

Article 8: Implementation Procedures For The California Environmental Quality Act and the State CEQA Guidelines

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Division 1: General Procedures and Authorities for Implementation of the California Environmental Quality Act and the State Guidelines

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§128.0101 Purpose of the Environmental Quality Implementation Procedures

The purpose of these procedures is to implement the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, and to provide additional specific procedures for accurate, objective, timely, and orderly evaluation disclosure of potential environmental effects of proposed projects in the City.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§128.0102 Incorporation of CEQA by Reference

(a) CEQA and the State CEQA Guidelines, as applicable, are incorporated and made a part of this article as fully as though set forth herein, and all officers and employees of the City of San Diego are hereby authorized and directed to enforce and comply with each and every applicable provision of CEQA and the State CEQA Guidelines.

(b) This article shall be applied in such manner as to afford the fullest consideration of environmental protection of the environment within the reasonable scope of the statutory language.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§128.0103 Powers and Duties of the Development Services Director in Implementing Environmental Quality Procedures

The Development Services Director shall be responsible for implementing this article.

(a) The Development Services Director shall have the following powers as required for all projects or activities as defined by CEQA, whether proposed by private *applicants*, the City, or other public agencies:

- (1) To conduct environmental reviews including a determination of the information required to perform the review;
- (2) To issue administrative guidelines consistent with CEQA, the State CEQA Guidelines, current case law, and City Council policy;
- (3) To determine environmental significance based on applicable administrative guidelines;
- (4) To determine the type of environmental document required;

- (5) To prepare environmental documents as required by this article, CEQA, and the State CEQA Guidelines;
 - (6) To implement any three-party agreement or memorandum of understanding used for preparation of an environmental document and to set standards to help ensure that only qualified environmental consultants prepare these documents;
 - (7) To ensure to the maximum extent possible, that before public review, all environmental documents incorporate the latest pertinent technical or scientific information and are factually accurate and consistent; and
 - (8) To help ensure that *applicants* incorporate all required environmental mitigation measures or project alternatives as adopted by the decision makers to minimize, if not preclude, adverse impacts to the environment from the project, consistent with CEQA.
- (b) The Development Services Director shall establish and maintain that degree of independence in the performance of these functions and duties as will assure the City Council, the City Manager, the Planning Commission, and the people of the City of San Diego that the review and analysis of the environmental consequences of projects, are in accordance with CEQA, are independent and wholly objective, and are not prepared for the purpose of either supporting or detracting from any project, plan, or position, whether advanced by the City, any other governmental agency, or private interest.

(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

§128.0104 Authority to Require Mitigation and Monitoring Programs

When the conditions of a project approval require mitigation and monitoring, the City Manager and the Development Services Director are responsible for promulgating mitigation and monitoring standards and guidelines for public and private projects consistent with the requirements of CEQA Section 21081.6. The Development Services Director or City Manager may require appropriate surety instruments or bonds from private project *applicants* to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its costs to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)