

Chapter 18.24: Environmental Clearance

Sections:

18.24.010	Purpose
18.24.020	Incorporation of State CEQA Guidelines
18.24.030	Additional Definitions
18.24.040	Application Completeness/Time Limits
18.24.050	Projects Exempt from State CEQA Guidelines
18.24.060	Environmental Determination
18.24.070	Negative Declarations
18.24.080	Environmental Impact Report (EIR) Preparation
18.24.090	Notice of Completion
18.24.100	Review of Draft EIR
18.24.110	Response to Comments on a Draft EIR
18.24.120	Final EIR
18.24.130	Mitigation Monitoring and Reporting
18.24.140	Appeals of Environmental Determinations
18.24.150	Fees and Bonds

18.24.010 Purpose

The purpose of this section is to provide the City of Redding, project applicants, and the public with the procedures to be used in administering the City's responsibilities under the California Environmental Quality Act (CEQA), codified as Public Resources Code Section 21000, et seq., as amended. The procedures are intended to protect both local and regional natural resources in a manner that is consistent with the goals and policies of the General Plan.

18.24.020 Incorporation of State CEQA Guidelines

The full text of the State CEQA Guidelines as amended is hereby incorporated by reference into this ordinance as if fully set out herein and shall supersede any inconsistent provisions of these City environmental review procedures. These environmental review procedures supplement the State CEQA Guidelines adopted as 14 California Code of Regulations, Title 14, Section 15000, et seq. In the event there is a conflict between the Public Resources Code and the CEQA Guidelines, the Public Resources Code shall govern.

18.24.030 Additional Definitions

The list of defined terms in Chapter 18.61, List of Terms and Definitions, under Title 18 of the City of Redding Municipal Code is expanded by reference to include the definitions contained in the Public Resources Code and the State CEQA Guidelines.

18.24.040 Application Completeness/Time Limits

The Department shall determine whether an application for a permit or other entitlement for use is complete within 30 calendar days from the receipt of the application. If no written determination of the completeness of the application is made within that period, the application shall be deemed complete on the 31st day.

- A. When reviewing the application for completeness, the Department shall identify environmental issues that require additional information or explanation by the applicant. An application for a project shall not be accepted as complete by the Department until all the additional information necessary for environmental review has been submitted.
- B. Accepting an application as complete does not limit the authority of the City to require the applicant to submit additional information needed for environmental evaluation of the project.

18.24.050 Projects Exempt from State CEQA Guidelines

- A. **Ministerial Projects.** Projects determined to be ministerial, as defined in Section 15268 of the State CEQA Guidelines, are exempt from CEQA. A list of activities determined to be ministerial projects by the City of Redding has been adopted by resolution of the City Council and includes:
 - 1. Issuance of building permits and related Building Division permits (e.g., plumbing, electrical, foundation) that do not involve potential environmental impacts.
 - 2. Issuance of encroachment permits that do not involve potential environmental impacts.
 - 3. Issuance of business licenses.
 - 4. Reversions to acreage or certificates of compliance, when in conformance with the City Zoning Ordinance and the Subdivision Map Act and when no condition other than payment of fees pursuant to the Redding Municipal Code is required.
 - 5. Acceptance of improvements and approval of final subdivision maps.
 - 6. Approval of individual utility service connections and disconnections.
 - 7. Issuance of demolition permits that do not involve structures of historical significance. For purposes of this section, properties listed on the Local Register of Candidate Historic Properties are not considered historically significant unless sufficient information/evidence is presented to the Director to establish a reasonable probability

of historical significance within the context of Council Policy 1808 pertaining to Buildings Associated with Historic Events or Persons, Buildings Associated with Historic Architecture or Historic Period, and/or Buildings or Places of Historic Community Significance.

8. Issuance of sign permits in compliance with Chapter 18.90 of the Redding Municipal Code, which do not require a Planning permit or do not result in a potentially significant visual impact.
9. Parade or special-event permits.
10. Dog licenses.
11. Certificates of occupancy.
12. Lot merger applications.
13. Technical corrections to recorded maps.
14. Issuance of Fire Department permits necessary for the safeguarding of life and property.
15. Bicycle licenses.
16. Park use and park festival permits by the Community Services Department.
17. Aboveground flammable-liquid storage tanks as provided for under Section 9.20.040 of the Redding Municipal Code.
18. Lease agreements that do not involve potential environmental impacts.
19. Establishment of Landscape Maintenance Districts.
20. Contract awards for Public Works projects that do not involve potential environmental impacts.
21. Agreements for services granted by the City Council which do not involve potential environmental impacts.
22. Vacation of easements that do not involve potential environmental impacts.
23. Abatement proceedings.
24. Permits for wildland fuel-management purposes, complying with the criteria by the Development Services Director for the protection of resources.

B. Statutory and Categorical Exemptions. Statutory Exemptions deal with projects for

which exemptions from CEQA have been granted by the State Legislature as described in Article 18 of the State CEQA Guidelines. Categorical Exemptions deal with projects which have been determined to have no potential for significant effect on the environment as described in Article 19 of the State CEQA Guidelines.

- C. **Notice of Exemption.** When the Department determines that a project is categorically or statutorily exempt from CEQA and the City approves or decides to carry out a project, the Department may file a Notice of Exemption. The Notice of Exemption may be prepared in accordance with Section 15062 of the CEQA Guidelines.
- D. **Filing of Notice of Exemption.** The Department may file the Notice of Exemption with the County Clerk of Shasta County. Copies of the notice may also be available for public inspection at the Department. Filing and posting the Notice of Exemption commences a 35-day statute of limitations from the date of project approval. If the Notice of Exemption is not filed, a 180-day statute of limitations applies.

18.24.060 Environmental Determination

If it is determined that a project is not exempt and is subject to CEQA, the Department shall conduct an Initial Study to determine whether a Negative Declaration or Environmental Impact Report (EIR) is to be prepared. If the Department determines that an EIR will clearly be required for a project, an expanded Initial Study may be conducted to better focus the EIR on important environmental issues.

- A. The Initial Study report shall be prepared in accordance with Section 15063 of the CEQA Guidelines. Thresholds of significance shall be determined as based on CEQA, the General Plan, and other regulatory documents or permit requirements. An extended Initial Study may also discuss methods to mitigate any potentially significant effects of the proposed project and provide a discussion regarding consistency with existing zoning, General Plan, and other applicable land use regulations.
- B. Upon completion of an Initial Study, an environmental determination is made by the Director. As an option, the project may be scheduled for a meeting of the Board of Administrative Review or Planning Commission to make an environmental determination as to whether a draft Negative Declaration or Environmental Impact Report is to be prepared.

18.24.070 Negative Declarations

- A. The Department shall prepare a draft Negative Declaration for a project when the Initial Study demonstrates that there is no substantial evidence that the project will have a significant effect on the environment.
- B. Where the Department determines that a project may have a significant effect on the environment, the Department may propose modifications to the project that would mitigate

the potential effects to a level of "less than significant." If such mitigation measures are agreed to by the project proponent and are incorporated into the project or made a condition of the project, the Department may prepare a draft Mitigated Negative Declaration.

- C. As required by Section 21091 of the Public Resources Code, the Department shall provide at least a 20-calendar-day public-review period for a draft Negative Declaration or draft Mitigated Negative Declaration from the date the notices are postmarked. When a Negative Declaration or a Mitigated Negative Declaration is submitted to the State Clearinghouse for review by State agencies, the review period shall not be less than thirty (30) calendar days from the date the document is distributed by the Clearinghouse. The proposed Negative Declaration or a Mitigated Negative Declaration shall be kept on file at the Department to provide an opportunity for public review.
- D. Notice of availability of any proposed Negative Declaration shall be mailed to all property owners within three-hundred (300) feet of the exterior boundaries of the development site in accordance with the common procedures in Chapter 18.11.
- E. Prior to approving a project, the City shall consider the draft Negative Declaration or a Mitigated Negative Declaration, together with any comments received during the public review period. The City shall approve the Negative Declaration or a Mitigated Negative Declaration if it finds, on the basis of the Initial Study and comments received, that there is not any substantial evidence that the project will have a significant effect on the environment.
- F. With a private project, the Negative Declaration or a Mitigated Negative Declaration must be completed and ready for approval within one-hundred-five (105_ calendar days from the date when the City accepted the application as complete.
- G. After the City decides to carry out or approve a project for which a Negative Declaration or a Mitigated Negative Declaration has been approved, the Department shall file a Notice of Determination and any appropriate California Department of Fish and Wildlife fees to the Shasta County Clerk within five (5) working days. The contents of the Notice of Determination shall comply with Section 15075 of the State CEQA Guidelines. Notices of Determination shall be mailed to requesting parties if such request is made within the 30-day posting period of the notice. Posting of the notices starts a 30-calendar-day statute of limitations on court challenges to the approval under CEQA. If a Notice of Determination is not filed and posted by the City with the County Clerk, a 180-day statute of limitations will apply.

18.24.080 Environmental Impact Report (EIR) Preparation

Upon completion of the Initial Study and a determination by the Board of Administrative Review, the Planning Commission, or the Director that an EIR is required, the Department shall initiate the EIR process as described in this section. The EIR process should be consolidated, to the extent possible, with the existing planning, review, and approval process. The Director shall execute a contract with an independent firm or individual to complete the EIR. The Director

shall require a cash deposit or other security from the project proponent to ensure that costs associated with preparation, review, and administration of the EIR and contract are recovered.

- A. **Notice of Preparation.** Upon a determination by the City that an EIR is required, the Department shall prepare a Notice of Preparation (NOP) pursuant to Section 15082 of the State CEQA Guidelines. The Department may require the project proponent to provide information necessary for preparation of the NOP.
- B. **Distribution of Notice of Preparation.** Department shall send the NOP to each Responsible or Trustee Agency. In addition, the Director may identify other relevant groups or agencies and distribute the NOP to those groups. The Department shall use either certified mail or other method of transmittal which provides a record that the NOP was received. A period of 30 calendar days from receipt of the NOP shall be provided for comment. When one or more State agencies will be a Responsible Agency or a Trustee Agency, the Department shall send the NOP to each State responsible agency and trustee agency with a copy sent to the State Clearinghouse.
- C. **Issues in an EIR.** During or subsequent to the NOP review period, a meeting may be convened by the Department. The meeting shall involve representatives from pertinent agencies in order to clarify and focus the issues to be addressed in the Draft EIR.
- D. **Preparation of the Draft EIR.** When an EIR is required for a project, the Department shall be responsible for preparation of the draft document. The Draft EIR may be prepared by an environmental consultant in a format specified by the City and shall include all the contents specified in CEQA Guidelines. If environmental documentation is prepared under contract to the City, the contract shall be executed within 45 days of the determination that the environmental documentation is required.
- E. **Acceptance of the Draft EIR for Circulation.** Upon completion of the Draft EIR, the consultant for the EIR shall submit a specified number of copies of an administrative draft for review by the Department. A draft Mitigation Monitoring Plan shall also be submitted. The Department shall review the administrative draft and make changes as necessary to reflect the independent judgment of the Department and to ensure that the document adequately and objectively discloses any potential environmental effects of the proposed project.

This review should be conducted within 14 calendar days of the date of submittal of the Draft EIR. Where corrections or changes are found necessary by the Department, a revised administrative draft shall then be prepared. As soon as the revised Draft EIR is prepared and accepted by the Department as adequate under CEQA, a specified number of copies of the circulation Draft EIR, together with one original copy, shall be filed with the Department.

18.24.090 Notice of Completion

Upon acceptance of the Draft EIR by the Department, a Notice of Completion (NOC) shall be filed with the State Clearinghouse pursuant to CEQA Guidelines.

18.24.100 Review of Draft EIR

- A. The Department shall provide at least a 30-calendar-day, public-review period for a Draft EIR. If a State agency is a Responsible or Trustee Agency, the public review period shall be no less than 45 calendar days unless a shorter period is approved by the State Clearinghouse.
- B. The Department shall provide notice of the public review for the Draft EIR upon filing of the Notice of Completion with the State Clearinghouse per CEQA Guidelines. Direct notice shall be given to all organizations or individuals who have previously requested such notice.
- C. Comments received as a part of the public review should be in writing and should focus on environmental issues related to the project and the adequacy of the EIR.
- D. The Department may schedule a public hearing before the Planning Commission during or upon completion of the public review period for the purposes of receiving public comments on the Draft EIR. The public hearings may be held at the regular time and place of Planning Commission meetings or they may be held at another established place and time convenient to that portion of the general public most interested in the project for which the public hearing is being conducted.

18.24.110 Response to Comments on a Draft EIR

The Department shall evaluate comments on environmental issues received during the noticed public-review period and shall prepare written responses. The responses shall comply with the requirements described in CEQA Guidelines. The response to comments must describe the disposition of significant environmental issues raised. The response to comments may take the form of revisions to the Draft EIR or may be a separate section of the Final EIR. All comments received, either in writing or as summarized in minutes of public meetings, shall be retained by the Department for a period of at least 3 years following certification of the Final EIR for the subject project.

18.24.120 Final EIR

- A. **Preparation.** The Department shall prepare the Final EIR in accordance with CEQA Guidelines.
- B. **Certification of the Final EIR.** Prior to action on the project, the Final EIR shall be

presented to the Planning Commission or City Council. At least 10 days prior to certifying an EIR, the City shall provide a copy of its written responses to comments to any public agency that submitted comments during the review period. The City shall certify that the Final EIR has been completed in compliance with CEQA, that the document reflects the City's independent judgment and analysis, and that the decision-making body has reviewed and considered the information contained in the Final EIR pursuant to CEQA Guidelines.

- C. **Adoption of Findings.** The City shall not approve or carry out a project for which an EIR has been prepared which identifies one or more significant environmental effect(s) unless one or more written findings is made for each of those significant effect(s). Possible findings are described in CEQA Guidelines.

- D. **Decision on a Project.** After considering the Final EIR and in conjunction with making required findings, the City may decide whether or how to approve or carry out the project. Permit applications for projects for which an EIR has been prepared shall be acted upon within 6 months after the EIR is certified. The City shall not decide to approve or carry out a project for which an EIR was prepared unless either the project as approved will not have a significant effect on the environment or the City has:
 - 1. Eliminated or substantially lessened all significant effects on the environment, where feasible.
 - 2. Determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns.

- E. **Statement of Overriding Considerations.** If the City determines that the benefits of a proposed project substantially outweigh the unavoidable adverse environmental effect(s), the City shall make a statement of overriding considerations in approving the project. The City shall state specific reasons to support its action based on the certified Final EIR and additional evidence if presented for the record.

- F. **Time Limits.** With a private project, the City shall complete and certify the Final EIR within one year after the date the project application was accepted as complete. An unreasonable delay by an applicant in meeting requests by the City necessary for the preparation of an EIR shall suspend the running of the time period for the period of the unreasonable delay. Alternatively, the City may disapprove a project application where there is unreasonable delay in meeting requests. The City may allow a renewed application to start at the same point in the process where the application was when it was disapproved.

- G. **Notice of Determination.** The City shall file a Notice of Determination (NOD) with the Shasta County Clerk following project approval for which an EIR was prepared. The notice shall be prepared in accordance with CEQA Guidelines. If a State agency is a Responsible or Trustee Agency, the NOD shall also be filed with the State Clearinghouse.

- H. **Statute of Limitations.** Notices of Determination shall be mailed to requesting parties if such request is made within the 30-day posting period of the notice. Posting of the notices

starts a 30-calendar-day statute of limitations on court challenges to the approval under CEQA. If a Notice of Determination is not filed and posted with the County Clerk by the City, a 180-day statute of limitations will apply.

- I. **Final EIR Distribution.** Within 15 calendar days after certification of a Final EIR, a copy of the Final EIR shall be available for review or sale at the Department for a reasonable amount of time. The City shall provide a copy of the certified Final EIR to each Responsible Agency.

18.24.130 Mitigation Monitoring and Reporting

As required under the Public Resources Code, the City of Redding shall establish monitoring or reporting procedures for mitigation measures adopted as a condition of project approval in order to mitigate or avoid significant effects on the environment

- A. Applicants shall be required to submit checklists indicating the mitigation measure to be monitored, the agency and/or person responsible for monitoring, and dates for the commencement and completion of the mitigation.
- B. Draft monitoring programs for projects for which an EIR or Mitigated Negative Declaration is prepared shall be included in the draft documents. The monitoring program shall be subject to the same public review and comment accorded all other portions of the draft document. The final monitoring program shall be adopted as a part of the CEQA findings for the subject project.
- C. A monitoring program for a Mitigated Negative Declaration shall be attached to the document as a supporting exhibit.
- D. Where the City's monitoring or reporting activities demonstrate that mitigation measures are not being implemented, the Director shall notify the project applicant of the specific areas of noncompliance and request immediate correction. Where the permittee fails to comply with the imposed mitigation measures, the City shall take appropriate enforcement action, including issuance of stop-work orders.

18.24.140 Appeals of Environmental Determinations

- A. Any determination or decision made by the Director or Board of Administrative Review pursuant to these environmental review procedures may be appealed to the Planning Commission by any person aggrieved or affected by such determination or decision. Such an appeal shall be made by filing a written appeal with the Development Services Department within 10 calendar days after the decision or determination. The written appeal shall set forth the grounds upon which the appeal is based. The Planning Commission shall act on the appeal within 30 days of the date of the filing of written appeal.
- B. Where an appeal is made on the decision of a project, the Board of Administrative Review, Planning Commission, or City Council may also review the environmental document prepared for the project; however, the environmental document need not be recertified if the

appeal is not based on issues of the environment (for definition of "environment," refer to Section 15360 of the CEQA Guidelines).

18.24.150 Fees and Bonds

Applicants shall be required to pay an environmental review fee at the time of application as set by City Council resolution. To guarantee that the City has the resources to carry out the Mitigation Monitoring and Reporting Program, the approving authority may require the project proponent to post a cash bond or other specific assurity acceptable to the City Attorney at the time the project is approved or is to be carried out. The assurity would be used to cover the cost of staff time in meeting the requirements of a Mitigation Monitoring and Reporting Program. The assurity would be posted with the City Treasurer, and all accrued interest would be used to cover administrative handling by the City. Upon completion of the Monitoring Program, any unused portion of the assurity would be returned to the project proponent.