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Chapter 2R.450 - Local Guidelines for Implementation of the California Environmental Quality Act (CEQA)

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ARTICLE 1. - GENERAL PROVISIONS

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This Resolution is adopted pursuant to the authority and mandate contained in Section 21082 of the Public Resources Code. The purpose of this Resolution is to continue to implement, interpret, and make specific the provisions of the California Environmental Quality Act of 1970 (CEQA) (starting at Section 21000 of the Public Resources Code of the State of California) and the Guidelines for Implementation of the California Environmental Quality Act of 1970 (starting at Section 15000 of Division 6, Title 14 of the California Administration Code), as each of the same presently exists and as the same may be duly and legally amended from time and time. Except as may be otherwise provided herein, the procedures specified in the State CEQA Guidelines, including future amendments thereto, are adopted by reference and will apply. In the event of any conflict between any valid, essential provision of CEQA or of the State CEQA Guidelines and any provision of this Resolution, the former shall govern.

This Resolution supersedes City Council Resolution Nos. 7548, 7557, 7573, 7589, 7617, 74-13, 74-18, 74-79, 74-114, 75-54, 76-6, 78-142, 85-75, 89-49, 89-121, 93-14 and 98-74.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.120. - Application.

The provisions of this Resolution shall apply to all projects to which the California Environmental Quality Act applies which have not received all required discretionary approvals from the City prior to the date of this Resolution.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.130. - Definitions.

Unless otherwise specified, or the context otherwise requires, the definitions contained in the California

Environmental Quality Act of 1970 (Public Resources Code Sections 21000, et seq., and the Guidelines for Implementation of the California Environmental Quality Act of 1970, as each of the same presently exist and as the same may be duly and legally amended, revised or replaced from time to time, shall apply and govern the construction and interpretation of this Resolution. In addition, the following terms and phrases shall be defined as follows for purposes of this Resolution:

1. *CEQA Guidelines or State CEQA Guidelines.* "CEQA Guidelines" or "State CEQA Guidelines" means the Guidelines for Implementation of the California Environmental Quality Act of 1970, found in Title 14, Division 6, starting at Section 15000 of the California Code of Regulations, as they may be amended, revised, or replaced from time to time.
2. *City.* "City" means the City of San Buenaventura and includes all boards, commissions, committees, officials, and departments of the City.
3. *City Manager.* "City Manager" means the City Manager of the City of San Buenaventura.
4. *Director.* "Director" means the Community Development Director of the City of San Buenaventura, or the Director's designee.
5. *Decision-making Authority.* "Decision-making authority" means the designated official or official body having the authority to review and make final decisions on applications or proposals for legislative or quasi-judicatory approvals, leases, construction contracts, or other actions that constitute approval of a "project." When a proposed project requires, as a necessary component, one or more legislative or quasi-legislative actions by the City Council, the City Council shall be the decision-making authority for such project regardless of whether any other City advisory bodies may have the authority to issue recommendations or approvals related to the project. When a proposed project requires only quasi-judicatory permits or approvals from the Planning Commission, the Planning Commission shall be the decision-making authority for such project regardless of whether an appeal of the Planning Commission's action to the City Council may be provided by law. By way of example and without limitation, where a private sector development project includes an application for a Comprehensive Plan amendment, specific plan, development agreement, or rezoning, or where a public works project includes the review and consideration of a construction contract or a decision to acquire property, the City Council shall be the decision-making authority for such project. Where a City official, or City advisory body, board, or commission, has the authority to make a decision on a particular permit or approval, but the effectiveness of that permit or approval is contingent on the subsequent action of a later-acting City body, board, or commission, the later-acting body, board, or commission shall be the decision-making authority for that project if that later-acting body, board, or commission has legislative authority over the project or the greater responsibility for conditioning or approving the project as a whole.
6. *Negative Declaration.* "Negative Declaration," as used herein, has the same meaning as set forth in the State CEQA Guidelines as they may be amended, revised, recodified, or replaced from time to time. "Negative Declaration" includes the term "Mitigated Negative Declaration."
7. *Planning Division.* "Planning Division" means the Planning Division of the Community Development Department.
8. *Planning Manager.* "Planning Manager" means the Planning Manager directing the operations of the City's Planning Division, or the Planning Manager's designee.
9. *Project.* "Project", as used herein, has the same meaning as set forth in the Section 15378 of the State CEQA Guidelines, as it may be amended, revised, recodified, or replaced from time to time.

(Res. No. 2002-57, § 4, 9-9-02)

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ARTICLE 2. - EXEMPTIONS

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Sec. 2R.450.210. - Submission of projects.

All proposed projects and any permit applications therefor shall, as the first step in applying for any required City approval, be submitted to the Planning Division of the Department of Community Development.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.220. - Classification of ministerial projects.

The Planning Division will examine the material submitted and determine whether the project is a ministerial project that requires no discretionary approvals by the City. Except as provided in this Section, the provisions of this Resolution do not apply to ministerial projects proposed to be carried out or approved by the City. If the Planning Division determines the proposal is solely a ministerial project, it will note such determination in an appropriate manner, as determined by the Planning Manager, and direct the applicant to the appropriate City department or division for processing of the application. Ministerial projects include, but are not limited to, the following:

1. Building Permits.
2. Demolition Permits.
3. Electrical Permits.
4. Plumbing Permits.
5. Heating and Comfort Cooling Permits.
6. Final Subdivision Map Approval.
7. Sign Permits.
8. Business Permits.
9. Certificates of Occupancy.

However, where a building permit, demolition permit, or grading permit is required to do work on or upon a site known to contain an object or artifact of substantial historical and/or archaeological significance, dating from the Pre-Historic Era through the end of the nineteenth century, or where a building permit, demolition permit, or grading permit otherwise requires the exercise of substantial discretion by the decision-making authority, the issuance of the permit is not to be deemed ministerial for purposes of this Resolution and application of CEQA. For purposes of this Section, a permit that "requires the exercise of substantial discretion by the decision-making authority" includes, without limitation, a demolition permit for a building or structure more than 40 years old at the time of application for such permit because, among other reasons, the decision-making process involved requires a referral to the Director for a determination whether, and what kind of, project-specific conditions may need to be developed to insure the project's conformance to the General Plan. Accordingly, such a permit is not a ministerial permit and the Director shall have the discretionary authority to require, among other things, the completion of a historic resource assessment for the subject property prior to the issuance of such permit to determine whether conditions may need to be imposed for proper treatment of a potential historic resource, compliance with CEQA, and conformance to the General Plan.

A project determined to be a ministerial project under this Section is thereafter exempt from the procedures required by this Resolution.

(Res. No. 2002-57, § 4, 9-9-02; Res. No. 2008-013, § 5, 4-14-08)

Sec. 2R.450.230. - Preliminary exemption determination.

If a proposed project is determined not to be a ministerial project, the Planning Division will preliminarily determine whether it may otherwise be statutorily exempt under CEQA or categorically exempt under the State CEQA Guidelines, or whether it may be subject to the general rule exemption set forth in State CEQA Guidelines Section 15061. Annexation and accompanying zone change approvals to incorporate small existing developments that fit the description of categorical exemption classes 1, 2, and 3 under the State CEQA Guidelines shall be considered categorically exempt.

A project determined to be exempt from CEQA is thereafter exempt from all other procedures required by this Resolution. A final determination whether the project is exempt shall be made when Planning Division staff prepare the report and recommendation on the project to the decision-making authority. The Planning Manager may, at any time prior to the approval of the project, prepare and circulate a "Notice of Exemption" and may file the Notice with the County Clerk after approval of the project in accordance with CEQA and the State CEQA Guidelines.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.240. - Non-exempt projects.

If the project is determined not to be exempt from CEQA, the Planning Division will notify the applicant as soon as administratively possible of such nonexempt status and that the applicant is required to submit to the Planning Division an Initial Study filing fee (per the adopted City Fee Schedule) and whatever supplemental application materials, and

related plans or documentation, are determined by the Planning Manager to be required to complete an adequate Initial Study for the project.

Upon submittal of these materials and the filing fee, the Planning Division will determine whether they are complete and sufficient, and if so found, will assign a case number to the environmental review of the project. The Planning Division will then deliver to the Planning Manager a complete copy of the application and related materials and the procedures set forth in Article 3 herein, including, without limitation, the preparation of an Initial Study as required by CEQA, shall be followed. The Planning Manager may determine that further information is needed from, or needed to be prepared with the cooperation of, the applicant, in which instance, the Planning Division staff will notify the applicant accordingly as soon as administratively possible.

(Res. No. 2002-57, § 4, 9-9-02)

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ARTICLE 3. - INITIAL STUDIES AND NEGATIVE DECLARATIONS

[Sec. 2R.450.310. - Planning manager's preliminary review.](#)

Sec. 2R.450.310. - Planning manager's preliminary review.

The Planning Manager will consider the materials submitted on the project and, if determined to be necessary or desirable, may require further information from the applicant. After consideration of the materials and information so supplied, the Planning Manager will make one of the following preliminary determinations:

1. A preliminary determination, based on an Initial Study carried out in accordance with CEQA and the State CEQA Guidelines, that the project will not have a significant effect on the environment and no Environmental Impact Report (EIR) will be required.
 - a. If the Planning Manager preliminarily determines that the project will not have a significant effect on the environment and that an EIR will not be required, the Planning Manager will authorize the preparation of a Proposed Negative Declaration.
 - b. The Proposed Negative Declaration will be published once in a local newspaper of general circulation and a copy sent to all responsible agencies and circulated as otherwise required under the State CEQA Guidelines. After the conclusion of the public review period prescribed by CEQA, the Proposed Negative Declaration, along with comments received and all pertinent factual data, will be forwarded to the decision-making authority for the proposed project which will make the final decision on whether the proposed project shall receive a Negative Declaration, be required to prepare an EIR, or direct other appropriate action. In reaching a decision, the decision-making authority will consider the Proposed Negative Declaration along with all materials forwarded to it, including any comments received during the public review process. The decision-making authority will approve the Negative Declaration if it finds, on the basis of the initial study, any public or public agency comments received, and other information in the record as a whole, that there is no substantial evidence that the proposed project will have a potentially significant adverse effect on the environment. The decision-making authority's action shall be deemed action on behalf of each and every advisory body of the City which makes any subsequent recommendations to, or the decisions of which are appealable to, the decision-making authority and shall be final.

During the pendency of the public review period, any proposed Negative Declaration issued, along with any comments received during the public review process at that point, will be provided to each advisory board or commission of the City for its consideration as part of making its recommendation or action with respect to any proposed project

Upon approval of a Negative Declaration by the decision-making authority, Planning staff will prepare the necessary documentation and take such other appropriate steps as provided by the State CEQA Guidelines.
2. The project may have a significant effect on the environment and an Environmental Impact Report is required. The Planning Manager may further determine the appropriate form for the EIR (i.e.), whether it should be in the form of a project EIR, program EIR, master EIR, tiered EIR, or any other form of EIR that, in the judgment of the Planning Manager, would be the most appropriate pursuant to CEQA and the State

CEQA Guidelines. The foregoing determinations of the Planning Manager shall be final, and the Planning Division and the applicant shall then comply with the provisions of Article 4 of this Chapter regarding the preparation of EIRs.

3. There is not enough information available in the Initial Study or the materials submitted by the project applicant to determine whether the project may have a significant effect on the environment and an Expanded Initial Study should be conducted to perform specialized or technical studies relating to specific potential impact areas. This determination of the Planning Manager shall be final, and the Planning Division and the applicant shall comply with the provisions of Article 4 of this Chapter regarding the preparation of Expanded Initial Studies.
4. The project is an "emergency" project as defined by the State CEQA Guidelines. If the project is determined to be an emergency project, the Planning Manager shall notify the applicant. A project determined to be an emergency project pursuant to this paragraph 4 is thereafter exempt from all other procedures required by this Resolution.

(Res. No. 2002-57, § 4, 9-9-02)

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ARTICLE 4. - PREPARATION, CIRCULATION, AND CERTIFICATION OF EIRS; EXPANDED INITIAL STUDIES

[Sec. 2R.450.410. - Preparation.](#)

[Sec. 2R.450.420. - Draft EIR.](#)

[Sec. 2R.450.430. - Certification of final EIR.](#)

Sec. 2R.450.410. - Preparation.

Upon the determination of the Planning Manager as provided in Section 2R.450.310, or upon the determination of the decision-making authority, that a project will require an Environmental Impact Report or an Expanded Initial Study, the Planning Division staff will notify the applicant thereof. An EIR or an Expanded Initial Study shall then be prepared in accordance with the CEQA Guidelines. An EIR or an Expanded Initial Study may be prepared by the Planning Division or by, or with the participation of an environmental consultant.

The Planning Manager may determine that the Planning Division should prepare the EIR or Expanded Initial Study in which case the applicant shall submit a minimum deposit of \$1,000. Costs in excess of this deposit shall be billed to and paid by the applicant, and unused portions shall be refunded. The Planning Division will prepare an Environmental Impact Report in accordance with the provisions of the CEQA Guidelines. Staff may require further information from the applicant if necessary.

The Planning Manager may determine at any point that an outside consultant should be used to prepare the EIR or Expanded Initial Study, or portion(s) thereof. If the Planning Manager determines that an outside consultant is required, it shall direct staff to choose the consultant from the list of such consultants previously approved by the Planning Manager and obtain an estimate of the cost of the work to be done. The applicant shall be notified of the cost estimate and shall deposit the amount plus 25% of the contract cost to cover the costs of City staff review, with the Planning Manager. The Director may then execute a contract with the consultant for completion of the required work. The EIR or Expanded Initial Study, or portion(s) thereof, prepared by a consultant shall be reviewed by the Planning Division staff and the Planning Manager and shall reflect the independent judgment of the City.

When the Planning Manager determines that an Expanded Initial Study completed by staff and/or a consultant is accurate, objective, complete, and in compliance with CEQA, and, on the basis of that Expanded Initial Study, further determines that the project, including whatever mitigation measures may be proposed therefore, will not have a significant effect on the environment, then the Planning Manager may find that no EIR will be required and the project may receive a Negative Declaration. The Planning Manager shall then prepare and circulate a Negative Declaration in accordance with the procedures set forth in Article 3 of this Chapter, and forward the Negative Declaration to the decision-making authority for the project.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.420. - Draft EIR.

When the Planning Manager determines a Draft EIR prepared by the staff and/or consultant is accurate, objective, complete, and in compliance with CEQA, the Draft EIR shall be processed in accordance with the CEQA Guidelines. The Planning Division will file the Notice of Completion required by the CEQA Guidelines. Copies of the Draft EIR will be sent by the Planning Division to all responsible agencies and trustee agencies for their review and comment and otherwise processed in accordance with the CEQA Guidelines. The Planning Manager may also direct that a copy of the Draft EIR be sent to persons having expertise in a particular area involved in the project for review and comment.

At the time the Planning Manager determines the Draft EIR is accurate, objective, complete and in compliance with CEQA, and following the deposit into the mail of the Notice of Completion, the Planning Division staff will also publish in a local newspaper of general circulation a copy of the Notice of Completion. The Notice of Completion as published will clearly indicate that comments from the public are invited on the Draft EIR, that said comments will be received by the Planning Division during the same time period which has been allowed other public agencies for comments, and shall indicate the address of any location where copies of the Draft EIR are available for review.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.430. - Certification of final EIR.

After the expiration of a period set by the Planning Manager for review of and comment on the Draft EIR, the Planning Manager will review all comments received and will direct the Planning Division staff, the applicant, or the consultant, as appropriate, to draft a response to the significant environmental points raised in or by any such comments. Responses shall be drafted in accordance with the CEQA Guidelines.

When the Planning Manager is satisfied that all required responses are accurate, objective, complete, and in accordance with CEQA, the Planning Manager will direct the Planning Division to prepare, or cause to be prepared, a Final EIR, including those responses, in accordance with the provisions of the State CEQA Guidelines.

Upon completion of the Final EIR, the Planning Manager will transmit the Final EIR to the decision-making authority that is scheduled to make a discretionary decision upon the matter in connection with which the EIR was prepared. The Planning Division staff will supply copies of the Final EIR to the members of each advisory body, board, or commission in conjunction with their consideration, if any, of a discretionary approval on the project covered by the EIR. Each such body, board, or commission shall, in conjunction with making its discretionary decision on the project, certify that it has reviewed and considered the information contained in the EIR and that the Final EIR has been completed in compliance with CEQA and the State CEQA Guidelines and reflects the independent judgment of the City.

A certification of the Final EIR and the consideration of the project shall be scheduled and take place in accordance with the existing procedures of the City applicable to the project.

(Res. No. 2002-57, § 4, 9-9-02)

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ARTICLE 6. - DEPARTMENT OF FISH AND GAME (DFG) FEE REVIEW AND "DE MINIMIS" FINDING PROCEDURES

[Sec. 2R.450.610. - Purpose of article; findings.](#)

[Sec. 2R.450.620. - EIR Committee Resolution No. 93-5.](#)

[Sec. 2R.450.630. - De minimis finding procedure.](#)

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[Sec. 2R.450.680. - Effective date of article.](#)

Sec. 2R.450.610. - Purpose of article; findings.

1. AB 3185, enacted as Chapter 1706, Statutes of 1990, and codified as Fish and Game Code Section 711.4, requires the collection of State Department of Fish and Game filing fees ("DFG filing fees") for non-exempt projects subject to the California Environmental Quality Act (CEQA) and for which a Negative Declaration or Environmental Impact Report has been prepared.
2. The declared purpose of the DFG filing fees is to defray the Department's costs of managing and protecting fish and wildlife resources in, among other things, consulting with other public agencies, reviewing environmental documents prepared by other agencies, and assisting in the formulation of mitigation measures and mitigation monitoring.
3. Regulations implementing AB 3158 (Section 753.5, Title 14, CCR) issued by the Department of Fish and Game ("DFG") allow local agencies to adopt "De Minimis" findings for such non-exempt projects that will, individually or cumulatively, have no potential for adverse effect on fish and wildlife or their habitats and, thereby, exempt such projects from the requirement to pay DFG filing fees.
4. AB 3180, enacted as Chapter 761, Statutes of 1992, and amending Fish and Game Code Section 711.4, clarified the Legislature's intent that a project which requires a Negative Declaration or an Environmental Impact Report may still be found by a local agency to be De Minimis in its impact on fish and wildlife or their habitat, irrespective of whether such projects might lead to other potentially significant physical impacts.
5. In accordance with AB 3180, the DFG's implementing regulations, and the Committee's delegated authority per City Council Resolution 93-14, the Environmental Impact Report ("EIR") Committee adopted Committee Resolution 93-5 setting forth a policy for determining whether non-exempt projects would be found to be De Minimis in their impacts on fish and wildlife and their habitats based, mostly, on whether such projects involved, or would foreseeably result in, construction activities.
6. Now that the EIR Committee has been dissolved, the City Council desires to formally adopt the former EIR Committee policy for determining whether a non-exempt project is De Minimis even though such a project may lead to potentially significant physical impacts other than impacts on fish and wildlife or their habitat.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.620. - EIR Committee Resolution No. 93-5.

EIR Committee Resolution No. 93-5 is hereby superseded in its entirety.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.630. - De minimis finding procedure.

The procedure for determining whether a local agency De Minimis finding may be applicable to a project subject to CEQA shall be as follows:

1. All projects which are Statutorily and Categorically Exempt, or otherwise exempt, from CEQA shall be determined to be De Minimis and no DFG filing fees shall be paid for such projects.
2. For non-exempt projects that receive either a Negative or Mitigated Negative Declaration, or an Environmental Impact Report, the Director will determine on a case-by-case basis which such projects may be found to be De Minimis in relation to AB 3158.
3. In evaluating whether such a non-exempt project qualifies for a De Minimis finding, the Director shall base the determination, in whole or in part, on consideration of any of, or any combination of, the following aspects of the proposed project:
 - a. Whether review of the project by the DFG as a responsible agency or trustee agency is necessary or desirable, in which instance the Director shall not find the project to be De Minimis; or,
 - b. Whether the proposed project will or may result in changes to any of the resources listed in (a) through (g) below, in which instance the Director shall presume that the project will have a potentially adverse effect on fish and wildlife or their habitat and shall not find the project to be De

Minimis unless that presumption is rebutted by substantial evidence in the record:

- i. Riparian land, rivers, streams, watercourses, and wetlands under state and federal jurisdiction;
 - ii. Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
 - iii. Rare and unique plant life and ecological communities dependent on plant life;
 - iv. Listed threatened and endangered plants and animals and the habitat in which they are believed to reside;
 - v. All species of plants or animals as listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, the Water Code of regulations adopted thereunder;
 - vi. All marine and terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside; or,
 - vii. All air and water resources the degradation of which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that air and water.
- c. Whether the proposed project is adjacent to or abutting any sensitive habitat area, stream, creek, barranca, or other drainage channel; or,
- d. Whether, based on any information presented to the Director in the public review and consultation process, or any other evidence in the record or otherwise brought to the attention of the Director, the proposed project will or may, individually or cumulatively, otherwise have a foreseeable adverse impact on fish or wildlife or their habitats.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.640. - Action upon determining a project is de minimis.

Upon determining that a proposed project is De Minimis, the Director shall, in conjunction with the Director's action on a Negative or Mitigated Negative Declaration or Environmental Impact Report, recommend that the decision-making authorities acting on said project make such a finding at the time said project is approved. Planning Division staff shall inform the project applicant that no DFG filing fee is expected to be paid to the County Clerk when the Notice of Determination is filed and shall prepare an appropriate draft finding for adoption by the decision-making authority.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.650. - When a de minimis finding cannot be made.

If a De Minimis finding cannot be made by the Director, Planning Division staff will inform the project applicant that the DFG filing fee required by AB 3158 will have to be paid to the County Clerk in order to permit filing of the Notice of Determination for the project if the project is approved.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.660. - Payment of DFG filing fee.

A DFG filing fee, if required, need only be paid once for a project, regardless of whether subsequent Notices of Determination are filed for subsequent discretionary approvals related to the project by the lead agency or any responsible agency.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.670. - Director's determination final.

The Director's determination regarding whether a non-exempt project qualifies for the De Minimis finding is final and no administrative appeal is provided therefor.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.680. - Effective date of article.

The effective date of this Article is deemed to be April 8, 1993.

(Res. No. 2002-57, § 4, 9-9-02)

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ARTICLE 7. - APPEALS AND ADMINISTRATION

[Sec. 2R.450.710. - Appeals of EIR certifications.](#)

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[Sec. 2R.450.750. - Program administration.](#)

[Sec. 2R.450.760. - Administrative discretion.](#)

Sec. 2R.450.710. - Appeals of EIR certifications.

A certification of a Final EIR by any City body, board, or commission other than the City Council shall be referred to hereafter as a "delegated certification." A delegated certification decision may be appealed by an aggrieved person as set forth below. For purposes of this Resolution, an "aggrieved person" is any person who, in person or through a representative, appeared and stated their objections before the respective City body, board, or commission in connection with the delegated certification action being appealed, or who, by other appropriate means prior to the delegated certification, informed the City body, board, or commission of the nature of his concerns orally or in writing or who, for good cause, was unable to do either. An application for appeal to the City Council may be filed by an aggrieved person objecting to a delegated certification provided that an application for appeal is filed in writing within ten (10) calendar days after the date of the delegated certification decision. The filing of a notice of appeal stays all proceedings for which any City body, board, or commission is required to certify that it has reviewed and considered the Final EIR until a decision on the appeal is rendered.

The application for appeal shall be filed by the aggrieved person with the City Clerk and shall clearly state the grounds of appeal including, but not limited to, an explicit description of the delegated certification decision that is being appealed and the action that the appellant requests the City Council take. If the challenged decision consists of one (1) or more particular findings or mitigation measures that the appellant believes were erroneously or improperly included or omitted, the appeal shall specify which findings or mitigation measures are alleged to be erroneous or improper or which findings or mitigation measures should additionally be adopted or imposed. In all other respects, applications for appeal of delegated certifications shall be processed, and heard and acted upon by the City Council, in the manner specified in [Section 24.565.060](#) of the City's Zoning Ordinance for appeals of Planning Commission decisions to the City Council.

The effective date of this section is deemed to be October 5, 1998.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.720. - Timelines.

Where the City is the lead agency for a project and where the City has determined that a Negative Declaration may be completed and approved for the project, the Negative Declaration will be completed within one hundred eighty (180) days from the date on which an application requesting approval of the project is accepted as complete by the City. In the event that, under certain circumstances, additional time to complete and approve the Negative Declaration is warranted, the Planning Manager may extend the time period for completion and approval of the Negative Declaration once for a reasonable period of time if the project applicant consents to the extension.

Where the City is the lead agency for a project and where the City has determined that an EIR is required, the EIR will be completed within one year from the date on which an application requesting approval of the project is accepted as complete by the City. In the event that, under certain circumstances, additional time to complete or certify the EIR is justified, the Planning Manager may extend the time period for completion or certification of the EIR once for a period of not more than 90 days if the project applicant consents to the extension.

When a final discretionary determination is made by the City on a project for which a Negative Declaration or an EIR is required, the Planning Division will file a Notice of Determination with the County Clerk in accordance with the provisions of the State CEQA Guidelines.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.730. - Recirculation or subsequent environmental review.

At any time after an environmental document has been prepared, the Planning Manager may determine that recirculation of the document or further environmental review is required in accordance with CEQA or the State CEQA Guidelines. In any such instance, the Planning Manager may require that recirculation or subsequent environmental review be carried out as follows:

1. Whenever "significant new information" (as defined by CEQA and the State CEQA Guidelines) is added to an EIR after the EIR has been circulated for the required public review period but before it is certified by the decision-making authority, the Planning Manager will require that the EIR, or the revised portions thereof, be recirculated in accordance with the procedures prescribed by State CEQA Guidelines Section 15088.5 as it may be amended from time to time.
2. At any time after a project is approved, the Planning Manager may determine that further environmental review or documentation is required due to the presence of one or more of the factors listed in Public Resources Code 21166 or State CEQA Guidelines Section 15162, as either of such sections may be amended from time to time. In any such instance, the Planning Manager may require that a subsequent or supplemental environmental review be carried out in accordance with the procedures prescribed by the State CEQA Guidelines and this Chapter.
3. At any time after a project is approved, the Planning Manager may require that an addendum to a previously certified EIR or an adopted negative declaration be prepared if only minor technical changes or additions are necessary and none of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
4. If an application for an additional discretionary permit or approval, or an extension of previously issued permit or approval, is made more than 24 months following the date of issuance of an environmental clearance, the Planning Division shall, in conjunction with reviewing the applications for any such further discretionary permits or extensions, determine whether any of the factors requiring further environmental review has occurred, or whether an addendum should be prepared, in accordance with this Section, CEQA, and the State CEQA Guidelines. For purposes of this section, the "date of issuance" of environmental clearances, including EIRs, Negative Declarations, and exemptions shall be determined as follows. For a Negative Declaration, the date of issuance shall be the date of action by the decision-making authority approving the Final Negative Declaration or, in the case of Negative Declarations issued prior to the date of this Resolution, ten (10) calendar days after publication of the Final Negative Declaration. For an EIR, the date of issuance shall be the date the EIR is certified by the decision-making authority. For an exemption, the date of issuance shall be the date that the applicant is notified in writing by the Planning Division that the Planning Division staff has made its final determination that the proposed project is exempt from CEQA, provided that, in any instance in which the Planning Division prepares a Notice of Exemption the date of issuance of the statutory or categorical exemption shall be the date that the Director or the Planning Manager, or their respective designee, signs the Notice.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.740. - Environmental documentation prepared by other public agencies.

When an EIR or Negative Declaration is sent to the City for review by another agency, the EIR or Negative Declaration will be reviewed for potential impact on the City by the Planning Manager and such other City divisions as may have expertise with regard to the project. Comments on the EIR or Negative Declaration may be sent to the Lead Agency at the discretion of the Planning Manager.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.750. - Program administration.

The City Manager and the Community Development Director are each hereby given authority to initiate any administrative procedures as may be necessary to implement and carry out the purpose and intent of this Resolution, CEQA and the State CEQA Guidelines. When any such administrative procedures have the potential to affect operations or procedures in more than one City Department or Divisions, such procedures should be promulgated as "Administrative Policies and Procedures" via the process prescribed therefor by the City Manager. Further, the Director may, in the implementation of these Local Guidelines, exercise the authority formerly delegated to the EIR Committee in any circumstance where the City Council had formerly delegated discretionary decisions or judgment to the EIR Committee for the implementation of CEQA.

EIR or Initial Study formats previously approved for use may be modified as experience dictates by the

Community Development Director. Additional forms may be introduced and utilized as may be necessary provided that, all form changes and administrative procedures initiated by the Director and the Planning Manager, shall be consistent with CEQA and the State CEQA Guidelines. The Director shall also report to the City Council any problems that may develop with respect to the provisions of this Resolution and shall recommend to the Council changes to its provisions to the end that the requirements of the CEQA and the State CEQA Guidelines may be fully met with as much efficiency and simplicity as possible.

(Res. No. 2002-57, § 4, 9-9-02)

Sec. 2R.450.760. - Administrative discretion.

All findings, determinations, recommendations, approvals, administrative procedures, or other exercises of discretionary judgment by the City Manager, the Director or the Planning Manager pursuant to this Resolution, or any other delegation of authority related thereto, shall be carried out by the City Manager, Director or the Planning Manager, as applicable, in a manner consistent with CEQA and the State CEQA Guidelines, protection of the environment, sound professional planning practices, and consideration of the public health, safety, and welfare.

(Res. No. 2002-57, § 4, 9-9-02)