

APPENDIX A: GUIDELINES

IV. DISTRICT CEQA GUIDELINES

The Guidelines are designed to assist the District in implementing the Procedures contained in Part III of this document. References in these Guidelines, unless otherwise noted, are to the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq., and to the Regulations of the California Resources Agency Establishing Guidelines for Implementation of the California Environmental Quality Act, Division 6, Title 14, California Code of Regulations (CCR), Sections 15000 et seq.

1. DETERMINATION OF APPLICABILITY OF CEQA

Certain types of activities do not fall within the requirements of CEQA. Therefore, these procedures and guidelines do not apply to the following activities:

- 1.1 Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not covered by the requirements set forth in CEQA, and these Guidelines concerning the evaluation of projects and the preparation and review of environmental documents do not apply. (14 CCR Section 15061 (b) (3).) This determination may be made at the administrative level. Doubts should be resolved in favor of fullest protection to the environment. (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App. 4th 1307).

2. DISTRICT RESPONSIBILITY FOR COMPLIANCE WITH CEQA

- 2.1 Where a project is to be carried out or approved by the District alone, the District shall be the Lead Agency and shall be responsible for preparation of environmental documents. (14 CCR Section 15051 (a).)
- 2.2 Where the District will share involvement in a project with one or more public agencies, the Lead Agency shall be determined according to 14 CCR Section 151051 (a)–(d). If a dispute regarding this determination cannot be resolved by the agencies, the matter shall be submitted to the Office Planning and Research for resolution according to 14 CCR Section 15053 before completing a Draft Environmental Impact Report or Negative Declaration.

3. EXEMPTIONS

3.1 Ministerial

Activities which are entirely ministerial in nature, involving no exercise of discretion on the part of the Board, are exempt. (Public Resources Code [PRC] Section 21080 (b) (1); 14 Cal. CCR Section 15268.) These include:

- i) Formation or consolidation of Districts or transfer of parts thereof when initiated by petition of the voters of the District rather than by discretionary Board action;
- ii) Merger or transfer of District property by operation of law;
- iii) Modification of facilities to meet the needs of persons with disabilities as required by law.

3.2 Emergency

Emergency repairs to public facilities are exempt when necessary to maintain service essential to the public health, safety or welfare, as are other specific actions when necessary to prevent or mitigate an emergency. Projects to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Government Code Sections 8500 et seq., are likewise exempt. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to PRC Section 5028(b). (PRC Sections 21080 (b) (2), (3), (4), 21172; 14 CCR Section 15269.)

3.3 Rates, Tolls, Fares, and Charges

Also exempt are the establishment, modification, structuring, restructuring, and approval of rates, tolls, fares, and other charges which the District finds are for the purpose of:

- (1) Meeting operating expenses, including employee wage rates and fringe benefits,
- (2) Purchasing or leasing supplies, equipment, or materials,
- (3) Meeting financial reserve needs and requirements,
- (4) Obtaining funds for capital projects necessary to maintain service within existing service areas, or
- (5) Obtaining funds necessary to maintain those intra-city transfers as are authorized by city charter.

Rate increases to fund capital projects for the expansion of a system are not covered by this exemption. (PRC Section 21080 (b) (8); 14 CCR Section 15273.)

3.3 Regulatory Programs

Projects undertaken to implement a rule or regulation imposed by a state agency, board or commission under a certified regulatory program are exempt, except that any site-specific effect of the project which was not analyzed as a significant effect in a plan or other written documentation containing environmental information required by law is subject to this division. (PRC Section 21080 (b) (15), 21080.5.)

3.4 State and Regional Transportation Improvement Programs

The development or adoption of a regional transportation improvement program, the state transportation improvement program, or a congestion management program is exempt. Individual projects developed pursuant to these programs remain subject to CEQA. (PRC Section 21080 (b) (13); CCR Section 15276.)

3.5 Categorical

The following classes of activities are categorically exempt from the environmental impact assessment procedure (14 CCR Section 15300):

Class 1: Existing Facilities (Section 15301)¹

Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

- a. Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- b. Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- c. Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for

¹ Each class refers to corresponding class in the State CEQA Guidelines

the purpose of public safety, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes);

- d. Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- e. Additions to existing structures provided that the addition will not result in an increase of more than:
 - 1. 50 percent of the floor area of the structures before the addition , or 2,500 square feet, whichever is less; or
 - 2. 10,000 square feet if:
 - a. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - b. The area in which the project is located is not environmentally sensitive.
- f. Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features including navigational devices;
- g. New copy on existing on and off-premise signs;
- h. Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);
- i. Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, stream flows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- j. Fish stocking by the California Department of Fish and Game;
- k. Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- l. Demolition and removal of individual small structures listed in this subdivision;
 - 1. A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be

- demolished;
- 2. A store, motel, office, restaurant, and similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use;
- 3. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- m. Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources;
- n. Conversion of a single family residence to office use;
- o. Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste;
- p. Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

Class 2: Replacement or Reconstruction
(Section 15302)

Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- a. Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent;
- b. Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity;
- c. Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;
- d. Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electrical utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Class 3: New Construction or Conversion of Small Structures
(Section 15303)

Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

- a. One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption;
- b. A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units;
- c. A store, motel, office, restaurant and/or similar small commercial structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive;
- d. Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction;
- e. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences;
- f. An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

Class 4: Minor Alterations to Land
(Section 15304)

Minor public or private alterations in the condition of land, water and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to:

- a. Grading on land with a slope of less than 10 percent, except that

- grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an Official Seismic Hazard Zone, as delineated by the State Geologist;
- b. New gardening or landscaping, including the replacement of existing conventional landscaping with water-efficient or fire-resistant landscaping;
 - c. Filling of earth into previously excavated land with material compatible with the natural features of the site;
 - d. Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
 - e. Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;
 - f. Minor trenching and backfilling where the surface is restored;
 - g. Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;
 - h. The creation of bicycle lanes on existing rights-of-way;
 - i. Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

Class 5: Minor Alterations in Land Use Limitations
(Section 15305)

Minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- a. Minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel;
- b. Issuance of minor encroachment permits;
- c. Reversion to acreage in accordance with the Subdivision Map Act.

Class 6: Information Collection

(Section 15306)

Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information-gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

Class 7: Actions by Regulatory Agencies for Protection of Natural Resources
(Section 15307)

Consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

Class 8: Actions by Regulatory Agencies for Protection of the Environment
(Section 15308)

Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

Class 9: Inspections
(Section 15309)

Consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible misleading, misrepresentation, or adulteration of products.

Class 10: Loans
(Section 15310)

Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:

- a. Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943;
- b. Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.

Class 11: Accessory Structures
(Section 15311)

Consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

- a. On-premise signs;
- b. Small parking lots;
- c. Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use

Class 12: Surplus Government Property Sales
(Section 15312)

Consists of sales of surplus government property except for parcels of land located in an area of statewide, regional or areawide concern identified in Section 15206 (b) (4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

- a. The property does not have significant values for wildlife habitat or other environmental purposes; and
- b. Any of the following conditions exist:
 - 1. The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or
 - 2. The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or
 - 3. The use of the property and adjacent property has not changed since the time of purchase by the public agency.

Class 13: Acquisition of Land for Wildlife Conservation Purposes
(Section 15313)

Acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves

under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Class 14: Minor Additions to Schools
(Section 15314)

Consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

Class 15: Minor Land Divisions
(Section 15315)

Consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

Class 16: Transfer of Ownership of Land in Order to Create Parks
(Section 15316)

Consists of the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:

- a. The management plan for the park has not been prepared; or
- b. The management plan proposes to keep the area in a natural condition or preserve the historical or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.

Class 17: Open Space Contracts or Easements
(Section 15317)

Consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open

space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.

Class 18: Designation of Wilderness Areas
(Section 15318)

Consists of the designation of wilderness areas under the California Wilderness System.

Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities
(Section 15319)

Consists of only the following annexations:

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

Class 20: Changes in Organization of Local Agencies
(Section 15320)

Consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- a. Establishment of a subsidiary district;
- b. Consolidation of two or more districts having identical powers;
- c. Merger with a city of a district lying entirely within the boundaries of the city.

Class 21: Enforcement Actions by Regulatory Agencies
(Section 15321)

Consists of:

- a. Actions by regulatory agencies to enforce or revoke a lease, permit,

license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

1. The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement;
 2. The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.
- b. Law enforcement activities by peace officers acting under any law that provides a criminal sanction;
- c. Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

Class 22: Educational or Training Programs Involving No Physical Changes
(Section 15322)

- a. Consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to: Development of or changes in curriculum or training methods;
- b. Changes in the grade structure in a school which do not result in changes in student transportation.

Class 23: Normal Operations of Facilities for Public Gatherings
(Section 15323)

Consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.

Class 24: Regulations of Working Conditions
(Section 15324)

Consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- a. Employee wages;
- b. Hours of work, or;
- c. Working conditions where there will be no demonstrable physical changes outside the place of work.

Class 25: Transfers of Ownership in Land to Preserve Existing Natural Conditions and Historical Resources
(Section 15325)

Consists of transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- a. Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats;
- b. Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas;
- c. Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats;
- d. Acquisition, sale, or other transfer to prevent encroachment of development into flood plains;
- e. Acquisition, sale, or other transfer to preserve historical resources;
- f. Acquisition, sale, or other transfer to preserve open space or lands for park purposes.

Class 26: Acquisition of Housing for Housing Assistance Programs
(Section 15326)

Consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.

Class 27: Leasing New Facilities
(Section 15327)

- a. Consists of the leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:
 - 1. Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or negative declaration has been prepared;
 - 2. Shall be substantially the same as that originally proposed at the time the building permit was issued;
 - 3. Shall not result in a traffic increase of greater than 10% of front access road capacity;
 - 4. Shall include the provision of adequate employee and visitor parking facilities.
- b. Examples of Class 27 include, but are not limited to:
 - 1. Leasing of administrative offices in newly constructed office space;
 - 2. Leasing of client service offices in newly constructed retail space;
 - 3. Leasing of administrative and/or client service offices in newly constructed industrial parks.

Class 28: Small Hydroelectric Projects at Existing Facilities
(Section 15328)

Consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- a. The capacity of the generating facilities is five megawatts or less;
- b. Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
 - 1. Rate and volume of flow;
 - 2. Temperature;
 - 3. Amounts of dissolved oxygen to a degree that could adversely affect aquatic life;
 - 4. Timing of release.
- c. New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river;
- d. Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- e. There will be no significant upstream or downstream passage of fish affected by the project;

- f. The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure;
- g. The project will not cause violations of applicable state or federal water quality standards;
- h. The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places;
- i. Construction will not occur in the vicinity of any endangered, rare, or threatened species.

Class 29: Cogeneration Projects at Existing Facilities
(Section 15329)

Consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.

- a. At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:
 - 1. Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the county;
 - 2. Comply with all applicable state, federal, and local air quality laws.
- b. At commercial and industrial facilities, the installation of cogeneration facilities will be exempt if the installation will:
 - 1. Meet all the criteria described in Subsection (a);
 - 2. Result in no noticeable increase in noise to nearby residential structures;
 - 3. Be contiguous to other commercial or institutional structures.

Class 30: Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances
(Section 15330)

Consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

- a. No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or

thermal treatment unit or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site.

- b. Examples of such minor cleanup actions include but are not limited to:
 - 1. Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;
 - 2. Maintenance or stabilization of berms, dikes, or surface impoundments;
 - 3. Construction or maintenance of interim or temporary surface caps;
 - 4. Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;
 - 5. Excavation and/or offsite disposal of contaminated soils or sludges in regulated unites;
 - 6. Application of dust suppressants or dust binders to surface soils;
 - 7. Controls for surface water run-on and run-off that meets seismic safety standards;
 - 8. Pumping of leaking ponds into an enclosed container;
 - 9. Construction of interim or emergency ground water treatment systems;
 - 10. Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

Class 31: Historical Resource Restoration/Rehabilitation
(Section 15331)

Consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with

Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Class 32: In-Fill Development Projects
(Section 15332)

Consists of projects characterized as in-fill development meeting the conditions described in this section.

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- c. The project site has no value as habitat for endangered, rare or threatened species;
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;
- e. The site can be adequately served by all required utilities and public services.

3.6 Notice of Exemption

The [Office of the General Counsel](#)~~District Secretary~~ shall file a notice of exemption within three days following approval of a project whenever the District determines a project is exempt. This notice shall include:

- a. A brief description of the project;
- b. The location of the project;
- c. A finding that the project is exempt from CEQA, including a citation of the State Guidelines section or the Public Resources Code section under which it is found to be exempt; and
- d. A brief statement of reasons to support the findings. (14 CCR Section 15062; [Form 1](#).)

4. INITIAL STUDY

- 1.1 Following the preliminary review and a determination that a project is not exempt, the District shall conduct an initial study to determine if the project may have a significant effect on the environment. All phases of project planning, implementation, and operation must be considered in the initial study of the project. (14CCR Section 15063 (a).)

1.2 The purposes of an initial study are to:

- a. Enable the District to determine whether to prepare an EIR or Negative Declaration;
- b. Enable the District to modify a project, mitigating adverse impacts before a Negative Declaration or EIR is prepared;
- c. Focus an EIR, if one is required, on potentially significant environmental effects;
- d. Facilitate environmental assessment early in the design of a project;
- e. Provide documentation of the factual basis for finding in a Negative Declaration that a project will not have significant effect on the environment;
- f. Eliminate unnecessary EIR's
- g. Determine whether a previously prepared EIR could be used with the project (14 CCR Section 15063 (c).)

1.3 An initial study shall contain in brief form:

- a. A description of the project, including the location of the project;
- b. An identification of the environmental setting;
- c. An identification of environmental effects by use of a checklist such as that found in [Appendix G](#) of the state CEQA Guidelines, matrix, or other method;
- d. A discussion of ways to mitigate the significant effects identified, if any;
- e. An examination of whether the project is consistent with existing zoning, plans and other applicable land use controls;
- f. The name of the person or persons who prepared or participated in the Initial Study. (14 CCR Section 15063 (d).)

1.4 If the project is to be carried out by a private person or private organization, the District may require that person or organization to submit data and information which will enable the District to prepare the Initial Study. (14 CCR Section 15063 (e); [Form 2](#).)

1.5 The District may complete the Initial Study by the use of the Initial Study Form attached to these guidelines. Data received by the District as a result of consultation with other Responsible Agencies or through submission of Environmental Information forms shall be used by the District in determining whether a project may have a significant effect on the environment.

2. NEGATIVE DECLARATION

2.1 The District must prepare a Negative Declaration for a project subject to CEQA when:

- a. The initial study shows that there is no substantial evidence that the project may have a significant effect on the environment; or
- b. The initial study identifies potential significant effects but revisions in the project plans, agreed to by the applicant before release of the Negative Declaration for public review, will avoid or mitigate the effects so that clearly no significant effects will occur. There must be no substantial evidence that the project as revised may have a significant effect on the environment. (14 CCR Section 15070.)

2.2 A Negative Declaration shall include:

- a. A brief description of the project, including a commonly used name for the project, if any;
- b. The location of the project and the name of the project proponent;
- c. A finding that the project will not have a significant effect on the environment;
- d. An attached copy of the Initial Study documenting reasons to support the finding;
- e. Mitigation measures, if any, included in the project to avoid potential significant effects. (14 CCR Section 15071).

2.3 The District shall provide a Notice Of Intent To Adopt A Negative Declaration or Mitigated Negative Declaration to responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located at least ten (10) days prior to a hearing to discuss the draft Negative Declaration and not less than thirty (30) days prior to consideration of adoption of the proposed project and Negative Declaration by the Board. Notice of Intent to Adopt a Negative Declaration and the time and place a hearing shall be conducted thereon, shall be given as follows:

- a. If a proposed project is limited to a specific location, such as a new building or yard, notice shall be posted, along with the Negative Declaration in the following places:
 - Site of proposed project;
 - [General](#) Office of the ~~District Secretary~~, Alameda-Contra Costa Transit District; and
 - Main branch of public libraries in cities whose resources

may be affected by the project.

Notice within the timeframes listed above shall also be published at least once in a newspaper of general circulation in the area affected by the proposed project; shall also be given to all organizations and individuals who have previously requested such notice; and shall also be given by direct mailing to owners and occupants of contiguous properties as shown on the latest equalized assessment roll.

- b. If a proposed project is not limited to a specific location but affects a large area, such as a new or modified bus route, notice requirements may be satisfied by publication in a newspaper of general circulation in the area affected by the proposed project and to all organizations and individuals who have previously requested such notice, within the same timeframes listed above under 5.3.a. (14 CCR Section 15072)

- 5.4 Copies of the Negative Declaration supporting documents shall be made available for public review at least ten (10) days prior to a hearing to discuss the draft Negative Declaration and not less than thirty (35) days prior to consideration of adoption of the proposed project and Negative Declaration by the Board at Alameda-Contra Costa Transit District, 1600 Franklin Street, Oakland, Office of the District Secretary, Monday-Friday, 8:30 a.m. to 5:00 p.m.
- 5.5 The Board may adopt the Negative Declaration and adopt the project at the same meeting at which the hearing on the Negative Declaration is held, as long as the minimum 30-day public review period has been met, unless it appears that substantial issues have been raised at the hearing which were not dealt with in the initial study, and which cannot be addressed without further study by staff. In that case, the Board may continue the matter to its next regularly scheduled meeting. The Board shall adopt the Negative Declaration if it finds on the basis of the initial study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment. (14 CCR Section 15074.)
- 5.6 If the Board decides to carry out or approve a project for which a Negative Declaration has been adopted, a Notice of Determination shall be prepared and filed within five (5) working days, or as soon as practical, after deciding to carry out or approve the project. (14 CCR Section 15075 (a).)

The Notice of Determination shall contain:

- a. An identification of the project including the project title as identified on the proposed negative declaration, its location and State Clearinghouse identification number if the notice of determination is filed with the State Clearinghouse;
- b. A brief description of the project;
- c. The decision of the agency to approve the project, and the date on which it was approved;
- d. The determination of the agency that the project will not have a significant effect on the environment;
- e. A statement that a Negative Declaration has been adopted pursuant to the provisions of CEQA;
- f. A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.
- g. The address where a copy of the Negative Declaration may be examined. (14 CCR Section 15075 (b)).

- 5.7 The notice of determination shall be filed with the County Clerks of the Counties of Alameda and Contra Costa and the clerks of any other county affected by the proposed project.

If the project requires discretionary approval from any State agency, the notice of determination also shall be filed with the Office of Planning and Research of the State of California. (14 CCR Section 15075 (d).)

- 5.8 When adopting, a Negative Declaration, the District shall also adopt a reporting or monitoring program for any changes to the project which it has adopted or made a condition of project approval in order to mitigate significant effects on the environment. This program shall ensure compliance during project implementation.

6. ENVIRONMENTAL IMPACT REPORT

- 1.1 A Notice of Preparation ([Form 4](#)) is a brief notice which must be sent to the Office of Planning and Research, the County Clerk for each county in which the project will be located, and other public agencies which may be involved in the project as Responsible or Trustee Agencies (see Guidelines 2.1-2.3). A copy of the initial study may be included. (14 CCR Sections 15082.)
- 1.2 The preparation and contents of the Draft EIR shall conform to the requirements of law, as set forth in 14 CCR Sections 15120-15132.

1.3 Upon completion of the Draft EIR, the District must consult with and obtain comments from agencies having jurisdiction by law, and may also consult with the counties of Alameda and Contra Costa and the city or cities in which major environmental effects will occur whether or not they have direct jurisdiction. Consultation with persons having relevant special expertise is also desirable. Such consultation may take place during the 45 day public notice period.

1.4 Notice of Availability of the Draft EIR and the time and place a hearing shall be conducted thereon shall be given as follows:

a. If a proposed project is limited to a specific location, notice shall be posted, along with the Draft EIR in the following places:

- The General Office of the ~~District Secretary~~, Alameda-Contra Costa Transit District;
- The City Hall of any city with resources affected by the project;
- The main branch of public libraries in cities with resources affected by the project.

Notice shall also be published in a newspaper of general circulation in the area affected by the project not less than thirty (30) days prior to a Board hearing to discuss the Draft EIR. Notice shall also be given to all organizations and individuals who have previously requested such notice in writing. Notice shall also be given by direct mailing to owners and occupants of property contiguous to the project site.

b. If a proposed project is not limited to a specific location but affects a large area, such as a new or modified bus route, notice requirements may be satisfied by publication in a newspaper of general circulation in the area affected by proposed project, as well as by mail to all organizations and individuals who have previously requested such notice in writing. (14 CCR Sections 15087 (a).)

6.5 Copies of the Draft EIR and supporting documents shall be made available for public review at least thirty (30) days before a Board hearing to discuss the Draft EIR at Alameda-Contra Costa Transit District offices, 1600 Franklin Street, Oakland, Office of the District Secretary, Monday-Friday, 8:30 a.m. to 5:00 p.m.

6.6 As soon as the Draft EIR is complete, a separate Notice of Completion (Form 5) shall be filed with the Office of Planning and Research of the State

of California (14 CCR Section 15085.)

6.7 If the District is the lead agency, it is responsible for the evaluation of and response to comments received from persons who reviewed the Draft EIR.

- a. The District's response to each comment must describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular the major environmental issues raised when the District's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving reasons why specific comments and suggestions were not accepted. (14 CCR Section 15088.) The District must provide a good faith, reasoned analysis in response. Conclusory statements, unsupported by factual information will not suffice.
- b. The response to comments may take the form of a revision to the Draft EIR, or it may be a separate section in the Final EIR.
- c. Any important changes in the information contained in the text of the Draft EIR which are made by the District's response should be clearly noted.

6.8 The Final EIR shall consist of:

- a. The Draft EIR or a revision of the draft;
- b. Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d. The responses of the District to significant environmental points raised in the review and consultation process.
- e. Any other information added by the District. (14 CCR Section 15132.)

6.9 If the EIR identifies one or more significant effects on the environment, the Board shall direct that written findings be made for each of those significant effects, accompanied by a statement of facts supporting each finding, and shall adopt them as part of the EIR. Such findings shall be adopted in the following circumstances and shall be supported by substantial evidence in the record:

- a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant

environmental effects thereof as identified in the Final EIR. Such a finding shall be supported by substantial evidence in the record.

- b. 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.
- c. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. (14 CCR Section 15091.)

- 6.10 The CEQA Findings shall contain a statement of overriding considerations, when appropriate. Such a statement is necessary when the decision of the Board approves a project that will result in a significant effect, as identified in the Final EIR, which cannot be avoided or substantially lessened. The statement shall enumerate the specific economic, legal, social, or other considerations which support its action based on the Final EIR and/or other information in the record, consistent with Section 15091 of the state CEQA Guidelines. If applicable, a Statement of Overriding Considerations shall be specifically adopted by the Board in addition to its adoption of the EIR and mentioned in the Notice of Determination.
- 6.11 Prior to approving the project, the Board shall certify that the Final EIR has been completed in compliance with CEQA and the State Guidelines, that the Board has reviewed and considered the information contained in the EIR prior to the approval of the project, and that the Final EIR reflects the independent judgement and analysis of the Board. (14 CCR Section 15090.)
- 6.12 If the project is approved, a Notice of Determination ([Form 3](#)) shall be filed with the clerks of Alameda and Contra Costa counties and the clerk of any other county affected by the proposed project. If the project requires discretionary approval of a state agency, the notice shall also be filed with the Office of Planning and Research of the State of California. (14 CCR Section 15094 (d).)
- 6.13 When certifying a Final EIR, the District shall also adopt a reporting or monitoring program for any changes to the project which it has adopted or made a condition of project approval in order to mitigate significant effects on the environment. This program shall ensure compliance during project implementation.

2. GENERAL GUIDELINES

7.1 The General Manager or his or her designee shall perform all functions which may be delegated by law in administering CEQA, including but not limited to:

- a. Determining whether a project is exempt;
- b. Conducting an Initial Study and deciding whether to prepare a Draft EIR or Negative Declaration;
- c. Preparing a Negative Declaration or EIR;
- d. Determining that a Negative Declaration has been completed within a period of 180 days;
- e. Unless the project is exempt from CEQA, file a request for a no effect determination with the California Department of Fish and Wildlife when the applicable CEQA document has been released to the public ([Form 6](#));
- f. Preparing responses to comments on environmental documents;
- g. Certifying that the Board has reviewed and considered an EIR or Negative Declaration; and
- h. Filing of notices. (14 CCR Section 15025 (a).)

7.2 The Board shall perform the following non-delegable functions:

- a. Reviewing and considering a Final EIR or Negative Declaration prior to approving a project;
- b. Making findings as required by 14 CCR Sections 15091 and 15093. (14CCR Section 15025 (b).)

7.3 In the case of multiple projects which are essentially the same in terms of environmental impact, or on-going normal operations such as the use of District facilities by the public, the projects may be handled administratively as a single project, with a single Notice of Exemption, Negative Declaration or EIR being prepared. (14 CCR Section 15165.

7.4 These Procedures and Guidelines are designed to be used in conjunction with CEQA, Pub. Res. Code Sections 21000 et seq., and especially with the CEQA Guidelines of the California Natural Resources Agency, 14 CCR Sections 15000 et seq. The Guidelines of the Natural Resources Agency should be consulted for definitions and criteria, particularly in the determination of potential effect on the environment and in the preparation of a Draft EIR.

7.5 Any lawsuit seeking to set aside or annul any decision of the Board pursuant to these Procedures and Guidelines shall, unless otherwise specified by law, be instituted within 30 days from the filing of a Notice of

Determination, or within 35 days from the filing of a Notice of Exemption.
(PRC Section 21167).