

Alameda Local Agency Formation Commission

**PROCEDURES FOR PREPARATION
AND PROCESSING OF
ENVIRONMENTAL DOCUMENTS**

**Pursuant to the
California Environmental Quality Act**

NOVEMBER 2003

PROCEDURES FOR PREPARATION AND PROCESSING OF ENVIRONMENTAL DOCUMENTS PURSUANT TO CEQA

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A. General Provisions.

- 1. Purpose.** The purpose of the procedures contained herein is to implement the requirements of the California Environmental Quality Act (CEQA) pursuant to §210821 of the California Public Resources Code and to supplement the State CEQA Guidelines adopted by the Secretary for Resources of the State of California.
- 2. Objective.** LAFCo intends through the appropriate use of these Procedures to assist with the provision and maintenance of a high quality environment in Alameda County (LAFCo Policy 1.102). Consistent with §21002 of CEQA, it shall be the policy of Alameda LAFCo that no projects should be approved as proposed if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen the significant environmental effects of such projects (LAFCo Policy 1.120).

The procedures required by these guidelines are intended to assist in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. In the event specific overriding economic, legal, social, technological or other considerations of the project, such as the provision of high quality services needed to address public health concerns, outweigh the significant effects on the environment or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof (§21002).

- 3. Fees.** Pursuant to LAFCo policies 1.81 through 1.817, reasonable fees will be collected to cover 100% of the cost of services provided (§21089). A fee equal to the actual cost of reproduction of an Environmental Document shall be charged to persons who desire such a copy (§21089, §15045 (b)). This fee shall not be charged to public agencies having jurisdiction by law with respect to the project or to individuals or organizations possessing special expertise and from whom the Environmental Coordinator desires input into an environmental analysis.
- 4. Definitions.** The following terms when used in these Procedures have specific technical meanings as follows:

CEQA. California Environmental Quality Act, California Public Resources Code Sections 21000 et sequitur.

¹Code Sections are from the Public Resources Code.

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Complete Application. An application that includes all information necessary to complete required CEQA processes and the required CEQA review.

Commission. The Alameda Local Agency Formation Commission.

County. County of Alameda.

De minimis. Pursuant to state law pertaining to California Department of Fish and Game fees, and these Procedures, a finding that a project does not significantly impact fish and wildlife resources. [Please note that LAFCo's policies contain another definition for the term "de minimis" which is unrelated to its CEQA usage.]

Distribution Record. A certificate issued by the Environmental Coordinator at the time that the project is transmitted that indicates what, if any, environmental documentation has been or will be prepared for that project (see Exhibit B).

Environmental Coordinator. Pursuant to LAFCo policy 1.103, the role filled by the Executive Officer when processing EIRs and other documents as provided herein.

Environmental Document. Any document prepared to satisfy the requirements of CEQA. Documents include Exemptions, Initial Studies, Negative Declarations, Notices of Exemption, Notices of Determination, Notices of Preparation Notices of Completion, Environmental Impact Reports, and Findings of Fact and Statements of Overriding Considerations.

Hearing Body. Any entity having discretionary authority over projects as defined in CEQA. For Alameda LAFCo, the hearing body is LAFCo, although the Executive Officer may act as the hearing officer for certain proceedings.

Ministerial Project. A project, which is processed using fixed standards or objective measurements without any subjective or personal judgment. The following actions have been determined to be ministerial:

1. Filings with the State Board of Equalization, County Recorder and County Assessor.
2. Evaluating a Petition.
3. Completion of property or boundary surveys and related analysis.
4. Filing a Certificate of Sufficiency.
5. Filing a Certificate of Completion or Termination of Proceedings.
6. Determining whether a site is inhabited or uninhabited.

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7. Personnel actions.
8. Conducting Authority Proceedings.

State CEQA Guidelines. The Guidelines published by the Secretary for Resources, State of California, pursuant to Public Resources Code Section 21083 and 21087, and printed in Chapter 3 of Division 6 Title 14, of the California Administrative Code beginning with Section 15000.

Secretary for Resources. Secretary for the Resources Agency, State of California.

Other definitions not herein described are incorporated by reference from the State CEQA Guidelines. (§15350-§15387)

5. **Appeals.** Any person dissatisfied with any decision of the Environmental Coordinator or the Commission relating to provisions of these regulations, excepting a decision on a Final EIR, may appeal such decision to the Commission. Such appeal shall be made in writing within ten (10) days of the announcement of the decision, and shall include reasons that justify the appeal. It will be scheduled no later than the next regular LAFCo meeting which can be properly noticed following receipt of the Notice of Appeal. The burden to show why the decision should not be affirmed shall be upon the appellant.
6. **Numbering and Maintaining Documents.** The Environmental Coordinator shall number Negative Declarations, EIRs, and Exemptions using the LAFCo control number that has been assigned to the project. A second number may be assigned by the State Clearinghouse for documents that it processes. The Environmental Coordinator shall establish and maintain a file of actions taken pursuant to CEQA.
7. **Time Limits.** Time limits for processing environmental documents shall be as follows:
 - Within 30 calendar days after an application is filed with LAFCo, the Environmental Coordinator shall determine in writing whether such application is complete or incomplete and shall immediately transmit such determination to the applicant for the project. If a written determination is not made within 30 days, the application shall be deemed complete. In the event the application is determined not to be complete, the Environmental Coordinator shall specify those parts of the application that are incomplete and shall indicate the manner in which they can be made complete.

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- Within 30 days after accepting an application as complete, the Environmental Coordinator shall make an initial determination of whether the project will need an EIR or a Negative Declaration. The 30 day period may be extended 15 days upon the consent of the Environmental Coordinator and the project applicant.
 - LAFCo shall complete and certify an EIR in not more than one year, or complete and adopt a Negative Declaration in not more than 180 days from the date the application is deemed complete.
 - Any unreasonable delay by an applicant in meeting requests by LAFCo necessary for the preparation of a Negative Declaration or an EIR shall suspend the running of the time periods described above.
 - A few statutes require agencies to make decisions on permits within time limits that are so short that adequate review of the project under CEQA would be difficult or impossible. To enable compliance with all statutes, LAFCo shall deem an application for a project not received for filing until required CEQA documentation is complete.
- 8. Lead Agency Role.** The Lead Agency is the entity which has the principal responsibility for approving or carrying out a project (§21067). When acting as Lead Agency, LAFCo shall ensure that all required elements of the CEQA process are completed and conducted consistent with the requirements of CEQA.
- 9. Responsible Agency Role.** The Responsible Agency is a public entity, other than the Lead Agency, which has responsibility for carrying out or approving a project (§21069). When a project is proposed for which Alameda LAFCo will act as the Responsible Agency, the Environmental Coordinator shall ensure that the Lead Agency receives any information needed to prepare an environmental document that provides full disclosure of LAFCo issues and permits informed decision making on the part of the Commission. Comments shall be provided consistent with the requirements and timelines contained in §21080.3, §21080.4 and §15096. Comments provided and mitigation measures or project alternatives that are proposed shall focus upon issues pertinent to LAFCo's legislated responsibilities and discretionary authority over the project.
- 10. Environmental Coordinator's Responsibilities.** The Environmental Coordinator shall be responsible for the following functions in administering CEQA:
- Determining whether a project is exempt;

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- Supervising the work of environmental consultants;
- Conducting Initial Studies;
- Preparing Negative Declarations and EIRs;
- Determining that a Negative Declaration is complete;
- Preparing responses to public comments as to the adequacy and/or completeness of environmental documents prepared by LAFCo;
- Filing Notices;
- Providing information to hearing bodies;
- Acting as the hearing officer for the purpose of receiving public comments on Draft EIRs when requested by the Commission;
- Exercising the authority to enter into agreements with government entities that provide services within Alameda County for the purpose of providing environmental review for projects initiated by those governmental agencies;
- Requesting shortened public review periods, when appropriate, from the State Clearinghouse; and
- Conducting such other functions as are reasonably required to administer the State CEQA Guidelines.

11. Severability of Provisions. If any section, subsection, sentence, clause or phrase of these procedures is, for any reason, held to be invalid or unconstitutional, such holding shall not affect the validity or constitutionality of the remaining portions of this document. It is expressly declared that these provisions would have been prepared and adopted irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases could be declared invalid or unconstitutional.

B. Preparation and Processing of Environmental Reviews.

- 1. Applications of Article.** The procedures in this article shall govern the preparation and processing of environmental documents for the following projects:
- Changes of organization or reorganizations initiated by LAFCo pursuant to §56375 of the Cortese-Knox-Hertzberg Act;

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- Spheres of Influence Plans and Amendments, Service Reviews and Plans of Service;
 - Out of Agency Service Contracts;
 - Incorporations;
 - Any changes of organization or reorganizations including annexations and detachments from special districts;
 - All other discretionary projects as defined in §21065 and §15378 of CEQA and the CEQA Guidelines.
- 2. Required Hearings.** Public hearings shall be held on all Draft EIRs and Negative Declarations (LAFCo Policy 1.121).
- 3. Submitting the Application.** Applications shall be submitted to LAFCo and initially processed as follows:
- To facilitate and streamline processing, the applicant shall meet with the Executive Officer to discuss information which needs to be submitted with the applications;
 - The application will be submitted directly to LAFCo;
 - The Executive Officer shall enter the project application in a logbook for the purposes of assigning a LAFCo number to the project; and
 - Pursuant to these procedures and §15060 of the CEQA Guidelines, the Environmental Coordinator shall determine whether the application is complete. Such determination shall be made within thirty calendar days of application receipt. Accepting an application as complete does not prohibit LAFCo from requesting additional information needed to complete an adequate environmental review as the need arises.
- 4. Making Initial Determinations.** Following a determination that the application is complete, the Environmental Coordinator shall determine whether the project qualifies for an exemption from preparation of additional environmental documents pursuant to §15061 of the CEQA Guidelines. If an Exemption is determined appropriate, the Environmental Coordinator shall prepare a Notice of Exemption (NOE) as described in §15062 of the CEQA Guidelines. The NOE shall be filed with the County Recorder. The Notice of Exemption shall be posted

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at the County Recorder's Office within 24 hours of receipt and for at least thirty calendar days following receipt.

5. Initial Study. The following steps shall be followed when preparing an Initial Study:

a. Conduct of the Initial Study. If the Environmental Coordinator determines that a project is not exempt, an Initial Study, including completion of an Initial Study Checklist (see Exhibit A), shall be conducted pursuant to §15063 of the State CEQA Guidelines. The project proponent shall provide requested environmental information needed to complete the Initial Study.

b. Consultations with Responsible and Trustee Agencies. If a project application is received which will be subject to approval by one or more Responsible Agencies, or may affect public lands under the jurisdiction of trustee or other public agencies, the Environmental Coordinator shall consult with such agency or agencies. This first step of consultation may be done quickly and informally.

c. Environmental Determination. Based on the Initial Study and any consultations, the Environmental Coordinator shall determine which type of environmental document to prepare, and shall provide notice of that decision to the project applicant. Applicants of privately initiated projects will be notified by certified mail, return receipt requested, if an Environmental Impact Report is required.

d. Appeal Process. In the event that the applicant wishes to appeal a decision requiring the preparation of an EIR made pursuant to this Article, the appeal shall be made within ten days of receiving notice of the requirement for an EIR. The appeal shall be in writing to the Alameda LAFCo and shall include a statement of justification for the appeal. It shall be the responsibility of the appellant to establish reasons why the decision should not be upheld. In acting upon the appeal, the LAFCo shall base its decision upon facts relating to the appropriateness of the environmental determination, and not upon the merits or lack of merits of the project. The applicant shall pay any fees applicable to the public hearing on the appeal.

6. Negative Declaration (ND) and Mitigated Negative Declaration (MND) Process. The following steps shall be followed when preparing and processing a Negative Declaration or Mitigated Negative Declaration:

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a. Determining Whether An ND or MND is Required. An ND or MND shall be prepared by the Environmental Coordinator for a project when the Initial Study shows that:

- There is no substantial evidence that the project may have a significant effect;
- The Initial Study identified potentially significant effects but changes in the project proposal were made which eliminated the effects;
- Changes to the project have been proposed for adoption by LAFCo which eliminate adverse effects, or render them less than significant; or
- There is no substantial evidence that the project as revised may have significant effects on the environment.

b. Processing the ND or MND. The following processing steps and format will be used:

- The ND or MND shall conform substantially to Exhibit D;
- The Initial Study shall be attached to the ND or MND;
- The Environmental Coordinator shall consult with and seek to obtain comments from each Responsible Agency and Trustee Agency. The Environmental Coordinator may also consult with persons having special expertise on the impacts of the project;
- The ND or MND shall be made available to the public and others who have expressed an interest in the project not less than twenty (20) days before the project is heard by LAFCo;
- 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;
- If a public agency comments upon the ND or MND, that agency will be provided with notice of public hearings on the project. Such notice shall satisfy the requirements of §21092 of CEQA;

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- Prior to approval of the project, LAFCo shall find that the ND or MND is adequate and complete and the project will not have a significant effect on the environment. In the case of MND or other projects which have been modified to reduce or eliminate one or more significant effects, the Environmental Coordinator shall assure that such modification is a part of the project record and is included as a condition or other requirement of approval;
- If LAFCo decides not to adopt mitigation measures or revisions that remediate potential adverse environmental impacts to a less than significant level, and desires to consider approving the project, the Environmental Coordinator will be directed to proceed with preparation of an EIR;
- If mitigation measures are adopted by LAFCo for the purpose of reducing the environmental impacts of a project, a mitigation and monitoring program shall also be adopted pursuant to §21081.6 of CEQA;
- If LAFCo determines to carry out or approve the project, the Environmental Coordinator shall prepare a Notice of Determination (NOD) substantially in the form prescribed in Exhibit G. The NOD shall be filed with the County Recorder. The County Recorder shall post the NOD within 24 hours of receipt and keep it posted for 30 days. If the project requires discretionary approval of a state agency, the NOD shall also be filed with the State's Office of Planning and Research;

c. Rejecting the ND or MND. If at any time during the processing of the project application, LAFCo decides that an EIR needs to be prepared for a project for which a ND has previously been prepared or filed, LAFCo shall direct the Environmental Coordinator to prepare a Draft EIR. LAFCo shall continue the hearing on the project to a future date whereupon the Draft EIR shall be available.

7. Draft Environmental Impact Report Process.

a. Submission of Information. If the Initial Study indicates the need for an EIR, the applicant may be asked to submit to the Environmental Coordinator any information required by the Environmental Coordinator to prepare the Draft EIR. Preparation of the Draft EIR shall not commence until the Environmental Coordinator has determined that the required information has been received and is complete.

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b. Notice of Preparation. After determining that an EIR is required, the Environmental Coordinator shall send a Notice of Preparation, stating that an EIR will be prepared pursuant to §15082 of CEQA Guidelines, to each known Responsible Agency, Trustee Agency and the State Clearinghouse if applicable. The notice shall also be sent to every federal agency involved in approving or funding the project.

The Notice of Preparation shall provide the Responsible Agencies with sufficient information describing the project and environmental effects to enable the Responsible Agencies to make meaningful responses. The information shall include:

- A description of the project;
- The location of the project indicated on an attached map;
- The probable environmental effects of the project; and
- A copy of the Initial Study when appropriate.

c. Consultations. LAFCo shall consult with affected agencies, technical experts, or interested persons and groups in order to maximize the quality of, and disclosures contained in, the environmental document.

d. Project Scoping.

- **All projects:** When requested by a Responsible Agency, Trustee Agency or project applicant, the Environmental Coordinator shall convene a meeting with one or more Agencies to discuss the scope and content of the proposed EIR as soon as possible, but not later than thirty (30) days after the meeting is requested. Meetings may also be held with interested individuals, other technical experts or CEQA professionals or others who can contribute to the completion of an adequate CEQA document.
- **Projects with statewide, area wide or regional significance.** If a proposed project has statewide, area wide or regional significance as defined in §15206 (See Exhibit K), the Environmental Coordinator shall convene a formal scoping meeting to receive feedback on potential project-related impacts. In such cases, the Environmental Coordinator shall notify adjacent cities and counties, responsible agencies, agencies with jurisdiction and those who have requested notice of the date, time and location of the scoping meeting. The scoping meeting should occur early in

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the Initial Study process unless it is clear that an EIR must be prepared. In the latter case, notice of the scoping meeting may be included in the Notice of Preparation for the EIR. (§21083.9)

e. Preparation of the Draft EIR. The Environmental Coordinator shall prepare or cause to be prepared a Draft EIR containing all the information required by Article 9 of the State CEQA Guidelines.

f. Use of a Consultant. The Draft EIR may be prepared by existing staff or by supplemental technical staff retained for the duration of a specific environmental review process. The Environmental Coordinator may also choose to retain a qualified consultant to conduct required reviews under staff direction. A consultant retained directly by the project proponent may also prepare the EIR. However, the Environmental Coordinator is authorized to approve or reject a specific consultant or consultant team if it is determined that the consultant is not adequately prepared to conduct an adequate environmental review. Any consultant used shall prepare the review pursuant to a plan prepared by, and under the supervision of, the Environmental Coordinator.

g. Notice of Completion. As soon as the Draft EIR is completed, the Environmental Coordinator shall file a Notice of Completion with the State Office of Planning and Research (OPR) as provided in §15085 of the State CEQA Guidelines. The Notice of Completion shall conform substantially with Exhibit "F" attached to these procedures.

h. Public Review of the Draft EIR. Concurrent with filing of the Notice of Completion, the Environmental Coordinator shall distribute the Draft EIR and provide notice as required in §15087 of the State CEQA Guidelines. Public review periods for Draft EIRs shall not be less than thirty (30) days nor more than ninety (90) days.

If LAFCo is the Lead Agency for a project over which a state agency has legal jurisdiction, or when it is determined to be in the best public interest to seek review of a Draft EIR by state agencies with special expertise or interest in a project, the Environmental Coordinator shall submit the Draft EIR to the State Clearinghouse and the review period shall be no less than 45 days unless a request for a shortened review period is granted by the State Clearinghouse.

i. Public Hearing. At the public hearing, LAFCo shall consider the contents of the Draft EIR; consider any written comments submitted by reviewers of the Draft EIR; and hear any oral testimony relative to the Draft EIR from those in attendance at the hearing. If the Draft EIR is substantially questioned as to content or if testimony received requires responses, the Environmental

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Coordinator shall be instructed to prepare responses, which will be incorporated into a Final EIR. At the initial hearing, if no substantive questions are raised regarding the content or adequacy of the Draft EIR, LAFCo may certify the Draft EIR as a Final EIR.

8. Final Environmental Impact Report Process.

a. Submission of Information. As a result of questions raised during the Draft EIR process, the Environmental Coordinator may require the project applicant to submit additional information necessary for preparation of the Final EIR.

b. FEIR Preparation. The Environmental Coordinator shall prepare, or cause to be prepared, a Final EIR containing: the Draft or revised Draft EIR; comments and recommendations received on the Draft EIR; a list of persons, agencies and organizations commenting on the Draft EIR; responses to significant environmental points raised during the review and consultation processes; and any information added by the Lead Agency (§15132).

c. Distribution. The Environmental Coordinator shall distribute the Final EIR to those agencies and persons who submitted comments on the Draft EIR. Written responses to comments received from public agencies will be provided to those agencies at least ten days before the LAFCo hearing to certify the FEIR.

d. Public Hearing. At the public hearing, LAFCo shall consider the FEIR; hear any testimony relative to the EIR from those in attendance at the hearing; certify that the Final EIR has been completed in compliance with CEQA and State Guidelines, and that LAFCo has reviewed and considered the information contained in the EIR; and adopt any findings as required by this section. If LAFCo fails to certify the Final EIR, it shall advise the Environmental Coordinator what further information is desired. The Final EIR shall be certified prior to action upon the project.

e. Additional Evidence. If LAFCo intends to approve a project for which the Final EIR identifies one or more significant effects, LAFCo may require the proponent of the project to provide and submit evidence into the record to substantiate the need to approve the project notwithstanding the identification of the significant environmental effects of the project as proposed.

f. Findings. LAFCo shall not approve a project for which a Final EIR has been certified and which identifies one or more significant environmental effects of the project unless it makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding (§15091). The Environmental Coordinator shall prepare or cause to be prepared

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written findings in each area identified as significantly affected. Oral findings may be made and approved by LAFCo as part of the hearing process, provided such oral findings are transcribed and placed in the project file.

Each finding shall be supported by substantial evidence in the record. No action on a project shall be considered final until Findings are adopted. Possible findings are:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIR; and
- Specific overriding economic, legal, social, economic, technological or other benefits of the project outweigh the significant effects on the environment and identified considerations render proposed mitigation measures or project alternatives identified in the Final EIR infeasible. This finding shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

g. Continuance of Hearings. LAFCo may continue any hearing on a project to allow a reasonable period to draft proposed findings as long as such continuance does not exceed limits required pursuant to the Cortese- Knox-Hertzberg Local Government Reorganization Act of 2000. Unless otherwise ordered by LAFCo, any public hearing continued for the sole purpose of preparation of proposed findings shall be deemed a closed hearing and additional evidence and testimony shall not be received.

h. Mitigation Monitoring and Reporting Program. If mitigation measures are adopted by LAFCo for the purpose of reducing the environmental impacts of a project, a mitigation monitoring and reporting program shall be prepared and adopted pursuant to §21081.6 of CEQA using forms found in Exhibit J.

i. Notice of Determination. Within five days after project approval, a Notice of Determination, which shall conform substantially to Exhibit "G", shall be filed by the Environmental Coordinator with the County Recorder. This notice shall be posted within 24 hours of receipt and for a minimum of thirty (30) days. An endorsed copy of the Notice shall be obtained by the Environmental Coordinator with a notation of the period it was posted. If the project requires discretionary approval by a state agency, the Notice shall also be filed with the State Office of Planning and Research (OPR).

C. Assumption of Lead Agency Role upon Request.

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LAFCo may assume the Lead Agency role at the request of another public agency if the Lead Agency cannot or does not desire to assume the Lead Agency role. In such cases, a written agreement will be required.

D. Categorical and Statutory Exemptions.

There are a number of types of projects, such as emergency repairs, fee adoption, ministerial projects, and feasibility or planning studies that are statutorily declared exempt from the requirements of CEQA. There are currently thirty-two Categorical Exemptions that have been created by the state pursuant to §21084 of CEQA. Pursuant to §15300.4 of the State CEQA Guidelines, LAFCo hereby lists those classes of projects that are exempt from these procedures and may be used by LAFCo.

Class 1 - Existing Facilities (§15301).

Class 2 - Replacement or Reconstruction (§15302).

Class 3 - New Construction or Conversion of Small Structures (§15303).

Class 4 - Minor Alterations to Land (§15304).

Class 6 - Information Collection (§15306).

Class 7 - Actions by Regulatory Agencies for Protection of Natural Resources (§15307).

Class 8 - Actions by Regulatory Agencies for Protection of the Environment (§15308).

Class 19 - Annexations of Existing Facilities and Lots for Exempt Facilities (§15319). Class 19 consists of two types of only the following annexations:

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing environmental agency whichever is more restrictive, provided however that the extension of utility services to the existing facilities would have the capacity to serve only the existing facilities; and
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.”

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Class 20 - Changes in Organization of Local Agencies (§15320). “Class 20 consists of changes in the organization or reorganization of local government agencies where the changes do not change the geographical area in which previous existing powers are exercised. Examples include but are not limited to:

- (1) Establishment of a subsidiary district;
- (2) Consolidation of two or more districts having identical powers; and
- (3) Merger with a city of a district lying entirely within the boundaries of the city.”

Class 22 - Educational or Training Programs Involving No Physical Changes (§15322).

Class 24 - Regulation of Working Conditions (§15324).

Class 25 - Transfers of Ownership of Interests in Land to Preserve Existing Natural Conditions and Historical Resources (§15325).

Class 27 - Leasing New Facilities (§15327).

Statutory Exemptions. All those exemptions listed in §21080 of CEQA. The Statutory Exemption for Feasibility Studies (§15262) is most likely to be used by LAFCo.

Exceptions. Pursuant to §15300.2, the following exceptions exist:

- Specific classes. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, EXCEPT where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies.
- Cumulative Impacts. All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

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- General Rule. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (§15061 (b)(3)).
- Other. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements that are required as mitigation by an adopted negative declaration or certified EIR.

A categorical exemption shall not be used for a project located on a site that is included on any list compiled pursuant to §65962.5 of the Government Code.

A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

Notice of Exemption. LAFCo shall file a Notice of Exemption at the County Recorder's Office for any projects for which such determination is made. The form used to document and file Notices of Exemption is attached as Exhibit E.

E. Incorporation of State CEQA Guidelines.

As to matters not specifically covered by these procedures, the procedures and provisions set forth in the State CEQA Guidelines shall apply to, govern and control matters.

F. Miscellaneous Projects.

Applications filed for projects, which may require the preparation of EIRs or Negative Declarations and are not otherwise provided for in these procedures shall be processed as determined by the Environmental Coordinator. If any person is dissatisfied with the determination of the Environmental Coordinator as to the method of processing, he/she may appeal the determination as provided in these procedures.

G. Review by State Agencies.

1. **State Clearinghouse (SCH) Review (See Exhibit K).** EIRs and Negative Declarations to be reviewed by State agencies shall be submitted to the State as prescribed in §15205 of the State CEQA Guidelines. Fifteen (15) copies of

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applicable Negative Declarations and all Notices of Preparation must be sent to the SCH. One copy of a Notice of Completion (NOC) form must be included with the submittal. All submitted documents must also be provided to OPR in an electronic format. The State review period will begin on the same day a document is submitted if it is delivered to the SCH by noon, and the submittal is complete (See Exhibit K). (§§15205, 15206, 21080.4, 21081.7)

2. State Agency Review of Projects of Statewide, Regional or Areawide Significance. State review will proceed according to the following provisions:

- EIRs and Negative Declarations shall be submitted to the State Clearinghouse, whenever the Environmental Coordinator determines that a project may be of statewide, regional or areawide significance.
- Fifteen (15) copies of Negative Declarations and Draft EIRs with one copy of a completed NOC form to the SCH shall be submitted. The assigned State Clearinghouse number must be referenced on the NOC that accompanies a Draft EIR. If Alameda LAFCo identifies more than fifteen State agencies needing to review the document, additional copies must be sent to ensure that a copy can be forwarded to all identified agencies.
- One copy of Final EIRs shall be submitted.
- One copy of the Notice of Determination if a state agency is a Responsible Agency. (§§15205, 15206, State Clearinghouse Handbook)
- The Environmental Coordinator shall request that the State Clearinghouse transmit a copy of each project's State Clearinghouse distribution list to LAFCo.

3. State Fish and Game Department.

- If the State Clearinghouse distribution list indicates that a project has been reviewed by the State Department of Fish and Game, the project will be determined to not be de minimis. The Environmental Coordinator may also determine that a project is not de minimis, and may submit a project to the State Fish and Game Department specifically for environmental review purposes, independent of action by the State Clearinghouse. In either case, the project will be subject to State Fish and Game fees pursuant to Section 21089 of the Public Resources Code, §711.4 of the State Fish and Game Code regulations.
- The Environmental Coordinator shall notify the project proponent of the need to collect State Fish and Game fees.
- LAFCo shall not approve a project for which an EIR or Negative Declaration has been prepared and which is not de minimis until State Fish and Game Department fees have been collected. Pursuant to state law, no

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project found not to be de minimis is vested or approved until Fish and Game fees have been collected.

- LAFCo may continue any hearing on a project so that the applicant can remit required fees to LAFCo as permitted pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Unless otherwise ordered by LAFCo, any public hearing continued solely for the purpose of collecting fees shall be deemed a closed hearing and additional evidence and testimony shall not be taken.
- If a project is found not de minimis, and fees have been collected, LAFCo shall note in the public record that Fish and Game fees have been collected pursuant to §21089 of the Public Resources Code.
- The Environmental Coordinator shall maintain proof of fee payment in the project history file.
- The Environmental Coordinator shall include LAFCo's findings and record of fee payment on the Notice of Determination for a project. Fees will be deposited with the County Recorder.

H. Public Notices and Public Review Periods.

1. **Public Notice.** The following processes shall be used for providing public notice:
 - a. **Negative Declaration.** A Notice of Intent to adopt or consider a Negative Declaration or Mitigated Negative Declaration shall be provided to the public not less than twenty (20) days in advance of the hearing. The Environmental Coordinator shall cause such notice to be posted in the County Recorder's offices for a period of at least 20 days. Public notice shall be mailed to any person who has filed a written request for such notice and shall also be published at least one time in a newspaper of general circulation in the area affected by the proposed project.
 - b. **Draft EIR.** A public notice of the availability of the Draft EIR shall be provided at the same time as the Draft EIR is made available for public review and not less than 30 days in advance of the hearing. The Environmental Coordinator shall cause such notice to be posted in the offices of the County Recorder for a period of at least 30 days running concurrent with the public review period. Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be published at least one time in a newspaper of general circulation in the area affected by the proposed project.

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c. Final EIR. A Notice that a FEIR will be considered by LAFCo, as Responsible Agency, shall be provided to the public not less than thirty (30) days in advance of the hearing. Public notice shall be mailed to any person who has filed a written request for such notice and shall also be published at least one time in a newspaper of general circulation in the area affected by the proposed project.

2. Public Review. The following processes shall be used for providing an adequate time period for public review:

a. Negative Declaration. The public review period for a Negative Declaration shall not be less than twenty (20) days. When the Negative Declaration is submitted to the State Clearinghouse for review, the review period shall be at least 30 days. Any request for a shortened review period must be submitted, in writing, to the State Clearinghouse by the Environmental Coordinator. The shortened review period shall not be less than twenty (20) days.

b. Environmental Impact Report. The public review period for a Draft Environmental Impact Report (DEIR) shall not be less than thirty (30) days. When a DEIR is submitted to the State Clearinghouse for review, the review period shall be at least forty-five (45) days. Any request for a shortened review period must be submitted, in writing, to the State Clearinghouse by the Environmental Coordinator. The shortened review period shall not be less than 30 days.

I. Mitigation Monitoring Programs (MMP).

1. Timing. MMPs shall be adopted prior to the approval of a proposed project. Certificates of Completion shall not be issued, nor boundary changes filed with the State Board of Equalization, until all elements of the adopted MMP have been completed.

2. Content. The MMP shall include:

- A list of mitigation measures stated exactly as adopted by LAFCo;
- For each mitigation measure, actions that need to be taken by the project proponent, other public agencies and LAFCo will be listed;
- For each mitigation measure, every action needed to complete the mitigation measure shall be clearly described and include an anticipated date or timetable for completion;
- For each mitigation measure, a section where field notes, status information and problem resolution data can be entered.

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- For each mitigation measure, a location for, and description of, LAFCo verification actions.

Exhibit A - Initial Study Checklist

CONSISTENCY DETERMINATIONS	Land Use Designation	Consistent?	Inconsistent?	Comments
Sphere of Influence (SOI) Plan	N/A			
Applicable Service Reviews	N/A			
Other District Boundaries	N/A			
General Plan				
Community Plan				
Specific Plan				
Land Use Zone				
Airport	N/A			
Mineral Resource Zone	N/A			
Agricultural Preserve, Conservation or Open Space Plan	N/A			
State or federal Recreation Area Plan	N/A			

Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
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1. LAND USE, SPHERE OF INFLUENCE AND BOUNDARY CONSIDERATIONS - Would the project:

a. Conflict with any applicable SOI, boundary, district or city operations, resource or open space conservation plan, growth management, air quality or trip reduction ordinance, land use plan, policy, or regulation of a local, state or federal agency with jurisdiction over the project (including but not limited to a general plan, specific plan or zoning ordinance) adopted to avoid or mitigate an environmental				
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Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
effect?				
b. Result in substantial noncontiguous urban development which, in turn, results in adverse physical impacts?				
c. Physically disrupt/divide an established community?				
1. Additional Discussion:				
2. POPULATION/HOUSING - Would the project:				
a. Induce substantial unplanned population growth in an area by introducing increased densities, new homes and businesses) or indirectly or by extending infrastructure or increasing the capacity of the infrastructure)?				
b. Displace substantial amounts of existing housing, causing replacement housing construction elsewhere?				
2. Additional Discussion:				
3. AGRICULTURAL AND OPEN SPACE RESOURCES - Would the project:				
a. Result in substantial loss of important agricultural, open space or resource land?				
b. Cause premature, ill planned, illogical, or inefficient conversion of prime agricultural, open space, mineral resource or other important resource areas not planned for development in the next five years especially when such land is not located within the SOI of a proposed service provider and there is alternative sufficient vacant land available for development?				
c. Convert Prime Agricultural Land, Unique Farmland, Farmland of Statewide Importance, Agricultural Preserves, areas containing prime soils or productive agricultural operations to uses not conducive to agricultural production?				

Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
d. Conflict with any existing Williamson Act contract?				
e. Induce development by permitting uses that adversely impact adjacent agricultural operations, significantly increase the property values of adjacent or proximate resource land, or remove natural or man-made buffers between urban and agricultural/open space uses?				
f. Conflict with agricultural, open space or resource conservation plans or programs of the County, state or federal government?				
g. See section 15 for consideration of growth inducement.				
3. Additional Discussion:				
4. AESTHETICS - Would the project:				
a. Substantially alter existing viewsheds such as scenic highways, corridors or vistas?				
b. Substantially degrade the existing visual character or quality of the site and its surroundings?				
c. Create a new source of substantial light, glare or shadow that would result in safety hazards or adversely affect day or nighttime views in the area?				
4. Additional Discussion:				
5. AIRPORTS - Would the project:				
a. Result in a safety hazard for people residing or working in the vicinity of an airport/airstrip?				
b. Expose people residing or working in the project area to aircraft noise levels in excess of applicable standards?				
c. Result in a substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft?				

Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
d. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?				
5. Additional Discussion:				
6. PUBLIC SERVICES - Would the project:				
a. Cause the adequacy of services provided to decrease, costs of service provision to rise substantially, or cause those currently receiving service to receive reduced or inadequate services especially when such change may cause adverse health, safety or other physical impacts?				
b. Cause a service provider's infrastructure capacity to exceed planned and safe limits especially when such change may cause adverse health, safety or other physical impacts?				
c. Causes unnecessary service provision, adversely affects important public resources, or the cost and adequacy of public services to the detriment of public health and safety?				
d. Have an adequate water supply for project buildout?				
e. Have adequate wastewater treatment and disposal facilities for full buildout of the project?				
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				
g. Result in substantial adverse physical impacts associated with the construction of new water supply or wastewater treatment and disposal facilities or expansion of existing facilities?				
h. Place conflicting land uses within an odor, or other protective barrier for a solid waste disposal site, energy				

Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
facility, wastewater treatment plant or similar facility?				
i. Result in substantial adverse physical impacts associated with provision of storm water drainage facilities?				
j. Result in substantial adverse physical impacts associated with provision of electric or natural gas service?				
k. Result in substantial adverse physical impacts associated with provision of emergency services?				
l. Result in substantial adverse physical impacts associated with the provision of public school services? Note: Established case law, Goleta Union School District v. The Regents of the University of California (36 Cal-App. 4 th 1121, 1995), indicates that school overcrowding, standing alone, is not a change in the physical conditions, and cannot be treated as an impact on the environment.				
m. Result in substantial adverse physical impacts associated with the provision of park and recreation services?				
6. Additional Discussion:				
7. TRANSPORTATION/TRAFFIC - Would the project:				
a. Result in a substantial increase in peak hour vehicle trip-ends that could exceed, either individually or cumulatively, an established level of service?				
b. Result in a substantial adverse impact to access or circulation?				
c. Result in substantial adverse impact due to inadequate parking capacity?				
d. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				

Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
e. Result in a substantial adverse impact to public safety on area roadways?				
7. Additional Discussion:				
8. AIR QUALITY - Would the project:				
a. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?				
b. Expose sensitive receptors to pollutants or pollutant concentrations in excess of standards?				
c. Create objectionable odors, dust, or other nuisances affecting a substantial number of people?				
8. Additional Discussion:				
9. NOISE - Would the project:				
a. Result in exposure of persons to, or generation of, noise levels in excess of standards established by the general plan, noise ordinance or other noise standards?				
b. Result in a substantial temporary increase in ambient noise levels in the project vicinity?				
c. Result in a substantial temporary increase in ambient noise levels in the project vicinity?				
9. Additional Discussion:				
10. HYDROLOGY AND WATER QUALITY - Would the project:				
a. Substantially deplete groundwater supplies or substantially interfere with groundwater recharge?				

Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
b. Substantially alter the existing drainage pattern of the project area and/or increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				
c. Develop within a 100-year floodplain as mapped on a federal Flood Insurance Rate Map or within a local flood hazard area?				
d. Place structures that would impede or redirect flood flows within a 100-year floodplain?				
e. Expose people or structures to a substantial risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				
f. Create or contribute runoff that would exceed the capacity of existing or planned drainage systems?				
g. Create substantial sources of polluted runoff or otherwise substantially degrade ground or surface water quality?				
10. Additional Discussion:				
11. GEOLOGY AND SOILS - Would the project:				
a. Cause premature, ill planned, illogical, or inefficient conversion of land containing important mineral resources, included in a state designated mineral resource zone and not planned for development in the next five years especially when such land is not located within the Sphere of Influence of a proposed service provider and there is alternative sufficient vacant land available for development?				
b. Expose people or structures to substantial risk of loss, injury or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial				

Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
evidence of a known fault?				
c. Result in substantial soil erosion, siltation or loss of topsoil?				
d. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, soil expansion, liquefaction or collapse, or release or leaching of pollutants?				
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available?				
f. Result in a substantial loss of an important mineral resource?				
g. Directly or indirectly destroy a unique paleontological resource or site?				
11. Additional Discussion:				
12. BIOLOGICAL RESOURCES - Would the project:				
a. Cause premature, ill planned, illogical, or inefficient conversion of important wildlife resource areas not planned for development in the next five years especially when such land is not located within the SOI of a proposed service provider and there is alternative sufficient vacant land available for urban uses?				
b. Have a substantial adverse effect on special status species?				
c. Have a substantial adverse effect on any riparian habitat or other sensitive natural community?				
d. Have a substantial adverse effect on wetlands designated as jurisdictional waters of the United States as defined by Section 404 of the Clean Water Act?				

Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
e. Have a substantial adverse effect on the movement of any native resident or migratory fish or wildlife species?				
f. Result in removal or damage to native/landmark trees?				
g. Conflict with local policies or ordinances protecting biological resources?				
h. Conflict with the provisions of an adopted Habitat Conservation Plan or other approved local, regional, state or federal plan for the conservation of habitat?				
12. Additional Discussion:				
13. CULTURAL RESOURCES - Would the project:				
a. Cause a substantial adverse change in the significance of an historical resource?				
b. Have a substantial adverse effect on an archaeological resource?				
c. Disturb any human remains, including those interred outside of formal cemeteries?				
13. Additional Discussion:				
14. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a. Create a substantial hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				
b. Expose the public or the environment to a substantial hazard through reasonably foreseeable upset conditions involving the release of hazardous materials (i.e. asbestos)? Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within				

Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
one-quarter mile of an existing or proposed school?				
c. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, resulting in a substantial hazard to the public or the environment?				
d. Impair implementation or physically interfere with an emergency response or emergency evacuation plan?				
14. Additional Discussion:				
15. GROWTH INDUCEMENT - Would the project:				
a. Include or plan for infrastructure capacity, especially water and sewer lines, that exceed the needs of the proposed project and may be used to serve areas not planned for development, especially those containing prime agricultural land, mineral, sensitive plant and wildlife or other important resources?				
b. Induce substantial growth on important agricultural and open space lands because it would:				
b1. Permit the extension of, or require, infrastructure such as flood control levees or water diversions, electrical, water or sewer lines, especially trunk lines, roadways or other public facilities that would permit new development in a substantial area currently constrained from development?				
b2. Encourage or foster development by permitting uses that adversely impact adjacent agricultural operations, significantly increase property values of adjacent or proximate resource land, or remove natural or man made buffers between urban and agricultural, mining or other conservation uses?				
15. Additional Discussion:				

Area of Impact	Potentially Significant	Less Than Sig. Mitigated	Less Than Significant/None	Comments
16. CUMULATIVE IMPACTS - Would the project:				
a. When considered in conjunction with other recent, present and reasonably foreseeable projects, cause significant adverse cumulative impacts?				
16. Additional Discussion:				
17. OTHER - Would the project:				

Exhibit B - CEQA Document Distribution Record

Date: _____

From: Lou Ann Texeira, Executive Officer
Alameda Local Agency Formation Commission (LAFCo)
1221 Oak Street, Room 555
Oakland, CA 94612
Phone - (510) 271-5142
FAX - (510) 272-3784

To:

Project: _____; **LAFCo No:** _____

The subject proposal has been reviewed by Alameda LAFCo, and the environmental documents prepared to date, are attached. It has been determined pursuant to the California Environmental Quality Act, that the following document is appropriate for the subject project:

Environmental Impact Report
 Negative Declaration

Exemption

No public review period is required.

The required ___ day public review period will end on _____. Written comments may be transmitted to Alameda LAFCo.

Public/legal notice is ___ is not ___ required. LAFCo will provide required notice. The attached document and proposed project will be considered at a public hearing to be held on _____ at _____.

Please sign and return this form to acknowledge receipt of document.

Date Received: _____

Signature: _____

Exhibit C - Notice of Preparation

TO:

FROM:
**Alameda Local Agency Formation
Commission**
1221 Oak Street, Room 555
Oakland, CA 94612
(510) 271-5142

CONTACT: Lou Ann Texeira
Environmental Coordinator

**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT
REPORT**

LAFCo will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of interested persons and agencies as to the scope and content of the environmental information to be included in the EIR. Agencies should comment on the scope and content of the environmental information, which is germane to the agencies' statutory responsibilities in connection with the proposed project.

The project description, location, and the probable environmental effects are contained in the attached materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice. Please send your response to Lou Ann Texeira, Environmental Coordinator at the address shown above. We will need the name for a contact person in your agency.

PROJECT TITLE/NUMBER: _____

PROJECT LOCATION: _____ **Alameda**
City/Community (Nearest) **County**

PROJECT APPLICANT:

DATE: _____ **SIGNATURE:** _____

cc: State Clearinghouse (if applicable)

Exhibit D - Negative Declaration

Pursuant to Division 6, Title 14, Chapter 3, Article 6, Sections 15070 and 15071 of the California Administrative Code and pursuant to the Procedures for Preparation and Processing of CEQA reviews adopted through Resolution No. _____, the Environmental Coordinator of Alameda LAFCo, State of California, does prepare, make, declare, publish, and cause to be filed with the County Recorder of Alameda County, State of California, this Negative Declaration for the proposed project described as follows:

1. **Title, LAFCo No. and short description:** From the Initial Study.
2. **Location of Project:** From Initial Study
Assessor's Parcel Number/s: _____
3. **Project Applicant:** _____
4. Said project will not have a significant effect on the environment for the following reasons:
 - a) It will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a part or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
 - b) It will not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals.
 - c) It will not have impacts which are individually limited, but cumulatively considerable.
 - d) It will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.
5. As a result thereof, the preparation of an environmental impact report pursuant to the Environmental Quality Act (Division 13 of the Public Resources Code of the State of California) is not required.
6. The attached Initial Study has been performed by the in support of this Negative Declaration. Further information may be obtained by contacting the Alameda Local Agency Formation Commission (LAFCo), 1221 Oak Street, Room 555, Oakland, Ca. 94612, (510) 271-5142.

By

Lou Ann Texeira
Environmental Coordinator
Alameda Local Agency Formation Commission
Alameda County, State of California

Exhibit E - Notice of Exemption

**RECORDING REQUESTED
WHEN RECORDED MAIL TO:**

Alameda Local Agency Formation Commission
1221 Oak Street, Room 555
Oakland, CA 94612
CONTACT: Lou Ann Texeira
TELEPHONE: (510) 271-5142

SPACE ABOVE LINE RESERVED FOR RECORDER'S USE

PROJECT TITLE:
LAFCo NUMBER(S):
PROJECT LOCATION:
ASSESSOR'S PARCEL NUMBER(S):
DESCRIPTION OF PROJECT:

NAME OF PUBLIC AGENCY APPROVING PROJECT: Alameda Local Agency Formation Commission

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT:

EXEMPT STATUS: (CHECK ONE):

- MINISTERIAL (Sec. 21080(b); 15268);
- DECLARED EMERGENCY (Sec. 21080(b)(3); 15269(a));
- EMERGENCY PROJECT (Sec. 21080(b)(4); 15269(b)(c));
- GENERAL RULE (Sec. 15061(b)(3));
- CATEGORICAL EXEMPTION--State type and Section Number:
- STATUTORY EXEMPTION--State Code Number:
- OTHER--State Code Number:

REASONS WHY PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

ENVIRONMENTAL COORDINATOR OF
ALAMEDA LAFCo, STATE OF CALIFORNIA

Copy To:

State of California
Office of Planning and
Research, 1400 Tenth Street,
Room 121
Sacramento, CA 95814

BY: _____
Lou Ann Texeira

X County of Alameda
Recorder
Oakland, CA 94612

Exhibit F - Notice of Completion

(Insert two page State Clearinghouse form.)

Exhibit G - Notice of Determination

RECORDING REQUESTED

WHEN RECORDED MAIL TO:

Lou Ann Texeira
Alameda Local Agency Formation Commission
1221 Oak Street, Rm.555
Oakland, CA 94612
TELEPHONE: (510) 271-5142

SPACE ABOVE LINE RESERVED FOR RECORDER'S USE

SUBJECT: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OR 21152 OF THE PUBLIC RESOURCES CODE

PROJECT TITLE: LAFCo NUMBER(S): STATE CLEARINGHOUSE NUMBER (IF SUBMITTED):
PROJECT LOCATION:
ASSESSOR'S PARCEL NUMBER(S):
DESCRIPTION OF PROJECT:

This is to advise that the Alameda Local Agency Formation Commission (___Lead Agency Responsible Agency) has approved the above described project on _____ and has made the following determinations concerning the above described project:

1. The project [___will ___will not] have a significant effect on the environment.
2. ___An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
___A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [___were ___were not] made a condition of the approval of the project.
4. A mitigation monitoring and reporting program [___was ___was not] adopted.
5. A statement of Overriding Considerations [___was ___was not] adopted for this project.
6. Findings [___were ___were not] made pursuant to the provisions of CEQA.
7. California State Department of Fish and Game Fees (AB 3158)
 - a. The project has been found to be de minimis thus not subject to the provisions of AB 3158.
 - b. The project is not de minimis and is, therefore, subject to the following fees:
 - \$1,250 for review of a Negative Declaration
 - \$ 850 for review of an Environmental Impact Report

This is to certify that the environmental document and record of project approval are available to the General Public at: 1221 Oak Street, Room 555, Oakland, C. 94612 (510)-271-5142.

Lou Ann Texeira

Copy To: ___State of California
Office of Planning and Research,
1400 Tenth Street, Room 121,
Sacramento, CA 95814

ENVIRONMENTAL COORDINATOR OF
ALAMEDA LOCAL AGENCY FORMATION
COMMISSION (LAFCo)
STATE OF CALIFORNIA

X County of Alameda
Recorder
Oakland, Ca. 94612

Exhibit I - CEQA Timelines²

Trigger Event	Action Required	Time Period	Code Section
Application received.	Notify applicant of additional information requirements.	Within 30 days	§15101
As soon as the application is deemed complete for CEQA review purposes	Lead Agency sends notice to each Responsible Agency and other affected agencies, interested persons or anyone who has requested notice.	Starts clock for environmental review processing time requirements.	§15060
After receiving a consultation or scoping request from a Lead Agency.	Responsible Agency provides contact name, consults with Lead Agency, explains reasons for supporting or opposing an environmental determination, identifies issues, may attend meetings.	30 days	§15096 (b)(1)
After LAFCo/other agency/applicant requests a scoping meeting.	Convene a meeting/consultation.	30 days	§15104
After receiving a Notice of Preparation from a Lead Agency.	Responsible Agency comments on the scope and content of the review of issues pertinent to its authorities.	As soon as possible but within 30 days	§15096 (b)(2)
Conducting an Initial Study.	Make environmental determination (ND or EIR).	30 days (with 15 day extension option)	§15102
After application is deemed complete.	Prepare and adopt a Negative Declaration	180 days	§15107
	Prepare and certify an EIR.	1 year with a 90 day extension (private initiated projects)	§15108
Hiring a consultant after environmental determination.	Hire the consultant.	45 days (applicant can consent extension)	§21151.5
After completing a ND or MND.	Begin public review period.	20 days	§15105, §15106
		30 days if sent to Clearinghouse ³	

²Sections cited are from CEQA and the CEQA Guidelines.

³The State Clearinghouse can shorten the review period to not less than 20 days when requested by a Lead Agency and due to special circumstances (§15106)

Trigger Event	Action Required	Time Period	Code Section
After completing a Draft EIR.	File a Notice of Completion.	As soon as the Draft EIR is issued	§15085
Determine if scoping meeting is required			
After completing a Draft EIR.	Begin public review period.	30 days minimum (to 90 days if conditions warrant)	§15105
		45 days if sent to Clearinghouse ⁴	
Provide public notice of public review period.	Post, publish and/or mail notice of public review period.	at least the number of days required for public review	§15072 §15087
Provide public notices.	Post notice in County Recorder's Office.	within 24 hours of receipt, 20 days (ND), 30 days (EIR)	§21092.3
Receive comments from a public agency.	Respond to Comments on a Draft EIR in writing.	provide responses to public agency 10 days before Final EIR certified	§21092.5 (a)(b)
	Notify public agency of hearing on ND for which responses were received.	is satisfied if public hearing notice provided to agency	
After project approval.	File Notice of Determination with County Recorder.	Within 5 working days of approval, post within 24 hours	§15094
After project approval.	File Notice of Exemption with County Recorder to change legal challenge period from 180 to 35 days.	After approval	§15062(3)(d)
Notice of Determination filed.	File legal challenges.	30 calendar days from filing date	§15094
Prepared by Graichen Consulting 5010 Sorento Road, Sacramento, Ca. 95835, (916)-991-2177, nnatomas@aol.com			

⁴The State Clearinghouse can change the review period to not less than 30 days or more than 90 days when requested by a Lead Agency and due to special circumstances (§15106)

Exhibit J - Mitigation Verification Form

Project Name: _____

LAFCo No: _____

I. Mitigation Measure: (Needs to be exactly as adopted by the Commission.)

II. Required Implementation Actions:

By Other Public Agency:

- 1.
- 2.

By Private Project Applicant:

- 1.
- 2.

III. Required LAFCo Verification Actions:

- 1.
- 2.

Mitigation Completed on: _____

Verified By: _____

Alameda Local Agency Formation Commission (LAFCo)
1221 Oak Street, Room 555
Oakland, CA 94612
TELEPHONE: (510) 271-5142

Notes:

Exhibit K

Projects Requiring State Clearinghouse Review

1. Where the lead agency is a state agency (Guidelines Section 15205).
2. Where there is a responsible or trustee state agency (Guidelines Section 15205).
3. Where the project has statewide, regional, or areawide significance (Guidelines Section 15206).

With regard to the third criterion, the CEQA Guidelines deem the following types of projects as having statewide, regional, or areawide significance:

- a. A proposed local general plan, element, or amendment for which an EIR was prepared.
- b. A proposed residential development of more than 500 dwelling units.
- c. A proposed shopping center or business establishment that will employ more than 1,000 persons or encompass more than 500,000 square feet of floor space.
- d. A proposed hotel/motel development of more than 500 rooms.
- e. A proposed industrial, manufacturing, or processing plant, or industrial park, planned to house more than 1,000 persons and occupy more than 40 acres of land or encompass more than 650,000 square feet of floor area.
- f. A project that would result in the cancellation of a Williamson Act Contract for any parcel of 100 or more acres.
- g. A project for which an EIR was prepared and which is located in and substantially impacting an area of critical environmental sensitivity. This includes the Lake Tahoe Basin, the California Coastal Zone, the Sacramento-San Joaquin Delta, the Suisun Marsh, any area within 1/4 mile of a wild and scenic river, and the jurisdiction of the San Francisco Bay Conservation and Development Commission.
- h. A project that would substantially affect sensitive wildlife habitats such as riparian lands, wetlands, bays, estuaries, marshes, and habitats for rare and endangered species.
- i. A project that would interfere with the attainment of regional water quality standards as stated in the approved areawide wastewater management plan.
- j. A project that would provide housing, jobs, or occupancy for 500 or more people within ten miles of a nuclear power plant. (Sections 15205 and 15206)