

CITY OF MARYSVILLE



Environmental Rules and Procedures

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City of Marysville Environmental Rules and Procedures

Section 1: Purpose, Authority and Scope

1.1 Authority

This document, hereinafter referred to as the "Rules and Procedures," was approved by the City Services Director for the administration and implementation of Section 21082 of the Public Resources Code, hereinafter referred to as the California Environmental Quality Act of 1970, or "CEQA." The basic purposes of CEQA are: (1) to inform government decision-makers and the public about the potential environmental effects of proposed activities; (2) to identify the ways that environmental damage can be avoided or significantly reduced; (3) to prevent significant, avoidable environmental damage by requiring changes in projects, either by the adoption of alternatives or the imposition of mitigation measures; and (4) to disclose to the public why a project was approved if that project would have significant environmental effects.

The Rules and Procedures are consistent with, and are intended to supplement, Division 6, Title 14, Section 15000 *et seq.* of the California Code of Regulations, hereinafter referred to as the CEQA Guidelines, or "Guidelines." The Guidelines are hereby incorporated by reference; a copy of the Guidelines is on file in the Planning Department. The Rules and Procedures are intended to tailor the general provisions of the Guidelines to the activities of the City of Marysville. If any portion of the Rules and Procedures conflicts with any provision of, or amendment to, CEQA or the Guidelines, the provisions of CEQA and the Guidelines shall control. Any challenges made to these rules of procedure shall be made in writing to the City Services Director and will be subject to consideration by the City Council.

Approved on November 29, 2006: _____
David B. Lamon, City Services Director

1.2 Purpose

The purpose of the Rules and Procedures is to provide objectives, criteria, and specific procedures for the orderly evaluation of projects and the preparation and administration of environmental documents in the City of Marysville, pursuant to CEQA and the Guidelines.

1.3 Scope

The Rules and Procedures shall apply to the City of Marysville and all departments, agencies, and districts governed by the City of Marysville. The requirements of the Rules and Procedures shall apply to all private projects for which the City considers. These procedures also provide for general guidance for public projects, such as public works projects, that require discretionary approval by the City Council, a City agency, or City Advisory Body.

1.4 Revisions

The City Planner may, from time to time, revise the Rules and Procedures when he/she determines that such revisions are necessitated by amendments to CEQA or when the revisions are essentially technical in their nature, and conform to the Guidelines.

Section 2: Definitions

The following definitions are intended to clarify and supplement, but not replace or negate, the definitions contained in the Guidelines. In the event of inconsistency, the Guidelines shall control.

2.1 Approval

“Approval” is the decision by the City Council, a City agency, or City Advisory Body to authorize a Project. Approval usually occurs through the issuance by the City of a contract, binding agreement, lease, permit, license, certificate, or other entitlement.

2.2 Advisory Body

“Advisory Body” means the public body or administrative official required by State law or City ordinance or resolution to consider and make recommendations on a specific type of Project. For example, the Planning Commission is the Advisory Body for, among other things, rezoning and general plan amendments.

2.3 Categorical Exemptions

“Categorical Exemptions” are activities and classes of Projects including, but not limited to those listed under Article 19 of the Guidelines, which have been determined by the Secretary for Resources not to have a significant effect on the environment and which are, therefore, exempt from CEQA.

2.4 City

“City” means the City of Marysville.

2.5 City Planner

“City Planner” means the director of the Planning Division for the City or his/her designee.

2.6 City Services Director

“City Services Director” means the director of the City Services Department for the City or his/her designee.

2.7 County Clerk

“County Clerk” is the County Clerk for Yuba County.

2.8 Decision-Making Body

“Decision-Making Body” is the City Council, Planning Commission, City Planner, or other commission or administrative official of the City of Marysville permitted by law to approve or disapprove a Project.

2.9 Department

“Department” means any agency of the City, any department of the City, or any special district or agency governed by the City Council.

2.10 Discretionary Project

A “Discretionary Project” is an activity that requires the Decision-Making Body to deliberate or exercise judgment in deciding whether to approve or disapprove a particular activity, as distinguished from situations where the Decision-Making Body merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations. Examples of Discretionary Projects include: general plan amendments, rezones, variances, conditional use permits, tentative subdivision maps, and parcel maps.

2.11 Emergency

“Emergency” means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services. Emergencies include but are not limited to fire, flood, and earthquake.

2.12 Environmental Impact Report

An “Environmental Impact Report” (“EIR”) is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a Project and discussing ways to mitigate or avoid the effects. See Section 8 for further discussion.

2.13 Guidelines

“Guidelines” mean the California State Guidelines for the Implementation of the California Environmental Quality Act (Division 6, Title 14, Section 15000 *et. seq.* of the California Code of Regulations).

2.14 Initial Study

An “Initial Study” is a preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

2.15 Lead Agency

The “Lead Agency” is the public agency that has the principal responsibility for carrying out or approving a Project. The Lead Agency will decide whether an EIR or a Negative Declaration will be prepared for a Project and will cause the document to be prepared.

2.16 Ministerial Projects

“Ministerial Projects” are Projects approved by a government agency upon the given facts of the matter against objective standards in the legally prescribed manner with little or no personal judgment or opinion. A ministerial decision involves only the use of fixed standards or objective measurements. Personal, subjective judgment in deciding whether or how a Project should be carried out cannot be used. The following are some of the City’s actions that, unless part of a larger Project that is not exempt or ministerial, are ministerial in nature:

- a. Issuance of building, plumbing, or electrical permits.
- b. Issuance of business licenses.
- c. Approval of final subdivision maps.
- d. Approval of individual utility service connections and disconnections.
- e. All code compliance and zoning determination reviews.
- f. Corrections to approved tract and parcel maps.
- g. Approval of sign permits not requiring special approval.
- h. Issuance of encroachment permits.

2.17 Mitigation Measures

Mitigation Measures are changes in the proposed Project for the purpose of avoiding or reducing one or more of its potentially adverse environmental impacts. Mitigation Measures include:

- a. Avoiding the impact altogether by not taking a certain action or parts of an

- action.
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e. Compensating for the impact by replacing or providing substitute resources or environments.

2.18 Negative Declaration

A “Negative Declaration” is a written statement by the Lead Agency briefly describing the reasons that a proposed Project, not exempt from CEQA, will not have a significant effect on the environment and therefore does not require the preparation of an EIR.

2.19 Planning Commission

“Planning Commission” means a commission appointed by the Council to make recommendations and take actions concerning land use or zoning for the City and has the same definition here as it does in the City’s zoning code.

2.20 Project

A “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and any of the following:

- a. is directly undertaken by a public agency.
- b. is undertaken by a person who is supported through public agency contracts, grants, subsidies, loans or other forms of assistance, or involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
- c. is subject to one or more discretionary governmental approvals; an activity requiring the issuance of a permit, certificate, license, or other entitlement to proceed with development and use.

2.21 Responsible Agency

A “Responsible Agency” is a public agency that proposes to carry out or approve a Project for which the Lead Agency is preparing or has prepared an EIR or Negative Declaration. The term includes all public agencies other than the Lead Agency that have discretionary approval power over the Project.

2.22 State

“State” means the State of California.

2.23 Trustee Agency

A “Trustee Agency” is a State agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State. For example, the Department of Fish and Game and the State Department of Parks and Recreation are Trustee Agencies.

Section 3: Applications Procedures

3.1 Applicability

A. General. These application procedures apply to all activities determined to be a Project subject to CEQA review. No review is required under CEQA under the following circumstances:

1. If the activity is determined not to be a Project.
2. If the activity is ministerial (as defined in Section 15369 of the Guidelines).
3. If the activity is one which the Decision-Making Body will disapprove (Section 15270 of the Guidelines).
4. The activity is an Emergency Project.

B. Public Projects. For public Projects, the environmental determination and documents shall be prepared by the Planning Department of the City. The City Planner may, in some cases, authorize document preparation to be overseen and completed by another City Department.

3.2 Pre-submittal Meeting

When requested by an applicant, a pre-submittal meeting may be held with the City Planner to discuss the general environmental issues affecting a Project. Although a pre-submittal meeting is not required, it is strongly encouraged where there is a possibility that the Project will have a significant effect on the environment.

3.3 Determining if Applications are Complete

Once a Project application has been submitted, it shall be checked to determine if it contains the required information prior to acceptance by the Planning Department. A checklist of required items for each type of application is available at the Planning Department. It is the responsibility of the applicant to ensure that all required information is provided. Projects

shall not be deemed received for purposes of processing until an application is accepted as complete by the City Planner.

- A. Incomplete Applications.** If the City Planner determines that an application is incomplete, the applicant shall be notified in writing, within thirty (30) days of the application's submission, specifying the areas which were found to be incomplete, and what is needed to complete the application.

Upon being notified in writing that the application is incomplete, an applicant shall have ten (10) days to appeal the City Planner's determination. The appeal shall be made to the Planning Commission subject to the City's Fee Schedule.

- B. Complete Applications.** In instances where more information has been requested to provide a complete application, the City Planner shall notify the applicant in writing when the application has been determined to be complete.
- C. Application Status Reports.** Application status reports shall be made available to the public at the Planning Department counter or upon individual request, time permitting.

Section 4: Exemption Process

4.1 Exemption Determination

Within thirty (30) days of accepting a planning application submittal as complete, the City Planner shall determine if the Project is exempt from the provisions of CEQA. The City Planner will make reasonable efforts to complete an initial review of the application for the exemption status and notify the applicant of Project status within seven (7) days of the application submittal date. This determination shall be based on the City Planner's judgment as to whether it can be determined with certainty that there is no possibility that the activity in question may have a significant effect on the environment and shall be made in accordance with the provisions of the Guidelines. If the City Planner determines that an activity or type of Project listed may have a significant effect on the environment, regardless of whether or not the Project may qualify for an exemption under the Guidelines, he/she will prepare an Initial Study in accordance with Section 5 of the Rules and Procedures.

- A. Statutory Exemptions --** Article 18 (Sections 15260 - 15285).
- B. Categorical Exemptions --** Article 19 (Sections 15300 - 15333).
- C. Ministerial Projects --** Section 15268 and as set forth in Section 2.15 of these Rules and Procedures.

- D. **Projects with no possibility of significant effect** -- Section 15061.
- E. **Residential Projects undertaken pursuant to a specific plan** which meet the requirements of Section 15182 of the Guidelines.

4.2 **Completing and Filing the Exemption Form**

After finding that a Project is exempt, the City Planner may complete a Notice of Exemption (Appendix B).

4.3 **Filing of a Notice of Exemption**

Following approval of an exempt Project by the Decision-Making Body, a Notice of Exemption (Appendix B) may be filed as follows:

1. **Public Projects.** The City Planner may file a Notice of Exemption in accordance with Section 15061(d) of the Guidelines within ten (10) working days of the Project's approval.
2. **Private Projects.** The City Planner will not file a Notice of Exemption for private Projects, but forms will be available at the City Services Department. The applicant is encouraged to file a Notice of Exemption in order to shorten the statutory challenge period provided in CEQA. Section 15062(d) states that if the Notice of Exemption is filed with the County Clerk, a thirty five (35) day statute of limitations for litigation on CEQA grounds is started ; if a Notice is not filed, the statute of limitations is one hundred eighty (180) days.

Section 5: Initial Study Process

An Initial Study is a preliminary analysis prepared by the Lead Agency to determine if a Project will have a significant effect on the environment. If the Lead Agency can determine that an EIR will clearly be requested for the Project, an Initial Study is not required but may still be desirable.

5.1 **Conduct of the Initial Study**

An Initial Study shall be prepared for all public and private Projects which are not exempt from CEQA according to Section 4, unless the City Planner has determined that an EIR will be required, and the applicant agrees with this determination. An initial study shall be completed for projects within 45 days from the date the City Planner determines that an initial study is required (California Government Code Section 65951. All Initial Studies shall be conducted in accordance with Section 15063 of the Guidelines and should be completed within thirty (30) days upon determination of application completeness.

5.2 Consultation

The City Planner may consult with and solicit recommendations from all Responsible and Trustee Agencies (see Sections 15063(g) and 15083 of the Guidelines), and City Departments. Appendix D lists agencies with special expertise in various subject areas that may be used to solicit comments in the review of environmental documents. For most Projects, this consultation can be adequately satisfied by a telephone call to the appropriate member of the agency's staff. The comments and recommendations of the Responsible or Trustee Agency and City Departments shall be reflected in the Initial Study.

5.3 Evaluating Projects

- A.** The City Planner shall evaluate Projects for their effect on the environment by using the Initial Study Checklist (refer to Appendix C) and by calling upon various sources of information, including the general plan, previously completed EIRs and other environmental studies. After evaluating a Project, the City Planner shall make a written recommendation that is supported by factual evidence.
- 1.** For Projects with no previous environmental documents or previously prepared documents found to be inadequate because changes have been made to the Project or Project setting, the analysis shall focus on the identification of significant effects according to Sections 15064, 15065, and Appendix C of the Guidelines. These sections describe the criteria and mandatory findings for establishing whether a Project may have a significant adverse effect on the environment.
 - 2.** For Projects with previous environmental documents, the analysis shall focus upon the criteria contained in Sections 15162, 15163, 15164, 15167, 15168, and 15182 of the Guidelines, which describe the procedures to follow if there have been substantial changes in the Project or Project setting since the original environmental documents were prepared.
- B.** If additional outside review is required to determine the potential significant effects of a Project, (e.g., a study of potential traffic impacts) it should be accomplished in an Expanded Initial Study and with the overview of the City Planner. Any fees for this outside study shall be borne solely by the applicant. See Section 6 of these Rules and Procedures, Expanded Initial Study.
- C.** Upon completion of the Initial Study, the City Planner shall transmit it along with the preliminary determination to the applicant. If insufficient information exists to determine whether the Project will have a significant effect on the environment, additional information from the applicant or an Expanded Initial Study shall be required.

D. After a preliminary determination that a Project may have a significant effect on the environment, the City Planner should meet with the applicant in an attempt to reach agreement on acceptable Mitigation Measures and/or Project alternatives which would lessen or avoid the significant effects outlined in the Initial Study. If an agreement is reached, the City Planner shall revise the Initial Study to incorporate the changes, alternatives, and/or mitigation. Changes to the Project or Mitigation Measures shall be agreed to in writing by the applicant and documented in the Initial Study. Appendix A contains a sample form letter that may be used for the written agreement.

E. The City Planner, on the basis of the environmental analysis and other information contained in the Initial Study, shall make one of the following preliminary determinations outlined below within thirty (30) days after accepting the application as complete: (NOTE: This deadline may be extended an additional fifteen (15) days by the City Planner and the Project applicant as provided in Section 15102 of the Guidelines.)

1. That there is no substantial evidence that the proposed Project may have a significant effect on the environment. Proceed to Section 7, Negative Declaration and Mitigated Negative Declaration Process of these Procedures.
2. That, although the proposed Project could have a significant effect on the environment, there will not be a significant effect because the Mitigation Measures that have been incorporated into the Project will avoid or mitigate the effects to a point where clearly no significant effects would occur. Proceed to Section 7, Negative Declaration and Mitigated Negative Declaration Process.

This determination should be made in cases where the Mitigation Measures are readily apparent and can be agreed to by the City Planner and the applicant. The City shall prepare a reporting and monitoring program for any Mitigation Measures incorporated into the Project to ensure compliance, as set forth in Section 13 of these Rules and Procedures.

3. That, although the Project could have a significant effect on the environment, there may be Mitigation Measures and/or Project alternatives that, upon further examination, may eliminate or lessen the possibility of significant effects. Proceed to Section 6 Expanded Initial Study Process.

If further study is necessary to determine whether a Project will have a significant effect on the environment, an Expanded Initial Study would be appropriate.

4. That, pursuant to Section 15153 of the Guidelines, an environmental document has already been prepared that adequately evaluates the Project's potential

effects, and no additional document is needed. Proceed to Section 8 Environmental Impact Report Process.

5. That an EIR has already been prepared, and either a Supplement or an Addendum is appropriate (only minor additional information or alterations would be necessary to make the previous EIR adequately apply to the Project). Proceed to Section 9A Previous Environmental Impact Report Process.
6. That the Project may have a significant effect on the environment (pursuant to section 15064 of the Guidelines). Proceed to Section 8 Environmental Impact Report Process.

Section 6: Expanded Initial Study Process

6.1 Preparation of an Expanded Initial Study

In some instances, a Project's significant effect on the environment may be identified after an Initial Study has been prepared. If Mitigation Measures and/or Project alternatives could lessen the significant effects to an acceptable level, but there is insufficient information to support this, the City Planner shall prepare in writing the recommendation for the preparation of an Expanded Initial Study. An Expanded Initial Study may also be appropriate as a means of identifying the scope of potential impacts. The applicant shall pay any additional fees as determined by the City Planner to defray the cost of preparation of an Expanded Initial Study. These costs may include the costs for preparation of technical studies needed to complete the Expanded Initial Study. The Expanded Initial Study may be prepared either by the City Planner or by outside consultants. Any consultants used to prepare technical reports should be selected from the City's list of consultants. All work shall be coordinated by the City, and reports shall be submitted directly from the consultant to the City.

6.2 Scope and Content of an Expanded Initial Study

The scope and content of the Expanded Initial Study shall be determined by the City Planner prior to the preparation of the study. The scoping should include a determination of any additional technical reports and/or analyses that will be required to complete the information required to evaluate the Project and why it is needed. These studies may rely upon expert opinion supported by facts, technical studies, or other substantial evidence to document its findings. However, an Expanded Initial Study is neither intended nor required to include the level of detail included in an EIR.

6.3 Consideration of the Expanded Initial Study

Information contained in the Expanded Initial Study shall be reviewed by the City Planner. If

needed, additional information and/or clarification of the Expanded Initial Study may be requested. The City Planner shall consider the information contained in the Expanded Initial Study and shall make a determination as to whether significant effects may result from the proposed Project.

If it is determined that, on the basis of the evaluation and/or Mitigation Measures contained in the Expanded Initial Study, there are no significant effects, a Negative Declaration shall be prepared in accordance with Section 7 of the Rules and Procedures. The Negative Declaration shall be completed and ready for approval within one hundred five (105) days of the date the application was determined to be complete. If, after completion of the Expanded Initial Study, either (1) issues are still unresolved; (2) additional issues have arisen; or (3) the potential for significant effects is confirmed, an EIR shall be required in accordance with the process contained in Section 8 of the Rules and Procedures.

Section 7: Negative Declaration and Mitigated Negative Declaration Process

A Negative Declaration is a written statement by the Lead Agency briefly stating that there is no substantial evidence that the Project will have a significant effect on the environment and therefore does not require the preparation of an EIR.

A Mitigated Negative Declaration is a Negative Declaration prepared for a Project when the Initial Study had identified potentially significant effects on the environment, but revisions in the Project plans or proposals made by, or agreed to by, the Applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and there is no substantial evidence in light of the whole record before the City that the Project, as revised, may have a significant effect on the environment.

The policies and procedures specified in this section regarding Negative Declarations shall also apply to Mitigated Negative Declarations unless stated otherwise.

7.1 Preparation of a Draft Negative Declaration or Draft Mitigated Negative Declaration

As soon as the City Planner determines that a Project will not have a significant effect on the environment, a draft Negative Declaration shall be prepared by the City Planner (Appendix E) in accordance with Section 15071 of the Guidelines.

7.2 Thresholds of Negative Declaration and Mitigated Negative Declaration

The Negative Declaration may establish thresholds, where appropriate, for a given Project and Mitigation Measures based on these thresholds that reduce any potential significant impacts to an acceptable level. If revisions to the Project are proposed during its review

process, the Project should be compared to the original Project and environmental review to determine whether changes or additions to the Mitigation Measures are required. Changes in the Project description that are designed to mitigate significant environmental effects shall be completed before the draft Negative Declaration is released for public review, as required by Section 15070 (b)(1) of the Guidelines.

7.3 Public Notice and Review

A. General. Public notice and review of the draft Negative Declaration shall be for a twenty (20) day period (thirty (30) days if State Clearinghouse review is required) and may be combined with the public notice required for a Project. Notice shall be given by at least one of the following methods: (1) publication at least once in a newspaper of general circulation in the area affected by the Project; (2) by direct mail to owners of property within 300 feet of the Project as shown on the latest equalized assessment roll and as required for the specific Project or as otherwise required by Guideline 15072; or (3) posting of notice on and off site in the area where the Project is to be located. Method of noticing shall be determined by the City Planner. The public notice should contain a brief description of the proposed Project, its location and the address of the Planning Department where copies of the report may be reviewed. The applicant shall formally agree to complete any relevant Mitigation Measures prior to noticing the Negative Declaration as noted in Section 5.3E of the Rules and Procedures.

B. Additional Distribution. The City Planner shall provide additional notice through distribution of the draft Negative Declaration, at the outset of the review period, to: all organizations and individuals who previously requested such notice, Responsible and Trustee Agencies, other public agencies having jurisdiction by law, the applicant, and the Project file. The draft Negative Declaration shall also be distributed to the State when the Project is determined to be of Statewide, regional, or area-wide significance (see Sections 15206 and 15207 of the Guidelines).

The materials distributed need only include the Negative Declaration form, a copy of the Initial Study, and Mitigation Measures. Exceptions: (1) the City Planner may forward additional supporting information where it is determined that it would help in the review of the environmental determination; (2) anyone specifically requesting the supporting information shall be provided with it upon payment of a copying fee established in accordance with the City's Fee Schedule.; (3) Responsible and Trustee Agencies and the State Clearinghouse shall receive the supporting analysis, as appropriate. NOTE: Failure to comply with the additional self-imposed requirements outlined in (1), (2), and (3), above, shall not invalidate the Project's approval.

C. Public Hearings. The City Planner may hold a public hearing on the draft Negative Declaration as provided by Section 15202 of the Guidelines, for the purpose of gaining public input for the public record.

7.4 Completing the Negative Declaration and Mitigated Negative Declaration

- A.** If no comments are received during the twenty (20) day review period (thirty (30) days for State Clearinghouse review) the Negative Declaration may be accepted as complete.
- B.** If comments are received, the City Planner shall, within thirty (30) days of the close of the review period, review the comments and after giving them consideration, make one of the following determinations:
- 1.** That an EIR should be prepared because the comments:
 - a.** Fairly argue that on the basis of substantial evidence, the Project may have a significant effect on the environment; OR
 - b.** Indicate there is serious public controversy concerning the environmental effects of the Project, which is supported by substantial evidence (Controversy not related to an environmental issue does not require the preparation of an EIR).
 - 2.** That the Negative Declaration should be accepted as complete because the comments do not provide the basis for requiring an EIR, as outlined above. The City Planner may, however, revise the Negative Declaration and Initial Study in response to comments received, before accepting it as complete. If the Negative Declaration (including the Project description and/or any recommended Mitigation Measures), is revised in response to comments received during the review period, the revised document must be recirculated for another twenty (20) day public review period (thirty (30) days for State Clearinghouse review) pursuant to Section 15073.5 of the Guidelines.

NOTE: The time limit for the City Planner's initial determination may be extended where he/she determines that additional studies will be required to properly evaluate the environmental issues raised by the comments.

7.5 Approval of the Negative Declaration and Mitigated Negative Declaration

Before approving a Project for which a Negative Declaration has been prepared, the final Decision-Making Body, whether it is the City Planner, Planning Commission, or City Council, shall review and consider the Negative Declaration.

7.6 Timely Compliance

A Negative Declaration shall be completed and ready for approval in not more than one

hundred five (105) days after an application has been accepted as complete, except in the following instances:

1. The time period has been suspended because of unreasonable delay caused by the applicant (see Section 15109 of the Guidelines).
2. Where a Project is subject to the National Environmental Policy Act (NEPA).
3. Where the Project requires approval of other applications not subject to statutory deadlines such as annexations and sphere of influence amendments.
4. When the applicant requests a time extension pursuant to Section 21100.2 and 21151.5 of the Public Resources Code. An extension may be granted for a maximum of six (6) months after an application is deemed complete. Under certain circumstances, the applicant may request a waiver of the one hundred five (105) day time period for a Negative Declaration or the one (1) year time limit for an EIR (see Section 15110 of the Guidelines that deals with Projects for which a combined EIR and EIS are required).

7.7 Notice of Determination

After the Decision-Making Body has made a decision to carry out a Project for which a Negative Declaration, EIR, Supplemental EIR, Addendum to an EIR, or previous EIR has been certified, the City Planner shall, within five (5) working days following approval of the Project, prepare and file a Notice of Determination with the County Clerk in accordance with Section 15075 or 15094 of the Guidelines. If the Project involves approval from the state agency, the notice must be filed with the State Office of Planning and Research (Section 15075(d) of the Guidelines).

Section 8: Environmental Impact Report Process

Draft EIR: A draft EIR is a detailed statement prepared under CEQA that describes and analyzes the significant environmental effects of a Project and discusses ways to mitigate or avoid the effects.

Subsequent EIR: Generally, a Subsequent EIR is required when there will be substantial changes to a Project, the circumstances under which the Project will be undertaken have changed, or new information of substantial importance to the Project becomes available and such information could not have been known at the time the previous EIR was prepared. A Subsequent EIR receives the same circulation and review as the previous EIR (see Section 15162).

Supplemental EIR: A Supplemental EIR is required after the preparation of a previous EIR if

there have been substantial changes in the Project description, the Project setting, and/or new information regarding the effects of the Project become available (See Section 15163 of the Guidelines) and only minor additions and/or changes are necessary to make the previous EIR adequately apply to the Project. A Supplemental EIR receives the same circulation and review as the previous EIR.

Addendum to an EIR: An Addendum may be prepared for an EIR when minor technical changes or additions are required to make the EIR adequately evaluate the environmental effects of the Project. An Addendum is appropriate only in cases where the Project description, setting, and circumstances have not changed. An Addendum to an EIR does not need to be circulated separately from the EIR for public review, but can be attached or included in the Final EIR.

Staged EIR: Where a large capital Project will require a number of discretionary approvals over a period exceeding two (2) years, a Staged EIR can be proposed to cover the entire Project. This type of EIR must evaluate all proposals within a Project in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project (see Section 15167 of the Guidelines). The Staged EIR requires that supplements to the EIR be prepared when later approvals are required and additional information becomes available at the time the later approval would permit consideration of additional environmental impacts, Mitigation Measures, or reasonable alternatives to the Project.

Program EIR: A Program EIR evaluates a series of actions pertaining to a large Project which may be completed over a long range period (see Section 15168 of the Guidelines). Such reports analyze a broad range of environmental effects with recognitions that site-specific environmental review may be required for particular aspects of the program (or Project). This approach will lead to the eventual preparation of subsequent environmental documents, such as Subsequent EIRs or Negative Declarations for implemented programs or Projects that occur as part of the larger program or Project.

8.1 Notifying the Applicant

If the City Planner has determined that an EIR, Addendum, Subsequent, Supplement, Staged, or Program EIR is required, the City Planner shall notify the applicant in writing. A copy of the Initial Study, if one was prepared, and a preliminary request for any additional information needed for the preparation of the EIR shall also be forwarded to the applicant.

8.2 Notice of Preparation

At the time the applicant is notified, the City Planner shall also complete and distribute to various departments and Trustee and Responsible Agencies (as provided in Appendix D) a Notice of Preparation (Appendix H) by certified mail and begin consultations with the applicant and qualified consultants as provided by Sections 15082 of the Guidelines.

8.3 Scope of EIR

Based on the results of the Initial Study, information received in response to the Notice of Preparation, and/or other review of the Project, the City shall determine the scope of the EIR. A meeting may also be held with Responsible Agencies, Trustee Agencies, and/or representatives from other City Departments to determine the scope of the EIR. The scope of the EIR shall include a listing of all technical reports (traffic, noise, biology, etc.) as well as any other special analyses that will be required. The scope should be written in a narrative rather than a checklist format to make it clear and easy to understand.

8.4 Preparation of the Draft, Subsequent, or Supplemental EIR or Addendum to an EIR

The City Planner shall either contract for the preparation of an EIR or prepare an EIR in accordance with the procedures outlined in paragraph 8.4A, below. If a consultant is selected to prepare the EIR the contract for preparing the EIR should be executed within 45 days from the date the City Planner has determined that an EIR is required (Public Resources Code Section 21151.5 (c)).

A. Consultant Selection

1. The City Planner shall compile and periodically update a certified list of qualified environmental consulting firms from which a consultant to prepare the EIR will be selected. This list should be compiled based on qualifications submitted by individual firms and should consist of:
 - a. Names and resumes of principals and employees of the firm who will be involved in the preparation of EIRs.
 - b. A listing of any relevant environmental documents prepared by the firm for which the firm was the lead consultant. Additional Projects for which the firm was a sub-consultant may also be listed. The name of the Project Manager should be included, as well as the scope of work and a list of references.
2. EIRs shall be prepared by a qualified consultant under contract to the City. Following a determination that an EIR is required, the City Planner, after consulting with the City Planner, shall prepare a Request for Proposal (RFP) to prepare an EIR.
3. The RFP should include the Notice of Preparation and Initial Study, if one was prepared, and the scope of work. An RFP should be sent to at least three consulting firms included on the City's approved EIR consultants list. The RFP

should include a timeline for responses to the City. The proposal shall be required to discuss the work to be done, the time required to complete the work, and the estimated maximum costs for time and materials.

- B. Costs of Preparation.** Costs associated with the preparation, printing, and distribution of EIRs and addenda and supplements for private Projects shall be borne by the applicant. Prior to signing the consultant contract to prepare the EIR, the applicant shall deposit funds sufficient to pay for the required EIR in a City trust account. These funds shall be released by the City to the EIR consultant according to the terms of the Contract for the preparation of an EIR. The applicant shall also be required to pay an administrative fee equal to fifteen (15%) percent of the total EIR cost for any additional staff time required to review the document, which will be deposited in a City account.
- C. Contents and Format.** The EIR shall contain all of the elements specified in Sections 15120 through 15132 of the Guidelines for Draft EIRs and/or Sections 15160 to 15170 of the Guidelines for Subsequent, Supplements, Addendum, Staged, and Program EIRs, and Appendix M of these Rules and Procedures. The EIR may also contain additional studies and/or requirements as noted in the initial environmental study that is pertinent to the Project. In some cases, the EIR may be limited to focused items, also as identified in the Initial Study (refer to Section 5 of these Rules and Procedures).

During the preparation of the EIR, the City's consultant should be allowed free access to the applicant, provided that the City Planner is notified ahead of time of any meetings between the applicant and the consultant, and that no meeting is held without the knowledge and consent of the City Planner. No information or conclusions should be released by the consultant to the applicant prior to the notification of, and approval by, the City Planner.

8.5 Processing the Draft EIR (including Subsequent and Supplements)

- A. Screencheck Draft EIR.** The consultant preparing the EIR shall submit a screencheck draft EIR for review by the City Planner within the time allowed by the EIR contract. A Screencheck Draft EIR is the initial draft EIR prepared for the purpose of staff review for initial adequacy. The consultant shall revise the screencheck draft EIR and shall generally submit the Draft EIR within two weeks of receipt of comments.
- B. Notice of Completion.** As soon as the City Planner determines that the draft EIR is properly completed and is appropriate for distribution and processing, the EIR consultant shall complete a Notice of Completion in accordance with Section 15085 of the Guidelines and file the Notice of Completion with OPR (refer to Appendix J of these Rules and Procedures).

- C. Public Notice.** The City Planner shall provide public notice of the availability of the draft EIR in accordance with Section 15087 of the Guidelines at the same time the Notice of Completion is filed. Public notice that a draft EIR has been completed, and is available for public review (including places where the document is available and the time available for making comments) shall be given to all organizations and individuals who have previously requested such notice and by at least one of the following procedures: (1) publication at least once in a newspaper of general circulation in the area affected by the proposed project; (2) posting on the City hall bulletin board and at the Project site; (3) by direct mail to owners of all property within 300 feet of the Project as shown on the latest equalized assessment roll and any other property that is contiguous to the Project; and (4) posting on the City's Website. The notice must also be posted with the County Clerk for at least 30 days (Public Resources Code Section 21092.3).
- D. Distribution.** The City Planner shall distribute, as provided in Sections 15086 of the Guidelines and below, the draft EIR when complete, and request written comments during the review period:
1. Where a Project is of Statewide, regional, or areawide significance under Section 15206 of the Guidelines, the EIR shall be sent to the State Clearinghouse and the Sacramento Area Council of Governments.
 2. EIRs prepared for a general plan, general plan element, or amendment, and EIRs prepared pursuant to the National Environmental Policy Act shall be distributed to the State Clearinghouse.
 3. Distribution to State agencies, if required, shall be through the State Clearinghouse in accordance with Sections 15087(f) and 15205 of the Guidelines. EIRs forwarded to the Clearinghouse shall include copies of all Appendices.
 4. Copies shall also be distributed to members of the Advisory and Decision-Making Bodies for the Project, the City Manager, City Project staff, other appropriate staff and the applicant.
 5. Copies of the EIR shall be made available for review at the public library branch within the City and at the Planning Department where loan copies shall be available. Any person wanting a copy of the EIR other than those to whom they have been distributed shall be charged a fee not to exceed the actual cost of reproduction.
- E. Review.** The review period shall begin following the distribution of Public Notices and EIR documents by the City Planner and shall be not less than thirty (30) days nor longer than sixty (60) days. If a State agency is the Lead Agency or a Responsible Agency, the review period for a Draft EIR shall be not less than forty-five (45) days

unless a shorter time period is approved by the State Clearinghouse.

- F. Public Meetings.** The City Planner may hold public meetings to receive input on the EIR in accordance with Section 15202 of the Guidelines.
- G. Evaluation of Comments and Preparation of Responses.** As comments are received, the City Planner, shall evaluate the comments and have responses prepared. Such responses may be prepared by the EIR consultant under advisement of the City Planner. Comments and responses to comments shall be included in the Final EIR as per Sections 15088 and 15132 of the Guidelines. Such responses to comments should fully address comments and questions and make reference to the EIR where appropriate.

8.6 Preparation and Processing of the Final EIR

- A. Preparation.** A proposed final EIR shall be prepared by the EIR consultant, in consultation with the City Planner. If the EIR is prepared by staff, the final EIR shall be prepared by the City Planner. Costs of preparation shall be borne by the applicant.
- B. Contents.** The contents of the proposed final EIR shall be as specified by Sections 15132 of the CEQA Guidelines and Appendix M of these Rules and Procedures.
- C. Format.** Generally, when comments are received, they shall be attached to the draft EIR with responses. However, where the City Planner, determines that responses to comments will require numerous or substantial revisions to the draft EIR text, they shall be entered into the text of the existing draft EIR text to comprise the final EIR.
- D. Distribution.** Once completed, the City Planner shall distribute the proposed final EIR to the Advisory or Decision-Making Body holding meetings on the Project. The proposed Final EIR shall also be forwarded to recipients of the draft EIR.
- E. Checklist for Processing the EIR.** The City Planner shall maintain a checklist in the Project file, to document processing steps of the EIR, such as dates of issuance of the notice of preparation, request for proposal, execution of the consultant's contracts, completion of the Draft and Final EIR, and issuance of the Notice of Determination (Refer to Appendix N -"Checklist for Processing Environmental Impact Reports").

8.7 Processing of an Addendum to an EIR

The City Planner may distribute an addendum to an EIR to any agency or individual he/she feels is qualified to review the document. If the City Planner finds the addendum to be significant, the addendum shall be processed consistent with Section 8.5 of these Rules and Procedures. Circulation of the addendum is not required, but should be accomplished if there are agencies with expertise that could provide input on its contents. Copies shall also be

transmitted to members of the Advisory and Decision-Making Bodies for the Project, the City Manager, City Project staff, and the applicant. If the City Planner, finds the Addendum not to be significant, a written finding to this effect shall be noted in the file, and no further noticing or processing will be needed.

8.8 Notice of Determination

After the Decision-Making Body has made a decision to carry out a Project for which a Negative Declaration, EIR, Supplemental EIR, Addendum to an EIR (if significant), or previous EIR has been certified, the City Planner shall, no later than five (5) working days following approval of the Project, prepare and file with the County Clerk a Notice of Determination in accordance with Section 15075 or 15094 of the Guidelines. The applicant shall be responsible for paying all filing fees, including Department of Fish and Game fees if applicable, at the time the notice is filed. The Project will not be operative, vested, or final until the filing of the Notice of Determination with the County Clerk.

Section 9: Other Environmental Impact Report Processes

Section 9A: Previous Environmental Impact Report Process

9.1 Preparation of the Draft Previous Environmental Document Form

A single environmental document may be used to evaluate more than one Project if the Projects are essentially the same. In such cases, the City Planner shall prepare a "Notice of Use and Previous Environmental Impact Report" form (Appendix O) as soon as he/she has determined that a previous environmental document is adequate (see Section 15153 of the Guidelines). A separate Initial Study for the new Project, which makes reference to the previous study, is required to support a decision to use a previous environmental document.

9.2 Public Notice and Review

- A. Public Notice.** Public notice of the draft notice of use and previous EIR form shall be as provided in accordance with Section 15087 of the Guidelines.
- B. Public Review.** Public review of the draft notice of use and previous EIR shall be not less than thirty (30) days nor longer than sixty (60) days. Where State review is required, the review period shall be not less than forty-five (45) days, unless a shorter time period is approved by the State Clearinghouse as provided for in Section 15105 of the Guidelines.
- C. Additional Distribution.** The City Planner shall provide additional notice by distributing the draft notice of use and previous EIR at the outset of the review period

to: all organizations and individuals who previously requested such notice, Responsible and Trustee Agencies, other public agencies having jurisdiction by law, the applicant, and the Project file.

The materials distributed need only include the draft notice of use and previous EIR form. However, (1) Planning staff may forward additional supporting information where they determine it would help in the review of the environmental determination, (2) anyone specifically requesting the supporting information shall be provided with it, (3) Responsible and Trustee Agencies, the State Clearinghouse and the Sacramento Area Council of Governments shall receive the supporting analysis, as appropriate. NOTE: Failure to comply with these additional self-imposed requirements shall not invalidate the Project approval.

- D. The City Planner may hold a public hearing on the adequacy of the previous environmental document as provided by Section 15087(i) of the Guidelines.

9.3 Accepting the Previous EIR as Complete

- A. If no comments are received during the review period, the previous EIR shall automatically be accepted as complete.
- B. The City Planner shall respond to all comments received during the review period. Within thirty (30) days of the close of the review period, the City Planner shall review the comments and after giving them consideration, make one of the following determinations: (NOTE: The thirty (30) day period may be extended where the City Planner determines that additional studies will be required to properly evaluate the environmental issues raised by the comments. Such studies shall be completed within the applicable legal time limits.)
 - 1. An additional environmental document should be prepared because the comments:
 - a. Fairly argue that on the basis of substantial evidence, the previous environmental document does not satisfy the criteria of Section 15153 of the Guidelines, as appropriate. The City Planner shall then review the Initial Study, previous environmental document, and the comments and determine whether either an additional EIR or a Supplemental or an Addendum to the original EIR should be prepared. OR,
 - b. Indicate that a new environmental document need not be prepared because the comments do not demonstrate that the criteria in Section 15153 of the Guidelines have not been satisfied. In this case, planning staff may revise the Initial Study based upon any comments received prior to accepting the environmental document as complete.

9.4 Certification of the Previous Environmental Document

Before approving a Project for which the previous environmental document was prepared, the Advisory Body shall review and consider the previous EIR. The Decision-Making Body shall review, consider, and approve the previous EIR as adequate.

If the original EIR being used makes findings as provided in Sections 15091 and 15093 of the Guidelines, these same findings, as modified for the Project being approved, shall have to be made and incorporated into the resolution or ordinance approving the Project.

Section 9B: Program and Staged Environmental Impact Report Process

9.5 General

A Program EIR is one that may be prepared on a series of actions that can be characterized as one large Project, expected to be built over a long period of time and meets the requirements of Sections 15167 and 15168 of the Guidelines.

A Staged EIR is a large capital Project that requires a number of discretionary approvals over a period exceeding two years and meets the requirements of Section 15167.

9.6 Use with Later Activities

Subsequent activities that are proposed under Staged or Program EIRs must be examined to determine if an additional environmental document is necessary as set forth in Sections 15167 and 15168 of the Guidelines respectively. If no new effects could occur or no new Mitigation Measures are required pursuant to Section 15162 of the Guidelines, no new environmental document may be required. Public notice shall be given when the City proposes to approve an activity within the program and to rely on the Program EIR for CEQA compliance. The notice shall include a statement that the activity is within the scope of the program approved earlier and the Program EIR adequately evaluates the activity for the purposes of CEQA. In such cases, planning staff shall prepare a "Notice of Use of a Previous Environmental Impact Report" form (Appendix O of these Rules and Procedures).

Section 10: Project Review Process

10.1 General

To the extent possible, and short of Project approval, continued processing activities by Planning staff and Advisory and Decision-Making Bodies shall continue during preparation and review of environmental documents.

10.2 Public Notices

All public notices that are normally used as part of the decision-making process shall note the existence of an environmental document, and shall state where the document is available for public inspection. For projects that will rely on a Program EIR for CEQA compliance, notice will include statements that the activity is within the scope of the program approved earlier, and the Program EIR adequately describes the activity for the purposes of CEQA (see Section 15168 (e) of the Guidelines).

10.3 Consideration of Environmental Documents by Advisory Bodies

The role of an Advisory Body in the City's CEQA process is for its members to provide comments, as appropriate, to City staff during the public review period so the comments may be made part of the final environmental document to be considered by the Decision-Making Body. Significant environmental issues raised by the Advisory Body require the City Planner to provide appropriate responses for their review and consideration in the final environmental document.

10.4 Consideration of Environmental Documents by Decision Making Bodies

- A. General.** Prior to approval or disapproval of a Project, the Decision-Making Body shall review and certify the information contained in the final environmental document together with any comments received during the public review process.
- B. Exempt Projects.** For Projects exempt from CEQA, the following shall apply:
 - 1. The Decision-Making Body shall make the following findings as part of any ordinance or resolution approving the Project: "That the Project is exempt from CEQA, in that (basis for exemption), and therefore, no environmental documents are required." For Projects whose final review is with the City Planner shall make the final environmental determination.
 - 2. The Decision-Making Body may conclude that an exemption is not supported by the facts and disapprove it. In such cases, the City Planner shall immediately proceed with an Initial Study for the Project.
- C. Projects with Negative Declarations.** For Projects with Negative Declarations, the following shall apply:
 - 1. The Draft Negative Declaration shall be prepared and ready for approval within one hundred five (105) days of the date that the application was certified as complete. Final action on such Projects shall occur within one hundred eighty (180) days of determining the application to be complete.

2. The Decision-Making Body shall make one of the following findings as part of any resolution or ordinance approving a Project: "A Negative Declaration has been prepared, processed, and considered according to CEQA, and
 - it is found that the Project cannot or will not have a significant effect on the environment"; or
 - it is found that, although the proposed Project may have a significant effect on the environment, there will not be a significant effect in this case because of the Mitigation Measures specified in the Negative Declaration and added to the description of the Project."
3. The Decision-Making Body may conclude that the Negative Declaration is not supported by the facts, or that there is serious public controversy concerning the environmental effects of the Project, and disapprove it. In such an event, the City Planner shall immediately proceed with preparation of an EIR.

D. Projects with Previous Environmental Documentation. For Projects with a previous environmental document, the following shall apply:

1. If necessary, the Decision-Making Body shall make the appropriate findings in accordance with Sections 15153 and 15091 and 15093 of the Guidelines.
2. The Decision-Making Body may conclude that the previous environmental document is not adequate for the Project under the criteria of the above-mentioned sections of the Guidelines. In such an event, a majority of the Decision-Making Body shall also determine whether a Negative Declaration or an additional EIR shall be prepared.

E. Projects with a Final, Subsequent, Supplemental EIR or an Addendum to an EIR.

1. When the Final, Subsequent, Supplemental EIR, or Addendum to a different EIR is completed and ready for approval, final action on the Project shall occur within one (1) year of the date the application was certified as complete or extended by waiver of deadline by the applicant as agreed to by the City Planner.
2. The Decision-Making Body may conduct a public hearing on the Final EIR, Subsequent, Supplement, or Addendum to an EIR in accordance with Section 15087(i) concurrent with or before its hearing on the proposed Project. No proposed Final, Subsequent, Supplemental EIR, or Addendum to an EIR shall be considered for certification by a Decision-Making Body unless consideration of the document has been properly placed on the agenda of the Decision-Making Body and the public review period for the EIR has ended.

3. The Decision-Making Body shall solicit public testimony pursuant to any Final EIR, Subsequent, Supplemental EIR, or Addendum to an EIR on its agenda. Significant environmental issues rose during these meetings, and responses shall be added to the Final, Subsequent, Supplemental EIR, or Addendum to the EIR prior to certification.
4. Findings
 - a. For any Project with a Final, Subsequent, Supplemental EIR, or an Addendum to an EIR, the Decision-Making Body shall make the following finding as part of any resolution approving a Project:

"That the Final EIR (and, if applicable, Subsequent, Supplement, or Addendum) has been completed in compliance with CEQA, the Guidelines, and the City's Rules and Procedures, and that the Decision-Making Body, having final approval authority over the Project, has reviewed and considered the information contained in the EIR (and, if applicable, Subsequent, Supplement, or Addendum) and found that it adequately discusses the environmental effects of the proposed Project."
 - b. The Decision-Making Body may still approve a Project for which one or more significant effects have been identified upon making certain findings that either: (1) the impact has been substantially lessened through changes in the Project; (2) the changes in the Project are the responsibility of a public agency other than the agency making the finding; and/or (3) the Mitigation Measures or Project alternatives are infeasible (see Section 15091 of the Guidelines).
5. Statement of Overriding Considerations

Where the Decision-Making Body allows the occurrence of significant effects that are identified in the Final or Supplemental EIR or an Addendum to an EIR, but are not mitigated, it must adopt a statement of overriding considerations in accordance with Section 15093 of the Guidelines.

Section 11: Procedures for the City as a Responsible Agency

11.1 General

This section identifies the special duties of the City when acting as a Responsible Agency under the provision of Section 15096 of the Guidelines.

11.2 Response to Consultation

The City Planner or his/her representative shall respond to consultation requests by a Lead Agency according to Section 15096(b) of the Guidelines.

11.3 Meetings

The City Planner shall attend meetings requested by the Lead Agency as provided in Section 15096(c) of the Guidelines.

11.4 Comments on Draft EIRs and Negative Declarations

The City Planner should review and comment on draft EIRs and Negative Declarations as provided by Section 15096 of the Guidelines. Where he/she feels appropriate, he/she may place the document on the agenda of the Planning Commission for public review and comment or, upon consent of the City manager, refer the item for comment by the City Council. Copies of the City's comments sent to the Lead agency will be provided to the City Administrator and appropriate City Departments and bodies.

11.5 Notice of Determination

This notice shall be filed in the manner provided under Section 8.8 of these Rules and Procedures and Section 15096(i) of the Guidelines.

Section 12: Appeal Process

12.1 General

Appeals of environmental determinations shall be submitted to the Planning Department. An appeal of the City Planner shall be decided by the Planning Commission. The determination of the Planning Commission may be appealed to the City Council by filing the appeal with the City Clerk. The appeal provisions outlined below would apply, and a fee will be charged to defray the costs of staff processing of the appeal according to the City's Fee Schedule. The determination of the City Council is final.

12.2 Appeals of Determination to Require an EIR, Subsequent EIR, Supplemental EIR, or EIR Addendum

- A.** Any person may appeal the City Planner's decision to require an EIR for a Project to the Planning Commission within ten (10) days of the date written notice to the applicant that an EIR is required was mailed. Discussion of the environmental determination will be placed on the Planning Commission agenda. The decision of the

Planning Commission shall be final unless appealed to the City Council.

- B.** The appeal of a determination to require a Subsequent or Supplemental EIR or an Addendum to an EIR shall state why the impacts identified by the previous EIR are not significant and how proposed Mitigation Measures will prevent potential significant effects. Alternatively, the appeal may state how the criteria of Section 15162, 15163, or 15164 of the Guidelines are satisfied by a previous environmental document.

12.3 Other Appeals

- A.** Any person may request that the Decision-Making Body or affected Advisory Body modify the initial environmental determination made by the City Planner.
- B.** An appeal request made pursuant to this section will be considered by the Decision-Making Body or affected Advisory Body at the same public meeting when the body considers taking action to approve, conditionally approve, or deny the Project. Environmental determinations are made by the City Planner who will consider such modified environmental determinations at a time and date set by the City Planner within five (5) working days from the date the Project is approved. The City Planner may refer such requested modified environmental determinations to the Planning Commission or City Council for determination.
- C.** Appeals made pursuant to this section shall be submitted in writing to the City Planner prior to the initial meeting at which the Project will be considered by the Decision-Making Body or affected Advisory Body.
- D.** The Project applicant shall be notified when the City Planner receives an appeal pursuant to this section.

Section 13: Mitigation Monitoring

13.1 General

The mitigation monitoring program is established to comply with Assembly Bill 3180 (California Public Resources Code Section 21081.6) and is intended to: (1) ensure that required mitigation measures are implemented; (2) allow the City and interested citizens to verify compliance before, during, and after Project construction; (3) generate information on the effectiveness of Mitigation Measures, to improve their effectiveness in future applications; and (4) guide future decision-making. This section of the Rules and Procedures shall be considered interim and subject to the Guidelines section(s) on mitigation monitoring when written and published.

13.2 Applicability

Mitigation monitoring shall be required for all non-exempt discretionary Projects for which Mitigation Measures have been identified through a Negative Declaration, EIR, or supplemental reports.

13.3 Procedures

- A. Mitigation Monitoring Checklist.** After a non-exempt discretionary Project is approved with conditions of approval that include Mitigation Measures identified in a Negative Declaration, EIR, or Supplement, these Mitigation Measures shall be incorporated into a checklist as shown in Appendix K. Each measure will be identified separately on the checklist, with various spaces for monitoring the progress and effectiveness of each measure as it is implemented. This checklist is the basis of the monitoring program, and a copy shall be distributed to all Departments that have supplied Mitigation Measures for their use in monitoring.
- B. Monitoring Program.** In most cases, Mitigation Measures can be monitored through the City's mitigation monitoring checklist. Therefore, when an approved Project with Mitigation Measures is submitted for plan check through the City, each plan checker will have a copy of the monitoring checklist. As each staffer reviews the plans, the plans will be checked for compliance with each Mitigation Measure.
- 1. Project Design Mitigation Measures (Project Specific).** A Project design Mitigation Measure is one that is to be incorporated into the Project design to mitigate an impact, such as a provision for a retention basin or acoustical barrier. These Mitigation Measures will normally be shown on the building plans. These plans will be reviewed for each specific Mitigation Measure, and as each Mitigation Measure is shown, it will be noted on the form (Appendix K) and signed off. If a Mitigation Measure is not shown, the plans will be sent back for corrections. Plans will not be approved until each Project design Mitigation Measure has been incorporated into the Project's design. After the plans are approved, and before final inspection of the building for occupancy, the Project proponent shall submit proof that each Mitigation Measure shown on the plans has been installed or incorporated into the constructed Project. Verification of compliance will then be noted on the monitoring form and signed off, thereby completing the process for a particular Mitigation Measure.
 - 2. Ongoing Mitigation Measure (Project Specific).** An ongoing Mitigation Measure is one that is associated with a Project over a period of time, such as dust control or maintenance of landscaping. Monitoring this type of Mitigation Measure will be similar to that of a Project-specific Mitigation Measure noted above, except that the status of each Mitigation Measure will be noted at

various times until the measure(s) has(ve) been satisfactorily completed. An example would be hydroseeding until a Project is constructed. The Project proponent may be required to submit periodic reports on the status of these types of mitigation measures. The City Planner may charge inspection fees to defray the City's and/or consultant's cost for monitoring ongoing mitigation measures. The City Planner may also require the applicant to deposit a security to guarantee completion of on-going mitigation measures.

3. Outside Consultants. For instances in which compliance with Mitigation Measures which cannot be verified through the checklist process, requires specialized expertise, or is of the magnitude that City staff does not have sufficient resources to administer, an outside consultant may be hired. The City will hire the consultant and may collect a deposit from the Project proponent for the consultant services. For Projects involving EIRs, the EIR shall include a mitigation monitoring program that includes separate procedures for monitoring.

C. Other Agencies. It will be the responsibility of other agencies to monitor Mitigation Measures requested by these other agencies. The City shall notify these agencies of which of their Mitigation Measures have been included in the Project approval, and these agencies shall submit a proposed program to the City that outlines their proposed monitoring program. These agencies shall inform the City in writing when each of their Mitigation Measures has been complied with.

D. Completed Mitigation Monitoring Checklists. Completed mitigation monitoring forms shall be retained in the Project file and will be available for public review upon proper request.

E. Mitigation Monitoring Program Fees.

1. Processing Fees. The City Planner, may charge and collect from the proponent of any proposed Project a fee in the amount of the actual cost to the City for monitoring all Mitigation Measures for a Project as described in Section 13 of the Rules and Procedures. A deposit may be required by the City Planner to be applied towards this fee. Any unused portion of the deposit will be refunded.

2. Consultant Fees. The cost associated with the use of outside consultants shall be paid for by the Project proponent. A deposit may be required by the City Planner to be applied towards the consultant services. Any unused portion of the deposit will be refunded.

Appendix A

CITY OF MARYSVILLE
PROJECT REVISION STATEMENT
(Name of Project Here)
(File/Application Reference Here)
(Current Date Here)

I, **(Applicant/Owner Here)**, hereby revise the above referenced applications (including acceptance of certain performance requirements) consisting of **(Project Description Here)** **(Project Location, including Assessor Parcel No.s Here)**, to include the **(Number of Mitigation Measures Here)** mitigation measures listed below:

(Note Environmental Category Here, such as Aesthetic Impacts):

1. List Mitigation Measure(s):

(Note Environmental Category Here, such as Noise Impacts):

2. List Mitigation Measure(s):

I understand that the use of the property by me or others, as proposed by **(Applicant's Name Here)** under **(List File/Application Reference Here)** is subject to satisfying plan revisions and related performance standards herein noted as mitigation measures.

Name: _____

Date: _____

Signature: _____

Appendix B

Notice of Exemption

TO:

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: City of Marysville
526 "C" Street
Marysville, CA 95901

County Clerk
Yuba County
915 8th St. Suite 107
Marysville, CA 95901

Project Title:	
Project Location - Specific:	Project Location - County:
Project Location - City:	
Name of Public Agency Approving the Project:	
Name of Person or Agency Carrying Out the Project:	
Lead Agency Contact:	Telephone Number:
Exempt Status: (check one)	
<input type="checkbox"/>	Ministerial (Section 15208 State CEQA Guidelines)
<input type="checkbox"/>	Emergency (Section 15269)
<input type="checkbox"/>	Categorical Exemption. State Type and Section Number:
Reasons Why Project is Exempt:	
If Filed By Applicant:	
1.	Attach certified document of exemption finding.
2.	Has a Notice of Exemption been filed by the public agency approving the project?
	____ Yes ____ No

Signature: _____ **Date:** _____

Signed by Lead Agency
 Signed by Applicant

Title: _____

Appendix C

**CITY OF MARYSVILLE
ENVIRONMENTAL CHECKLIST FORM**

[Use of the Environmental Checklist included in CEQA Guidelines is preferable see, http://ceres.ca.gov/topic/env_law/ceqa/guidelines/Appendix_G.html]

- 1. **File No:**
- 2. **Lead Agency name and address:** *City of Marysville City Services Department
526 "C" Street
Marysville, CA 95901*
- 3. **Date of Initial Study Preparation:**
- 4. **Agent:**
- 5. **Applicant**
- 6. **Description of project:**
- 7. **Surrounding land uses and setting:**
- 8. **Other public agencies whose approval may be required:**

DETERMINATION: On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT, is required.
- I find that the proposed project MAY gave a significant effect (s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature _____ Date _____

Printed Name _____ For _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is generally provided for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as operational impacts.
- 3) “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect is significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant level (mitigation measures from Section XVII, “Earlier Analyses”, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Significant Unless Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
I. <u>AESTHETICS</u>. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
II. <u>AGRICULTURE RESOURCES</u>. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				
b) Conflict with existing zoning for agricultural use, or a Williamson act contract?				
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d) Expose sensitive receptors to substantial pollutant concentrations?				
e) Create objectionable odors affecting a substantial number of people?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological features?				
d) Disturb any human remains, including those interred outside of formal cemeteries?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
ii. Strong seismic ground shaking?				
iii. Seismic-related ground failure, including liquefaction?				
b) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading subsidence, liquefaction or collapse?				
c) Result in substantial soil erosion or the loss of topsoil?				
d) Be located on expansive soil, as defined in table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				
b) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residence are intermixed with wildlands?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
VIII. <u>HYDROLOGY AND WATER QUALITY.</u> Would the project:				
a) Violate any water quality standards or waste discharge requirements?				
b) Substantially damage scenic resources, including, but no limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
f) Otherwise substantially degrade water quality?				
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
IX. <u>LAND USE PLANNING.</u> Would the project:				

a) Physically divide an established community?				
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
X. <u>MINERAL RESOURCES.</u> Would the project:				
a) Result in the lost of availability of a known mineral resource that would be of value to the region and the residents of the state?				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
XI. <u>NOISE.</u> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
XII. <u>POPULATION AND HOUSING.</u> Would the project:				
a) Induce substantial population growth in the area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				
Impact Discussion:				

Project Identified Impact:				
Project Mitigation Measures:				
XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?				
b) Police protection?				
c) Schools?				
d) Parks?				
e) Other facilities?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
XIV. RECREATION. Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				
e) Result in inadequate emergency access?				
f) Result in inadequate parking capacity?				
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				

b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				
g) Comply with federal, state, and local statues and regulations related to solid waste?				
Impact Discussion:				
Project Identified Impact:				
Project Mitigation Measures:				
<u>XVII. MANDATORY FINDINGS OF SIGNIFICANCE.</u>				
a) Does the project have the potential to degrade the quality of the environment substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the mjaore periods of California history or prehistory?				
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?				
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that he incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)				
d) Does the project have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?				

Appendix D

List of Public Agencies

RESPONSIBLE AGENCIES:

FEDERAL:

Advisory Council on
Historic Preservation
Western Office of Project Review
12136 W. Bayaud Avenue, Suite 330
Lakewood, CO 80226

Bureau of Land Management
Field Office
63 Natoma Street
Folsom, CA 95630

Regulatory Section
Department of the Army
Sacramento District Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922

United States EPA
Mail Code 2252-A, Room 7241
1200 Pennsylvania Avenue, NW
Washington, DC 20460

STATE:

Air Resources Board
Mike Tollstrup
2020 "L" Street
Sacramento, CA 95815

California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

California Waste Management Board
Jeanie Blakeslee
8800 Cal Center Drive
Sacramento, CA 95826

STATE (CONT.):

Caltrans-Division of Aeronautics
Sandy Hesnard
P.O. Box 942874
Sacramento, CA 94274-0001

Caltrans District 3
703 B Street
P.O. Box 911
Marysville, CA 95901

Central Valley Region
Regional Water Quality Control Board
3443 Routier Road, Suite A
Sacramento, CA 95827-3098

Department of Anthropology
Cal State University, Sacramento
6000 J Street
Sacramento, CA 95819-6106

Department of Fish and Game
Region 2
L. Ryan Broddrick, Reg. Mgr.
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Department of Food and Agriculture
1220 "N" Street, A-248
Sacramento, CA 95814

Department of Forestry &
Fire Protection
1416 Ninth Street, Room 1516-24
Sacramento, CA 95814

STATE (CONT.):

Department of Health
601 N. 7th Street
P. O. Box 942732
Sacramento, CA 94234-7320

Department of Health Services
Toxic Substances Control Program
Region 1
10151 Croydon Way, Suite 3
Sacramento, Ca 95827-2106

Department of Housing and
Community Development
P.O. Box 952021
Sacramento, CA 94252-2051

Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Director of Mining & Reclamation
Division of Mines & Geology
Dennis O'Bryant
801 K Street, MS-24-02
Sacramento, CA 95814

Environmental Review
Resources Agency
1020 Ninth Street, Third Floor
Sacramento, CA 95814

Native American
Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

STATE (CONT.):

Public Utilities Commission
Andrew Barnsdale
505 Van Ness Avenue
San Francisco, CA 94102

State Clearinghouse
Office of Planning and Research
1400 10th Street
Sacramento, CA 95814

State Lands Commission
100 Howe Avenue, Suite 100-S
Sacramento, CA 95826

SCHOOL DISTRICTS:

Marysville Joint Unified
School District
1919 B Street
Marysville, CA 95901

OTHER AGENCIES:

Alcoholic Beverage Control
1130 Civic Center Blvd.
Yuba City, CA 95991

FREED
508 J Street
Marysville, CA 95901

Feather River Air Quality
Management District
938 14th Street
Marysville, CA 95901

Marysville Post Office
407 C Street
Marysville, CA 95901

Yuba-Sutter Disposal, Inc.
3001 North Levee Road
Marysville, CA 95901

OTHER AGENCIES (CONT.):

Yuba-Sutter Transit
2100 B Street
Marysville, CA 95901

TRUSTEE AGENCIES:

California Department of Fish and Game
Region 2
L. Ryan Broddrick, Reg. Mgr.
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

California Department of Parks
and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Department of Anthropology
Cal State University, Sacramento
6000 J Street
Sacramento, CA 95819-6106

COUNTY AGENCIES:

Yuba County Local Agency
Formation Commission
915 8th Street
Marysville, CA 95901

Yuba County Office of Education
Richard Teagarden
935 14th Street
Marysville, CA 95901

Yuba County Planning Department
915 8th Street
Marysville, CA 95901

UTILITIES/SERVICES, ETC:

AT&T Broadband
311 B Street
Yuba City, CA 95991

California Water Service
629 9th Street
Marysville, CA 95901

Pacific Gas & Electric Co.
Chico Land Rights Office
Attention Land Agent
460 Rio Lindo Avenue
Chico, CA 95926

Pacific Telephone
1301 Tharp Road
Yuba City, CA 95991

SBC
12824 Earhart Avenue
Auburn, CA 95602

Appendix E

Negative Declaration

Project Title and File Number:	
Project Applicant:	Telephone Number:
Project Location:	
Project Description:	
Date, Time and Place of Public Meeting/Hearing:	

Finding

The City of Marysville has reviewed the above project in accordance with the City of Marysville Rules and Procedures for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report (EIR) need not be prepared because:

- The proposed project will not have a significant effect on the environment.

- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described on the attached and hereby made a part of this Negative Declaration have been added to the project.

The Initial Study which provides the basis for this determination is available at the City of Marysville, City Services Department, 526 "C" Street, Marysville, CA.

Notice

The public is invited to comment on the Draft Negative Declaration during the review period. The appropriateness of the Draft Negative Declaration will be reconsidered in light of the comments received.

Draft Prepared By:	Date:	Review Period:
Comments Received: ____ Yes ____ No Initial Study Revised: ____ Yes ____ No		
Date Adopted: _____ By: _____		

Appendix F

City of Marysville
City Hall - 526 "C" Street
Marysville, CA 95901

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Marysville has tentatively determined that the project described below will not result in a significant adverse impact on the environment and that, in accordance with the California Environmental Quality Act, the City is prepared to issue a "mitigated negative declaration" in accordance with the California Environmental Quality Act:

Project Description: (Provide a Project Description and Location Here)

Mitigation Measures: (Provide a list of Mitigation Measures Here).

This tentative determination is based on an environmental study that assesses the project's potential environmental impacts. Anyone can review this study at Marysville City Hall, 526 C Street, Marysville, CA 95901, during normal business hours.

Final environmental determinations are made by the decision making body, which, in this case would be the **(provide name of body here)** for the **(provide application names here)**. The public review period for this notice will remain open for a period of at least **(specify period 20 or 30 days)** from the first publication of this Notice, until **(specify last date of period here)**. For more information please call 749-3904 during normal business hours of City Hall. During this period written comments on the any of the projects listed above and the proposed negative declarations may be submitted addressed to:

(Specify City Planner's Name Here)

Telephone: (530) 749-3904
City of Marysville
P.O. Box 150
Marysville, CA 95901

Publish: **(Specify publishing date here)**

Appendix G

Notice of Determination

TO:

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM:

City of Marysville
526 "C" Street
Marysville, CA 95901
Contact: Gary Price
(530) 749-3904

County Clerk, County of Yuba
915 8th Street
Marysville, CA 95901

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code

Project Title: (Name of Project Here)

Project Location (include county): (provide location description here, such as, North side of 10th Street between I and J Streets; Assessor's Parcel Numbers 009-202-007, 009-202-008, and 009-202-009, Marysville, CA, Yuba County).

a. **Project Description:** (Project Description Here)

This is to advise that the City of Marysville (name of body, Planning Commission or City Council) approved the above described project on (Date of Action Here) and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval for this project.
4. A mitigation monitoring program was not adopted for this project.
5. A Statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the City of Marysville, Planning Department, 526 C Street, Marysville, CA 95901.

Signature: _____ Title: _____ Date: _____

Appendix H

Notice of Preparation

TO: (insert responsible agency)

FROM:
City of Marysville
526 "C" Street
Marysville, CA 95901

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

PROJECT TITLE:

STATE CLEARINGHOUSE NUMBER (If applicable):

The City of Marysville will be the lead agency and will prepare an Environmental Impact Report (EIR) for the project identified above. We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and probable environmental effects are contained in the attached materials.

Due to time limits mandated by State law, your response must be sent at the earliest possible date, but *not later than* **(specify period here)** days after receipt of this notice.

Please send your response to **(Name of City Planner Here)** at the address shown above. We will also need the name for a contact person in your agency.

Signature: _____ **Date:** _____

Title: _____ **Phone:** _____

Appendix I

Form and Content of a Draft EIR

A. General

Environmental Impact Reports for the City of Marysville shall contain the information specified by Sections 15120 through 15132 of the CEQA Guidelines as summarized below:

1. **Title Page and Table of Contents.** Items on the title page should include the dates of publication of the screencheck, draft, final and certified EIRs. The name and telephone number of the City's contact person, as well as the State Clearinghouse number, the name and telephone number of the contact person of the preparer of the EIR, and all reports shall contain a table of contents.
2. **Section I: Project Description.** The introduction shall contain a description of the site and general physical setting, project background and objectives and the discretionary actions for which the EIR is being prepared. The precise location and boundaries of the project shall be shown on a detailed map, preferably with topography shown. The location of the project shall also be shown on a regional map.
3. **Section II: Executive Summary.** Additionally, a matrix shall be used to identify significant and insignificant effects, mitigation measures, and whether a statement of overriding considerations is necessary.
4. **Section III: Project/EIR Objectives:** A clearly written statement of objectives of the EIR intended to assist the City in developing a reasonable range of alternatives to evaluate. This statement shall include the underlying purpose of the project. This section shall include a description of all actions that must be taken and are subject to CEQA, preferably in the order in which they are contemplated to occur. This description shall also include a list of agencies that are expected to use the EIR in their decision-making, a list of permits and other approvals required to implement the project and a list of related environmental review and consultation requirements required by federal, state, and/or local laws, regulations, or policies.
5. **Section IV: General Environmental Setting.** This section should describe the regional and citywide setting of the project with special emphasis on environmental resources that are rare or unique to the region.
6. **Section V: Detailed Environmental Analysis.** The project's setting, environmental impacts, and proposed mitigation measures shall be described in accordance with Sections 15125 and 15126 of the Guidelines. Subsections of the environmental analysis (e.g., Traffic, Noise, etc.) shall be organized as follows:
 - **Environmental Issue**, including a description of the issues to be discussed;
 - **Existing Setting**, which describes the setting of the project as needed to fully understand the project impacts and demonstrate that the significant environmental impacts of the proposed project were adequately investigated and

discussed;

- **Policy Inconsistencies** between the proposed project and applicable general and regional plans, including, but not limited to, applicable air quality attainment or maintenance plans, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans and habitat or natural community conservation plans.
 - **Project Impacts**, including the expected positive and negative effects on the environment, including unavoidable and/or irreversible and/or growth-inducing environmental effects from the project.
 - **Mitigation Measures**, organized into two separate sections: (1) Measures proposed by the project sponsor and incorporated into the project description; and (2) additional mitigation that could reasonably be expected to reduce the adverse impacts to an acceptable level.
 - **Analysis of Significance** of each impact identified, as well as the effectiveness of the proposed mitigation measures. This analysis shall also identify unavoidable adverse impacts in accordance with Section 15126.2 of the Guidelines.
7. **Section VI: Alternatives to the Proposed Project.** The alternatives section should contain a matrix that compares each of the identified alternatives for each environmental issue in accordance with Section 15126.6 of the Guidelines.
 8. **Section VII: The Relationship between Local Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity.** This section is only required for EIRs dealing with ordinances, general plan amendments or the enactment, adoption, or amendment of other public policies. It is also required for projects subject to the National Environmental Policy Act.
 9. **Section VIII: Significant Irreversible Environmental Changes That Would Be Involved if the Proposed Action Should Be Implemented.** This section carries the same limitations as outlined in Section VII, above.
 10. **Section IX: Cumulative and Growth Inducing Impacts.**
 11. **Section X: Mitigation Monitoring:** A mitigation monitoring program, including provisions for timing/phasing and implementing mitigation measures shall be included in this section pursuant to Section 15097 of the Guidelines.
 12. **Document Preparation.** This section should identify who prepared the document, the persons and organizations consulted during the preparation of the EIR, and a bibliography.
 13. **Section XI: Comments and Responses to Comments.** This will be in the Final EIR only.

14. **Appendices:** The appendices should include a copy of the initial study with reasons why various effects found not to be significant were not discussed in detail in the EIR, the Notice of Preparation and responses to the Notice of Preparation. The appendices should also contain the supporting technical studies and information. Once the EIR has been certified, the appendices should also include all staff reports, minutes of advisory and decision making body hearings, findings, statements and resolutions.

B. Other Requirements

1. Each section should begin on a separate page, with divider pages provided between sections.
2. The use of pages larger than 8 1/2 x 11 inches should be kept to a minimum.

Appendix J

Notice of Completion

TO:

FROM:

City of Marysville
526 "C" Street
Marysville, CA 95901

Project Title and File Number: Clearinghouse Number:
Project Location - Specific:
Project Location (City and County):
Description of Project:
From: City of Marysville, Planning Department
The Environmental Impact Report is Available for Review at the City of Marysville, City Hall During Operating Hours at 526 "C" Street, Marysville, California.
The Review Period Begins _____, 20 The Review Period Ends _____, 20
Contact Person: _____
Telephone: _____

Appendix K

Mitigation Monitoring Checklist

Project Name: _____ **File Number:** _____

Approval Date: _____ **EIR or Neg. etc.:** _____

The mitigation measures outlined below were incorporated into the approval for this project in order to reduce potentially significant environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented and fulfills the City's monitoring pursuant to Section 15097 of the Guidelines.

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Explanation of Headings

Type = Project (mitigation for this specific project), ongoing, and/or cumulative.

Monitoring Department = Department or agency responsible for monitoring a particular mitigation measure.

Shown on Plans = When a mitigation measure is shown on the construction plans, this column must be initialed and dated.

Verified Implementation = When mitigation measure has been implemented, this column must be initialed and dated.

Remarks = Area for describing status of ongoing mitigation measure, or other information.

Appendix L

California Department of Fish and Game

CERTIFICATE OF FEE EXEMPTION

Project Title:

Project Description:

Project Location:

Findings of Exemption: The City of Marysville finds that this project is exempt from the Fish and Game project review fee because the project (provide description).

Certification: I hereby certify that the City of Marysville has made the above findings and that the project will not individually or cumulatively have an adverse effect on wildlife resources as defined in Section 711.2 of the Fish and Game Code. The findings were based on the results of an initial study prepared for the above referenced projects.

Signature: _____ Title: _____ Date: _____

Appendix M

Form and Content of Final EIRs

A. General

Final Environmental Impact Reports for the City of Marysville shall contain the information specified by Section 15132 of the CEQA Guidelines as summarized below:

1. **The draft EIR:** The draft environmental impact report or a revision of the draft as required in Appendix "I" of the City's Environmental Regulations.
2. **Comments and Recommendations:** All comments and recommendations received on the draft EIR either verbatim or in summary.
3. **List of Entities:** A list of persons, organizations, and public agencies commenting on the draft EIR (this shall include all parties contacted in requesting a response on the draft EIR).
4. **Responses:** All responses of the City (Consultant) relative to significant environmental issues raised in the review and consultation process.
5. **Other Information:** Any other information added by the City (Consultant) relevant to final review of the draft EIR.

Appendix N

Checklist for Environmental Impact Reports

Project Name and File No.:

-
1. Applicant notified of EIR requirement:

Date
 2. Notice of Preparation distributed:

Date
 3. Request for proposal prepared:

Date
 4. Request for proposal distributed to consultants:

Consultant	Date
<hr/>	
Consultant	Date
<hr/>	
Consultant	Date
 5. Contract prepared:

Date
 6. Contract forwarded to applicant for signature:

Date
 7. Contract approved by City Council:

Date
 8. Screencheck draft EIR received from Consultant:

Date

- 9.** Draft EIR received from consultant:

Date
- 10.** Draft EIR distributed for comment:

Date
- 11.** Final EIR prepared with attached responses:

Date
- 12.** Final EIR certified by approving body:

Date
- 13.** Notice of Determination mailed to County Clerk:

Date

Appendix O

Notice of Use of and Previous Environmental Impact Report

TO:
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM:
City of Marysville
526 "C" Street
Marysville, CA 95901

County Clerk
Yuba County
915 8th St. Suite 107
Marysville, CA 95901

Project Title:		
Project Location - Specific:		Project Location - County:
Project Location - City:		
Name of Public Agency Reviewing the Project:		
Name of Person or Agency Carrying Out the Project:		
This is to certify that the City of Marysville plans to use the following EIR prepared for a previous project as the EIR for this project:		
Previous EIR Description:		
Reasons why the proposed project is similar in environmental impact characteristics with the previous project for which the previous EIR was prepared for:		
This is to certify that the initial environmental study and subject EIR addressing the environmental impacts of this project and the previous project is available to the General Public at: City of Marysville Community Development Department 526 "C" Street Marysville, CA 95901 (530) 749-3904		
_____ Signature (Community Development Department)		_____ Date
		_____ Title