

LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT

MEMORANDUM

DATE: April 27, 2021

TO: **BOARD OF DIRECTORS**
Lake Arrowhead Community Services District

FROM: **SCOTT SCHRODER, Engineering Manager**
CATHERINE CERRI, General Manager

SUBJECT: **CONSIDER ADOPTION OF RESOLUTION NO. 2021-03, APPROVING THE 2021 UPDATE TO THE LOCAL CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.**

A. RECOMMENDATION

That the Board of Directors adopts Resolution No. 2021-03 approving the 2021 update to the Local California Environmental Quality Act (CEQA) Guidelines.

B. REASON FOR RECOMMENDATION

The State CEQA Guidelines require local agencies to adopt “objectives, criteria and specific procedures” to implement the requirements of the CEQA statute and the State CEQA Guidelines. (State CEQA Guidelines Section 15022). The Lake Arrowhead Community Services District’s (“District”) Local CEQA Guidelines have been revised and amended to reflect the State CEQA Guidelines, the Public Resources Code and local practices.

C. BACKGROUND INFORMATION

CEQA, as contained in Public Resources Code sections 21000 et seq., is California’s most comprehensive environmental law. It requires all public agencies within the state to evaluate the environmental effects of their discretionary approvals. CEQA also aims to prevent significant environmental effects from occurring as a result of agency actions by requiring agencies to avoid or reduce, when feasible, the significant environmental impacts of their decisions.

The 2021 CEQA update reflects recent changes in the law that occurred during 2020 from both case law and legislation. CEQA requires all public agencies to adopt specific objectives, criteria and procedures for evaluating public and private projects that are undertaken or approved by such agencies.

D. FISCAL IMPACT

No fiscal impact is anticipated from amending the Local CEQA Guidelines.

E. ENVIRONMENTAL IMPACT

No environmental impact is anticipated from amending the Local CEQA Guidelines. The District's adoption of the attached Resolution is not a project under State CEQA Guidelines section 15378(b)(5) because it involves an administrative activity process only and that will not result in any environmental impacts.

F. ATTACHMENTS

Attachment 1 - Resolution No. 2021-03

Attachment 2 - Best Best & Krieger, LLP Memo dated April 5, 2021, regarding 2021
Summary of Changes to Local CEQA Guidelines

RESOLUTION NO. 2021-03

A RESOLUTION OF THE LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE §§ 21000 ET SEQ.)

WHEREAS, the California Legislature has amended the California Environmental Quality Act (“CEQA”) (Pub. Resources Code §§ 21000 et seq.), the Natural Resources Agency has amended portions of the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.), and the California courts have interpreted specific provisions of CEQA; and

WHEREAS, Public Resources Code section 21082 requires all public agencies to adopt objectives, criteria and procedures for (1) the evaluation of public and private projects undertaken or approved by such public agencies, and (2) the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, the Lake Arrowhead Community Services District must revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA and the State CEQA Guidelines.

NOW, THEREFORE, the Lake Arrowhead Community Services District (“District”) hereby resolves as follows:

SECTION 1. The District hereby adopts the “2021 Local Guidelines for Implementing the California Environmental Quality Act,” a copy of which is on file at the offices of the District and is available for inspection by the public.

SECTION 2. All prior actions of the District enacting earlier guidelines are hereby repealed.

ADOPTED this 27 day of April 2021, by the following majority vote of the

AYES:

NOES:

ABSTENTIONS:

ABSENT:

LAKE ARROWHEAD COMMUNITY
SERVICES DISTRICT

President of the Board of Directors of the
Lake Arrowhead Community Services District

ATTEST:

Secretary of the Lake Arrowhead
Community Services District and to the
Board of Directors

(SEAL)

APPROVED AS TO FORM:

General Counsel
Lake Arrowhead Community Services District

CERTIFICATION

I, Kathleen Field, Board Secretary of the Lake Arrowhead Community Services District, hereby certify that the foregoing is a full, true, and correct copy of the Resolution No. 2021-03 adopted by the Board of Directors of said Agency at the regular meeting of said Board held on the 27th day of April 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Secretary of the Lake Arrowhead
Community Services District and to
the Board of Directors

Memorandum

TO: Project 5 District Client
FROM: Best Best & Krieger LLP
DATE: April 5, 2021
RE: 2021 Summary of Changes to Local CEQA Guidelines

REVISIONS TO LOCAL GUIDELINES

Revised and New Sections

1. SECTION 3.02(G) MINISTERIAL ACTIONS

The Local Guidelines include a list of ministerial actions not subject to CEQA review, and we have supplemented this list to reflect the California Legislature’s adoption of AB 2421. Specifically, we added a subdivision (g) to Section 3.02 of the Local Guidelines to reflect that an application to install an emergency standby generator to serve a macro cell tower must be reviewed on an administrative, nondiscretionary basis where certain conditions are met. Because such an application requires only a ministerial approval, its approval is not subject to CEQA.

2. SECTION 3.21 TRANSIT PRIORITIZATION PROJECTS

Section 3.21 has been added to the Local Guidelines to reflect the Legislature’s adoption of SB 288, which exempts certain transit prioritization and other transportation projects from CEQA, including projects relating to pedestrian and bicycle facilities; projects relating to signal coordination, signal modifications, the installation of ramp meters, the installation of dedicated transit or very high occupancy vehicle lanes; the installation of shared turning lanes; and projects carried out by a city or county to reduce minimum parking requirements. A full list of the projects exempt from CEQA under SB 288 is set forth in Section 3.21.

3. SECTION 3.22 RESTRIPIING STREETS AND HIGHWAYS FOR BICYCLE LANES

Section 3.22 has been added to the Local Guidelines to reflect codification of Public Resources Code section 21080.20. This section exempts from CEQA a bicycle transportation plan for an urbanized area for the restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and the related signage for bicycles, pedestrians, and vehicles.

4. SECTION 3.23 SMALL DISADVANTAGED COMMUNITY WATER SYSTEM AND STATE SMALL WATER SYSTEM

With its adoption of SB 974, the Legislature has exempted from CEQA certain projects consisting solely of the installation, repair, or reconstruction of water infrastructure for small disadvantaged community water systems or state small water systems that (1) improve the water system’s water quality, water supply, or water reliability; (2) encourage water conservation; or (3) provide safe drinking water service to existing residences within a disadvantaged community.

We have added Section 3.23 to the Local Guidelines to reflect these exemptions.

5. SECTION 5.09 DETERMINING THE SIGNIFICANCE OF TRANSPORTATION IMPACTS

In December 2018, the Office of Administrative Law adopted State CEQA Guidelines section 15064.3, which codified a change in how transportation impacts must be analyzed under CEQA. Section 15064.3 of the State CEQA Guidelines provides that “vehicle miles traveled,” or VMT, shall be the most appropriate measure of transportation impacts under CEQA. VMT refers to the amount and distance of automobile travel attributable to a project. Under Section 15064.3, VMT shall replace a proposed project’s effect on automobile delay—generally measured by “level of service” or LOS—as the appropriate measure for transportation impacts. Accordingly, a project’s effect on automobile delay shall no longer constitute a significant transportation environmental impact under CEQA.

Section 15064.3, however, provided that its provisions would not go into effect until July 1, 2020, unless a lead agency elected to be governed by its provisions earlier. In last year’s 2020 Local CEQA Guidelines, we made clear that unless the District established otherwise via a separate action, the District did not elect to be governed by the provisions of Section 15064.3 before July 1, 2020.

This year, we have amended the Local CEQA Guidelines to remove the language providing that the District has not elected to be governed by the provisions of Section 15064.3. Whether the District takes separate action or not, the District must now consider Section 15064.3 when addressing a project’s transportation impacts. This does not mean, however, that the District must necessarily adopt any new thresholds of significance relating to VMT, though the District may seek to adopt a threshold of significance if it is so inclined.

6. SECTIONS 6.04 & 7.28 PUBLIC REVIEW FOR NEGATIVE DECLARATION OR EIR

Sections 6.04 and 7.28 of the Local Guidelines discuss the length of the public review period for a negative declaration or EIR. We have revised these sections to clarify that the ending date for the relevant public review period may not fall on a weekend, legal holiday, or other day on which the lead agency’s offices are closed.

We understand that in response to the Covid-19 pandemic, many public agencies have closed their physical offices to the public; we are not suggesting that in such circumstance, the public review period should continue indefinitely until the agency opens its offices to the public. Accordingly, we have made clear that a public agency’s office is not considered closed for purposes of calculating the relevant public review period where the agency’s office may be physically closed, but the agency is nonetheless open for business and is operating remotely or virtually.

7. SECTIONS 6.11, 7.25 & 7.26 SUBMISSION OF DOCUMENTS TO STATE CLEARINGHOUSE

As of November 3, 2020, the State Clearinghouse no longer accepts printed copies of CEQA documents. Rather, all CEQA documents submitted to the State Clearinghouse must be

submitted electronically via the State Clearinghouse’s “CEQA Submit” database. A step-by-step discussion of how to submit documents to the State Clearinghouse can be found at <http://www.opr.ca.gov/clearinghouse/ceqa/document-submission.html>.

These developments have been memorialized in Sections 6.11, 7.25 and 7.26 of the Local Guidelines.

8. SECTION 9.01 STREAMLINED MINISTERIAL APPROVAL PROCESS FOR AFFORDABLE HOUSING PROJECTS

The Legislature has provided for a streamlined, ministerial approval process for certain affordable housing projects satisfying various conditions. This process is not new, and it is already included in the Local Guidelines in Section 9.01. The Legislature, however, has amended this process to provide for more robust tribal consultation and to provide for increased protection of tribal cultural resources. The new provisions relating to tribal cultural resources are set forth in Section 9.01(b) of the Local Guidelines.

Other Changes

Effective January 1, 2021, the Department of Fish and Wildlife has increased its fees. For a Negative Declaration or a Mitigated Negative Declaration, the new filing fee is \$2,480.25. For an EIR, the new filing fee is \$3,445.25. For an environmental document pursuant to a Certified Regulatory Program, the filing fee has been increased to \$1,171.25.

Conclusion

As always, CEQA remains complicated and, at times, challenging to apply. The only constant in this area of law is how quickly the rules change. Should you have questions about any of the provisions discussed above, or about the environmental review of any of your District’s projects, please contact a BB&K attorney for assistance.

BEST BEST & KRIEGER LLP