



Implementation Policies and Procedures for the California Environmental Quality Act

Adopted By the Marina City Council, May 2, 2006

Note: These Policies and Procedures are intended to assist in interpretation and implementation of CEQA and the CEQA Guidelines, supplement CEQA and the CEQA Guidelines, and provide the necessary administrative rules and procedures to carry out the intent of the law within the City of Marina. This document is entirely consistent with state law, is not intended to conflict or override state law, and incorporates Public Resources Code Section 21000 by reference.

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Introduction

Excerpts From Overview of the California Environmental Review and Permit Approval Process, Governor's Office of Planning and Research

In California, the development permit process is coordinated with the environmental review process under CEQA. Every development project that is not exempt from CEQA must be analyzed by the lead agency to determine the potential environmental effects of the project. State law requires this analysis. It must be completed within specified time periods that are concurrent with the time periods in which an agency is required to approve or deny the project.

Once the lead agency is identified, all other involved agencies, whether state or local, become responsible or trustee agencies. Responsible and trustee agencies *must* consider the environmental document prepared by the lead agency and *do not*, except in rare instances, prepare their own environmental documents. The procedure for issuing each particular development permit is governed by the particular law that establishes the permit authority and by the California Permit Streamlining Act.

Summary of the CEQA and Permit Application Process

There are three major phases in the development process as provided by CEQA and the PSA:

- The Pre-Application Phase,
- The Application Phase, and
- The Review Phase.

I. Pre-Application Phase:

The Pre-Application Phase begins when the developer or applicant has completed the conceptual and preliminary design work for a project and is ready to prepare a project proposal. At this point, enough information should be available to describe project activities and to identify the project's proposed location. The primary objective of this phase is to identify the appropriate permitting agencies and to collect as much relevant background information possible.

Many proposals (projects) will require special studies either before or during the formal processing of the application. All state and local agencies are required to list the type of information and the criteria they will use in evaluating a project application. Developers or applicants may request a pre-application conference or "scoping" meetings with the permitting agencies to discuss how agencies' specific rules will apply to their proposed projects.

By the end of the pre-application phase, the developer-applicant should have a good understanding of the detailed project information required, a list of probable permitting agencies, and an indication of the degree of environmental analysis required by the agencies.

At this point, the applicant will learn which agency (if there will be more than one permitting agency) will be the "lead agency." The lead agency is the single agency responsible for determining the type of environmental analysis CEQA requires. In addition, the lead agency must prepare the environmental review document it calls for. The agency with the greatest authority over the project will usually assume the lead agency role. Criteria for determining the

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lead agency are provided in the CEQA Guidelines at Section 15051. In the event of a dispute over the lead agency status between or among agencies, the Office of Planning and Research may designate the lead. However, once the lead agency is identified, all other involved agencies, whether state or local, become responsible or trustee agencies.

II. The Application Phase:

The Application Phase begins with the filing of the necessary permit application forms along with a detailed project description. Supporting documents must also be filed, where CEQA requires, with the respective agencies. Unless otherwise specified, the sequence of filing applications is left up to the applicant. It must be noted, however, that the failure of some agencies to accept an application until certain other permit approvals have been granted does not in any way impact the time limits under which the agency must act.

During this phase, each receiving agency must review the submitted application to determine if the individual filing is complete. The lead agency must make its determination in writing within 30 days. Should the agency fail to make its determination within 30 days, the application will be deemed accepted as complete by operation of law. If the application is determined to be incomplete, the agency must specify the deficiencies and the manner in which the deficiencies may be corrected. The developer or applicant may then re-file the corrected application. Upon re-filing, the agency has another 30 days to review for completeness. If the application is again determined to be incomplete, the agency must provide a process for an appeal of the determination and reach a decision within 60 days. Further dispute may be adjudicated. This step is critical to the process. A permit may not be denied for failure to provide information not requested.

Once an application is accepted as complete, the lead agency has six months to approve or disapprove a project for which an Environmental Impact Report (EIR) has been certified. The time limit in all other cases is three months after a negative declaration is adopted or an exemption issued.

III. Review Phase:

The Review Process begins immediately with the completion of the specific application. In recognition of § 65941 of Chapter 4.5 of the Permit Streamlining Act, the lead agency will simultaneously review the project under the applicable permit rules and conduct the necessary environmental analysis. Permit rules vary depending on the particular permit authority in question, but the process generally involves comparing the proposed project with existing statutes. The procedure may result in a public hearing followed by a written decision by the agency or its designated officer. Typically, a project may be approved, denied, or approved subject to specified conditions.

The CEQA procedure involves a number of steps that produce an environmental document examining the lead agency's as well as the responsible and/or trustee agencies' permit decisions.

The first step in the CEQA process is to determine whether the proposed project is subject to CEQA. There are a number of statutory and categorical exemptions. If the proposal is not covered by CEQA, the lead agency may file a *Notice of Exemption*. If the project is covered by

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CEQA, the lead agency must prepare an *Initial Study* to determine whether the project may have a significant adverse impact on the environment. The initial study must be completed within 30 days after an application is accepted as complete.

If the Initial Study shows that the project will not have a significant effect on the environment, the lead agency must prepare and circulate a *Negative Declaration*. Where potential significant effects are shown, but the project is modified such that the effects are rendered insignificant, the lead agency must prepare and circulate a mitigated Negative Declaration. In either case, the Negative Declaration must be circulated for review for 30 days and must be ready for adoption by the lead agency within 105 days after a completed application is accepted.

If, on the other hand, the Initial Study shows that the project may have one or more significant effects, the lead agency must circulate a *Notice of Preparation (NOP)* in anticipation of preparing an environmental impact report (EIR) and must consult with responsible and trustee agencies as to the content of the environmental analysis. Responsible agencies must respond to the NOP within 30 days. If a responsible or trustee agency fails to respond, the lead agency may assume that the responsible agency has no response to make. Further, if a responsible agency fails to respond or responds incompletely, the responsible agency may not subsequently raise issues or objections regarding the adequacy of the environmental review.

At the close of this period, the lead agency must prepare and circulate a *Draft Environmental Impact Report (DEIR)*. All concerned agencies and the public may review the DEIR. All comments on the DEIR must be made within the 45 day review period.

At the close of the review and comment period, the lead agency must respond to the comments received. Comments from responsible or trustee agencies shall be limited to those project activities which are within the agency's area of expertise, are required to be carried out or approved by the agency, or will be subject to the exercise of powers by the agency.

The lead agency prepares and certifies a *Final Environmental Impact Report (FEIR)*. If the lead agency approves the project, it must find that each significant impact will be mitigated below the level of significance where feasible, and that overriding social or economic concern merit the approval of the project in the face of unavoidable effects.

With the CEQA and permit review process completed, the lead agency must approve or deny the permit within 6 months of certifying the EIR or within 3 months of adopting the Negative Declaration and file a *Notice of Determination (NOD)*. Responsible agencies must then act within six months after the lead agency's action or, if the developer or applicant has not already filed an application with a responsible agency, within six months from the time the application is filed (except as modified under Health and Safety Code § 25199.6).

Environmental documents for projects involving one or more state agencies or involving issues of area-wide or statewide significance must be sent to the State Clearinghouse for distribution to interested state agencies. The State Clearinghouse will link the lead agency with the responsible state agencies.

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Special Concerns in the CEQA/Permit Process

There are several key points that agencies, developer-applicants and the public must be aware of in order to avoid misunderstandings and delays:

- The time limits for completing the requirements of CEQA and acting on a permit are concurrent and not consecutive. The Permit Streamlining Act discourages a government agency from requiring a completed EIR before accepting a permit application.
- CEQA can help resolve public policy disputes relating to development projects. Technical issues that find their way into policy disputes, no matter how dependent on scientific considerations, are inherently value-laden. CEQA specifically addresses the potential for conflicting expert discussions and mandates that all sides of an issue are considered.
- Under the Permit Streamlining Act, if a public agency does not approve or deny a project within the statutory time limit, the project may be deemed approved. The proponent must give notice to invoke the Permit Streamlining Act.
- The Permit Streamlining Act time limits are not applicable to all permit applications. Time limits only apply to development projects as defined in the Permit Streamlining Act. The Streamlining Act specifically excludes ministerial permits such as certain building permits. The time limits do not apply to legislative actions such as the adoption or amendment of zoning ordinances. The time limits do not operate where a federal law specifies a longer or shorter period for action and, *with* the consent of the developer-applicant, the lead agency may waive the time limit if a joint environmental document is being prepared with a federal permitting agency.
- Where a public agency (or series of agencies) will issue more than one permit for a project, the agency(ies) makes each approval separately, but must still act upon the entire project within the statutory time limit.
- All Permit Streamlining Act time limits are maximum. Public agencies should act in a shorter time whenever possible.
- Members of the public may challenge, in court, a wide variety of public agency action and inaction, but only if they first present those challenges to the agency itself within 30 to 180 days after the occurrence of the challenged action, depending upon whether an NOD was filed or not by the agency.

Requirements for Public Agency Implementing Procedures

CEQA Guidelines Section 15022

- (a) Each public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA and these Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The implementing procedures should contain at least provisions for:
 - (1) Identifying the activities that are exempt from CEQA. These procedures should contain:
 - (A) Provisions for evaluating a proposed activity to determine if there is no possibility that the activity may have a significant effect on the environment.
 - (B) A list of projects or permits over which the public agency has only ministerial authority.
 - (C) A list of specific activities which the public agency has found to be within the categorical exemptions established by these Guidelines.
 - (2) Conducting Initial Studies.
 - (3) Preparing Negative Declarations.
 - (4) Preparing draft and final EIRs.
 - (5) Consulting with and obtaining comments from other public agencies and members of the public with regard to the environmental effects of projects.
 - (6) Assuring adequate opportunity and time for public review and comment on the Draft EIR or Negative Declaration.
 - (7) Evaluating and responding to comments received on environmental documents.
 - (8) Assigning responsibility for determining the adequacy of an EIR or Negative Declaration.
 - (9) Reviewing and considering environmental documents by the person or decision-making body who will approve or disapprove a project.
 - (10) Filing documents required or authorized by CEQA and these Guidelines.
 - (11) Providing adequate comments on environmental documents which are submitted to the public agency for review.
 - (12) Assigning responsibility for specific functions to particular units of the public agency.
 - (13) Providing time periods for performing functions under CEQA.
- (b) Any district, including a school district, need not adopt objectives, criteria, and procedures of its own if it uses the objectives, criteria, and procedures of another public agency whose boundaries are coterminous with or entirely encompass the district.
- (c) Public agencies should revise their implementing procedures to conform to amendments to these Guidelines within 120 days after the effective date of the amendments. During the period while the public agency is revising its procedures, the agency must conform to any statutory changes in the California Environmental Quality Act that have become effective regardless of whether the public agency has revised its formally adopted procedures to conform to the statutory changes.
- (d) In adopting procedures to implement CEQA, a public agency may adopt the State CEQA Guidelines through incorporation by reference. The agency may then adopt only those specific procedures or provisions described in subsection (a) which are necessary to tailor the general provisions of the Guidelines to the specific operations of the agency. A public agency may also choose to adopt a complete set of procedures identifying in one document all the necessary requirements.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Sections 21082, 21100.2, and 21151.5, Public Resources Code.

Section 1.000 - Purpose and Intent

1.100 Statutory and Regulatory Context

The purpose of these Policies and Procedures is the implementation of the requirements of the California Environmental Quality Act, Public Resources Code Section 21000 et seq (CEQA), and the Guidelines as contained in Title 14, Section 15000 *et seq.* of the California Administrative Code (CEQA Guidelines) within the City of Marina.

1.200 Background and Purpose of CEQA

The California State Legislature adopted CEQA in 1970 in order to protect the environment from the potentially harmful impacts of development. The primary functions of CEQA are to:

- Inform governmental decision-makers and the public about the potential significant environmental effects of proposed activities;
- Identify ways that environmental damage can be avoided or significantly reduced;
- Prevent significant avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigating measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved (Section 15002 CEQA Guidelines).

1.300 Purpose of These Policies and Procedures

The purposes of the City of Marina CEQA Policies and Procedures is to:

- Assist in interpretation and implementation of CEQA and the CEQA Guidelines; and
- Establish specific criteria for determination of project status (exempt, negative declaration, EIR) under CEQA.

These Policies and Procedures are intended to supplement CEQA and the CEQA Guidelines and provide the necessary administrative rules and procedures to carry out the intent of the law within the City of Marina. Nothing contained within the following Policies and Procedures is intended to limit the City from establishing alternative procedures for processing a project's environmental review where either specific policies and procedures are not set forth herein or where an alternative procedure will expedite review consistent with State law and the purpose of CEQA.

These Policies and Procedures are not intended to replace the state guidelines, but to provide the City with a user-friendly tool in assisting with the implementation of Public Resources Code Section 21000. This document is entirely consistent with state law, is not intended to conflict or override state law, and incorporates Public Resources Code Section 21000 by reference.

1.400 Definition of Terms and Phrases

All terms and phrases utilized herein shall be defined in accordance with CEQA and the CEQA Guidelines. Where CEQA and the CEQA Guidelines do not provide a definition for a term or phrase, such terms or phrases shall be defined in accordance with the definitions set forth in

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Marina City Code, and if not defined therein, shall have the meaning set ascribed in the current version of Webster's dictionary unless otherwise determined by Community Development Director, the Planning Commission, or the City Council.

1.500 Interpretation

All questions regarding the interpretation of the procedures, standards and policies set forth herein shall be determined by the City of Marina in its capacity as Lead Agency as defined in Section 3.100 of these Policies and Procedures. The determination shall be made by the City's Community Development Director initially. Where an application is presented to the Planning Commission or City Council, those bodies shall have the authority to make the determinations regarding the interpretation of the procedures, standards and policies set forth here, with the City Council making the final determination.

1.600 Hierarchy of Interpretation and Application

The CEQA Guidelines, including any future amendments thereto, are hereby adopted as the City's local guidelines, as supplemented by these Policies and Procedures. These Policies and Procedures shall be construed consistent with CEQA and the CEQA Guidelines, and in event any provision herein proves to be inconsistent with CEQA and/or the CEQA Guidelines, CEQA and/or the CEQA Guidelines shall prevail to the extent of such inconsistency.

Section 2.000 - Applicability and Authority

2.100 CEQA Applicability

The provisions of CEQA are applicable to “governmental actions” involving development proposals, both public and private, that can be considered "projects". (CEQA Guidelines §15378). The following are examples of City actions that trigger CEQA:

- an activity undertaken by the City; or
- an activity financed by the City in part or whole; or
- Private activities requiring City approval.

2.200 Discretionary vs. Ministerial Activities

CEQA applies only if the City is required to use *discretion* to determine how to carry out a project. If no discretion is involved, an activity is considered “ministerial” and is, therefore, not subject to CEQA. An example of a ministerial activity is the issuance of a building permit. (*See* Section 7.500, Ministerial Projects)

2.300 City Authority Under CEQA

Since development projects are typically submitted and approved at the local (City or County) level, CEQA places the authority to carry out the provisions of CEQA with local governing agencies.

CEQA authorizes the City of Marina to:

- Require modifications or changes to development projects to reduce or avoid (mitigate) significant effects on the environment. (CEQA Guidelines §15041)
- Disapprove projects in order to avoid significant environmental effects. (CEQA Guidelines §15042)
- Approve projects that have significant environmental effects where the City can determine that the expected benefits from the project outweigh the adverse impacts. (CEQA Guidelines §15043)
- Accept comments concerning the environmental effects of projects under consideration, (CEQA Guidelines §15044)
- Comment, as a responsible agency, to a Lead Agency (*see Lead Agency Section 3.100*) regarding the environmental effects of projects under consideration. (CEQA Guidelines §15096)
- Recover the estimated costs of preparing environmental documents. (CEQA Guidelines §15045)

Section 3.000 -- Lead Agency and Authority

3.100 Lead Agency

The CEQA Guidelines define the Lead Agency as the government agency with the primary responsibility for carrying out or approving a project. (CEQA Guideline §15367.) The Lead Agency generally prepares, or oversees the preparation of, the environmental documentation for a project. CEQA also allows a Lead Agency to approve a project based upon environmental documentation prepared by a third party provided that the documentation reflects the City's independent judgment.

Projects are often carried out or approved by more than one public agency. As a general rule, the City will be the Lead Agency on projects undertaken within its boundaries unless the project is undertaken by another public agency, in which case, the criteria outlined in *Section 15051 of the CEQA Guidelines* shall be used to determine the Lead Agency.

3.210 City Council

In circumstances where either State law or the Marina Municipal Code designated the City Council of the City of Marina as the body which may approve or disapprove a project, the City Council is the decision making body with respect to CEQA determinations.

3.220 Planning Commission

- A. In circumstances where either State law or the Marina Municipal Code designates the Planning Commission as the body which may approve or disapprove a project, the Planning Commission is the decision making body with respect to CEQA determinations.
- B. Where the matter before the Planning Commission requires a final approval or disapproval from the City Council, the Planning Commission may provide recommendations to the City Council regarding the CEQA documentation provided to the Planning Commission where appropriate, or when requested by the City Council or City staff. In matters in which a Draft Environmental Impact Report has been prepared, the Planning Commission shall review and consider the information in the Draft Environmental Impact Report and the list of mitigation measures prior to making its recommendation to the City Council. Unless completed as of the date of the Planning Commission's consideration of the matter, the Final Environmental Impact Report and the Mitigation Monitoring Plan need not be reviewed or considered by the Planning Commission. In matters in which an Initial Study and Mitigated Negative Declaration or Mitigated Negative Declaration is recommended, those documents shall be reviewed and considered by the Planning Commission prior to making its recommendation to the City Council.

3.230 Department Level Environmental Review

In circumstances where a City Department Director, such as the Community Development Director, or other specified City official is authorized by (i) State law, (ii) Section 6.500 of these Policies and Procedures or (iii) the City of Marina Municipal Code, to approve, disapprove, or carry out projects on behalf of the City of Marina, then that person shall act as the Decision-

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Making Body for purposes of making all necessary CEQA determinations. In this capacity, the authorized person shall implement these Policies and Procedures in a manner necessary to assure full compliance with the law and City policy.

3.240 Appeal of CEQA Determinations Made by Non-Elected Persons or Bodies

In any instance in which a person or body other than City Council (e.g., the Planning Commission) is the decision making body for CEQA determinations, the CEQA determination made by that non-elected person or body shall be subject to appeal to the City Council. The procedures applicable to the appeal shall be the same procedures designated for the decision on the subject project (e.g., Section 17.56.040 of the Marina Municipal Code for matters within the Zoning Code). If no procedure exists for appeal of the decision on the underlying subject project, the appeal shall be filed with the City Clerk within 10 days of the date that the CEQA determination is made. The appeal shall be in writing and shall specify the basis of the appeal. The City Council shall make its determination on the appeal within 60 days of the date the appeal is filed.

Section 4.000 CEQA Process Overview

4.100 Initial Review

The first step in the CEQA process is an initial, or preliminary, review by City staff. During this preliminary review, all development applications submitted to the City are evaluated to determine if they can be classified as "projects" under CEQA (see Initial Review Section 6.000). If a development proposal is deemed a "project", it may require further environmental review, or it may be exempt (see Exemptions, Section 7.000) from the requirements of CEQA.

4.110 Environmental Analysis

For projects that are not exempt, City staff must perform an environmental analysis or Initial Study (see Initial Study, Section 8.000). The Initial Study aids City staff in determining the environmental effects of the project and the corresponding course of action required under CEQA. Based upon the results of the Initial Study, City staff makes a determination of the project's potential environmental impacts. Depending upon the significance of the project's environmental impacts either a Negative Declaration (see Negative Declaration, Section 8.500) or an Environmental Impact Report (EIR) (see Environmental Impact Report, Section 9.000) is prepared.

4.120 Notification of Determination

After deciding which environmental determination is required for the project, staff informs the applicant of the environmental determination and either prepares or directs the preparation of the appropriate documentation. City staff may choose to prepare Negative Declarations or Mitigated Negative Declaration or may determine that arrangements for their preparation should be made. Environmental Impact Reports (EIRs) are typically prepared by an environmental consulting firm under contract with the City of Marina.

4.130 Lead Agency Approval and Notice of Determination

Once the environmental documents have been prepared and approved by the appropriate decision-making body of the Lead Agency, a Notice of Exemption (see Notice of Exemption, Section 7.200) or a Notice of Determination (see Notice of Determination, Section 8.800) is filed with the appropriate department. Filing of the Notice of Determination begins the statute of limitations for court challenges based on CEQA. If no Notice of Determination or Notice of Exemption is filed, a longer period for court challenges exists.

Section 5.000 General CEQA Compliance

5.100 General Responsibilities

Public and private projects subject to City review and approval shall comply with environmental review procedures and requirements established by CEQA, the CEQA Guidelines, and the procedures and policies contained herein.

5.200 Environmental Manager

The City Council of the City of Marina hereby designates the Community Development Director as the City's Environmental Manager and assigns the responsibility for coordinating and administering CEQA policies for the City of Marina. The duties of the Environmental Manager include, but are not limited to:

- a) Coordinating and administering the City's review and comment on notices of preparation, Draft Environmental Impact Reports, Mitigated Negative Declarations or Negative Declarations and other types of environmental documents;
- b) Making the determination if the proposed action is a project subject to CEQA;
- c) Making the preliminary determination whether a project is exempt from review;
- d) Making the initial determination of the need for preparation of a Negative Declaration, a Mitigated Negative Declaration, or Environmental Impact Report on a project;
- e) Consulting with Responsible Agencies and Trustee Agencies;
- f) Preparing or supervising the preparation of environmental documents, either directly, by contract, or in any other manner authorized by CEQA;
- g) Preparing or reviewing and approving all staff reports regarding CEQA;
- h) Maintaining a list of qualified environmental consultants;
- i) Coordinating the public and agency review process of environmental documents;
- j) Consulting with the public and public agencies on the review, circulation and preparation of environmental documents for the City;
- k) Making recommendations to the City Council or Planning Commission on alternatives or mitigation measures;
- l) Supervising the filing, posting and publishing CEQA/NEPA notices, as appropriate;
- m) Conducting meetings or public hearings, for the purpose of obtaining public input, regarding environmental documents;
- n) Preparing or supervising the preparation of responses to public comments;
- o) Maintaining all records of the City's actions relative to CEQA/NEPA as required by law; and
- p) Other tasks, as determined by the City Manager or City Council, necessary to implement CEQA and the CEQA Guidelines, and these policies and procedures.

The Environmental Manager can delegate certain duties and responsibilities to other appropriate City staff and/or consultants. The Environmental Manager may review and approve determinations, decisions, and documents prepared by City staff regarding the implementation and administration of CEQA in consultation with the City Attorney or other qualified individual with specialized knowledge of CEQA.

5.300 CEQA Review Procedures

Where the City of Marina is the Lead Agency, the City shall apply these Policies and Procedures in the fulfillment of its responsibilities under the law.

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5.410 Forms-Private Projects

Any City Department responsible for the review and approval of any non-exempt “project” applications submitted by private applicants shall require the applicant to complete the City Environmental Information Form in conjunction with any permit application. The responsible Department may request information from other City Departments and/or public agencies as necessary to complete the CEQA process in a complete and timely manner. The responsible Department shall consult with the Environmental Manager or his or her designee for assistance in complying with the requirements of CEQA and these procedures and policies.

5.420 Forms-Public Projects

Where a City Department is responsible for the initiation, management and execution of a public project on behalf of the City of Marina, the responsible Department shall comply with all applicable provisions of these procedures under the direction of the Environmental Manager or his or her designee. The responsible Department may request information from other City Departments and/or public agencies as necessary to complete the CEQA process in a complete and timely manner. The responsible Department shall complete the City Environmental Information Form and submit it to the Environmental Manager or his or her designee for review and approval. The responsible Department shall consult with the Environmental Manager or his or her designee for assistance in complying with the requirements of CEQA and these procedures and policies.

5.430 Designation of Responsible Department

It shall be the duty of the Environmental Manager or his or her designee to determine what department has final authority with respect to a project decision on behalf of the City as Lead Agency.

5.500 Consultants

The City may retain consultants in the preparation and evaluation of initial studies, negative declarations and environmental impact reports (draft and final) and/or other environmental documents or studies. If consultants are retained for the preparation of environmental documents or studies and the project is not initiated by the City, the expenses involved in such preparation of environmental documents or studies, in addition to such administrative costs of administering consultant contracts, will be borne by the project applicant.

5.510 Consultant List

- A. The City may develop and maintain a list of qualified environmental consultants. The list shall indicate the firm's particular field of expertise. Consultants wishing to be added to the City's Environmental Consultant list shall submit a statement of qualifications, indicating the firm's principal personnel, work experience, and abilities.
- B. The Environmental Manager or his or her designee is responsible for review of all statements of qualifications and selection of consultants to be placed on the City's Environmental Consultant list. Inclusion on the list will be based upon experience, knowledge of the City, and available expertise to insure that high quality, in-depth and comprehensive environmental documents are prepared. The Environmental Manager or his or her designee shall periodically revise and update the consultant listing in order to insure that the most qualified consultants remain available to the City.

5.520 Consultant Selection

Upon determination of the need to retain an environmental consultant, the Environmental Manager or his or her designee shall cause to be prepared an agreement between the City and the project applicant wherein the project applicant agrees to pay all reasonable costs for the preparation of the necessary environmental documents and/or studies.

- A. Following notification by the City that a consultant must be retained for his project, the applicant may request that specific consultants be permitted to prepare a proposal for the preparation of necessary environmental documents or studies by filing with the Environmental Manager or his or her designee a written request. The applicant may submit specialized studies for use by the City, as part of the application, and such studies may be used by the City subject to approval of the Environmental Manager or his or her designee.
- B. The Environmental Manager, upon receipt of the required fee deposit from a project applicant, may prepare a formal Request for Proposal (RFP) and/or Request for Qualifications (RFQ) that addresses the work necessary to complete the environmental document. Based upon consultation with the City Manager, the Environmental Manager may choose a different selection method based upon the special circumstances of a particular project. If an RFP or RFQ process is utilized, upon completion of the draft RFP or RFQ, if requested by the applicant, the City staff will forward the RFP or RFQ to the applicant for review and comment. The applicant may make suggestions for modifications to the RFP or RFQ, but the City staff is not obligated to modify the RFP or RFQ to incorporate the applicant's suggestions.
- C. If an RFP or RFQ is prepared by the City staff, it will be transmitted to as many qualified consultants on the City's list deemed appropriate by the Environmental Manager or his or her designee. Any supplemental information supplied by the applicant related to the preparation of such work may also be submitted with the request.
- D. The selection of the consultant to perform document preparation shall be made by the Environmental Manager, who may consider comments from other City Departments and/or the applicant. The scope and quality of the proposal and the level of skill and experience of the consultant will be of equal importance with cost in the choosing of a consultant by the Environmental Manager or his or her designee.
- E. The City and consultant shall enter into a two party agreement. The agreement shall specify the work plan, time limit, payment schedule, and maximum allowable cost. The Environmental Manager or his or her designee shall monitor the progress of the preparation of all environmental documents. The Environmental Manager or his or her designee, as outlined in the agreement, shall authorize progress payments to consultants. These payments will be made upon satisfaction of the adequacy of the document prepared, within the agreed upon scope of work.

Section 6.000 Initial Review

The first step of the Environmental Review process involves the review of a proposed activity by City staff. The review must include an analysis of whether the proposed activity can be considered a “project” under CEQA and/or whether it meets the requirements for an “exemption” under CEQA or under a different statute. Each of the components of initial environmental review is described below.

6.100 Preliminary “Project” Review (Public Resources Code §21080 and CEQA Guidelines §15060)

- A. City staff must review all development applications to determine if they should be considered “projects”, as defined by CEQA. Under CEQA, a project is the “whole of an action which has the potential for resulting in a physical change in the environment, directly or ultimately.”
- B. If a development application is deemed "not a project", then it is not subject to CEQA requirements. If a development proposal is deemed a "project", it may require further environmental review (see Initial Study, Section 8.000 and EIR, Section 9.000), or it may be exempt (see Exemptions, Section 7.000) from the requirements of CEQA. City staff shall, upon the request of a potential applicant, provide consultation prior to the filing of an application. This gives the applicant an opportunity to discuss with staff the type of discretionary action, potential alternatives, mitigation measures, and any potential and significant effects on the environment of a given project.

6.200 Criteria for Determining Application Completeness

The initial review of private project applications submitted to the City for review and action shall include a determination of application completeness. This determination is critical with respect to City compliance with permit processing time frames established under state law.

- A. All private project applications and forms shall be date stamped and the date initialed by the person receiving the application.
- B. The individual receiving the private project application shall immediately determine what department is responsible for processing the application and forward the application to the responsible Department for processing. If there is a question regarding the proper responsible Department, the application shall be referred to the Environmental Manager or his or her designee.
- C. Upon receipt of the project application by the responsible Department, the application shall be reviewed to determine if all necessary project information is included in the application.
- D. Necessary project information shall, at a minimum include;
 - 1. an appropriate City application form,
 - 2. a project Environmental Information form,
 - 3. necessary site plans, maps, diagrams or other information required by the City for the

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- permit application, and
4. appropriate processing fees, if required. (It should be noted that some fees will be established following the initial permit application.)
- E. The person responsible for determining application completeness shall notify the applicant, within 30-days, as to the completeness of the project application.
- F. The Notice of Application Completeness shall contain a determination with respect to acceptance of the application, by the City, as complete or identify all elements of the application that are missing.
- G. The Notice of Application Completeness shall also identify supplemental information that is deemed necessary for the complete review of the project. Such supplemental information may include engineered traffic studies, cultural and biological resource studies, water demand or wastewater discharge studies, engineered drainage studies, etc. Failure to provide supplemental information in a timely manner may result in a project determination that a significant environmental impact may result from project approval and that an Environmental Impact Report may be required before further project processing can occur.
- H. The Environmental Manager or his or her designee shall review and approve all Notice of Application Completeness determinations and correspondence. For projects that are not subject to the Permit Streamlining Act, time-frames will be set based on the date that a Notice of Preparation is circulated for an EIR or when the project description has been approved by the Environmental Manager or his or her designee for projects subject to an Initial Study/Negative Declaration/Mitigated Negative Declaration.

6.300 Preliminary Review

- A. City staff has 30-days to review permit applications and other entitlement applications for completeness. Incomplete applications will not be processed.
- B. Upon initial determination of application completeness, the project application will need to be reviewed to determine if the project is exempt from CEQA and the CEQA review process. It should be noted that some projects which are otherwise exempt from CEQA may, as a result of special project circumstances, be subjected to CEQA review.
- C. City staff should consider whether the environmental issues associated with the project may trigger the requirement for the preparation of an Environmental Impact Report (EIR). If it is determined during initial project review that an EIR is clearly required, further initial review of the project may be eliminated and work begun immediately on the EIR (see Environmental Impact Report, Section 9.000).
- D. If an EIR is not clearly required, formal environmental review begins when the permit application is accepted as complete and an Initial Study (see Initial Study, Section 8.000) is prepared.

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6.400 Rule of No Possible Impact (CEQA Guidelines §15061(b)(3))

When it can be seen, with certainty, that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA. The City staff may make the determination of No Possible Impact. Filing a Notice of Exemption is not legally required, however, it is good practice to prepare the notice and file it with the County Clerk to provide public notice of this determination. Such a determination of “No Impact” should be guided by the provisions of Section 15252(2)(b) of the CEQA Guidelines - with some form of documentation supporting the conclusion.

6.500 Discretionary Projects and Ministerial Projects

- A. The terms discretionary project and ministerial project have special meaning with respect to compliance with CEQA and the CEQA Guidelines. Discretionary projects require CEQA review while ministerial projects do not.
- B. Ministerial projects are those actions where the person or agency acting on the project uses little or no personal judgment as to the wisdom or manner of carrying out the project. The action involves merely applying the law to the project facts as presented to determine if there is compliance with relevant codes, statutes and ordinances. Common examples of ministerial projects include sign permits and building permits in compliance with the building codes. (CEQA Guidelines § 15369)
- C. Discretionary projects are those actions where the public agency or body uses independent judgment and deliberation when taking action on the project. That is, the public agency or body uses “personal subjective” judgment in deciding if or how the project should be carried out. (CEQA Guideline § 15357)

The following actions of the City are typically defined as Discretionary projects and subject to the requirements of CEQA.

1. Zoning and Rezonings;
2. General Plan adoption and amendments;
3. Specific Plan adoption and amendment;
4. Area Plan adoption and amendment;
5. Development of new City structures and facilities;
6. Ordinances and Resolutions having the potential for significant environmental effects as determined by the City Council;
7. Conditional Use Permit or Special Zoning Permits;
8. Subdivision of Land;
9. Capital Improvement Projects; and
10. Other actions having the potential for significant environmental effects, as defined by CEQA upon determination by the City Council.

6.600 Not-a- Project Under CEQA

If a proposed activity is not a project, it is not subject to CEQA review. A Notice of Exemption is not required.

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6.700 Previous Studies

In an effort to minimize duplication and streamline the environmental review process, CEQA provides procedures that allow a lead agency to utilize previous CEQA documents in the project review process.

6.710 Tiering of EIRs and Initial Study/Negative Declarations (CEQA Guidelines §15152)

- A. "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or Initial Study/Negative Declaration (IS-ND) solely on the issues specific to the later project.
- B. CEQA encourages local agencies to streamline the environmental review process and eliminate repetitive discussions of the same issues and focus the later EIR/IS-ND/MND on the actual issues ripe for decision at each level of environmental review.
- C. Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:
- (1) Were not examined as significant effects on the environment in the prior EIR; or
 - (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.
- D. Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering.
- E. A later EIR shall be required when the Initial Study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.
1. Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR, that effect is not treated as significant for purposes of the later EIR or negative declaration, and need not be discussed in detail.
 2. When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).

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3. Significant environmental effects have been "adequately addressed" if the lead agency determines that:
 - (a) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or
 - (b) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.
- F. When tiering is used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.
- G. Types of EIRs that may be used in a tiering situation include, but are not limited to, a general plan EIR (CEQA Guidelines §15166), Staged EIR (CEQA Guidelines §15167), Program EIR (CEQA Guidelines §15168), Master EIR (CEQA Guidelines §15175), Multi-family residential development, residential and commercial or retail mixed use developments (CEQA Guidelines §15179.5), redevelopment project (CEQA Guidelines §15180), housing, neighborhood commercial facilities in an urbanized area (CEQA Guidelines §15181), or projects consistent with a community plan, general plan, or zoning (15183).

6.720 Subsequent EIRs and Initial Study/Negative Declarations (Public Resources Code 21166, CEQA Guidelines §15162)

- A. Typically, the City will not require a subsequent or supplemental EIR/IS-ND/MND unless "substantial changes" in the project or its circumstances will require major revisions to the EIR/IS-ND/MND. This section comes into play because in-depth review has already occurred, the time for challenging the sufficiency of the original EIR/IS-ND/MND has long since expired, and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process.
- B. City staff and project applicants are encouraged to carefully review Public Resources Code Section 21166 and CEQA Guidelines Section 15162 in situations in which prior environmental documentation was completed relating to the project.

6.800 Streamlined Review (CEQA Guidelines §§15180, 15181, 15182, & 15183)

Within the CEQA Guidelines, provisions are established to minimize the need for redundant environmental documentation. Generally, these provisions contain standards for review of projects within the context of previously reviewed and circulated environmental documents for projects that had a broad scope. Project applicants and City staff are encouraged to review CEQA Guidelines Sections 15180 through 15183 to determine whether the processing of a project may be streamlined under these sections.

Section 7.000 Exemptions

7.100 Exemptions (CEQA Guidelines §15061, §15250, § 15300, §15260)

Some projects may be exempt from the requirements of CEQA. Exemptions fall into different categories that are described below.

7.110 Statutory Exemptions

Statutory exemptions are those actions specifically exempted from CEQA review by the California Legislature.

7.120 Categorical Exemptions

Categorical exemptions are those given to groups of projects that have been specifically exempted by the California State Resources Agency. Project applicants and City staff should review CEQA Guidelines § 15300-15333 (Categorical Exemption and Exceptions therefrom).

7.200 Notice of Exemption (CEQA Guidelines §15062)

A Notice of Exemption should be filed with the County Clerk by the City staff when a determination is made that the activity is exempt from CEQA and the decision-making body approves or determines to carry out the project. The Notice of Exemption should cite the CEQA State Guidelines and include:

- the Project Description;
- the Project Location (street address, cross street, USGS 15' or 7 ½' map);
- a Finding of Exemption, including the exemption type; and
- a brief Supporting Statement for the finding.

Section 8.000 Initial Study/Negative Declaration

If a proposed activity is not exempt from CEQA (see Exemptions, Section 7.000), City staff must evaluate the project to determine whether a Negative Declaration (ND) or Mitigated Negative Declaration (MND) should be prepared or if an Environmental Impact Report (EIR) is required; this evaluation is made via completion of an Initial Study.

However, if it is determined that the project will have a significant effect on the environment and that an EIR is required, an Initial Study may be prepared to assist in determining the scope of the EIR.

8.100 Initial Study (CEQA Guidelines §15063)

City staff utilizes the Initial Study to determine the type of action required under CEQA. The primary sources of project information for the Initial Study are the application and the Environmental Questionnaire (CEQA Guidelines §15102), as well as any other environmental documents required of the applicant by the City staff.

8.200 Purpose of an Initial Study

The specific purposes of an Initial Study are to:

- Provide City staff with the information necessary to determine whether the project will require an EIR (See Environmental Impact Report) or Negative Declaration (See Negative Declaration);
- Identify potential environmental impacts early in the design of a given project;
- Enable the applicant and/or City staff to make modifications to a project, mitigating identified potential environmental impacts before preparation of an EIR [This makes it possible for a project to qualify for a Mitigated Negative Declaration (see Mitigated Negative Declaration)];
- Document the factual basis for finding, in a Negative Declaration, that a project will not have a significant effect on the environment;
- Assist in the preparation of an EIR, if one is required, by
 1. Focusing the EIR on the effects determined to be significant,
 2. Identifying the effects determined not to be significant, and
 3. Explaining the reasons for determining that potentially significant effects would not be significant.
- Eliminate unnecessary EIRs; and
- Determine if a previously prepared EIR may be utilized for the project. [See "Tiering", CEQA Guidelines §15063(b)(1)(C)]

8.300 Preparation and Content of Initial Studies (CEQA Guidelines §15063)

The City shall cause an Initial Study to be prepared with the project applicant completing the preliminary environmental data form and any substantial evidence that the project proponent deems relevant, and will facilitate the environmental review of a project, should be submitted along with the project application. The City may request, and the project proponent and responsible agencies shall provide upon such request, additional information, studies or reports deemed necessary for the preparation of the Initial Study.

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8.400 Determination (CEQA Guidelines §§15074, 15107, 15109, Public Resources Code §21091)

- A. The Environmental Manager or his or her designee or any City Department or Commission making a recommendation to the decision-making body shall review and consider the proposed Negative Declaration or Mitigated Negative Declaration before making a recommendation.
- B. Before approving a project, the decision-making body shall consider the proposed Negative Declaration or Mitigated Negative Declaration together with any comments received and considered during the public review process.

8.500 Negative Declarations (CEQA Guidelines §15070)

If City staff determines that, based upon the Initial Study and the record relating to a proposed project that there is no substantial evidence that the project may have a significant environmental effect, a Negative Declaration may be prepared

8.600 Mitigated Negative Declarations (CEQA Guidelines §15070)

A Mitigated Negative Declaration is a Negative Declaration that includes Mitigation Measures. If City staff determines that, based upon the Initial Study and the record relating to a proposed project, with the imposition of mitigation measures, there is no substantial evidence that the project may have a significant environmental effect, a Mitigated Negative Declaration may be prepared

8.610 Mitigation Measures (CEQA Guidelines §15370)

Creativity, reasonableness, and practicality should be used in developing mitigation measures for identified impacts. The same standards apply to both Mitigated Negative Declaration mitigation measures and EIR mitigation measures. In short, Mitigation Measures should:

- Avoid the impact altogether by not taking a certain action, or parts of an action;
- Minimize impacts by limiting the degree or magnitude of the action and its implementation;
- Repair, rehabilitate, or restore an impacted environment;
- Reduce or eliminate the impact over time by preservation and maintenance during the life of the action; and compensate for the impact by replacing or providing substitute resources or environments.

8.620 Mitigation Monitoring and Reporting Programs (CEQA Guidelines §15097, Public Resources Code §21081.6)

Mitigation measures incorporated into a Mitigated Negative Declaration must be monitored in order to ensure compliance. (See Section 10.000 of these Policies and Procedures)

8.700 Previous Environmental Studies

In order to reduce duplication and redundancy in the environmental review process, Lead Agencies may make changes in existing environmental documents or refer to previous documents to comply with CEQA. (See Section 6.700 and 6.800 of these Policies and Procedures.)

8.800 Notice of Determination (CEQA Guidelines §15075 & Public Resources Code §21092)
City staff, under the direction of the Environmental Manager or his or her designee, shall file a Notice of Determination with the County Clerk within five working days after the Negative Declaration or Mitigated Negative Declaration has been approved by the decision-making body. If the project requires a discretionary approval from any state agency, or if the environmental review was conducted through the State Clearinghouse, the Notice of Determination also shall be filed with the State Clearinghouse within the same time period. For projects with more than one phase, a notice of determination shall be filed for each phase requiring a discretionary approval.

9.000 Environmental Impact Report

9.100 Decision to Prepare an EIR (CEQA Guidelines §§15060, 15063 & 15102)

- A. If the City determines based upon the Initial Study (See Initial Study, Section 8.000) or other evidence in the record relating to the project that a project may have a significant effect on the environment, which cannot be eliminated by changing the project or adding mitigation measures, City staff will initiate the preparation of an EIR. If an EIR is clearly required, further initial review of the project may be eliminated and work begun immediately on the EIR. The City may wish to use the Initial Study in order to identify what issues need and need not be addressed in the EIR.
- B. City staff shall notify the applicant by letter that an EIR is required. The applicant shall then remit a fee (See Section 7.700) in order to continue processing the application. This fee shall not cover the cost of retaining a consultant to prepare the EIR.

9.200 Notice of Preparation (Public Resources Code §21080.4 & CEQA Guidelines §15082)

- A. In accordance with CEQA Guidelines Section 15082, a notice of preparation shall be forwarded to the State Clearinghouse and all responsible agencies, trustee agencies responsible for resources affected by the project and federal agencies involved with approving or funding the project. The Notice of Preparation shall be distributed and processed within CEQA Guidelines Section 15082.
- B. The purpose of a Notice of Preparation is to provide the public and other agencies. with notification that an EIR is being prepared and to seek guidance about significant environmental issues and mitigation measures that should be explored.

9.300 Scope of an EIR (CEQA Guidelines §15082)

- A. The extent of analysis in the EIR shall be determined in part by the Initial Study and responses to the Notice of Preparation.
- B. The EIR should focus on potentially significant impacts, and need not discuss items determined to be insignificant by the Initial Study, or items not raised in response to the Notice of Preparation.
- C. The Environmental Manager shall determine the steps necessary to comply with the scoping and consultation requirements of CEQA and the CEQA Guidelines. City staff may also consult directly with any person or organization that has expressed interest in the environmental effects of the project.

9.400 Contents of EIRs (CEQA Guidelines §15126)

Under CEQA, EIRs are required to contain certain subjects, or elements. The EIR shall include a table showing where each of the subjects is discussed.

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9.500 Notice of Completion

- A. In accordance with CEQA Guidelines Section 15085, a Notice of Completion must be filed with the Office of Planning and Research as soon as the Draft EIR is completed (See Section 5.520). The Notice of Completion shall include:
- A brief description of the project,
 - The proposed location of the project (street address, cross street, USGS 15' or 5 1/2' Quad.)
 - An address where copies of the draft EIR is available,
 - The period during which comments on the draft EIR will be received,
- B. The Notice of Completion will provide the basis for information published in the California EIR Monitor. Where the EIR will be reviewed through the State Clearinghouse, the cover form required by the State Clearinghouse will serve as the Notice of Completion.
- C. A copy of the Notice of Completion shall also be filed with the Monterey County Clerk for a minimum of thirty (30) days, in accordance with Section 21092.3 of the Public Resources Code.

9.600 Public Notice and Review of Draft EIR (CEQA §15087 & §21092)

City staff shall notify the public of the availability of a Draft EIR and provide opportunities to review it and any related documents.

- A. Notice of the availability of the Draft EIR shall be posted in the County Clerk's office for 30 days.
- B. The public review period for an EIR is 45 days unless modified with the consent of the State Office of Planning and Research.
- C. The notice shall be sent to all organizations and individuals that have previously requested such notice.
- D. Notice shall also be given using at least one of the following procedures:
- Publication at least one time in a local newspaper;
 - Posting on and off the site in the vicinity of the project; or
 - Direct mailing to owners and occupants of property contiguous to the parcel(s) on which the project is located.
- E. These notification requirements are in addition to any other notification requirements associated with a project.

9.700 Response to Comments (CEQA Guidelines §15088 & Public Resources Code §21092.5)

- A. After the review period for the Draft EIR closes, City staff shall assemble all written comments and prepare responses to transmit them to the consultant for preparation of the

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Response to Comments.

- B. If significant environmental issues are raised, the Response to Comments must describe the revisions to the proposed project to mitigate the anticipated impacts or objections.
- C. At least 10 days before certifying the EIR, the Response to Comments must be provided to all agencies or individuals that commented on the Draft EIR.

9.800 Preparation of the Final EIR (CEQA Guidelines §15088 & §15132)

- A. A final EIR shall be prepared under the supervision and at the direction of the City following public review.
- B. A final FIR shall contain:
 - The Draft EIR or a revision of the Draft EIR.
 - Comments and recommendations received on the Draft EIR either verbatim or in summary.
 - A list of persons, organizations and public agencies commenting on the Draft EIR.
 - The responses of the City to significant environmental points raised in the review and consultation process of the Draft EIR.

9.900 Certification of the Final EIR(CEQA Guidelines §15090)

The decision-making body with approval power over the proposed project shall certify that the Final EIR is in compliance with CEQA, was reviewed and considered prior to project approval, and reflects the independent judgment of the body.

9.1000 Statement of Overriding Considerations (CEQA Guidelines §15093 & Public Resources Code §21002)

CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "Acceptable". City staff or the environmental consultant will prepare proposed statements of overriding consideration for the consideration of the decision-making body in accordance with CEQA Guidelines Section 15093.

Section 10.000 Mitigation Monitoring and Reporting

10.100 Mitigation Monitoring and Reporting Authority and Purpose (CEQA Guidelines §15097)

The purpose of this policy provision is to establish a Mitigation Monitoring and Reporting program that will ensure compliance with all environmental mitigation measures and conditions on new discretionary development projects undertaken or approved by the City. The City staff, under the direction of the Environmental Manager, shall be responsible for the preparation of the Mitigation Monitoring and Reporting plan for all projects which are approved with the imposition of mitigation measures. The Program shall be prepared in accordance with CEQA Guidelines Section 15097. The plan shall be presented to the decision-making body. If the project is approved, the plan, as amended by the decision-making body, must be adopted as part of the project approval process. The Environmental Manager shall be responsible to ensure the implementation of mitigation measures.