



CITY OF SONOMA

Environmental Review Procedures



Adopted by City Council February 7, 2024

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I. Purpose

The intent of these procedures is to protect the environment of the City of Sonoma, to comply with the California Environmental Quality Act (CEQA), and to implement the basic principles, objectives, and criteria contained Section 21082 of the Public Resources Code and Section 15022 of the CEQA Guidelines. These procedures are designed to be used in conjunction with CEQA the CEQA Guidelines when the City is the lead agency for a project to streamline the environmental review process consistent with state law.

II. Definitions

The definitions set forth in Article 20 (Definitions) of the CEQA Guidelines shall apply, except as supplemented as follows:

1. **Applicant:** A person, including, but not limited to, project applicant, property owner, architects, or other professionals working in support of a project, who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement of use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance.
2. **California Environmental Quality Act (CEQA):** Public Resources Code, Sections 21000 et seq., or any successor statute(s).
3. **CEQA Guidelines:** "State CEQA Guidelines," prepared by the Secretary for Resources, title 14 of the California Code of Regulations sections 15000 et seq., or any successor guideline(s).
4. **City:** City of Sonoma.
5. **City Council:** The City Council of the City of Sonoma.
6. **Decision Making Body:** The officer or body that has the authority to approve a project or application under the Sonoma Municipal Code, including, but not limited to, the Director, Planning Commission, or City Council.
7. **Director:** The Community Development Director of the City of Sonoma or designee.
8. **Planning Commission:** The Planning Commission of the City of Sonoma.

III. General Provisions

1. **Adoption of Local CEQA Guidelines and Incorporation of CEQA Guidelines.** The City hereby adopts as its own local California Environmental Quality Act Guidelines under Section 21082 of the Public Resources Code all of the CEQA Guidelines, as amended from time to time, and as augmented by these environmental review procedures. These procedures are developed pursuant to CEQA and the CEQA Guidelines and are intended to define the manner in which state-mandated environmental review procedures are administered by the City. Should any

conflict between these procedures and CEQA or the CEQA Guidelines be found or arise due to changes in the statute or the Guidelines, the conflict shall be resolved in favor of the statute and Guidelines.

2. **Amendment.** These procedures may be amended from time to time. Amendments may be initiated by the Director, Planning Commission, or City Council. Any proposed amendment with substantive changes must be reviewed by the Planning Commission for recommendation to the City Council for final review and decision. Minor text amendments, amendments to comply with state law, or to update the best available information can be approved by the Director.
3. **Administration.** The Director shall be responsible for administering the procedures set forth herein. The Director shall make the initial determination as to the appropriate level of environmental review required under CEQA for a project. The Director is responsible for determining whether a project is eligible for an exemption from review under CEQA and is also responsible for preparing a negative declaration, mitigated negative declaration, or Environmental Impact Report for projects. The Director's determination shall be based on substantial evidence.
4. **Appeals.** Decision of the Director under these procedures may be appealed to the Planning Commission and decisions of the Planning Commission under these procedures may be appealed to the City Council as set forth in Sonoma Municipal Code Chapter 19.84 (Appeals).
5. **Time Limits.** The time limits set forth in CEQA and the CEQA Guidelines shall be adhered to in the administration of these procedures, with the following exceptions:
 - a. Projects which are deemed emergencies as defined in Section 15269 of the CEQA Guidelines are exempt from the requirements of CEQA;
 - b. Projects for which the Director has requested and obtained permission from the Office of Planning and Research for shortened public review periods; and
 - c. Projects mandated under state or federal statute which specifically require expedited review as defined in Section 15111 of the CEQA Guidelines.
6. **Minimum Requirements.** In interpretation and application, these procedures shall be considered the minimum requirements necessary to accomplish the purpose set forth herein.
7. **Fees.** Fees shall be charged to recover the full cost of administering, preparing, and processing environmental documents. See Section XII for more information.
8. **Communication.** Applicants shall have no direct communication with consultants hired by the City to assist with environmental review, unless permission has been obtained in writing from the Director for a specific purpose.

IV. Activities Not Subject to CEQA

1. **Generally.** Activities that are not "projects" as defined in Section 15378 of the CEQA Guidelines and activities that are "ministerial" as defined in Section 15369 of the CEQA Guidelines are not

subject to CEQA or these procedures. Examples of City activities that are not normally subject to CEQA include but are not limited to:

- a. Business licenses
- b. Grading permits
- c. Building permits
- d. Final subdivision maps
- e. Certificates of use and occupancy
- f. Accessory Dwelling Units

2. Exceptions. There may be instances where unusual circumstances cause one of the above activities to be considered a discretionary action subject to CEQA. Examples include, but are not limited to:

- a. Any building permit or grading permit application or other action which is normally considered ministerial but due to special circumstances is determined to have the potential to cause a significant effect on the environment. Examples may include, but are not limited to:
 - i. Work in an area of unusual erosion potential or ground instability;
 - ii. Work affecting scenic or sensitive historical, archaeological, or biological resources; and
 - iii. An activity that may generate substantial public health impacts, such as noise, odors, or toxic materials.
- b. Any building or grading permit in a sensitive area for which no prior CEQA review has occurred and no discretionary permit (e.g., use permit, design review) is required.

V. Determination of Exemption

- 1. Administration.** CEQA and the CEQA Guidelines provide that certain types of projects (i.e., projects that fall under Subsections 2, 3, and/or 5 of this Section V) are exempt from the requirement to prepare an initial study unless there are special circumstances that could result in significant environmental effects. The Director shall be responsible for conducting a preliminary review of the proposed project to determine whether the project is exempt from the provisions of CEQA.
- 2. Statutory Exemptions.** Activities that qualify for a statutory exemption as provided under Sections 15260 et seq. of the CEQA Guidelines do not require further environmental review to the extent stated in the CEQA Guidelines.
- 3. Categorical Exemptions.** The various classes of categorical exemptions contained in Section 15300 (Categorical Exemptions) of the CEQA Guidelines are exempt from the provisions of CEQA.
- 4. Exceptions to Categorical Exemptions.** The categorical exemptions provided in Section 3 above shall not be used if the conditions in Section 15300.2 (Exceptions) of the CEQA Guidelines apply.
 - a. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are

considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

- b. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
 - c. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
 - d. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
 - e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
 - f. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.
5. **"Common Sense" Exemption.** During the preliminary review of an application, each discretionary project that is not covered under a statutory or categorical exemption shall be evaluated to determine whether it qualifies for the common sense exemption under the general rule contained in Section 15061(b)(3) of the CEQA Guidelines which states in relevant part:

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 CEQA Guidelines further encourage agencies to adopt a list of project types that would qualify for the common sense exemption. Project types which qualify for this exemption include, but are not limited to:

- a. Minor changes to the Municipal Code which do not authorize physical development.
 - b. Minor changes to public infrastructure such as installing trees, replacing or upgrading streetlights, traffic signals, etc., and other public improvements of a minor nature.
 - c. Administrative City actions such as budget amendments, professional services agreements, etc. which do not involve projects which affect the physical environment.
6. **Approval of Exemption.** Upon recommendation of the Director, the Decision Making Body charged with approving a project or application shall have the authority to determine the applicability of exemptions for all public and privately-initiated projects.

7. **Notice of Exemption.** After approval of a project that was found to be exempt, the Director may prepare and file a Notice of Exemption as provided under Section 15062 (Notice of Exemption) of the CEQA Guidelines. Costs associated with filing shall be the responsibility of the project applicant.

VI. Initial Study

1. **General.** If the proposed project is not exempt from review under CEQA, the City shall conduct an initial study to determine if the project may have a significant effect on the environment. If the City can determine that an Environmental Impact Report (EIR) will clearly be required for the project, an initial study is not required but may still be desirable. Initial studies shall be prepared in accordance with requirements contained in Section 15063 (Initial Study) of the CEQA Guidelines. Where the Director determines that consultant assistance is required to complete the initial study, the procedural requirements contained in Section XI (Consultant Assistance) below shall apply.
2. **Purpose.** The purposes of an initial study are to:
 - a. Provide the City with information to use as the basis for deciding whether to prepare an EIR or a negative declaration.
 - b. Enable an applicant or City to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a mitigated negative declaration.
 - c. Assist in the preparation of an EIR, if one is required, by:
 - i. Focusing the EIR on the effects determined to be significant,
 - ii. Identifying the effects determined not to be significant,
 - iii. Explaining the reasons for determining that potentially significant effects would not be significant, and
 - iv. Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.
 - d. Facilitate environmental assessment early in the design of a project;
 - e. Provide documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment;
 - f. Eliminate unnecessary EIRs; and
 - g. Determine whether a previously prepared EIR could be used with the project.
3. **Applicant's Responsibilities.** The applicant shall submit all information determined by the Director to be necessary for the preparation of the initial study. In addition, when consultant assistance is required, the applicant shall be responsible for all costs as provided under Sections XI (Consultant Assistance) and XII (Fees).
4. **Content and Format.** The content and format of an initial study shall be in accordance with Section 15063 of the CEQA Guidelines. The initial study shall also determine the significance of

the environmental effects caused by a project under Section 15064 of the CEQA Guidelines. The initial study shall be prepared using Appendices G and H of the CEQA Guidelines.

5. **CEQA Determination.** Based on the Initial Study, the Director shall determine whether there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial. If the Director so finds, the City shall do one of the following:
 - a. Prepare an EIR, or
 - b. Use a previously prepared EIR which the lead agency determines would adequately analyze the project at hand, or
 - c. Determine, pursuant to a program EIR, tiering, or another appropriate process, which of a project's effects were adequately examined by an earlier EIR or negative declaration. Another appropriate process may include, for example, a master EIR, a master environmental assessment, approval of housing and neighborhood commercial facilities in urban areas, approval of residential projects pursuant to a specific plans described in Section 15182 of the CEQA Guidelines, approval of residential projects consistent with a community plan, general plan or zoning as described in Section 15183 of the CEQA Guidelines, or an environmental document prepared under a State certified regulatory program. The City shall then ascertain which effects, if any, should be analyzed in a later EIR or negative declaration.
 - d. The City shall prepare a negative declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.

VII. Negative Declaration Process

1. **General.** As provided in Section 15070 of the CEQA Guidelines, the City shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:
 - a. The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
 - b. The initial study identifies potentially significant effects, but:
 - i. Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
 - ii. There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.
2. **Applicant's Responsibilities.** The applicant shall submit all information determined by the Director to be necessary for the preparation of the negative declaration or mitigated negative

declaration. In addition, when consultant assistance is required, the applicant shall be responsible for all costs as provided under Sections XI (Consultant Assistance) and XII (Fees).

3. **Contents.** Negative declaration circulated for public review shall include all items required and outlined by Section 15071 of the CEQA Guidelines, including a brief description of the project, location map, name of the project proponent, and a proposed finding that the project will not have a significant effect on the environment. The negative declaration shall include an attached copy of the initial study documenting reasons to support the finding; and any and all mitigation measures, if any, included in the project to avoid potentially significant effects.
4. **Notice of Intent and Posting of a Proposed Negative Declaration.** The Director shall provide notice of intent to adopt a negative declaration or mitigated negative declaration as required by Section 15072 of the CEQA Guidelines.
5. **Public Review.** Public review shall follow Section 15073 of the CEQA Guidelines.
 - a. The City shall ensure a public review period of not less than 20 days. When a proposed negative declaration or mitigated negative declaration and initial study are submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period is approved by the State Clearinghouse under Section 15105(d) of the CEQA Guidelines.
 - b. A copy of the proposed negative declaration or mitigated negative declaration and the initial study shall be attached to the notice of intent to adopt the proposed declaration that is sent to every responsible agency and trustee agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project.
 - c. Where one or more state agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or areawide environmental significance, the City shall send copies of the proposed negative declaration or mitigated negative declaration to the State Clearinghouse for distribution to state agencies.
 - d. The City shall notify in writing any public agency which comments on a proposed negative declaration or mitigated negative declaration of any public hearing to be held for the project for which the document was prepared. A notice provided to a public agency pursuant to Section 15072 of the CEQA Guidelines satisfies this requirement.
6. **Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration.**
 - a. Prior to approval of any project for which a negative declaration or mitigated negative declaration was prepared, appropriate findings shall be prepared by the Director for consideration by the Decision Making Body.
 - b. The Decision Making Body shall approve or modify, or disprove the findings prepared by the Director. The Decision Making Body may also take no action or not adopt the negative declaration or mitigated negative declaration.

7. **Action by the Decision Making Body.** Prior to approval of any project for which a negative declaration or mitigated negative declaration was prepared, the Decision Making Body shall adopt the negative declaration or mitigated negative declaration prepared by Director only after it finds, based on the whole record before it, that there is no substantial evidence the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the independent judgment of the City.
8. **Conditions of Approval/Mitigation Monitoring.** When a mitigated negative declaration is adopted for a project which has environmental impacts mitigated to a level of insignificance by proposed mitigation measures, those mitigations shall be included in a mitigation monitoring program as identified in Section XIV below and shall be made a condition of project approval.
9. **Notice of Determination.** Within five (5) working days following the Decision Making Body's approval of a project for which a negative declaration or mitigated negative declaration was prepared, the Director shall prepare and file a Notice of Determination as provided by Section 15075 of the CEQA Guidelines.

VIII. Environmental Impact Reports.

1. **General.** If the initial study shows that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the City shall either prepare or cause to be prepared a draft EIR or use a previously certified EIR which adequately analyzes the project.
2. **Applicant's Responsibilities.** The applicant shall submit all information determined by the Director to be necessary for the preparation of the draft EIR. In addition, when consultant assistance is required, the applicant shall be responsible for all costs as provided under Sections XI (Consultant Assistance) and XII (Fees), below.
3. **Notice of Preparation.** The Director shall prepare and distribute a Notice of Preparation as provided by Section 15082 of the CEQA Guidelines.
4. **Public Scoping Meeting.** The Director shall conduct a public meeting to obtain input on the scope of the draft EIR when required under Section 15082(c) of the CEQA Guidelines and may conduct such a public meeting in all other cases. The proposed project and its potential impacts as identified in the initial study shall be presented to the public to obtain comments on the potential project impacts to be addressed in the draft EIR.
5. **Preparation of a Draft EIR.** The Director shall prepare or cause to be prepared the draft EIR. During the preparation, the Director may consult with the applicant, consultant, responsible and trustee agencies, or with other interested agencies or individuals it believes will be concerned with the environmental effects of the project to discuss the project, obtain information regarding its impacts, and devise mitigation measures. Any person, including the applicant, may submit information or comments to the City to assist in the preparation of the draft EIR. The submittal may be presented in any format, including the form of a draft EIR. The information and comments received will be considered and may be included in the EIR in whole or in part.

6. **Notice of Completion of a Draft EIR.** The Director shall prepare and distribute a Notice of Completion as provided by Section 15085 of the CEQA Guidelines.

7. **Public Notice and Review.**

a. *Public Notice.* At the same time the Director sends the Notice of Completion to the Office of Planning and Research under Section 15085 of the CEQA Guidelines, the Director shall provide public Notice of Availability of the draft EIR and public review period on the City's website in addition to at least two of the following means:

- 1) One-time publication in the Sonoma Index-Tribune.
- 2) Notices posted on and off the site in the vicinity of the project.
- 3) Direct mailing to property owners contiguous to the project site as shown in the latest equalized assessment roll.

The public notice will also be sent to the office of the County Clerk to be posted in that office for a period of at least 30 days.

b. *Documents Available for Public Review.* Copies of the draft EIR shall be made available at City Hall and the Sonoma Valley Public Library for public review. Downloadable copy shall be made available on the City's Website.

c. *Time Limits.* The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except in unusual circumstances as determined by the Director. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

8. **Response to Comments.** Upon closure of the review period, the Director shall collate all comments received on the draft EIR and shall ensure that all are responded to, in writing, in the final EIR.

9. **Final EIR.** Following the closure of the review period and the preparation of the responses to comments, the Director shall prepare or cause to be prepared a final EIR as provided by Section 15089 of the CEQA Guidelines.

10. **Action by the Decision Making Body.** Prior to approval of any project for which an EIR was prepared, the final EIR shall be certified as provided by Section 15090 of the CEQA Guidelines and appropriate findings, as required by Section 15091 of the CEQA Guidelines, shall be prepared by the Director for consideration by the Decision Making Body. The Decision Making Body may modify, certify, or disprove any EIR prepared by the Director. Additionally, prior to approval of any project for which an EIR was prepared, the Decision Making Body shall approve or amend the findings prepared by the Director. The Decision Making Body shall certify the final EIR if it has been prepared in accordance with CEQA and the CEQA Guidelines; the final EIR was presented to the Decision Making Body and was reviewed and considered prior to approving the project; and that the final EIR reflects the Decision-Making Body's independent judgment and analysis. Any amendment must reflect a reasoned analysis supported by substantial evidence in the administrative record.

11. **Statement of Overriding Consideration.** If the project is approved by Decision Making Body with the finding that the mitigation of one or more significant impacts is infeasible due to specific economic, social, legal, technological, or other considerations, then a statement of overriding considerations, pursuant to section 15093 of the CEQA Guidelines, shall be adopted. Such findings shall be based on substantial evidence in the administrative record. The statement of overriding considerations shall be included in the record of project approval and mentioned in the Notice of Determination.
12. **Conditions of Approval/Mitigation Monitoring.** When an EIR is certified for a project which has environmental impacts mitigated to a level of insignificance by proposed mitigation measures, those mitigations shall be included in a mitigation monitoring program as identified in Section XIV below and shall be made a condition of project approval.
13. **Notice of Determination.** Within five (5) working days following the Decision Making Body's approval of a project for which an EIR was prepared, the Director shall prepare and file a Notice of Determination as provided by Section 15094 of the CEQA Guidelines.
14. **Filing the Final EIR.** The final EIR shall be filed with the City Community Development Department. The applicant shall be responsible for providing each Responsible Agency with a copy of the certified, final EIR as provided by Section 15094 of the CEQA Guidelines.

IX. Tribal Consultation

As part of the CEQA process, the City will engage in Tribal consultation pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18, and any subsequent requirements. AB 52 requires public agencies to consult with tribes during the CEQA process. Tribal consultation was also added as a requirement for housing projects using SB 35 streamlining. Under SB 18, the City shall consult with California Native American tribes, regardless of whether they are federally recognized, that are within the City, are on the contact list maintained by the Native American Heritage Commission (NAHC), and are affected by the proposed plan adoption or amendment as required when amending the General Plan or Specific Plans. (Gov. Code, § 65352.3.) Costs associated with Tribal Consultation for private development projects shall be the responsibility of the applicant and may include additional technical studies and other costs.

X. Historical or Unique Archaeological Resources

Historical and archeological resources are of particular concern in the City. The City shall follow Section 15064.5 of the CEQA Guidelines and any other relevant guidelines and statutes.

1. **Historic Resources:** Historical resources are identified in Section 15064.5(a) of the CEQA Guidelines. Historical resources shall be treated as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

The fact that a historical resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical

resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude the City from determining that the resource may be an historical resource as defined in Sections 5020.1(j) or 5024.1 of the Public Resources Code.

As part of the CEQA process, the City shall require any documentation needed to determine the significance of a historical resource. A proposed project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

The significance of an historical resource is materially impaired when a project:

- a. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- b. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the City reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- c. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by the City for purposes of CEQA.

Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource (CEQA Section 15064.5(b)(3)).

The City shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource and shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

2. **Archaeological Resources:** The City contains numerous sensitive archeological resources.
 - a. During the CEQA process, the City shall determine if a project will impact an archaeological site and if the site is a historical resource.
 - i. If the City determines that an archaeological site is an historical resource, the City shall refer to the provisions of Section 21084.1 of the Public Resources Code

and Sections 15064.5 and 15126.4 of the CEQA Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

- ii. If an archaeological site does not meet the criteria for a historical resource but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2.
- b. When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, the City shall work with the appropriate Native Americans as identified by the NAHC as provided in Section 5097.98 of the Public Resources Code. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC.
 - c. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:
 - i. There shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - b) If the coroner determines the remains to be Native American:
 - 1. The coroner shall contact the NAHC within 24 hours.
 - 2. The NAHC shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 - 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Section 5097.98 of the Public Resources Code, or
 - ii. Where the following conditions occur, the landowner or the landowner's authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - a) The NAHC is unable to identify the most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 - b) The descendant identified fails to make a recommendation; or

- c) The landowner or the landowner's authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.
- d. The City shall make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions shall include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

XI. Consultant Assistance.

When the Director determines that consultant assistance is required for the preparation of an initial study, negative declaration, mitigated negative declaration, or EIR, the following procedures shall be followed:

- 1. Consultant List.** The Director shall maintain a list of consultants having a sufficient variety of expertise to assist in the preparation of initial studies, negative declarations, or EIRs when required.
- 2. Consultant Selection.** When outside assistance is required, a consultant shall be selected by the Director from the City's consultant list based on the nature of the project and the expertise of the consultant. If it is determined by the Director or requested by the applicant that proposals should be solicited from more than one consultant, the Director shall prepare and distribute a Request for Proposals (RFP) from the consultant list. Following receipt of proposals, the Director shall evaluate the submittals and select the best-qualified consultant to assist in the preparation of the applicable CEQA document. The applicant may review the submittals and provide a recommendation regarding the selection of a consultant, but the final decision regarding consultant selection shall be made by the Director.
- 3. Contract Approval and Administration.** The proposed scope of work and budget shall be submitted to the applicant for approval. If the proposal is acceptable, the applicant shall submit a deposit to cover the consultant costs plus a reasonable City administrative fee, along with a cost recovery agreement. The consultant shall not be authorized to commence work until such deposit is received from the applicant. The amount of the deposit will normally be the total project budget; however, for large projects the deposit may be made in two or three payments subject to approval by the Director. Payment in full must be received prior to release of a draft EIR, negative declaration, or mitigated negative declaration.

After receipt of the applicant's deposit, the Director shall prepare and execute a contract for consultant services in a form meeting the approval of the City Attorney and shall administer the contract through project completion. At the conclusion of the project any unused deposit shall be returned to the applicant.

XII. Fees.

The preparation of an initial study, negative declaration, mitigated negative declaration, or EIR shall be subject to the following fees:

1. For initial studies, negative declarations, and mitigated negative declarations prepared by the Director without consultant assistance, a reasonable fee shall be collected as established by resolution of the City Council as part of the Community Development Department Fee Schedule.
2. For initial studies, negative declarations, mitigated negative declarations, and EIRs prepared with consultant assistance, the applicant shall pay:
 - a. the actual costs for professional consulting services to assist in environmental review; and
 - b. an administrative fee as established and required by the City Council. This fee is based on the full cost recovery hourly rate for the staff and legal counsel involved, outside agency fees, public notices, advertisements, and postage.

This financial responsibility of the applicant will be outlined in a cost recovery agreement.

3. Under City Resolution # 86-2018, the City Council authorizes the City Manager to execute all cost recovery contracts for contract staff and/or special studies since these contracts are reimbursable and not subject to any City funding.
4. No future applications shall be accepted from any applicant, and no permits or entitlements shall be approved or issued until all prior indebtedness to the City incurred under this section by such applicants has been paid in full.
5. The amount of the fee shall become an obligation of the applicant to the City whether or not the permit or entitlement is issued, or whether or not the applicant exercises the right to obtain the permit or entitlement. Such fees accrue and become payable when the City gives notice to the applicant of the amount of such fees. This liability shall be enforceable in any court of competent jurisdiction. In the event a suit is filed by the City, in addition to the amount of the fee, the applicant shall pay the City's reasonable attorney's fees.

XIII. Authority of the Community Development Director.

The Director shall have authority to interpret CEQA, the CEQA Guidelines, and these procedures as they may affect any particular activity or project, including private development projects and City public works projects. In addition, the Director, in consultation with the City Attorney, shall have authority for the following actions:

1. Making determinations as to whether activities are subject to CEQA.
2. Making determinations regarding the applicability of Categorical, Statutory, and "Common Sense" Exemptions.

3. Preparing initial studies for projects that are not exempt from CEQA.
4. Preparing, posting, and distributing notices of preparation, exemption, completion, and determination; negative declarations; mitigated negative declarations; and EIRs for City-sponsored projects and projects for which the City has approval authority as the lead agency.
5. Preparing responses to comments on negative declarations, mitigated negative declarations, and EIRs, and preparing draft findings, resolutions, and mitigation monitoring programs.
6. Determining requirements of CEQA or the adequacy of environmental documents.
7. Developing administrative procedures for implementation of CEQA and these procedures.
8. Reviewing and commenting on negative declarations, mitigated negative declarations, notices of preparation, draft EIRs, or other environmental documents prepared by other agencies.

XIV. Mitigation and Monitoring

1. **General.** All approved projects for which mitigation measures are required based on the findings of an adopted mitigated negative declaration or EIR shall be subject to a monitoring and reporting program as described below. The purpose of this program is to ensure that the required mitigation measures are successfully accomplished in a timely manner and to report the results of mitigation measures to the City Council, Planning Commission, and general public.
2. **Conditions of Approval.** As part of all projects subject to CEQA, conditions of approval shall include:
 - All mitigation measures identified in the CEQA document identified as necessary to successfully mitigate a potentially significant impact; however, the Director, Planning Commission, or City Council may modify or delete recommended mitigation measures, provided the appropriate findings are made. Each mitigation measure shall specify the City department or external agency responsible for monitoring the particular measure.
 - The requirements for this monitoring and reporting program.
 - Any other conditions, restrictions, modification, or other measures necessary deemed necessary in the project approval.
3. **Enforcement.** In the event that an applicant fails to complete a required mitigation measure, the applicant shall be subject to enforcement proceedings as further described in project's contract documents and/or conditions of approval, CEQA, the CEQA Guidelines, these procedures, the Sonoma Municipal Code, and as provided in equity and law. Existing enforcement mechanisms shall be used at the discretion of City staff. No new enforcement measures are created by this section. Enforcement may include, as appropriate, "STOP WORK" orders, fines, revocation of use permit, nuisance abatement, or other legal proceedings, subject to the applicable provisions of the Sonoma Municipal Code.

XV. Agency Contacts

Below is a list of agency partners that may have additional permit requirements. This list has been provided for convenience and to support expeditious permitting; however, this list is not intended to be comprehensive.

Bay Area Air Quality Management District

<https://www.baaqmd.gov/>

(415) 749-4900

- Air Toxics
- Asbestos Demolition/Renovation
- Diesel engines
- Permit to Construct/Permit to Operate
- Title V Permits
- Underground Storage Tanks

Caltrans Encroachment Permits – District 4

<https://dot.ca.gov/programs/traffic-operations/ep/district-contacts>

(510) 286-4401

D4Permits@dot.ca.gov

- Work in the public right of way along Highway 12 (including Broadway, West Napa Street, and Sonoma Highway).
- May be required for tree removal, sidewalk repairs, various construction projects.

Sonoma County Department of Health Services -Environmental Health and Safety Health Department

<https://sonomacounty.ca.gov/health-and-human-services/health-services/divisions/public-health/environmental-health-and-safety>

(707) 565-6565

- Cannabis Permits
- Food Safety
- Leaking Underground Storage Tanks
- Medical Waste
- Pools and Spas
- Well Water Quality

Sonoma County PRMD

<https://permitsonoma.org/>

(707) 565-1900

- Sanitation
- Stormwater

Sonoma Valley Fire District

<https://www.sonomavalleyfire.org/fire-prevention>

(707) 996-2102

- Fire Code Compliance
- Fire Inspections
- Tent and Special Event Permits
- Vegetation Management