

applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study.

**DIVISION IV
APPROVAL OF PROJECTS THAT WILL HAVE NO SIGNIFICANT EFFECT
ON THE ENVIRONMENT**

Section 401 - Procedure

- a. If the Planning Director finds that on the basis of the Initial Study the project will not have a significant effect on the environment, a ND shall be completed.
- b. If the Initial Study identifies potentially significant effect(s), but revisions to the project which would avoid or mitigate the effect(s) where clearly no significant effects would occur, a MND may be prepared.
- c. Before completing a ND or MND, the Planning Director shall consult with all responsible agencies. After completing the draft ND or MND, the Planning Director shall also consult with and seek to obtain comments from each Responsible Agency and other public agencies having jurisdiction by law. All comments received shall be forwarded to the decision making body of the City as attachments to the completed MND or ND.

Section 402 - Contents of ND

A ND shall include:

- a. A brief description of the project, including a commonly used name for the project, if any;
- b. The location of the project and the name of the project proponent;
- c. A finding that the project will not have a significant effect on the environment;
- d. An attached copy of the Initial Study documenting reasons to support the finding.

Section 403 - Contents of MND/Expanded Initial Study

A MND shall include the contents itemized in Section 402 and also mitigation measures, if any, included in the project to avoid potentially significant effects. The data contained in the MND shall include a reasoned analysis of all potentially significant effects. The technical information used to analyze the effects of the project shall be included in the MND as appendices. All analysis used in the MND evaluation and mitigation measure derivation process shall be included in the document.

A limited evaluation of project alternatives may be included in the MND. This alternatives analysis shall be included in the appendices to Expanded Initial Studies and MNDs when deemed appropriate or necessary. The alternatives considered under an MND would be limited to documenting the process of modifying a project from the original proposal submitted by the applicant to the project as presented to the decision-makers. If an alternatives analysis is requested by the Director, the City Manager, or by the decision-making body, then such an analysis would be prepared under the "Limited Scope EIR" process referenced in Section 701 of the Guidelines.

Section 404 - Submittal to State Clearinghouse

- a. A copy of the ND or MND shall be submitted to the State Clearinghouse for review if a state agency is a responsible or trustee agency or otherwise has jurisdiction by law with respect to the involved project, of if the project is of statewide, regional or areawide significance.
- b. A proposed project shall be determined to be of statewide, regional or areawide significance if the project meets any of the criteria set forth in State CEQA Guideline Section 15073.

Section 405 - Notice of Intent to Adopt a ND or MND

- a. The City shall provide a notice of intent to adopt a ND or MND to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by the City of the ND or MND to allow the public and agencies the review period provided under State CEQA Guideline 15105.
- b. The City shall mail a notice of intent to adopt a ND or MND to the last known name and address of all organizations and individuals who have previously requested such notice in writing and shall also give notice of

intent to adopt a ND or MND by at least one of the following procedures to allow the public the review period provided under State CEQA Guideline 15105:

1. Publication at least one time in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
 2. Posting of notice by on and off site in the area where the project is to be located.
 3. Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.
- c. The City may provide the public notice at the same time and in the same manner as public notice required by any other laws for the project.
- d. For a project of statewide, regional, or areawide significance, the City shall also provide notice to transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project as specified in Section 21092.4(a) of the Public Resources Code. "Transportation facilities" includes: major local arterials and public transit within five miles of the project site and freeways, highways and rail transit service within 10 miles of the project site.
- e. A notice of intent to adopt a ND or MND shall specify the following:
1. A brief description of the proposed project and its location.
 2. The starting and ending dates for the review period during which the City will receive comments on the proposed ND or MND. This shall include starting and ending dates for the review period. If the review period has been shortened pursuant to State CEQA Guideline 15105, the notice shall include a statement to that effect.
 3. The date, time, and place of any scheduled public meetings or hearings to be held by the City on the proposed project, when known to the City at the time of notice.

4. The address or addresses where copies of the proposed ND or MND including the revisions developed under State CEQA Guideline 15070(b) and all documents referenced in the proposed ND or MND are available for review. This location or locations shall be readily accessible to the public during the City's normal working hours.
5. The presence of the site on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to lists of hazardous waste facilities, land designated as hazardous waste property, and hazardous waste disposal sites, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that section.
6. Other information specifically required by statute or regulation for a particular project or type of project.

Section 406 - Public Review of a Proposed ND or MND

- a. The City shall provide a public review period pursuant to State CEQA Guideline 15105 of not less than 20 days. When a proposed ND or MND and Initial Study are 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 is approved by the State Clearinghouse under State CEQA Guideline 15105(d).
- b. When a proposed ND or MND and Initial Study have been submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least as long as the review period established by the State Clearinghouse.
- c. A copy of the proposed ND or MND and the Initial Study shall be attached to the notice of intent to adopt the proposed declaration that is sent to every Responsible Agency and trustee agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project.
- d. Where one or more state agencies will be a Responsible Agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or areawide

environmental significance, the City shall send copies of the proposed ND or MND to the State Clearinghouse for distribution to state agencies.

- e. The City shall notify in writing any public agency which comments on a proposed ND or MND of any public hearing to be held for the project for which the document was prepared. A notice provided to a public agency pursuant to State CEQA Guideline 15072 satisfies this requirement.

Section 407 - Recirculation of a ND Prior to Adoption

- a. The City is required to recirculate a ND when the document must be substantially revised after public notice of its availability has previously been given pursuant to State CEQA Guideline 15072, but prior to its adoption. Notice of Recirculation shall comply with State CEQA Guidelines 15072 and 15073.
- b. A "substantial revision" of the ND shall mean:
 - 1. A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
 - 2. The City determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

Section 408 - Consideration and Adoption of a ND or MND

- a. Any advisory body of the City making a recommendation to the decision-making body of the City shall consider the proposed ND or mitigated ND before making its recommendation.
- b. Prior to approving a project, the decision-making body of the City shall consider the proposed ND or mitigated ND together with any comments received during the public review process. The decision-making body of the City shall adopt the proposed ND or mitigated ND only if it finds on the basis of the whole record before it (including the Initial Study and any comments received), that there is no substantial evidence the project will have a significant effect on the environment and that the ND or mitigated ND reflects the City's independent judgment and analysis.

- c. When adopting a ND or mitigated ND, the City shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- d. When adopting a mitigated ND, the City 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 mitigate or avoid significant environmental effects.

Section 409 - Substitution of Mitigation Measures in a Proposed MND

- a. As a result of the public review process for a proposed MND, including any administrative decisions or public hearings conducted on the project prior to its approval, the City may conclude that certain mitigation measures identified in the mitigated ND are infeasible or otherwise undesirable. Prior to approving the project, the City may, in accordance with this section, delete those mitigation measures and substitute for them other measures which the City determines are equivalent or more effective.
- b. Prior to deleting and substituting for a mitigation measure, the City shall do both of the following:
 - 1. Hold a public hearing on the matter. Where a public hearing is to be held in order to consider the project, the public hearing required by this section may be combined with that hearing. Where no public hearing would otherwise be held to consider the project, then a public hearing shall be required before a mitigation measure may be deleted and a new measure adopted in its place.
 - 2. Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.

The decision-making body has the discretion to adopt or reject the adequacy and completeness of an ND or MND. If the decision-making body determines that, based on the record as a whole, a proposed project or undertaking will have a significant effect on the environment, or if the decision-making body determines that the project effects should be considered under the alternatives analysis requirements for an EIR, this body may direct that the MND be overturned and that an EIR shall be prepared. This decision

shall not be arbitrary and shall necessarily be supported by other tests in CEQA concerning when an EIR rather than MND shall be prepared.

Section 410 – Notice of Determination Filing Procedures

After making a decision to carry out or approve a project for which a ND or MND has been prepared, the City shall file a NOD with the Clerk of Los Angeles County within five working days after the approval of the project. If the project requires a discretionary approval from any state agency, the NOD also shall be filed with the OPR.

Section 411 – Required Contents of Notice of Determination

The NOD filed pursuant to Section 409 shall include the following:

- a. An identification of the project, including its common name, where possible, and its location;
- b. A brief description of the project;
- c. The date on which the agency approve the project;
- d. The determination of the Decision-making body of the City that the project will not have a significant effect on the environment;
- e. That a ND or MND has been prepared pursuant to the provision of CEQA;
- f. The address where a copy of the ND or MND may be examined;
- g. A form of the NOD is Appendix Q.