

Title 16

ENVIRONMENT

Chapters:

**16.04 Guidelines for Implementation of State
Environmental Quality Act**

Chapter 16.04

GUIDELINES FOR IMPLEMENTATION OF STATE ENVIRONMENTAL QUALITY ACT

Sections:

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- 16.04.100** **Cost and charge assessment.**

16.04.010 **Definitions adopted.**

All of the terms and provisions of that certain order adopting regulations of the California Resources Agency, dated February 3, 1973, pertaining to the Environmental Quality Act of 1970, set forth and contained in Sections 15020 through 15166 inclusive, insofar as the sections are applicable to the city as a public agency, as its statement of policy and its guideline with reference to the Environmental Quality Act of 1970, and the term "public agency" as contained therein, shall specifically refer to and apply to the city. (Ord. 322 § 1, 1973)

16.04.020 **Procedures.**

A. All indications, requests, building permits or any and all applications or requests concerning the initiation of public activity or privately undertaken activity which are to be publicly approved or permitted shall be directed to the city planner.

B. The city planner shall determine whether or not the activity will have any possible significant effect on the environment. The determination of the city planner shall be made with assistance of the staff of the city and/or may be referred to the plan-

ning commission of the city in the event that consideration of the activities are of such magnitude in the discretion of the city staff and city planner to so require. The city planner may require utilization of checklists or other forms and procedures by various city departments to assist him in such determination.

C. Upon a determination of the possible significant environmental effect as set forth in subsection B of this section, a determination shall be made by the city planner or city staff whether or not the activity constitutes a project within the scope of project as defined in the guidelines set forth in this chapter as adopted by the California Resources Agency. If the activity is determined to constitute a project, then and in that event the city planner and city staff shall determine if the project is ministerial, emergency or discretionary, as defined in the guidelines.

D. In the event that a project is determined to be discretionary, as defined in the guidelines, and not categorically exempt, as set forth and defined in this chapter, the city planner and city staff shall undertake an initial study to determine if the project will or will not have a significant effect on the environment and in the event that it is determined that the project does not have and will not have any significant effect upon the environment, the city planner shall prepare a negative declaration in the form and manner prescribed by this chapter and shall present the negative declaration to the planning commission of the city, together with such documentation and data utilized in the preparation of the negative declaration as may be necessary or required by the commission to review it. The planning commission at its next regularly scheduled meeting shall review the contents of the negative declaration and approve or disapprove thereof. In the event of approval of the negative declaration the planning commission shall cause it to be filed with the county clerk.

In the event the negative declaration is disapproved and disallowed by the planning commission as an improper application of the use of the negative declaration, the negative declaration, together

with all evidentiary documentation thereof shall be immediately transmitted to the city council for its review and determination at its next regular meeting.

The city council may consider all documentation previously presented to the city planner and the planning commission and any new evidentiary matter presented to it by the city planner or city staff or interested third parties.

If the negative declaration is approved by the city council, it shall so indicate by a motion thereof, causing it to be filed with the county clerk.

In the event of a disaffirmance of the negative declaration, or in the event of a determination by the city planner and the city staff that the project may have a significant effect on the environment, then and in that event the city planner with the assistance of the city staff shall take immediate steps to prepare or cause to be prepared a draft environmental impact report in the manner and form set forth in this chapter in the guidelines of this chapter. The city may retain consultants or contract for the preparation of the report, in whole or in part, and shall in undertaking the preparation thereof consult with and confer with any other agencies or interested persons concerning the preparation of the report.

Upon completion of the draft environmental report, and approval thereof by the city planning commission, a notice of completion shall be filed by the city with the secretary of the California Resources Agency, and shall distribute the report to all other interested agencies and parties to the project. (Ord. 322 § 2, 1973)

16.04.030 Hearings.

A. After filing the notice of completion of the report with the secretary of the California Resources Agency, the city planning commission shall, to be held within ninety days thereafter, call for a public hearing, concerning the contents and effects thereof and shall cause notice thereof to be mailed by United States mail to all other known interested public agencies and persons, and shall cause it to be published once in a newspaper of

general circulation at least five days, and not more than thirty days, prior to the date of the hearing.

B. At the hearing the planning commission shall consider evidence, both oral and documentary, upon the sufficiency of the report, both favorable and unfavorable, and the commission may require expert testimony at the hearing upon any phase or part of the environmental impact involved in the report, and the planning commission shall review all of the evidence and commentary submitted at the hearing for the purpose of preparing the final environmental impact report. (Ord. 322 § 3, 1973)

16.04.040 Final environmental impact report—Preparation.

After the public hearing upon the draft environmental impact report, the planning commission shall prepare or cause to be prepared a final environmental impact report. The report shall be prepared under the direct supervision and control and direction of the city planner who shall, in the event it is deemed necessary, be authorized to employ consultants or contract for the preparation thereof. The report shall be prepared in the manner and form prescribed in the guidelines heretofore made a part of this chapter. Upon completion of the report it shall be delivered to the planning commission for its review. (Ord. 322 § 4, 1973)

16.04.050 Final environmental impact report—Hearing.

The planning commission shall call a public hearing within thirty days of receipt of the final report for the purpose of consideration and approval of the final report. Notice thereof shall be given by United States mail to all interested public agencies or parties and shall be published in a newspaper of general circulation at least five days but not more than thirty days prior to the date of the hearing. (Ord. 322 § 5, 1973)

16.04.060 Final environmental impact report—Council approval.

Upon approval of the final report by the city planning commission the report shall be transmitted to the city council for its consideration and approval at its next regular meeting. No public hearing or notice thereof shall be required, other than would be customary notice of the regular meetings. (Ord. 322 § 6, 1973)

16.04.070 Final environmental impact report—Final determination.

The city council shall make a final determination and decision on the project evidenced by the final environmental impact report and shall file or cause to be filed with the county clerk a notice of determination. (Ord. 322 § 7, 1973)

16.04.080 Appeals.

All decisions of the planning commission upon any environmental impact report, either draft reports or final reports, or any phase or part thereof, may be appealed to the city council by application thereto within ten days after the close of the public hearing held by the planning commission thereon. The appeals may be heard at the next regular meeting date of the city council, if at least six days following the date of the public hearing or at the next regular meeting date thereafter. The city council, upon receipt of notice of appeal, may set a special time and place for public hearing thereof, and notice thereof shall be given in the manner and form set forth in this chapter for planning commission hearings. All applications for appeal shall be filed in the city hall in writing with the city planner and shall state in detail the cause or reasons therefor in a manner and form satisfactory to the city planner. The city planner shall immediately notify the city clerk thereof and he shall place the matter upon the agenda of the next regular meeting of the city council for its consideration. Any appeals deemed as capricious or filed for the sole purpose of hindering or delaying the normal considerations or findings of any public agency of the city may be

summarily dismissed by the city council. (Ord. 322 § 8, 1973)

16.04.090 Council determinations final.

Any and all determinations of the city council upon any matters contained in the reports shall be considered final and binding upon all parties in interest. (Ord. 322 § 9, 1973)

16.04.100 Cost and charge assessment.

A. The city council, upon recommendation of the city planner, may authorize the employment of expert consultants or may undertake to contract for the preparation of all or part of either the draft report or the final report contemplated in this chapter.

B. The cost and charges therefor may be assessed by the city council to any applicant under this chapter, as soon as they may, from time to time, be ascertained. In the event a projection of the charges or costs are deemed excessive by the applicant and prior to the employment of the consultants or the execution of any contract, the applicant may withdraw his application or request and no further action shall be taken thereon.

C. The city council may from time to time adopt a schedule of fees and charges for the initiation and processing of any request or application filed and processed pursuant to this chapter. (Ord. 322 § 10, 1973)

