



HOUSING AUTHORITY REPORT

DATE ISSUED: January 29, 2009

REPORT NO: HAR 09-002

ATTENTION: Members of the Housing Authority
For the Agenda of February 3, 2009

SUBJECT: Approval of Housing Commission Policy 800.001 – Implementation of
Environmental Guidelines (Citywide)

REQUESTED ACTION:

Approve proposed Housing Commission Policy 800.001 implementing certain environmental guidelines.

STAFF RECOMMENDATION:

That the Housing Authority approve Housing Commission Policy 800.001 “Implementation of Environmental Policy” (Attachment) as drafted by the Housing Commission’s General Counsel.

SUMMARY:

The Housing Commission has adopted certain operational policies to ensure that officials, employees and persons doing business with the Housing Commission comply with all applicable laws and regulations. Once a policy is adopted by the Board, Administrative Regulations covering specific situations are developed and distributed internally to all Housing Commission staff. Policies are approved by the Board of Commissioners and, for certain policies, by the Housing Authority. Administrative Regulations are prepared and approved by the President & Chief Executive Officer or his/her designee, the Executive Vice President & Chief Operating Officer.

Historically, all environmental review of Housing Commission activities has been performed through cooperation between the City of San Diego and the Housing Commission. The Housing Commission has no formally enacted policies or regulations addressing the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). The adoption of policies and regulations would formalize the practices implemented between the City of San Diego, the Housing Commission and HUD with respect to the NEPA and between the City of San Diego and the Housing Commission with respect to CEQA. It is the intent of the proposed policy and subsequent administrative regulations to permit the Housing Commission to undertake the initial steps of CEQA and/or NEPA review for Housing Commission activities.

This item documents the way the Housing Commission currently operates with regard to environmental processing. Any matters requiring a NEPA clearance, or an environmental impact report, negative declaration, or mitigated negative declaration will still be processed through the City’s Environmental Analysis Section. The Housing Commission, as a public agency, is merely following state law in formalizing our method of dealing with environmental issues.

FISCAL CONSIDERATIONS:

There are no fiscal impacts to the Housing Commission, the City, or to the Housing Authority associated with implementing these environmental guidelines.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

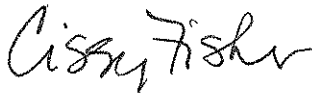
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Housing Commission Board approved the proposed adoption of this policy on October 31, 2008.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

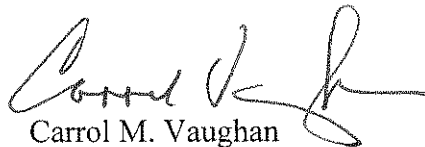
The initial environmental review of Housing Commission projects and activities would be improved by implementation of the proposed environmental guidelines.

Respectfully submitted,



Cissy Fisher
Director, Housing Finance

Approved by,



Carrol M. Vaughan
Executive Vice President &
Chief Operating Officer

Attachment: Draft Policy

Subject: **Implementation of Environmental Guidelines**

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Purpose

To implement the California Environmental Quality Act ("CEQA"), the CEQA Guidelines as defined and contained in 14 California Code of Regulations, Sections 15001 et seq. (hereinafter "CEQA Guidelines") and the National Environmental Policy Act ("NEPA"). To provide the San Diego Housing Commission with objectives, criteria and specific procedures consistent with these environmental regulations for administering its responsibilities under CEQA and NEPA, including the timely and orderly evaluation of activities and the preparation of environmental documentation.

Policy

To provide a detailed and comprehensive procedure for Housing Commission staff to undertake the preliminary steps of environmental review required by CEQA and/or NEPA.

1 Authority.

The procedures set forth here and in Administrative Regulation 800.001 are adopted by the Housing Commission pursuant to Section 21082 of CEQA and Section 15022 of the CEQA Guidelines. The procedures applicable to NEPA are adopted by the Housing Commission pursuant to Title 42 of the United States Code Service, Section 4331 and Title 24 of the Code of Federal Regulations, Sections 58.10 and 58.12.

2 Powers and Duties of the President and Chief Executive Officer.

- 2.1 The President and Chief Executive Officer ("CEO"), or designee, shall be responsible for conducting preliminary environmental reviews and making preliminary determinations in accordance with CEQA and NEPA regarding whether the specific project should be referred to the City for further environmental review. All Projects subject to NEPA shall be reviewed by an agent of the Responsible Entity, as that term is defined in Administrative Regulation 800.001. Projects that are not exempt from CEQA shall be referred to the City for further environmental review in accordance with the CEQA.

History (Adopted _____)

Authorized

Carrol M. Vaughan
Executive Vice President & Chief Operating Officer

Date

Date

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- 2.2 The responsibilities of the CEO with respect to preliminary CEQA and NEPA reviews may be delegated to appropriate Housing Commission staff members.
- 2.3 The CEO, or his/her designated representative, shall establish and maintain that degree of independence in the performance of his/her functions and duties as will assure the Housing Commission and its members, and the citizens of the City of San Diego that the review and analysis of the environmental consequences of projects under his/her purview, whether beneficial or detrimental, are in accordance with CEQA and NEPA, if applicable, are independent and wholly objective and are not prepared for the purpose of either supporting or detracting from any project, plan or position, whether advanced by the Housing Commission, any other governmental agency, a developer, a citizen or a group of citizens. The CEO, or his/her designated representative, shall, in addition, work with and encourage project applicants to incorporate and effect all feasible environmental mitigation measures or project alternatives to minimize, if not precluded, adverse impacts to the environment from the project consistent with CEQA and NEPA.
- 2.4 The CEO, or his/her designated representative, shall review each activity proposed to be taken by the Housing Commission, to determine whether the activity is a project under CEQA and if it is a project, whether the activity is exempt from CEQA. Any activity that is assisted with federal funding shall also be evaluated under NEPA. Any project, which the CEO determines is subject to CEQA and/or NEPA shall be referred to the appropriate division of the City of San Diego for further environmental review.
- 2.5 The Housing Commission shall not undertake any environmental review of Covered Activities that are subject to CEQA and/or NEPA .

3 Housing Commission as a Responsible Agency.

- 3.1 The Housing Commission will not undertake any environmental review when CEQA applies, i.e. which require an environmental impact report or a negative declaration. The Housing Commission remains a responsible agency for any Projects that are referred to the City of San Diego for further CEQA review. A "Responsible Agency" is a public agency which proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an environmental impact report or negative declaration. A "Lead Agency" is the public agency which has the principal responsibility for carrying out or approving a project. For the majority of projects, the Lead Agency will be the City of San Diego.

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- 3.2 As a Responsible Agency under CEQA, the Housing Commission must consider the environmental impact or negative declaration prepared by the Lead Agency and reach its own conclusion on whether and how to approve a Project. The Housing Commission shall cooperate with the City or any other Lead Agency in order to assist the Lead Agency in preparing adequate environmental documents for the Project. The Housing Commission shall respond to the Lead Agency's requests for consultation, attend meetings and comment on draft environmental documents
- 3.3 For exempt and categorically excluded projects under NEPA, the CEO, or his/her designated representative, shall complete the appropriate environmental document(s) and have those document(s) approved and signed by the Certifying Officer designated by the City of San Diego, pursuant to the Housing Commission's Environmental Review Guidebook, as may be amended from time to time.
- 3.4 When an activity is neither exempt nor categorically excluded from NEPA, as further discussed in Administrative Regulation 800.001 and the Environmental Review Guidebook, the Housing Commission shall collaborate with the City of San Diego preparing all required environmental documents and assessments under NEPA.

Note: Authority cited: Cal. Public Resources Code §21082 and §15022 of Title 14, Cal. Code of Regulations. §4331 of Title 42, Chapter 55 of the United States Code Service and §58.4, §58.10 and §58.12 of Title 24 of the Code of Federal Regulations. Reference: Cal. Public Resources Code §§21000, et seq. and Title 14, Division 6, Chapter 3 of the Cal. Code of Regulations. Title 42, Chapter 55 of the United States Code Service §4331 et seq. and Title 24, Part 58 and Title 40, Part 1501 of the Code of Federal Regulations

HISTORY:

New Section filed _____; effective upon filing.