



CITY OF CAPITOLA CEQA INFORMATION

CITY OF CAPITOLA COMMUNITY DEVELOPMENT DEPARTMENT
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CEQA Overview

The California Environmental Quality Act, or CEQA, is a state law which requires state and local agencies to identify the potential environmental impacts resulting from development, disclose their findings to the public, and to avoid or mitigate those impacts to the extent feasible. CEQA does not require that a project be approved or denied.

The environmental review process required by CEQA involves a detailed analysis of a project's effect on the environment, including but not limited to impacts to air quality, biological resources, historic resources, water quality, and traffic.

CEQA Applicability

All discretionary permit applications, such as Design Permits, Conditional Use Permits, Subdivisions, etc. are subject to the requirements of CEQA. CEQA does not apply to ministerial, or by-right permits, including but not limited to building permits, business licenses, certificates of compliance, and other administrative permits such as fence permits and minor encroachment permits.

Types of CEQA Documents

There are three typical environmental processes under CEQA:

- **CEQA Exemption** – CEQA exempts certain classes of projects from a detailed environmental analysis. Most small development projects in Capitola, including single-family residential development and commercial remodels, qualify for a CEQA exemption.
- **Negative Declaration/Mitigated Negative Declaration** – If a project does

not qualify for an exemption, a Negative Declaration or a Mitigated Negative Declaration may be prepared if the project would not result in a significant, unavoidable environmental impact. Mitigated Negative Declarations are prepared when a project would result in an environmental impact, but the impact can be mitigated to a less than significant level.

Negative Declarations and Mitigated Negative Declarations require a minimum 20-30 day public review and comment period prior to adoption by the local agency. In addition, projects which require preparation of a Negative Declaration or a Mitigated Negative Declaration require payment of Fish and Game Fees to the State of California (2016 fee is \$2,210.25) plus a \$50 recordation fee payable to the County Clerk.

- **Environmental Impact Report (EIR)** – CEQA requires preparation of an EIR if a project has the *potential* to result in a significant environmental impact. EIRs can be very costly and often take more than a year to produce. In addition to requirements for Negative Declarations, EIRs must also evaluate alternatives to the proposed project and identify an environmentally superior alternative.

EIRs must be circulated for a minimum 45-day public review and comment period. In addition, projects which require an EIR must pay Fish and Game Fees to the State of California (2016 fee is \$3,070) plus a \$50 recordation fee payable to the County Recorder.



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Environmental Studies

Most Negative Declarations, Mitigated Negative Declarations, and EIRs require the preparation of environmental technical studies by outside experts. The cost to prepare CEQA documents, including all necessary environmental technical studies (such as traffic, biology, archaeology, etc.) is the responsibility of the project applicant. The City of Capitola contracts directly with any technical experts needed to produce CEQA documents or associated environmental technical studies.

Application Requirements

All discretionary permit applications require CEQA review; therefore, there are no special application requirements to initiate the CEQA review process. However, additional fees and deposits may be required if it is determined that a project does not qualify for a standard CEQA exemption and/or if environmental technical studies are needed.

CEQA Process

City staff will perform environmental analysis and complete the CEQA documentation concurrently with the processing of any associated permit applications. The first step of the CEQA process is for City staff to evaluate a permit application to determine if the project may result in any significant environment effects. The areas of study are included in CEQA Guidelines Appendix G and include aesthetics (visual resources), air quality, biological resources, cultural (historic) resources, hazardous materials, transportation/traffic, and water quality. If a project has the potential to adversely impact any of these resources, City staff will perform a preliminary evaluation of the project by preparing a CEQA "Initial Study".

Depending on the results of the Initial Study, additional environmental technical studies, such as a biology or traffic study, may be necessary to complete the environmental review process. At this juncture, City staff will also make a determination of whether a Negative Declaration, Mitigated Negative Declaration, or EIR is necessary.

Negative Declarations, Mitigated Negative Declarations, and EIRS are circulated for public review and comment periods as required by CEQA. At the end of the public review period, staff reviews all public comments and prepares written responses. If a commenter identifies a significant deficiency in the environmental analysis, the document may need to be revised and recirculated for a new public review period.

Once all comments have been addressed, staff will prepare final environmental documents and present them to the City decision-maker (e.g. Planning Commission or City Council) concurrently with any associated permit applications.

CEQA Findings

In order to approve a permit application, the decision-maker is required to make special CEQA findings in addition to any typical permit findings. CEQA requires different findings depending on whether a project relies on an exemption, Negative Declaration, or an EIR.

Public Hearing Process

There are no special public hearing requirements for CEQA. If a permit application requires a public hearing, the CEQA document will be considered concurrently with any associated permit applications.