

WHAT IS THE ENVIRONMENTAL REVIEW PROCESS?

In 1970 the California Legislature passed the California Environmental Quality Act (CEQA) requiring cities and other public agencies to consider what effects their discretionary actions might have on the environment before making decisions on a wide range of public and private projects.



As a result of this legislation, environmental clearance is required prior to approval of public and private projects reviewed by the Planning Divisions,

Department of Planning, Building and Code Enforcement. The City's Environmental Clearance Ordinance, Title 21 of the Municipal Code, specifies exactly how environmental review is carried out in San Jose. A copy is available from the Planning Divisions, Department of Planning, Building and Code Enforcement.

WHAT IS THE PURPOSE OF ENVIRONMENTAL REVIEW?

The purpose of the environmental review process is to identify the environmental impacts that might be associated with a project prior to decision making.

It does so by informing decision-makers and the public of what impact a proposed project is likely

to have on the environment and what can be done to reduce or mitigate any significant effects. Possible areas of environmental impact include traffic circulation, water quality, archaeological resources and vegetation and wildlife.

In addition to providing information, the process also requires that significant impacts be reduced or mitigated whenever possible. A wide range of City policies and procedures provide a basis for determining impacts and a means for insuring that these impacts are mitigated.

WHAT KIND OF APPLICATION SHOULD BE FILED?

Petition for Exemption: Certain projects that will clearly have no significant effect on the environment such as re-roofing or remodeling an existing building, are exempt from environmental review. The applicant fills out the Petition for Exemption if he/she thinks a project may be exempt. A list of exempt categories is attached to the form. If the Planning Staff determines that the project is exempt, then no further environmental review is necessary.

Application for Environmental Clearance:

If a project is not exempt and has not already gone through environmental review, this is the application to file. The application requests information that will be used in an Initial Study of a proposed project. An Initial Study is a preliminary evaluation of the potential environmental impacts of a proposed project.

Please consult the Planning Divisions, Department of Planning, Building and Code Enforcement's Fee Schedule for the current filing fees for these applications.

WHAT HAPPENS AFTER AN ENVIRONMENTAL CLEARANCE APPLICATION IS FILED?

Planning Staff reviews the Initial Study prepared for a project. Based on the significance of the environmental impacts, staff determines whether a Negative Declaration can be issued on the project or if an Environmental Impact Report (EIR) is required. One of these documents must be completed before the project can be approved.

A **Negative Declaration** is a public document that states that a project will not have any significant effect on the environment. The applicant may need to change the project or include mitigation measures to reduce or eliminate significant impacts before a Negative Declaration can be granted.

An **Environmental Impact Report** must be prepared if a project is likely to result in a significant impact on the environment that may be difficult to mitigate or reduce. An EIR is a complete study of all the possible significant environmental impacts of a project and all the possible ways of reducing or mitigating these impacts. It is generally prepared by a consultant under the direction of Planning Staff. Once certified as complete by the Planning Commission, the EIR helps the decision-makers and the public evaluate the project.



DEFINITIONS

Environment - means the physical conditions (both natural and man-made) within an area affected by a proposed project including land, air, water, minerals, plants, animals, noise, traffic and objects of value because of their beauty or historical significance.

Project - an action which is likely to result in physical changes to the environment and which requires a decision by a government agency with the power to approve or deny the action. A project can be an action directly undertaken by a public agency, an action financed by a public agency, or an action by a private person that requires a permit or other approval from a public agency.

Initial Study - a preliminary analysis by Planning Staff to determine whether a Negative Declaration can be issued or if an EIR must be prepared. It also identifies the significant impacts an EIR must analyze.

Significant Impact or Effect on the Environment - a substantial negative change in any of the physical conditions in an area affected by the project.

Mitigation - an action taken to avoid or reduce an impact or to repair or restore an environment that has already been negatively impacted.

Feasible Mitigation - mitigation that can be accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, legal, social and technological factors.

Para mas informacion,
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Environmental Review Process



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