City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act

Public Resources Code 21000 et. seq. and CEQA Guidelines
(California Code of Regulations, Title 14, Section 15000 and following)

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Prepared by City of Moreno Valley
Community Development Department

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Amendment Tracking

Acknowledgments

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Attachment

Introduction

State law requires that every lead agency have defined rules or guidelines to implement the California Environmental Quality Act of 1970 (CEQA). The laws and rules governing the CEQA process are contained in the CEQA statute, Public Resources Code (PRC) §§21000 and following, the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following, referred to as "Guidelines" herein), and locally adopted CEQA procedures. This document represents the City of Moreno Valley's (City) "Rules and Procedures for the Implementation of CEQA" hereinafter referred to as the CEQA Rules & Procedures, and is intended to update and replace, in its entirety, the previous City guidance document dated December 20, 1988 and as amended in 1992. These CEQA Rules & Procedures shall be applicable to all City Department(s) that have responsibilities under CEQA as either a "Lead Agency" or a "Responsible Agency." The Community Development Department is hereby designated as the principal "Lead Agency" Department for the City with respect to CEQA compliance.

Section 1 Purpose

These CEQA Rules and Procedures provide guidance to City Departments in the implementation of CEQA and the Guidelines. They are intended to provide objective and specific direction for the processing of projects pursuant to CEQA and to ensure the City produces consistent and adequate environmental documents.

These procedures are not meant to replace the State Guidelines but to implement and tailor the general provisions of the State Guidelines to the specific operations of the City. The City may administer its responsibilities under CEQA in any manner which meets the requirements of CEQA, notwithstanding the specific procedures and provisions set forth in these procedures. If any of these procedures are in conflict with or contrary to any provision of the State Guidelines as they exist or may be amended hereafter, the State Guidelines shall take precedence.

Section 2 CEQA Basics and Definitions

2.1 What is CEQA?

The California Environmental Quality Act (CEQA) is a State law that is intended to provide disclosure of the potential environmental impacts that may result from implementation of a project to both the public and decision maker. If a project subject to CEQA will not cause any significant adverse environmental impacts, a public agency may adopt a brief document known as a Negative Declaration (ND) or a Mitigated Negative Declaration (MND). If the project may cause adverse environmental impacts, the public agency must prepare a more detailed study called an Environmental Impact Report (EIR). An EIR contains in-depth

studies of potential impacts, measures to reduce or avoid those impacts, and an analysis of alternatives to the project. A key feature of the CEQA process is the opportunity for the public to review and provide input on both NDs and EIRs. The CEQA process supports identifying feasible mitigation and/or project alternatives that can minimize or avoid environmental impacts. However, in some cases, significant and unavoidable impacts may result even when all feasible mitigation measures are implemented. CEQA does not require that projects be denied if significant impacts would result. A flow chart describing the CEQA process is provided as Attachment A.

A number of resources are available that provide useful guidance for implementation of CEQA. These include the Association of Environmental Professionals which provides topic papers on a number of CEQA issues, and the Governor's Office of Planning and Research (OPR), which maintains a website that provides CEQA technical advisories, published cases, and the latest updates to CEQA among other important resources. In addition, the CEQA Guidelines §§15350 to 15387 defines a number of important terms used throughout the Guidelines, some of which are summarized below.

2.2 What is a "Project" Under CEQA? (Guidelines §15378)

"Projects" covered by CEQA include any activity carried out, approved, or funded by a California public agency that may result in an adverse physical change in the environment, either directly or indirectly. If the activity is not a "project," then CEQA does not apply. CEQA typically applies to discretionary projects.

Specifically, Guidelines §15378 (a) defines a project as:

> [T]he whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:
>
> 1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.
>
> 2) An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
>
> 3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

2.3 Discretionary Project (Guidelines §§15002(i), 15357)

A discretionary project is a project that requires the exercise of judgement or deliberation by a decision maker. Discretionary projects are subject to CEQA.

2.4 Ministerial Project (Guidelines §§15002(i), 15268, 15369)

A ministerial project requires little or no judgment by a public official. The City has no discretion, but is legally compelled to grant the approval if the required factual showing is made. Ministerial projects are exempt from the requirements of CEQA and do not require the preparation of a Notice of Exemption (NOE) or compliance with other exemption procedures. As stated in the guidelines, the determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its laws and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis. The following examples are City project types that generally qualify as ministerial under CEQA:

a) Issuance of Building Permits
b) Issuance of Certificates of Occupancy
c) Issuance of licenses (business licenses, etc.)
d) Issuance of a permit to do street work
e) Issuance of an Encroachment Permit
f) Approval of individual utility service connections and disconnections.
g) Approval of a final map in compliance with the conditions of approval of the tentative map and consistent with all applicable laws.
h) Approval of Lot Line Adjustments if consistent with all City requirements
i) Sign permits (excluding sign programs), not requiring Conditional Use Permits or other hearings.
j) Approval of Special Event Permits
k) Accessory Dwelling Units consistent with the Municipal Code

Where a project involves an approval that contains elements of both ministerial and discretionary actions, the project will be deemed to be discretionary and will be subject to the requirements of CEQA. The decision whether the approval of a proposed project or activity is ministerial in nature may involve or require interpretation of the language of the legal mandate, and should be made on a case-by-case basis.

2.5 What is a Lead Agency? (Guidelines §15367)

The lead agency is the public agency that has primary responsibility for approving a project. For project applications submitted to the City of Moreno Valley, the City will typically be considered the lead agency. Additional lead agency guidance is available in Guidelines §15051.

2.6 Responsible Agency (Guidelines §15381)

A responsible agency is the public agency which proposes to carry out or approve a project for which a lead agency is preparing or has prepared an environmental document. For example, where the City is the lead agency for a project that would require a permit from another agency in order to implement the project (e.g., California Department of Transportation right-of-way permit or a Local Agency Formation Commission action), those additional permitting agencies are responsible agencies. The environmental document for the project should consider the future actions required by responsible agencies.

2.7 Substantial Evidence (Guidelines §15384)

Per Guidelines §15384:

> "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

2.8 Administrative Record

The administrative record is the documentary evidence obtained or created which relates to the project. A systematic, careful, and complete compilation of all materials related to the project is necessary in order to defend the decision-making associated with the project. PRC §21167.6(e) provides a detailed list (record of proceedings) of what must be contained in an administrative record. Materials not contained in the administrative record cannot be relied upon in defending the agency's decision.

Section 3 Responsibilities of the City

The City is responsible for implementing CEQA Guidelines for any project subject to CEQA for which it is the lead agency. These guidelines apply to both privately and publicly initiated projects and to any City department that proposes to carry out a project under CEQA.

At the direction of the Community Development Director of the City of Moreno Valley, the City Planning Division reviews public and private development applications for conformance with ordinances and policies related to zoning, design, land development division, and CEQA. Planning Division staff recommends and implements land use policies, processes land use applications and prepares and processes updates and revisions to the General Plan,

Municipal Code, Landscape Guidelines and Design Guidelines. This division provides staff support to City Council, the Planning Commission, Environmental and Historical Preservation Board, and the Project Review Staff Committee.

The Community Development Department - Planning Division staff serves as the lead in implementing these CEQA Rules and Procedures and will be available to assist other City departments in interpreting and applying these guidelines in a consistent manner, as needed.

Section 4 Environmental Review

The first step in determining the appropriate processing steps is to determine if the activity is a project under CEQA. A detailed CEQA decision flow chart is provided in Attachment A. If the project is a ministerial action, no further action is required. If the project qualifies for an exemption (refer to Exemption Procedures, Sections 5.1.1 to 5.1.4), an NOE should be prepared and filed after project approval (refer to Noticing Requirements, Section 5.2). If the project may have a potentially significant effect on the environment, an Initial Study may be prepared (refer to Section 6) to determine whether a ND/MND or an EIR is appropriate. If it is known whether an EIR will be prepared, preparation of an Initial Study is not required, but may be used to define the scope of the EIR concurrent with release of the Notice of Preparation.

4.1 Pre-Application

The City's development review process provides the opportunity for a pre-application review to allow for early identification of key issues. A pre-application review involves internal discussion among City departments to identify key issues, required studies, and other project requirements. A pre-application review is not required, but is recommended for major development review projects. This process can assist project applicants in identifying necessary technical reports and the anticipated environmental document that will be required.

4.2 Application Review

Planning Division staff will review submitted applications and all supporting data for completeness. The project will be reviewed by the applicable City departments for adherence to the General Plan, zoning, Municipal Code development standards, and all other applicable requirements. Staff will inform the applicant of any known potential environmental impacts.

4.3 Applicability of Technical Reports

City staff will identify the need for project specific technical analysis on a project basis. Where applicable, certain quantifiable thresholds are used to determine applicability of technical report requirements. For example, the City Transportation Engineering Division maintains a Traffic Impact Analysis Preparation Guide that describes when a project level

transportation analysis is required. Generally, if a transportation analysis is required, the City will also require preparation of a noise, air, and greenhouse gas assessment.

If a project would potentially impact biological resources not covered by the Western Riverside County Multiple Species Conservation Plan, a general biological resources report would be required. The report must be consistent with the MSHCP and address consistency with the Plan. For discretionary projects located within a MSHCP Criteria area, a MSHCP Consistency Analysis is required to address the goals and objectives of the Reserve System. For those projects (except for single-family residential – individual unit) a Joint Project Review process must be completed.

A cultural resources survey would generally be requested for any development that would disturb native soils. If a potentially historic resource is present, a historical analysis may be requested. Other reports such as a light and glare report, agricultural technical report, and/or a Phase I Environmental Site Assessment would be evaluated on a case-by-case basis considering the characteristics of both the project and the project site.

4.3.1 Water Supply Assessments

Certain large projects trigger the requirement for a Water Supply Assessment pursuant to Senate Bill 610 (Chapter 643, Statutes of 2001; Water Code Sections 10910–10915). These assessments are completed by water agencies, and not project applicants. Water Supply Assessments are generally required for projects of the following size:

- A proposed residential development of more than 500 dwelling units.
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
- A proposed hotel or motel, or both, having more than 500 rooms.
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
- A mixed-use project that includes one or more of the projects specified in this subdivision.
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project.
- If a public water system has fewer than 5,000 service connections, then any proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of the public water system's

existing service connections, or a mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system's existing service connections.

For more information on this topic refer to the Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 produced by the California Department of Water Resources[1].

4.4 Environmental Determination (Guidelines §§15060, 15101, 15102)

Once the City determines an application is complete, the time period starts for environmental review. Within 30 days of a determination of completeness, the decision of whether to prepare a ND or EIR must be made. This time period may be extended 15 days by mutual consent of the lead agency and applicant. The City will then initiate the required consultation (see Sections 4.6 and 4.7 below) and will either initiate preparation of an environmental document (for public projects) or inform the applicant of the environmental determination so that the appropriate environmental document can be prepared by a qualified consultant.

A lead agency may still require project applicants to submit additional information needed to conduct the environmental review after the application has been deemed complete. These information requests do not affect the status of the applicant's application.

If it is unclear whether a ND/MND or EIR will be required, an Initial Study may be prepared in order to determine if the project may have a significant effect on the environment and to guide the selection of appropriate environmental document to be prepared, as detailed in Section 4.5.

4.5 Initial Study Procedures (Guidelines §15063)

An Initial Study shall be prepared for all projects that are not exempt from CEQA, unless it has been determined, and the applicant concurs, that an EIR will be required. The EIR process may begin immediately (Guidelines §15060(d)) without preparation of an Initial Study.

The Initial Study can serve as a tool to identify and select the appropriate environmental document. It can also be used as a means to limit potentially significant impacts and enable the project to qualify for a MND. The Initial Study provides the required documentation of the factual basis for the finding that a project would not have a significant effect on the environment.

The Initial Study shall follow the City's approved format and City staff and consultants may refer to the City's Initial Study Preparation Guide for useful resources and analysis guidance. For projects with previous environmental documents, the Director or designated staff shall

[1] California Department of Water Resources Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 https://water.ca.gov/LegacyFiles/pubs/use/sb_610_sb_221_guidebook/guidebook.pdf.

ensure the analysis within the Initial Study is based upon the criteria identified in Guidelines §15162.

The Initial Study shall be prepared by a qualified consultant, unless otherwise determined by the Director or designated staff. If prepared by a consultant, City staff will review the Initial Study for adequacy, including proposed mitigation measures which will ultimately become the project's Mitigation, Monitoring and Reporting Program (MMRP). If it is determined that additional information is required to complete any part of the analysis within the Initial Study, the Director or designated staff shall advise the applicant of the additional data or information that is required. After the Initial Study is revised/updated, City staff will review the revised document and one of the following possible determinations will be made:

a) The Initial Study shows that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment and a ND shall be prepared (Guidelines §15070(a), refer to Section 6);

b) The Initial Study identifies that there are potentially significant effects, but that mitigation measures have been adopted as part of the project and there is no substantial evidence, in light of the whole record before the agency, that the project with the implementation of the proposed mitigation measures may have a significant effect on the environment, and a MND shall be prepared (Guidelines §15070(b), refer to Section 6);

c) The Initial Study identifies that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, an EIR shall be prepared (refer to Section 7, below).

4.6 Consultation with Responsible/Trustee Agencies (Guidelines §15063(g))

The Director or designated staff shall consult with responsible agencies, trustee agencies, and others responsible for any natural resources potentially affected by the project to determine the environmental concerns for each agency involved in the project application as appropriate. Agencies that may need to be consulted include, but are not limited to, water districts if a Water Supply Assessment is triggered, the Airport Land Use Commission if the project is located within an airport influence area, and affected military agencies.

Senate Bill 1462 requires a lead agency to notify the United States Military of certain development projects (Guidelines §15190.5). The intention is to create a local notification process whereby the United States Military will be informed of certain local land use proposals to prevent land use conflicts between local communities and military installations and training facilities. Any project that meets the following criteria requires notice to the affected military installation pursuant to Guidelines §15072 (f):

- is located within 1,000 feet of a military installation (March Air Reserve Base);
- is located beneath a low-level flight path; or,

- is within special use airspace as defined in Section 21098 of the PRC.

4.7 Consultation with Tribes (PRC 21080.3)

With implementation of Assembly Bill (AB) 52, California tribes now have the ability to establish, through a formal notice letter, a standing request to consult with a lead agency regarding any proposed project subject to CEQA in the geographic area with which the tribe is traditionally and culturally affiliated. The Native American Heritage Commission (NAHC) has authority to verify the tribes' cultural affiliation. A lead agency must provide written notification to requesting tribes on its notice list within 14 days of a decision to undertake a project or a determination that a project application is complete. Notice to the tribes must include a brief project description, the project location, and the lead agency's contact information. A tribe then has 30 days to request consultation. If the tribe does not respond in that period or writes to decline consultation, the lead agency has no further obligation. If the tribe requests consultation, the lead agency must begin the consultation within 30 days and prior to the release of an ND, MND, or EIR for that proposed project. Refer to PRC §21080.3.1 and the Office of Planning and Research Technical Advisory on AB 52 and Tribal Cultural Resources in CEQA[2] for additional detail on this consultation process.

Section 5 Exemption Procedures

Pursuant to CEQA Guidelines §15061, a project is exempt from CEQA if:

- The project is exempt by statute.
- The project is exempt pursuant to a categorical exemption.
- 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. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- The project is exempt pursuant to the provisions of Article 12.5 which provides for exemptions for Agricultural Housing, Affordable Housing and Residential Infill Projects.

5.1 Types of Exemptions

5.1.1 Statutory Exemptions (Guidelines §§15260 to 15285)

Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the State Legislature. These exemptions are applied to any given project that falls under its definition, regardless of the project's potential impacts to the environment. Example statutory

[2]Office of Planning and Research Technical Advisory on AB 52 and Tribal Cultural Resources in CEQA http://nahc.ca.gov/wp-content/uploads/2017/06/Technical-Advisory-AB-52-and-Tribal-Cultural-Resources-in-CEQA.pdf.

exemptions include feasibility and planning studies, emergency permits, family day care homes for up to fourteen children, and air quality permits. A project that will be rejected or disapproved by a public agency may be found statutorily exempt (Guidelines §15270(b)).

5.1.2 Categorical Exemptions (Guidelines §§15300 to 15332)

Categorical exemptions are descriptions of types of projects which the Secretary of the Resources Agency have determined may not have a significant effect on the environment. Unlike statutory exemptions, categorical exemptions are not absolute. There are exceptions to the exemptions depending on the nature or location of the project. If an exception pursuant to the Guidelines §15300.2 applies, the project would not be exempt. Specifically, the following types of projects would not be exempt:

- located in sensitive environments;
- would result in cumulative impacts;
- have a significant effect on the environment;
- affect scenic highways;
- affect historical resources; and
- are hazardous waste sites

The Director or designated staff may require the submittal of technical studies or environmental documents to assess whether a project qualifies for an exemption.

Guidelines §15300.4 states that each public agency shall, in the course of establishing its own procedures, list those specific activities that fall within each of the exempt classes. There are 33 classes of Categorical Exemptions (referred to as Class 1, Class 2, etc.) provided in the Guidelines. Of the 33 classes listed in the guidelines (Guidelines Sections 15301 to 15333), the classes cited below and accompanying examples represent the most commonly used categorical exemptions by the City. Please refer to the Guidelines for the complete list of exemptions and explanations:

> **Class 1 - Existing facilities**, including existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities, this includes road grading for the purpose of public safety (see discussion of City projects that would generally be expected to fall under 15301 (c) below), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alternations that do not create additional automobile lanes;
>
> **Class 2 - Replacement or reconstruction of existing structures and facilities**, where a new structure would be located on the same site and have approximately the same purpose and capacity as the structure being replaced;

Class 3 - New construction or conversion of small structures, where only minor modifications are made to the exterior. This class has limits in terms of the maximum that would be allowed depending on the type of use (e.g., multi-family residential unit totaling no more than four dwelling units);

Class 4 - Minor alterations to land, such as minor trenching or backfilling, fuel management, creation of bicycle lanes on existing rights-of-ways, and maintenance dredging;

1. **Class 5 - Minor alterations in land use limitations**, applies to areas with an average slope of less than 20% not resulting in changes in the land use or density;
2. **Class 11 - Accessory structures**, including the construction or placement of minor structures accessory to existing facilities such as signage, small parking lots, or seasonal/temporary use items;

Class 15 - Minor land divisions, applicable to property divisions in urban areas creating up to four parcels when in conformance with the General Plan and zoning; and

Class 32 - In-fill development projects, where the project size is five acres or less and substantially surrounded by urban uses and consistent with the general plan and zoning.

As guidance for City capital projects, the Class 1 Categorical Exemption under Section 15301 (c) include, but are not limited to:

a. Minor widening of less than a lane width, and/or adding paved shoulders to existing streets;
b. Pavement reconstruction, resurfacing, rehabilitation and placement of seal coats;
c. Minor operational improvements to drainage facilities;
d. Repair work on bridge structures;
e. Reconstruction and/or repair of existing stream crossings;
f. Maintenance of man-made water features;
g. Installation of new traffic control systems, including signs, signals, interconnect, cameras, channelization of intersections, pavement striping, and other traffic control devices;
h. Modification of traffic control systems and devices including addition of new elements such as signs, signals, and controllers;
i. Repair and maintenance of a highway and all its appurtenant facilities including replacement of damaged or inadequate facilities, or upgrade of facilities to meet current Americans with Disabilities Act requirements;
j. Minor operational improvements to drainage facilities;
k. Modification of existing features such as curbs, headwalls, slopes and ditches within the right of way to improve roadway safety;

l. Removal and/or replacement of distinctive roadway markings such as painted stripes, raised pavement markers, thermoplastic, tape or raised bars;
m. Addition of auxiliary lanes when required for purposes such as weaving, turning, climbing, speed change, or for lane changing between adjacent interchanges or intersections;
n. Landscaping within City owned property, rights of way, or within the California Aqueduct easement for the public's benefit;
o. Addition of non-motorized trails including Class 1 bike path trails within right-of-way, or within easements;
p. Addition or replacement of devices such as fencing, guardrails, safety barriers, guideposts and markers;
q. Repair and maintenance of City owned facilities, parking lots, carports, and gates.

The Guidelines provide examples of the general types of projects that would fall within each exemption class; however, it is the responsibility of the Lead Agency to demonstrate and determine that the proposed action falls within an exempt category and to support this determination with factual evidence.

5.1.3 Common Sense Exemption

The "general rule" or "common sense" exemption applies to projects that do not fit within a statutory or categorical exemption, but where it can be clearly demonstrated that the project has no potential to have significant environmental effects. According to Guidelines §15061(b)(3), "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The use of the Common Sense exemption must be supported by factual evidence that shows there is no possibility of a significant effect.

5.1.4 Special Housing Exemptions (Guidelines §§15191 to 15196)

In order to qualify for the housing exemptions specified in Guidelines §15193 (Agricultural Housing), §15194 (Affordable Housing) or §15195 (Residential Infill), a housing project must meet the threshold criteria detailed in Guidelines §15192 and summarized as follows:

- The project is consistent with the general plan, specific plan or local coastal program including any mitigation measures required by such plan or program
- The project is consistent with applicable zoning
- "Community-level" environmental review has been adopted or certified. This means there is a general plan, community plan, specific plan, or housing element where a ND/MND was adopted or an EIR certified.
- The project is served by existing facilities and will pay required development fees
- The project would not adversely impact biological or cultural resources, create or expose people to hazards, historic resources, is not subject to wildland fire hazard, and is not

within an earthquake fault or seismic hazard zone or otherwise expose people to geologic hazards.

Additionally, each of the specific housing exemptions include specific criteria as described in Guidelines §15193 through 15195.

5.2 Noticing Requirements

5.2.1 Notices of Exemption (Guidelines §15062)

When it is determined that a project is exempt from CEQA and after the project is approved, a Notice of Exemption (NOE) should be filed. The NOE may be filed with the County Clerk/Recorder and copies of such notice shall be made available for public inspection and shall remain posted for a period of thirty days. The NOE shall include: a brief description of the project; a finding that the project is exempt from CEQA, including a citation to the Guidelines section or statute under which it is found to be exempt; and a brief statement of reasons to support the finding.

Filing a NOE is voluntary. If a State agency files a NOE, it must be filed with OPR. If a local agency files a NOE, it must be filed with the County Clerk. (PRC 21108(b) and 21152(b)) Although filing NOEs is generally voluntary, the statute requires lead agencies to file their NOEs with the State Clearinghouse for three specific types of housing projects: farm worker housing (PRC 21159.22), low-income housing (PRC 21159.23), and urban infill housing (PRC 21159.24).

At the time of NOE filing, the County Clerk will require the applicable administrative filing fee.

5.2.2 Appeal of Exemption (Guidelines §15062(d))

Once an NOE is filed and posted, a 35-day statute of limitations period on legal challenges to the City's decision begins. Appeals of the decision to exempt the project may be filed within this period. If an NOE is not filed, the appeal period for the exemption decision extends to 180 days.

Section 6 ND Procedures (Guidelines §§15070 to 15075)

If determined based on an initial project review or upon completion of an Initial Study that a project will require the preparation an ND or MND, these procedures shall be followed. The processing of an ND/MND includes the noticing requirement, a period of public review, compilation of public comments, if any, and a public notice.

6.1 Contents of an ND/MND

The ND/MND shall include a brief description of the project, including a commonly used name for the project, if any; the location of the project, preferably shown on a map; the name

of the project proponent; a proposed finding that the project will not have a significant effect on the environment; an attached copy of the Initial Study documenting reasons to support the finding; and mitigation measures, if any, included in the project to avoid potentially significant effects. In addition, a separate Mitigation Monitoring and Reporting Program will be attached to the ND/MND as referenced in the Initial Study.

6.2 Standard of Review

CEQA documents, when challenged in court, are held to different standards of judicial review depending upon the type of environmental document prepared. ND/MNDs are held to the "fair argument" standard. The fair argument standard means that if a "fair argument" can be made that a project may have a significant effect on the environment, an EIR shall be prepared even though there may be other substantial evidence that the project will not have a significant effect (Guidelines § 15064(f)(1)).

A ND/MND must be supported by substantial evidence that the project would not have a significant impact on the environment or that the inclusion of mitigation measures would ensure no significant impact would result. If substantial evidence is presented to support a fair argument that project may have a significant environmental impact, an EIR must be prepared Information triggering preparation of an EIR does not include argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible. Additionally, the existence of public controversy over the environmental effects of a project does not trigger preparation of an EIR if there is no substantial evidence that the project may have a significant effect on the environment. Substantial evidence per Section 15384 (b) shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.

6.3 Public Notice and Public Review

A Notice of Intent (NOI) to adopt a ND or MND is required when a ND or MND is released for public review.

6.3.1 Distribution Requirements

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 area-wide environmental significance, the lead agency shall send copies of the NOI and associated ND/MND to the State Clearinghouse for distribution to state agencies.

A NOI to adopt the proposed ND or MND will be distributed consistent with Public Resources Code Section 21092 and the CEQA Guidelines as follows:

- Notice shall be given by at least one of the following methods:
- Publication in a general circulation newspaper (Guidelines §15072(b))

- Direct mailing to property owners and occupants of contiguous property shown on the latest equalized assessment roll (Guidelines §15072(b)(3))
- Posting on- or off-site near the area where the project is located.
- The notice will also be provided submitted to any person who has filed a written request for notification with the Lead Agency (PRC §21092), and CEQA Guidelines §15072(b)), and to State Clearinghouse if applicable) Refer to Section 7.4.3 for filing requirements)

If the project hearing date is known at the time the NOI is released, the City will usually combine the NOI with the hearing notice to minimize noticing distribution expenses.

6.3.2 Time Periods

The public review period is contingent on whether the project triggers participation by the State Clearinghouse. Public review periods are as follows:

a) The public review period for a proposed ND/MND shall be not less than 20 days.

b) When a proposed ND/MND is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period, not less than 20 days, is approved by the State Clearinghouse.

See Guidelines §15105(b) for additional details on public review time periods.

6.3.3 Required Contents

The contents of a NOI to adopt an ND/MND is governed by Guidelines §15072(g). The NOI contents shall include a brief description of the project and location, starting and ending dates for public review, list of any scheduled public meetings, and the address where the draft ND or MND are available for review.

6.3.4 California Department of Fish and Wildlife No Effect Determination (Optional)

The California Department of Fish and Wildlife (CDFW) may charge and collect fees at the time a Notice of Determination is filed, as provided in Section 711.4 of the Fish and Game Code. However, if the project would not have any adverse impacts on fish or wildlife resources, a CDFW No Effect Determination may be requested. This request should be submitted concurrent with the release of the ND/MND document for public review, as the determination may take approximately four weeks to process and will be needed at the time of filing a Notice of Determination (NOD). Instructions for submitting a No Effect Determination request is available at https://www.wildlife.ca.gov/Conservation/CEQA/NED. The City will make the final determination as to whether a No Effect determination can be requested, and if so, will coordinate with the applicant on the filing of the determination.

6.4 Recirculation of ND/MND (Guidelines §15073.5)

The City is required to recirculate a ND/MND if the document must be substantially revised after public notice of its availability has been given, but prior to adoption. A substantial revision includes the following:

a) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificant; or

b) The City determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

6.5 Review of Public Comments (PRC §21091(d), Guidelines §15074(b))

If no comments are received during the public review period, the ND/MND may be accepted as complete. If comments are received, the Director or designated staff shall review the comments and make one of the following determinations:

a) On the basis of the whole record, including comments received, there is no substantial evidence that the project would result in a significant effect on the environment.

b) Comments received raise a fair argument that the project could result in one or more significant effects on the environment. If this determination is made, an EIR shall be prepared.

Public comments are not required to be attached to a ND/MND and written responses are not required. However, there may be circumstances where it may be appropriate to provide written responses to comments which the City will consider on a case by case basis.

6.6 Adoption of ND/MND

The ND/MND will be reviewed and adopted in conjunction with the action on the entitlement by the decision-making body.

6.7 Notice of Determination (Guidelines §15075)

Within five working days of project approval, a NOD shall be filed with the County Clerk. Required contents of the NOD for a ND/MND are specified in Guidelines §15075. The filing of the NOD triggers a 30-day statute of limitation on legal challenges to the approval of the ND/MND.

At the time of NOD filing, the County Clerk will require the applicable administrative filing fee in addition to one of the following:

- Payment of CDFW Fees, as provided in Section 711.4 of the Fish and Game Code;
- Proof of previous payment of CDFW fees for a project that is within the scope of a prior environmental document for which fees were paid; or

- A CDFW No Effect Determination showing that the project would have no adverse impact on fish and wildlife resources and thus does not require payment of CDFW fees. (see Section 6.3.4)

CDFW fees are adjusted annually.

Section 7 EIR Procedures (Guidelines §§15080 to 15097)

When it is determined that an EIR is required, the applicant shall be notified in writing and provided information on required fees, timelines, and processing requirements including a link to a list of the City's approved consultants list. The City may request a meeting with the applicant to discuss EIR scope and process. Additional information regarding types of EIRs is described in Section 8.

7.1 Notice of Preparation (Guidelines §15082)

At the time the decision to prepare an EIR become final, City staff shall prepare a Notice of Preparation (NOP). The date the notice is received at the State Clearinghouse starts the 30-day public review period. The purpose of this notice is to inform reviewers of the lead agency's intent to prepare an EIR. The NOP shall include a project description; project location; and shall identify the probable environmental effects of the proposed project. The applicant/applicant's consultant shall consult with the City in determining the probable environmental effects and in defining the scope of the EIR.

The NOP process includes collection of responses to the NOP and, if required, holding a public scoping meeting.

a) All responses received during the 30-day review of the NOP shall be included in the Final EIR, compiled as an Appendix.

b) A public scoping meeting shall be held if the proposed project is a project of statewide, regional or area-wide significance (Guidelines §15206), or at the discretion of the City during the 30 day review period.

7.1.1 NOP Distribution

The NOP must be distributed as follows:

- Filed with the County Clerk
- Mailed to the State Clearinghouse for distribution to responsible and trustee agencies
- Provided to every Federal agency involved in approving or funding the project.
- For any project located within the specific boundaries of a low-level flight path, military impact zone, or special use airspace, the NOP shall be provided to the applicable United States Department of Defense or branch of the United States Armed

Forces that has given the lead agency written notification and contact information pursuant to Guidelines §15190.5(b).

7.2 Preparation of Draft EIR (Guidelines §§15120 to 15132)

The Draft EIR shall be prepared in accordance with these City Rules & Procedures and the Guidelines. A Draft EIR shall be prepared by a qualified consultant following the City's EIR Format and Content Requirements. Upon submittal of the Draft EIR, the City will have 30 days to review and provide any comments on the EIR. The process shall be iterative until the document is determined to be satisfactorily complete by the City. The contents of the EIR shall be consistent with Guidelines §§15120 to 15132.

7.3 Standard of Review (Guidelines §15151)

When reviewing the adequacy of an EIR, courts use a more deferential standard of review when examining the lead agency's decisions in the EIR; this standard is called the "substantial evidence" standard of review. This means that the court focuses on whether there is substantial evidence in the record to support the lead agency's decisions. If there is substantial evidence in the record to support the decisions made in the EIR, the courts generally rule in favor of the lead agency even if there is also substantial evidence presented that a different decision could have been made.

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information in order to duly consider the environmental consequences of the project. The evaluation of environmental effects does not need to be exhaustive, but should include what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. In contrast to the fair argument standard for ND/MNDs, EIRs are subject to the more deferential substantial evidence standard.

7.4 Public Notice and Public Review

7.4.1 Time Periods

The public review period for a draft EIR is generally 45 days. According to Guidelines §15105(a), the review period shall not be less than 30 days nor should it be longer than 60 days except in unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by State agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

7.4.2 Notice of Availability (NOA)

Public Notice of Availability of the Draft EIR for review shall be published as required by the Guidelines §15087, and shall include a brief description of the project, its proposed location, an address where copies of the Draft EIR are available for public review/comment, and the period during which comments will be received. If the project hearing date is known at the time the

NOA is released, the City will usually combine the NOA with the hearing notice to minimize noticing distribution expenses.

The NOA shall be made available by one of the following methods: (1) publication in general circulation newspaper, (2) posting by the City on and off site in the area where the project is located, or (3) direct mailing to owners and occupants of contiguous parcels.

7.4.3 State Clearinghouse Filing Requirements

The State Clearinghouse currently requires submittal of the following to initiate public review:

- One (1) copy of the Notice of Completion (NOC)
- 15 electronic files either in: CD, USB drives, or DVD
- 15 print copies of the 2-page summary form, which also must be included with the electronic files.
- The current requirements for State Clearinghouse submittal should be verified before sending documents to State Clearinghouse. The summary form is available on the State Clearinghouse website at: http://www.opr.ca.gov/docs/Summary_Form_for_Document_Submittal.pdf.

7.4.4 EIR Distribution Requirements (Guidelines §15087)

Required public review documents shall be distributed in paper or electronic form as follows:

- Filed with the Riverside County Clerk
- Mailed to the State Clearinghouse. In addition, if applicable, the City will mail to State agencies including South Coast Air Quality Management District.
- Provided to every Federal agency involved in approving or funding the project.
- For any project located within the specific boundaries of a low-level flight path, military impact zone, or special use airspace, the NOP shall be provided to the applicable United States Department of Defense or branch of the United States Armed Forces that has given the lead agency written notification and contact information pursuant to Guidelines §15190.5(b).
- To all respondents to the NOP
- To any person who has filed a written request for notification with the Lead Agency (PRC §21092)

7.4.5 California Department of Fish and Wildlife No Effect Determination (Optional)

The same CDFW No Effect Determination outlined for the ND/MND process (see Section 6.3.4 above) would also to the EIR procedures. As noted above, the City will make the final

determination as to whether a No Effect determination can be made, and if so, will coordinate with the applicant on the filing of the determination.

7.5 Determination of Recirculation of Draft EIR

Prior to EIR Certification, the City can make a determination to recirculate a Draft EIR pursuant to Guidelines §15088.5. An EIR shall be recirculated when *significant new information* is added to the Draft EIR as a result of public comments. *Significant new information* is defined in the Guidelines can include the following:

- A new significant environmental impact from the project or from a new mitigation measure.
- A substantial increase in the severity of an environmental impact
- A feasible project alternative or mitigation measure that is considerably different from what was analyzed in the Draft EIR that would clearly lessen impacts
- A determination that the Draft EIR was fundamentally inadequate and conclusory in nature

The recirculation of the Draft EIR requires the same noticing and comment period as established under Section 7.4.

7.6 Final EIR

After evaluating the comments received from persons who have reviewed the Draft EIR, City staff shall prepare, or cause to be prepared, a Final EIR. The contents of the Final EIR shall be as required by Guidelines §15132.

7.6.1 Responses to Comments

The City shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The City shall respond to comments raising significant environmental issues during the noticed comment period and any extensions, and may respond to late comments (Guidelines §15088 for additional details relating to the City's required handling of public comments).

- The City shall provide the responses to a Public Agency comment letter at least ten (10) days prior to certifying an EIR.
- Responses to comments shall be included in the Final EIR with the exception of responses to late comments which will be at the discretion of the City. Revisions throughout the Final EIR triggered by comments received should be shown in strikeout underline format to denote new information that was added since public review.

7.6.2 Findings

Findings must be prepared for all EIRs pursuant to Guidelines §15091 along with a Statement of Overriding Consideration (Guidelines §15093, if necessary). The findings are

generally prepared by the applicant's consultant(s). The City staff will complete an independent review of the findings.

7.6.3 Certification

Prior to approving a project, the City decision-maker shall certify that: (1) The final EIR has been completed in compliance with CEQA; (2) The decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and (3) The final EIR reflects the lead agency's independent judgment and analysis (Guidelines §15090).

Project approval and associated EIR certification of the Final EIR is the role of the City's decision-making bodies (Director, Planning Commission, City Council).

7.6.4 Notice of Determination (Guidelines §15094)

Within five (5) working days of project approval, a NOD shall be filed with the County Clerk. Required contents of the NOD of an EIR are specified in Guidelines §15094. The filing of the NOD triggers a 30-day statute of limitation on legal challenges to the approval of the EIR.

At the time of NOD filing, the County Clerk will require an administrative filing fee in addition to one of the following:

- payment of CDFW Fees, as provided in Section 711.4 of the Fish and Game Code,
- proof of previous payment of CDFW fees for a project that is within the scope of a prior environmental document for which fees were paid, or
- A CDFW No Effect Determination showing that the project would have no adverse impact on fish and wildlife resources and thus does not require payment of CDFW fees.

CDFW fees are adjusted annually.

Section 8 Types of CEQA Documents (Guidelines §§15160 to 15170)

CEQA identifies several types of documents (EIRs and ND/MNDs) that the City can prepare to accommodate different types of projects and intended use of the document. In addition to the standard "Project" EIR, lead agencies may use a variety of documents to meet the specific needs of the circumstances associated with a project, provided they meet the content requirements discussed in Guidelines §§15120 to 15132.

8.1 Project EIR (Guidelines §15161)

This is the most common type of EIR that examines the environmental impacts of a specific development project. A project EIR must examine all phases of the project including planning, construction, and operation.

8.2 Subsequent, Supplemental and Addendum (§§15162, 15163, & 15164)

8.2.1 Subsequent EIRs and Negative Declarations (Guidelines §15162)

Per Guidelines §15162:

> When an EIR has been certified or a ND adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
>
> - Substantial changes are proposed in the project which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
> - Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
> - New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
>   - The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
>   - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
>   - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
>   - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
>
> If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if any of the above criteria are met. Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required.

8.2.2 Supplement to an EIR (Guidelines §15163)

Per Guidelines §15163:

> The Lead or Responsible Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if**:**
>
> - Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
> - Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
>
> The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR. The decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Guidelines §15091 shall be made for each significant effect shown in the previous EIR as revised.

8.2.3 Addendum to ND/EIR (Guidelines §15164)

An addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Guidelines §15162 calling for preparation of a subsequent EIR have occurred.

An addendum to an adopted ND may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Guidelines §15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

A brief explanation of the decision not to prepare a subsequent EIR pursuant to Guidelines §15162 should be included in the record. The explanation must be supported by substantial evidence.

8.2.4 Noticing Requirements

A supplemental and subsequent EIR and ND/MND shall be given the same notice and public review as required for EIRs and ND/MNDs, respectively. A supplemental or subsequent EIR or ND/MND shall state where the previous document is available for review.

An addendum need not be circulated for public review but can be included in or attached to the Final EIR or adopted ND.

8.3 Program EIR (Guidelines §15168)

Guidelines §15168 define a program EIR as:

> [A]n EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
>
> - geographically,
> - a logical parts in the chain of contemplated actions,
> - in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
> - as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.
>
> Use of a program EIR allows for a more comprehensive consideration of alternatives and cumulative impacts than may be considered on individual actions and can provide for opportunities for individual projects examined in the program EIR to tier from the program EIR as provided in Guidelines §15152. Later activities that were evaluated in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a ND.

8.4 Joint EIR-EIS (Guidelines §15170)

Where a project requires both a National Environmental Protection Act and CEQA document, a joint document may be prepared to satisfy both requirements. Use of such a joint document are described in Guidelines §§15220 to 15229.

Section 9 Other CEQA Documents and Procedures

9.1 Streamlining for Infill Projects (Guidelines §15183.3)

The City must verify that an infill project is eligible for the procedures based on Guidelines §15183.3(b) and if eligible, the project may follow the streamlining procedures detailed in the Guidelines which may result in no further review, preparation of a ND, MND or sustainable communities environmental assessment, or an Infill EIR.

9.2 Projects Consistent with a Community Plan or Zoning (Guidelines §15183)

Projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there

are project-specific significant effects which are peculiar to the project or its site. This provision can allow for streamlined review and reduce the need to prepare repetitive environmental studies.

In order to qualify for Guidelines §15183 streamlining, the project must meet the following criteria:

- Be consistent with the development density established by the General Plan EIR
- Must not have any project specific effects which are peculiar to the project or site
- Have no project specific impacts which the certified EIR failed to analyze as significant effects;
- There are no potentially significant off-site and/or cumulative impacts which the certified EIR failed to evaluate
- There is no substantial new information which results in more severe impacts than anticipated by the EIR.

CEQA §15183 requires an evaluation of a project's impacts on the environment in the same manner as a ND or EIR process; however, the process allows use of previous analysis conducted in a certified EIR, including its cumulative analysis. The analysis contained within an EIR and the application of predefined mitigation and avoidance measures ensure environmental compliance. An Initial Study would typically be prepared to document consistency with the requirements of §15183 and an additional public review process is not required.

9.3 Projects Pursuant to a Specific Plan (Guidelines §15182)

Certain residential, commercial and mixed-use projects that are consistent with a specific plan may be exempt from CEQA if they are consistent with the Specific Plan and are located within a transit priority area. Additionally, residential projects including land subdivisions, zoning changes and residential planned unit developments that are undertaken consistent with a specific plan are exempt from CEQA, regardless of their location. However, both types of exemptions require review to ensure that the project would not create any new impacts or increase the severity of impacts previously disclosed in the original environmental document, as described in Guidelines §15162.

Section 10 Use of Consultants

10.1 Publicly Initiated Projects

City Departments preparing CEQA documents for publicly initiated projects will follow appropriate procedures including requisitions, requests for proposals and invitations to bid consistent with direction from the Financial Management Services Department, Purchasing and Facilities Division. The City will ensure full, open, and fair competition while maximizing

the value received in the procurement process and conforming to the Purchasing Ordinance and accepted purchasing practices. The Public Works Department maintains a list of qualified consultants for work on capital projects.

10.2 Privately Initiated Projects

Environmental documents for projects within the City must be prepared by firms approved by the Community Development Department. The City maintains a CEQA Consultant list (established in December 2018) that is updated every two years, and is available at: http://www.moreno-valley.ca.us/cdd/pdfs/CEQAConsultantList.pdf.

10.3 Third Party Review/Independent Review by City

When deemed appropriate by the Director, the City may contract with one or more qualified consultants (excluding those retained by the project applicant) to provide expert advice on the document's content and adequacy under CEQA. In order to expedite the development review process and to provide the efficiency of EIR preparation, the City's reviewing consultant may consult with the project applicant and consultants during preparation of the EIR, provided that the City's consultant informs the City of the nature and scope of such consultations. In all cases, the City retains the legal obligation, responsibility, and authority to independently review and evaluate the EIR to require revisions as necessary, and to determine the adequacy of the EIR under CEQA. The City shall make an independent determination and finding concerning the EIR's adequacy and compliance with applicable provisions of CEQA or other relevant State law.

All costs associated with the review of an EIR by an independent consultant retained by the City shall be borne by the project applicant. The total costs of such a review shall be determined by the Director as early in the development review process as possible, and funds to defray the total cost of such review shall be provided by the applicant to the City and accounted for by the City in a manner and according to a schedule which enables the City to meet its contractual obligations to the reviewing consultant. The applicant's costs shall include a deposit fee required at the time of application submittal to pay for City staff time required to process the EIR and a separate deposit fee for the consultant's costs to complete an independent review of the EIR.

Attachment A: Governor's Office of Planning and Research CEQA Process Flow Chart (http://resources.ca.gov/ceqa/flowchart/)