

7. Whether the findings were made pursuant to State CEQA Guideline 15091;
8. Whether a Statement of Overriding Considerations was adopted for the project pursuant to State CEQA Guideline 15093;
9. The address where a copy of the EIR and the record of project approval may be examined.

### **Section 613 - Mitigation Monitoring Program**

When the City has made the findings required in Sections 403 and 611 of these rules relative to an EIR or adopted a MND, the City shall adopt a mitigation monitoring program in compliance with State CEQA Guideline 15097.

### **Section 614 - Disposition of Final EIR**

The City shall:

- a. File a copy of the final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.
- b. Include the final EIR as part of the regular project report which is used in the existing project review and budgetary process if such a report is used.
- c. Retain one or more copies of the final EIR as public records for a reasonable period of time.
- d. Require the applicant to provide a copy of the certified, final EIR to each Responsible Agency.

## **DIVISION VII**

### **TYPES OF EIRs AND SUBSEQUENT ENVIRONMENTAL DOCUMENTS**

#### **Section 701 - Project EIR**

Section 701 – Project EIR and Limited Scope EIRs: The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from a

specific development project. The EIR shall examine all phases of the project including planning, construction, and operation and shall also address relevant cumulative effects. The scope of a Project EIR may be reduced to a Limited Scope EIR when five or fewer environmental effects have been determined to be potentially significant. The purpose of this type of project EIR is to ensure that the range of significant effects are studied with greater thoroughness than the level of analysis typically completed for an Expanded Initial Study and Mitigated Negative Declaration. Limited Scope EIRs are designed to ensure that a formal alternatives analysis is completed in cases where staff has identified a feasible alternative that generally meets the applicant's development objectives. These documents may also serve the purpose of reviewing possible alternative land use designs for a project if a proposal has substantial conflicts with the City's General Plan.

### **Section 702 - EIR as Part of a General Plan**

- a. The requirements for preparing an EIR on a local general plan, element, or amendment thereof will be satisfied by using the general plan, or element document, as the EIR and no separate EIR will be required, if:
  1. The general plan addresses all the points required to be in an EIR by Article 9 of State CEQA Guidelines, and
  2. The document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.
- b. Where an EIR rather than a MND or ND has been prepared for a general plan, element, or amendment thereto, the EIR shall be forwarded to the State Clearinghouse for review. The requirement shall apply regardless of whether the EIR is prepared as a separate document or as a part of the general plan or element document.

### **Section 703 - Staged EIR**

- a. Where a large capital project will require a number of discretionary approvals from government agencies and one of the approvals will occur more than two years before construction will begin, a staged EIR may be prepared covering the entire project in a general form. The staged EIR shall evaluate the proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project. The aspect of the project before the public agency for approval shall be discussed with a greater degree of specificity.

- b. When a staged EIR has been prepared, a supplement to the EIR shall be prepared when a later approval is required for the project, and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.

#### **Section 704 - Program EIR**

A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- a. Geographically;
- b. A logical parts in the chain of contemplated actions;
- c. In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
- d. 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.

#### **Section 705 - Master EIR**

- a. The Master EIR procedure is an alternative to preparing a project EIR, staged EIR, or program EIR for certain projects which will form the basis for later decision making. It is intended to streamline the later environmental review of projects or approval included within the project, plan or program analyzed in the Master EIR. Accordingly, a Master EIR shall, to the greatest extent feasible, evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects.
- b. A City may prepare a Master EIR for any of the following classes of projects:
  1. A general plan, general plan update, general plan element, general plan amendment, or specific plan.

2. Public or private projects that will be carried out or approved pursuant to, or in furtherance of, a redevelopment plan.
  3. A project that consists of smaller individual projects which will be carried out in phases.
  4. A rule or regulation which will be implemented by later projects.
  5. Projects that will be carried out or approved pursuant to a development agreement.
- c. The City may develop and implement a fee program in accordance with applicable provisions of law to generate the revenue necessary to prepare a Master EIR.
- d. The contents and limitations of master EIRs are specified in State CEQA Guidelines 15176, 15177, 15178 and 15179.

#### **Section 706 - Focused EIR**

- a. When a project is a multiple family residential development of 100 units or less or is a residential and commercial or retail mixed-use commercial development of not more than 100,000 square feet, whether or not the project is identified in the Master EIR, a focused EIR shall be prepared pursuant to this section when the following conditions are met:
1. The project is consistent with a general plan, specific plan, community plan, or zoning ordinance for which an EIR was prepared within five years of certification of the focused EIR; and
  2. The parcel on which the project is to be developed is either:
    - A. Surrounded by immediately contiguous urban development;
    - B. Previously developed with urban uses; or
    - C. Within one-half mile of an existing rail transit station.
- b. A focused EIR prepared pursuant to this section shall be limited to a discussion of potentially significant effects on the environment specific to

the project, or which substantial new information shows will be more significant than described in the prior EIR. No discussion shall be required of alternatives to the project, cumulative impacts of the project, or the growth inducing impacts of the project.

- c. This section does not apply where the City can make a finding pursuant to State CEQA Guideline 15177 that the subsequent project is within the scope of the Master EIR, where the City can prepare a MND or focused EIR pursuant to State CEQA Guideline 15178, or where, pursuant to State CEQA Guideline 15162 or State CEQA Guideline 15163, the EIR referenced in subdivision (a)(1) of this section must be updated through the preparation of a subsequent EIR or a supplemental EIR.

### **Section 707 - Joint EIR-EIS**

The City under CEQA may work with a federal agency to prepare a joint document which will meet the requirements of both CEQA and NEPA. Use of such a joint document is described in Article 14, beginning with State CEQA Guideline 15220.

### **Section 708 - Subsequent EIRs and NDs**

- a. When an EIR has been certified or a MND or ND adopted for a project, no subsequent EIR shall be prepared for that project unless the City determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - 1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or a MND or a ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or MND or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. **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 MND or ND was adopted, shows any of the following;**
  - (A) **The project will have one or more significant effects not discussed in the previous EIR or MND or ND;**
  - (B) **Significant effects previously examined will be substantially more severe than shown in the previous EIR.**
  - (C) **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**
  - (D) **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.**
- b. **If changes to a project or its circumstances occur or new information becomes available after adoption of a MND or ND, the City shall prepare a subsequent EIR if required under subsection (a). Otherwise the City shall determine whether to prepare a subsequent MND or ND, an addendum, or no further documentation.**
- c. **Once a project has been approved, the City's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project was approved, any of prior to the occurrence of the conditions described in subsection (a) occurs, a the subsequent EIR or MND or ND shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent MND or ND adopted.**

- d. A subsequent EIR or subsequent MND or ND shall be given the same notice and public review as required under State CEQA Guidelines 15087 or 15072. A subsequent EIR or MND or ND shall state where the previous document is available and can be reviewed.

#### **Section 709 - Supplement to an EIR**

- a. The City may choose to prepare a supplement to an EIR rather than a subsequent EIR if:
  - 1. Any of the conditions described in State CEQA Guideline 15162 would require the preparation of a subsequent EIR, and
  - 2. Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
- b. The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
- c. A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under State CEQA Guideline 15087.
- d. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
- e. When the City decides whether to approve the project, the decision-making body of the City shall consider the previous EIR as revised by the supplemental EIR. A finding under State CEQA Guideline 15091 shall be made for each significant effect shown in the previous EIR as revised.

#### **Section 710 - Addendum to an EIR or MND or ND**

- a. The City shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in State CEQA Guideline 15162 calling for preparation of a subsequent EIR have occurred.
- b. An addendum to an adopted MND or ND may be prepared if only minor technical changes or additions are necessary or none of the conditions

described in State CEQA Guideline 15162 calling for the preparation of a subsequent EIR or ND have occurred.

- c. An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted MND or ND.
- d. The decision-making body of the City shall consider the addendum with the final EIR or adopted MND or ND prior to making a decision on the project.
- e. A brief explanation of the decision not to prepare a subsequent EIR pursuant to State CEQA Guideline 15162 should be included in an addendum to an EIR, the City's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

### **Section 711 - Use of an EIR from an Earlier Project**

- a. The City may employ a single EIR to describe more than one project, if such projects are essentially the same in terms of environmental impact. The City may use an earlier EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same.
- b. When the City proposes to use an EIR from an earlier project as the EIR for a separate, later project, the City shall use the following procedures:
  - 1. The Planning Director shall review the proposed project with an Initial Study, using incorporation by reference if necessary, to determine whether the EIR would adequately describe:
    - A. The general environmental setting of the project,
    - B. The significant environmental impacts of the project, and
    - C. Alternatives and mitigation measures related to each significant effect.
  - 2. If the Planning Director believes that the EIR would meet the requirements of subsection (1), the City shall provide public review as provided in State CEQA Guideline 15087 stating that the City



plans to use the previously prepared EIR as the draft EIR for this project. The notice shall include as a minimum:

- A. An identification of the project with a brief description;
  - B. A statement that the City plans to use a certain EIR prepared for a previous project as the EIR for this project;
  - C. A listing of places where copies of the EIR may be examined; and
  - D. A statement that the key issues involving the EIR are whether the EIR should be used for this project and whether there are any additional, reasonable alternatives or mitigation measures that should be considered as ways of avoiding or reducing the significant effects of the project.
3. The Planning Department shall prepare responses to comments received during the review period.
4. Before approving the project, the decision-making body of the City shall:
- A. Consider the information in the EIR including comments received during the review period and responses to those comments,
  - B. Decide either on its own or on a staff recommendation whether the EIR is adequate for the project at hand, and
  - C. Make or require certification to be made as described in State CEQA Guideline 15090.
  - D. Make findings as provided in State CEQA Guidelines 15091 and 15093 as necessary.
5. After making a decision on the project, the City shall file a NOD.

- c. An EIR prepared for an earlier project may also be used as part of an Initial Study to document a finding that a later project will not have a significant effect. In this situation a ND will be prepared.
- d. An EIR prepared for an earlier project shall not be used as the EIR for a later project if any of the conditions described in State CEQA Guideline 15162 would require preparation of a subsequent or supplemental EIR.

## **ARTICLE VIII SPECIAL SITUATIONS**

### **Section 801 - Residential Projects Consistent with a Community Plan or Zoning**

- a. CEQA mandates that projects which 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 streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.
- b. In approving a residential project meeting the requirements of this section, the City shall limit its examination of environmental effects under CEQA to effects to those which the City determines, in an initial study or other analysis:
  - 1. Are peculiar to the project or the parcel on which the project would be located, although the effect may occur on or off the site of the project;
  - 2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the residential project is consistent;
  - 3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
  - 4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the