

Title 18ENVIRONMENT*Chapters:

- 18.04 General Provisions
- 18.06 Preliminary Determination
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Chapter 18.04GENERAL PROVISIONSSections:

- 18.04.010 Definitions.
- 18.04.020 Guidelines.
- 18.04.030 Applicability.
- 18.04.040 Fees.

18.04.010 Definitions. As used in this title, the following words and phrases shall have the meanings set forth in this section:

A. "California Environmental Quality Act (CEQA)" means California Public Resources Code Sections 21000 through 21174.

B. "Environment" means the physical conditions which exist in the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, objects of historic or aesthetic significance.

C. "Environmental impact report (EIR)" means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act.

D. "Environmental questionnaire" means a document to be completed by the applicant for a project in order to assist the planning officer in making an initial study of the environmental impact of the project.

E. "Environmental review commission" means three or more persons designated by the city council who shall evaluate projects, impacts and reports, and take other actions relative to environmental reviews as instructed by the city council.

* For statutory provisions on environmental impact reports, see Pub. Res. Code §21000 et seq.

F. "Preliminary determination" means a determination made by the planning officer to determine if the project, as defined in the state guidelines, is:

1. Categorically exempt;
2. Ministerial;
3. An emergency;
4. Discretionary.

G. "Project" means the whole of an action, resulting in physical impact on the environment, directly or ultimately, that is any of the following:

1. An activity directly undertaken by the city or public agency, including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption of the local general plans or elements thereof;

2. An activity undertaken by a person which is supported in whole or in part through city contracts, grants, subsidies, loans, or other forms of assistance from the city or other public agency;

3. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by the city.

H. "Significant effect" means a substantial adverse impact on the environment. (Ord. 436 §1, 1985; Ord. 285 §1, 1973).

18.04.020 Guidelines. The city council shall adopt, by resolution, guidelines for the evaluation of projects and for the preparation and processing of Environmental Impact Reports. These guidelines shall establish rules and standards for determination of significant effect and for determination of the necessity for environmental review of individual projects. (Ord. 285 §3, 1973).

18.04.030 Applicability. Nothing in this title shall preclude the city from taking such other action in respect to the approval, conditional approval, or denial of projects as is deemed necessary by the city council to obtain full compliance with the requirements of the California Environmental Quality Act of 1970. (Ord. 285 §7, 1973).

18.04.040 Fees. Fees for the preparation, processing, or reproduction of any document pursuant hereto shall be specified by resolution of the council. (Ord. 436 §2, 1985).

Chapter 18.06PRELIMINARY DETERMINATIONSections:

- 18.06.010 Information required.
 18.06.020 Preliminary review for exemption from CEQA.

18.06.010 Information required. The project applicant shall provide the planning officer with sufficient information to allow a preliminary determination. (Ord. 436 §4(part), 1985).

18.06.020 Preliminary review for exemption from CEQA. After such determination, the planning officer may file a notice of exemption with the county clerk, or, upon request of the applicant, the planning officer shall file such notice with the Secretary of Resources, and the county clerk, as appropriate. (Ord. 436 §4(part), 1985).

Chapter 18.08ENVIRONMENTAL REVIEWSections:

- 18.08.010 Review for environmental impact.
 18.08.020 Procedure.
 18.08.030 Action or proceeding on decision by council.

18.08.010 Review for environmental impact. A. If the planning officer determines the project is discretionary and not exempt, he shall require the applicant to complete an environmental questionnaire, and shall seek comments from responsible and trustee agencies. Upon receipt of the questionnaire and comments, the planning officer shall conduct an initial study. The city has thirty days to determine completeness of the environmental questionnaire.

B. After conducting an initial study, the planning officer shall submit that study, the environmental questionnaire, and comments from responsible and trustee agencies to the Environmental Review Commission for review and evaluation. The commission shall determine whether an EIR will be prepared or whether a negative declaration is to be filed. The commission shall require the preparation of an EIR for all projects which it determines will, in fact, have a significant effect on the environment. (Ord. 436 §3, 1985: Ord. 285 §2, 1973).

18.08.020 Procedure. A. When an Environmental Impact Report is submitted to the city council by the Environmental Review Commission, the council shall review the report and determine if an additional public hearing is required to adequately inform the council of the facts regarding the project.

B. If deemed necessary, the city council shall set the time and place for a public hearing on the report, and give notice thereof in the manner and for the time required by this title. At the time set for hearing, the city council shall proceed to hear viewpoints and recommendations from interested agencies, department heads, members of the Environmental Review Commission, and from private organizations and persons affected. Such hearings may be continued from time to time.

C. At the conclusion of the hearing before the council, the hearing shall be declared closed and the council shall, within thirty days thereafter, make its determination, findings, and determining:

1. Whether or not the proposed project will have any significant effect on the environment;
2. Approving, conditionally approving, or denying approval of the proposed project.

D. Should the city council determine, from the Environmental Impact Report, that sufficient public hearing has been conducted by the commission during preparation of the report, and that unnecessary delay would result from an additional public hearing, the determinations listed in subsection C of this section above shall be made without public hearing by the city council.

E. In making its determination, the council shall be guided by the provisions of Chapter 1 of the Environmental Quality Act of 1970; provided, however, that determination by the council that the proposed project would have a significant adverse effect upon the environment shall not preclude the council from approving or conditionally approving the project. (Ord. 295 §4, 1973).

18.08.030 Action or proceeding on decision by council. Any action or proceeding to attack, review, set aside, void, or annul any decision upon matters covered by this title or concerning any of the proceedings, acts, or determinations taken or done prior to such decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within thirty days after final decision by the city council. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts, or determinations. (Ord. 285 §5, 1973).