

## RESOLUTION NO. 2018-01

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROVIA, REPEALING RESOLUTION NO. 93-06 AND ADOPTING LOCAL GUIDELINES TO IMPLEMENT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BY INCORPORATING THE STATE (CEQA) GUIDELINES AS THE CITY'S CEQA GUIDELINES WITH CERTAIN LOCAL AMENDMENTS

#### RECITALS

**WHEREAS**, the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 *et seq.*) and Title 14, of the California Code of Regulations § 15022, requires every public agency to adopt objectives, criteria, and specific procedures consistent with CEQA and the State CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations § 15000 *et seq.*) ("State CEQA Guidelines") for implementing its responsibilities under CEQA; and

**WHEREAS**, the public agency procedures assist in the orderly evaluation of projects and their potential effects on the environment and preparation of environmental documents; and

**WHEREAS** Monrovia Municipal Code §17.52 requires that the City Council of Monrovia adopt CEQA Guidelines for environmental review of projects; and

**WHEREAS**, the Monrovia City Council adopted CEQA Guidelines on March 16, 1993 under Resolution No. 93-06, which have become outdated; and

**WHEREAS**, the City now desires to update and streamline its implementing procedures and desires that they be consistent with the current provisions of CEQA and the State CEQA Guidelines and remain consistent on a continuing basis; and

**WHEREAS**, the purpose of this Resolution is to update and streamline the City's CEQA procedures by repealing, in its entirety Resolution No. 93-06, and replacing it with the State CEQA Guidelines and the local guidelines adopted by this resolution; and

**WHEREAS** this action is exempt from CEQA, pursuant to Section 15061(b)(3) of the State Guidelines. This section states that a project is exempt from CEQA if the activity is covered by general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity

is not subject to CEQA. The Local CEQA Guidelines are being updated to incorporate the State CEQA Guidelines and local procedures, which are technical changes concerning general policy for the implementation of CEQA; accordingly, there is no possibility that adopting these procedures will have a significant effect on the environment; and

**WHEREAS**, the Monrovia Planning Commission reviewed the proposed local CEQA Guidelines at the December 13, 2017 Planning Commission meeting and recommended approval of the Guidelines to the Monrovia City Council.

**NOW, THEREFORE**, the City Council of the City of Monrovia hereby finds, determines and resolves as follows:

**Section 1.** The City Council finds that all of the facts set forth in the Recitals of this Resolution are true and correct.

**Section 2.** Resolution No. 93-06 and the Guidelines that were adopted thereby are hereby repealed.

**Section 3.** The local CEQA Guidelines are hereby adopted as written below.

**Section 4.** Except as otherwise expressly provided herein, the provisions of CEQA and the State CEQA Guidelines are hereby adopted and made a part of this Resolution with the same effect as if fully set forth herein, and all the provisions thereof shall apply to projects proposed to be carried out or given discretionary review and approval by the City. All future revisions to CEQA and the State CEQA Guidelines shall hereafter be considered to be a part of the City's implementing procedures without further action by the City Council

**Section 5.** It is the intent of the City to conform to the requirements of the State CEQA Guidelines and CEQA. If any of the specific procedures or provisions adopted herein should be in conflict with CEQA or the State CEQA Guidelines, CEQA and the State CEQA Guidelines shall prevail. The City may administer its responsibilities under CEQA in any manner which meets the requirements of CEQA, notwithstanding the specific procedures and provisions set forth in the City's Local CEQA Guidelines below.

**Section 6. City of Monrovia's Local CEQA Guidelines**

**(A) Definitions**

- (1) CEQA** means Division 13 of the California Public Resources Code, commencing at Section 21000, as amended from time to time.
- (2) CEQA Guidelines** means the California Code of Regulations, Title 14, Chapter 3, commencing at Section 15000, as amended from time to time.

**(B) Environmental Officer**

The environmental officer for the City of Monrovia shall be the Community Development Director or his or her designee. Subject to appeal to the applicable decision-making body, the Environmental Officer shall be responsible for carrying out the following functions in implementing and administering these regulations:

- (1) Interpretation of these regulations and determination of substantial conformance therewith;
- (2) Determining whether an application is complete for environmental purposes;
- (3) Recommending an environmental determination;
- (4) Making de minimis determinations; and
- (5) Such other functions as may be reasonably required in order to administer these regulations.

**(C) Public Projects (City of Monrovia as lead agency).**

- (1) When the City plans to carry out a nonexempt public project, the responsible City department will participate in the environmental review process in a manner similar to that for private project applicants. All environmental documentation shall be prepared by the responsible department (or under the direction of that department), in coordination with the Environmental Officer or his or her designee. This coordination is intended to ensure consistency between the processing of private projects and the processing of public projects.
- (2) Public projects are not generally subject to mandatory time frames for processing.

**(D) Private Projects.**

- (1) When a private project is subject to discretionary review by the City, the applicant shall complete an environmental information form and any other required information, all of which shall be submitted to the Community Development Department.
- (2) The City encourages early consultation when prudent and feasible. Upon the request of an applicant and prior to filing of an application, the City shall provide for consultation regarding project entitlements, potential alternatives, mitigation measures, and potentially significant effects on the environment. Fees for such early consultation shall be prescribed by the City Council
- (3) All costs for the preparation and administration of environmental review for private projects shall be paid by the project applicant.

**(E) Other Public Projects (City as responsible agency or subsequent approval body).**

The City of Monrovia will follow the provisions in CEQA and the CEQA Guidelines for projects where the City is a responsible agency. As

appropriate, the Environmental Officer or his or her designee shall prepare comments and may solicit comments from other City departments on projects where the City is a responsible agency. As appropriate, the Environmental Officer or his or her designee may present draft comments to the Development Review Committee, Planning Commission or the City Council for review and approval.

**(F) Other Projects (City as commenter).**

- (1) If the Environmental Officer or his or her designee believes that a project may have an adverse or beneficial impact on the City, but the City is not a responsible agency, the Environmental Officer or his or her designee may request notice or the project's environmental review and the environmental documents for the purpose of providing comments and/or concerns related to the project. The Environmental Officer or his or her designee may prepare comments on environmental documents submitted to the City for review and on those projects where the Environmental Officer or his or her designee or a City department has reason to believe that the project may have an impact on the City. The Environmental Officer or his or her designee may refer the documents to other departments, the Development Review Committee, Planning Commission, or the City Council as appropriate.
- (2) If a City department believes that a project may have an adverse or beneficial impact on the City and would like to receive the environmental documents and/or participate in the environmental review of the project, the department shall notify the Environmental Officer or his or her designee of its interest or concern about the project, and the Environmental Officer or his or her designee may assist the department in providing comments on the project.

**(G) Activities Exempt from Environmental Review.**

- (1) In addition to those projects specifically enumerated as statutory or categorical exemptions from CEQA, the following projects are exempt from the other provisions of this article under the procedures enumerated below:
  - (a) **Non-projects.** CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA or the provisions of this article.
  - (b) **Ministerial projects.** The following activities are determined to be ministerial projects exempt from the provisions of CEQA and this article:
    1. Issuance of building, mechanical, electrical, and plumbing permits

2. Issuance of business licenses
3. Approval of final subdivision maps
4. Approval of individual utility service connections and disconnections.
5. Issuance of encroachment permits in conjunction with a building permit for installation of a projecting sign or awning which projects over the City's right-of-way.
6. Review of noise violations
7. Approval of a nonconforming use change
8. Approval of swimming pool fences

**(H) Exemption Procedures.**

- (1) Preliminary determination of whether a project is exempt shall be made by the Environmental Officer or his or her designee, based upon the environmental information form and any other information provided by the applicant or other parties. This preliminary determination does not constitute a determination in accordance with the Permit Streamlining Act, Section 65950(a)(4) of the Government Code.
- (2) Final determination of whether a project is exempt shall be made by the Community Development Director, Development Review Committee, Planning Commission, City Council, or other body taking action on the project. The final determination shall start the timeline for final action on the project in accordance with Government Code Section 65950 (Article 5 of the Permit Streamlining Act).
- (3) A determination that a project is exempt may be appealed in accordance with the provisions of Title 16 or Title 17 of the Monrovia Municipal Code. An appeal of an action to approve or disapprove a project also shall be an appeal of the environmental determination.
- (4) The Environmental Officer or his or her designee shall determine whether to file a notice of exemption for a project that is approved. Any costs of filing shall be paid by the applicant for a private project.

**(I) Negative Declarations.**

- (1) Preliminary determination of whether a negative declaration shall be issued for a project shall be made by the Environmental Officer or his or her designee, based upon the environmental information form and any other information provided by the applicant or other parties.
- (2) Final determination of whether a negative declaration shall be issued for a project shall be made by the Community Development Director, Planning Commission, City Council, or other body taking action on the project. The final determination shall start the timeline for final action on the project in accordance with Government Code Section 65950 (Article 5 of the Permit Streamlining Act).
- (3) Notice of a proposed negative declaration shall be provided in accordance with the provisions of CEQA. Notice of a proposed

negative declaration may be combined with notice of a public hearing on the project.

- (4) A determination on a negative declaration may be appealed in accordance with the provisions of Title 16 or Title 17 of the Monrovia Municipal Code. An appeal on an action to approve or disapprove a project also shall be an appeal of the environmental determination.
- (5) The failure of any person or entity to receive notice shall not constitute grounds to invalidate the action on a negative declaration.
- (6) The Environmental Officer or his or her designee shall file a notice of determination and any de minimus filing for a project that is approved with a negative declaration. Any costs of filing shall be paid by the applicant for a private project.

**(J) Environmental Impact Reports.**

- (1) Preliminary determination of whether an Environmental Impact Report (EIR) is required for a project shall be made by the Environmental Officer or his or her designee, based upon the environmental information form and any other information provided by the applicant or other parties.
- (2) Early consultation and public review during the scoping process for an EIR is encouraged, particularly for projects which generate a great deal of public interest.
- (3) Notice of a proposed EIR shall be provided in accordance with the provisions of CEQA. Notice of a proposed EIR may be combined with notice of a public hearing on the project.
- (4) The Environmental Officer or his or her designee shall determine whether a proposed project is of statewide, regional, or area wide significance.
- (5) Prior to the issuance of any document as a draft or final EIR, administrative review shall occur at staff level. The City staff shall review the document for approach, substance, accuracy, objectivity, contract compliance, errors or omissions, conformity to regulatory requirements, and to ensure that the draft document ultimately circulated for public and agency review reflects the independent judgment of the City as required by Public Resources Code Section 21082. Administrative draft documents are to be retained by the City for the limited time necessary to accomplish the review described above. At the end of that period, the administrative copies are to be returned to the consultant for final editing, or discarded. No administrative draft documents are to be kept in the project files. Administrative draft documents are not a part of the record of proceedings, and are not considered a "public document" for the purposes of the Public Records Act or CEQA.
- (6) A determination on an EIR may be appealed in accordance with the provisions of Title 16 or Title 17 of the Monrovia Municipal Code. An

appeal on an action to approve or disapprove a project also shall be an appeal of the environmental determination.

- (7) The failure of any person or entity to receive notice shall not constitute grounds to invalidate the action on an EIR.
- (8) The Environmental Officer or his or her designee shall file a notice of determination for a project that is approved with an EIR. Any costs of filing shall be paid by the applicant for a private project.

**(K) Additional Notices and Public Review Copies.**

In addition to the notices and public review copies that may be required under CEQA and the State CEQA Guidelines, a public review copy of notices and environmental documents may be made available at the City Community Development Department. The Environmental Officer or his or her designee may provide additional notices or public review copies as is determined appropriate for any particular project.

**Section 7.** The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of January 2018.

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Tom Adams, Mayor  
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

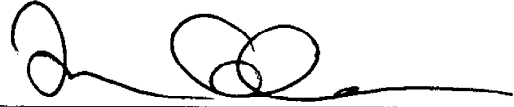
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Alice D. Atkins, CMC, City Clerk  
City of Monrovia

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Craig A. Steele, City Attorney  
City of Monrovia

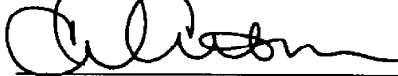
**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of January 2018.



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Tom Adams, Mayor  
City of Monrovia

ATTEST:



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Alice D. Atkins, CMC, City Clerk  
City of Monrovia

APPROVED AS TO FORM:



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Craig A. Steele, City Attorney  
City of Monrovia



STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) §  
CITY OF MONROVIA )

I, ALICE D. ATKINS, CMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing is a full, true and correct copy of Resolution 2018-01, it was duly adopted and passed at a regular meeting of the Monrovia City Council on the 16th day of January, 2018, by the following vote:

**AYES:** Councilmembers Shevlin, Spicer, Mayor Pro Tem Crudgington, Mayor Adams

**NOES:**

**ABSTAIN:**

**EXCUSED:** Councilmember Blackburn

ATTEST:



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Alice D. Atkins, CMC, City Clerk  
City of Monrovia