



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: September 2002 (Updated December 2005)

TO: Project Applicants and Environmental Consultants

FROM: Robert J. Manis, Assistant Deputy Director/Environmental Review Manager, City of San Diego Development Services Department, Environmental Analysis Section

SUBJECT: CITY OF SAN DIEGO ENVIRONMENTAL IMPACT REPORT GUIDELINES

Pursuant to Section 21082.1 of the California Environmental Quality Act (CEQA) and Section 128.0103(b) of the City of San Diego Land Development Code, the City of San Diego's Environmental Analysis Section (EAS) is responsible for the content of its CEQA documents (Negative Declarations, Mitigated Negative Declarations, and Environmental Impact Reports (EIRs)). Therefore, it must be understood that no draft CEQA document will be released for public review or for consideration by the City's decisionmakers until City staff is satisfied that the document accurately reflects the City's independent analysis and conclusions regarding the project's potential impacts on the environment.

It is important to present the impact analyses of proposed projects clearly and consistently. This is to enable the public to easily locate project information and allow the decisionmakers to access the environmental determinations which they must consider in making their decisions. To this end, the City requires a standard format to be used for the preparation of all EIRs.

The attached EIR Guidelines provide direction on format and content, and are organized into seven sections. Section I provides guidance on how to get started, from choosing a consultant to available resources. Sections II and III contain general instructions on format and content. **Note that Section III contains a new heading entitled "HISTORY OF PROJECT CHANGES." This section must chronicle the revisions that have been made to the project during the design phase in response to environmental concerns raised during the City's review of the project.** Sections IV through VI provide directions on production and submittal for screenchecks and draft documents, and for the public review process. Section VII provides direction on preparing the final EIR.

In addition to the above information, it must be emphasized that CEQA requires an impartial analysis of the proposed project. The information and analysis must be presented in an unbiased manner; that is, the EIR and any project-related technical reports must not suggest in any way that the project should be approved. In keeping with this admonition, project alternatives must not be formulated in such a way as to support the proposed project. Alternatives that are presented in City of San Diego EIRs must meet the spirit and intent of CEQA in that they must be feasible and they must reduce or avoid the significant impacts that would result from the proposed project. City EAS staff will reject any alternatives that do not meet these criteria.

Applicants -- Please ensure that your EIR consultant has this updated version of the Guidelines. This version has several changes and new required elements. Screencheck submittals that do not follow the attached format and content guidelines may result in additional environmental processing time.

Consultants -- The City of San Diego is implementing measures designed to increase public involvement in and awareness of the CEQA process. To ensure that EIRs are presented in a consistent and understandable manner, please note that all screencheck EIRs must follow the format and order of contents described in these Guidelines. Note also that all redlined technical reports and screenchecks (i.e., those that have been reviewed and edited by City staff) must be returned to EAS along with the revised documents. These redlined documents serve as evidence that the City is fulfilling its CEQA responsibility to exercise its independent judgment as Lead Agency.

All screencheck submittals must be complete (i.e., all sections of the document must be written and accompanied by all required technical studies).

All previous versions of these guidelines should be discarded. If you have questions regarding the use of these guidelines, contact the City's environmental analyst assigned to the project.

Robert J. Manis
Assistant Deputy Director
Environmental Review Manager
Land Development Review



THE CITY OF SAN DIEGO

ENVIRONMENTAL IMPACT REPORT GUIDELINES
Revised September 2002
Updated May 2005

I. BEFORE YOU GET STARTED

- A. Choosing a Consultant: When the City's Environmental Analysis Section (EAS) determines that an Environmental Impact Report (EIR) is required, the EIR should be prepared in draft form by a consultant chosen by the applicant, based upon the issues and scope of work determined by EAS. It is important to note that timely processing of a project will be contingent in large part upon selection of a well-qualified consultant. In our experience, a qualified consultant can expect to submit an average of three draft (or "screencheck") EIRs for City staff's review and revision.

Applicants -- Please ensure that your EIR consultant has this updated version of the Guidelines. This version has several changes and new required elements. Screencheck submittals that do not follow the attached format and content guidelines may result in additional environmental processing time.

Consultants -- The City of San Diego is implementing measures designed to increase public involvement in and awareness of the California Environmental Quality Act (CEQA) process. To ensure that EIRs are presented in a consistent and understandable manner, please note that all screencheck EIRs must follow the format and order of contents described in these Guidelines. Note also that all redlined technical reports and screenchecks (i.e., those that have been reviewed and edited by City staff) must be returned to EAS along with the revised documents. These marked-up documents serve as evidence that the City is fulfilling its CEQA responsibility to exercise its independent judgment as Lead Agency.

All screencheck submittals must be complete (i.e., all sections of the document must be written and accompanied by all technical studies).

- B. Scope of Work: A Scoping Letter which identifies the issues to be addressed in the EIR will be issued by EAS. Prior to starting work on the EIR a meeting with the consultant, project management, and EAS is required to discuss and clarify the scope of work. For those projects determined by EAS to be of Statewide, regional or areawide significance

pursuant to Section 15206 of the CEQA Guidelines, EAS will require a public (scoping) meeting to gather input on the issues to be addressed in the document.

- C. Available Resources: EAS has specific guidelines for environmental analysis of potential impacts to biological, historical, and paleontological resources, and for acoustical, traffic, and geologic issue areas. These technical guidelines as well as a copy of EAS's "Significance Determination Guidelines" may be purchased from Publications, located on the 2nd floor of the Development Services Center. Community Plans and the General Plan are also available from Publications.

If you wish to review environmental documents (Environmental Impact Reports, Mitigated Negative Declarations, Negative Declarations) for surrounding projects, contact the EAS analyst who is assigned to the proposed project.

II. FORMAT

The following pages describe the components of an EIR package (draft and final) and the order in which they are to be compiled. **The EIR text must be left justified.**

III. CONTENT - THE KEY ELEMENTS

Emphasis in the EIR must be on identifying feasible solutions to environmental problems. The objective is not simply to describe and document an impact, but to actively create and suggest mitigation measures or project alternatives to substantially reduce the significant adverse environmental impacts. The adequacy of the EIR will depend greatly on the thoroughness of this effort.

All EIRs must be written in a clear and concise manner. Write in plain language. Wherever possible, use graphics to replace extensive word descriptions and to assist in clarification. Support conclusions with quantitative as well as qualitative information. **Be objective -- City staff will not approve screencheck EIRs that are biased in any way or appear to promote a project.**

Below are basic instructions for each of the EIR components listed in the previous section. Please use the outline headings in the same order as presented. Additional subheadings, if necessary, should use a lower graphic profile so as not to confuse or compete with the visibility of the basic outline.

A. CONCLUSIONS

This section will be prepared by EAS staff. Prior to public review, EAS staff will provide Conclusions to be attached to the front of the Draft EIR. The LDR and project

numbers and State Clearinghouse file number, if any, will be located in the upper right-hand corner of the first page.

The following statement will be included directly under the Subject block on the first page of the conclusions: “This document has been prepared by the City of San Diego’s Environmental Analysis Section under the direction of the Development Services Department Environmental Review Manager and is based on the City’s independent analysis and conclusions made pursuant to Section 21082.1 of the CEQA Statutes and Sections 128.0103(a) 128.0103(b) of the San Diego Municipal Code.”

B. TITLE PAGE

Include project name, LDR, project and State Clearinghouse numbers, date of preparation, etc. Do not include any company logos, applicant’s or consultant’s names.

C. TABLE OF CONTENTS

The Table of Contents must list all of the sections included in the EIR, as well as the Appendices, Tables, and Figures. **Immediately following this information, a list of acronyms and abbreviations used in the text must be provided.**

D. SUMMARY

Unless otherwise determined, the consultant will prepare the summary to be submitted for review with the *third* screencheck draft EIR. The summary should not normally exceed 15 pages and must have an independent numbering system (e.g., S-1, S-2). In general, the format for the summary should reflect the EIR outline, but need not contain every element of the EIR. At a minimum, the summary must include:

1. a brief project description, including a history of project changes;
2. impacts which have been determined to be significant (including cumulative impacts) and proposed mitigation measures to reduce or avoid such impacts;
3. impacts found not to be significant with a brief summary of the analysis leading to a determination of non-significance (under a separate heading);
4. alternatives which would reduce or avoid significant impacts;
5. areas of controversy known to the lead agency, including issues raised by other agencies and the public (refer to the NOP and scoping meeting comments, and in the final EIR, refer to the comments received on the draft EIR); and

6. a matrix listing the impacts and mitigation measures.

For Program Level or Master EIRs, include recommendations for further analysis and mitigation to be implemented at the project level under the heading “Future Environmental Review”.

E. INTRODUCTION

Introduce the proposed project with a brief discussion. Identify all discretionary City actions/permits (with case number, if different than LDR number) required to complete the project. If other local, state, or federal agencies have responsibility for approvals or project review, briefly describe this involvement. The necessity for each discretionary permit should also be summarized in this section and discussed in more detail in the Project Description.

Identify and define the type of EIR (e.g. Master, Program, Supplemental, Focused). Describe the intended use and purpose of the document. If the EIR is a tiered document; that is, it will be used as the basis for subsequent environmental documents and/or approvals, describe how and under what parameters the EIR may be used for such approvals (e.g., Substantial Conformance Reviews, Master EIR Findings, etc.).

For Addenda, Supplemental and Subsequent EIRs, reference the parent document and explain the need for the subsequent document. List those issues analyzed in the EIR and those found insignificant based on the Initial Study.

F. ENVIRONMENTAL SETTING

In a general overview, establish the location and the existing physical context into which the project would be placed, stressing urban and/or natural features (e.g. vegetation, topographic features, drainages) as appropriate to the location and type of project. Where relevant, indicate trends which are changing this context. If a potential cumulative effect for an impact category is to be discussed, establish a setting for that discussion by describing the background or general progression of the cumulative pattern as it relates to the project site. Identify the community plan area involved, and indicate existing land use designations, as well as any special zones that apply to the site which may be relevant. Indicate whether or not the project is within the City’s Multiple Species Conservation Program Multi-Habitat Planning area.

G. PROJECT DESCRIPTION

Purpose

Describe the project's objectives. As stated in Section 15124(b), "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project." EAS recognizes that developers' project goals typically include profit; however, the project goals should be stated more in terms of public benefits, such as the addition of housing stock, or the provision of employment opportunities for highly skilled workers, thus establishing a nexus between project goals, CEQA Findings, and Statements of Overriding Considerations.

Project Features

Thoroughly describe the main features of the project, including all off-site components, such as water and sewer line installation and roadway improvements. Provide details of the proposed grading and construction (e.g. area of disturbance, excavation quantities, square footage of structures, height of manufactured slopes, architectural treatments). Include relevant project or site background information; identify nearby projects having a bearing on the proposed project; and describe phasing plans if appropriate.

Identify all discretionary city actions/permits (with case number, if different than project number) required to complete the project. If other agencies have responsibility for approvals or project review, describe this involvement. Explain the project features which lead to the requirement for each discretionary permit. Tables or figures showing project data should be used to reduce the length of written descriptions.

H. HISTORY OF PROJECT CHANGES

In this section, chronicle the physical changes that have been made to the project in response to environmental concerns raised during the City's review of the project.

I. ENVIRONMENTAL ANALYSIS

This section analyzes those environmental categories having a potential for adverse environmental impact, either because of the project's effect on existing conditions, or the effect of existing conditions on the project. **Unless directed otherwise, use the City's "Thresholds of Significance" to establish the criteria for significant effect** (be sure to obtain the most current approved edition). Where it is established that a significant adverse impact would result, a clear discussion of mitigation options must

follow. In the analysis, the following basic progression leading to environmental determinations should be stressed:

1. Is there a resource, hazard or other environmental factor of significance involved with the location proposed for the project?
2. How would the project interact with this existing condition?
3. Would that interaction create a significant adverse effect?
4. If so, what would and/or should be done to reduce or avoid that impact, and what level of impact, if any, would unavoidably remain?

Mandatory elements and order of the issue area discussions:

The “Land Use” category is the first issue area to be discussed in the EIR. Thereafter, the environmental categories to be analyzed in this section must be listed in order of significance. The most significant impact areas are to be listed first, followed by those in a descending order of significance. The subjunctive mood is to be used in describing impacts (i.e., use “would” rather than “will”). Each of the issue areas must be presented in the following way:

Existing Conditions: The given category is under discussion because of a potential for the project to impact an environmental resource, or for the project to be impacted by an environmental constraint. The qualitative nature of the existing environmental situation with which the project would interact must be clearly established in order to substantiate, in the “Impact” element, the determination of whether or not any significant environmental impact would result from the project. Basically, the “Existing Conditions” element must provide the baseline condition for establishing the magnitude of the impact.

The baseline for analysis is the conditions as they exist at the time the Notice of Preparation is published or when the environmental analysis is started (see Guidelines Section 15125). **Note that the baseline is not the expected community plan buildout condition, (such as the as the assumed traffic counts), unless it is the same as the existing physical condition.**

Case law has established an exception to the above baseline condition: where a building permit has been issued for a site (i.e., for a previously approved project), the baseline is considered to be the conditions allowed in the permit. The environmental document should evaluate only those environmental effects that are beyond those assumed for the building permit.

Issue: Use a specific one-sentence question to identify clearly the issue to be analyzed. (In most instances issue questions will be supplied by EAS in the Scoping Letter.) If necessary, break the general environmental category into several issues with a separate discussion for each issue in the impact element. Issue identification must be coordinated with EAS.

Impact Threshold: Cite the City of San Diego’s *Significance Determination Thresholds* and identify the specific criteria used in evaluating the potential impact(s).

Impact: Analyze the physical effect of the project on the existing condition, or the effect of the existing condition (such as traffic noise) on the project. The focus of the analysis will be provided in the Scoping Letter. Reference and summarize any surveys and technical reports prepared for the project. Cite the reports as evidence, and describe specifically who and/or what would be impacted, and whether the effect would be short- or long-term; direct or indirect. Assess the significance of the impact. If the impact may be cumulatively significant, refer the reader to the Cumulative Impacts section.

Avoid using the impact section as a recital ground for lengthy community plan policies or similar land use policies. If it is necessary to quote lengthy guidelines pertaining to environmental policies in a community plan, place this material in the “Existing Conditions” discussion.

Significance of Impact: State clearly in one or two sentences whether or not the effect would constitute a significant environmental impact. This section is simply a conclusion of whether or not an impact is significant. **Do not include any analysis here.**

Mitigation Measures: Identify all mitigation measures to be included in the project and indicate whether the measures have already been incorporated into the project design.

Each mitigation measure must be discussed in the following terms:

1. Identify the “trigger” for the measure to be implemented or verified (e.g., prior to the issuance of a grading permit).
2. Describe specific technical requirements and details for all mitigation measures especially for revegetation plans, and for biological, archaeological, and paleontological monitoring.
3. Identify the entity responsible for implementing the measure (e.g. the owner/ permittee).
4. Provide a monitoring and reporting schedule.

5. Define completion requirements and performance standards for each area requiring monitoring.
6. Assess the effectiveness of each measure; i.e., the extent to which the magnitude of impact would be reduced
7. If the proposed mitigation could result in a significant impact, disclose the potential impact and provide mitigation (e.g. remedial grading may result in significant biological impacts which require mitigation).
8. If additional mitigation measures could avoid or further reduce impacts, but the project proponent has not agreed to mitigate the impact, all “potentially feasible” mitigation measures that would avoid or substantially reduce the impact must be listed under the sub-heading *Additional Recommended Measures*. (Note: When there are significant unmitigated impacts, Findings must be prepared for each mitigation measure that the applicant is unable or unwilling to implement.)

Mitigation measures must contain only the above information. They are not to include narrative information, such as why the measure is needed. The word “shall” is to be used in describing a mitigation measure rather than “should” or “will.”

Note: In addition to describing the mitigation measures in each issue area discussion, prepare a separate draft Mitigation Monitoring and Reporting Program (MMRP). This report must contain, verbatim, the mitigation measures presented in the EIR (except for those in item 8 above) and is to be bound as a separate chapter in the *third* screencheck draft. Include only those mitigation measures agreed to by the applicant and included as conditions of approval.

J. SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

Discuss the significant unavoidable impacts of the project. Include those significant impacts that can be mitigated but not reduced to below a level of significance. Discuss impacts that cannot be reduced to below a level of significance in spite of the applicant’s willingness to implement all feasible mitigation measures. State which impacts (if any) cannot be alleviated without imposing an alternative design or location. In such cases, describe why the project has been proposed in spite of the probable significant effects. See Guidelines Section 15126.2(b).

K. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Describe the significant irreversible environmental changes that would result from the project. Address the use of nonrenewable resources during the construction and life of the project. See Guidelines Section 15126.2(c) for further information. See also Section 15127 for limitations on the requirement for this discussion.

L. GROWTH INDUCEMENT

If the project is in conformance with the Community Plan (CP), and the CP EIR provides an adequate analysis of Growth Inducing impacts, reference the previous document. Discuss the ways in which the proposed project could foster economic or population growth, or construction of additional housing, either directly or indirectly. Accelerated growth may further strain existing community facilities or encourage activities that could significantly affect the environment. The EIR must analyze the consequences of growth; for instance, existing infrastructure may not be able to handle a large new subdivision, and the project may require new facilities that in turn result in impacts. See Section 15126.2(d) of the CEQA Guidelines for more information.

M. CUMULATIVE IMPACTS

A separate Cumulative Impacts section is required for all projects (refer to the Scoping Letter). This section must include a list of related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the proposed project. Briefly describe each project (e.g., acreage, proposed use, number of units, etc.) and its anticipated environmental impacts (e.g., loss of vernal pools, water quality, emissions). Analyze the collective or combined effects over time. Identify the severity of the impacts and their likelihood of occurrence. When existing environmental conditions are severe, the threshold for determining cumulative significance should be lowered (EAS staff will provide direction in such instances).

Provide reasonable options for mitigating or avoiding cumulatively significant impacts. Clearly define those which are to be implemented by the proposed project. If cumulative impacts are determined not to be significant, explain the basis for that conclusion.

Note: You are encouraged to use resources available at the offices of LDR to identify and research surrounding projects. Contact the EAS project analyst to schedule research time in the environmental library.

N. EFFECTS NOT FOUND TO BE SIGNIFICANT

In this section, list the environmental issue areas that were determined not to be significant and therefore not discussed in detail, and briefly describe the reasons for this determination.

O. ALTERNATIVES

A reasonable range of potentially feasible alternatives to the project, or to the project location, must be identified and discussed in sufficient detail to allow a meaningful evaluation and comparison with the proposed project. The discussion must focus on alternatives that could avoid or substantially reduce significant environmental impacts, even if these alternatives would impede to some degree the attainment of the project's basic objectives, or be more costly. The alternatives should, however, be developed to feasibly attain most of the basic objectives of the project. **Do not present alternatives that do not meet at least some of the basic project goals and/or do not reduce or avoid the proposed project's significant impacts. Do not present alternatives that are designed solely to make the proposed project look better by comparison. The alternatives section must not be used to suggest in any way that the proposed project should be approved.**

The alternatives analysis must be conducted in sufficient graphic and narrative detail to clearly assess the relative level of impact and identify a superior alternative. If an alternative would result in significant environmental effects in addition to the effects of the proposed project, the significant effects must be addressed, although in less detail than those associated with the project as proposed. The EIR must include the following alternative discussions:

1. Alternatives Considered but Rejected

Provide a brief discussion of why any project alternatives or alternative sites which are ostensibly reasonable were rejected during the scoping process. The factors that may be used to justify eliminating these alternatives include, but are not limited to, failure to meet most of the basic project objectives; infeasibility; or inability to avoid significant environmental effects. See Section 15364 of the Guidelines for the definition of "feasible." This discussion is intended to demonstrate to the public the analytical route followed in rejecting certain alternatives.

2. No Project

Discuss the existing conditions as well as what would be reasonably expected to occur in the foreseeable future if the proposed project was not approved, based on current zoning, land use designations and available infrastructure.

The only situation in which a planned environmental condition (i.e., community plan build-out assumption) may be used as a baseline for measuring environmental impacts is where the proposed project is an existing land use or regulatory plan, policy, or ongoing operation (see Section 15126.6(e)(3)(A)).

If the proposal includes development on an identifiable property, the No Project alternative is the circumstances under which the project does not proceed (see Section 15126.6(e)(3)(B)).

The "No Project - No Build" alternative is appropriate only if failure to proceed with the project will result in preservation of the existing environmental conditions. Review Section 15126.6(e) of the Guidelines to clarify the appropriate definition of the alternative. Discuss this approach with EAS staff before proceeding. If the environmentally superior alternative is the "no project" alternative, identify an environmentally superior alternative from among the other alternatives.

3. Alternatives to the Proposed Project

Other alternatives to be discussed may include: Reduced Grading, Reduced Project, Alternative Alignments or Locations, Clustered Development, Alternative Circulation Element, Alternative Use, etc. Formulation of alternatives must be closely coordinated with EAS staff, and may not conclude until late in the process, after staff has determined which project impacts are significant. Review Section 15126.6(f) of the Guidelines regarding the range of reasonable alternatives and the feasibility of including an Alternative Location discussion in this section.

4. This section must include a matrix comparison of the impacts that would result from the proposed project and each of the alternatives.

P. MITIGATION MONITORING AND REPORTING PROGRAM

The section must contain the mitigation measures identified for each impact. (In the past, this document was clipped to the EIR)

Q. REFERENCES

This material must be reasonably accessible. Do not cite second- or third-hand references found in other references and not actually used in report preparation. Use only the most up-to-date information and reference its source document(s).

R. INDIVIDUALS AND AGENCIES CONSULTED

List those individuals and/or agencies consulted in the preparation of the draft EIR. This section should not be an afterthought, but rather should reflect an effort by the EIR preparer to seek out all parties who would normally be expected to have responsibility for, or interest in, the project.

S. CERTIFICATION PAGE

This section contains a list of contributing city and consultant staff members, their titles and affiliations. Include the following statement on the certification page: This document has been completed by the City of San Diego's Environmental Analysis Section under the direction of the Development Services Department Environmental Review Manager and is based on independent analysis and determinations made pursuant to the San Diego Land Development Code Section 128.0103.

T. APPENDICES (under separate cover)

1. Include the Notice of Preparation and responses to the notice. When a Scoping Meeting has been conducted, include the transcript of the meeting.
2. Include all project-specific surveys, resource reports, documentation, studies, etc., used in report preparation.
3. In most instances multiple copies of the appendices will be required for selected distribution with the draft EIR.
4. Cultural Resource Appendices are an exception. The confidential site records and maps must be bound separately. This appendix will be kept in the EAS archaeology library. In the combined Appendices above, insert pages stating "Confidential, Not for Public Review - Site Records and Mapping on File at the City of San Diego Development Services Department" where appropriate.

IV. PRODUCTION

- A. Maps figures, tables, documents, etc., should be included within the body of the EIR in appropriate locations following their reference in the text. As this is the City's document, consultants' logos are not to be included on graphics, the cover, or any other location in the EIR.
- B. The first screencheck EIR must be double-spaced and double-sided. All subsequent copies must also be printed on both sides, using either single-spacing or 12-spacing for general text. Page layout will be in block form with outline headings and text left-

justified. Public notices are to be attached as the cover of the draft EIR, stapled to or bound in the report.

C. Documents should be printed on 50- to 100-percent recycled paper.

V. SUBMITTAL OF SCREENCHECK DRAFT EIR

The environmental analyst will tell the consultant how many copies of the screencheck are needed for staff review. Unless otherwise directed, please deliver the documents directly to the EAS analyst. All technical reports must be complete and prepared according to the format of EAS's technical guidelines and submitted with the first screencheck draft. **Any exceptions must be approved in advance by the appropriate EAS Senior Planner.** For private projects, an additional deposit is required with submittal of a draft EIR. The fee and deposit schedule is updated annually, so the amount should be verified with the City's Development Project Manager prior to submittal. Actual cost of EAS work on a project is accounted against the single Development Services Department deposit account opened for that project. Upon completion of project processing, any money remaining in the deposit account will be refunded.

If the first screencheck draft is complete (i.e., all sections written and all technical reports included), applicants can expect City staff to review the submittal within approximately six (6) weeks. A redlined copy of the report will be returned to the consultant. If there are any questions regarding the revisions, a meeting can be arranged with EAS and other staff. In general staff will review the second screencheck in four (4) weeks and the third screencheck in two (2) weeks.

Failure to supply all required EIR elements with each screencheck submittal, including technical reports, will extend review time for subsequent submittals. Furthermore, failure to respond to all staff comments and directed changes may result in the need for additional screenchecks. Consultants should contact the EAS analyst to resolve disagreements with staff comments rather than submit screenchecks without all required revisions.

Resubmittals must at include the revised screencheck showing the revisions in highlighted or strike-out/underline text, the original EAS marked up copy, and all additional information requested by EAS staff including technical reports, changes to text, etc.

VI. PUBLIC REVIEW

Once the draft EIR has been deemed adequate by EAS, the document must be prepared for public review distribution. EAS staff will prepare the distribution list and the Conclusions, and will determine the number of EIRs and Appendices needed. The consultant must provide this number of EIRs and Appendices to be distributed plus a minimum of five

additional documents. Smaller EIRs may be stapled. Larger documents are to be bound. The Public Notice is to be the top page, followed by the Conclusions. Appendices must be bound separately. Staff will notify the consultant of the number of separately-bound copies of the biological technical and cultural resources reports (if any) needed for distribution to state/federal agencies and specific environmental groups.

VII. FROM DRAFT TO FINAL

For Final EIRs, the Conclusions section is to be printed on goldenrod paper; all other sections are to be printed on white paper. EAS will determine the number of copies required for distribution. Copies must be submitted to EAS no less than 3 calendar weeks prior to the first hearing date to allow time for distribution and 14 calendar days for the final review period (per Land Development Code Section 128.0310(a). Below are basic instructions for the additional components forming the Final EIR.

A. PUBLIC REVIEW RECORD- DISTRIBUTION LIST- PUBLIC COMMENTS & RESPONSES

1. EAS staff will prepare responses to letters of comment, incorporating information from the consultant as necessary.
2. A format using copy machine reduction to present letters and responses together on the same page is to be used.
3. Additional pages in the final EIR such as letters and responses will have an independent numbering system (e.g., PR-1, PR-2). The public response section must be preceded by an index of responses received.
4. The Comments and Responses Section is to be placed immediately after the Table of Contents.

B. FINDINGS

1. Findings are to be prepared in draft form by the applicant or consultant in conjunction with a land use attorney if possible. They must be submitted to EAS for review before the start of the EIR public review period. Findings must be made for each significant effect of the project along with a brief explanation of the rationale for each finding (see Guidelines Section 15091). For each significant effect, the mitigation is to be summarized -- **do not just insert the MMRP into the Findings.**
2. EAS is responsible for monitoring the appropriateness of the Findings and Statement of Overriding Considerations (SOC) and evaluating whether they are substantiated in the record. If staff determines that the findings are inadequate, a cover memo to the

decisionmaker will be attached to the Manager's Report (or equivalent) stating the reasons that EAS believes that the Findings are not supported by evidence in the record.

3. The Findings and SOC must be printed separately on white paper, dated and paper clipped to the final report. Do not bind them with the final report. A cover page with EAS's standard disclaimer (see Attachment A) is to be printed on goldenrod paper and attached to the top of the Findings and SOC. A brief summary of the project description including the necessary discretionary permits should follow the cover page.
4. The CEQA Guidelines Sections 15091 and 15093 setting forth Findings and Statement of Overriding Considerations procedures are attached (Attachment B). Note that in proposing the substantiating Findings and Statement of Overriding Considerations, the project proponent will be involved only with subsections 15091(a)(3) and 15093(b).
5. If the findings address economic feasibility, then the evidence provided by the applicant must, at a minimum, analyze the economic feasibility in terms of comparative costs and comparative profit or losses. Evidence must be provided that demonstrates that the additional costs are sufficiently severe as to render it impractical to proceed with the mitigation measure or alternative. Due to the desire to keep such "trade secret" information private, it may be necessary to make other findings of infeasibility, such as provision of tax income, employment, housing opportunities, or other social findings.

ATTACHMENTS: A. Standard Disclaimer
B. State EIR (CEQA) Guidelines Sections 15091 and 15093

(Standard Disclaimer Statement)

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Sec. 21081 of the California Environmental Quality Act)

CEQA also requires that the findings made pursuant to Section 15091 be supported by substantial evidence in the record (Section 15091(b) of the State CEQA Guidelines). Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (Section 15384 of the State CEQA Guidelines).

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” (Section 15093(a) of the State CEQA Guidelines). When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record, and does not substitute for, and shall be in addition to, findings required pursuant to Section 15091 (Sections 15093(b) and (c) of the State CEQA Guidelines).

The following Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decision making body. The Environmental Analysis Section does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

Attachment B

FINDINGS

(Section 15091 of the State CEQA Guidelines, Revised January 1, 2000)

- a. No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3a. Specific economic, legal, social, technological, or other considerations including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
 - 3b. The findings required by subsection (a) shall be supported by substantial evidence in the record.
 - 3c. The finding in subsection (a) (2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a) (3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
 - 3d. When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

STATEMENT OF OVERRIDING CONSIDERATIONS

(Section 15093 of the State CEQA Guidelines, Revised January 1, 2000)

- A. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- B. When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- C. If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.