

RESOLUTION NO. 1742

A RESOLUTION SUPERCEDING SECTION 701 TO SECTION 807
OF PROCEDURES ADOPTED BY RESOLUTION NO. 1738
ARTICLE VII. PROCEDURES

701.0 Initial Review - Exempt Status: Any project undertaken or to be approved by the City shall first be reviewed by the Coordinator (as defined herein) to determine whether it is categorically or otherwise exempt from the operation of CEQA. If it is determined that it is exempt, it shall be returned to the person or agency submitting it with a statement that it is categorically exempt.

702.0 Initial Review - Non-Exempt Status: If it is determined that the project is not exempt, then the Coordinator shall request information sufficient to determine whether or not the project may have a significant affect on the environment. The information shall not be limited to yes or no responses to questions, nor shall it be merely conclusions that there is no environmental effect. It must contain declaratory statements volunteering sufficient information about the purpose and scope of the project and the setting in which it will occur to enable the environmental significance to be assessed.

703.0 Coordinator Recommendations To Planning Commission: The Coordinator shall make a recommendation to the Planning Commission as to whether or not the proposed project may have a significant affect on the environment, and shall set the matter on the Planning Commission's agenda for an environmental determination. If preparation of an EIR is recommended, the applicant shall be notified of the date and approximate time of the hearing by the Planning Commission.

704.0 Planning Commission Determination - No Significant Environmental Impact: The Planning Commission shall determine whether or not a project is categorically exempt or whether or not a project may significantly affect the environment. If the Planning Commission finds, based on the information submitted and the evaluation of the Coordinator, that the proposed project will not significantly affect the environment, then a Negative Declaration shall be filed with the County Clerk by the Coordinator, and the project shall proceed in the customary manner.

705.0 Finding of Negative Declaration - Commencement of Project:

Any approval given to the project shall not become effective until the 31st day following the filing of the Negative Declaration. Any documents relating to the project, including its listing on any agenda, shall thereafter bear note of the date of filing of the Negative Declaration.

706.0 Planning Commission Determination - Significant Environmental

Affect: If the Planning Commission determines that a project may have a significant affect on the environment, then it shall order the preparation of an Environmental Impact Report.

707.0 City Projects: These procedures shall be followed on all City projects except that the City Council instead of the Planning Commission shall make all necessary determinations under these procedures as to matters which cannot be finally acted upon or denied by the Planning Commission. In the event an Environmental Impact Report is required, the head of the department carrying out the project shall be responsible for preparation of the draft of the Environmental Impact Report which shall be submitted to the Coordinator for review and distribution.

708.0 Consideration of Environmental Impact Report Prior To Project

Approval: Once an Environmental Impact Report has been ordered for a project no approval may be given for the project or any portion thereof except after consideration of the Environmental Impact Report.

709.0 Waiver of Finding of Significant Effect: Any City agency or

applicant may waive the determination as to possible significant effect by the Planning Commission and voluntarily submit a draft of final EIR on the project for which approval is sought. A written waiver shall accompany the application or request for approval.

ARTICLE VIII. PREPARATION OF THE EIR

801.0 Fee for Environmental Impact Report: When an EIR is required a fee shall be charged the applicant to defray the estimated cost incurred in preparing the EIR. A fee will be established according to the size of the project or other relevant factors.

802.0 Preparation of The Environmental Impact Report: The City may contract for the preparation of an EIR on any project to be carried out by a private person which is partly funded by a City agency or requires the issuance of a lease, permit, license, certificate, or other entitlement for use by the City. The applicant shall provide any information requested by the Coordinator required for the preparation of an EIR.

803.0 Completion of Draft Environmental Impact Report - Notice: Upon completion of a draft EIR but prior to distributing copies for review and consultation, the Coordinator shall give notice to the Secretary of Resources in the form set forth in Appendix "A".

The Coordinator shall also send a notice accompanied by a copy of the draft EIR to any other public agency having jurisdiction over the project in question or having an interest in the project.

A copy of the draft EIR shall be available in the Office of the Coordinator.

A news release announcing the availability of the draft EIR and inviting public comment shall be mailed to each newspaper, radio station, and television station within the County. In addition, the availability of the draft EIR will be advertised as a legal notice in accordance with legal notification procedures.

The notice to other public agencies, the press release and the legal notice shall include the following for each project:

- (a) A brief description of the project.
- (b) The location of the project.
- (c) The locations where the public may review any draft EIR.
- (d) The deadline for submission of public comments, which shall not be less than twenty-one (21) days from the filing of the Notice of Completion with the Secretary of Resources.

804.0 Draft Environmental Impact Report - Incorporation of Comments: A summary of written comments shall be prepared and attached to the draft EIR, and the person or agency to carry out the project may prepare a response to the summary which shall also become a part of the EIR. The response shall describe the disposition of significant environmental issues raised, giving reasons why specific comments and suggestions were not accepted, and list factors of overriding importance warranting a rejection of the suggestions.

805.0 Draft Environmental Impact Report - Hearing: The draft EIR shall be forwarded to the initial decision-making entity, which shall consider the contents of the EIR when any decision is made on the project.

When a project is to proceed through more than one decision-making entity, the EIR may be the subject of public comment as is any other aspect of the project, and at any public hearing both the EIR and the project must be considered. Summaries of pertinent public comment at any hearing shall be appended to the EIR by the Coordinator, accompanied by any rebuttal provided by a City department or applicant, before the project proceeds to another approving entity.

During all stages of project review the reviewers should focus on the sufficiency of the EIR in discussing possible impact on the environment, the ways in which adverse effects might be minimized and possible alternatives to the project.

806.0 Consideration of Draft EIR: During the course of project review the Planning Commission may, in accordance with these guidelines, impose conditions or alternatives relating to consideration of the EIR or may require that additional information be furnished.

807.0 Complete and Adequate Report: At the time of final project approval the Planning Commission shall consider the completeness and adequacy of the EIR in accordance with these guidelines. A complete EIR involves seven elements: (1) impact; (2) unavoidable effects; (3) mitigation measures; (4) alternatives; (5) short term versus long term effects; (6) irreversible changes; and (7) growth inducing impact.

808.0 Planning Commission Action on An Environmental Impact Report: If the Planning Commission finds that the report is adequate and complete, the Planning Commission shall then determine on the basis of the Environmental Impact Report, the facts presented, and these guidelines whether or not in light of the effects of the project, the project should be:

1. Approved;
2. Denied; or
3. Whether or not alternatives or mitigating conditions should be required to mitigate adverse environmental effects.

The Planning Commission may take the foregoing action during the course of project approval, but shall take final action at the time of final project approval.

809.0 Appeal to Council: Any action of the Planning Commission in connection with these procedures may be appealed by the applicant or any other person to the City Council as provided in Paso Robles Zoning Ordinance Section 21.24.220. On appeal, the City Council shall have the power to reverse, affirm, or modify the decision of the Planning Commission; shall have the right to grant or deny the project; and shall have the right to require additional alternative or mitigating conditions to mitigate the environmental impact of the project.

810.0 Final Decision: When a final decision is made on a project, a final decision shall be made on the EIR and the Coordinator shall file a Notice of Determination with the County Clerk. This Notice shall include the decision on the project, the determination as to whether the project will or will not have a significant affect on the environment, and whether an EIR was prepared pursuant to the provisions of CEQA or whether a Negative Declaration was filed.

811.0 Effective Date of Final Approval: Any final approval of the environmental effect of a project shall not become effective until the 31st day following such final approval.

812.0 Acceptance of Final Conditions: Any conditions imposed in connection with the consideration of the Environmental Impact Report shall become conditions of final approval of the project and applicant must accept such conditions. No Use Permit, Variance or other permit shall have any force or effect until a permittee acknowledges receipt of all conditions of a project including those conditions established upon consideration of the Environmental Impact Report and acceptance of all conditions as required under Paso Robles Zoning Ordinance and other applicable City Ordinances.

PASSED AND ADOPTED this 24th day of May, 1973

Barney Schwartz
Mayor

ATTEST:

Maed B. [Signature]
City Clerk