

COUNTY OF SAN DIEGO

ENVIRONMENTAL IMPACT REPORT FORMAT

AND GENERAL CONTENT REQUIREMENTS



LAND USE AND ENVIRONMENT GROUP

Department of Planning and Land Use
Department of Public Works

Second Revision
September 26, 2006

APPROVAL

I hereby certify that these **EIR Format and General Content Requirements** are a part of the County of San Diego, Land Use and Environment Group's Technical Report Format and Content Requirements and were considered by the Director of Planning and Land Use, in coordination with the Director of Public Works on the 26th day of September, 2006.



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Director of Planning and Land Use



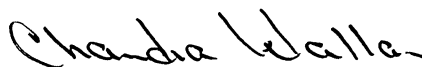
JOHN SNYDER
Director of Public Works



Attest: ERIC GIBSON
Deputy Director of Planning and Land Use

I hereby certify that these **EIR Format and General Content Requirements** are a part of the County of San Diego, Land Use and Environment Group's Technical Report Format and Content Requirements and have hereby been approved by the Deputy Chief Administrative Officer (DCAO) of the Land Use and Environment Group on the 26th day of September, 2006.

Approved, September 26, 2006



CHANDRA WALLAR
Deputy CAO

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PURPOSE

This document's ultimate goal is to help in the preparation of useful, organized, consistent, and legally adequate Environmental Impact Reports (EIRs) in a timely and cost efficient manner.

This document is intended to complement, not reproduce or replace, pertinent California Environmental Quality Act (CEQA) and State and County CEQA Guidelines sections governing the preparation of EIRs.

For additional and detailed comments regarding formal EIR content and general guidelines relating to preparing adequate EIRs refer to *Guide to the California Environmental Quality Act (CEQA)*, Tenth edition (Remy, Thomas, et al.), or *Practice Under the California Environmental Quality Act* (Kostka and Zischke).

GENERAL ISSUES AND GUIDANCE FOR THE WRITING OF DRAFT EIRs

1. CONTENTS:

- The contents of an EIR required by CEQA and the State and County CEQA Guidelines are hereby incorporated by reference.

2. FORMAT:

- Unless an exception is granted, every draft EIR shall have the components as shown on pages 4 through 6 of this document and as detailed in the following pages.
- **DOCUMENTS THAT DO NOT CONTAIN ALL OF THE MANDATORY SECTIONS DESCRIBED IN THIS DOCUMENT WILL NOT BE ACCEPTED FOR REVIEW BY COUNTY STAFF UNLESS AN EXCEPTION IS GIVEN BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND LAND USE (DPLU).**

NOTE: The format and content requirements of Supplemental EIRs will be determined on a case-by-case basis from the components listed on pages of this document.

3. ELECTRONIC FORMAT

- Any draft EIR text submitted electronically to the County for comment and review shall be formatted in Microsoft Word (2003 version or later). Staff may also request draft EIR text to be submitted in PDF files. The electronic submission of draft EIR text should be placed on CD. Each chapter should be saved as a separate file with the exception of chapter 2.0 which should have each subject area saved as a separate file.

4. DOCUMENT LENGTH:

- The length of draft EIRs must be kept to the absolute minimum. The document shall be only as long as required to accurately convey the pertinent issues and to contain the level of analysis required to legally comply with the CEQA. Extraneous and "filler" material must always be omitted from EIRs. The State CEQA Guidelines specifies that draft EIR text should normally be less than 150 pages, and that proposals of unusual complexity should normally be less than 300 pages. (State CEQA Guidelines §15141).
- The County requires the total length of the narrative portion of the draft EIR to be kept below 150 pages. **DRAFT EIR NARRATIVES THAT EXCEED THIS PAGE LENGTH LIMITATION WILL NOT BE ACCEPTED FOR REVIEW BY COUNTY STAFF UNLESS AN EXCEPTION IS GIVEN BY THE DIRECTOR OF THE DPLU.** Although exhibits and tables are page numbered, they are

excluded from the page limitation. Appendices are also excluded. (State CEQA Guidelines* §§ 15006, 15141, 15147).

5. EDITORIAL MATTERS:

- It is expected that the draft EIR will be properly edited for correct format, spelling, grammar, page numbering, internal consistency and other editorial matters. The draft EIR must be prepared in a clear format, written in clear language for review and understanding by decision-makers and the public. (§15140.) Complex and extremely analytical materials must be summarized and simplified, with the details and harder to comprehend materials placed in the technical appendices.
- The EIR must be written in a factual and objective manner. The document must provide a good faith effort of full disclosure.
- Draft EIRs that attempt to "bias" the document in favor of, or against the project are unacceptable. **COUNTY STAFF WILL REJECT THE DRAFT EIR IF PRELIMINARY REVIEW REVEALS NUMEROUS EDITORIAL ERRORS OR OBVIOUS SLANT.**
- The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports. (§15148). Other documents may be incorporated by reference, provided that the referenced document is summarized in the EIR and is made available for public inspection at a public place identified in the EIR, including a County office. (§15150.)
- The EIR shall be printed double-sided to reduce the amount of paper consumed, where practicable. It is permissible to print certain graphics single-sided and to start major sections, etc., on a front-facing page. Other exceptions may be permitted at the discretion of County staff.

6. PROHIBITED MATTER:

- Draft EIRs shall not include "trade secrets" as defined in Government Code §6254.7. Nor shall they include information about the location of archaeological sites or sacred lands, or any information subject to disclosure restrictions under Government Code §6254.

* - 14 Cal. Code Reqs. § 15000 et seq.; hereinafter all section references are to the State CEQA Guidelines.

GENERAL FORMAT OF DRAFT EIRs

COVER

COVER PAGE

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LIST OF ABBREVIATIONS AND ACRONYMS

SUMMARY

S.1 Project Synopsis

S.2 Summary of Significant Effects and Mitigation Measures that Reduce or Avoid the Significant Effects [In Tabular Form]

S.3 Areas of Controversy

S.4 Issues to be Resolved by the Decision-Making Body

S.5 Project Alternatives

CHAPTER 1.0 PROJECT DESCRIPTION, LOCATION, AND ENVIRONMENTAL SETTING

1.1. Project Objectives

1.2 Project Description

1.2.1 Project's Component Parts

1.2.2 Technical, Economic, Environmental Characteristics

1.3 Project Location

1.4 Environmental Setting

1.5 Intended Uses of the EIR

1.5.1 Matrix of Project Approvals/Permits [Preferably in Tabular Form]

1.5.2 Related Environmental Review & Consultation Requirements

1.6 Project Inconsistencies with Applicable Regional and General Plans

1.7 List of Past, Present, and Reasonably Anticipated Future Projects in the Project Area [In Tabular Form] [Unless Summary of Projections is Used]

1.8 Growth Inducing Impacts

CHAPTER 2.0 SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

2.1 Subject Area [Repeat as necessary. Refer to Sample F for more details.]

2.1.1 Existing Conditions

2.1.2 Analysis of Project Effects and Determination as to Significance

2.1.2.1 *Focused Subject Area* [Repeat as necessary]

Guidelines for the Determination of Significance

Analysis

2.1.3 Cumulative Impact Analysis

2.1.4 Growth Inducing Impacts

2.1.5 Significance of Impacts Prior to Mitigation

2.1.6 Mitigation

2.1.7 Conclusion

2.X Significant Irreversible Environmental Changes Resultant From Project Implementation [Only required for certain projects]

CHAPTER 3.0 ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

3.1 Effects Found Not Significant as Part of the EIR Process

3.1.1 Subject Area Analysis [Repeat as necessary. Refer to 2.1 above for format requirements, excluding mitigation measures section.]

3.2 Effects Found Not Significant During Initial Study

CHAPTER 4.0 PROJECT ALTERNATIVES

4.1 Rationale for Alternative Selection

4.2 Analysis of the "X" Alternative [Repeat as necessary, including "No Project" Alternative]

4.2.1 "X" Alternative Description and Setting

4.2.2 Comparison of the Effects of the "X" Alternative to the Proposed Project

4.X Environmentally Superior Alternative

CHAPTER 5.0 LIST OF REFERENCES

CHAPTER 6.0 LIST OF EIR PREPARERS AND PERSONS AND ORGANIZATIONS CONTACTED

CHAPTER 7.0 LIST OF MITIGATION MEASURES AND ENVIRONMENTAL DESIGN CONSIDERATIONS

TECHNICAL APPENDICES [Appendices should be identified by letter and subject area]

GENERAL GUIDANCE AND KEY COMPLIANCE POINTS FOR THE PREPARATION OF AN EIR

- Do not include extraneous or surplus information, such as an "Explanation of the CEQA Process," "Users' Guide to CEQA" or extensive project history.
- Thoroughly check all references to other pages, sections, chapters or paragraphs of the EIR for accuracy.
- Utilize correct references to laws and regulations. For example, "CEQA" means the statute, and the "State CEQA Guidelines" means the related regulations. Ensure that the *current* version of the statute or regulation is being cited.
- Instead of referring to "County Policy ...," specify whether the cited document is an official Board of Supervisors Policy, a Departmental Policy, or an informal policy or practice.
- Place any applicable findings for County ordinances (e.g. MSCP, BMO, RPO) in a separate document, which may be an attachment to the EIR.
- Maintain consistent terminology. For example, do not refer to the same resource as "Visual Resources" in one portion of the EIR, and as "Aesthetics" in another portion.
- Present discussion and analysis with a tone that is professional, academic and impartial, rather than argumentative or project advocacy.
- Where other documents are incorporated by reference, explain the purpose for doing so and briefly describe or summarize the part or parts incorporated. Such reference should be placed in the applicable narrative sections.
- Provide factual SUPPORT and RATIONALE for all conclusions stated.
- Check the accuracy of all factual statements. For example, it is not acceptable to state that a County regulation sets forth a particular requirement, if in fact it does not.
- Be careful with organizational and topical headings, to assure that they present a logical organization and that they are appropriate for the following text.

REQUIREMENTS FOR DRAFT EIR CONTENTS

COVER

The cover refers to the front exterior of the EIR. No pictures, slogans, or company logos should appear. The cover shall include only the following information:

- Type of EIR
- Project common name
- Permit number(s) (if applicable)
- DPLU environmental log number, (if applicable)
- State Clearinghouse (SCH) number (if applicable)
- County Department name and address
- Date (must be revised during each edition of the draft EIR)
- Screencheck number, “draft” (for public review) or “draft Final” (for approval hearing)

Refer to Sample A for an example of an acceptable, standard cover.

Based on the point in process, the EIR cover should be printed on the following color cardstock or paper:

- Draft EIR Screenchecks (WHITE)
- Draft EIRs Circulated for Public Review (GREEN)
- Draft Final EIRs (YELLOW)
- Final EIRs (BLUE)

COVER PAGE

The cover page refers to the first page on the interior of the EIR. The cover page must include the following information:

- Project common name
- Permit number(s) (if applicable)
- DPLU environmental log number(if applicable)
- State Clearinghouse (SCH) number (if applicable)
- Date (must be revised for each edition of the draft EIR)
- County Department contact names, address and phone number
- EIR preparer's name, firm name and address
- Project proponent's name and firm name (if applicable)
- EIR Version – (i.e. “Draft Screencheck Version Number X,” “Draft EIR” (for public review), “Draft Final” (ready for review by County decision maker), or Final (certified by decision-maker and ready for signature)

Refer to Sample B for an example of an acceptable cover page.

TABLE OF CONTENTS AND HEADINGS

The Table of Contents is a mandatory section pursuant to CEQA Guidelines §15122 and must facilitate use of the EIR. The following discussion details miscellaneous format requirements related to the Table of Contents. Refer to the preceding section (General Format of Draft EIRs beginning on page 4) for additional guidance.

The Table of Contents must be formatted in the following manner:

CHAPTER 1.0 CHAPTERS SHALL BE SPECIFIED BY NUMBER AND SHALL BE PRESENTED IN BOLD AND IN ALL CAPS

1.1 First level subchapters shall be specified by number and shall be presented in upper and lower case, bold, and underlined

1.1.1 Second level subchapters shall be specified by number and shall be presented in upper and lower case, and bold.

1.1.1.1 *Third level subchapters shall be specified by number and shall be presented in upper and lower case, italics, and bold.*

Additional subchapters should be distinguished by the hierarchy of font variations as shown below:

Upper and lower case and underlined

Upper and lower case only

Upper and lower case and italics

Note: The Table of Contents should only present chapters and subchapters up to three digits only (e.g. 4.3.6).

General Guidance and Key Compliance Points

- Chapter numbers must correspond with chapter numbers as detailed in this document. Subchapters must also follow the prescribed sequence but can be renumbered, if appropriate. Sub-numbers that contain more than four digits (i.e.: 1.1.1.1) are discouraged and formatting should follow the direction provided above.
- Generally, the order of subject areas presented in Chapters 2.0 and 3.0 should follow the order of subject areas listed in the State CEQA Guidelines, Appendix G. Variations may be permitted in consultation with County staff. A typical variation of this order may include placing subject areas with any significant and unavoidable impacts first, followed by subject areas with significant impacts that can be mitigated.
- Figures and tables must be consolidated and placed at the end of the chapter (for the Summary and Chapters 1.0, 3.0, and 4.0) or subchapter (for Chapter

2.0). Exceptions to this general rule are figures or tables specifically required to be placed in a particular location (e.g. matrix of project approvals/permits) or other embedded figures or tables that do not interrupt the reading of the text and have been approved by County staff. Such embedded figures and tables should be isolated and should be no longer than half a page in length.

- The Table of Contents must also contain a list of figures, tables, and appendices. Figures and tables must be numbered sequentially by chapter (e.g., Figure 4.1, 4.2, 4.3 or Table 4.1, 4.2, 4.3) or by subchapter for Chapter 2.0 (e.g., Figure 2.11, 2.1.2, 2.1.3 or Table 2.11, 2.1.2, 2.1.3). Technical appendices must be identified by letter and subject (e.g. Appendix B – Biological Resources Report).
- Pages must be numbered sequentially by chapter (e.g., 5-1 through 5-100). An exception to this requirement can be used for Chapter 2.0, which can be numbered sequentially by subchapter, at the consultant's discretion (e.g. 2.1-1 through 2.1-10 or 2.4-1 through 2.4-10 etc).
- After all revisions to the text of the EIR have been made, re-check to assure that chapter, section, page, figure and chart references remain accurate.

LIST OF ABBREVIATIONS AND ACRONYMS

The List of Acronyms must appear directly following the Table of Contents and contain all acronyms used throughout the draft EIR, including technical, legal and industry related terms. The List must be alphabetical and clearly arranged.

The first time an abbreviation or acronym is utilized within an EIR, provide the full name and then indicate the form of abbreviation that will be used throughout the remainder of the document to represent that name, e.g.: "The project complies with the Multiple Species Conservation Program (MSCP) and the Biological Mitigation Ordinance (BMO), because..."

SUMMARY

The summary satisfies the requirements set forth in §15123. The summary must be formatted in the following manner, should be as concise as possible, using clear simple language, and in any case, should not exceed 15 pages. **The Summary must be fully consistent with the text of the EIR.** Make sure that the Summary *accurately* "summarizes" the matters stated in the EIR text. For example, assure that the issues identified for discussion in Chapter 2.0 and the conclusions as to significance stated there, match the issues and conclusions stated in the Summary. Failure to assure consistency may result in an inadequate document. The Summary must include the following information:

S.1 Project Synopsis

- This subchapter must provide a very, abbreviated discussion of the proposed project including project description, location, and setting.

S.2 Summary of Significant Effects and Mitigation Measures that Reduce or Avoid the Significant Effects [In Tabular Form]

- This subchapter provides a brief summary, preferably in a tabular format, of each environmental effect of the proposed project found to be significant, the mitigation measures that would reduce or avoid that effect, and the conclusion as to whether the effect is reduced below a level of significance by applying the mitigation measures (mitigation effectiveness). (§15123(b)(1).)
- This statement/table must also reference the subchapters of the EIR where unavoidable significant effects and significant effects that can be reduced or avoided through mitigation are analyzed. Effects found not to be significant must not be included in this summary. (Refer to Sample C).
- This Table must include all project-related impacts, including direct, indirect, cumulative and growth-inducing impacts.
- Mitigation measures throughout the EIR and in this table must follow the numbering as outlined in Chapter 2.0. See Section 2.1.5 of this document for a description of the numbering that should be used for impacts and mitigation measures.

S.3 Areas of Controversy

- This subchapter must identify issues concerning environmental effects, mitigation, or alternatives known at the time of the writing of the draft EIR. The subchapter must identify issues raised by the applicant, public, and/or by public agencies other than the County of San Diego. Examples include any disagreements among technical experts and the adequacy or necessity of proposed mitigation measures to reduce impacts below the level of significance. (§15123(b)(2).)

S.4 Issues to be Resolved by the Decision-Making Body

- This subchapter identifies and summarizes the issues to be resolved by the decision-making body. Examples of typical issues to be resolved include the determination of whether and how to mitigate significant effects, choices among project alternatives, conformance with County ordinances and/or plans, and whether the project should be approved in light of irreversible commitment of non-renewable resources. (§15123(b)(3).)

S.5 Project Alternatives

- This subchapter provides a brief summary of each alternative, the significant effects associated with the alternatives, and whether or not the project alternative is environmentally superior.

- The most superior alternatives must be listed first, followed by any inferior alternatives. This summary must also reference the subchapter of the EIR where alternatives are analyzed in detail. (§15123(b)(1).) This section should also reference the Comparison of Project Alternative Impacts to Significant Proposed Project Impacts matrix. For an example of this matrix refer to Sample D.

CHAPTER 1.0 PROJECT DESCRIPTION, LOCATION, AND ENVIRONMENTAL SETTING

This chapter implements the majority of the provisions of §§15124 and 15125. It is composed of eight subchapters, which collectively provide clarity for the reader on the questions of why, what, when, and where. The objectives of this section are to assure accuracy, consistency and to identify reasonably foreseeable activities relating to the project.

1.1 Project Objectives

This subchapter provides the rationale for the proposal in a discussion that identifies **why** the applicant is undertaking the proposed project (e.g., economic gain, provisions of short-term jail facilities to reduce overcrowded incarceration facilities, reduction in traffic congestion, marketability through innovative design, reduction of a flood hazard at a reasonable cost). Obtaining a reasonable return on investment should not be the sole project objective. Project objectives must not be confused with the project description, which is a statement of **what** the project is proposing.

General Guidance and Key Compliance Points

- Substantial effort should be expended to identify the project objectives, because they will play a key role in the identification and evaluation of project alternatives.
- Project objectives must not be so narrowly defined as to preclude the analysis of a range of reasonable project alternatives in Chapter 4.0.
- Quantifiable terms should be used as much as possible.
- Project mitigation measures **may not** be included as project objectives.

1.2 Project Description

This subchapter provides a detailed description of the proposed project. Considerable thought and effort must be expended in developing the project description; otherwise substantial costs and time may be lost later in the project processing while required changes are made to the environmental documents.

This section must discuss what the project is and why it is being proposed. The project description must include project design considerations required to meet regulatory compliance. The project description must contain the following elements:

1.2.1 Project's Component Parts

The narrative must be supplemented by a project plan or map of appropriate scale and legibility. Details of any project phasing must also be included in this subchapter and must be supported by an illustration on the project plan or map, if possible. All of the steps in project implementation must be described including planning, phasing, steps in project implementation, acquisition, construction, off-site improvements, operation, and decommissioning, if applicable.

1.2.2 Technical, Economic, and Environmental Characteristics

This section shall include a general description of the project's technical, economic, and environmental characteristics. (§15124(c).) Key considerations may include:

- Technical aspects of the project may include considerations of land use, density and intensity, engineering requirements, and visual or aesthetic features.
- Economic considerations may include project marketability, balanced land use policy (i.e., deficiencies and surpluses of certain types of land uses), and limitations in project funding. (This information is optional at the applicant's discretion based upon whether or not these issues are critical to the proposed project design.)
- Environmental constraints or characteristics, or compliance with environmental regulations/policies which influenced the initial project design (e.g. Resource Protection Ordinance). Examples may include avoidance of geologic hazards known to the site, steep topography, avoidance of impacts to sensitive resources (e.g., biological, cultural, water, or other natural resources), storm discharge requirements, Air Pollution Control District (APCD) permit requirements, project accessibility, or other hazards (e.g., floodway avoidance, 65 dB Community Noise Equivalent Level [CNEL] noise contours), etc. These design considerations that are relied on for regulatory compliance must be discussed and must be listed in the "List of Mitigation Measures and Environmental Design Considerations" at the end of the EIR to make sure that their implementation is included as a condition of project approval.
- Supporting public service facilities shall be considered. (§15124(c).)

General Guidance and Key Compliance Points

- The project description is the focus of much CEQA litigation concerning EIRs. Therefore, it is imperative that the above content be included in sufficient detail and that the project description be accurate, complete, and consistent throughout the EIR.
- Care must be taken not to divide what must be considered a single project into multiple projects (i.e., do not "piecemeal" a project).

- The EIR must not attempt to narrow or limit the scope of environmental review. The project must be analyzed as a “whole”, including reasonably foreseeable future expansion of the project. This analysis may include consideration of water/ sewer line expansions, roadway improvements, temporary projects, and/or public improvements.
- If the project involves the construction of public service facilities (e.g., on-/off-site water/wastewater treatment facilities, water reservoir, sewer extensions), such facilities must be described including their location, capacity, and agency responsible for implementation (§15124(c).)
- An explanation of the project background that may include previous projects on the site (e.g., previous approvals/denials) that increase the understanding of the project may also be contained within this subchapter, as necessary.
- Include in the "Project" any "remainder parcel" which is not proposed to be developed currently.

1.3 Project Location

The precise location and boundaries of the project site must be described. Regional, vicinity, and topographic location maps must be included to show the project's location. (§15124(a).)

1.4 Environmental Setting

This subchapter generally includes a discussion of “baseline” physical environmental conditions of and in the vicinity of the project, including topography, vegetation/habitats, circulation, surrounding land uses and/or ownerships, geographic features such as lakes, streams, and canyons, and the major infrastructure both serving and in the vicinity of the proposed project.

The “baseline” shall be the environmental conditions as they existed at the time the Notice of Preparation (“NOP”) is published, or if no NOP is published, at the time environmental analysis is commenced. (§15125(a).) Unless otherwise directed by staff, the description of the environmental baseline conditions shall be based on the existing legal condition of the property, prior to any unauthorized activities (e.g. grading, clearing) or actions taken in preparation for the project, such as septic testing or geotechnical investigations.

The discussion must start from the regional perspective and then provide site-specific details. In order to avoid repetition, it is acceptable to refer the reader to site-specific environmental setting (existing conditions) discussions in Chapter 2.0. Emphasis must be given to environmental resources that are rare or unique in the region of the proposed project that would be affected by project implementation. (§15125(c).) Adjacent properties and habitats must be included in the environmental setting.

1.5 Intended Uses of the EIR

This section shall include the following statement : “This EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.” (§15121(a).) This subchapter must contain a brief discussion of the type of EIR (e.g., project, program, supplemental) including the rationale and any limitations for the type of EIR selected. (§15124(d) and §§15160-15170.)

1.5.1 **Matrix of Project Approvals/Permits** [Tabular Form]

This subchapter must consist of a table of all approvals/permits for which the EIR is intended to be used and the agencies that are expected to use the EIR in their decision-making. (§§15124(d)(1)(A)-(C).)

The listing of approvals must be categorized by jurisdiction. If multiple approvals are required from the same jurisdiction, the approvals must be listed in the order they are believed to occur. If the EIR type (e.g., program, tiered, staged) will only cover a portion of the required approvals, the subchapter must clearly identify which approvals the EIR is intended to cover. (Refer to Sample E).

1.5.2 **Related Environmental Review & Consultation Requirements**

Provide a discussion of how the project is complying with related environmental review and consultation requirements imposed by federal, state or local laws, regulations or policies. (§15124(d)(1)(C).) Provide a brief description of the agency meetings that have contributed to shaping the project description. If any land use violations have occurred since the Notice of Preparation, they should be clearly disclosed here, including their status (i.e. resolved or pending). Examples of consultation may include batching meetings under the NCCP process or State/Federal permit processing for wetlands (CDFG 1600/401 and 404 permits).

1.6 Project Inconsistencies with Applicable Regional and General Plans

This subchapter should focus on and provide a discussion of the project’s **inconsistencies** with regional and/or general plans. The inclusion of a discussion on the project’s **consistency** with regional and general plans is not necessary. If no inconsistencies are found, the plans that were reviewed must simply be listed accompanied by a statement that no inconsistencies were found. If inconsistencies with a regional or general plan are found, the effect on the subject resource is usually considered significant and must be addressed in a comprehensive manner in an appropriate subchapter in Chapter 2.0.

The plans that must be analyzed include, but are not limited to, the County's General Plan (including any applicable community/subregional plan), any applicable adopted Specific Plan), any APCD Air Quality Management Plan (Regional Air Quality Standards [RAQS]), any area-wide waste treatment plan or water quality control plans (Regional Water Quality Control Board [RWQCB] Basin Plans), any regional transportation plans (SANDAG Congestion Management Plan), any regional housing allocation plans (SANDAG), habitat conservation plans and natural community conservation plans (e.g.

MSCP), and regional land use plans for the protection of the coastal zone, which are applicable to the project. (§15125(d).)

General Guidance and Key Compliance Points

- In discussing the inconsistencies of a project with an adopted plan, the analysis must include both existing physical conditions and the potential future conditions discussed in the plan. (§15125(e).)
- In discussing inconsistencies with applicable regional and general plans, include analysis and explanation, rather than only a concluding statement.
- Review the proposed project for any inconsistency with each Element of the General Plan, not just the Land Use Element.

1.7 List of Past, Present, and Reasonably Anticipated Future Projects in the Project Area [In Tabular Form] [Unless Summary of Projections is Used]

The EIR must include either: (a) a list of past, present, and “probable future projects” producing related or cumulative impacts, regardless of whether they are under the same jurisdiction as the lead agency; or (b) a summary of projections contained in the General Plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.

Potential cumulative impacts must be discussed with the appropriate subject based analysis. This subchapter of the EIR provides a discussion of cumulative impacts that may result from the proposed project when added to related projects. Information developed during the Initial Study process, the response period for the Notice of Preparation, scoping meetings, and/or previous public reviews, where applicable, must be included. This subchapter satisfies §15130.

General Guidance and Key Compliance Points

List of Projects Method

- If option (a) above is selected, then a map showing the location of the listed projects in relation to the proposed project must also be included. This map shall serve as a “Master List of Projects Map” which includes all selected projects for all subject areas.
- A supporting table should be included that identifies the projects and the potential resources affected. The projects selected shall be keyed to the projects shown on the Master List of Projects Map.
- A reasonable effort must be undertaken to discover, disclose, and discuss related past, present, and future projects including research of related projects within the jurisdiction of other agencies. The scope of area searched will depend on the resource that is significantly affected (e.g., noise vs. air quality).

- A brief discussion of how the cumulative projects study area was determined and the criteria used in selecting projects must be included.
- This list must include a summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available (e.g., project EIRs and Negative Declarations [NDs]).

Summary of Projections Method

- If a summary of projections is used instead of a list of projects, this document must be referenced and available to the public. (§15130(b)(1)(B).)

1.8 Growth Inducing Impacts

This section discusses the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, directly or indirectly, in the surrounding environment. Included in this analysis are projects that would remove obstacles to population growth. Also, the characteristics of the project that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively, must be addressed. It must not be assumed that growth in any area is necessarily a beneficial or detrimental effect on, or of little significance to, the environment.

The purpose of this section is to provide an analysis, supported by substantial evidence, and to draw a clear conclusion as to whether the proposed project will induce growth. If the project is determined to be growth inducing, the potential environmental effects of growth must be addressed in the appropriate subchapters within the subject area analyses in Chapter 2.0.

General Guidance and Key Compliance Points

- The growth inducing impact analysis shall follow a 2-step process.
 - STEP 1 Is the impact growth inducing? If yes, provide an analysis to reasonably quantify the induced growth (specify likely location of the growth, if possible).
 - STEP 2 Provide an impact analysis to determine the significance of the associated environmental effects in the “growth inducing impacts” subchapter of Chapter 2.0.
- Examples of growth inducing impacts include the following: extension of utility lines, construction of roads, construction or expansion of wastewater treatment facility.
- Growth inducing impacts may result from projects that encourage growth in surrounding areas through economic stimulus. Examples include construction of golf courses, shopping centers, industrial facilities and residential specific plans.
- Growth inducement may result from revisions to land use policies, such as General Plan amendments, annexations, and rezones.

CHAPTER 2.0 SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

This chapter of the EIR provides a detailed discussion of those subject areas for which project implementation would result in either (1) significant impacts that cannot be avoided and/or (2) significant impacts that can be avoided, reduced, or minimized through mitigation measures that would be impacted by the proposed project. This includes information developed during the Initial Study process, the response period for the Notice of Preparation, scoping meetings, and/or previous public reviews, where applicable. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. This chapter in conjunction with chapter 3.0 satisfies §§15126(a-e), 15126.2, and 15126.4.

General Guidance and Key Compliance Points

- Scope of analysis must be consistent with project description.
- It is imperative that this section is written in an objective, specific, clear, and concise manner. The analysis must logically flow from the discussion of existing conditions, guidelines for the determination of significance, analysis of project effects, and mitigation measures so that the logic and rationale for making the conclusion is clear and justifiable.
- The significant effects must be discussed with emphasis in proportion to their severity and probability of occurrence.
- Subject areas dismissed either through the EIR analysis or in the Initial Study as clearly insignificant and unlikely to occur shall be summarized in Chapter 3.0, unless subsequent information is received that is inconsistent with the findings of the Initial Study. (§15143.)
- Technical data, maps, plot plans, diagrams, and similar relevant information must be summarized to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. **Highly technical and specialized analysis and data must be placed in an appendix to the EIR.** (§15147.)
- Confidential exhibits, maps, or data (e.g., specifically archaeological site locations) must be placed in a confidential appendix that is separate from the regular appendix.
- Exhibits, maps, and tables must be used wherever possible to condense and clarify the discussion and avoid wordiness. The narrative must be restricted to the most pertinent information in the exhibits. Repetition of information that can readily be obtained from the exhibits or tables must be avoided.
- An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. The EIR must not contain conclusionary statements that are

unsupported by empirical or experimental data, scientific authorities, or explanatory information.

- Compliance with specific existing regulations (e.g., APCD dust control requirements, grading related erosion control measures, Uniform Building Code requirements, Resource Protection Ordinance compliance) and physical design constraints that shaped the project description (existing open space easements, road alignments, etc.) must be considered part of the project description and **not** used as mitigation. It is generally assumed that compliance with regulations will be achieved; therefore this fact must be taken into account when determining project effects.
- Design considerations that were relied upon in determination of significance of impacts, while not considered mitigation, must be listed in the "List of Mitigation Measures and Environmental Design Considerations" at the end of the EIR to ensure that they are included in the conditions of approval for the project.
- The degree of specificity required in this chapter must correspond with the degree of specificity of the most detailed permit that the EIR is intended to cover. For example, if the EIR is intended to be used for a General Plan Amendment and Tentative Map, as well as grading and improvement plans, then the analysis must be on the grading permit/improvement plan level. (§15146.)
- All phases of the project must be considered unless a tiered, master, staged, or program EIR is being pursued. (§§15126 and 15165.)
- The EIR must analyze effects on existing resources as well as effects on bringing development and people into an area (e.g., both the project's effect on the environment and the environment's effect on the project and its occupants). (§15126.2(a).)
- Drafting an EIR necessarily involves some degree of forecasting. Reasonable effort must be expended to find out and disclose all project impacts. (§15144.)
- An EIR may incorporate by reference all or portions of another document, which is a matter of public record or is generally available to the public in order to reduce the size and scope of the EIR. These documents may include previously certified EIRs prepared for the project site, which remain relevant but incomplete without the preparation of the current EIR. Such documentation must be made available to the public for inspection at the DPLU offices and/or applicable County office during the public review period. The subchapter must state where the incorporated document will be available for review. The incorporated document shall be briefly summarized; or described if the data or information cannot be summarized (§§15148 and 15150).

2.1 Subject Area [e.g. Biological Resources, Cultural Resources, Noise]
[Repeat as Necessary. Refer to Sample F for more details]

Discussion shall be by topical subject area and should correspond with the table found in discussed in Section of S.2 of this document. Generally, the order of subject areas presented in Chapters 2.0 should follow the order of subject areas listed in the State CEQA Guidelines, Appendix G. Variations may be permitted in consultation with County staff. A typical variation of this order may include placing subject areas with any significant and unavoidable impacts first, followed by subject areas with significant impacts that can be mitigated. Subject area headings shall conform to the DPLU Environmental Analysis Form.

2.1.1 Existing Conditions

This subchapter describes the relevant existing environmental conditions only in the detail necessary to enable the reader to understand the following discussion of significant effects.

General Guidance and Key Compliance Points

- Care must be taken to ensure that all descriptions are accurate and focus on the "baseline" resources/conditions as they existed at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis is commenced. (§15125(a).)
- If the project includes the curing of any land use violations, then "baseline" condition assumes environmental conditions before the violation occurred, unless otherwise directed by County staff.
- It is improper to use existing conditions to "trivialize" the project's impact (e.g., a project's effect on the traffic circulation system cannot be trivialized because the existing traffic is already severely congested).

2.1.2. Analysis of Project Effects and Determination as to Significance

Utilizing the existing conditions and guideline(s) for the determination of significance this discussion must analyze in detail each of the significant effects associated with the project under the respective subject area analysis. Additionally, the effect must be identified as either direct or indirect, and either short- or long-term. Each guideline should be analyzed separately, with a discussion for each that starts with the statement of the significance guideline and follows through with an analysis. Similar guidelines may be grouped for the purpose of analysis, within a single discussion.

Each significant effect, also referred to an impact, must be keyed to a subject area abbreviation (e.g., AG, BR, HZ) and an impact number (e.g., 1, 2, 3) for a combined alpha-numeric code (e.g., AG-1, AG-2, AG-3). The analysis of each effect must conclude with a direct and clear statement whether the effect is considered a significant impact. Similarly, mitigation measures must be keyed

with a combined alpha-numeric code with an “M” in front to signify it is mitigation (e.g., M-AG-1a, M-AG-1b for mitigating Impact AG-1).

2.1.2.1 Focused Subject Area [Repeat as necessary]

There should be a clear link between the Initial Study analysis that determined an EIR was necessary and the analysis presented in the EIR. To make this link the EIR should present the project-level subject area analyses in separate focused subject areas or subcategories. Typically, these focused subject area analyses should follow the same format included in the County’s Technical Report and Format Requirements for the applicable subject area. If Technical Report and Format Requirements have not been adopted for the applicable subject area the questions found in the Initial Study and Ordinance Compliance Checklist may be used to introduce and organize subject area discussions and analysis. Refer to Sample F for an example of typical focused subject area format.

Guidelines for the Determination of Significance

This subchapter briefly discusses the guideline(s) for the determination of significance in order to provide a “baseline” for the following analysis of project effects. Guidelines for Determining Significance that have been adopted by the County and are used in the EIR analysis should be referenced in this section of the EIR and a copy placed as an appendix to the applicable technical study.

General Guidance and Key Compliance Points

- Guidelines for the determination of significance can be based on appropriate provisions of the County General Plan and Elements thereof; CEQA; County ordinances, policies, and other regulations; adopted Guidelines for Determining Significance; and discussions with County staff.
- The Guidelines must include any relevant ordinance(s), statute(s) or policy(ies) affecting the subject matter and include a discussion of the project’s compliance with such ordinance, statute or policy. Also, the project must comply with County ordinances in order to be approvable. Rarely will the Guidelines for the Determination of Significance be limited to only related ordinances.
- The EIR shall provide references and rationales for each guideline discussed. As noted above, if the County has adopted Guidelines for the Determination of Significance the EIR should reference them and a copy should be included as an appendix to the applicable technical study.
- Guidelines for the Determination of Significance should, where possible, present objective and quantifiable standards.
- Regarding the questions found in Appendix G of the CEQA Guidelines, EIR preparers should check with County staff to ascertain whether any particular questions among these should be used as specific guidelines.

- Where Appendix G does contain a guideline appropriate to be used for a given subject, it is NOT permissible to set a more lenient guideline in the EIR.
- Guidelines need to be consistent among direct impact, cumulative impact and growth inducement analyses. If Guidelines are modified for any cumulative or growth inducing analysis the modifications must be discussed in each subchapter, as applicable.
- Do not utilize guidelines that have been adopted by other jurisdictions, which have not been officially adopted by the County, unless the guideline is supported by a factually-based rationale. An exception to this guidance is the use of adopted guidelines to evaluate impacts upon other jurisdictions that are responsible agencies such as a neighboring city or Caltrans.

Analysis

This section should provide the methods that were used to evaluate the resource and any effects that will occur as a result of project implementation. The analysis must identify impacts as either direct or indirect, and either short- or long-term. See the impact analysis guidance above for direction.

General Guidance and Key Compliance Points

Impact Analysis

- Discuss the effects: the EIR should identify how effects would occur, how severe they would be, etc.
- If the significance after mitigation is not clear, then the EIR must generally conclude that the effect is significant and not mitigated and the impact should be discussed in Chapter 2.0.

Impact Analysis (Whole of the Project)

- Identify impacts and mitigation measures for the *whole project*, including any remainder parcel which is not proposed to be developed currently.

Impact Analysis (Plan-to-Ground Analysis)

- Generally, do not use only a plan-to-plan comparison, but compare the proposed project to what is currently on the ground (a "plan-to-ground" analysis).

Impact Analysis (Deferring Analysis)

- The EIR cannot defer analysis of effects into the future and must analyze project effects at the earliest feasible point in project planning. (§15144.)

Impact Analysis (Reasonably Foreseeable v. Speculative)

- The EIR must analyze all reasonably foreseeable consequences of a project. (§15144.) If, after thorough investigation, a particular impact is too speculative for evaluation, this conclusion must be stated in the EIR and discussion of the impact must be terminated. (§15145.)

Impact Analysis (Analysis of Draft Regulation)

- In most cases, it is not appropriate to measure the project's impacts based on, or to evaluate its consistency with, a mere *draft* proposed regulation. Where this is done, be very clear that the regulation being discussed is a mere draft and has not been adopted.

Impact Analysis (Pre-Mitigation and Post-Mitigation)

- Provide a clear conclusion as to an effect's significance *prior to* the discussion of mitigation measures, and then provide a subsequent determination in the mitigation section as to whether the mitigation reduces the effect to a level below significance.

Impact Analysis (Reliance on Previous Analyses and Mitigation)

- Be sensitive to the *age* of technical studies which are the basis for the analyses. Cultural, biological, land use, visual, or growth induction analyses older than eight years may be unreliable.
- The EIR cannot rely upon the issuance of prior or subsequent discretionary permits for a portion of a project as a basis for concluding that impacts of the entire project will be rendered less than significant.

Impact Analysis (Disagreement Amongst Experts)

- Disagreement among experts does not make an EIR inadequate, but the EIR must summarize main points of disagreement and explain the lead agency's reasons, if any, for accepting one set of judgments over another. (§15151.)

Impact Analysis (Agency Expertise)

- Pay particular attention to requests and comments from government agencies such as the California Department of Fish & Game, CALTRANS and the U.S. Fish & Wildlife Service. These agencies are recognized by the Courts as having expertise in their respective areas of responsibility, and their positions and inquiries warrant careful attention. If the County disagrees with the agency's approach to evaluating an impact, explain thoroughly why the approach used in the document is more reliable than the agency's approach.

Impact Analysis (Community Expertise)

- Pay particular attention to Planning Group comments. If the County disagrees with the groups approach to evaluating the impact, explain thoroughly why the approach used in the document is more reliable than

the Group's.

Impact Analysis (Economic and Social Effects)

- Economic and social effects are not to be treated as significant effects on the environment, but where there are physical environmental changes, social and economic information may be used to assist in determining the environmental significance of those changes. (§§15064(e) and 15131.)

Impact Analysis (Cultural Resources)

- Analysis of significant impacts of historical and archaeological resources must comply with §15064.5.

Impact Analysis (Land Use – Community Character)

- Determine consistency with community character based on a comparison of the project to the existing character of the community, rather than assuming the project to be part of the character. Community character impacts should be based upon physical changes resulting from the project (drawing information from the traffic, noise, and aesthetic impacts sections).
- All proposed infrastructure should be evaluated for consistency with community design standards.

Impact Analysis (Public Services)

- Assure that the analysis of public service impacts is consistent with Appendix G to the Guidelines, Section XIII, Public Services.

Impact Analysis (Terminology)

- In stating the conclusion as to significance, use the CEQA terminology "significant" or "not significant" (as opposed to "minimized," "compensated," etc.).

Referencing Technical Appendices

- Where the analysis relies on technical studies, that portion of the analysis must be summarized and reference made to the appropriate section of the technical appendix. All analyses and conclusions contained in the technical appendices must be consistent with the discussions contained in the body of the EIR.

2.1.3 Cumulative Impact Analysis

The discussion of cumulative impacts must reflect the severity of the impacts and their likelihood of occurrence. The discussion must be guided by the standards of practicality and reasonableness. The EIR must examine reasonable options for mitigating or avoiding any significant cumulative effects. (§15130(b).)

General Guidance and Key Compliance Points

List of Projects

- Either provide a list of past, present and reasonably anticipated future projects producing related or cumulative impacts, or provide a summary of projections contained in an adopted general plan or related planning document. If using the list of projects approach, this section should reference the listing that is in Section 1.7 and not duplicate it.
- Make sure that the list of projects is comprehensive and up-to-date. There is no legal basis for limiting the listed projects to only subdivisions and major use permits.
- If the cumulative impacts analysis is based on past, present and reasonably foreseeable future projects, include all three types of projects, and explain the rationale for selection of the geographic area which was used for identifying those projects (“study area”). In the case of traffic impacts, be careful not to unreasonably restrict this geographical area.
- Do not discuss whether the project alone will cause significant impacts. Rather, discuss whether the project, together with the other projects causing similar impacts in the study area, will cause or contribute to significant impacts. This usually involves an analysis that adds together the impacts of all the projects, and then draws a conclusion as to whether the total impact is significant.

Cumulative Impact Analysis (Cumulatively Considerable)

- An EIR shall discuss cumulative impacts of a project when the project’s incremental effect is “cumulatively considerable.” (§15130(a).) “Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past, current and probable future projects. (§15065(c).)

Cumulative Impact Analysis

- Efforts must be made to ensure that only cumulative impacts, as defined in State CEQA Guidelines §15355, are discussed in this subchapter.
- An EIR cumulative impact analysis must also include future aspects of the project that are reasonably foreseeable consequences of the project.
- Only discuss in detail significant cumulative impacts. For a project with a cumulative impact that is not cumulatively considerable, the EIR need not consider that effect significant, but shall provide only a brief explanation of the basis for the determination. (§15130(a).)
- The discussion of cumulative impacts shall reflect the severity of their impacts and their likelihood to occur. The discussion shall not provide as

great detail as is provided for impacts attributable to the project alone (Chapter 2.0). (§15130(b).)

- A project may have cumulative impacts to a resource even if the EIR finds that the project's individual impact to that resource was less than significant. It would be incorrect to conclude that, because the direct effects of each of the individual projects were individually determined to be below significance, the combined (cumulative) effects of all of the projects are not significant. The fact that all cumulative study area projects have individually mitigated impacts to below a level of significance does not render their cumulative effects less than significant. The EIR must draw an independent conclusion as to whether the combined cumulative impacts are less than significant.

Cumulative Impact Analysis (Ratio Theory)

- The County will not accept use of the "Ratio Theory," which rationalizes that a cumulative impact is not significant, because the proposed project's percentage of contribution to the cumulative impact is so small. (For additional discussion of the "Ratio Theory," refer to Kostka & Zischke §13.49) The actual physical effects of the project's contribution to the overall cumulative impact must be considered when determining whether the project's contribution to the cumulative impact is significant. The issue is whether in light of an existing or projected cumulative problem, any increase added by the project to the particular impact should be considered significant. For example, it is necessary to go beyond simply stating that a project contributes a small percentage of overall cumulative traffic. The EIR must analyze how the project's contribution, combined with the traffic added by other cumulative projects, affects future driving conditions.

Cumulative Impact Analysis (Traffic)

- The cumulative traffic impact analysis should not discuss "current plus project plus near-term traffic" and "current plus project plus long-term traffic." This analysis is very confusing and much more complex than necessary. Cumulative traffic impact analysis based on a list of projects should discuss the traffic impacts that would result from combining the traffic generated by the proposed project with the traffic generated by the list of cumulative projects.
- The cumulative analysis should incorporate the use of the County's Traffic Impact Fee Program (TIF) as mitigation for traffic impacts. However, not all roads are covered by the TIF, therefore if a project has roads that are not covered by the TIF, the analysis must be detailed and propose mitigation for any cumulative impacts.

2.1.4 Growth Inducing Impacts [Only include this section, if the project will be growth inducing per analysis in subchapter 1.8]

If a project is determined to be growth inducing, then the effects of the growth on environmental resources, including effects on existing community services or facilities, must be discussed. If the effects associated with growth are significant, then any feasible mitigation measures and/or any feasible project alternatives must be provided to reduce or avoid these effects. (§15126.2(d).)

General Guidance and Key Compliance Points

- Once a growth inducing impact is identified, the EIR must discuss existing conditions, guidelines for the determination of significance (which may be different than the guidelines stated for the focused subject area analyses - Chapter 2.0), the rationale for the guidelines (if different than stated in the focused subject area analyses - Chapter 2.0), analysis of project effects and impact avoidance/mitigation.

2.1.5 Significance of Impacts Prior to Mitigation

This subchapter shall include a brief summary of all impacts which were determined to be significant in subchapters 2.1.2 through 2.1.4. Each significant effect must be numbered and keyed to the applicable subject area.

The following table provides the letter prefix that shall be used for impacts and mitigation for each subject area. Any deviation from this table requires approval by County staff.

Subject Area	Impact Prefix	Mitigation Prefix
Aesthetics	AE-	M-AE-
Agriculture	AG-	M-AG-
Air Quality	AQ-	M-AQ-
Biological Resources	BI-	M-BI-
Cultural Resources	CR-	M-CR-
Geological & Soils	GE-	M-GE-
Hazards & Hazardous Materials	HZ-	M-HZ-
Hydrology & Water Quality	HY-	M-HY-
Land Use & Planning	LU-	M-LU-
Mineral Resources	MR-	M-MR-
Noise	N-	M-N-
Population & Housing	PH-	M-PH-
Public Services	PS-	M-PS-
Recreation	RC-	M-RC-
Transportation/Traffic	TR-	M-TR-
Utilities & Service Systems	UT-	M-UT-

2.1.6 Mitigation

This subchapter must discuss the feasible mitigation scenarios that could avoid, minimize, rectify, and/or reduce over time each of the significant environmental effects identified in subchapter 2.1.2. There must be a clear connection between the proposed mitigation measure and the identified significant effect. The discussion must distinguish between applicant proposed measures and other measures that could reasonably be expected to reduce adverse impacts if included as conditions. (§15126.4(a)(1)(a).)

If several different mitigation measures exist, each one must be discussed and the basis for selecting a particular measure, if one is selected, must be given. If the measure, in turn, causes other significant effects, the other effects must be discussed, but in less detail in the appropriate subject area discussion within Chapter 2.0. (§15126.4(a)(1)(D).)

If it is concluded that there are no feasible mitigation measures that reduce an effect to a level below significance, the EIR must discuss any infeasible measures that could reduce the significant effect to a level below significance. The EIR must then discuss why these measures are infeasible.

As outlined in Section 2.1.2 and 2.1.5 mitigation measures must be keyed with a combined alpha-numeric code with an "M" in front to signify it is mitigation (e.g., M-AG-1a, M-AG-1b).

General Guidance and Key Compliance Points

Applicability and Appropriateness of Mitigation

- Measures must be appropriate, feasible, enforceable, and implementable by the lead or responsible agencies.
- When approving projects that are general in nature (e.g., a General Plan), the County must develop and approve whatever general mitigation measures are feasible to lessen or avoid the project's significant impacts. The County cannot defer the obligation to formulate and adopt mitigation until specific development is proposed.
- The County cannot refuse to consider mitigation measures simply because a responsible agency, with subsequent permitting authority, has power to address certain significant impacts.
- With respect to housing development projects, the County cannot reduce the number of proposed housing units allowed by the underlying General Plan or zoning designations, unless the applicant agrees or the County determines that there is no other feasible mitigation that provides a comparable level of mitigation. (§15092[c].)
- Do not specify mitigation measures or design features for effects which have not been identified and analyzed.

- Generally, do not propose mitigation measures for a private development project, which would require the *County* to perform a task. (e.g., "the County shall inform lot purchasers of ...[a limitation]...") Mitigation measures should be things the *applicant* can accomplish.
- State mitigation measure requirements in clear and direct language that makes it clear that the measure is necessary in order to mitigate; avoid using weak terms like, "The project should..." or "the situation would be improved by..."

Relationship Between Impacts and Mitigation

- Measures must actually relate to the significant impact caused by the project. Additionally, care must be taken to ensure that there is a clear "nexus" between the impact and the required mitigation. Also, the required mitigation must be "proportional" to the level of impact.
- Adverse effects must be mitigated to the maximum extent feasible, even if the effect is still concluded to be significant after mitigation.
- Consider whether implementation of the mitigation measures themselves would cause any significant effects.

Fair Share Mitigation

- Generally, the payment of "fair share" contributions or other partial or proportional payments should **not** be proposed as mitigation, other than contributions to an officially adopted fee program such as the TIF. The mere collection of fees generally does not mitigate an impact. In most cases, it is the actual construction, institution, or completion of an improvement, program, or other solution that in fact mitigates the environmental impact.

Rationale for Mitigation

- Deviation from mitigation recommendations in technical studies must be identified and discussed.
- If a mitigation measure such as a "special area designator" is proposed, describe that measure in detail.

Feasibility

- If potential mitigation is infeasible, explain *why*.
- Where significant impacts are identified, feasible alternatives or mitigation measures that would reduce significant impacts shall be included in the EIR.
- Do not summarily state that no mitigation measure is available to alleviate an identified impact. Generally, mitigation measures must be identified for each significant effect of a project. If it is later found that such mitigation measures are infeasible, the County may adopt findings to that effect,

pursuant to Section 15091(a).

- Mitigation measures must be feasible. (§15126.4(a)(1).) "Feasible" is defined by Section 15364 to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."
- Information and data as to anticipated project costs and profits needed to demonstrate economic infeasibility of mitigation must be provided to the decision-maker to support a finding of infeasibility. However, information that constitutes a "Trade Secret" as defined at Government Code Section 6254.7, it will not be included in the EIR. (§§21160, 15120(d).)

Enforceability

- If there is no feasible enforcement mechanism for a mitigation measure, the findings under Section 15091(a)(1) cannot be made. In proposing mitigation measures, be sensitive to the nature of the approvals or permits which are involved, and assure that they are capable of being used as enforcement mechanisms. For example, a mitigation measure which requires long-term ongoing maintenance or monitoring would not typically be feasible as a tentative map condition, because tentative map conditions lose their enforceability after a final map is approved.
- In the definition of the mitigation measure, identify the "hook" or enforcement mechanism that will insure implementation (e.g., "prior to approval of the Final Map", "Cause to be placed on the grading and improvement plans", etc).
- Merely including mitigation measures in the mitigation monitoring and reporting program does not assure that they are enforceable. Mitigation measures must be enforceable via mechanisms outside that program.

Reliance on Performance Criteria or Other Related Projects

- Do not rely upon a mere requirement that performance criteria (e.g. Best Management Practices) be developed and complied with, without stating what the performance criteria will be and whether the project can meet the criteria.
- The EIR can rely on subsequent approvals of permits or plans only if there are specific "performance criteria", it is clear that the plan is achievable, and it is clear that the level of significance will be reduced.
- When justified, mitigation for other related projects can be used to mitigate for a subsequent project's impacts. (However, the conditions of approval of the other related projects must guarantee that the measure is in place prior to the project impact).

Cumulative Impact Mitigation

- Sometimes the only feasible mitigation for cumulative impacts will involve the adoption of ordinances or regulations, rather than project specific mitigation. If this approach is used, the adoption of the ordinance or regulation should generally be concurrent with, or prior to, project approval and not be deferred into the future. (§15130(c).)
- Examine "reasonable options for mitigating or avoiding any significant cumulative effects of a project." (§15130(b)(3).)

Biological Resources Mitigation

- Do not rely exclusively upon compliance with the MSCP as cumulative biological impact mitigation under CEQA.

Mitigation Language

- Rather than providing the *exact wording* of proposed project approval conditions which will be used to implement mitigation measures, describe the *specific concept* of the proposed mitigation and specify how it must *function* to be effective. County staff will draft the exact wording to implement the requirement at later stages in project processing. For example, do not set forth the entire terms of a required open space easement, but rather state that an open space easement will be required over ... [state the area]...which will prohibit...[specify prohibited uses and activities]...but may permit ...[state any exceptions].

2.1.7 Conclusion

This subchapter must clearly state a conclusion as to whether each of the project's significant environmental effects, discussed and analyzed in this portion of the focused subject area analysis, have or have not been reduced to below a level of significance through mitigation. The discussion must be supported by a synopsis of the rationale for the conclusion.

Where the EIR concludes that there are unmitigated adverse impacts, their implications and the reasons why the project is still being proposed without an alternative design, notwithstanding their effect, must be described. (§15126(b).) This conclusion shall be supported by a discussion of why the impact could not be mitigated or otherwise reduced to a level below significant.

General Guidance and Key Compliance Points

- Provide the rationale as to why a mitigation measure will work.
- At the conclusion of each subject area subchapter state clearly whether the impact remains significant or is mitigated to a less than significant level.

2.X Significant Irreversible Environmental Changes Resultant From Project Implementation [Only Required for Certain Projects]

This subchapter is only required for a draft EIR prepared for the adoption, amendment, or enactment of a plan, policy, or ordinance for a public agency, the adoption of a Local Agency Formation Commission (LAFCo) Resolution, or a project subject to Environmental Impact Statement pursuant to the National Environmental Policy Act. (§§15126.2(c) and 15127.)

General Guidance and Key Compliance Points

- Always include an Irreversible Environmental Changes section; see Section 15127, which limits this discussion to certain types of projects, but the related discussion required by Sections 15126(c) and 15126.2(c) is not so limited.
- Any significant irreversible environmental changes which would be caused by the proposed action, should it be implemented, must be disclosed.
- Any uses of non-renewable resources or limitations on future uses of non-renewable resources, if the proposed project is implemented must be disclosed (example: placement of a residential land use designation in an area of a known mineral resource). Irretrievable commitments of resources must be evaluated to ensure that the project's consumption is justified.
- Any primary and secondary impacts that commit future generations to similar uses must be disclosed.

Irreversible Environmental Effects Mitigation

- Mitigation measures should include measures to reduce wasteful, inefficient, and unnecessary consumption of energy. Increased energy consumption related to mitigation measures must be addressed, if relevant. CEQA Guidelines Appendix F contains general examples of mitigation measures for a project's potentially significant energy impacts.

CHAPTER 3.0 ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

3.1 Effects Found Not Significant as Part of the EIR Process

Include a brief discussion of the effects identified as potentially significant during the Environmental Initial Study or Notice of Preparation process but were concluded not to be significant after further analysis. Include technical studies in appendices, as necessary. (§§15128 and 15143.)

3.1.1 Subject Area Analysis [Repeat as Necessary]

The discussion should generally be concise and should follow the format as shown in subchapter 2.1, except there will be no discussion of mitigation measures.

3.2 Effects Found Not Significant During Initial Study

Briefly state which environmental effects were determined not to be potentially significant during the Environmental Initial Study and reference a complete copy of the Environmental Initial Study attached as an appendix. (§§15128 and 15143.)

CHAPTER 4.0 PROJECT ALTERNATIVES

This chapter of the EIR is intended to implement the requirements set forth in §15126.6.

4.1 Rationale for Alternative Selection

The EIR must describe a range of reasonable alternatives, and must briefly describe the rationale for alternative selection based upon the requirements described below. (§15126.6). This discussion must also identify alternatives seriously considered (including proposals by the public or other agencies) but rejected as infeasible including the rationale for rejection. Factors that may be used to eliminate an alternative from detailed discussion include: failure to meet basic project objectives, infeasibility, and/or inability to avoid significant environmental impacts. (§15126.6(c).) Selection of any reduced alternative must occur in consultation with County staff. Generally, selection of any reduced project alternative will not occur until after review of the 1st Draft EIR screencheck.

General Guidance and Key Compliance Points

Appropriateness

- The discussion shall focus on alternatives that are capable of avoiding or substantially lessening any significant effects of the project, even if the alternatives may impede to some degree the attainment of project objectives, or may be more costly. (§15126.6(b).) This applies even if the project effects can be mitigated through the imposition of mitigation measures alone. Note that defining the project objectives narrowly in an attempt to severely limit the scope of potential alternatives is not permissible.
- Alternatives that do not reduce at least one of the significant effects of the proposed project must not be included in the EIR.
- Avoid “poison pill” alternatives which reduce only one or a few significant effects while greatly increasing other significant effects.
- Do not include a "straw man" version as the proposed project or an alternative, which does not comply with County general plan or ordinances. The proposed project and all alternatives should be realistic and comply with all fundamental requirements.
- Briefly explain why each alternative was selected. Merely stating that the alternative was selected based on discussions with County staff is not sufficient.

Range of Reasonable Alternatives

- Include a *reasonable range* of alternatives, which: (1) offer substantial environmental advantages over the project proposal; and (2) may be feasibly accomplished in a successful manner considering the economic, environmental, social and technological factors involved.

- Feasible Planning Group alternatives which are consistent with the County General Plan, regulations, and policies should be considered and discussed, as a part of the range of alternatives.
- The range of alternatives cannot be limited by the fact that the project applicant has made substantial investments, agreements, or contracts in the proposed project before obtaining approval by the decision-making body.
- If there is any question as to the significance of an effect after mitigation, it is appropriate to develop an alternative that clearly and unequivocally avoids or reduces the effect to less than significant. In such cases, the choice between the proposed mitigation and the alternative should be identified as an issue to be resolved by the decision maker.
- If it is determined as part of the EIR process that a proposed project cannot be approved because of its failure to comply with the County's General Plan, ordinances, policies, or other legal deficiency, the EIR must provide a minimum of two feasible reduced project alternatives to comply with the CEQA requirement for a range of reasonable alternatives.

Feasibility

- Where an alternative was considered but rejected as infeasible, that fact should be mentioned briefly in the introductory portion of Chapter 4.0 and the rejected alternative should not be included among the alternatives discussed under subchapter 4.2.
- Criteria that can be taken into consideration in determining the feasibility of various alternatives include: site suitability; economic viability; availability of infrastructure; General Plan consistency; other plans or regulatory limitations; jurisdictional boundaries (depending on project scale); and whether the project proponent can reasonably acquire, control, or otherwise have access to the alternative site. (§15126.6(f)(1).)
- If any alternatives are considered infeasible due to the above criteria, the EIR must provide factual support for this conclusion. If an alternative is rejected because of financial infeasibility, then evidence of the infeasibility must be included in the record (e.g., project file). (*Goleta I.*) The rationale must be based on fact, not speculation or opinion.

Alternative Analysis

- Do not include "side-by-side" alternative discussions or alternative conclusions (e.g. "applicant's version" vs. "staff's version"). The EIR should present one analytical approach and conclusion, approved by County staff.

Reduced Project Alternative

- Multiple variations of this alternative are often included and consist of reducing the overall project scale or specific elements of the project. For a residential subdivision, at least one (and preferably more than one) alternative with a reduced number of lots is usually in order.

Alternative Location Alternative

- A "rule of reason" should be followed in determining whether to include analysis of alternative locations. (§15126.6(f)(2).) The key question is whether any of the significance effects would be avoided or substantially lessened by putting the project in another location. If no feasible alternative locations exist, the EIR must disclose the reasons for this conclusion. (§15126.6(f)(2).) Further, if a previous document has previously considered a range of reasonable alternative locations, that document should be referenced and made available. (§15126.6(f)(3).) An Alternative Location analysis may not be omitted solely on the basis that the project proponent does not own other land for the project. However, whether a property is owned or can reasonably be acquired by the project proponent has a strong bearing on the feasibility of that site as a project alternative. Whether the project is proposed by a public agency with the power to acquire an alternative site, and whether a private proponent has rights because of existing legal relationships to acquire alternative sites, are factors to take into consideration. If alternative locations are rejected as infeasible, the reasons must be given. (§15126.6(f)(2)(b).)

No Project Alternative

- A "No Project Alternative" must be included. The purpose of the "No-Project" alternative is to provide a comparison of the environmental impacts that would result if the project is approved with what would occur if the project was not approved. (§15126.6(e)(1).)

There are two types of "No Project Alternatives"; either or both of these may be appropriate for inclusion in an EIR:

- When the project is the revision of an existing plan, policy or ongoing operation, the "No Project" Alternative will be the continuation of the existing plan, policy or operation into the future, and the analysis compares the proposed plan to what would occur under the existing plan.
- When the project is *not* the revision of an existing plan, policy or ongoing operation (for example, a development project on identifiable property), the "No Project" Alternative is the circumstance where the project does not proceed, and the analysis compares the proposed project to the property remaining in its existing state. This would normally be a "No Build" circumstance, except where the analysis demonstrates that failure to proceed with the project would result in predictable actions by others, in which case the consequences of those actions should be discussed.

If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (§15126.6(e)(2).)

4.2 Analysis of the "X" Alternative [Repeat as Necessary]

4.2.1 "X" Alternative Description and Setting

Provide a synopsis that briefly describes the proposed project alternative, including description, location, and setting. Include in the description of the alternative the degree to which the project development objectives can be attained.

4.2.2 Comparison of the Effects of the "X" Alternative to the Proposed Project

The environmental effects of the alternative shall be described under each subject area, as accomplished in subchapter 2.1.X, however the subchapter headings do not need to be followed for sake of brevity. The discussion must be detailed enough to allow meaningful evaluation, analysis, and comparison with the proposed project. Mitigation, unavoidable adverse impacts, and the cumulative impacts only need to be described if they are different from the proposed project; otherwise state that these effects and mitigation requirements are the same. Any new significant effects associated with the alternative, but not associated with the proposed project, must be discussed. However, the discussion must be in less detail than the proposed project effects discussion in Chapter 2.0 of the EIR. (§15126.6(d).)

4.X Environmentally Superior Alternative

This section shall briefly compare the impacts of the various alternatives to the proposed project and to one another, and shall identify the "environmentally superior" alternative. If the environmentally superior alternative is the "No Project" alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

5.0 LIST OF REFERENCES

This list must provide adequate references to documents cited in the EIR. References that were heavily relied upon in the EIR analysis and which have a limited circulation must include a location where the public can readily access and review the document. (§15150.)

6.0 LIST OF EIR PREPARERS AND PERSONS AND ORGANIZATIONS CONTACTED

This list must clearly identify: 1) all staff, agencies, and organizations who prepared the EIR; and 2) all Federal, State, or local agencies, organizations, and individuals who were consulted during its preparation. The list must indicate the name, affiliation, and a very brief explanation of each individual's role in the preparation of the EIR. (§15129.)

7.0 LIST OF MITIGATION MEASURES AND ENVIRONMENTAL DESIGN CONSIDERATIONS

This list must include: 1) a comprehensive listing of all mitigation measures proposed for the project; and 2) a listing of all project design consideration that were relied upon to reduce impacts (e.g., applicant proposed open space areas, road improvements, drainage systems). The list should be divided into sections according to the subchapter and impact number.

TECHNICAL APPENDICES

Technical appendices must be identified by letter and subject. Contents of the technical studies must include, at a minimum, the following:

- Environmental Initial Study.
- Notice of Preparation and Responses.
- Technical Studies (it is imperative that the project as assessed in the technical studies is consistent with the project description within the EIR). An exception can be given if the technical appendix assessed a clearly environmentally inferior project and concluded that the effects not to be significant or mitigable by design considerations that were incorporated into the "revised" project. Additionally, a technical study that addresses a larger area than the proposed project is allowable if the impacts attributed to the actual project area are accurately stated. (§15147.)

CONTENTS OF A RECIRCULATED DRAFT EIR
(§15132)

1. READERS GUIDE

A Readers Guide summarizing all revisions that have been made to the document is to be placed in the front of the recirculated Draft EIR. The Readers Guide should identify the comments (including author of comments) that were the impetus for the revisions.

2. ERRATA SHEET

Staff will determine whether an Errata Sheet can be used to identify required revisions to the document. Generally, the use of an Errata Sheet will be allowed for changes that involve 20 or fewer pages. Errata Sheets are to be placed in the front of the Draft EIR just behind the Readers Guide.

3. A COMPLETE COPY OF THE DRAFT EIR, amended/revised as necessary. All changes and revisions are to be in strikeout/underline format. The cover shall be printed on green colored cardstock or paper.

CONTENTS OF THE DRAFT FINAL EIR
INCLUDING RESPONSES TO PUBLIC COMMENT
(§15132)

1. A COMPLETE COPY OF THE DRAFT FINAL EIR, amended/revised as necessary based on the public comment and recommendations. The document should be in strikeout/underline format to show the County decision maker all relevant changes made to the Draft Final EIR. Optionally, relevant changes made to the EIR may be shown on an Errata sheet at the discretion of County staff. The cover shall be printed on yellow colored cardstock or paper.
2. A LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT HAVE COMMENTED OR GIVEN RECOMMENDATIONS ON THE DRAFT EIR.
3. COMMENTS AND RESPONSES TO COMMENTS AND RECOMMENDATIONS RECEIVED ON THE DRAFT EIR. (Refer to Sample H).

The response to comments must be part of a separate section within the EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, then the text of the body of the EIR must be revised.

4. STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS OR OTHER MATERIALS THAT CONSTITUTE A RECORD OF PROCEEDINGS.
5. OTHER INFORMATION.

Other information can be included in the Draft Final EIR that is deemed appropriate by the County, including a reader's guide, which may be required at the beginning of the EIR when there have been substantial changes to the EIR.

CONTENTS OF THE FINAL EIR INCLUDING RESPONSES TO PUBLIC COMMENT
(§15132)

In order to change a Draft Final EIR into a Final EIR, the EIR consultant must revise and reprint the Draft Final EIR to include the following:

1. A COMPLETE COPY OF THE FINAL EIR, amended/revise as necessary based on public comment and recommendations. (§15088(c).)
 - The cover shall be printed on blue colored cardstock or paper.
 - This document shall be in clean format with all strikeout/underline removed.
 - The term "Draft" EIR should be changed to "Final" EIR on the Cover Page and throughout the document.
 - The Table of Contents shall be updated to include all additions and changes.
 - A certification statement shall be added to the bottom right-hand corner of the Cover Page as shown in the example below:

"This Environmental Impact Report was certified by the
_____ on _____.
(Decision-Making Body) (Date/Item Number)

(SIGNATURE)_____

NAME (ALL CAPS)_____, Director

County of San Diego, Department of (Insert Department Name)"

Include the following as appendices to the final EIR:

2. A LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT HAVE COMMENTED OR GIVEN RECOMMENDATIONS ON THE DRAFT EIR.
3. COMMENTS AND RESPONSES TO COMMENTS AND RECOMMENDATIONS RECEIVED ON THE DRAFT EIR. (Refer to Sample H).

The response to comments must be part of a separate section within the EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, then the text of the body of the EIR must be revised.

4. STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS OR OTHER MATERIALS THAT CONSTITUTE A RECORD OF PROCEEDINGS.
5. OTHER INFORMATION.

Other information can be included in the final EIR that is deemed appropriate by the County, including a reader's guide, which may be required at the beginning of the EIR when there have been substantial changes to the EIR. For future reference CEQA Findings may be included as attachments to the EIR.

[Sample A]

_____ SCREENCHECK
DRAFT ENVIRONMENTAL IMPACT REPORT

Type of EIR
Project Common Name
Permit Numbers/DPLU Environmental Log No.
State Clearinghouse (SCH) Number

Lead Agency:

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Date

[Sample B]

_____ SCREENCHECK

DRAFT ENVIRONMENTAL IMPACT REPORT

Project Common Name
Permit Numbers/DPLU Environmental Log No.
State Clearinghouse (SCH) Number

Lead Agency:

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
Contact: (Name), DPLU Project Manager
Phone Number
Contact: (Name), Environmental Coordinator
Phone Number

Preparer:

Name
Firm Name
Address

Project Proponent:

Name
Firm Name

Date

Summary of Significant Effects

SIGNIFICANT AND UNAVOIDABLE IMPACTS			
Project-Level Impacts			
__ Subject Area (e.g., 2.4. Cultural Resources, 2.8, Transportation/Circulation) Insert subject area here. Repeat as necessary.			
Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
__._ Subject Area (e.g. 2.4.2.1 Prehistoric Sites, 2.8.2.1 Road Capacity - LOS) Insert focused subject area here. Repeat as necessary.			
Impact No. (e.g., CR-1, TR-4) Insert impact number here. Repeat as necessary.	Impact Identify impact here. Repeat as necessary	Mitigation Insert mitigation measure number (e.g., M-CR-1a, M-CR-1b, M-TR-4). Identify and briefly describe mitigation measures that will be implemented to reduce the severity of the impact. Repeat as necessary.	Conclusion and Mitigation Effectiveness State significance of impact after implementation of mitigation.
Cumulative-Level Impacts			
__ Subject Area (e.g., 2.4. Cultural Resources, 2.8, Transportation/Circulation) Insert subject area here. Repeat as necessary.			
Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
__._ Subject Area (e.g. 2.4.2.1 Prehistoric Sites, 2.8.2.1 Road Capacity - LOS) Insert focused subject area here. Repeat as necessary.			
Impact No. (e.g., CR-4, TR-7) Insert impact number here. Repeat as necessary.	Impact Identify impact here. Repeat as necessary	Mitigation Insert mitigation measure number (e.g., M-CR-7, M-TR-9a, M-TR-9b). Identify and briefly describe mitigation measures that will be implemented to reduce the severity of the impact. Repeat as necessary.	Conclusion and Mitigation Effectiveness State significance of impact after implementation of mitigation.

SIGNIFICANT IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

Project-Level Impacts

__ Subject Area (e.g., 2.4. Cultural Resources, 2.8, Transportation/Circulation)

Insert subject area here. Repeat as necessary.

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
------------	--------	------------	---

___. Focused Subject Area (e.g. 2.4.2.1 Prehistoric Sites, 2.8.2.1 Road Capacity - LOS)

Insert focused subject area here. Repeat as necessary.

Impact No. (e.g., CR-1, TR-4) Insert impact number here. Repeat as necessary.	Impact Identify impact here. Repeat as necessary	Mitigation Insert mitigation measure number (e.g., M-CR-1a, M-CR-1b, M-TR-4). Identify and briefly describe mitigation measures that will be implemented to reduce the severity of the impact. Repeat as necessary.	Conclusion and Mitigation Effectiveness State significance of impact after implementation of mitigation.
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Cumulative-Level Impacts

__ Subject Area (e.g., 2.4. Cultural Resources, 2.8, Transportation/Circulation)

Insert subject area here. Repeat as necessary.

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
------------	--------	------------	---

___. Focused Subject Area (e.g. 2.4.2.1 Prehistoric Sites, 2.8.2.1 Road Capacity - LOS)

Insert focused subject area here. Repeat as necessary.

Impact No. (e.g., CR-4, TR-7) Insert impact number here. Repeat as necessary.	Impact Identify impact here. Repeat as necessary	Mitigation Insert mitigation measure number (e.g. M-CR-7, M-TR-9a, M-TR-9b). Identify and briefly describe mitigation measures that will be implemented to reduce the severity of the impact. Repeat as necessary.	Conclusion and Mitigation Effectiveness State significance of impact after implementation of mitigation.
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Comparison of Project Alternative Impacts to Significant Proposed Project Impacts

Impact Category	No Project/ No Build	Alternative Location – X Property	Alternative Location – Y Property	Reduced Project – No Gas Station	Reduced Project – No Supermarket	Reduced Supermarket Facility	No Gas Station – Small Retail Shop Building
Transportation/Circulation	Less	Greater	Greater	Less	Less	Less	Less
Air Quality	Less	Similar	Similar	Less	Greater	Greater	Less
Noise	Less	Less	Similar	Similar	Less	Similar	Similar
Drainage/Hydrology	Similar	Similar	Less	Similar	Similar	Similar	Similar
Biological Resources	Similar	Similar	Less	Similar	Similar	Similar	Similar

[Sample E]

SAMPLE OF MATRIX OF PROJECT APPROVALS

Discretionary Approval/Permit	Approving Agency
General Plan Amendment Specific Plan Rezone Tentative Map Major Use Permit Landscape Plans Habitat Loss Permit Grading Permit Improvement Plans County Right-of-Way Permits Air Quality Permit to Construct Air Quality Permit to Operate – Title V Permit	County of San Diego
Annexation to a City or Special District	Local Agency Formation Commission (LAFCO)
State Highway Encroachment Permit	CALTRANS
National Pollutant Discharge Elimination System (NPDES) Permit General Industrial Stormwater Permit General Construction Stormwater Permit Waste Discharge Requirements Permit 401 Permit - Water Quality Certification	Regional Water Quality Control Board (RWQCB)
1603 – Streambed Alteration Agreement	CA Department of Fish and Game (CDFG)
Section 7 - Consultation or Section 10a Permit – Incidental Take	US Fish and Wildlife Services (USFWS)
404 Permit – Dredge and Fill	US Army Corps of Engineers (ACOE)

[Sample F]

SUBJECT AREA AND FOCUSED SUBJECT AREA ANALYSIS FORMAT

SAMPLE – CULTURAL RESOURCES

2.6 Cultural Resources

2.6.1 Existing Conditions

2.6.2 Analysis of Project Effects and Determination as to Significance

2.6.2.1 *Prehistoric Sites*

Guidelines for the Determination of Significance

Analysis

2.6.2.2 *Historic Sites*

Guidelines for the Determination of Significance

Analysis

2.6.3 Cumulative Impact Analysis

2.6.4 Growth Inducing Impacts

2.6.5 Significance of Impacts Prior to Mitigation

2.6.6 Mitigation

2.6.7 Conclusion

SAMPLE – NOISE

2.4 Noise

2.4.1 Existing Conditions

2.4.2 Analysis of Project Effects and Determination as to Significance

2.4.2.1 *Noise Sensitive Areas Affected by Airborne Noise*

Guidelines for the Determination of Significance

Analysis

2.4.2.2 *Project Generated Airborne Noise*

Guidelines for the Determination of Significance

Analysis

2.4.2.3 *Groundborne Vibration and Noise Impacts*

Guidelines for the Determination of Significance

Analysis

2.4.3 Cumulative Impact Analysis

2.4.4 Growth Inducing Impacts

2.4.5 Significance of Impacts Prior to Mitigation

2.4.6 Mitigation

2.4.7 Conclusion

[Sample G]

**GUIDANCE AND SAMPLE
FINDINGS REGARDING SIGNIFICANT EFFECTS**

GUIDANCE:

Required Findings. Section 21081 of CEQA, and Section 15091 of the State CEQA Guidelines, prohibit project approval unless the public agency makes one or more written findings for **each** of the significant effects identified in the EIR, accompanied by a brief explanation of the **rationale** for each finding. The possible findings are:

- Changes or alterations have been made in, or incorporated into, the project which avoid or substantially lessen the significant effects as identified in the final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Approaches Available

- For many projects, all significant effects are mitigated. In that case, finding (1) under Section 15091(a) must be made for each significant effect, together with a statement of the rationale which supports the finding. The format for this approach should be substantially as is provided at Sample A below. Provide subject headings and group the significant effects under them, with the headings and the numbering of the significant effects and the mitigation measures to match the Final EIR text.
- For some projects, a mix of findings (1), (2) or (3) above may be applicable. In those cases, the format for the findings will be more complicated. The format should be substantially as in Sample B below, but may be adjusted as appropriate.

SAMPLES:

Sample A. (Where all significant effects are mitigated):

"FINDINGS REGARDING SIGNIFICANT EFFECTS

"Pursuant to Section 15091 of the State CEQA Guidelines, the _____ [decision making body] _____ finds that, for each of the significant effects identified in the FEIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen ("mitigate") each of the significant environmental effects as identified in the FEIR. The Impacts and Mitigation Measures are stated fully in the FEIR. The following are brief explanations of the rationale for this finding for each Impact:

"(1) Transportation/Circulation Impacts

Impact TR-2: With the implementation of the proposed project, Impact _____ (insert impact number) would cause an effect to _____ (insert subject area) that would impact _____ (insert subsubject area) because of _____ (insert what characteristics of the project will cause the effect).

(e.g., With the implementation of the proposed project, Impact TR-4 would cause an effect to Traffic that would impact intersections because of the additional daily trips that the project will contribute).

Mitigation M-TR-2a: The mitigation measures specified in the FEIR have been imposed upon the project as conditions of approval, requiring [provide summary of required mitigation] _____. Implementation of this mitigation measure will _____ [describe how mitigation measure will avoid or substantially lessen the significant effect, and what will be the consequence in terms of the significance criteria] _____.

Impact TR-3: [Continue as above for each significant effect]

"(2) Biological Resource Impacts

Impact BR-1: [Continue as above] _____."

Sample B: (Where a combination of findings (1), (2) and/or (3) applies):

"FINDINGS REGARDING SIGNIFICANT EFFECTS

"A. Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the [decision making body] finds that, for each of the following significant effects as identified in the FEIR, changes or alterations (Mitigation Measures) have been required in, or incorporated into, the project which avoid or substantially lessen each of the significant environmental effects as identified in the FEIR. The significant effects (Impacts) and Mitigation Measures are stated fully in the FEIR. The following are brief explanations of the rationale for this finding for each Impact:

"(1) Transportation/Circulation Impacts

Impact TR-2: With the implementation of the proposed project, Impact ____ (insert impact number) would cause an effect to ____ (insert subject area) that would impact ____ (insert subsubject area) because of ____ (insert what characteristics of the project will cause the effect).

(e.g., With the implementation of the proposed project, Impact TR-4 would cause an effect to Traffic that would impact intersections because of the additional daily trips that the project will contribute).

Mitigation M-TR-2a: The mitigation measures specified in the FEIR have been imposed upon the project as conditions of approval, requiring [provide summary of required mitigation] _____. Implementation of this mitigation measure will ____ [describe how mitigation measure will avoid or substantially lessen the significant effect, and what will be the consequence in terms of the significance criteria] _____.

Impact TR-3: [Continue as above for each significant effect]

"B. Pursuant to Section 15091(a)(2) of the State CEQA Guidelines, the [decision making body] finds that, for each of the following significant effects as identified in the FEIR, changes or alterations which would avoid or substantially lessen these significant effects are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The significant effects (Impacts) and Mitigation Measures are stated fully in the FEIR. The following are brief explanations of the rationale for this finding for each Impact:

"(4) Air Quality Impacts

Impact AQ-4: With the implementation of the proposed project, Impact ____ (insert impact number) would cause an effect to ____ (insert subject area) that would impact ____ (insert subsubject area) because of ____ (insert what characteristics of the project will cause the effect).

Mitigation M-AQ-4a: The mitigation measure(s) specified in the FEIR of _____ [describe mitigation measure(s)] is/are within the responsibility and jurisdiction of _____ [specify other public agency] _____. The(se) mitigation measures _____ [either "were adopted by that agency on _____ [specify adoption information]" or "can and should be adopted by that agency because _____ [explain rationale] _____"].

Impact AQ-5: [Continue as above for each significant effect]"

"C. Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the [decision making body] _____ finds that, for each of the following significant effects and project alternatives as identified in the FEIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or project alternatives infeasible:

"(6) Visual / Aesthetic Impacts

Impact AE-6: With the implementation of the proposed project, Impact _____ (insert impact number) would cause an effect to _____ (insert subject area) that would impact _____ (insert subsubject area) because of _____ (insert what characteristics of the project will cause the effect).

Mitigation M-AE-6: The _____ [identify alternative or mitigation measure] discussed at pages _____ of the Final EIR is infeasible because _____ [set forth rationale for infeasibility, with reference to the location in the Final EIR or other places in the record where the supporting information can be found] _____."

[Sample H]

GUIDANCE REGARDING EVALUATION OF AND RESPONSES TO COMMENTS

1. IDENTIFYING SUBSTANTIVE COMMENTS:

A comment deserving a substantive response may be :

- a. A recommendation for proposed changes to the project, proposed mitigation or alternatives to reduce significant effects of the project; or
- b. An objection to the adequacy of the Environmental Impact Report (EIR) or the data, analysis or conclusions on environmental issues.

Be relatively inclusive in identifying statements that could be interpreted as meeting the above criteria. However, if a comment fails to raise any substantive matter, a general response such as the following should be used:

"The County of San Diego acknowledges and appreciates this letter. However, the **(choose one of the following as appropriate):**

"issues raised are not related to an environmental issue pursuant to CEQA." OR

"issues raised are not at variance with the existing content of the draft EIR." OR

"letter fails to raise any issue or make a substantive comment."

Do not identify multiple comments as one comment. Make sure to break out individual comments.

2. DIRECTIONS FOR RESPONDING TO COMMENTS:

The responses to comments are a very important legal and technical component of the CEQA process. Therefore, substantial time and effort is required to adequately respond to comments. The following guidance must be complied with when responding to comments:

- a. Clearly identify each comment letter with an alphabetical identifier (i.e., A, B, C, then AA, AB, AC, etc.). Then identify specific comments on a copy of the comment letter and assign each comment an alphanumeric designation (e.g., A-5, KK-32). Responses to comments must be keyed to this assigned number. **DO NOT COMBINE WHAT SHOULD BE SEPARATE COMMENTS INTO ONE LARGE COMMENT.** It is better to break out multiple issues raised into their component parts and respond to each discrete issue.
- b. The response must demonstrate an unbiased, good faith, and reasoned analysis of each comment received.
- c. Responses must be written in the context that the County is responding to the comment, not the consultant or applicant.
- d. Do not paraphrase comments. If comments are to be rewritten, they must be rewritten verbatim. It is preferred that a copy of the comment letter be scanned onto one-half of an 8.5" x 11" paper in landscape orientation with responses word processed onto the other half.
- e. The level of detail in the response must be consistent with the level of detail in the comment.
- f. Unsubstantiated conclusions in responses are not acceptable. **All responses must be supported by substantial evidence.**
- g. Initiate the response with a clear statement as to whether or not the County concurs with the recommendation or objection.
- h. If the County does not concur with the comment, include a fact-based discussion of the rationale for why the County does not concur.
- i. If the County concurs with the comment, determine whether responding to the comment would involve making "important changes" to the EIR, including the project description, impact discussion, mitigation or alternatives discussion.
 - (1) If responding to the comment would require making important changes, make those revisions, and simply state this in the response, along with a reference as to where the revision was made. Always double check to ensure that the reference is accurate.
 - (2) If responding to the comment does not require revision to the draft EIR (even if the County concurs with the comment), state this and give a brief rationale for not making any revision (unless the reasoning is clearly obvious).
- j. Respond directly to the comments as written. Avoid excessive interpretation of what is believed to be the point of the comment.

- k. Once a draft response is written, re-read the comment and response to make sure that the response actually addresses the issues brought forth in the comment. It is common that issues are missed or that deviation from the issue occurs as the response is written.
- l. Cross-references may be made to responses to other comments, to avoid repetition and to reduce time and costs. Always double check to ensure that the reference is accurate and that the cross-referenced response fully addresses all points raised in the comment.
- m. For each response, which relies upon information contained in the EIR, provide page references to the locations where that information may be found.

3. HANDLING OF LATE COMMENTS:

- a. The County considers comments on EIRs to be received "on time" if the comment is:
 - (1) Received from the State Clearinghouse;
 - (2) Postmarked on or before the date of the close of the public review period (including any extensions); or
 - (3) Received (either hand delivered or by fax) at the address in the legal advertisement or the County Clerk at or before 4:00 p.m. on the date of the close of the public review period.
- b. **The County does not formally include responses to late comments in the final EIR.** The following procedures must be followed in handling of late comments:
 - (1) Comments that are late will be stamped as such upon receipt by County staff and separated from comments received on time.
 - (2) Late comments will be reviewed and responded to by the consultant per the requirements of Section 2, above except:
 - (a) Late comment responses will be kept separate from the responses to timely comments;
 - (b) Late commenters must not be listed on the List of Individuals, Organizations, and Public Agencies that Commented on the draft EIR;

- (c) County staff will place late comments and responses in the case file and will not include them in the final EIR package; and
- (d) Late commenters will not be given the ten day advance notice of hearing.

[Sample I]

**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT
COMMENTED ON THE DRAFT EIR**

A draft version of this EIR was circulated for public review from Month XX, 20XX to Month XX, 20XX. The following is a listing of the names and addresses of persons, organizations, and public agencies that commented during this public review period.

FEDERAL AGENCIES **ADDRESS**

STATE AGENCIES **ADDRESS**

**COUNTY, CITY, AND
OTHER LOCAL AGENCIES** **ADDRESS**

ORGANIZATIONS **ADDRESS**

INDIVIDUALS **ADDRESS**

[Sample J]

**GUIDANCE AND SAMPLE REGARDING
STATEMENTS OF OVERRIDING CONSIDERATIONS
(State CEQA Guidelines Section 15093)**

GUIDANCE:

Section 15093 of the State CEQA Guidelines provides:

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

The San Diego County CEQA Guidelines provide that:

Specific **economic** considerations which provide overriding benefits may include, but are not limited to:

- * A significant increase in newly created long-term jobs.
- * A significant increase in direct revenue to the County.
- * Satisfaction of demand for a scarce product that is infeasible to produce at an alternative site where unmitigable environmental impacts can be avoided.

Specific **social** considerations which provide overriding benefits may include, but are not limited to:

- * Provision of an essential public facility or service that could not feasibly be provided at an alternative site where unmitigable environmental effects can be avoided.

Other considerations which provide overriding benefits may include but are not limited to:

- * Legal considerations such as provisions of local, State or Federal law and court orders.
- * Technical considerations which severely limit siting options.

(Article 7, Section 7.6, Paragraph 4.)

SAMPLE:

Preparers should utilize substantially the following format in drafting Statements of Overriding Considerations:

"STATEMENT OF OVERRIDING CONSIDERATIONS

 [PROJECT NAME]
 [PROJECT NUMBERS]
 [SCH NUMBER]
 [DATE]

"The [decision-making body] has adopted Findings Regarding Significant Effects for the above project, which identify that certain significant effects of implementing the project are unavoidable even after incorporation of any feasible mitigation measures. The [decision making body] finds that the remaining unavoidable significant effects are acceptable due to each of the specific economic, legal, social, technological or other benefits which will result from approval and implementation of the project, as listed below. All of these benefits are based on the facts set forth in the Findings Regarding Significant Effects, the Final EIR, and the record of proceedings for this Project. Each of these benefits is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit will occur and justifies project approval, the [decision making body] determines that it would stand by its determination that the remaining benefit(s) is or are sufficient to warrant project approval.

" [List and discuss the overriding benefits. For each benefit, demonstrate how it is assured that the benefit will result from the project approval.] "

