

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

When is a project exempt from environmental review?

Some projects, because of their small size or lack of potential for causing an impact on the environment, will not be subject to an environmental assessment and are classified as *exempt* from environmental review.

The law is very specific about which projects are exempt; examples include small projects such as of a single-family dwelling, a triplex, a minor addition to a commercial building, and signs. However, some projects which are usually exempted because of their size may nonetheless be subject to environmental review due to their location, e.g., within an earthquake hazard zone, adjacent to a stream, or an area affected by noise such as a railroad line, freeway or major street. The staff in the Development Services Center can advise you if your project is exempt from environmental review or not.

What happens when a project has the potential to have an environmental impact?

For projects *not* classified as exempt, an Initial Study is prepared. The Initial Study is most often undertaken by City staff as part of the project review process and is intended to determine whether or not the project may have a significant impact on the environment. For example, a large housing or commercial project may significantly impact traffic on City streets. Another example may be an apartment project in an earthquake hazard zone, in which case measures must be taken to insure the apartment is not built over an earthquake fault trace. Another example is a project on a former service station site where the ground may be contaminated with gasoline.

In order for City staff to prepare the Initial Study, you need to submit, fund and/or authorize the preparation of the necessary information to complete the study. This information may include traffic studies, hazardous materials

studies, geotechnical reports, biological studies and noise studies.

If the conclusion of the Initial Study is that your project as *proposed* will not have a significant impact on the environment, a Negative Declaration is prepared and posted for public review for 20 to 30 days before the approving authority may act on your project. Persons who own and/or occupy property near your project will also have an opportunity to review the Negative Declaration for the purpose of commenting on its adequacy.

If the Initial Study shows that the project could result in a significant impact on the environment, but that the project can be modified or conditions can be placed on the project to mitigate the identified impacts, then a Mitigated Negative Declaration will be prepared with the same notice requirements.

What steps are taken when a project is identified as having a significant impact on the environment?

In the results of the Initial Study indicate that your project *may* or will have a significant impact on the environment, an Environmental Impact Report, or EIR, will be required. If your project requires an EIR, please discuss the review process with a planner.

Who approves environmental documents?

A Negative Declaration may be approved by the City staff if the project itself allows for staff approval. If a project requires approval by the Planning Commission or City Council, then the Negative Declaration is adopted by that body. If an EIR has been prepared, the adequacy of the EIR is certified by the hearing body which is the approving authority for your project.

How much does Fremont Staff environmental review cost?

The cost of an environmental review reflects the cost of staff time (charges per hour) and of consultant time if consultant services are engaged to prepare studies as well as the cost of materials, making reproductions, postage for sending notices and so on.

The project applicant is required to make an initial deposit. Please view the Planning Application at www.fremont.gov/permit for current deposit amounts. Costs exceeding the deposit will be periodically billed during the review process. For medium to large projects, or projects requiring mitigation, it is likely additional costs will be accrued above the initial deposit during project review.

The initial deposit does not cover any additional costs for outside reports. The cost of any reports prepared by outside consultants, such as traffic reports, is paid directly by the project applicant before the work is undertaken. The same is true of the cost of preparing an EIR when one is required.

How much do Notice of Determination Filings cost?

Once a Negative Declaration, Mitigated Negative Declaration or an EIR is adopted or certified the action is filed with the Alameda County Clerk as a Notice of Determination (NOD). As part of NOD filing the County Clerk receives payment of state required fees for the Department of Fish and Game. The Filing Fees are adjusted annually by the State of California, and can be found online at <https://www.wildlife.ca.gov/Conservation/CEQ/A/Fees>. If the applicant does not pay the appropriate fee, by state law the project is not considered operative or finally vested. Occasionally, the Department of Fish and Game may waive payment of fees for projects where there is no possibility of impact. Please discuss this process with a planner early in your review process to see if you qualify.

Can I get additional information?

If you need additional information or if you have questions, please call (510) 494-4455.