

RESOLUTION NO. 7744

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS
UPDATING GUIDELINES FOR THE USE OF QUALIFIED CONSULTANTS TO
PREPARE ENVIRONMENTAL DOCUMENTS AND RELATED TECHNICAL REPORTS
IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR PROPOSED PRIVATE DEVELOPMENT PROJECTS**

WHEREAS, on September 3, 2003, the City Council unanimously adopted a policy regarding the control of preparing, administering, and processing of environmental studies and assessments for development projects for the purpose of compliance with the California Environmental Quality Act, consisting of the following:

1. The City shall utilize an approved list of environmental consultants;
2. All projects shall be evaluated to identify what environmental studies are required and the information, analysis, and potential mitigation measures needed based upon the evaluation;
3. All projects that are deemed to require an Environmental Impact Report and all projects located in the Resource Preservation, Resource Conservation, or Flood Control/Construction Aggregates Conservation/Habitat Preservation land use designated areas shall have environmental studies contracted through the City and paid for by the applicant;
4. Projects not subject to an Environmental Impact Report and not located in the Resource Preservation, Resource Conservation, or Flood Control/Construction Aggregates Habitat/Habitat Preservation land use designated areas shall have environmental studies done by consultants selected from the City's approved list of consultants; and,
5. Prior to accepting an application as complete, all environmental studies shall be completed to the satisfaction of staff.

WHEREAS, the technical standards, analytical methods, computer models, and legal requirements for compliance with the California Environmental Quality Act have continually become more complex since the Council's adoption of the policy on September 3, 2003; and,

WHEREAS, qualified environmental consulting firms offer services and staffing that will assist the City with fully complying with the contemporary and changing requirements of the California Environmental Quality Act; and,

WHEREAS, the contemporary requirements, complexity of analysis, and level of detail needed to prepare a Mitigated Negative Declaration (MND) or Negative Declaration (ND) have reduced the analytical gap between an Environmental Impact Report (EIR) and a ND/MND; and,

WHEREAS, the updated policy is expected to improve the efficient use of staff resources, and result in overall improvements to the development review and decision-making process; and,

WHEREAS, the proposed revisions will be entirely consistent with the required findings for CEQA documents, including that the environmental document reflects the lead agency's independent judgement and analysis (CEQA Guidelines Sections 15074(b) and 15090(a)); and,

WHEREAS, it is the recommendation of City staff that the City Council update and revise the guidelines for the City's selection and hiring of qualified consultants to prepare environmental documents and related technical reports in accordance with the California Environmental Quality Act; and,

WHEREAS, the City Council of the City of Redlands has adopted Ordinance No. 2810, which is codified in Chapter 2.16 of the Redlands Municipal Code, to provide a procedure to procure Other Professional Services from qualified consultants including but not limited to environmental document preparation services and other Planning-related services.

NOW, THEREFORE, be it resolved by the City Council of the City of Redlands as follows:

Section 1. The following factors are revised or added regarding the control of preparing, administering, and processing of environmental studies and assessments for development projects for the purpose of compliance with the California Environmental Quality Act:

1. The City shall utilize an approved list of environmental consultants.
2. All projects shall be evaluated to identify what environmental studies are required and the information, analysis, and potential mitigation measures needed based upon the evaluation; which may occur after application submittal and review by staff.
3. All projects that are deemed to require an Environmental Impact Report and all projects located in the Resource Preservation, Resource Conservation, or Flood Control/Construction Aggregates Conservation/Habitat Preservation land use designated areas shall have environmental studies contracted through the City and paid for by the applicant. The applicant may prepare and submit up to three environmental technical reports, which shall be prepared by consultants from the City's approved consultant list, and may be subject to third-party peer review contracted through the City and paid for by the applicant.

4. Major projects not subject to an Environmental Impact Report and/or not located in the Resource Preservation, Resource Conservation, or Flood Control/Construction Aggregates Habitat/Habitat Preservation land use designated areas shall have environmental studies contracted through the City and paid for by the applicant (e.g., Initial Studies for Negative Declarations or Mitigated Negative Declarations). The applicant may prepare and submit up to three environmental technical reports, which shall be prepared by consultants from the City's approved consultant list, and may be subject to third-party peer review contracted through the City and paid for by the applicant.
5. All supporting environmental and/or engineering technical reports prepared by the applicant (if any) shall be completed to the satisfaction of staff.

Other general guidelines:

6. Applicants frequently prepare one or more engineering reports prior to application submittal to the City, as such reports inform and assist the applicant with designing their project prior to submittal (e.g., soils report, preliminary hydrology report, preliminary drainage/grading plan, geotechnical engineering report, slope stability analysis, Phase 1 or 2 ESA reports, etc.). Such reports may be considered to be engineering reports, and not as environmental technical reports. Such reports shall be prepared by California-licensed engineering professionals (when applicable) and need not be consultants from the City's approved list.
7. From time to time, depending in project site conditions or surroundings, engineering technical reports may require independent peer review (by professionals with equivalent licenses or qualifications) depending on the facts and circumstances of a specific property. Examples of studies that may require peer review include: a geotechnical report for a project located within or near an Alquist-Priolo Earthquake Fault Zone; a slope stability analysis for hillside properties or potentially unstable slopes; a Phase 1 or 2 environmental site assessment or site investigation for any property with possible contamination or hazardous materials. In such cases, the Applicant may be required to conduct further work at their own cost, and revise/resubmit technical reports to the satisfaction of City staff.
8. Certain environmental technical studies may be dependent on timing or annual seasons to produce a valid study and valid conclusions. Examples include: biological habitat assessments during the Spring season; wildlife surveys during the peak seasonal activity period of a given species; or traffic studies near schools when in session, or other unique traffic generators. Applicants may choose to prepare one or more technical report(s) in the interest of expediting the processing of their project; the City may require a third-party peer review contracted through

the City and paid for by the applicant.

Section 2. The City Council hereby finds and determines that the adoption of this resolution is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that adoption of this Resolution may have a significant effect on the environment.

Section 3. Should any part or portion of this Resolution be rendered or declared invalid by a court of competent jurisdiction, such invalidation of such part or portion of this Resolution, or of any fee, shall not invalidate the remaining portions hereof, of the remaining fees, and they shall remain in full force and effect.

ADOPTED, SIGNED AND APPROVED this 24th day of July, 2017.


Paul W. Foster, Mayor

ATTEST:


Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting thereof, held on the 24th day of July, 2017, by the following vote:

AYES: Councilmembers Harrison, Barich, Tejada; Mayor Foster
NOES: None
ABSTAIN: None
ABSENT: Councilmember Gilbreath



Jeanne Donaldson, City Clerk