

# **RULES FOR THE CITY OF CALABASAS IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The following rules and regulations are adopted pursuant to the California Environmental Quality Act, Public Resources Code sections 21000, *et seq.* ("CEQA"). These rules shall implement on a local level CEQA and the State Guidelines, 14 California Code of Regulations, sections 15,000 *et seq.* ("State CEQA Guidelines") which are incorporated by reference.

## **DIVISION I GENERAL PROVISIONS AND DEFINITIONS**

### **Section 101 - Intent**

These rules and procedures are established and adopted with the following intent:

- a. To incorporate environmental impact analysis into the planning process.
  - b. To develop and maintain a master environmental data system to be utilized in the review of individual projects.
  - c. To set a reasonable and definitive time frame for the review and decision-making process.
  - d. To focus environmental review on substantive issues, feasible mitigation measures and reasonable alternatives.
  - e. To make the environmental review process more effective and efficient.
  - f. To provide the public with information on the criteria, policies, and procedures used in the environmental assessment process.
1. Projects that may be exempt from CEQA review are not exempt from analysis necessary to determine whether a development is consistent with Environmental Performance Standards in the General Plan. In some cases, projects that may formally be exempt under CEQA criteria that ultimately have environmental consequences will be addressed as part of General Plan Consistency Review Process. Therefore, an exemption from CEQA does not mean a project is exempt from environmental considerations in the General Plan.

## Section 102 - Definitions

- a. The words and phrases used in these rules shall have the same meaning as similar words or phrases used in CEQA or the State CEQA Guidelines.
- b. "City" shall mean the City of Calabasas.
- c. "Cumulative Impacts" means two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.
  1. The individual effects may be changes resulting from a single project or a number of separate projects.
  2. The cumulative impacts from several projects is the change in the environment which results from the incremental impacts of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.
  3. A discussion of cumulative impacts shall reflect their severity and significance, but need not be discussed in as great detail as is provided for the direct effects attributable to the project alone. The discussion of cumulative impacts should be guided by a standard of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. The following elements are necessary to an adequate discussion of significant cumulative impacts. Either:
    - (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
    - (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified,

which described or evaluated regional or area wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

4. A summary of the expected environmental effects to be produced by those projects with specific reference to additional information and where that information is available, and
  5. A reasonable analysis of the cumulative impacts of the relevant projects.
- d. Decision-making body means any person or group of people within a public agency permitted by law to approve or disapprove the project at issue.
  - e. "Environmental Impact Report ("EIR")" means a detailed statement under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects, and may mean either a draft or a final EIR.
  - f. "Environmental Impact Statement ("EIS")" means an environmental impact document prepared pursuant to the National Environmental Policy Act ("NEPA").
  - g. "Initial Study" means a preliminary analysis prepared by the lead agency to determine whether an EIR or a negative declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.
  - h. "Lead Agency" means that public agency which has the principal responsibility for carrying out or approving a project.
  - i. "Mitigation means:
    1. Avoiding the impact altogether by not taking a certain action or parts of an action.
    2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

3. Rectifying the impact by repairing, rehabilitating or restoring the impacted environments.
  4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
  5. Compensating for the impact by replacing or providing substitute resources or environments.
- j. "Mitigated Negative Declaration ("MND")" means a negative declaration prepared for a project when the Initial Study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.
- k. "Negative Declaration ("ND")" means a written statement by the Lead Agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and therefore does not require the preparation of an EIR. The contents of a ND are described in State CEQA Guideline 15071.
- l. "Notice of Completion ("NOC")" means a brief notice filed with the OPR by a Lead Agency as soon as it has completed a draft EIR and is prepared to send out copies for review.
- m. "Notice of Determination ("NOD")" means a brief notice to be filed by a public agency after it approves or determines to carry out a project which is subject to the requirements of CEQA.
- n. "Notice of Exemption ("NOE")" means a brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA. Such a notice may also be filed by an applicant where such a

determination has been made by a public agency which must approve the project.

- o. Office of Planning and Research (“OPR”) means the Governor’s Office of Planning and Research located at 1400 Tenth Street, Sacramento, California 95814, Phone: (916) 322-2318, Facsimile: (916) 322-3785, Email: opr.webmaster@opr.ca.gov.
- p. “Permit” means a permit, lease, license, certificate, or other entitlement for use.
- q. “Planning Division” means the Planning Department of the City of Calabasas.
- r. “Planning Director” means the Director of Planning and Building of the City of Calabasas.
- s. “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and that is any of the following:
  - 1. An activity directly undertaken by the City, including, but not limited to, public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning to ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code sections 65100-65700.
  - 2. An activity undertaken by a person which is supported in whole or in part through City contracts, grants, subsidies, loans, or other forms of assistance.
  - 3. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by any City Officer or body.

“Project” does not include:

- 1. Proposals for legislation to be enacted by the State Legislature.

2. Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances covered above).
  3. The submittal of proposals to a vote of the people of the state or of a particular community.
  4. The creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.
  5. Organizational or administrative activities of governments which are political or which are not physical changes in the environment (such as the reorganization of a school district or detachment of park land).
- t. "Project Sponsor" means
1. Any person, including public agency, applying to the City for a permit, or
  2. Any officer of the City who has the responsibility to carry out a public project for the City.
- u. "Public Agency" means a state agency, board or commission and any local or regional agency as defined in the State CEQA Guidelines. It does not include the courts of the state or CEQA agencies of the federal government.
- v. "Responsible Agency" means a public agency which proposes to carry out or approve a project for which a Lead Agency has prepared the environmental documents. It includes all public agencies other than the Lead Agency which have discretionary approval power over the project.
- w. "Significant Effect on the Environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the activity, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

- x. "Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.

Trustee Agencies include:

1. The California Department of Fish and Game with regard to the fish and wildlife of the state.
2. The State Lands Commission with regard to state owed "sovereign" lands.
3. The State Department of Parks and Recreation with regard to units of the State Park System.
4. The University of California with regard to sites within the Natural Land and Water Reserve System.

### **Section 103 - Complete Applications**

No application for a permit that is subject to CEQA shall be deemed complete, received for filing, or processed, unless and until (1) all information required by the Planning Director to complete an Initial Study is received, or (2) it is determined that the application is exempt from CEQA.

### **Section 104 - Compliance With CEQA**

No City officer or body shall directly undertake any activity resulting in a physical impact on the environment, or support in whole or in part through contract, grant, subsidy, loan, or other form of assistance, or grant a permit for an activity which may have a physical impact on the environment until:

- a. The Planning Director has made a determination that the proposed project is exempt from CEQA and these rules, or
- b. The Planning Director has made a written determination that the proposed project will not have a significant effect on the environment, a ND has been completed, and the ND has been approved by the decision-making body of the City, or

- c. The Planning Director has made a written determination that the proposed project will not have a significant effect on the environment, a MND has been completed, and the MND has been approved by the decision-making body of the City, or
- d. The Planning Director has made a written determination that the proposed project may have a significant effect on the environment, has prepared the required final EIR, and the final EIR has been certified and considered by the decision-making body of the City or,
- e. The Planning Director has made a written determination that the City is not the Lead Agency and the Lead Agency has complied with CEQA and all appropriate State CEQA Guidelines.

#### **Section 105 - Initial Study**

The Planning Director shall not in any case make a written determination that the proposed project may or will not have a significant effect on the environment until an Initial Study has been completed; provided, however, that a determination that a project is exempt may be made without the preparation or completion of an Initial Study.

#### **Section 106 - Compliance With Rules**

No application for a permit shall be considered and no permit shall be approved or issued by any Decision-making body of the City until all procedures required by these rules have been completed, including, if required, the preparation and certification of a final EIR by the Decision-making body of the City.

#### **Section 107 - Advisory Bodies**

When an advisory body or officer is required to make a recommendation on a project to the decision-making body of the City, the advisory officer or body shall review and consider the EIR or ND or MND prior to making its recommendation.

#### **Section 108 - Responsible Agency**

In any case where the City is a Responsible Agency, but is not the Lead Agency for a project, the following procedures shall apply:



- a. **Within thirty (30) days after receiving an application for a development project, the appropriate Decision-making body of the City shall notify the Project Sponsor as to whether or not the application is complete. If the application is incomplete, the notification shall specify the parts of the application which are incomplete and indicate how the application may be made complete.**
- b. **Where the Lead Agency, prior to completing its Initial Study, requests that the City recommend whether an EIR or ND or MND should be prepared for a project, the Planning Director shall make a recommendation which shall include the reasons for the recommendation.**
- c. **Where the Lead Agency has notified the City of its intent to file a ND or MND, and has asked for comments regarding this decision, the Planning Director, within thirty (30) days of receipt of said notice, appropriateness of using a ND or MND or, if the City has determined that an EIR should be prepared, the reply should identify the significant environmental effects which could result from the project be modified to eliminate the significant effects.**
- d. **If the Lead Agency has notified the City that it has determined that an EIR is required, the Planning Director shall insure that the Lead Agency, within thirty (30) days of receipt of the Notice of Preparation ("NOP") by City, is sent a written reply by certified mail. This written reply shall specify the scope and content of the environmental information related to the City's area of statutory responsibility which must be included in the draft EIR and shall designate the name those employees that will attend any meetings scheduled by the Lead Agency to discuss the scope and content of the EIR. The City's response shall, at a minimum, identify the environmental issues, possible alternatives, and mitigation measures which the Responsible Agency will need to have explored in the draft EIR.**
- e. **Where a Lead Agency has forwarded an EIR to the City for review, the Planning Director shall insure that written thirty (30) days of receipt of the EIR, the Lead Agency is sent a written reply. This written reply shall focus on any shortcomings in the EIR and such additional alterations or mitigation measures that should be included in the EIR.**

- f. If an EIR or ND or MND has been prepared for a project by the Lead Agency, no decision-making body of the City, acting as a Responsible Agency, shall approve the project as proposed until it has considered the environmental effects of the project as shown in the EIR or ND or MND. Nor shall any such County officer or body approve the project as proposed if it finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen any significant effect the project would have on the environment; provided, however, that only those alternatives and mitigation measures that deal with the environmental effects of those activities that are within the scope of the authority of the City shall be considered.
- g. Where there are significant effects on the environment identified in the EIR prepared by the Lead Agency, no approval shall take place until the decision-making body of the City makes the findings required by Section 611 of these rules.
- h. Within one hundred eighty (180) days after the Lead Agency approves a project, or within one hundred eighty (180) days after the appropriate City officer or body finds the application for the project to be complete, whichever occurs later, the decision-making body of the City shall approve or disapprove the project.
- i. The determination of the Lead Agency of whether to prepare an EIR or a ND or MND shall be final and conclusive on the City unless the determination is challenged as provided in Section 21167 of the Public Resources Code or circumstances change as provided in Section 607 of these rules.
- j. If a decision-making body of the City is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the City shall begin to act as the Lead Agency when any of the following conditions occur:

  - 1. The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.
  - 2. The Lead Agency prepared environmental documents for the project but the following conditions occur:

- (A) A subsequent EIR is required pursuant to Section 707 of these rules, and
  - (B) The Lead Agency has granted a final approval for the project, and
  - (C) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.
3. The Lead Agency prepared inadequate environmental documents without first consulting the City as required, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.
- k. If a project has been approved by a Lead Agency after the certification of a final EIR or of a ND or MND, but has not yet been approved by the City and it is determined by the City that one or more of the circumstances outlined in Section 708 of these rules exist, the City shall not grant its approval of the project until the appropriate environmental document has been prepared and considered.
- l. The City, upon approving a project in its capacity as a Responsible Agency, shall file a NOD with the County Clerk for the County of Los Angeles in the same manner as it provided under Section 409 and Section 612 of these rules.

### **Section 109 - Availability of Documents to Public**

All reports or documents prepared or filed pursuant to these rules shall be available for public inspection in the Planning Department.

### **Section 110 - Consultants**

- a. The Planning Director shall prepare and maintain a list of qualified environmental consulting firms. The determination to place a firm on this list shall be based on the disciplines available in the firm, the experience of the firm in assessing projects in the Calabasas area or areas with similar environments, the professional credentials of the firm, quality of previous

work, and the ability of the firm to coordinate, organize and present a broad range of environmental data.

- b. When the Planning Director determines that it is necessary to contract with a consultant to prepare an EIR, only those consultants on the above-referenced list shall be considered. Prior to making this choice, the Planning Director may request bids from not less than three (3) consultants with the final choice being made on the basis of the cost and time required to prepare the document, the special expertise necessary to assess the environmental impacts, and the type of project involved.

### **Section 111 - Conflicts With State CEQA Guidelines**

In the event of any conflict between these rules and the State CEQA Guidelines, the State CEQA Guidelines shall control.

## **DIVISION II EXEMPTIONS FROM THESE RULES**

### **Section 201 - Applicability**

These rules shall not apply to:

- a. Any project categorically exempt under the State CEQA Guidelines or anything specifically exempted by state law.
- b. Proposals for legislation to be enacted by the State Legislature.
- c. The submittal of proposals to the voters of Calabasas, except for development agreements.
- d. Continuing administrative or maintenance activities, including, but not limited to, purchases of supplies, personnel-related actions, general policy and procedure making, and feasibility or planning studies.
- e. The following emergency projects:
  1. Any project undertaken, carried out or approved by the City or other public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in