



Community Development Department Planning Division

ENVIRONMENTAL REVIEW INFORMATION

PURPOSE: The California Environmental Quality Act (CEQA) was adopted by the State to ensure that long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, would be the guiding criterion in public decisions. Government agencies at all levels have since developed standards and procedures necessary to avoid or minimize environmental damage. As a result, these actions provide State residents with cleaner air and water, enjoyment of aesthetic, scenic, and historic environmental qualities, and freedom from excessive noise.

In the City of Benicia, the General Plan defines specific goals and policies to protect the environment. The Zoning Ordinance implements these policies through the discretionary permit review process. As described below, environmental review provides a base line of information and a comprehensive view of the effects of development on which land use decisions can be made.

WHEN REQUIRED: The City's Environmental Review Guidelines state that all projects which require discretionary permit approval, and are not specifically exempt from CEQA, are subject to environmental review. These projects include:

- General Plan amendments
- Zone changes
- Planned developments
- Design review
- Use permits
- Subdivisions
- Master plans, conservation plans, and overlay plans
- Specific plans
- Amendments to the Zoning Ordinance

These projects normally are not exempt from CEQA, and are therefore subject to the preparation of an initial study of environmental review. As a result of that study, which is normally completed by the Planning Division, either a Negative Declaration or Environmental Impact Report (EIR) will be prepared.

PRE-APPLICATION REVIEW: You may request a pre-application review of your project by City staff. By meeting with staff early in the review process, many issues can be resolved which would otherwise cause later delays. Areas of environmental concern can be identified which can be addressed prior to project application. Information on pre-application review can be obtained from any Planning staff member.

APPLICATION: Among other items, a complete application package includes the "Project Summary" and "Environmental Checklist" forms. These forms require specific information and details about the project, the area surrounding the development site, and the project's potential environmental impacts as interpreted by the applicant. (See the applicable project-specific information sheet for complete application requirements.) Planning staff will review the material for completeness, and will determine if additional information is needed to address specific environmental concerns. For example, a traffic study or an acoustical study may be needed to determine if the project will have a minor or significant environmental impact. Some projects, especially large or technically complex projects, may require a substantial amount of additional information or specialized studies such as a risk assessment or a wetlands delineation.

There is a separate application fee for environmental review based on the type of review required. Projects which are determined to be exempt are not charged a review fee unless the applicant wishes to file a Notice of Exemption for the project. There are separate fees for the preparation of an Initial Study and Negative Declaration. For projects requiring an EIR, or an Initial Study prepared by a consultant, the applicant pays all costs associated with the preparation of the document, and an administrative fee for the City staff time. If you have any questions regarding application submittal, contact the Planning Division for assistance.

ACTION: Planning staff will review the application package, and determine the level of review needed for the project. If an Initial Study is required, either the Planning staff will prepare the study, or an outside consultant will be retained to prepare the study, at the applicant's cost. The Initial Study results in one of three determinations:

- 1) That the proposed project does not have the potential for a significant impact on the environment, and a negative declaration will be prepared; or,
- 2) That although the proposed project could have the potential for a significant impact on the environment, there will not be a significant impact due to the mitigation measures incorporated into the project. The applicant must agree in writing to incorporate all identified mitigation measures into the project design or operation. In that case, a Mitigated Negative Declaration will be prepared; or
- 3) That the proposed project has the potential for a significant impact on the environment, and an EIR is required.

If a Negative Declaration is appropriate, a draft Negative Declaration will be prepared for the project for review by the decision-making body. The decision-making body must review and approve the Negative Declaration following a public hearing prior to any action on the project itself. Normally, the review of the Negative Declaration takes place concurrently with the project review. The Negative Declaration process takes a maximum of 105 days from the date the application is accepted as complete.

If an EIR is needed, all concurrent permit processing is postponed until the EIR process is completed (see below). The decision-making body must certify the EIR prior to considering and taking action on the project itself. Once the EIR is certified, the environmental review process is complete.

Except for actions taken by the City Council, any decision regarding a Negative Declaration or EIR may be appealed to a higher level. Community Development Director and Design Review Commission actions may be appealed to the Planning Commission. Planning Commission actions may be appealed to the City Council. Please refer to the "Appeals of Planning Actions" information sheet for details on appeals.

THE EIR PROCESS: When potentially significant environmental impacts are identified in a project's Initial Study, further review is required. Through an EIR, these impacts are studied in a comprehensive manner to develop a series of recommended mitigation measures to minimize their effects. A standard procedure has been established through CEQA for EIR preparation to ensure comprehensive review and comment in a timely manner.

A Notice of Preparation is sent to responsible public agencies and interested parties to solicit their comments as to the scope and content of the environmental information to be included in the EIR. At the same time, the Planning staff will solicit proposals from qualified environmental firms to prepare the EIR. The consultant is selected by and under contract to the City. Once the scope of work is established, an administrative draft of the EIR is prepared by the consultant. After analysis and review by City staff, the draft EIR is released for a public comment period of at least 45 days, during which interested parties can comment on the draft EIR.

All comments are evaluated and responded to as appropriate. The Response to Comments and the amended draft EIR constitute the final EIR. The final EIR is presented to the decision-making body (the Design Review Commission, Planning Commission, and/or City Council). If the decision-making body determines that the document adequately addresses all relevant environmental effects resulting from the project, the EIR will be certified as complete. Consideration of the project itself can then take place. The entire process takes a maximum of one year (based on CEQA's guidelines), unless a longer period of time is agreed to by the applicant and the City.

RELATED FORMS AND INFORMATION:

- CEQA Statute (State of California)
- CEQA Guidelines (State of California)
- Environmental Review Guidelines (City of Benicia)
- Environmental Checklist Form
- Fee Schedule