to the Applicant or applied against the Project processing deposit.

If no pre-application deposit is required, a deposit in an amount to be determined by the Planning Director will be required at the time the Lead Department commences any work on the proposed Project. This deposit must be submitted no later than when the Project application is submitted to the City for processing. Upon determination by the Planning Director or his/her/their designee of the cost of the CEQA review, the Applicant is required to deposit the amount of the estimated reasonable costs with the City prior to the commencement of the preparation of the CEQA document. Adoption or certification of the final CEQA document will not be scheduled unless the account is in excess of the estimate/deposit in order to cover the costs of finalizing the CEQA document. Any deposit remaining at the completion of the Project, or upon the Applicant's withdrawal of the Project, shall be refunded to the Applicant.

V. **EXEMPTIONS**

Generally, a Project may be exempt from CEQA review if it falls within any of the following categories:

- The Project is not considered a “Project” within the CEQA definition.
- The City does not have the discretion to disapprove or put conditions on the Project.
- The action is required by a state regulatory program.
- The state has determined by statute that the type of Project is exempt from CEQA review (statutory exemptions).
- The Project is a type that the state has determined generally does not have a significant environmental impact (categorical exemptions).
- The Project is required to make emergency repairs to public or private service facilities that are necessary to maintain services.
- The Project will be rejected or disapproved by the City.
- The Project meets the exemption criteria in Article 12.5 of the State CEQA Guidelines for agricultural housing, affordable housing, or residential infill.

After a Project application is deemed complete by the Planning Director, the Planning Director has 30 calendar days in which to determine whether a Project is exempt or not. All proposed activities must be reviewed to determine if one of the following exemptions is appropriate:

A. **Statutory Exemptions:** Certain activities are exempt from CEQA by the State Legislature. These exemptions include, but are not limited to, feasibility or planning studies, ministerial Projects, and emergency actions. A list of Statutory Exemptions is included in the State CEQA Guidelines, Article 18, commencing at § 15260. In addition, the State Legislature has established other statutory exemptions outside the CEQA statutes. These exemptions are listed in the June 2018, or as otherwise updated, Technical Advisory, “CEQA Exemptions Outside the CEQA Statute,” published by the California Governor’s Office of Planning and Research.

B. **Categorical Exemptions:** Certain classes or “categories” of Projects have been determined by the State's Secretary for Natural Resources to have an insignificant effect on the environment and are known as Categorical Exemptions. A complete list of these exemptions is included in the State CEQA Guidelines, Article 19, commencing at § 15300.

Exceptions to Categorical Exemptions are listed in § 15300.2 of the State CEQA Guidelines. Categorical Exemptions shall not be used for Projects where there is a reasonable possibility that the Project would have a significant environmental effect due to unusual circumstances. Categorical Exemptions shall not be used for Projects that may impact designated, precisely mapped, and officially adopted areas of hazardous or critical concern pursuant to federal, State, or local agencies. In addition, Categorical Exemptions shall not be used for Projects having significant cumulative impacts, having substantial adverse effects on significant historical resources, or are located on hazardous waste sites included on any list compiled pursuant to § 65962.5 of the California Government Code.

C. **Common Sense Exemptions:** Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to environmental review. In such cases, the activity is covered by the common sense exemption that CEQA applies only to Projects which have the potential for causing a significant effect on the environment (Guidelines, § 15061(b)(3)).

- D. Article 12.5 Exemptions:** Other exemptions include those described in Article 12.5 of the State CEQA Guidelines, which exempts agricultural housing, affordable housing, and residential infill projects. These exemptions must meet specific threshold criteria that are described in § 15193, § 15194, and § 15195.
- E. Exemption Verification:** The City may exempt from CEQA review the Statutory Exemptions commencing with § 15260 of the State CEQA Guidelines, the Statutory Exemptions established outside the CEQA statute, the Categorical Exemptions commencing with § 15300 of the State CEQA Guidelines, the Common Sense Exemptions pursuant to § 15061(b) of the State CEQA Guidelines, projects rejected or disapproved by the City, and the ministerial Projects listed below in Subsection F. Any Project not specifically meeting one of these exemptions is subject to the provisions of CEQA.
- F. Ministerial Projects:** Activities over which the City has ministerial authority and that are exempt from environmental review under § 21080(b)(1) of the Public Resources Code include, but are not limited to, those Ministerial Projects as defined by § 15268 of the State CEQA Guidelines. The following is a list of those actions typically considered ministerial in the City:
1. Issuance of a Certificate of Compliance, issued in accordance with allowed land-use regulations for the zone and conditions of the Project;
 2. Issuance of a Certificate of Occupancy, issued in accordance with allowed land-use regulations of the zone and conditions of the Project;
 3. Issuance of business licenses and permits required by Title 6, Business Regulations of the Laguna Woods Municipal Code;
 4. Approval of waiver of parcel maps and approval of final subdivision maps;
 5. Approval of construction fencing;
 6. Approval of a grading permits, in areas with average slope less than 20 percent, unless in connection with potential impacts on sensitive biological resources;

7. Issuance of demolition permits, unless in connection with a property of historical or cultural significance to the community;
8. Approval of curb, gutter, or sidewalk construction or reconstruction within an existing right-of-way;
9. Approval of driveway construction or reconstruction;
10. Issuance of an Encroachment Permit;
11. Approval of a fire extinguisher system and/or alarm permits;
12. Approval of a fire hydrant installation;
13. Approval of a heating, air conditioning, and/or refrigeration installation;
14. Approval of individual utility connections and disconnections;
15. Approval of an internal tenant improvement which does not result in, or perpetuate, a change in land use or an unmet parking need;
16. Approval of a soil boring;
17. Approval of the installation of street lights;
18. Issuance of a Temporary Permit of less than 30 days for the purpose of tree sales, pumpkin sales, garage and yard sales, sidewalk sales, and other small-scale outdoor commercial activities of a similar nature; and
19. Issuance of a Building Permit, including mechanical, electrical, and plumbing permits, unless said Building Permit is for a historical structure in which further analysis by the Lead Department may be required.

When a Project involves an approval that contains elements of both a ministerial action and a discretionary action, the Project will be deemed to be discretionary and will be subject to the provisions of CEQA.

G. Determination and Filing of Notice of Exemption

1. Determination. If the Planning Director determines a Project falls into one of the exempt categories, no further CEQA review is required. The formal determination that the Project is exempt is made by the Decision-Making Body at the time of Project approval (or disapproval).
2. Decision to File Notice. Except as provided in § 21152.1(a) of the PRC and § 15196 of the State CEQA Guidelines, the preparation and filing of a Notice of Exemption (“NOE”) is not mandatory under CEQA and the State CEQA Guidelines. However, the City shall prepare and file a NOE for all Projects so designated in accordance with the form and manner identified by § 15062 and § 15196 of the State CEQA Guidelines.
3. Statute of Limitations. The filing of a NOE and the posting on the list of notices start a 35-calendar day statute of limitations period on legal challenges to the agency’s decision that the Project is exempt from CEQA. If a NOE is not filed, a 180-calendar day statute of limitations will apply.
4. Request for Notice. A copy of the NOE shall be mailed to any person who has filed a written request for such notice with the Planning Director. Requests to receive NOEs shall be renewed annually by the requester.

VI. CITY PROJECTS: ENVIRONMENTAL REVIEW PROCEDURES (PRC § 21065; GUIDELINES § 15378(a)(1))

When the City, as the Lead Agency, contemplates any activity resulting in physical change in the environment, including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances initiated by the City, and the amendment of the City’s General Plan or any of its elements, the City will not solicit bids for the Project or award the contract until the following procedures are followed.

The department which contemplates the activity shall request the Planning Director to determine whether the activity qualifies for a Categorical Exemption. If the activity has been verified as categorically exempt and a NOE will be filed at the time of Project approval, no further CEQA review is required and regular processing of plans for the activity may continue without further environmental review.

If the activity is not categorically exempt, the department shall forward its plans and specifications to the Planning Director. Upon receipt of the plans and specifications for the Project, the Planning Director shall conduct an Initial Study to determine if the Project may have a significant effect on the environment. The environmental review process from that point on, including determinations and filing of notices, will be conducted in the manner set forth in these Local CEQA Guidelines for environmental review of private Projects, with the department proposing to carry out the Project being treated as the “Applicant.”

VII. INITIAL STUDY (GUIDELINES, § 15063)

Once the City receives an application from an Applicant, the application will be deemed complete by the Planning Director when all prerequisite information required on the application is submitted, which includes an adequate Project description which clearly sets forth the proposed land use activity contemplated by the Applicant. This shall include an environmental impact questionnaire or similar screening documents. The type of information to be submitted is dependent on the type of Project the Applicant proposes.

If after the application is deemed complete, and a determination is made that the proposed Project is not exempt from CEQA, an Initial Study will be prepared.

A. Initial Study Purpose

Pursuant to § 15063 of the State CEQA Guidelines, the Initial Study shall be used to provide a written determination of whether a Project may have a significant effect on the environment and whether a Negative Declaration, Mitigated Negative Declaration, or an EIR shall be prepared.

B. Preparation

1. Following preliminary review, the City shall prepare an Initial Study for nonexempt Projects to determine if the Project may have a significant effect on the environment. An environmental assessment or a similar analysis prepared pursuant to the National Environmental Policy Act will meet the requirements of this section.
2. If the City determines that an EIR will be required for a Project, the City may skip further initial review of the Project and begin work directly on the EIR. However, an Initial Study can prove to be a useful tool in assisting the City in identifying the significant effects of the Project while supporting findings for those effects considered not significant and are therefore not discussed in detail in the EIR.

C. Content of Initial Study (PRC, § 21080; Guidelines, § 15063(d))

The Initial Study shall be prepared by the Planning Director or his/her/their designee, which may be a City consultant. An Initial Study may rely upon expert opinion supported by facts, technical studies, or other substantial evidence to document its findings. However, an Initial Study is neither intended nor required to include the level of detail included in an EIR. An Initial Study shall include:

1. A description of the Project including the location of the Project.
2. An identification of the environmental setting.
3. An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries. The brief explanation may be either through a narrative or a reference to another information source such as an attached map, photographs, or an earlier EIR or Negative Declaration. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found.
4. A discussion of ways to mitigate the significant effects identified, if any.
5. An examination of whether the Project would be consistent with existing zoning, plans, and other applicable land use controls.
6. The name of the person or persons who prepared or participated in the preparation of the Initial Study.

All phases of Project planning, implementation, and operation shall be considered in the Initial Study. Staff shall consult with City departments, public entities that may be a Responsible or Trustee Agency for the Project, and any individuals or organizations otherwise concerned in the manner required by CEQA.

D. Determining Environmental Significance (PRC, §§ 21068 and 21085; Guidelines, §§ 15064, 15382)

“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. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

1. To determine whether a significant effect on the environment may occur, the environmental evaluation must consider:

Primary or Direct Impacts: such as dust, noise, and traffic of heavy equipment (Guidelines, § 15064(d)(1));

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

Cumulative Impacts: such as those resulting from the total effect of a group of proposed Projects or programs, over time (Guidelines, § 15065(a)(3)).

2. Significance will be judged by the intensity and longevity of the change, the size of the area affected, and the deviation from existing conditions. The City has established Thresholds of Significance to enable a determination of environmental impacts (see Subsection F. below).

E. Mandatory Findings of Significance (Guidelines, § 15065)

The City, as Lead Agency, shall find that a Project may have a significant effect on the environment if any of the following findings are made by the City.

1. The Project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory.
2. The Project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3. The Project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual

Project are significant when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.

4. The environmental effects of a Project will cause substantial adverse effects on human beings, either directly or indirectly.

The City shall prepare an EIR if there is substantial evidence, in light of the whole record, that any of these findings occur.

F. Thresholds

1. Thresholds of Significance

- a. Thresholds for determining the significance of the environmental effects of a Project shall be pursuant to §§ 15064, 15064.3, 15064.4, 15064.5, 15065, and Appendix G of the State CEQA Guidelines, the City’s General Plan, applicable specific plans, the City’s Municipal Code, and any additional information as deemed necessary by the Planning Director. Pursuant to § 15064.7 of the State CEQA Guidelines, public agencies are encouraged to develop and publish other thresholds of significance. In addition to the thresholds of significance referenced above, other thresholds developed by the City consist of the following:

- (i) Disturbance of, or encroachment into, any river, river tributary, riparian habitat, stream, or similar waterway identified on a United States Geological Survey map as a “blue-line” watercourse, State or federally protected sensitive wetlands, or any waterway otherwise identified as a significant resource by the City of Laguna Woods and for which no mitigation can be provided.
- (ii) Disturbance of any habitat known or suspected to contain a plant or animal species listed as threatened or endangered on such federal and/or State lists.
- (iii) Any Project that exceeds the most recent air quality thresholds as determined by the South Coast Air Quality Management District, as

published in its most current “Air Quality Analysis Guidance Handbook.”

- (iv) Any Project involving modification or demolition of a structure listed as category 1, 2, or 3 on the State’s Historical List, the City’s Historical Survey List, or as determined by a historical resource assessment prepared by a qualified consultant.
- (v) Any Project that cannot maintain a water system, on or off site, which is capable of meeting the daily and peak demand of Laguna Woods residents and businesses including the provision of adequate fire flows.
- (vi) Any Project that cannot protect structures for human occupancy and major roadways from the 100-year flood.
- (vii) Any Project in which a wastewater collection, treatment, and disposal system cannot be maintained in a way that is capable of meeting the daily and peak demands of Laguna Woods residents and businesses.
- (viii) Any Project that results in the movement or grading of 100,000 cubic yards or greater of earth.

VIII. CONSULTANTS AND SUB-CONSULTANT SELECTION PROCEDURE

Once the City has determined that a Negative Declaration, Mitigated Negative Declaration, or EIR is required, the Applicant must deposit the appropriate amount for the required work. Upon receipt of the deposit, the City may choose to complete the work with in-house staff or with consultants under contract with the City, or it may solicit consultant proposals specifically for the proposed Project.

If the City elects to hire a consultant solely to assist in the preparation of the CEQA document, the City shall do so in a manner consistent with its purchasing and procurement policies.

A. Deposit

To begin the Negative Declaration, Mitigated Negative Declaration, or EIR preparation process, the Applicant shall submit to the Lead Department a deposit as so set forth in Section IV.-D. and VIII, and may be required to execute a document titled, CEQA Document Preparation and Deposit Contract (Third-Party Agreement).

B. Execution of Contract

In certain Projects, the Planning Director may deem it necessary that a Third-Party Agreement be entered into by and between the Applicant, City, and the consultant retained for the Project. The Third-Party Agreement shall reference the scope of work, including the preparation of the Negative Declaration or Mitigated Negative Declaration, Administrative Draft EIR, Draft EIR, and Final EIR, attendance at public hearings, preparation of the response to comments, and reproduction costs.

IX. NEGATIVE DECLARATIONS (PRC, §§ 21064 AND 21064.5; GUIDELINES, § 15070)

There are two types of Negative Declarations: a (standard) Negative Declaration, and a Negative Declaration with mitigation, or “Mitigated Negative Declaration.” When the Initial Study shows that the Project may not have a significant effect on the environment, CEQA allows for a Negative Declaration to be adopted.

CEQA gives the City the option of allowing Applicants to modify their Project so that the City can make a finding that the Project would not have a significant effect on the environment as proposed. If the Applicant can mitigate its Project to avoid potential significant effects, it can qualify for a Mitigated Negative Declaration.

A. Preparation of a Negative Declaration or Mitigated Negative Declaration (PRC, §§ 21064 and 21064.5; Guidelines, § 15070)

A Negative Declaration or Mitigated Negative Declaration shall be prepared for Projects subject to CEQA when:

1. The Initial Study shows that there is no substantial evidence, in light of the whole record before the City, that the Project may have a significant effect on the environment, or
2. The Initial Study identifies potentially significant effects, but:
 - a. Revisions in the Project plans or proposals made by, or agreed to by the Applicant before a proposed Mitigated

Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

- b. There is no substantial evidence, in light of the whole record before the agency, that the Project as revised may have a significant effect on the environment.

B. Contents of Negative Declarations or Mitigated Negative Declaration (Guidelines, § 15071)

A Negative Declaration or Mitigated Negative Declaration shall include:

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

C. Public Notice (PRC, § 21092; Guidelines, § 15072)

When a Negative Declaration or Mitigated Negative Declaration is released for public review, for the duration of the public review period, the document shall be available for viewing at City Hall during normal working hours and posted on the City's website for the duration of the public review period. Copies of the Negative Declaration or Mitigated Negative Declaration shall be made available for purchase through the City, for the cost of printing.

The City shall notify the public of its intention to adopt a Negative Declaration or Mitigated Negative Declaration within a newspaper of general circulation in the area affected by the Project. If more than one area is affected, this Notice of Intent ("NOI") shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas. The required information to be provided in the NOI is described in State CEQA Guidelines, § 15072.

The NOI shall also be provided by direct mail to owners and occupants of property as shown on the latest equalized assessment role within 1,000 feet of the parcel(s) on which the Project is located. When the number of addresses to which the NOI would be directly mailed exceeds 500 for Negative Declarations or 750 for Mitigated Negative Declarations, the City may alternatively provide an additional notice within a newspaper of general circulation and mail the NOI to all homeowners' associations for dwelling units in Laguna Woods within 1,000 feet of the Project location.

The NOI shall also be provided to all individuals who so requested, in writing, notice on the Project.

Where one or more state agencies will be a Responsible Agency or a Trustee Agency or will exercise jurisdiction by law over natural resources affected by the Project, or where the Project is of statewide, regional, or areawide environmental significance, the City shall provide a copy of the Negative Declaration or Mitigated Negative Declaration to the State Clearinghouse for distribution to State agencies (Guidelines, § 15073).

The NOI and a copy of the Negative Declaration or Mitigated Negative Declaration and Initial Study shall be provided to every Responsible Agency and Trustee Agency concerned with the Project and every other public agency with jurisdiction by law over resources affected by the Project.

For a Project of statewide, regional, or areawide significance, the City shall also provide the NOI to transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the Project as specified in Section 21092.4(a) of the PRC (Guidelines, § 15073).

The public review period for a Negative Declaration or Mitigated Negative Declaration shall be at least 20 calendar days. The review period for a Negative Declaration or Mitigated Negative Declaration shall be at least 30 calendar days where a State agency is a Responsible Agency or a Trustee Agency for the Project, when the Project is under the jurisdiction of a State agency, or where the Project is of statewide, regional, or areawide significance (PRC, § 21091).

The City shall notify in writing any public agency which comments on a proposed Negative Declaration or Mitigated Negative Declaration of any public hearing to be held for the Project for which the document was prepared. A notice provided to a public agency pursuant to PRC § 15072 shall satisfy this requirement.

D. Approval or Denial of Negative Declarations or Mitigated Negative Declaration

With respect to Negative Declarations or Mitigated Negative Declarations, the City Council is the Decision-Making Body and shall have the authority to approve, deny, or take any other action pertaining to the Negative Declaration or Mitigated Negative Declaration.

E. Notice of Determination (PRC, § 21152; Guidelines, § 15075)

After deciding to carry out or approve a Project for which a Negative Declaration or Mitigated Negative Declaration has been approved, the City shall post the Notice of Determination (“NOD”) on the City’s website and file the NOD with the County Clerk within 5 business days. After the NOD has been posted for 30 calendar days by the County Clerk, the County Clerk will return the NOD to the City and the NOD may be removed from the City’s website. The returned NOD must then be retained for not less than 12 months (PRC, § 21152). Filing and posting the NOD starts a 30-calendar day statute of limitations on court challenges to CEQA approvals. Failing to file the NOD within the required period extends the statute of limitations to 180 calendar days. If the Project requires a discretionary approval from any State agency, the NOD shall also be filed with the State Clearinghouse.

X. ENVIRONMENTAL IMPACT REPORTS (EIRs)

The EIR process starts with the Planning Director’s initial decision to prepare an EIR. This decision will be made either during preliminary review (Guidelines, § 15060) or at the conclusion of an Initial Study (Guidelines, § 15064).

A. Decision to Prepare an EIR (PRC, § 21080; Guidelines, § 15063)

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

The Planning Director will determine whether an EIR is required within 30 calendar days of the application being deemed complete. A 15-calendar day extension may be approved upon consent of the Applicant (Guidelines, § 15102).

B. Letter to Applicant

Prior to the preparation and distribution of the Notice of Preparation (“NOP”), the City shall send to the Applicant a letter giving notice of the need for an EIR. Within 15 business days, the Applicant shall notify the City in writing of his/her/their/its agreement to proceed with an EIR, his/her/their/its agreement that an EIR is warranted, and (if applicable) his/her/their/its agreement to enter into the City’s third-party contract for preparation of the EIR. Failure of the Applicant to respond in writing within this period shall result in the scheduling of the Project for hearing before the approving authority with a recommendation of denial without prejudice.

In the letter to the Applicant, the City shall include information regarding the appeal procedure, fees for EIR administration, the scope of the EIR coverage (with the Initial Study, if any, attached), and directions to the Applicant on how to proceed. These directions shall include (if applicable) a description of the City’s consultant selection process and directions regarding the City/Applicant/consultant third-party contract.

C. Scope of an EIR (PRC, § 21080.4; Guidelines, § 15082)

The breadth of analysis in an EIR shall be determined by one or more of the following: the Initial Study, comments of the City staff, and responses to the NOP. The EIR should focus on potentially significant impacts. For Projects of unusual scope or complexity, City staff may hold a community scoping meeting. Pursuant to Guidelines, § 15082, the City shall conduct at least one scoping meeting for Projects of statewide, regional, or areawide significance. In addition, a scoping meeting shall be conducted if the Project may affect highways or other facilities under the jurisdiction of the California Department of Transportation (“Caltrans”) and a meeting is requested by Caltrans. The Lead Agency shall call the scoping meeting as soon as possible, but not later than 30 calendar days after receiving the request from Caltrans.

D. Appeal

If the Applicant wishes to appeal the City’s finding that an EIR is required, the Applicant shall file an appeal within 10 business days of the date of mailing the letter to the Applicant. The Applicant shall submit, along with the appropriate filing fee, a letter specifying the reasons why an EIR should not be required. The appeal shall be filed with the Lead Department. Action on these appeals shall be heard by the Decision-Making Body for the Project. If the Decision-Making Body is the Planning Director or

his/her/their designee, the Planning Director may request that the City Council hear the appeal.

E. Notice of Preparation (Guidelines, § 15082)

Immediately after deciding that an EIR is required, and upon written confirmation of acceptance by the Applicant of the need to prepare an EIR, the City shall prepare and distribute a NOP for the EIR. The NOP shall provide the required information described in State CEQA Guidelines, § 15082, and include a copy of the Initial Study, if any.

The City shall send the NOP to the State Clearinghouse and Responsible and Trustee Agencies, as well as post it on the City's website and file it with the County Clerk. If federal agencies are involved in approving or funding the Project, the NOP shall additionally be sent to those agencies. Except for the State Clearinghouse which has unique submittal requirements, the City shall use either certified mail or any other method of transmittal which provides a record that notice was received when sending copies of the NOP.

NOPs posted on the City's website may be removed after the deadline for Responsible and Trustee Agencies to provide responses closes.

F. Response to Notice of Preparation

Each Responsible and Trustee Agency shall provide a response within 30 calendar days after receiving the NOP. If an agency fails to reply within 30 calendar days with either a response or a request for additional time, the City may assume that the agency has no response to make.

Responses to the NOP shall at a minimum identify:

1. The significant environmental issues and reasonable alternatives and mitigation measures which the Responsible or Trustee Agency will need to have explored in the Draft EIR; and
2. Whether the agency will be a Responsible Agency or a Trustee Agency for the Project.

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

The Applicant may further refine its Project and Project description based upon comments on the NOP.

G. Preparation of Administrative Draft EIR (Guidelines, § 15084)

The Administrative Draft EIR is considered a working document to be circulated among City staff. The purpose of staff review is to evaluate the EIR for adequacy and accuracy prior to public circulation. Generally, review of the Administrative Draft EIR is concluded within a few weeks, after which comments are provided to the City staff or City consultant who prepares the Draft EIR for publication and distribution. The Applicant may further refine its Project and Project description based upon comments from the Planning Director or other City staff.

H. Notice of Completion of a Draft EIR (Guidelines, § 15085)

When the Draft EIR is completed and ready for public circulation, the Draft EIR and a Notice of Completion (“NOC”) shall be posted on the City’s website and filed electronically with the State Clearinghouse. Receipt of this notice and the Draft EIR by the State Clearinghouse will initiate the minimum 30 calendar day public review period. The public review period shall be at least 45 calendar days where a State agency is a Responsible Agency or a Trustee Agency for the Project, when the Project is under the jurisdiction of a State agency, or where the Project is of statewide, regional, or areawide significance.

NOCs posted on the City’s website may be removed after the public review period for the Draft EIR closes.

I. Public Review of Draft EIRs (PRC, § 21091; Guidelines, § 15087)

At the time the NOC is filed with the State Clearinghouse, the City shall provide public notice of the availability of a Draft EIR (“NOA”) on the City’s website and within a newspaper of general circulation in the area affected by the Project. If more than one area is affected, the NOA shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas. The required information to be provided in the NOA is described in State CEQA Guidelines, § 15105.

The NOA shall also be filed with the County Clerk for 30 calendar days.

The NOA shall also be provided by direct mail to owners and occupants of property as shown on the latest equalized assessment role within 1,000 feet of the parcel(s) on which the Project is located. When the number of addresses to which the NOA would be directly mailed exceeds 1,000, the City may alternatively provide an additional public notice within a newspaper of general circulation and mail the NOA to all homeowners’

associations for dwelling units in Laguna Woods within 1,000 feet of the Project location.

The NOA shall also be provided to all individuals who so requested, in writing, notice on the Project.

Copies of the Draft EIR shall be made available for viewing at City Hall during normal working hours and on the City's website, and also furnished to the County's public library system. Copies of the Draft EIR shall be made available for purchase through the City, for the cost of printing.

Notices and Draft EIRs posted on the City's website may be removed after the public review period for the Draft EIR closes.

J. Evaluation of Responses to Comments (PRC, § 21092.5; Guidelines, § 15088)

After the public review period for the Draft EIR closes, City staff and/or the City consultant will assemble all written comments and summary minutes of verbal comments and transmit this package to City staff or a City consultant for preparation of the "Response to Comments." Responses to comments shall ultimately be approved by the Planning Director. City staff and (if applicable) the City consultant will work closely to determine:

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

The City shall provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that public agency at least 10 calendar days before certifying the EIR.

K. Public Hearing on Draft EIR

A public hearing held before the City Council shall be conducted to solicit additional comments on the Draft EIR. It is the City's intent to hold the public hearing on the Draft EIR concurrently with consideration of the

development application(s) for the Project. Notice of the public hearing shall be provided by means set forth in Subsection I., above, and § 15202 of the State CEQA Guidelines. The public hearing shall be scheduled after the public review period for the Draft EIR closes and once all responses to comments have been prepared. For clarity and accuracy of the record, written testimony is encouraged in conjunction with, or in lieu of, oral testimony provided during the public hearing. The City Council may extend the testimony period and/or continue the public hearing, if additional time is warranted.

L. Preparation of the Final EIR (PRC, § 21100; Guidelines, § 15089)

The Final EIR will consist of the unchanged Draft EIR, copies of comments received, the Response to Comments (which includes corrections to any errors in the Draft EIR), and a list of persons and organizations who made comments. The Final EIR shall be available for viewing at City Hall during normal working hours.

M. Findings (PRC, § 21081; Guidelines, § 15091)

The City Council shall not approve or carry out a Project for which a certified EIR identifies one or more significant environmental effects unless written findings for each of the significant effects, accompanied by a brief explanation of the rationale for each finding, are made. Findings must be supported by substantial evidence in the record of Project review. The possible findings are:

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

A Statement of Overriding Considerations does not substitute for these required findings.

N. Consideration of Drafting Findings for Project Approval

After considering the Final EIR, and in conjunction with making findings, the City Council may decide whether or how to carry out the Project. The Project for which the EIR was prepared shall not be approved unless either:

1. The Project, as approved, will not have a significant effect on the environment; or
2. The City has eliminated or substantially lessened all significant effects on the environment where feasible, as shown in the findings, and any remaining significant effects on the environment have been determined to be unavoidable under § 15091 of the State CEQA Guidelines and are acceptable due to overriding concerns as described in § 15093 of the State CEQA Guidelines.

O. Statement of Overriding Considerations (PRC, § 21081; Guidelines, § 15093)

If the benefits of a proposed Project outweigh the unavoidable adverse effects, such significant effects may be considered "acceptable." The City Council shall take into consideration economic, legal, social, technological, and other benefits when determining if the benefits outweigh the significant effects. If the City Council approves a Project that allows the occurrence of significant effects, it shall adopt a Statement of Overriding Considerations, as part of the Project approval, that states specific reasons to support its action based on the certified Final EIR and/or other information in the record. This Statement of Overriding Considerations shall be in writing and supported by substantial evidence in the record. This statement does not substitute for, and shall be in addition to, findings required pursuant to Subsection M. The City staff or City consultant who prepared the Draft and Final EIR, or the Planning Director or his/her/their designee, shall be responsible for drafting the findings, subject to internal review by the City's legal counsel and review and approval by the City Council.

P. Certification of the Final EIR and Time Limits

The City Council shall certify the Final EIR for private Projects within one year of deeming the application for the Project as complete. Upon consent of the Applicant and the City, the one-year limit may be extended a maximum of an additional 90 calendar days. Changes to the Project and or delays by the Applicant in providing necessary information to complete the Final EIR shall suspend these time periods. In certifying the Final EIR, the City Council shall find that the Final EIR was prepared in compliance with

CEQA, was reviewed and considered prior to Project approval, and reflects the independent judgment of the City Council.

Q. Notice of Determination

A NOD shall be posted on the City’s website and filed with the County Clerk within 5 business days of Project approval when an EIR has been prepared and certified for a Project. After the NOD has been posted for 30 calendar days by the County Clerk, the County Clerk will return the NOD to the City and the NOD may be removed from the City’s website. The returned NOD must then be retained for not less than 12 months (PRC, § 21152). Filing and posting the NOD starts a 30-calendar day statute of limitations on court challenges to CEQA approvals. Failing to file the NOD within the required period extends the statute of limitations to 180 calendar days. If the Project requires a discretionary approval from any State agency, the notice shall also be filed with the State Clearinghouse.

XI. MITIGATION MONITORING AND/OR REPORTING PROGRAM (PRC, § 21081.6; GUIDELINES, § 15097)

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

A. Processing of Mitigation Monitoring and/or Reporting Program: Roles and Responsibilities

1. Administrative Responsibilities. It shall be the overall responsibility of the Planning Director or his/her/their designee to perform the duties of Mitigation Coordinator.
2. Selection of Monitor. The Planning Director or the Director’s designee may hire the person(s) or firm(s), in consultation with the Project developer, to monitor the mitigation monitoring and reporting program for each Project. In all cases, the person(s) or firm(s) responsible for monitoring shall have sufficient expertise to determine whether or not the mitigation measure has been accomplished. The Applicant shall be responsible for payment of all fees and costs associated with Project monitoring.
3. Mitigation Monitoring and Reporting Program (“MMRP”). The MMRP shall be made a part of the certified Mitigated Negative

Declaration or Final EIR prior to Project approval, or shall otherwise be implemented to the satisfaction of the Planning Director.

If the required MMRP has not been prepared as part of the preparation of the Mitigated Negative Declaration or EIR, the Planning Director shall cause the MMRP to be prepared at the expense of the Applicant, prior to Project approval.

4. Monitoring Responsibility. The Mitigation Coordinator shall be responsible for:
 - (a) Coordinating the monitoring tasks and verification program;
 - (b) Ensuring that the Applicant prepares a compliance schedule;
 - (c) Coordinating monitoring by various City departments and other agencies;
 - (d) Processing and filing compliance reports and verification reports;
 - (e) Ensuring that the Applicant provides a deposit to fund the mitigation monitoring program; and
 - (f) Preparing an environmental monitoring report that is periodically reviewed until all mitigation measures have been implemented as required.

The Mitigation Coordinator shall submit regular progress and verification reports to the Planning Director.

B. Preparation of a Mitigation Monitoring and/or Reporting Program

An MMRP shall be prepared by the EIR consultant for every Project for which an EIR or Mitigated Negative Declaration was prepared where mitigation measures were adopted by the approving body. The MMRP shall be reviewed and accepted by the Lead Department prior to its implementation and use. The MMRP shall contain the following:

1. A statement that the requirements of the adopted MMRP run with the real property on which the Project is located. Successive

owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted MMRP.

2. A statement which specifies the responsibilities of the Applicant and the Mitigation Coordinator or his/her/their designee, as well as any professional expertise on completion or evaluation of any part of the MMRP.
3. The time requirements, schedule, phases, or tasks for each mitigation measure that will, upon completion, result in the issuance of an MMRP completion letter from the Mitigation Coordinator.

The MMRP shall be written to maintain consistency with the Project as approved. It shall be the responsibility of the Mitigation Coordinator to determine that the proposed MMRP complies with City requirements.

C. Enforcement Responsibility

The Mitigation Coordinator is authorized to enforce compliance with the MMRP. When compliance is lacking or incomplete, the Mitigation Coordinator is empowered to either stop work, temporarily stop work, or allow work to continue while compliance is being achieved.

D. Program Completion Letter

It shall be the responsibility of the Mitigation Coordinator to determine compliance with each of the required mitigation measures. Once all of the mitigation measures have been met, the Mitigation Coordinator will prepare and mail a letter to the Applicant indicating full compliance with the MMRP for the Project or phase. Should there be an ongoing mitigation measure imposed, the Mitigation Coordinator shall prepare and mail a letter to the Applicant indicating the ongoing need for the mitigation measure and the necessary time frame for follow-up.

E. Compliance With State CEQA Guidelines § 15097

MMRPs shall be consistent with the State CEQA Guidelines § 15097.