

ENVIRONMENTAL REVIEW PROCEDURES

of the

City of Chula Vista

Adopted by the
Chula Vista City Council

Resolution No. 11086
(as amended by Resolution No. 16835 and 2011-058)

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Section 1 **INTRODUCTION**

1.1 Purpose and Intent

It is the intent of the Chula Vista City Council to establish standardized procedures to implement the California Environmental Quality Act (CEQA) in an efficient and streamlined manner in accordance with California Public Resources Code § 21003, which procedures shall meet the objectives and procedural requirements of CEQA, including those identified in CEQA Guidelines Section 15006. In addition, the City shall meet all of the substantive provisions of CEQA to ensure that discretionary actions of the City avoid or minimize, to the extent feasible, significant environmental impacts of a proposed project.

These environmental review procedures have been developed to meet the following goals: 1) early identification of environmental issues by requiring submission of adequate information early in the environmental review process, and 2) maintain consistency in review process and the evaluation of substantive issues during such review and the preparation of necessary environmental documents (i.e. Negative Declarations (ND), Mitigated Negative Declarations (MND), and Environmental Impact Reports (EIR)).

1.2 Policy Statements

1.2.1 In implementing the purpose and intent of the California Environmental Quality Act, the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in City decision-making.

1.2.2 It is the policy of the City of Chula Vista that every discretionary project that it carries out or approves shall avoid or mitigate, to the extent feasible, all significant environmental impacts.

1.2.3 The City shall integrate the requirements of CEQA with planning and environmental review procedures otherwise required by law or in accordance with these procedures, so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively.

1.2.4 Documents prepared pursuant to this division shall be organized and written in a manner that will be meaningful and useful to decision-makers and to the public.

1.2.5 Environmental impact reports shall omit unnecessary descriptions of projects and emphasize feasible mitigation measures and feasible alternatives to projects.

- 1.2.6 Information developed in individual environmental impact reports shall be incorporated into a database, which can be used to reduce delay and duplication in preparation of subsequent environmental impact reports.
- 1.2.7 Information developed in environmental impact reports and negative declarations shall be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations.
- 1.2.8 The City and all persons involved in the environmental review process shall be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment.
- 1.2.9 In order to minimize adverse impacts to the environment, the evaluation of environmental issues should occur as early on in the planning and design process as possible, including an assessment of opportunities and constraints such as physical, policy and regulatory issues.
- 1.2.10 The project design should be developed with consideration of the issues identified in the early evaluation. Where necessary, mitigation measures should be included in the project to lessen adverse impacts, and alternatives to the project considered, including the possibility of no project.
- 1.2.11 Projects subject to the provisions of CEQA shall not be considered by an advisory, decision-making, or appeal authority of the City of Chula Vista, unless said authority reviews and considers the associated environmental document (i.e. ND, MND, final EIR, or any addenda thereto) and where necessary makes associated findings as required by CEQA.

1.3 Acronyms and Abbreviations

The various laws, codes, documents and committees used in these procedures are designated by the following initials:

| | |
|---|-------------------|
| California Environmental Quality Act | - CEQA |
| Title 14 California Administrative Code | - CEQA Guidelines |
| Development Services Director | - DSD |
| Environmental Impact Report (Draft or Final) | - EIR |
| Environmental Impact Statement (Draft or Final) | - EIS |

| | |
|---|--------|
| Initial Study | - IS |
| Mitigated Negative Declaration | - MND |
| National Environmental Policy Act of 1969 | - NEPA |
| Negative Declaration | - ND |
| Preliminary Environmental Review | - PER |
| Request for Proposal | - RFP |

Section 2 **GENERAL PROVISIONS**

2.1 When CEQA Applies

The requirements set forth in these procedures apply to *projects* that may have any possible significant effect on the environment and that involve *discretionary action* by the City of Chula Vista. CEQA defines a “project” as an activity carried out, supported by, or authorized by a public agency “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (Pub Res C 21065). A “discretionary action” is defined in CEQA as a “project that requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations” (CEQA Guidelines Section 15357).

Where it can be determined with certainty that the activity in question will not have any possible significant direct or indirect physical effect on the environment, or is not a project, the activity is not subject to the requirements set forth in CEQA, nor these procedures. These procedures also do not apply to projects that the City rejects or disapproves (CEQA Guidelines Section 15270). The DSD shall have the review authority to make this determination.

2.2 Incorporation of the State CEQA Requirements

The State of California Public Resources Code 21000-21178 (CEQA Statutes) and California Code of Regulations 15000-15387 (CEQA Guidelines) are hereby adopted and incorporated by reference as part of these environmental review procedures. The procedures herein provided are those necessary to tailor the State CEQA Statutes and Guidelines to the specific operations of the City of Chula Vista, are necessary to provide general background or incorporate specific guideline requirements pursuant to CEQA Guideline Section 15050 (c).

2.3 Projects Requiring Preparation of a Negative Declaration (ND), Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR)

2.3.1 Public Projects

When a department of the City of Chula Vista plans to carry out a project that is neither categorically nor statutorily exempt from CEQA review, the department shall apply to the Development Services Department for an IS, which may result in the preparation of a draft ND, MND, or EIR.

2.3.2 Private Projects

When a project to be carried out by a non-governmental person or entity is neither statutorily nor categorically exempt from CEQA and is subject to the discretionary approval, financial support or some other involvement by the City of Chula Vista, environmental documents shall be prepared directly by the City of Chula Vista or by contract with an approved consultant. All costs incurred by the City or any environmental consultant hired by the DSD to perform environmental analysis and/or prepare an ND, MND, or EIR, shall be paid by the project applicant.

2.3.3 Multi-Agency Projects

When a project is to be considered by the City of Chula Vista and other public agencies, only one environmental document shall be prepared, and that document shall be prepared by the Lead Agency as defined in the state CEQA Guidelines Section 15051.

Section 3 PROJECTS EXEMPT FROM ENVIRONMENTAL REVIEW

3.1 Introduction

Even though an agency action may be considered approval of a “project,” as defined by CEQA, such action may still be exempt from CEQA review. Two categories of exemptions exist.

3.1.1 Types of Exemptions

a Statutory Exemptions

The State CEQA Guidelines Article 18 - Statutory Exemptions (Section 15260-15285) contain a number of activities that are exempt from the provisions of the CEQA Statutes and these

activities are also exempt from the City of Chula Vista's environmental review procedures, which are incorporated herein by reference.

b. *Categorical Exemptions*

The State CEQA Guidelines Article 19 - Categorical Exemptions (Sections 15300-15333) contain a number of activities that have been determined not to have a significant effect on the environment and are, therefore, exempt from the provisions of CEQA and, in addition, are exempt from the City of Chula Vista's Environmental Review Procedures. The categorical exemptions in CEQA Guidelines Sections 15300 - 15333 are incorporated herein by reference. The DSD shall consider CEQA Guidelines Section 15300.2 Exceptions when considering the use of a Categorical Exemption for a project.

3.2 Procedure for Evaluation and Determination of Exemption

3.2.1 Early Contact

The proponents of any project shall establish contact with the DSD at an early stage in the development process. The DSD shall advise the applicant on the procedures, requirements, time schedules and phasing, and other matters necessary for the implementation of these procedures.

Public agencies other than departments of the City of Chula Vista shall likewise establish early communication with the DSD in order to determine applicable requirements and arrange mutual, satisfactory procedures for the exchange of information between the City and such Public Agency and the processing of the project through the City's approval process.

Departments of the City of Chula Vista shall work with the DSD in generating and assembling information necessary for the evaluation of any City sponsored projects.

3.2.2 Documents Required

Project applicants, either public or private (other than the City of Chula Vista), may be required to submit a Preliminary Environmental Review application (PER) with the City of Chula Vista Development Services Department. The City may require preliminary environmental review and the preparation of associated technical reports at the time of application submittal, in order to determine if the project is subject to CEQA.

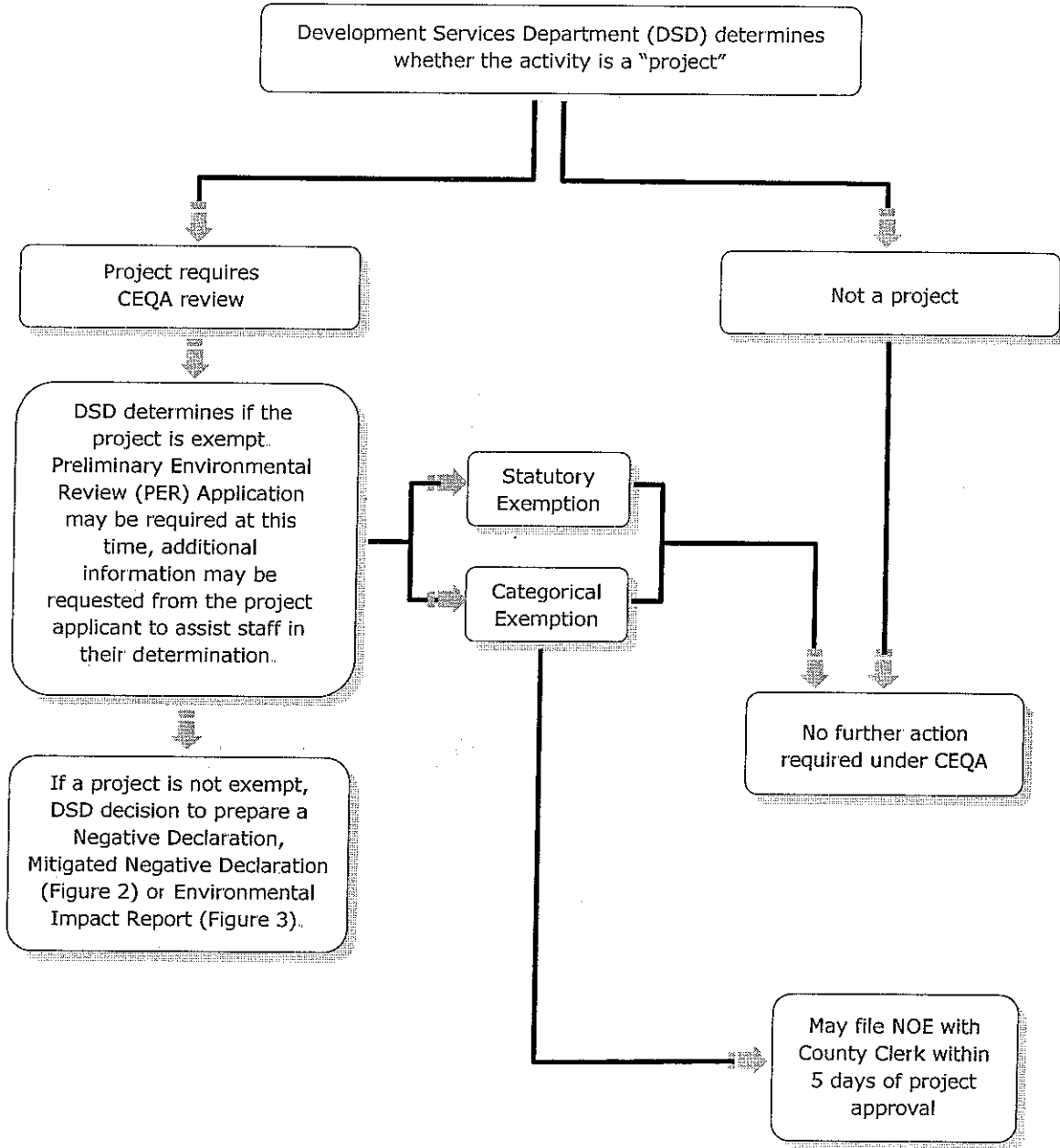
3 3 Determination That Exemption Applies to Action

The DSD shall review the documents and make a final determination as to whether a project is exempt. When a project is determined to be exempt from the requirements of CEQA, the DSD may prepare a Notice of Exemption (NOE) for filing with the County Clerk. The NOE should be filed, if at all, within 5 business days after approval of the project. The contents of the NOE shall be those specified in CEQA Guidelines Section 15062(a).

3 4 Appeal of Decision of Exemption

Pursuant to CEQA Guidelines Section 15061 (e), when a non-elected official or decision-making body of a local lead agency decides that a project is exempt from CEQA, and the public agency approves or determines to carry out the project, the decision that the project is exempt may be appealed to the local lead agency's elected decision-making body.

Figure 1
Initial Review



Section 4. **INITIAL STUDY OF PROJECT TO DETERMINE IF AN EIR IS REQUIRED**

When a project is found by the DSD to be subject to the requirements of CEQA, the project applicant shall submit or cause to be submitted, an application for an IS.

4.1 Application and Associated Documents

This application shall be on a form as prescribed by the DSD and shall include information such as technical reports, documents, or depictions necessary for a determination of significance. The applications shall be submitted in a quantity as specified by the DSD and be accompanied by the filing fee specified in the Master Fee Schedule.

4.2 Review for Completion

The DSD shall review the documents to assure that the application is complete and adequate to evaluate the project.

4.3 Notice of Initial Study (NOI)

When the application is found to be complete and adequate, the DSD shall mail a Notice of Initial Study to owners and occupants of property within 500 feet of the project site, as well as all other individuals and organizations that previously submitted written requests for notice (collectively "Interested Parties"). The owners/occupants of property within 500 feet of the project shall be those shown on the latest equalized assessment roll. If the project is not site specific, the DSD shall publish the NOI in a newspaper of general circulation.

This notice shall be mailed or published at least 10 days prior to the completion of the IS. A copy of the Notice of IS shall also be mailed to any responsible agency or agency having jurisdiction by law. All comments on the NOI must be made to the DSD in writing.

4.4 Completion of IS and DSD Determination

The DSD shall complete the Initial Study utilizing the City of Chula Vista's Initial Study checklist, as may be amended from time to time. The Initial Study shall consider any comments provided in writing to the DSD. Upon completion of the IS, the DSD will determine that one of the following situations exist:

4.4.1 There is no possibility that any aspect of the proposed project could cause a substantial adverse change in the environment, and

the DSD may recommend an ND to the appropriate decision-making authority for its consideration and final determination.

4.4.2 More information is necessary, and the IS shall be extended until submission of additional information is made. The additional information may include technical support document(s) or other information.

4.4.3 If upon review of the project and any supporting technical information submitted, it can be shown that all potential impacts have been mitigated to a level of insignificance, because the necessary mitigation measures have been added to the project or an alternate project substituted, the DSD may recommend an MND to the appropriate decision-making authority for its consideration and certification. The project applicant must revise the project plans to implement the mitigation measure or provide an enforceable commitment implementing the mitigation measures prior to a finding of insignificance.

4.4.4 Based on the findings in Section 4.5, one or more aspects of the project, either individually or cumulatively, may cause a significant direct or indirect impact to the environment and require that an EIR be prepared to evaluate the project and its consequences.

4.5 Mandatory Findings of Significance

A project shall be found to have a potential significant effect on the environment if:

4.5.1 The project has 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 major periods of California history or pre-history.

4.5.2 The project has possible environmental effects, which are individually limited, but cumulatively considerable. As used in this subsection, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past, present, and reasonably foreseeable future projects.

4.5.3 The environmental effects of a project will cause substantial, adverse effects on human beings, either directly or indirectly.

Section 5. **Negative Declarations and Mitigated Negative Declarations**

5.1 ND & MND Contents

The contents of an ND/MND shall be those as specified in CEQA Guidelines Section 15071. Generally, an ND/MND shall include a brief description of the project as proposed, including a commonly used name for the project, if any, project location and name of proponent, a finding that the project will not have significant effect on the environment; an attached copy of the IS, documenting reasons supporting the findings may be reviewed, and mitigation measures, if any, included in the project to avoid potentially significant effects.

5.2 Public Review - NOA

When the DSD issues a draft ND or MND, it shall be made available for public and agency review at the Development Services Department office. Every person who submitted written comments on the NOI, all responsible agencies and agencies with jurisdiction by law, other interested parties, and the project applicant, shall receive a notice of intent to adopt, also referred to as a Notice of Availability (NOA) of the proposed ND or MND. The public review period for the proposed ND or MND shall be provided in accordance with Section 15105 of the CEQA Guidelines as amended.

5.3 Notice of Intent to Adopt ND/MND

The NOA for an ND/MND shall include a statement of the proposed finding of no significant environmental impact and shall state that the ND/MND and IS are available for public review at the Development Services Department. The NOA shall also include the following:

- Brief Project Description
- Public Review Period
- Hearing date, if available
- If applicable, note if site is on Hazardous Waste list

Pursuant to CEQA Guidelines Section 15072(a) notice of the City's intent to adopt the ND/MND shall be given by at least one of the following three means: 1) publication of the notice of intent in an adjudicated newspaper of general circulation; 2) posting on and off-site in the project area; or 3) direct mailing to owners and occupants within 500 feet of the project site.

A copy of the NOA must be mailed to Interested Parties. The City of Chula Vista must also provide a copy of the NOA, the ND/MND, and IS to responsible agencies as defined in CEQA. The City of Chula Vista must provide a copy of the NOA to the County Clerk for posting.

5.4 Review of ND or MND by Decision-Making Authority

5.4.1 Presentation to Decision-Making Authority. The ND or MND shall be presented to the decision-making authority on the project subsequent to the close of the public review period, which period shall be in that provided in the CEQA Guidelines.

5.4.2 Consideration of Written Comments. All written comments relative to said proposed findings must be provided by the DSD to the decision-making authority together with the ND or MND. If no public hearing is to be held, the decision-making authority must consider all written comments on the proposed finding of no significant environmental impact.

a. *Receipt of Written Comments.* If written comments are received, additional time may be allowed prior to consideration of the ND or MND for evaluation of any input.

b. *No Written Comments.* If no written comments are received, the decision-making authority may consider the Negative Declaration or Mitigated Negative Declaration subsequent to the close of the public review period.

5.5 Adoption of ND or MND

5.5.1 No Significant Impacts. If the decision-making authority finds on the basis of the facts relative to the required findings, that the project will not have any significant impact on the environment, it shall adopt the ND or MND, and it shall become final. No further environmental review shall be required, except as otherwise provided in these procedures.

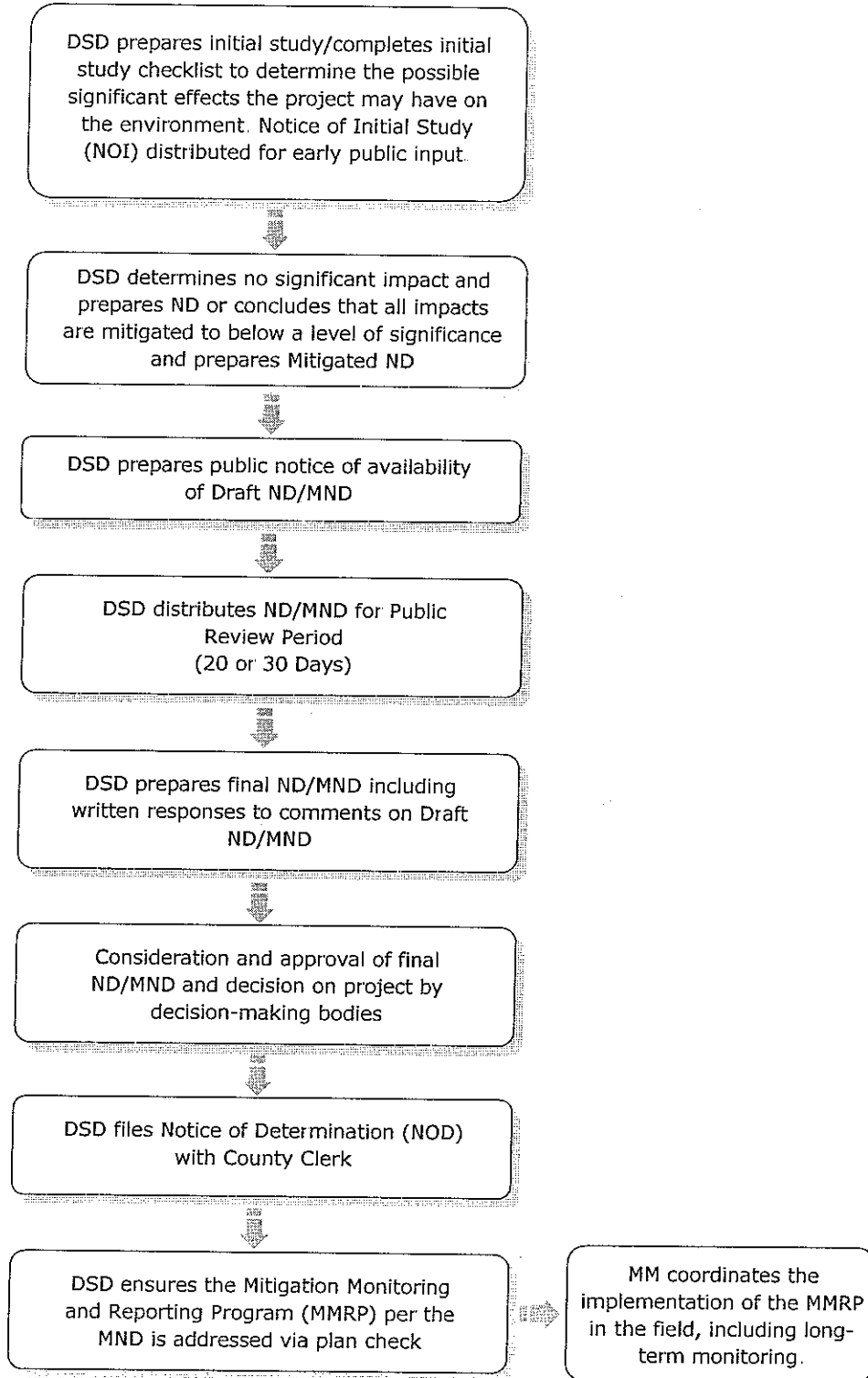
5.6 Filing of Notice of Determination and Statutory Time Limits.

After an ND or MND has become final and a determination has been made to approve or conditionally approve the project, the DSD shall file a Notice of Determination (NOD) with the County Clerk, and if necessary, with the State Office of Planning and Research (OPR) within 5 days of final project approval. The filing of the NOD commences a 30-day statute of limitations for filing court challenges. If the project has been denied, CEQA does not apply and no ND shall be filed.

5.7 Appeal

Pursuant to CEQA Guidelines Section 15074 (f), when a non-elected official or decision-making body of a local lead agency adopts an ND or MND, that adoption may be appealed to the local lead agency's elected decision-making body.

Figure 2
Negative Declaration (ND)/
Mitigated Negative Declaration (MND)



Section 6. PREPARATION AND PROCESSING OF ENVIRONMENTAL IMPACT REPORTS

6.1 Generally

6.1.1 Significant Impact

If after completion of an Initial Study, it has been determined that a project may have a significant environmental impact, the DSD shall initiate the preparation of the EIR as provided in these procedures. After conducting an IS, the DSD shall identify those areas of concern which could, based upon substantial evidence in the record, involve significant environmental impacts, either individually or cumulatively. These issues shall be discussed in the EIR.

Pursuant to CEQA Guidelines Section 15063, if the City can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be completed. The Initial Study can then be used to fully document the determination as to why some effects would not be significant and would also focus the scope of issues for the EIR.

6.1.2 Costs of EIR

The project applicant shall pay the fee as provided in the Master Fee Schedule and shall also deposit with the City an amount necessary to reimburse all city consultants providing environmental analysis of the project.

6.1.3 Independent Evaluation

The DSD shall be responsible for providing independent evaluation and analysis of the environmental document and for consulting with any person or organization which may be concerned with the environmental effects of the project and any responsible agency, trustee agency or any agency with jurisdiction by law.

6.1.4 Consultant Pre-qualification

The DSD shall prepare a list of consultants who are qualified to prepare EIR's on private projects. The list shall include firms who have established that they have met the standards formulated by the DSD. The DSD may also prepare a list of sub-consultants qualified to prepare specific sections or elements of an EIR or other technical reports

All consultants who wish to be considered for placement on the list of qualified consultants shall present sufficient information to the DSD so that it may determine if they meet the standards for a qualified consultant. Firms currently on the list need only provide information on standards that they previously have not met.

6.2 Notice of Preparation

Upon the decision to prepare an EIR, and when the necessary fees have been paid, a Notice of Preparation shall be distributed to all responsible agencies, agencies with jurisdiction by law, and other interested parties pursuant to State CEQA Guidelines Section 15082.

6.3 Preparation of the EIR

If a project with potential significant impacts is to be undertaken by a private party, the City shall prepare or cause to be prepared, an EIR and candidate CEQA findings by one of the following methods:

6.3.1 Preparation by DSD

If the DSD finds that the information available in the IS application, technical support documents or other sources, is adequate, the DSD may prepare the EIR and candidate CEQA findings with the assistance of other City departments. The DSD shall inform the project proponent of the estimated time and information required for the preparation of the EIR. If this is acceptable to the project proponent, the DSD may prepare the EIR and candidate CEQA findings.

6.3.2 Preparation by Consultant

If the proponent does not desire the DSD to prepare the EIR, or if the DSD cannot prepare the EIR, because of a required expertise, or the number of EIR/ISs in process, the EIR and candidate CEQA findings shall be prepared by an environmental consultant selected in one of the following two ways. It is the sole discretion of the DSD which of the following two methods of consultant selection is employed.

a. *Selection by DSD*

The DSD shall select the environmental consultant with the agreement of the project applicant. The Consultant Selection Process shall proceed in accordance with Municipal Code Section 2.56.110 and any procedures developed by the DSD for preparing and processing Requests for Proposals (RFP).

b. *Selection by Applicant*

The project applicant may select and retain the environmental consultant, subject to the concurrence of the DSD, provided:

- The environmental consultant selected in this manner shall be on the City's list of qualified EIR consultants.
- The consultant shall have a demonstrated ability to prepare EIRs and CEQA findings that are consistent with the City's Environmental Review Procedures and the provisions of CEQA.
- Any agreement between the project applicant and the consultant shall provide that the City is a third party beneficiary of the agreement and payment to such consultant shall be subject to City approval of the work performed under the contract.
- The scope of the EIR and associated technical studies shall be determined by the DSD.
- All draft technical reports shall be submitted to the City concurrent with submittal to the applicant. The draft and final EIR, as well as all associated draft and final technical studies shall be subject to the review and approval of the City, and shall be consistent with all applicable City and CEQA requirements.
- If it is determined by the DSD that the applicant/consultant is not in compliance with the provisions stated herein, the DSD at his/her sole discretion may require the EIR to be prepared pursuant to subsection 6.3.2(a), above.

6.4 Review of the Preliminary Draft EIR

6.4.1 Independent Evaluation

The DSD, upon receipt of the preliminary draft EIR from the consultant shall perform an independent evaluation and analysis of the document. The DSD shall consult with any responsible agency, having an interest in, special expertise in or is otherwise concerned with the environmental effects of the proposed project.

6.4.2 Notices of Availability and Completion

As soon as the draft EIR is completed it shall be issued as the City's draft EIR on the project. Notices of Availability and Completion shall be filed with OPR and notice given as provided in CEQA Guidelines and the Public Resources Code.

6.5 Public Review of the Draft EIR

In accordance with CEQA, the Public shall have a minimum review period of 30 days, unless a longer period is required (e.g. by the State Clearinghouse) or the DSD specifies a longer review period for public participation, input and evaluation. During the review period, the DSD shall consult with any agency having jurisdiction by law and persons or groups having special interest. With the exception of testimony at public hearings on the project, all input on the draft EIR shall be in written form.

6.6 Final EIR

Subsequent to the close of public review for the draft EIR, a final EIR shall be prepared by the DSD in accordance with Section 15132 of the CEQA Guidelines.

6.7 Project Approval and Certification of the EIR

6.7.1 Recommendation

After the final EIR has been prepared, and prior to approval of the project by the decision-making authority, the EIR shall be presented to the recommending and/or decision making authority. If the final EIR is presented to a recommending authority (prior to the decision-making authority), the recommending authority may recommend that the EIR be certified, and need not certify the final EIR.

6.7.2 Certification

Prior to approving the project, the decision-making authority shall certify that the EIR has been prepared pursuant to the requirements of State CEQA Guidelines Section 15090. Specifically, the decision-making authority shall certify that:

- a. The EIR has been prepared in compliance with CEQA;
- b. The final EIR was presented to the decision making body of the lead agency and that the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and

- c. The final EIR reflects the lead agency's independent judgment and analysis.

6.7.3 Findings

Pursuant to CEQA Guidelines Section 15091, no decision-making authority shall approve or carry out a project for which an EIR has been completed, which identifies one or more significant effects of the project, unless the authority makes one or more of the following written findings for each of those significant effects, accompanied by a statement of the facts supporting each finding.

- a. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.
- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the authority making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - The finding in subdivision 6.7.3(b), above, shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.
- c. Specific economic, social, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
 - The finding in subdivision 6.7.3(c), above, shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

The findings required by this subsection shall be supported by substantial evidence in the record.

6.7.4 Statement of Overriding Considerations

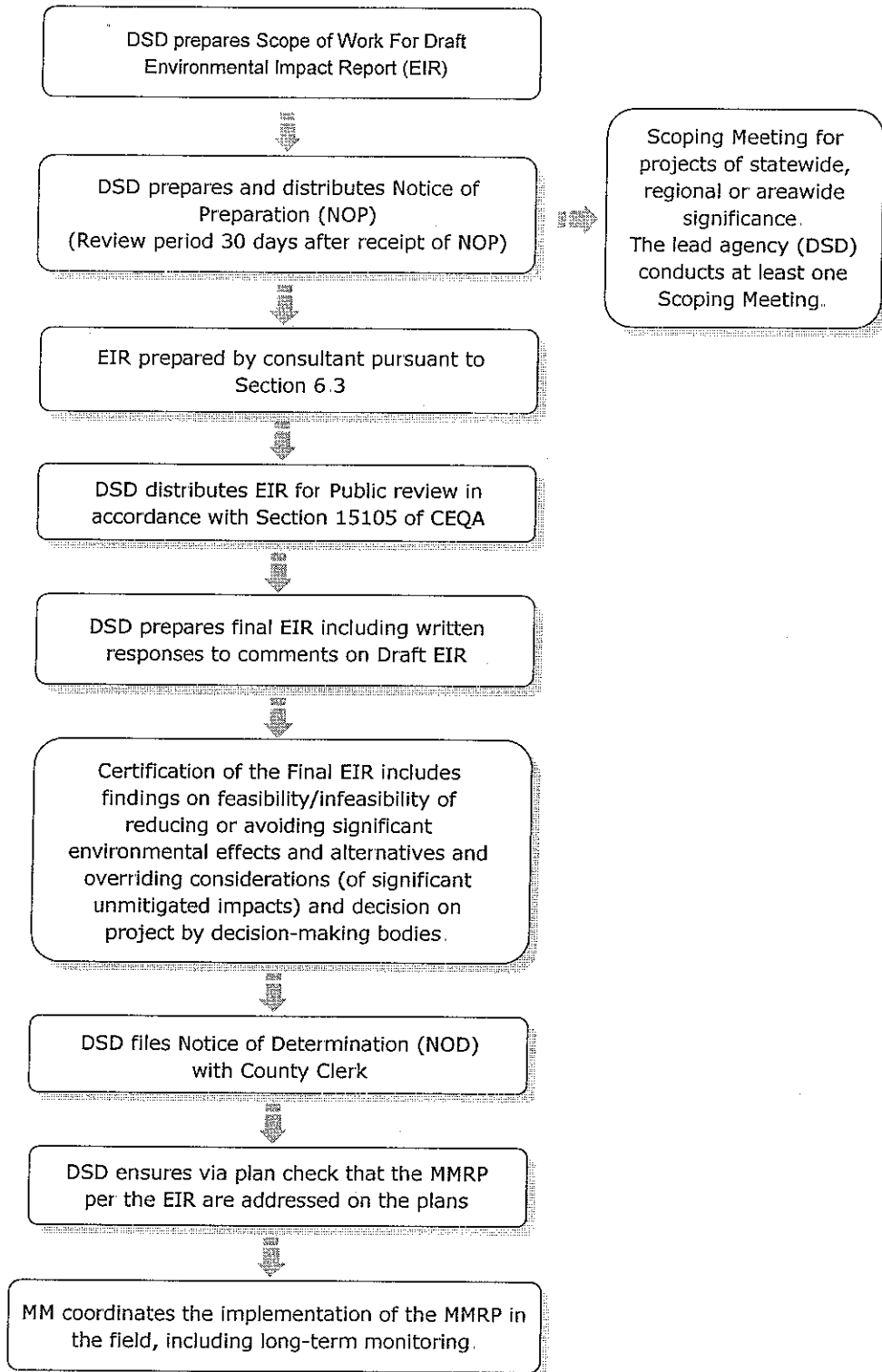
If the decision-making authority decides to approve a project for which significant environmental consequences have been identified in the EIR and have not been avoided or substantially lessened, the authority shall issue a statement identifying the other interests on which approval is based. Adverse consequences that have been mitigated need not be addressed in this statement. The

statement shall be attached to the final EIR and mentioned in the Notice of Determination.

6.8 Appeal

Pursuant to CEQA Guidelines Section 15090 (b), when a non-elected official or decision-making body of a local lead agency certifies an EIR, the certification may be appealed to the local lead agency's elected decision-making body.

Figure 3
Environmental Impact Report



Section 7. **CHANGES IN PROJECT / SUBSEQUENT ENVIRONMENTAL REVIEW**

Pursuant to CEQA Guidelines Section 15162, when an EIR has been certified or negative declaration has been adopted for a project, no subsequent EIR or ND/MND shall be prepared for the project, unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the following exist:

7.1 Proposed Changes

Substantial changes are proposed in the project which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; or

7.2 Changes Circumstances

Substantial changes have occurred with respect to the circumstances under which the project is undertaken, that will require major revisions of the EIR or ND/MND, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; or

7.3 New Information

New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND/MND was adopted shows any of the following:

7.3.1 The project will have one or more significant effects not discussed in the previous EIR or ND/MND;

7.3.2 Significant effects previously examined will be substantially more severe than shown in the previous EIR;

7.3.3 Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

7.3.4 Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In the event that any of the preceding occur, the project proponent shall submit to the DSD a description of the revisions or changes, any necessary technical reports, plans, graphics or any other material necessary to evaluate the project along with the fee established in the Master Fee Schedule. The DSD shall determine the necessary number of copies.

The DSD shall review any significant project revisions to assure that there will be no potential for new significant environmental impacts or the DSD shall require that a supplement to the EIR or a modification to the ND/MND be prepared. Pursuant to CEQA Guidelines Section 15164, an addendum to the EIR or ND/MND shall be prepared if some changes or additions are necessary but none of the conditions described above have occurred.

Section 8. EIR CONTENT

EIRs shall contain the elements specified in Article 9 of the CEQA Guidelines. The DSD shall prepare any guidelines, outlines, procedures and/or other necessary requirements to implement the CEQA Guidelines and these procedures.

Section 9. CONFLICTS WITH REQUIREMENTS OF THE STATE OF CALIFORNIA

Any conflicts arising in the interpretation of the Environmental Review Procedures, shall be interpreted in the manner which most fully satisfies the requirements of CEQA (Div. 13 of the Public Resources Code) and Cal. Admin. Code (Title 14, Division 6).

Section 10. SEVERABILITY

The provisions of the Environmental Review Procedures, or any of its provisions, are to be liberally construed to the end that all adverse environmental consequences of a proposed project are fully disclosed to public decision makers and the general public. If any provision of these procedures or its application to any project or circumstance is held invalid for any reason, such invalidity shall not affect any other provision or application of this ordinance, or any of its provisions, which can be affected without the invalid provision or application, and to this end the provision of this act are severable.

Section 11. REVISIONS TO POLICY

Staff implementing guidelines for these environmental review procedures may be prepared and updated, from time to time, by the DSD. Staff shall periodically review these procedures for consistency with CEQA and make a recommendation to the City Council regarding any suggested revisions.