

## **ENVIRONMENTAL REVIEW**

### **Purpose**

State law requires all agencies to perform environmental review of development projects and certain other actions to determine if they may have a significant effect on the environment. The City adheres to the California Environmental Quality Act guidelines which set forth the criteria and processes that are to be followed in the environmental review of development projects or other actions by the City which fall under this Act. These guidelines give specific information on what projects or activities are exempt and criteria for determining whether a development project should receive a Negative Declaration (having no significant effect on the environment) or have an Environmental Impact Report prepared. The guidelines (in accordance with State law) state, "If any of the effects of a project may have a substantial impact on the environment, regardless of whether the overall effect of the project is adverse or beneficial, then an environmental impact report must be prepared." The guidelines also further define significant impacts. Environmental review is required in conjunction with an application for any discretionary action by the City (re-zoning, tentative map, design review, etc.) and will be done concurrently with processing of the application. Generally, only one review is required for a project even if more than one discretionary action is required.

### **Process**

#### **Step 1 - Applicant Consideration of Project**

Early in the consideration of a potential project, the applicant should determine what the General Plan and zoning call for in the area and for the particular site under consideration. At this point, it is appropriate for the applicant to explore project alternatives which would minimize impacts on the environment, conform to all use regulations, and still satisfy the objectives of the applicant.

#### **Step 2**

It is recommended that the applicant meet with planning staff to review the policies and regulations before an environmental assessment form is prepared. Points to be covered would be the general conformance of the project to the General Plan and zoning, potential specific impacts requiring special attention, and the requirements of the City for the environmental assessment form itself. This meeting can point out sources of information and potential conflicts. At this conference, the Planning Department staff will suggest one of the following to the applicant: (1) the project is categorically exempt from the environmental review process; (2) the project is obviously prohibited for the site under consideration; or (3) an environmental assessment form will be required to be filed.

### **Step 3 - Submission of Environmental Assessment Form**

The applicant should then submit the environmental assessment form to the Planning Department as a part of the application filing. The information on this assessment form is used by staff to make a determination of whether the project will require the preparation of an EIR. The information provided should be as complete and thorough as the project dictates. This assessment form must be accompanied by the required discretionary action application (re-zoning, conditional use permit, tentative tract, etc.) plus all the necessary application documents, data, and processing fees.

### **Step 4 - Preparation of Initial Study**

The Environmental Assessment form is reviewed by the Planning staff, and a report termed an Initial Study is completed. The Initial Study outlines all the anticipated environmental impacts of the project and serves as the basis for making the determination of the need of an EIR. Based upon the Initial Study, the Planning Director will make one of the following three findings: (1) the project is exempt; (2) the project has "no significant impact," and therefore a "Negative Declaration" would be in order; or (3) the project will have, or may have, a significant impact on the environment and therefore requires the preparation of an EIR.

### **Step 5 - Negative Declaration**

If it is determined that the proposed project will not have a significant effect on the environment, a Negative Declaration is prepared and a notice so stating is published in a local paper and made available for public review at City Planning offices. Any citizen who believes that an Environmental Impact Report rather than a Negative Declaration should be prepared for the proposal may appeal to the City Council within 15 days after the notice has been posted. If there is no appeal, the project may proceed without further environmental review. If an appeal has been filed, the City Council will review the environmental assessment Initial Study and determine whether or not a Negative Declaration is satisfactory or whether an EIR must be prepared using the State and City EIR guidelines.

### **Step 6 - Preparation of Draft EIR**

If it is determined that an EIR is required, a "Notice of Preparation to Prepare an EIR" is prepared and published in a local paper and made available for public review at City Planning offices. Any citizen who believes that a Negative Declaration rather than an EIR should be prepared for the proposal may appeal to the City Council within 15 days after the notice has been posted. The Council will review the environmental assessment Initial Study and determine whether or not an EIR or Negative Declaration should be required. If an EIR is required, a draft EIR is first prepared. The time for this step averages six weeks and is primarily dependent on the scope and complexity of the proposed project and its impacts. The draft EIR will be prepared as the result of a three-party contract entered into by the applicant, an approved consultant, and the City. This process will be explained to the applicant in detail should an EIR be required.

### **Step 7 - Review of Draft EIR**

The Planning Department will distribute copies of the draft EIR to those individuals and agencies on its designated review list. Additional copies may be sent to those who have a special interest

in the project. A notice that the Draft EIR has been received and is being reviewed and that copies are available for inspection will be published in a local newspaper and made available for public review at the City Planning offices. This review period must be in effect for a minimum of 30 days.

### **Step 8 - Final EIR**

The Planning staff will then prepare the Final EIR after the review period. The Final EIR will consist of the Draft EIR with addenda containing all the comments received, a list of persons, organizations, and public agencies commenting on the Draft EIR and the responses of the City to significant environmental issues raised in the Draft EIR and comments received.

### **Step 9 - Certification of Final EIR**

The final decision-making body (City Council or Planning Commission) for the development proposal must certify the Final EIR prior to or at the time the application is finally considered. If not certified it is returned to the staff and applicant for further review or information. A Negative Declaration or EIR is used to assist the decision-making body in reviewing environmental reports and taking action on the development proposal. Other information developed by staff and the applicant which are noted in other guides relating to the specific type of proposed application will also be used in the review and final decision. If the development application is accepted the final decision-making body may impose conditions as suggested in the EIR or Negative Declaration to mitigate any adverse environmental impacts.

### **Application Submittal Requirements**

The applicant must complete the City's environmental assessment form. Other required information will normally be provided with informational materials provided with the related discretionary application.