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RESOLUTION NO. 3753

RESOLUTION ADOPTING PROCEDURES FOR IMPLEMENTING
THE ENVIRONMENTAL QUALITY ACT OF 1970 AND REPEALING
RESOLUTION 2782

WHEREAS, the Environmental Quality Act of 1970, as amended, and Section 15022(a) of the State CEQA Guidelines published by the Secretary of the Resources Agency for Implementation of the California Environmental Quality Act require public agencies to adopt implementing procedures for said Guidelines, and

WHEREAS, Section 15022(d) of the State CEQA Guidelines allows a public agency to adopt the State CEQA Guidelines through incorporation by reference and to adopt only those specific procedures which are necessary to tailor the general provisions of the Guidelines to the specific operations of the Agency.

NOW, THEREFORE, BE IT RESOLVED that the Sebastopol City Council hereby adopts the State CEQA Guidelines as the procedures to implement CEQA, and

BE IT FURTHER RESOLVED, that the Sebastopol City Council hereby adopts the following specific implementing procedures:

1. An Environmental Coordinator is hereby appointed, who shall be the City Manager or designee. The Environmental Coordinator may consult with consultants/other staff as deemed appropriate by him.
2. List of Other Public Agencies

The following is hereby established as the list of agencies for the review of EIR's. The Environmental Coordinator may add other agencies as appropriate:

County of Sonoma Planning Department
County of Sonoma Department of Public Works
Sonoma County Water Agency
Sonoma County Public health Department
Sebastopol Elementary School District
Twin Hills School District
Analy High School District
California Department of Transportation
North Coast Regional Water Quality Control Board
Association of Bay Area Governments

3. Authority of the Environmental Coordinator

The Environmental Coordinator shall have the authority, in accordance with the standards delineated in the Act and the Guidelines and all applicable ordinances and resolutions of the City Council, to undertake and to complete the Initial Study and make the following decisions:

- A. To determine those instances where it can be seen with certainty that the project will not have a significant effect on the environment;
- B. To determine whether or not a project is categorically exempt;
- C. To determine, in accordance with the standards delineated in the Act, the Guidelines, and this resolution, whether or not a project which would ordinarily be expected to have a significant effect on the environment will have no significant effect on the environment due to circumstances peculiar to, or mitigation measures incorporated into, the specific project.

4. Environmental Determination

In the event that the Environmental Coordinator determines that a project will have no significant effect on the environment, he shall prepare a Negative Declaration. In the event that he determines that the project may have a significant effect on the environment, he shall notify the applicant that either a focused or full Environmental Impact Report is required, or that additional studies or information is needed, and/or that the applicant has the option of modifying the project, thereby mitigating adverse impacts.

5. Public Comment Encouraged

The City Council recognizes the fact that public comment on the Negative Declarations and draft environmental impact reports provides a means by which private citizens can cooperate and join with the City in securing, whenever feasible, a lasting environmental heritage. To that end, the City Council encourages members of the public to comment on Negative Declarations and draft environmental impact reports. Comments should be sent in writing to the City Manager as soon as possible. The City Manager shall forward all written comments to the consultant if the services of a consultant have been retained. Comments should be as detailed, factual and specific as possible.

6. Public Hearing Required

A public hearing shall be held on the environmental impact of every project if (1) a public hearing would otherwise be required on the project without regard to this resolution and (2) a draft environmental impact report or a Negative Declaration has been prepared.

7. Time of Public Hearing on Negative Declaration

If a public hearing is required on a Negative Declaration, then that public hearing shall be held not earlier than 10 days after sending and posting of notice.

8. Negative Declaration - Planning Commission/Design Review Board Action

The Negative Declaration together with any comments thereon, shall be transmitted to the Planning Commission, or, when appropriate, the Design Review Board, prior to the Commission or Board's decision to approve or disapprove the project. The Planning Commission/Board shall consider the Negative Declaration and comments, if any, and adopt the Negative Declaration prior to deciding to approve the project. The decisions of the Planning Commission/Board to approve or disapprove the project for which a Negative Declaration has been prepared shall be made no earlier than 10 days after preparation of the Negative Declaration. If the Planning Commission/Board decides to reject the Negative Declaration, then the matter shall be treated as if the Environmental Coordinator had determined that an environmental impact report would be required. If the Planning Commission/Board decides to adopt the Negative Declaration, then the Planning Commission/Board shall proceed to approve or disapprove the project. The Planning Commission/Board may disapprove a project without acting on a Negative Declaration.

9. Environmental Impact Report - City Manager's Responsibility

After determining that a project may have a significant effect on the environment, pursuant to paragraph 4, above, the City Manager shall engage the services of an outside consultant for the purpose of preparing an environmental impact report, with the cost of said EIR to first be deposited by the developer with the City of Sebastopol.

10. Administrative Draft EIR. Prior to publication, and submittal to the City, of a Draft Environmental Impact Report (DEIR), the consultant shall submit 3 copies of an Administrative DEIR for staff review.

11. Notice - Environmental Impact Report

When the DEIR is submitted to the City, the City Manager shall file a Notice of Completion with the Secretary of the Resources Agency. The City Manager shall also post at least three notices indicating that a DEIR has been prepared on, and in the vicinity of the proposed project, which notice shall state the public review period.

12. Referral to the City Council/Planning Commission

- a. Upon receipt of the DEIR, the City Manger shall forward copies to the Planning Commission and City Council.
- b. The Planning Commission shall schedule at least one review of the DEIR. Following their review, the Planning Commission

shall forward their comments, along with any comments received from the public, together with the Planning Commission recommendation as to the completeness of the DEIR, to the City Council.

- c. Upon receipt of the Planning Commission review and recommendation, the City Council shall schedule at least one review of the DEIR.

13. Time for Public Hearing

If a public hearing is required on a DEIR, pursuant to Section 6, the Planning Commission and City Council review required by Section 12, shall be a public hearing, with such public hearings being held not earlier than 15 days after notice of completion is filed with the Secretary of the Resources Agency.

14. Evaluation of Comments/Certification of Final Environmental Impact Report

After the public hearing (if any) on the environmental impact of the project is closed, and the public comment period required by the Guidelines is completed, the City Council shall direct the author of the DEIR to prepare responses to all comments, and to prepare a final environmental impact report (FEIR) as set forth in Section 15132 of the Guidelines. If found and determined acceptable by the City Council, the Council shall certify that the FEIR has been completed in compliance with CEQA.

15. Consideration of Environmental Impact Reports

- A. The FEIR shall be considered by the Planning Commission prior to the Planning Commission approval or recommending approval or disapproval of a project.
- B. The FEIR shall be considered by the City Council prior to the City Council acting on projects for which the City Council is the decision-making body.
- C. After the Planning Commission's or City Council's decision on the project, the City Manager shall file a Notice of Determination as specified in Section 15075 of the Guidelines.

16. Operating Procedures for the Orderly Evaluation of Projects and Preparation of Environmental Documents

Operating procedures for the orderly evaluation of projects and preparation of environmental documents pursuant to Section 15022 of the State CEQA Guidelines are included in Appendix A. The Environmental Coordinator is authorized to amend said procedures, from time to time, as necessary.

APPENDIX "A"

OPERATING PROCEDURES FOR ORDERLY EVALUATION
OF PROJECTS & PREPARATION OF
ENVIRONMENTAL DOCUMENTS

(1) Procedures for identifying activities that are exempt from CEQA:

(A) Evaluation of a proposed activity to determine if there is no possibility that the activity may have a significant effect on the environment.

1. Activity is to be checked against the General Plan of the City;
2. Activity is to be checked with the specialized neighborhood or subject studies carried out to date by the City;
3. Activity is to be checked with the Master Sewer, Water and Drainage Plans of the City and Design Standards of the City;
4. Activity is to be checked with the Capital Improvements Plan of the City;
5. Activity to be checked with available environmental information on file from other EIR's and City documents;
6. Activity to be checked against list of Categorical Exemptions contained in the State CEQA Guidelines.

(B) Projects over which the public agency has only ministerial authority.

1. Business licenses;
2. Solicitors licenses;
3. Building Permits.

(C) Specific activities found to be exempt pursuant to Section 15061.

1. Those activities noted in State CEQA Guidelines Section;
2. Remodelings of interior and no change in use;
3. Signs in conformity with the City's sign regulations;
4. Encroachment permits issued by the City in conformity with approved plans, or city ordinances;
5. Bicycle licenses;
6. Single-Family residences and duplexes.

(2) Provisions for the preparation of EIR's:

As provided in the City's rules, after the finding is made by the Environmental Coordinator, for an EIR, the City Manager shall recommend the names of acceptable consultants acquainted with the Sebastopol area qualified to prepare the subject EIR under the City's supervision. At the request of the applicant, the City shall prepare

Requests for Proposal (RFP) to at least 3 such consultants or shall select, on a sole source basis, one consultant mutually agreed upon by the applicant and City Manager. An applicant may appeal the staff's ruling requiring an EIR, but the actual application for the project may not be heard by the Commission until the EIR has been completed and proper notice posted.

(3) Provisions for consulting with and obtaining comments from other public agencies and members of the public with regard to the environmental effects of projects.

It shall be the duty of the City Manager to assure that other appropriate public agencies potentially concerned with the project have been consulted and notified of the project.

(4) Provisions assuring adequate opportunity and time for the public to review and comments on a Draft EIR.

Notwithstanding the public comment and notice period established by this Resolution and/or the State CEQA Guidelines, the City Manager shall seek to mail notices as widely as possible to surrounding property owners and residents, within 300 feet of the site under consideration.

(5) Provisions for the review and consideration of environmental documents by the person or decision-making body who will approve or disapprove a project.

The City Manager is directed to forward environmental documents to the Planning Commission and City Council as early as possible and in advance of the Commission's meeting to assure ample time for the members to study the documents and visit the site.

Planning Commission members are encouraged to ask questions of the staff and applicant.

(6) Provisions to ensure that the City provides adequate comments on environmental documents which are submitted to the City for review.

The Environmental Coordinator is charged with reviewing environmental documents received from other public agencies, and where the proposed project is of direct concern to the City, to consult with the City staff. The Environmental Coordinator, where appropriate, shall also refer the environmental document from other agencies to the Planning Commission for review.

(7) Assignment of responsibility for specific functions to specific units of the public agency.

Traffic concerns are assigned to the Traffic Engineer of the City;

The total environmental document shall be reviewed by the Environmental Coordinator and staff as directed by him.

17. Appeals Procedure

- A. Any person not satisfied with the action of the Environmental Coordinator, may file an appeal in writing to the Planning Commission, in accordance with the appeal procedure set forth in Section 7.41 of Ordinance No. 353.
- B. Any person not satisfied with the action of the Design Review Board or Planning Commission as provided in this Resolution, may file an appeal in writing to the City Council in accordance with the appeal procedure as set forth in Section 7.24 of Ordinance No. 353, the Zoning Ordinance of the City of Sebastopol.

18. Park and Recreation Commission Review

The Park and Recreation Commission is hereby delegated the responsibility for the initial review of any Draft EIR, Environmental Assessment or Negative Declaration for any park or recreation project of the City or referred to the City. Such review shall be in place of review by the Planning Commission. The rules set forth in this Resolution and in the Amendments thereto which are applicable to the Planning Commission, shall apply to the Park and Recreation Commission for such review.

19. Costs

When additional information or studies is determined to be needed by the Environmental Coordinator, pursuant to Section 4, the applicant, at his option, may submit such information, or may request that the City prepare such information. If prepared by the City, the costs for such studies/information shall be established prior to commencing the studies, and shall be paid in advance by the applicant, prior to any action on the application.

20. Repeal

Resolution No. 2782 of the City of Sebastopol is herewith repealed.

IN COUNCIL DULY PASSED this 6th day of May, 1986.

APPROVED: Howard Reeser
MAYOR PRO TEM

AYES: 4 Councilmen Anderson, Miller, Roventini & Mayor Pro Tem
Reeser

NOES: 0

ABSENT: 1 Mayor Johnson

ATTEST: Melvin K. Jones
City Clerk