

ORDINANCE NO. 11031 APR 3 1973  
(New Series)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 9, DIVISIONS 1, 2 AND 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 69.0108 AND AMENDING SECTIONS 69.0101, 69.0103, 69.0104, 69.0201, 69.0202, 69.0301, 69.0302, 69.0303, 69.0304, 69.0305, 69.0307, 69.0308, 69.0309, 69.0310, 69.0311, 69.0312 AND 69.0313 RELATING TO ENVIRONMENTAL IMPACT REPORT PROCEDURES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 9, Division 1 of the San Diego Municipal Code be and it is hereby amended by adding Section 69.0108 to read as follows:

SEC. 69.0108 DIRECTOR'S GUIDELINES

The Director of the Environmental Quality Department, hereinafter referred to as the "Director," shall prepare and develop guidelines for the implementation of this ordinance. Such guidelines shall include objectives and criteria for the orderly evaluation of projects and the preparation of Environmental Impact Reports in a manner consistent with this ordinance, the Environmental Quality Act of 1970, as amended, and the Secretary for Resources "Guidelines for Implementation of the California Environmental Quality Act of 1970."

Such guidelines shall include criteria for determining whether or not a proposed project may have a significant effect on the environment. The Director's

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guidelines for the implementation of this ordinance shall be presented to the City Council for certification and adoption.

Section 2. That Chapter VI, Article 9, Divisions 1, 2 and 3 of the San Diego Municipal Code be amended by amending Sections 69.0101, 69.0103, 69.0104, 69.0201, 69.0202, 69.0301, 69.0302, 69.0303, 69.0304, 69.0305, 69.0307, 69.0308, 69.0309, 69.0310, 69.0311, 69.0312 and 69.0313 to read as follows:

DIVISION 1

GENERAL

SEC. 69.0101 PURPOSE AND INTENT

Pursuant to the California Environmental Quality Act of 1970, as amended, its interpretation in Friends of Mammoth, et al. v. Board of Supervisors of Mono County, et al., 8 Cal.3d 1 (1972), and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" promulgated by the State of California Secretary for Resources, it is incumbent upon The City of San Diego, as a public agency, to protect the interest of the public in securing, maintaining, preserving, protecting, rehabilitating and enhancing the environment within the City of San Diego. To that end, this ordinance has been enacted for the purpose of establishing guidelines, criteria and procedures for the preparation, submission and review of Environmental Impact Reports on those public and private projects requiring governmental

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authorization which may have a significant effect on the environment. Additionally, it is also necessary to establish standards and criteria for use in determining whether a particular project may or may not have a significant effect on the environment.

SEC. 69.0103 DEFINITIONS

Whenever the following words are used in this ordinance, unless otherwise defined, they shall have the meaning ascribed to them in this section.

a. Activity or Activities - shall be construed to apply to any construction work and shall not be limited to public works construction;

b. Applicant - shall mean any person, corporate or otherwise, public or private, who has requested the City's permission to perform or carry out some project, activity, development or change in zone which may have a significant effect on the environment;

c. Approval - means a decision by any discretionary decision-making body within The City of San Diego which will commit The City of San Diego to a definite course of action in regard to a project intended to be carried out by any person as defined in Section 69.0103, paragraph 1;

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d. Development - shall mean any private project such as subdivisions, planned residential developments and the like;

e. Environment - means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, noise and objects of historic or aesthetic significance;

f. Environmental Assessment (EA) - a formal evaluation statement, prepared and completed by any person sponsoring a project and submitted to the Director of the Environmental Quality Department for his use in determining whether the proposed project will have a significant effect on the environment;

g. Environmental Impact Analysis (EIA) - a written report analyzing the environmental effects, beneficial or detrimental, of the proposed project. Such report shall contain those items required by Section 69.0306 of this ordinance;

h. Environmental Impact Report (EIR) - shall mean a detailed statement setting forth those matters specified in Section 69.0306 of this ordinance, the California Environmental Quality Act of 1970, as amended, and "Guidelines for Implementation of the

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California Environmental Quality Act of 1970." Such report is an informational document which must be considered by the appropriate decision-making authority prior to the approval or disapproval of a project;

i. Interested Person - shall mean any person concerned about a project or report on a project and includes individual citizens, citizen groups, public agencies, City departments or the applicant;

j. Negative Declaration (ND) - is a written determination prepared by the Director of the Environmental Quality Department indicating that a particular project or activity, although not categorically exempt, will not have a significant effect on the environment due to circumstances peculiar to the specific project. Such declaration shall include those items set forth in the "Guidelines for Implementation of the California Environmental Quality Act of 1970";

k. Ordinance - shall mean Article 9 of Chapter VI of the San Diego Municipal Code;

l. Person - includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, and political subdivisions of such entities;

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m. Project

(1) Project shall refer to both public and private activities and shall mean the whole of an action, resulting in physical impact on the environment, directly or ultimately, that is any of the following:

(a) Activities directly undertaken by The City of San Diego;

(b) Activities undertaken by a person, corporate or otherwise, which are supported in whole or in part through City contracts, grants, subsidies, loans or other forms of assistance;

(c) Activities involving the issuance to a person, corporate or otherwise, of a lease, permit, license, certificate or other entitlement for use by The City of San Diego;

(2) Project does not include:

(a) Those items specifically exempted by state law;

(b) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service

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facilities, general policy and procedure making (except as they are applied to specific instances covered in paragraph m(1) above), feasibility or planning studies;

(c) City of San Diego ballot propositions whether by initiative, referendum, or Council initiation;

n. Significant effect on the environment - shall mean a substantial adverse impact on the environment. The determination of whether a particular project will or will not have a significant effect on the environment shall be made in accordance with those procedures set forth in Division 3 of this ordinance, applicable state statutes and regulations, and other applicable City of San Diego ordinances and regulations.

SEC. 69.0104 NECESSARY AND CONVENIENT PROCEDURE  
AUTHORIZED

Any procedure not expressly set forth in this ordinance but deemed necessary or convenient to carry out any of its purposes or the purposes of the Environmental Quality Act of 1970, as amended, and the state-implementing regulations is authorized.

DIVISION 2

INTERIM GUIDELINES AND PROCEDURES

SEC. 69.0201 ONGOING PROJECTS

a. Public. Any project as defined in Section 69.0103, paragraph m(1) (a), approved prior to

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November 23, 1970, shall not require an Environmental Impact Report or Negative Declaration unless it is a project which may have a significant effect on the environment, and

(1) A substantial portion of public funds allocated for the project has not been spent and it is still feasible to modify the project in such a way to mitigate against potentially adverse environmental effects; or to choose feasible alternatives to the project including the alternative of "no project" or halting the project; or

(2) A proposed modification to the project plan which may cause a new significant effect on the environment;

b. Private. Any project defined in Section 69.0103, paragraph m(1)(c), undertaken, carried out or approved on or before December 5, 1972, and the issuance by The City of San Diego of any lease, permit, license, certificate or other entitlement for use executed or issued on or before said date, notwithstanding a failure to comply with this ordinance, if otherwise legal and valid, is hereby confirmed, validated and declared legally effective. Any project undertaken by a person which

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was supported in whole or in part through contracts with The City of San Diego on or before December 5, 1972, notwithstanding a failure to comply with this ordinance, if otherwise legal and valid, is hereby confirmed, validated and declared legally effective. A project is deemed to be undertaken, carried out or approved if prior to December 5, 1972, the applicant has received from The City of San Diego any and all discretionary permits required for his project. If subsequent to December 5, 1972, an applicant is seeking a discretionary permit from The City of San Diego even though he has received a prior discretionary permit for his particular project, he must comply with those provisions set forth in Division 3 of this ordinance if the discretionary permit or permits sought involve a greater degree of responsibility and control over the project as a whole. If the applicant has applied for a discretionary permit prior to December 5, 1972, but has of that date not received approval from the City, said applicant shall be required, depending upon the nature of the permit sought, to comply with Division 3 of this ordinance.

SEC. 69.0202 LEGAL PROCEEDINGS INVOLVING  
PRE-DECEMBER 5, 1972 PROJECTS

Section 69.0201 shall not operate to confirm, validate or give legal effect to any project, public or

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private, the legality of which was being contested in a judicial proceeding in which proceeding the pleadings, prior to December 5, 1972, alleged facts constituting a cause of action for or raised the issue of a violation of this ordinance, and which was pending and undetermined on December 5, 1972, provided, however, that Section 69.0201 shall operate to confirm, validate or give legal effect to any project to which this section applies if, prior to the commencement of judicial proceedings and in good faith and in reliance upon the issuance by The City of San Diego of any lease, permit, license, certificate or other entitlement for use, substantial construction has been performed and substantial liabilities for construction and necessary materials have been incurred.

DIVISION 3

PROCEDURES FOR PREPARATION AND  
REVIEW OF ENVIRONMENTAL IMPACT REPORTS

SEC. 69.0301 ENVIRONMENTAL IMPACT REPORTS REQUIRED:  
PUBLIC AND PRIVATE PROJECTS: NOTICE OF  
APPROVAL

a. The City of San Diego shall not authorize, approve, or allow any discretionary project, activity, development or changes in zone to be carried out which may have a significant or nontrivial effect on the environment unless an Environmental Impact Report has first been prepared, considered, filed and has become officially final, pursuant to this ordinance. Prior to the approval or disapproval of a proposed discretionary project, activity, development or change

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in zone, the City shall determine whether the proposed activity or project will have a significant effect on the environment. Said determination of environmental significance shall be made pursuant to the objectives, criteria, standards and procedures established by this ordinance, the Director's guidelines referred to in Section 69.0108, those promulgated by the State Office of the Secretary for Resources, and those set forth in the California Environmental Quality Act of 1970, as amended.

b. This ordinance shall not apply to ministerial projects proposed to be carried out or approved by The City of San Diego. All other permits, licenses, leases or other entitlements for use, authorizations or approvals of a discretionary nature are subject to the requirements of this ordinance.

c. Whenever The City of San Diego approves or determines to carry out a project which is subject to the provisions of this ordinance, it shall file notice of such approval or determination with the County Clerk of the county or counties in which the project will be located.

SEC. 69.0302 CATEGORICAL EXEMPTIONS

a. The guidelines prepared and adopted pursuant to Section 69.0108 shall include a list

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of classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from the provisions of this ordinance. Such categorical exemptions must be consistent with the objectives and criteria set forth in this ordinance, the Environmental Quality Act of 1970, as amended, and the Secretary for Resources "Guidelines for Implementation of the California Environmental Quality Act of 1970."

b. The City Council, pursuant to Section 21086 of the California Environmental Quality Act of 1970, as amended, may at any time request by resolution the addition or deletion of a class of projects to the list of categorical exemptions promulgated by the Secretary for Resources in the "Guidelines for Implementation of the California Environmental Quality Act of 1970." Adoption of such a resolution shall be effected following a public hearing before the Council, notice of which shall have been published once in the City's official newspaper at least fourteen (14) days prior to said hearing.

SEC. 69.0303 APPLICATION

Prior to the issuance of any permit, approval, authorization or other entitlement for use of a

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discretionary nature subject to the provisions of this ordinance, the appropriate City department or applicant shall prepare, complete, and submit an Environmental Assessment or an Environmental Impact Analysis accompanied by appropriate plans to the Director for his review and evaluation in determining the environmental significance of the proposed project or activity.

If at the time the Environmental Assessment is submitted the applicant or City department has reason to believe that the proposed project may have a significant effect on the environment, the submission of an Environmental Impact Analysis together with the Environmental Assessment shall be permitted.

An Environmental Impact Analysis shall be required when the Director determines that the proposed project will have a significant effect on the environment.

SEC. 69.0304 EVALUATION BY THE DIRECTOR OF THE ENVIRONMENTAL QUALITY DEPARTMENT-- MANDATORY FINDINGS

a. The Director and his staff shall review and evaluate the Environmental Assessment along with accompanying documents and plans to determine if the proposed project may have a significant effect on the environment. To assist the Director in his evaluation of a proposed project, he may require

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the applicant or City department to supply him with whatever information he deems necessary to adequately determine the environmental consequences. In his evaluation, the Director shall determine whether:

(1) The proposed project will or will not have any possible significant effect;

(2) The proposed project or activity is a "project" within the meaning of Section 69.0103, paragraph m;

(3) The proposed project is ministerial, emergency or discretionary in nature;

(4) The proposed project or activity is categorically exempt from the ordinance's application;

(5) The proposed project or activity ordinarily would be expected to have a significant effect on the environment, but due to circumstances peculiar to the specific project, it will not have a significant effect and thus qualify for a Negative Declaration as defined herein; or

(6) The proposed project or activity will have a significant effect on the environment and thus require the preparation of an Environmental Impact Report.

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b. The determinations in paragraph a above shall be made within thirty (30) calendar days of the date upon which the Assessment and plans for the proposed project are received. During this time period, the Director may, if practical, feasible, and available, solicit the recommendations and viewpoints of all public agencies and City departments that may be affected by the proposed project and those private persons and organizations which have expressed interest in the environmental impact of the proposed project. Notice of the Director's determination shall be transmitted to the applicant or originating department in writing.

c. Where any of the following conditions exist regarding a proposed project or activity, a finding of "significant effect on the environment" shall be required:

(1) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.

(2) The possible effects of a project are individually limited but cumulatively considerable.

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(3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

SEC. 69.0305 PREPARATION OF ENVIRONMENTAL IMPACT REPORT

a. General. If the Director finds and determines after his initial evaluation that the proposed project or activity may have a significant effect on the environment, he must prepare or cause to be prepared an Environmental Impact Report. No approval shall be given or granted by the City for any particular project or activity until such report is complete and final and has been considered by the appropriate decision-making body. In the preparation of the report, the Director may require the applicant or originating City department to submit an Environmental Impact Analysis and whatever other information he deems necessary in order to adequately assess the environmental consequences of the proposed project. The Environmental Impact Analysis submitted by an applicant or City department may be considered by the Director as a preliminary draft Environmental Impact Report. The accuracy and objectivity of the final draft Environmental Impact Report is the responsibility of the Director and shall reflect his independent judgment regarding the project.

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b. Timely Compliance. The preparation of an Environmental Impact Report shall be accomplished within a reasonable time period, depending, however, upon the nature and circumstances of the particular project involved.

c. Consultation with Other Public Agencies and Private Citizens. The Director shall, prior to completing an Environmental Impact Report, consult with and obtain comments from any public agency which has jurisdiction by law with respect to the particular project and may consult with any person who has special expertise with respect to a particular environmental impact.

Additionally, the Director shall solicit and obtain the recommendations and viewpoints of any City department that may be affected by the proposed project and those private persons and organizations which have expressed an interest in the environmental impact of a proposed project. This shall be effected during preparation of the report. All comments, recommendations and viewpoints shall be included in the Environmental Impact Report even if the Director finds no merit in them. The report shall also contain the Director's opinion with respect to all such comments. Such consultation

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shall be a continuous process until such time as the Environmental Impact Report has become officially final.

d. Preliminary Environmental Impact Report.

As soon as the Director has completed his draft preliminary Environmental Impact Report or has received an Environmental Impact Analysis which he desires to treat as a draft preliminary Environmental Impact Report but before any copies are distributed for review, he shall transmit an official notice to the Secretary for Resources indicating that the draft report is completed.

Additionally, the Director shall take all necessary steps to insure that copies of the preliminary draft Environmental Impact Report are distributed for review and comment to appropriate public agencies and to members of the public requesting them. Members of the general public requesting copies of the Environmental Impact Report shall be charged for the actual cost of reproducing such copies.

e. Final Environmental Impact Report. The final draft Environmental Impact Report shall become officially final upon expiration of the appeals period referred to in Section 69.0310, or in the alternative,

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upon approval by the Environmental Appeals Board. The final report shall contain those elements set forth in Section 69.0306, comments received through the consultation process described in paragraph c of this section above, the Director's responses to such comments, and the identity of all persons, public and private, consulted with regard to said report.

f. Submission to Decision-Making Authority.

The official final Environmental Impact Report shall be presented to the appropriate decision-making authority which shall adopt the final Environmental Impact Report and consider the report's contents when it makes a decision on the project. After making a decision on the project, the appropriate authority shall cause a Notice of Determination to be filed with the County Clerk of the county or counties in which the project will be located.

SEC. 69.0307 PERMIT FEES

In order to recover the estimated costs incurred in preparing and processing Environmental Impact Reports, Negative Declarations and Environmental Assessments, the City Manager shall prepare and submit to the Council an appropriate fee schedule. Such schedule shall become effective on approval by

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Council resolution and may be amended similarly by resolution as necessary.

SEC. 69.0308 DETERMINATION THAT PROJECT WILL NOT  
HAVE A SIGNIFICANT EFFECT

If the Director determines that the proposed activity or project due to circumstances peculiar to the specific project will not have a significant effect on the environment, then he shall prepare a preliminary Negative Declaration which shall not exceed one page in length. Such Declaration shall include a description of the project as proposed and a finding that the project will not have a significant effect on the environment. A Negative Declaration shall be filed with sufficient time before the project is approved or disapproved to provide an opportunity for members of the public to respond to the finding. The filing of a Negative Declaration shall be done pursuant to Section 69.0309 of this ordinance.

SEC. 69.0309 FILING OF ENVIRONMENTAL IMPACT REPORT  
OR NEGATIVE DECLARATION

Regardless of the Director's determination, he shall file, as applicable, either a final draft Negative Declaration or final draft Environmental Impact Report with the City Clerk. Notice of such filing shall be published in the City's official newspaper once with a general description of the project, the applicant's name (City department or private individual), the proposed

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location, and reference to this ordinance for appeal procedures. Such publication shall be accomplished by the City Clerk. This requirement is in addition to those filing and notice requirements imposed by the California Environmental Quality Act of 1970, as amended, and the Secretary for Resources "Guidelines for Implementation of the California Environmental Quality Act of 1970."

SEC. 69.0310 APPEAL PROCEDURES

Within fourteen (14) days after the date of publication of the notice of the filing of a final draft Environmental Impact Report or final draft Negative Declaration has been filed with the City Clerk, any interested person may appeal the adequacy of the same to the Environmental Appeals Board. "Interested person" shall include individual citizens, citizens' groups, public agencies, City departments, or the applicant. Such appeal must be in writing and must specify, in detail, the basis upon which the appeal is being made. Such appeal shall speak to specific points contained in the Environmental Impact Report or Negative Declaration. The appeal will then be reviewed and acted upon by the Appeals Board. If no appeal is taken within the above time period, the final draft Environmental Impact Report or Negative Declaration shall become officially final and

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shall be transmitted to the appropriate governing or administrative authority for consideration in the decision-making process. No permit or approval shall be granted during the appeal period and if an appeal is filed, no permit or approval shall be granted until such time as the appeal is finally decided by the Appeals Board.

SEC. 69.0311 ENVIRONMENTAL APPEALS BOARD

a. There is hereby created an Environmental Appeals Board which shall consist of five (5) members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. Appointments shall be made for two-year terms with the initial appointments to include two (2) appointments for one (1) year ending March 1, 1974, and three (3) appointments for two (2) years each ending March 1, 1975. Each appointee shall serve until his successor is duly appointed and qualified. Vacancies shall be filled for the unexpired term of the term of the member whose place becomes vacant. The Environmental Appeals Board membership shall include one (1) representative from each of the following areas: physical sciences, environmental sciences, social sciences, citizens' groups and private developers.

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During March of each year the Mayor may designate one member as chairman; however, in the absence of such designation, the Board shall, on or after April 15, select a chairman from among its members.

b. The Board shall adopt such rules and regulations consistent with law for the government of its business and procedures. The Board shall meet not less than once every two (2) weeks.

c. The Board is charged with the following duties:

(1) Reviewing Environmental Impact Reports to determine the sufficiency of such reports when such reports are questioned upon appeal.

(2) Rendering advice on procedures for the preparation and review of Environmental Impact Reports and Negative Declarations to appropriate agencies of City government.

In carrying out such duties, the Board shall exercise those powers enumerated in Section 69.0312.

SEC. 69.0312 ENVIRONMENTAL APPEALS BOARD PROCEDURES

The Environmental Appeals Board may, upon receipt of a written appeal:

a. Return the Environmental Impact Report or Negative Declaration to the originating department or applicant for further information and clarification. If information provided by the originating

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department or applicant is satisfactory to appellant, the final Environmental Impact Report or Negative Declaration shall be issued upon expiration of the appeals period.

b. If information provided is unsatisfactory to appellant, the final draft Environmental Impact Report or Negative Declaration is submitted to the Appeals Board for review together with the proposed plans.

c. (1) Upon review, the Appeals Board may modify or revise the Environmental Impact Report or Negative Declaration and in so doing may require the originating department, applicant or the Director to provide all necessary information and data. At such time as the Board is satisfied with the Environmental Impact Report, it shall become final.

(2) If a Negative Declaration has been filed and such determination is appealed, the Appeals Board may overrule such determination and require that an Environmental Impact Report be made.

(3) Upon review, the Appeals Board may approve the Environmental Impact Report or Negative Declaration as filed, and upon expiration of the appeals period, it shall become officially final.

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In its review, the Board shall restrict itself solely to the question of the sufficiency of the report. Upon final acceptance by the Appeals Board of the Environmental Impact Report or Negative Declaration, such report or declaration shall be submitted to the appropriate governing or administrative authority for consideration in the decision-making process.

SEC. 69.0313 DISAPPROVAL OF PROJECTS

A project or activity requiring an Environmental Impact Report may be disapproved and a City lease, permit, license or other entitlement of use denied if it is determined by the appropriate authority that the project or activity proposed would result in an adverse impact on the environment which is unreasonable in light of the expected benefit, both public and private, to be derived from the project. In determining whether the expected adverse impact on the environment is unreasonable, the appropriate authority shall consider whether the public interest in securing, maintaining, preserving and protecting the environment outweighs any possible benefit, public or private, that may be derived from approving the project.

Disapproval of any project may be made at any of the following procedural levels:

- a. Subdivision Review Board in considering a tentative map. Appeals thereafter may be taken pursuant to Section 102.0205.

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b. Zoning Administrator in considering any variance or other matter before him. Appeals thereafter may be taken pursuant to Section 101.0504.

c. Board of Zoning Appeals on any appeal. Appeals thereafter may be taken pursuant to Section 101.0505.

d. Planning Commission on any appeal and in considering a Conditional Use Permit, Planned Unit Development or Planned Residential Development. Appeals thereafter may be taken pursuant to Sections 101.0506E and 101.0900G.

e. City Council prior to advertisement of bids on any public projects or on any appeal and in considering approval of any zoning, Conditional Use Permit, Planned Unit Development or Planned Residential Development.

f. Where none of the foregoing procedural levels apply, then the City Council may consider such action on application to it by any interested person taken within fourteen (14) days of the filing of any Environmental Impact Report with the City Clerk or fourteen (14) days after any decision of the Appeals Board is final.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its adoption.

APPROVED: JOHN W. WITT, City Attorney

By   
Donald W. Detisch, Deputy

DWD:K  
3-7-73

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Passed and adopted by the Council of The City of San Diego on APR 3 1973,  
 by the following vote:

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 CITY CLERK'S OFFICE  
 1973 MAR -9 PM 1:42  
 SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: PETE WILSON  
 Mayor of The City of San Diego, California.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.  
 By Mary Anne Nease, Deputy.

(Seal)

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on MAR 20 1973, and on APR 3 1973.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.  
 By Mary Anne Nease, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Ordinance Number 11031 Adopted APR 3 1973  
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ATTORNEY IS)

\*CITY OF SAN DIEGO,  
12th Floor  
202 "C" Street  
San Diego, California

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

ENVIRONMENTAL IMPACT REPORT PROCEDURES

I, Patricia M. Applestill hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

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to a true and correct copy of which this certificate is annexed was published in said newspaper on

April 12, 1973

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

April 12, 1973

*Patricia M. Applestill*  
(Signature)

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**ORDINANCE NO. 11031**

(New Series)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 9, DIVISIONS 1, 2 AND 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 69.0108 AND AMENDING SECTIONS 69.0101, 69.0103, 69.0104, 69.0201, 69.0202, 69.0301, 69.0302, 69.0303, 69.0304, 69.0305, 69.0307, 69.0308, 69.0309, 69.0310, 69.0311, 69.0312 AND 69.0313 RELATING TO ENVIRONMENTAL IMPACT REPORT PROCEDURES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1, That Chapter VI, Article 9, Division 1 of the San Diego Municipal Code be and it is hereby amended by adding Section 69.0108 to read as follows:

**SEC. 69.0108 DIRECTOR'S GUIDELINES**

The Director of the Environmental Quality Department, hereinafter referred to as the "Director," shall prepare and develop guidelines for the implementation of this ordinance. Such guidelines shall include objectives and criteria for the orderly evaluation of projects and the preparation of Environmental Impact Reports in a manner consistent with this ordinance, the Environmental Quality Act of 1970, as amended, and the Secretary for Resources "Guidelines for Implementation of the California Environmental Quality Act of 1970."

Such guidelines shall include criteria for determining whether or not a proposed project may have a significant effect on the environment. The Director's guidelines for the implementation of this ordinance shall be presented to the City Council for certification and adoption.

Section 2, That Chapter VI, Article 9, Divisions 1, 2 and 3 of the San Diego Municipal Code be amended by amending Sections 69.0101, 69.0103, 69.0104, 69.0201, 69.0202, 69.0301, 69.0302, 69.0303, 69.0304, 69.0305, 69.0307, 69.0308, 69.0309, 69.0310, 69.0311, 69.0312 and 69.0313 to read as follows:

**DIVISION 1  
GENERAL**

**SEC. 69.0101 PURPOSE AND INTENT**

Pursuant to the California Environmental Quality Act of 1970, as amended, its interpretation in *Friends of Mammoth, et al. v. Board of Supervisors of Mono County, et al.*, 8 Cal.3d 1 (1972), and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" promulgated by the State of California Secretary for Resources, it is incumbent upon The City of San Diego, as a public agency, to protect the interest of the public in securing, maintaining, preserving, protecting, rehabilitating and enhancing the environment within the City of San Diego. To that end, this ordinance has been enacted for the purpose of establishing guidelines, criteria and procedures for the preparation, submission and review of Environmental Impact Reports on those public and private projects requiring governmental authorization which may have a significant effect on the environment. Additionally, it is also necessary to establish standards and criteria for use in determining whether a particular project may or may not have a significant effect on the environment.

**SEC. 69.0103 DEFINITIONS**

Whenever the following words are used in this ordinance, unless otherwise defined, they shall have the meaning ascribed to them in this section:

a. **Activity or Activities**—shall be construed to apply to any construction work and shall not be limited to public works construction;

b. **Applicant**—shall mean any person, corporate or otherwise, public or private, who has requested the City's permission to perform or carry out some project, activity, development or change in zone which may have a significant effect on the environment;

c. **Approval**—means a decision by any discretionary decision-making body within The City of San Diego which will commit The City of San Diego to a definite course of action in regard to a project intended to be carried out by any person as defined in Section 69.0103, paragraph 1;

d. **Development**—shall mean any private project such as subdivisions, planned residential developments and the like;

e. **Environment**—means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, noise and objects of historic or aesthetic significance;

f. **Environmental Assessment (EA)**—a formal evaluation statement, prepared and completed by any person sponsoring a project and submitted to the Director of the Environmental Quality Department for his use in determining whether the proposed project will have a significant effect on the environment;

g. **Environmental Impact Analysis (EIA)**—a written report analyzing the environmental effects, beneficial or detrimental, of the proposed project. Such report shall contain those items required by Section 69.0308 of this ordinance;

h. **Environmental Impact Report (EIR)**—shall mean a detailed statement setting forth those matters specified in Section 69.0308 of this ordinance, the California Environmental Quality Act of 1970, as amended, and "Guidelines for Implementation of the California Environmental Quality Act of 1970." Such report is an informational document which must be considered by the appropriate decision-making authority prior to the approval or disapproval of a project;

i. **Interested Person**—shall mean any person concerned about a project or report on a project and includes individual citizens, citizen groups, public agencies, City departments or the applicant;

j. **Negative Declaration (ND)**—is a written determination prepared by the Director of the Environmental Quality Department indicating that a particular project or activity, although not categorically exempt, will not have a significant effect on the environment due to circumstances peculiar to the specific project. Such declaration shall include those items set forth in the "Guidelines for Implementation of the California Environmental Quality Act of 1970";

k. **Ordinance**—shall mean Article 9 of Chapter VI of the San Diego Municipal Code;

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l. Person — includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, and political subdivisions of such entities;

m. Project

(1) Project shall refer to both public and private activities and shall mean the whole of an action, resulting in physical impact on the environment, directly or ultimately, that is any of the following:

(a) Activities directly undertaken by The City of San Diego;

(b) Activities undertaken by a person, corporate or otherwise, which are supported in whole or in part through City contracts, grants, subsidies, loans or other forms of assistance;

(c) Activities involving the issuance to a person, corporate or otherwise, of a lease, permit, license, certificate or other entitlement for use by The City of San Diego;

(2) Project does not include:

(a) Those items specifically exempted by state law;

(b) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered in paragraph m(1) above), feasibility or planning studies;

(c) City of San Diego ballot propositions whether by initiative, referendum, or Council initiation;

n. Significant effect on the environment — shall mean a substantial adverse impact on the environment. The determination of whether a particular project will or will not have a significant effect on the environment shall be made in accordance with those procedures set forth in Division 3 of this ordinance, applicable state statutes and regulations, and other applicable City of San Diego

ordinances and regulations.

SEC. 69.0104 NECESSARY AND CONVENIENT PROCEDURE AUTHORIZED

Any procedure not expressly set forth in this ordinance but deemed necessary or convenient to carry out any of its purposes or the purposes of the Environmental Quality Act of 1970, as amended, and the state-implementing regulations is authorized.

DIVISION 2

INTERIM GUIDELINES AND PROCEDURES

SEC. 69.0201 ONGOING PROJECTS

a. Public. Any project defined in Section 69.0103, paragraph m(1) (a), approved prior to November 23, 1970, shall not require an Environmental Impact Report or Negative Declaration unless it is a project which may have a significant effect on the environment, and

(1) A substantial portion of public funds allocated for the project has not been spent and it is still feasible to modify the project in such a way to mitigate against potentially adverse environmental effects; or to choose feasible alternatives to the project including the alternative of "no project", or halting the project; or

(2) A proposed modification to the project plan which may cause a new significant effect on the environment;

b. Private. Any project defined in Section 69.0103, paragraph m(1) (c), undertaken, carried out or approved on or before December 5, 1972, and the issuance by The City of San Diego of any lease, permit, license, certificate or other entitlement for use executed or issued on or before said date, notwithstanding a failure to comply with this ordinance, if otherwise legal and valid, is hereby confirmed, validated and declared legally effective. Any project undertaken by a person which was supported in whole or in part through contracts with The City of San Diego on or before December 5, 1972, notwithstanding a failure to comply with this ordinance, if otherwise legal and valid, is hereby confirmed, validated and declared legally effective. A project is deemed to be undertaken, carried out or approved if prior to December 5, 1972, the applicant has received from The City of San Diego any and all discretionary permits required for his project. If subsequent to December 5, 1972, an applicant is seeking a discretionary permit from The City of San Diego even though he has received a prior discretionary permit for his particular project, he must comply with those provisions set forth in Division 3 of this ordinance if the discretionary permit or permits sought involve a greater degree of responsibility and control over the project as a whole. If the applicant has applied for a discretionary permit prior to December 5, 1972, but has of that date not received approval from the City, said applicant shall be required, depending upon the nature of the permit sought, to comply with Division 3 of this ordinance.

SEC. 69.0202 LEGAL PROCEEDINGS INVOLVING PRE-DECEMBER 5, 1972 PROJECTS

Section 69.0201 shall not operate to confirm, validate or give legal effect to any project, public or private, the legality of which was being contested in a judicial proceeding in which proceeding the pleadings, prior to December 5, 1972, alleged facts constituting a cause of action for or raised the issue of a violation of this ordinance, and which was pending and undetermined on December 5, 1972, provided, however, that Section 69.0201 shall operate to confirm, validate or give legal effect to any project to which this section applies if, prior to the commencement of judicial proceedings and in good faith and in reliance upon the issuance by The City of San Diego of any lease, permit, license, certificate or other entitlement for use, substantial construction has been performed and substantial liabilities for construction and necessary materials have been incurred.

DIVISION 3  
PROCEDURES FOR PREPARATION AND  
REVIEW OF ENVIRONMENTAL IMPACT REPORTS  
SEC. 69.0301 ENVIRONMENTAL IMPACT REPORTS REQUIRED:  
PUBLIC AND PRIVATE PROJECTS: NOTICE OF  
APPROVAL

a. The City of San Diego shall not authorize, approve, or allow any discretionary project, activity, development or changes in zone to be carried out which may have a significant or nontrivial effect on the environment unless an Environmental Impact Report has first been prepared, considered, filed and has become officially final, pursuant to this ordinance. Prior to the approval or disapproval of a proposed discretionary project, activity, development or change in zone, the City shall determine whether the proposed activity or project will have a significant effect on the environment. Said determination of environmental significance shall be made pursuant to the objectives, criteria, standards and procedures established by this ordinance, the Director's guidelines referred to in Section 69.0108, those promulgated by the State Office of the Secretary for Resources, and those set forth in the California Environmental Quality Act of 1970, as amended.

b. This ordinance shall not apply to ministerial projects proposed to be carried out or approved by The City of San Diego. All other permits, licenses, leases or other entitlements for use, authorizations or approvals of a discretionary nature are subject to the requirements of this ordinance.

c. Whenever The City of San Diego approves or determines to carry out a project which is subject to the provisions of this ordinance, it shall file notice of such approval or determination with the County Clerk of the county or counties in which the project will be located.

SEC. 69.0302. CATEGORICAL EXEMPTIONS

a. The guidelines prepared and adopted pursuant to Section 69.0108 shall include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from the provisions of this ordinance. Such categorical exemptions must be consistent with the objectives and criteria set forth in this ordinance, the Environmental Quality Act of 1970, as amended, and the Secretary for Resources "Guidelines for Implementation of the California Environmental Quality Act of 1970."

b. The City Council, pursuant to Section 21086 of the California Environmental Quality Act of 1970, as amended, may at any time request by resolution the addition or deletion of a class of projects to the list of categorical exemptions promulgated by the Secretary for Resources in the "Guidelines for Implementation of the California Environmental Quality Act of 1970." Adoption of such a resolution shall be effected following a public hearing before the Council, notice of which shall have been published once in the City's official newspaper at least fourteen (14) days prior to said hearing.

SEC. 69.0303. APPLICATION

Prior to the issuance of any permit, approval, authorization or other entitlement for use of a discretionary nature subject to the provisions of this ordinance, the appropriate City department or applicant shall prepare, complete, and submit an Environmental Assessment or an Environmental Impact Analysis accompanied by appropriate plans to the Director for his review and evaluation in determining the environmental significance of the proposed project or activity.

If at the time the Environmental Assessment is submitted the applicant or City department has reason to believe that the proposed project may have a significant effect on the environment, the submission of an Environmental Impact Analysis together with the Environmental Assessment shall be permitted.

An Environmental Impact Analysis shall be required when the Director determines that the proposed project will have a significant effect on the environment.

SEC. 69.0304. EVALUATION BY THE DIRECTOR OF THE  
ENVIRONMENTAL QUALITY DEPARTMENT —  
MANDATORY FINDINGS

a. The Director and his staff shall review and evaluate the Environmental Assessment along with accompanying documents and plans to determine if the proposed project may have a significant effect on the environment. To assist the Director in his evaluation of a proposed project, he may require the applicant or City department to supply him with whatever information he deems necessary to adequately determine the environmental consequences. In his evaluation, the Director shall determine whether:

- (1) The proposed project will or will not have any possible significant effect;
- (2) The proposed project or activity is a "project" within the meaning of Section 69.0103, paragraph m;
- (3) The proposed project is ministerial, emergency or discretionary in nature;
- (4) The proposed project or activity is categorically exempt from the ordinance's application;
- (5) The proposed project or activity ordinarily would be expected to have a significant effect on the environment, but due to circumstances peculiar to the specific project, it will not have a significant effect and thus qualify for a Negative Declaration as defined herein; or
- (6) The proposed project or activity will have a significant effect on the environment and thus require the preparation of an Environmental Impact Report.

b. The determinations in paragraph a above shall be made within thirty (30) calendar days of the date upon which the Assessment and plans for the proposed project are received. During this time period, the Director may, if practical, feasible, and available, solicit the recommendations and viewpoints of all public agencies and City departments that may be affected by the proposed project and those private persons and organizations which have expressed interest in the environmental impact of the proposed project. Notice of the Director's determination shall be transmitted to the applicant or originating department in writing.

c. Where any of the following conditions exist regarding a proposed project or activity, a finding of "significant effect on the environment" shall be required:

- (1) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals;
- (2) The possible effects of a project are individually limited but cumulatively considerable;
- (3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

**SEC. 69.0305 PREPARATION OF ENVIRONMENTAL IMPACT REPORT**

a. **General.** If the Director finds and determines after his initial evaluation that the proposed project or activity may have a significant effect on the environment, he must prepare or cause to be prepared an Environmental Impact Report. No approval shall be given or granted by the City for any particular project or activity until such report is complete and final and has been considered by the appropriate decision-making body. In the preparation of the report, the Director may require the applicant or originating City department to submit an Environmental Impact Analysis and whatever other information he deems necessary in order to adequately assess the environmental consequences of the proposed project. The Environmental Impact Analysis submitted by an applicant or City department may be considered by the Director as a preliminary draft Environmental Impact Report. The accuracy and objectivity of the final draft Environmental Impact Report is the responsibility of the Director and shall reflect his independent judgment regarding the project.

b. **Timely Compliance.** The preparation of an Environmental Impact Report shall be accomplished within a reasonable time period, depending, however, upon the nature and circumstances of the particular project involved.

c. **Consultation with Other Public Agencies and Private Citizens.** The Director shall, prior to completing an Environmental Impact Report, consult with and obtain comments from any public agency which has jurisdiction by law with respect to the particular project and may consult with any person who has special expertise with respect to a particular environmental impact.

Additionally, the Director shall solicit and obtain the recommendations and viewpoints of any City department that may be affected by the proposed project and those private persons and organizations which have expressed an interest in the environmental impact of a proposed project. This shall be effected during preparation of the report. All comments, recommendations and viewpoints shall be included in the Environmental Impact Report even if the Director finds no merit in them. The report shall also contain the Director's opinion with respect to all such comments. Such consultation shall be a continuous process until such time as the Environmental Impact Report has become officially final.

d. **Preliminary Environmental Impact Report.** As soon as the Director has completed his draft preliminary Environmental Impact Report or has received an Environmental Impact Analysis which he desires to treat as a draft preliminary Environmental Impact Report but before any copies are distributed for review, he shall transmit an official notice to the Secretary for Resources indicating that the draft report is completed.

Additionally, the Director shall take all necessary steps to insure that copies of the preliminary draft Environmental Impact Report are distributed for review and comment to appropriate public agencies and to members of the public requesting them. Members of the general public requesting copies of the Environmental Impact Report shall be charged for the actual cost of reproducing such copies.

e. **Final Environmental Impact Report.** The final draft Environmental Impact Report shall become officially final upon expiration of the appeals period referred to in Section 69.0310, or in the alternative, upon approval by the Environmental Appeals Board. The final report shall contain those elements set forth in Section 69.0306, comments received through the consultation process described in paragraph c of this section above, the Director's responses to such comments, and the identity of all persons, public and private, consulted with regard to said report.

f. **Submission to Decision-Making Authority.** The official final Environmental Impact Report shall be presented to the appropriate

decision-making authority which shall adopt the final Environmental Impact Report and consider the report's contents when it makes a decision on the project. After making a decision on the project, the appropriate authority shall cause a Notice of Determination to be filed with the County Clerk of the county or counties in which the project will be located.

**SEC. 69.0307 PERMIT FEES**

In order to recover the estimated costs incurred in preparing and processing Environmental Impact Reports, Negative Declarations and Environmental Assessments, the City Manager shall prepare and submit to the Council an appropriate fee schedule. Such schedule shall become effective on approval by Council resolution and may be amended similarly by resolution as necessary.

**SEC. 69.0308 DETERMINATION THAT PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT**

If the Director determines that the proposed activity or project due to circumstances peculiar to the specific project will not have a significant effect on the environment, then he shall prepare a preliminary Negative Declaration which shall not exceed one page in length. Such Declaration shall include a description of the project as proposed and a finding that the project will not have a significant effect on the environment. A Negative Declaration shall be filed with sufficient time before the project is approved or disapproved to provide an opportunity for members of the public to respond to the finding. The filing of a Negative Declaration shall be done pursuant to Section 69.0309 of this ordinance.

**SEC. 69.0309 FILING OF ENVIRONMENTAL IMPACT REPORT OR NEGATIVE DECLARATION**

Regardless of the Director's determination, he shall file, as applicable, either a final draft Negative Declaration or final draft Environmental Impact Report with the City Clerk. Notice of such filing shall be published in the City's official newspaper once with a general description of the project, the applicant's name (City department or private individual), the proposed location, and reference to this ordinance for appeal procedures. Such publication shall be accomplished by the City Clerk. This requirement is in addition to those filing and notice requirements imposed by the California Environmental Quality Act of 1970, as amended, and the Secretary for Resources "Guidelines for Implementation of the California Environmental Quality Act of 1970."



**SEC. 69.0310 APPEAL PROCEDURES**

Within fourteen (14) days after the date of publication of the notice of the filing of a final draft Environmental Impact Report or final draft Negative Declaration has been filed with the City Clerk, any interested person may appeal the adequacy of the same to the Environmental Appeals Board. "Interested person" shall include individual citizens, citizens' groups, public agencies, City departments, or the applicant. Such appeal must be in writing and must specify, in detail, the basis upon which the appeal is being made. Such appeal shall speak to specific points contained in the Environmental Impact Report or Negative Declaration. The appeal will then be reviewed and acted upon by the Appeals Board. If no appeal is taken within the above time period, the final draft Environmental Impact Report or Negative Declaration shall become officially final and shall be transmitted to the appropriate governing or administrative authority for consideration in the decision-making process. No permit or approval shall be granted during the appeal period and if an appeal is filed, no permit or approval shall be granted until such time as the appeal is finally decided by the Appeals Board.

**SEC. 69.0311 ENVIRONMENTAL APPEALS BOARD**

a. There is hereby created an Environmental Appeals Board which shall consist of five (5) members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. Appointments shall be made for two-year terms with the initial appointments to include two (2) appointments for one (1) year ending March 1, 1974, and three (3) appointments for two (2) years each ending March 1, 1975. Each appointee shall serve until his successor is duly appointed and qualified. Vacancies shall be filled for the unexpired term of the term of the member whose place becomes vacant. The Environmental Appeals Board membership shall include one (1) representative from each of the following areas: physical sciences, environmental sciences, social sciences, citizens' groups and private developers.

During March of each year the Mayor may designate one member as chairman; however, in the absence of such designation, the Board shall, on or after April 15, select a chairman from among its members.

b. The Board shall adopt such rules and regulations consistent with law for the government of its business and procedures. The Board shall meet not less than once every two (2) weeks.

c. The Board is charged with the following duties:

(1) Reviewing Environmental Impact Reports to determine the sufficiency of such reports when such reports are questioned upon appeal.

(2) Rendering advice on procedures for the preparation and review of Environmental Impact Reports and Negative Declarations to appropriate agencies of City government.

In carrying out such duties, the Board shall exercise those powers enumerated in Section 69.0312.

**SEC. 69.0312 ENVIRONMENTAL APPEALS BOARD PROCEDURES**

The Environmental Appeals Board may, upon receipt of a written appeal:

a. Return the Environmental Impact Report or Negative Declaration to the originating department or applicant for further information and clarification. If information provided by the originating department or applicant is satisfactory to appellant, the final Environmental Impact Report or Negative Declaration shall be issued upon expiration of the appeals period.

b. If information provided is unsatisfactory to appellant, the final draft Environmental Impact Report or Negative Declaration is submitted to the Appeals Board for review together with the proposed plans.

c. (1) Upon review, the Appeals Board may modify or revise the Environmental Impact Report or Negative Declaration and in so doing may require the originating department, applicant or the Director to provide all necessary information and data. At such time as the Board is satisfied with the Environmental Impact Report, it shall become final.

(2) If a Negative Declaration has been filed and such determination is appealed, the Appeals Board may overrule such determination and require that an Environmental Impact Report be made.

(3) Upon review, the Appeals Board may approve the Environmental Impact Report or Negative Declaration as filed, and upon expiration of the appeals period, it shall become officially final.

In its review, the Board shall restrict itself solely to the question of the sufficiency of the report. Upon final acceptance by the Appeals Board of the Environmental Impact Report or Negative Declaration, such report or declaration shall be submitted to the appropriate governing or administrative authority for consideration in the decision-making process.

**SEC. 69.0313 DISAPPROVAL OF PROJECTS**

A project or activity requiring an Environmental Impact Report may be disapproved and a City lease, permit, license or other entitlement of use denied if it is determined by the appropriate authority that the project or activity proposed would result in an adverse impact on the environment which is unreasonable in light of the expected benefit, both public and private, to be derived from the project. In determining whether the expected adverse impact on the environment is unreasonable, the appropriate authority shall consider whether the public interest in securing, maintaining, preserving and protecting the environment outweighs any possible benefit, public or private, that may be derived from approving the project.

Disapproval of any project may be made at any of the following procedural levels:

- a. Subdivision Review Board in considering a tentative map. Appeals thereafter may be taken pursuant to Section 102.0205.
- b. Zoning Administrator in considering any variance or other matter before him. Appeals thereafter may be taken pursuant to Section 101.0504.
- c. Board of Zoning Appeals on any appeal. Appeals thereafter may be taken pursuant to Section 101.0605.
- d. Planning Commission on any appeal and in considering a Conditional Use Permit, Planned Unit Development or Planned Residential Development. Appeals thereafter may be taken pursuant to Sections 101.0500E and 101.0900G.
- e. City Council prior to advertisement of bids on any public projects or on any appeal and in considering approval of any zoning, Conditional Use Permit, Planned Unit Development or Planned Residential Development.
- f. Where none of the foregoing procedural levels apply, then the City Council may consider such action on application to it by any interested person taken within fourteen (14) days of the filing of any Environmental Impact Report with the City Clerk or fourteen (14) days after any decision of the Appeals Board is final.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its adoption.  
Introduced on March 20, 1973.  
Passed and adopted by the Council of The City of San Diego on April 3, 1973.

**AUTHENTICATED BY:**

**PETE WILSON,**  
Mayor of The City of San Diego, California.  
**EDWARD NIELSEN,**  
City Clerk of The City of San Diego, California.  
By **MARY ANNE MREASE,** Deputy.

(SEAL)  
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