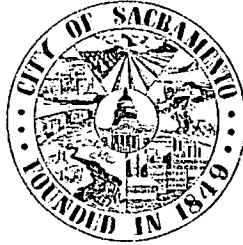


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DEPARTMENT OF
PLANNING AND DEVELOPMENT
October 15, 1991

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
SACRAMENTO, CA

ADMINISTRATION
ROOM 300
95814-2987
916-449-5571

City Council
Sacramento, California

APPROVED
BY THE CITY COUNCIL

NOV 05 1991

Honorable Members In Session:

OFFICE OF THE
CITY CLERK

as amended

ECONOMIC DEVELOPMENT
ROOM 300
95814-2987
916-449-1223

SUBJECT: RESOLUTION ADOPTING REVISED LOCAL
ENVIRONMENTAL PROCEDURES

ENVIRONMENTAL SERVICES
ROOM 301
95814-3982
PH 916-449-2037
FAX 916-449-1221

LOCATION CITY

SUMMARY

This report recommends that the City Council adopt the attached resolution amending and updating the City of Sacramento's environmental procedures established by resolution 78-182.

COMMITTEE ACTION

None. The revised procedures were included as an informational item in the Planning Commission packet of September 19, 1991. One comment was received from SOCA requesting that all verbal testimony at hearings be responded to by staff. That clarification has been made in the procedures.

STAFF RECOMMENDATION

The recommendation of this report is that the City Council adopt by resolution the "City of Sacramento Local Environmental Procedures for the Preparation of Environmental Documents under the California Environmental Quality Act Guidelines" (Exhibit A).

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BACKGROUND

The City Council first adopted local environmental procedures on March 21, 1978. These procedures were later amended by resolution 87-327 to specify changes to the appeal process. In general, the City's environmental procedures have not been updated since 1978 and do not presently reflect changes in the City organizational structure nor changes that have been made by the California legislature to the California Environmental Quality Act Guidelines (CEQA Guidelines).

In order to update our procedures, staff reviewed the procedures of the County of Sacramento and the City of Los Angeles. In both cases these procedural guidelines are substantial and contain the daily working procedures of the environmental units.

The goal in updating our own City CEQA guidelines is not so much to set out daily working procedures, since they are already covered in procedural manuals written by the Division, but to streamline the process and leave it flexible for change. A brief survey of the Division's progress over the last year and-a-half will show that a comprehensive daily procedures manual is not necessary in that staff has already:

- o written a set of in-house procedural manuals on how to:
 - 1) carry out various administrative procedures,
 - 2) prepare categorical exemptions and negative declarations, and
 - 3) prepare environmental impact reports
- o kept a tracking database on how long it takes to process environmental reviews. The results of the data have been used to establish completion milestones for the Division. Those milestones are:
 - 1) 2 days for completion of a categorical exemption
 - 2) 8 weeks (or less) for completion of a routine negative declaration
 - 3) 20 weeks (or less) for completion of a complex negative declaration
 - 4) 10 months (or less) for completion of a C-3 (CBD) environmental impact report
 - 5) 8-16 months for completion of a complex environmental impact report
- o There is now a procedure in place to keep the EIR applicants up-to-date on the status of their schedule, budget, and issues. This procedure includes written notification and an updated monthly balance sheet on the project.
- o To guarantee that the City acts as a whole on environmental concerns, the Division has set up an environmental clearinghouse that meets every two weeks

to review both in-house and other agency documents. The purpose of this group is to coordinate City comments and concerns. There is a clearinghouse procedures guide and statement of roles and responsibilities so that each person understands the purpose of the group.

- o One of the more expensive parts of environmental review has been the use of consultants for modelling studies in the area of air quality and noise. Staff is presently being trained in specific areas such as noise modelling, air quality modelling, traffic issues, federal and state statutory requirements such as wetlands, 404 permits, State Lands Commission river issues and endangered species to provide expertise in these areas of often murky regulatory requirements. While often these issues are complex and take time to analyze, this will provide staff with the ability to speed up the review and cut down on costs.
- o The RFP process for consultants had evolved into a cumbersome three to five month selection process. After an initial review of the process, staff has revamped it and hires very few consultants preferring to use staff to write documents. For specialty areas, a list of qualified consultants is maintained and a three to four week proposal request is used to hire.
- o The Division is presently ten months into the completion of a master EIR template for the CBD (C-3) area of downtown. This is something that has been discussed over the years, and will help streamline both the time and cost to prepare environmental documents for downtown projects. It is anticipated that this template will be complete in the next ten months. The hope is that the master template will cut EIRs from 10 months to 5 months for CBD projects.
- o Adopting less time consuming and more cost effective traffic modeling has been a critical concern of the Division. A consultant model is presently being prepared that will rely on absorption data rather than the old process of relying on known developer applications for mid-range and long-range traffic projections. Once developed this model will be maintained by planning staff and may prove applicable to areas outside of the CBD. The model should prove to be fast and cost effective.
- o The most effective way of streamlining the environmental process is to create standards that can be used for project evaluation and CEQA signoff. The Division has developed such standards for Infill Housing and is participating in a project that will develop standards and mitigation for the Swainsons Hawk. Standards, if met, can satisfy the environmental requirements that the project is not creating significant environmental impacts and allow fast processing rather than lengthy review.
- o Two years ago, there was minimal cost accounting for major environmental

projects. A system is now in place that produces a monthly balance sheet on each project. This allows staff to effectively monitor the cost of projects and provide information to applicants.

Based on the progress outlined above, staff believes that the Division should maintain lean and flexible City guidelines that rely on their parent document, the State's CEQA Guidelines as the more exhaustive environmental document. Only where specific local requirements such as appeals and mitigation monitoring plans are not specified in the CEQA Guidelines, do the City Procedures call out specific local procedures to be followed.

FINANCIAL CONSIDERATIONS

None.

POLICY CONSIDERATIONS

The purpose of the revised City Procedures is to bring them into conformity with the organizational structure of the Environmental Services Division and the revisions to the State CEQA Guidelines. In addition, the specific purpose of these procedures is to establish local application of the CEQA Guidelines and assign responsibility to designated personnel and to establish local procedures. In the event of any conflict between the CEQA Guidelines and the City Procedures, the CEQA Guidelines shall control.

MBE/WBE

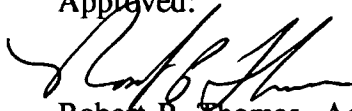
None.

Respectfully Submitted:



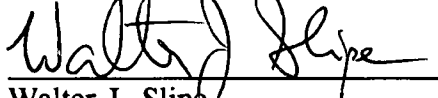
Carol L. Branan, Manager
Environmental Services Division

Approved:



Robert P. Thomas, Acting Director *ml*
Planning and Development Department

RECOMMENDATION APPROVED:



Walter J. Slipe
City Manager

For City Council Meeting of:
November 5, 1991

Contact Person: Carol L. Branan, Manager - 449-2037

RESOLUTION NO. 91-892

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION ADOPTING REVISED LOCAL ENVIRONMENTAL PROCEDURES

WHEREAS, the City Council has not updated the City's environmental procedures since 1978 and they do not presently reflect changes in the City organizational structure nor changes that have been made to the California Environmental Quality Act Guidelines (CEQA Guidelines), and

WHEREAS, the Planning Commission of the City of Sacramento heard this item in special session on September 19, 1991 and requested two minor revisions which are reflected in the current text, and

WHEREAS, the City Council has considered the information contained in the proposed procedures and staff report including all public testimony,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The City Council hereby adopts the attached City of Sacramento Local Environmental Procedures for the Preparation of Environmental Documents under the California Environmental Quality Act Guidelines.

MAYOR

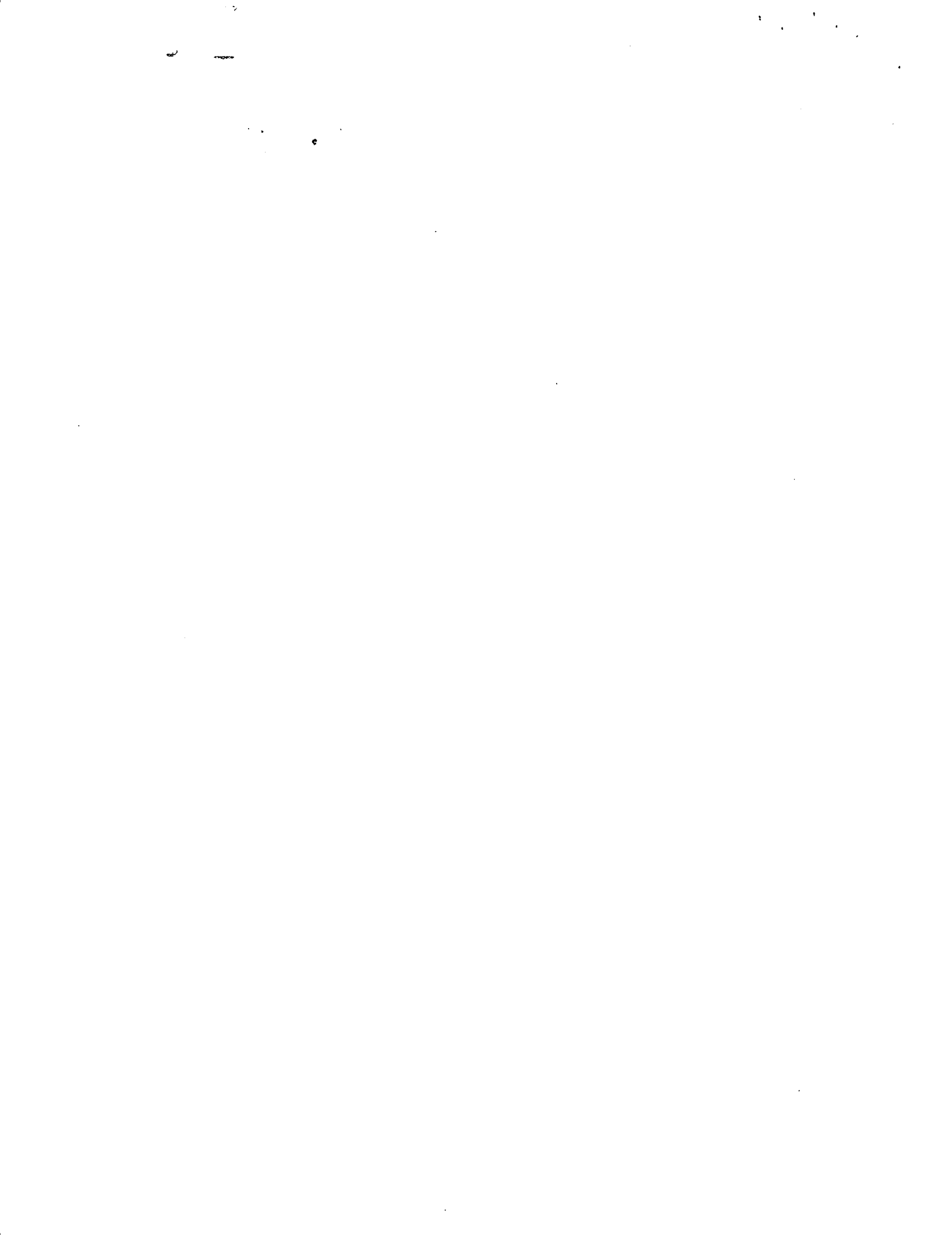
ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____



CITY OF SACRAMENTO
LOCAL ADMINISTRATIVE PROCEDURES
FOR THE PREPARATION OF
ENVIRONMENTAL DOCUMENTS UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

ARTICLE I - GENERAL

Section 1.1 Reference

This document shall be cited as the "Sacramento Local Environmental Procedures". This document is hereinafter referred to as "procedures".

Section 1.2 Authority

These procedures have been adopted pursuant to the requirements of the California Environmental Quality Act of 1970, as amended, referred to hereinafter as ("CEQA") {Public Resources Code Section 21000 et seq} and the guidelines promulgated by the Resources Agency of California (California Administrative Code, Title 14, Division 6, Chapter 3 referred to herein as "guidelines".

Section 1.3 Purpose

The specific purpose of these procedures is to make specific local application of duties imposed by CEQA in the guidelines and assign responsibility to designated personnel. In the event of any conflict between CEQA, the Guidelines and these procedures, CEQA and the Guidelines shall control.

The provisions of these procedures shall not be deemed to supersede any duty or obligation imposed by CEQA or the Guidelines or judicial interpretation thereof.

ARTICLE II - ADMINISTRATIVE PROCEDURES

Section 2.1 Projects

For purposes of these requirements, projects shall be defined into two categories:

- (a) Non-City Projects - those projects for which a private or non-City public

entity (school districts, etc.) seeks an entitlement which requires discretionary approval from the City.

- (b) City Projects - those projects that the City itself undertakes.

Section 2.2 Responsibility for Functions

The Manager, Environmental Services Division, Department of Planning and Development (Manager ESD) shall be the person occupying the position in the city managers's staff designated as responsible for compliance with CEQA and the Guidelines for all projects. Projects shall include those projects that the City itself undertakes and those private projects for which the City grants a discretionary entitlement.

Section 2.3 Rules, Regulations and Procedures

The Manager ESD shall have the authority to promulgate such rules, regulations and procedures that are deemed necessary, convenient, more expeditious or cost effective in the discharge of responsibilities pursuant to these procedures so long as the rules, regulations and procedures are consistent with CEQA, the Guidelines and these procedures.

Section 2.4 Public Comments on Environmental Impact Reports

Draft Environmental Impact Reports shall be circulated for public review as specified in the Guidelines. Longer review periods may be granted by the Manager ESD if deemed appropriate. The request for extension of the public review period must be in writing and must be received by the Manager ESD prior to the close of the public review period.

All comments on the Draft EIR shall be submitted to the Manager ESD in writing during the public review period. Comments submitted after the end of the public comment period will not be accepted. All comments received by the Manager ESD within the public review period shall be addressed in the Final EIR.

Section 2.5 Appeal Procedures (Non-City Projects)

This article shall apply to any person aggrieved by any decision on the merits of any action (except a decision to approve or disapprove a project) taken by the City pursuant to CEQA.

- (a) Actions subject to appeal shall include:
 - (1) Determination to prepare an EIR
 - (2) Failure to prepare a Negative Declaration or EIR
 - (3) Decision to ratify a Negative Declaration

- (4) Decision to certify an EIR
- (5) Decision to not ratify a Negative Declaration or Certify an EIR
- (b) Any person appealing shall file a Notice of Appeal pursuant to Section 18 of the Comprehensive Zoning Plan of the City of Sacramento.
- (c) Any appeal shall not operate to stay any hearing or action by the Planning Commission where a private project consists both of land use entitlements on which the Planning Commission can take final action and land use entitlements on which the Planning Commission will take advisory action and the City Council must take final action. In such a case, the Planning Commission may, notwithstanding such an appeal, ratify the negative declaration or certify the final EIR and act on all project entitlements as if said appeal had not been filed. Any Commission action shall be deemed final only if the Commission's recommendation to ratify the negative declaration or certify the EIR is affirmed by the City Council.

Section 2.6 Fees (Non-City Projects)

- (a) Each private applicant shall pay in advance an application fee for the processing of each project.
- (b) In the event that the actual cost of preparing the environmental document exceeds the application fee, the applicant shall be advised in writing, by certified mail, of the additional estimated costs. No further work will be done to complete processing the environmental document until the fee is deposited with the City. The cost of preparation shall be based on estimated hours of staff and consultant time (including overhead and administrative costs), material and production costs, and other miscellaneous costs.

Section 2.7 Withdrawal of Application (Non-City Projects)

- (a) An application shall be deemed withdrawn when after having been notified by written request from the Manager ESD for specific information, the applicant has not submitted such information as required by the Manager ESD within thirty (30) days after mailing of the written request unless a longer period of time has been granted by the Manager ESD. The Manager ESD shall not grant a longer period of time for the provision of information unless the applicant agrees to waive or extend the time limits provided by CEQA for the preparation of a Negative Declaration or EIR, whichever is appropriate, for the same number of days as the information period is extended.
- (b) An application shall be deemed withdrawn when after having been notified by written request from the Manager ESD that an additional fee is required, the applicant has not paid such fees within 10 days after mailing

- of the written request.
- (c) If an application is deemed withdrawn under this section, the applicant shall be entitled to a refund of that amount of the Negative Declaration or EIR preparation fee not yet expended by the time the application is deemed withdrawn.

ARTICLE III - MITIGATION MONITORING OR REPORTING PROGRAM

Section 3.1 Definitions

- (a) Applicant:
 - (1) The person or entity listed as the Applicant on a project application;
 - (2) The record owner of the real property that is the subject of the Project at the time of the application for the Project;
 - (3) Successive record owners or other persons who obtain an interest in the subject real property, or portion thereof, after submission of the application for the Project but prior to fulfillment all of the provisions of an adopted Plan.
- (b) Approving Body - The City Council, the Planning Commission, the Planning Director, or any other person, board or commission having authority to approve a Project.
- (c) Plan - Mitigation Monitoring Plan
- (d) Project - as defined in the California Environmental Quality Act ("CEQA") and as found at Public Resources Code Section 21000 et. seq.

Section 3.2 Application

- (a) For every Project which is subject to either an Environmental Impact Report or a Negative Declaration, a Plan shall be required for such Projects for which mitigation measures are adopted as a condition of project approval.
- (b) The Plan shall be implemented subject to the provisions of the adopted Plan. Violation of such provisions may be subject to civil and criminal penalties pursuant to Sections (3.4) and (3.5), below.

Section 3.3 Funding

The fee for a Plan shall be the amount determined by the City to be the actual direct and indirect costs incurred by the City for the preparation, administration, implementation, and enforcement of that Plan.

- (a) The fee for the actual cost of preparing and adopting a Plan shall be paid

- prior to adoption of the Plan and approval of the Project.
- (b) Fees for the administration, implementation, and enforcement of the Plan shall be paid at the time specified in the Plan.

Section 3.4 Civil And Administrative Remedies

The City may carry out enforcement or remedial actions as permitted by law, including, but not limited to, the following:

- (a) Collection upon any financial assurance including, but not limited to, any letter of credit;
- (b) Injunctive relief;
- (c) Issuance of a stop work order subject to the following:
 - (1) If there is a violation of the Plan, a stop work order may be issued which shall prohibit further work on the Project that is the subject of the adopted Plan.
 - (2) Authority to recommence work on the Project that is the subject of an adopted Plan after issuance of a stop work order may be granted upon establishment of such terms, conditions, and requirements as are reasonably necessary to protect the public health, safety, and welfare and as are consistent with the provisions of the adopted Plan.
- (d) Revocation of any special permit granted as a condition of Project approval;
- (e) Abatement of a nuisance;
- (f) In the event that the City Attorney brings an action pursuant to subsection b) above, the City of Sacramento shall be entitled to recover reasonable attorney fees and costs.

Section 3.5 Criminal Penalties

Infraction - Any violation of a Plan shall constitute an infraction, punishable in accordance with the provisions of Sacramento City Code Section 1.4.

RESOLUTION NO. 91892 as amended

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

APPROVED
BY THE CITY COUNCIL

NOV 05 1991

RESOLUTION ADOPTING REVISED LOCAL ENVIRONMENTAL PROCEDURES

OFFICE OF THE
CITY CLERK

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MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT A

CITY OF SACRAMENTO

LOCAL ADMINISTRATIVE PROCEDURES
FOR THE PREPARATION OF
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