APPENDIX F4

Fehr & Peers Memorandum, January 24, 2011

FEHR & PEERS
TRANSPORTATION CONSULTANTS

Memorandum

Date: January 24, 2011

To: Susan Tebo – Impact Sciences, Inc.

From: John Gard, P.E. – Fehr & Peers JG

Subject: ***Canyon Park Boulevard/Jakes Way Intersection*** ***RS08-2605***

This memorandum provides additional supporting data and clarification regarding the conclusion reached in the *Transportation Impact Study for Vista Canyon Transit-Oriented Development* (May 2010) ("Traffic Study") that project impacts would be less than significant at the Canyon Park Boulevard/Jakes Way intersection, as also reported in the *Vista Canyon Draft Environmental Impact Report* ("DEIR") (October 2010). This memorandum has been prepared in response to a DEIR comment letter (dated November 17, 2010) from the Los Angeles County Department of Public Works, which included a statement that they believed the impact at this intersection should be considered significant.

Background

The Canyon Park Boulevard/Jakes Way intersection is currently situated in unincorporated Los Angeles County, but would be annexed into the City of Santa Clarita with approval of the proposed project and the ancillary annexations. The intersection features stop-control on the Jakes Way approach. Consistent with the *Highway Capacity Manual – HCM* (Transportation Research Board, 2000), the LOS reported in the Traffic Study and DEIR is based on the minor-street movement with the greatest delay (rounded to the nearest second per conventional practice).

Table 1 displays expected AM and PM peak hour operations at the Canyon Park Boulevard/Jakes Way intersection under Santa Clarita Valley Consolidated Travel Demand Model "interim" conditions, without and with the proposed project, as reported in the Traffic Study and DEIR. As shown, the project would worsen the minor street movement from LOS C to D during the AM and PM peak hours.

The Traffic Study did not report this as a significant impact because, as further explained below, this result is based on a Peak Hour Factor ("PHF") 15-minute analysis. When the entire peak hour is considered, which is the time period the City of Santa Clarita uses to evaluate intersection LOS, the intersection would operate at LOS C. Therefore, the Traffic Study and DEIR correctly reported that the project would not result in a significant impact at the intersection.

Table 1 – Operations at Canyon Park Boulevard/Jakes Way Intersection under Interim Conditions

Intersection	Average Delay – Level of Service during AM (PM) Peak Hour	
	No Project	Plus Project
Canyon Park Boulevard/Jakes Way	18 – C (18 – C)	33 – D (33 – D)

Note: Applies Peak Hour Factor – resulting operations reflect peak 15-minute conditions.
Source: Table 4.3-11 of *Vista Canyon Draft EIR* (2010)

Significance Threshold Criteria

Page 4.3-33 of the DEIR describes the typical criteria used by the City of Santa Clarita to determine the significance of project impacts at intersections within the City. Impacts to the roadway system are considered significant if the project would:

- Cause the following increase in delay at an intersection maintained by the City of Santa Clarita that operates (with the project) at LOS D or worse:
  - LOS D with the project: more than 4-second increase in delay is significant
  - LOS E or F with the project: more than 2-second increase in delay is significant

Policies from the City of Santa Clarita were applied because the Canyon Park Boulevard/Jakes Way intersection would be annexed into and maintained by the City if the project were approved. The above thresholds were obtained from the CEQA Guidelines resolution adopted by the Santa Clarita City Council in April 2005. The actual resolution makes no distinction between thresholds of significance for signalized versus unsignalized intersections. However, the repeated reference in the resolution to "v/c ratio" indicates that the thresholds are intended for signalized intersections, as "v/c ratio" is not applicable to unsignalized intersections. (A copy of the City resolution is attached.)

Additionally, the "v/c ratio" reference for signalized intersections is associated with the use of the Intersection Capacity Utilization (ICU) analysis method, which determines the LOS at an intersection for the entire peak hour (i.e., a PHF is not applied). Therefore, it can be inferred that the threshold referenced above was intended to apply over the entire peak hour. See for example, DEIR Page 4.3-16, in which conditions at the Sand Canyon Road/Lost Canyon Road intersection, an unsignalized intersection located within Santa Clarita, are reported on an hourly basis.

Supporting Evidence and Data for Finding of Less Than Significant Impact

The Traffic Study and DEIR did not report a significant impact at the Canyon Park Boulevard/Jakes Way intersection because the intersection would operate at an acceptable LOS C for the entire AM and PM peak hour periods (see Table 2 and attached calculations). Accordingly, project impacts are considered to be less than significant. The FEIR will reflect the correct result at this intersection.

The DEIR conclusion of no significant impact is further justified by examining conditions at the intersection. Projected traffic volumes under project buildout/interim conditions do not satisfy the peak hour traffic volume warrant for consideration of a traffic signal. The majority of project trips at this intersection are added to the southbound left-turn movement, and the resulting PM peak hour volume can be accommodated within the 100 feet of storage that is provided. The fact that no physical improvements are needed at the intersection further substantiates the Traffic Study and DEIR conclusion that the project would not result in a significant impact at the Canyon Park Boulevard/Jakes Way intersection.

Table 2 – Interim Plus Project Operations at Canyon Park Boulevard/Jakes Way Intersection

Intersection	Average Delay – Level of Service during AM (PM) Peak Hour	
	Entire Peak Hour	Busiest 15-Minutes of Peak Hour
Canyon Park Boulevard/Jakes Way	22 – C (25 – C)	33 – D (33 – D)

Attachment – Technical Calculations

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	172	210	230	50	110	249
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (vph)	172	210	230	50	110	249
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
Upstream signal (ft)		580				
pX, platoon unblocked						
vC, conflicting volume	280				704	140
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	280				704	140
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	87				66	72
cM capacity (veh/h)	1294				326	889

Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	SB 1	SB 2
Volume Total	172	105	105	153	127	110	249
Volume Left	172	0	0	0	0	110	0
Volume Right	0	0	0	0	50	0	249
cSH	1294	1700	1700	1700	1700	326	889
Volume to Capacity	0.13	0.06	0.06	0.09	0.07	0.34	0.28
Queue Length 95th (ft)	11	0	0	0	0	36	29
Control Delay (s)	8.2	0.0	0.0	0.0	0.0	21.6	10.6
Lane LOS	A						B
Approach Delay (s)	3.7			0.0		14.0	
Approach LOS						B	

22 secs/veh LOS C

Intersection Summary			
Average Delay	6.3		
Intersection Capacity Utilization	33.6%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	247	240	210	90	60	174
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (vph)	247	240	210	90	60	174
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
Upstream signal (ft)		580				
pX, platoon unblocked						
vC, conflicting volume	300				869	150
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	300				869	150
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	81				75	80
cM capacity (veh/h)	1273				238	876

Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	SB 1	SB 2
Volume Total	247	120	120	140	160	60	174
Volume Left	247	0	0	0	0	60	0
Volume Right	0	0	0	0	90	0	174
cSH	1273	1700	1700	1700	1700	238	876
Volume to Capacity	0.19	0.07	0.07	0.08	0.09	0.25	0.20
Queue Length 95th (ft)	18	0	0	0	0	24	18
Control Delay (s)	8.5	0.0	0.0	0.0	0.0	25.2	10.1
Lane LOS	A						B
Approach Delay (s)	4.3			0.0		14.0	
Approach LOS						B	

25 secs/veh LOS C

Intersection Summary			
Average Delay	5.3		
Intersection Capacity Utilization	35.7%	ICU Level of Service	A
Analysis Period (min)	15		

LOCAL GUIDELINES

LOCAL GUIDELINES AND PROCEDURES FOR IMPLEMENTATION OF THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS ADOPTED BY CITY COUNCIL FOR THE CITY OF SANTA CLARITA PURSUANT TO RESOLUTION 05-38 ON APRIL 26, 2005

SECTION 1. Definitions.

A. "Applicant" - The person, entity, City department, or agency which has made application to the City for review or approval of any activity which is deemed a Project pursuant to the CEQA Guidelines or these Local Guidelines.

B. "CEQA" – Shall refer to the California Environmental Quality Act, commencing with § 21000 *et. al.* of the State of California Public Resources Code.

C. "CEQA Guidelines" – Shall refer to the Guidelines for California Environmental Quality Act, commencing with § 15000 *et al.* of the California Code of Regulations, Title 14, Chapter 3.

D. "City" – The City of Santa Clarita, California.

E. "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.

F. "Discretion" or "Discretionary" - The Decision-making body's exercise of judgment or deliberation regarding a decision to approve 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.

G. "Environmental Officer" - The Director of Planning and Economic Development, or his designee (who may include a consultant hired by the City or Project proponent), who shall have overall responsibility for City CEQA functions. As used in these Local 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.

H. "Lead department" - The Department of Planning and Economic Development, which shall serve as clearinghouse for the purposes of processing and coordinating environmental review for the City.

I. "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 agency or official merely applies the particular law or regulation to the facts.

J. "Project" - Any activity which creates, or has potential to create, physical change to the City's environment as guided by § 15378 of the CEQA Guidelines or as further defined in these Local Guidelines.

K. "Project manager" – The officer who shall take direction from the Environmental Officer and be responsible for carrying out a City Project or reviewing a Project submitted to the City for processing.

SECTION 2. Delegation of Responsibility.

A. Responsibilities of the Environmental Officer.

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

(1) Ensuring that the Local Guidelines set forth in this document are strictly adhered to;

(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 is a Project under CEQA;

(4) Reviewing the application and Project for completeness;

(5) Determining the level of environmental review of the Project in accordance with CEQA, the CEQA Guidelines, City Council policy and as defined in these Local Guidelines;

(6) Preparing, processing and filing 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 Guidelines;

(8) Ensuring that all CEQA processing time limits are met;

(9) Determining the adequacy of an EIR or Negative Declaration; 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 CEQA Guidelines.

B. Responsibilities of the Project Managers.

The Project Manager shall assist the Environmental Officer in carrying out the activities required by these Local Guidelines, as well as to ensure timely submission of all Project information needed by the Environmental Officer to conduct the responsibilities denoted in SECTION 2.A.

SECTION 3. Exemptions From Environmental Review.

A. Review for Exemption.

The City may exempt from CEQA review the statutory exemptions commencing with § 15260 of the CEQA Guidelines, the categorical exemptions commencing with § 15300 of the CEQA Guidelines, the general rule exemptions pursuant to § 15061(b) of the CEQA Guidelines, and the Ministerial Projects listed below in SECTION 3.B. Any Project not specifically meeting one of these exemptions is subject to the provisions of CEQA at the determination of the Environmental Officer.

B. Ministerial Projects.

Activities over which the City has Ministerial authority and that are exempt from environmental review under § 21080(b)(1) of CEQA include, but are not limited to, those Ministerial Projects as defined by § 15268 of the CEQA Guidelines as well as the following Ministerial Projects:

(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) Approval of Construction Fencing.

(4) Approval of Curb, Gutter or Sidewalk Construction or Reconstruction.

(5) Issuance of a Demolition Permit for removal of structures with no archaeological or historical significance (in the General Plan as established by the Applicant).

(6) Approval of Driveway Construction or Reconstruction.

(7) Issuance of an Encroachment Permit.

(8) Issuance of an Electrical Permit.

(9) Approval of a Fire Extinguisher System and/or Alarm.

(10) Approval of a Fire Hydrant Installation.

(11) Approval of a Heating, Air Conditioning and/or Refrigeration Installation.

(12) Approval of a House Move.

(13) Approval of an Individual Water Service Installation.

(14) Approval of an Internal Tenant Improvement which does not result in, or perpetuate, a change in land use or an unmet parking need, nor exceed the thresholds for exemption stated in SECTION 6.B.(1) above.

(15) Issuance of a Plumbing Permit.

(16) Approval of a Soil Boring.

(17) Approval of Street Lights.

(18) Issuance of a Temporary Permit of less than thirty (30) days for the purpose of tree sales, pumpkin sales, garage sales and similar temporary uses of a localized nature.

C. Notice of Exemption.

(1) Decision to File Notice. Except as provided in § 21152.1(a) of the Public Resource Code, the preparation and filing of a Notice of Exemption is not mandatory under CEQA and the CEQA Guidelines. However, a Notice of Exemption may be prepared and filed at the Discretion of the Environmental Officer, and shall follow the form and manner required by § 15062 of the CEQA Guidelines.

(2) Request for Notice. A copy of the Notice of Exemption shall be mailed to any person who has filed a written request for such notice with the Environmental Officer. Requests to receive Notices of Exemption shall be renewed annually by the requester.

(3) Fees. Requests for a Notice of Exemption are subject to a fee which is reasonably related to the costs of providing this service.

SECTION 4. Initial Study Procedure.

A. Initial Study Purpose.

Pursuant to § 15063(c) of the 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 of environmental impact or an Environmental Impact Report ("EIR") shall be prepared.

B. Initial Study Preparation.

(1) If a Project is not exempt from the provisions of CEQA, an Initial Study shall be prepared for that Project by a designee as determined by the Environmental Officer pursuant to § 15063 of the CEQA Guidelines and will be circulated pursuant to § 15063(g) of the CEQA Guidelines.

(2) If the Environmental Officer determines that an EIR will be required, the Initial Study should be prepared for purposes of scoping the areas of environmental impact or potential impact to be studied by the EIR.

(3) The Initial Study may be prepared in consultation with other departments. Project information may be circulated to other departments for review and comment, and written comments or recommendations received may be used by the Environmental Officer to assist in determining whether a Project may have an adverse effect on the environment.

(4) If a state or federal responsible or trustee agency requests that the City prepare an Initial Study for a Project not normally requiring environmental review by the City, the Initial Study may be prepared at the Environmental Officer's discretion.

C. Initial Study Determination and Findings.

(1) If the Initial Study determines that there is no substantial evidence that any aspect(s) of a Project, individually or cumulatively, with or without revision or mitigation, may cause or result in a significant effect on the environment, a Negative Declaration shall be prepared pursuant to SECTION 5 of these Local Guidelines.

(2) If the Initial Study determines that there is substantial evidence that any aspect(s) of a Project, individually or cumulatively, may cause or result in a significant effect on the environment, an EIR shall be prepared, pursuant to SECTION 6 of these Local Guidelines.

(3) The Initial Study shall, in making either of the above determinations, make appropriate mandatory findings pursuant to § 15065 of the CEQA Guidelines.

D. Determining Significant Effect.

Determination of significant effect on the environment shall be made by the Environmental Officer pursuant to § 15064 of the CEQA Guidelines, and as set forth in SECTION 4.E. of these Local Guidelines.

E. Thresholds of Significance.

(1) Thresholds for determining the significance of the environmental effect of a Project shall be pursuant to §§ 15064, 15064.5, and 15065 of the CEQA Guidelines, the City's General Plan, applicable specific plans, the Municipal Code, and any additional information as deemed necessary by the Environmental Officer. In addition, pursuant to § 15064.7 of the CEQA Guidelines, specific thresholds include, but are not limited to, the following:

(a) Traffic increases at any location where the volume-to-capacity (V/C) ratio increases more than two percentage points (0.02) and where the final ratio is less than 89 percent (0.89; Level of Service E).

(b) Traffic increases at any location where the V/C ratio increases more than one percentage point (0.01) and where the final ratio is 90 percent (0.90; Level of Service F) or greater.

(c) Removal of any heritage oak tree, as defined in Unified Development Code § 17.17.090, removal of more than five (5) oak trees for a project on a site that has an existing single-family residence, or the removal of more than three (3) oak trees, proposed as part of any other project.

(d) Disturbance of, or encroachment into, any river, river tributary, riparian habitat, stream or similar waterway identified on a United States Geologic Survey map as a "blue-line" watercourse, or any waterway otherwise identified as a significant resource by the City of Santa Clarita.

(e) Disturbance of any habitat known or suspected to contain a plant or animal species listed as endangered on such Federal and/or State lists.

(f) Movement or grading of earth exceeding 100,000 cubic yards.

(g) Disturbance to any Significant Ecological Area (SEA) as identified by the City of Santa Clarita.

(h) Changes to the topography of a Primary or Secondary Ridgeline.

(i) The most recent air quality thresholds as determined by the South Coast Air Quality Management District, as published in its "Air Quality Analysis Guidance Handbook."

(2) If it is identified that approval of a Project would cause one or more minimum thresholds of significance to be exceeded, the Project shall be determined to have a significant effect on the environment. In such cases, the Applicant shall be required to mitigate the significant effect(s) of the Project in one or more of the following ways:

(a) Project modification or revision.

(b) Identification and incorporation of mitigation measures.

(c) Additional environmental analysis.

D. Consultation.

Pursuant to §§ 15063(g) and 15022(5) of the CEQA Guidelines, the lead agency, as soon as an initial study is determined to be required, shall initiate informal consultation with known responsible and trustee agencies to obtain the recommendation of those agencies as to whether an EIR, Negative Declaration, or Mitigated Negative Declaration should be prepared.

SECTION 5. Negative Declaration Procedure / Mitigated Negative Declaration Procedure.

A. Negative Declaration / Mitigated Negative Declaration Type.

(1) A proposed Negative Declaration ("ND") or Mitigated Negative Declaration ("MND") for a Project shall be prepared pursuant to § 15070(a) or § 15070(b) of the CEQA Guidelines.

(2) If a Negative Declaration is prepared pursuant to § 15070(b), revisions in the Project plans made by or agreed to by the Applicant shall be reviewed and approved by the Environmental

Officer. If mitigation measures are proposed to reduce potential environmental effects, such measures shall be incorporated into the Project's conditions of approval, shall be made part of a mitigation monitoring and reporting program, or shall otherwise be implemented to the satisfaction of the Environmental Officer.

B. Notice of Intent to Adopt a Negative Declaration and Public Review.

(1) A Notice of Intent to Adopt a Negative Declaration shall be prepared, and the public shall be notified, pursuant to § 15072 of the CEQA Guidelines, and shall include any additional information as may be required by the Environmental Officer.

(2) The public review period of the Negative Declaration shall be pursuant to §§ 15073 and 15105 of the CEQA Guidelines.

C. Consideration and Approval of the Negative Declaration.

(1) Upon completion, the Negative Declaration shall be forwarded to the Decision-making body for consideration and action pursuant to § 15074 of the CEQA Guidelines.

(2) If a public hearing is required for a Project action other than the Negative Declaration, said hearing shall be conducted in accordance with current Municipal Code procedures and include mention of the proposed Negative Declaration. The Negative Declaration shall be considered concurrently with the Project application.

(3) If no public hearing is required for Project action, the Environmental Officer shall, after public circulation, consider the Negative Declaration as part of the overall Project approval.

(4) During its consideration of a Negative Declaration, the Planning Commission, when reviewing a Project in an advisory capacity, may at its Discretion, recommend to the Environmental Officer that an EIR be prepared for the Project.

(5) After a Negative Declaration has been approved, the Environmental Officer shall file a Notice of Determination pursuant to § 21152 of CEQA and § 15075 of the CEQA Guidelines.

SECTION 6. Environmental Impact Report Procedure.

The decision to prepare an EIR shall be made either during preliminary review under § 15060 of the CEQA Guidelines or at the conclusion of an initial study after applying the standards described in § 15064 of the CEQA Guidelines.

A. Notice of Preparation.

(1) After determining that an EIR is required, a Notice of Preparation ("NOP") for an EIR shall be prepared, filed and distributed pursuant to § 15082 of the CEQA Guidelines and § 21080.4 of CEQA, and shall include any additional information as may be required by the Environmental Officer.

(2) After the determination to prepare an EIR has been made, but prior to the circulation of the NOP, the Environmental Officer shall require submittal by the Project proponent of all fees needed to adequately prepare and administer the EIR. The Project proponent shall be notified as soon as possible if the Project will require fees in excess of the amount originally estimated by the Environmental Officer. The Environmental Officer reserves the right to require submittal of the excess fees, prior to or at the conclusion of the CEQA process.

(3) If the City is a responsible agency under CEQA, within 30 days after receiving a NOP from a lead agency, it shall provide the lead agency with the information required by § 15082(b) of the CEQA Guidelines, and whatever other information the Environmental Officer deems appropriate.

(4) One or more scoping meetings may be required or requested pursuant to §.15082(c).

B. Preparation of the Draft EIR.

(1) It shall be the responsibility of the Environmental Officer to prepare the draft EIR in accordance with § 15084 of the CEQA Guidelines. One or more of the following methods shall be used for preparing the draft EIR, at the Discretion of the Environmental Officer:

(a) Direct preparation, with Lead department and City staff, at the Project Applicant's expense.

(b) Contractual agreement with another entity, public or private, to prepare the draft EIR at the Project Applicant's expense.

(c) Incorporation of a final EIR previously prepared and certified by the City into the Project's environmental review if, in the determination of the Environmental Officer, the previously certified EIR adequately addresses the effects of the Project.

(2) If the draft EIR is to be prepared under contract pursuant to SECTION 6.B.(1)(b) of these Local Guidelines, such contract shall be the result of a standardized competitive bid process (Request For Proposal or Qualifications, for example) as established by City procedures or by the Environmental Officer for this purpose.

(3) The Environmental Officer shall require the Applicant to submit all funds required to prepare the EIR, pursuant to SECTION 6.A.(2) and SECTION 8.D. of these Local Guidelines. Failure to submit required funds will result in processing time line suspension until such funds are submitted, and may be cause for Project denial.

(4) The Environmental Officer may require the Applicant to supply information to assist in the preparation of the draft EIR. Failure to submit requested information will result in processing time line suspension until such information is submitted, and may be cause for Project denial.

(5) The Environmental Officer shall consider all information or comments submitted pursuant to § 10584 of the CEQA Guidelines. Information may be submitted in any form and may be referenced, paraphrased or included in whole or in part in the draft EIR.

C. Notice of Completion of the Draft EIR.

(1) Upon completion of the draft EIR, the Environmental Officer shall file a Notice of Completion ("NOC") pursuant to § 15085 of the CEQA Guidelines.

(2) In addition to the noticing requirements of § 15085 of the CEQA Guidelines, the Environmental Officer shall provide public notice of the availability of the draft EIR at the same time the NOC is filed in a manner pursuant to § 15087 of the CEQA Guidelines. Notice may be mailed to owners of property within 500 feet of the Project area and shall be mailed to the last known name and address of all organizations and individuals who, in writing, have previously requested such notice. Additional notification may also be given in any manner at the Discretion of the Environmental Officer.

D. Consultation.

The Environmental Officer shall identify, consult with, and request comments from all agencies and individuals as required under § 15086 of the CEQA Guidelines.

E. Public Review of the Draft EIR.

(1) At the time the NOC is prepared and filed, the Environmental Officer shall provide public notice of the availability of the draft EIR pursuant to §§ 15087 and 15105 of the CEQA Guidelines. The public review period shall generally be for a period of forty-five (45) days from the date of the NOC.

(2) If an Applicant can provide sufficient information to show that a shortened public review period is of benefit to the City and the Project, the Environmental Officer shall have the Discretion to make such request to the State Clearinghouse, pursuant to § 15105 of the CEQA Guidelines, for a shortened review period of not less than thirty (30) days.

F. Public Hearing.

(1) Upon completion of the public review period, the draft EIR shall be forwarded to the Decision-making body for review and a determination of whether a public hearing is warranted. If warranted, a public hearing shall be conducted by the Decision-making body. The time, date, and location of the public hearing shall be noticed with sufficient time preceding the hearing. After all individuals and agencies present at the hearing have had an opportunity to provide oral comments, the public hearing on the draft EIR shall be closed. The lead agency shall refer all comments to the Environmental Officer to be combined with all written comments received during the draft EIR comment period for the preparation of responses.

(2) If a public hearing is required for a Project action other than the EIR, said hearing shall be conducted in accordance with current Municipal Code procedures and include mention of the proposed EIR. The EIR shall be considered concurrently with the Project application. At the City's Environmental Officer discretion, the EIR may be brought for certification prior to project approval.

G. Evaluation and Response to Comments.

(1) Transmittal of Comments. After the review period for the draft EIR closes, all comments submitted in writing (on paper or through e-mail) and minutes summarizing oral comments made at the public hearing shall be transmitted to the Environmental Officer and the Project manager or consultant responsible for preparation of the Project's environmental documents, for preparation of preliminary draft responses.

(2) Preparation of Revised Draft EIR. After reviewing preliminary draft responses to the comments received, the Environmental Officer shall determine if there are sufficient changes to the Draft EIR to warrant the preparation of a Revised Draft EIR that incorporates all the changes. At this time, it shall also be determined whether any significant new information will be added to the EIR warranting recirculation of all or a portion of the EIR pursuant to § 15088.5 of the CEQA Guidelines.

(3) Transmittal of Draft Responses to Commentators. At least ten (10) days prior to consideration of certification of the Final EIR, the Environmental Officer shall cause to be sent to each agency that has commented on the EIR the draft responses to that agency's comments.

H. Preparation of the Final EIR.

(1) It shall be the responsibility of the Environmental Officer to prepare the final EIR pursuant to § 15089 of the CEQA Guidelines. The final EIR shall include all information specified in § 15132, et seq., of the CEQA Guidelines, and any other information required by the Environmental Officer.

(2) Review of the final EIR by the public and/or by commenting agencies before the Project is approved may be provided at the Environmental Officer's Discretion.

I. Certification of the Final EIR.

(1) Upon its completion, the final EIR shall be presented to the Decision-making body and that body shall certify the final EIR pursuant to § 15090 of the CEQA Guidelines.

(2) If a Project is composed of more than one entitlement, and more than one Decision-making body is involved in approving such entitlements, each body shall be responsible for recommending certification of the final EIR for those entitlements over which it has advisory responsibility, if any, and for certifying the final EIR for those entitlements over which it has final approval authority.

(3) If a final EIR is certified, such certification shall be in the form of a resolution of the Decision-making body.

J. Findings

(1) Preparation of Draft Findings for Project Approval. When a Decision-making body is recommending approval of a Project, the Environmental Officer shall cause to be prepared draft written

findings pursuant to § 15091 of the CEQA Guidelines for any Project for which the EIR identifies one or more significant environmental effects. A statement made pursuant to this section does not substitute for the requirements set forth in § 15093 of the CEQA Guidelines.

(2) Consideration of Findings and Project. The Decision-making body shall not approve a project unless written findings are made for each of the significant effects, accompanied by a brief explanation of the rationale for each finding. After considering the Final EIR and in conjunction with making findings, the Decision-making body may decide whether or how to carry out the Project. The Project for which the EIR was prepared shall not be approved unless either:

(a) The Project as approved will not have a significant effect on the environment; or

(b) 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 CEQA Guidelines and acceptable due to overriding concerns as described in § 15093 of the CEQA Guidelines.

(3) Mitigation Monitoring and Reporting Program ("MMRP"). When making the findings, the Decision-making body shall adopt a MMRP for the changes to the Project, which it has adopted or made a condition of Project approval in order to substantially lessen or avoid significant effects on the environment. The MMRP shall be designed to ensure compliance during Project implementation. In preparing the MMRP, the City may use the information contained in the draft MMRP that it receives from trustee agencies. The MMRP is pursuant to SECTION 7 of these Local Guidelines and § 15097 of the CEQA Guidelines.

(4) Statement of Overriding Considerations. If the benefits of a proposed Project outweigh the unavoidable adverse effects, such effects may be considered "acceptable." If the City approves a Project that allows the occurrence of significant effects, it shall adopt a Statement of Overriding Considerations, pursuant to § 15093 of the CEQA Guidelines, that states specific reasons to support its action based on the final EIR and/or other information in the record. Preparation of a statement of overriding considerations does not substitute for, and shall be in addition to, findings required pursuant to CEQA Guidelines § 15091.

(5) Preparation of Draft Findings for Project Denial. When a Decision-making body is recommending denial of a Project, the Environmental Officer shall cause to be prepared one or more written findings discussing the rationale for Project denial.

K. Notice of Determination.

(1) Upon certification of the final EIR, and approval of the Project for which the EIR was prepared, the Environmental Officer shall file a Notice of Determination ("NOD") pursuant to § 15094 of the CEQA Guidelines.

(2) The Environmental Officer may provide public notice of the availability of the final EIR at the same time the NOD is filed. Notice may be mailed to owners of property within 500 feet of the Project area and to all organizations and individuals who have previously requested such notice. Notice may also be given in any additional manner at the Discretion of the Environmental Officer.

SECTION 7. Mitigation Monitoring and Reporting Program ("MMRP").

A. If a MMRP is required by the Negative Declaration or EIR prepared for a Project, it shall be made pursuant to § 15097 of the CEQA Guidelines.

B. The MMRP shall be, at the Discretion of the Environmental Officer, made a part of the certified final EIR or Negative Declaration prior to Project approval, or shall be made part of a binding agreement which shall be recorded, or shall otherwise be implemented to the satisfaction of the Environmental Officer.

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

D. At the discretion of the Environmental Officer, standardized policies and requirements to guide monitoring or reporting programs may be adopted pursuant to 15097(e) of the CEQA Guidelines.

SECTION 8. Administration.

A. Environmental Processing Time Periods.

Preparation, review and filing of environmental documents and notices shall be consistent with the time periods provided by § 21151.5 of CEQA, § 15109 of the CEQA Guidelines, the State Clearinghouse, these Local Guidelines, and other applicable statutes.

B. Suspension of Time Periods.

(1) Pursuant to § 15109 of the CEQA Guidelines, any delay by a Applicant in meeting requests by the Environmental Officer necessary for the preparation of a Notice of Exemption, Initial Study, Negative Declaration or an EIR shall suspend the running of the time periods for Project processing for the period of the delay, at the Discretion of the Environmental Officer. Unreasonable or repeated delays may be cause for Project denial.

(2) Notification that a time period has been suspended shall be provided in writing by the Environmental Officer.

(3) The notification of time period suspension shall contain, at a minimum, the specific reason(s) for the suspension, the effective date of the suspension, and the action(s) needed from the Applicant to reinstate the running of the time period.

(4) Time periods shall automatically be deemed suspended upon the filing of any appeal of any decision of a Decision-making body to prepare or certify, if applicable, a Notice of Exemption, Initial Study, Negative Declaration or EIR, and shall remain suspended until the body hearing the appeal renders a decision.

C. Projects With Short Time Periods For Approval.

If a statute or ordinance requires the City to make decisions on permits within time limits that are so short that review of the Project under CEQA would be difficult, the Environmental Officer shall deem an application for a Project not received for filing, under the permit statute or ordinance, until such time as progress toward completing the environmental documentation required by CEQA is sufficient to enable the City to finish the CEQA process within the short permit time limit. This Section will apply to situations in which all of the following conditions are met:

(1) The enabling legislation for a program, other than Chapter 4.5 (commencing with § 65920) of Division 1 of Title 7 of the Government Code, requires the City to take action on an application within a specified period of time that is six (6) months or less; and

(2) The enabling legislation provides that the Project will become approved by operation of law if the City fails to take action within such specified time period; and

(3) The Project involves the issuance of a lease, permit, license, certificate or other entitlement for use.

In any case subject to this Section, the environmental document shall be completed or certified and the decision on the application shall be made within one (1) year from the date on which an application requesting approval of such Project has been received and accepted as complete for CEQA processing by the City. This one (1) year time limit may be extended once for a period not to exceed ninety (90) days upon consent of the City and the Applicant. If a legislative act is associated with the project then the one year time line is not applicable per PRC 21151.5 and 21065 subdivision (c).

D. Fees.

If a Project is to be carried out by any person or entity other than the City, the Environmental Officer shall assess, and such person or entity shall pay, a reasonable fee to the City to cover the costs of City CEQA processing. Such fees shall include, but are not limited to: administrative costs to review the Project pursuant to CEQA; costs to prepare any document determined by the Environmental Officer to be necessary for the preparation of the Initial Study; and costs to prepare a subsequent Negative Declaration, EIR, Mitigation Monitoring and Reporting Program or similar document. Such fees shall be assessed as set forth by resolution of the City Council and, in the case of preparation of environmental information under contract by City staff or a third party, by the Director of Planning and Economic Development.

E. Appeals.

The decision of the Environmental Officer, with respect to the Categorical Exemption, Initial Study determination, approval of a Negative Declaration, or decision to require an EIR or the level of analysis of an EIR, may be appealed to the Planning Commission in the same manner that the decision to approve or disapprove the proposed Project may be appealed pursuant to the Municipal Code. The final decision on an appeal relating to the CEQA determination on a Project rests with the Decision-making body which has final authority for approval or denial of that Project.