

LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT

MEMORANDUM

DATE: APRIL 25, 2023

TO: BOARD OF DIRECTORS
Lake Arrowhead Community Services District

FROM: SCOTT SCHRODER, Engineering Manager

CATHERINE CERRI, General Manager

**SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 2023-03
APPROVING THE 2023 UPDATE TO THE LOCAL
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA) GUIDELINES.**

A. RECOMMENDATION

That the Board of Directors adopts Resolution No. 2023-03 approving the 2023 Local Guidelines for Implementing the California Environmental Quality Act for the Lake Arrowhead Community Services District.

B. REASON FOR RECOMMENDATION

The State CEQA Guidelines require local agencies to adopt “objectives, criteria and procedures” to implement the requirements of CEQA and the State CEQA Guidelines. (State CEQA Guidelines [14 Cal. Code Regs.] section 15022.) The 2023 Local Guidelines for Implementing the California Environmental Quality Act for Lake Arrowhead Community Services District reflect recent changes to CEQA.

C. BACKGROUND INFORMATION

The California Environmental Quality Act (“CEQA”), codified at Public Resources Code section 21000 et seq., is California’s most comprehensive environmental law. It generally requires public agencies to evaluate the environmental effects of their actions before they are taken. 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.

CEQA requires 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 INFORMATION

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. 2023-03

Attachment 2- Best Best & Krieger, LLP Memo dated April 4, 2023, regarding 2023 Summary of Changes to Local CEQA Guidelines

RESOLUTION NO. 2023-03

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 “2023 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.

PASSED AND ADOPTED by the Board of Directors of the District this 25th day of April 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Wurm, President of the Board of Directors
of the Lake Arrowhead Community Services District

ATTEST:

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

(SEAL)

CERTIFICATION

I, Kathleen Field, Secretary to the Board of Directors of the Lake Arrowhead Community Services District, hereby certify that the foregoing Resolution No. 2023-03 was duly and regularly adopted at a regular meeting of the Board of Directors of the Lake Arrowhead Community Services District on April 25, 2023.

AYES:

NOES:

ABSTAIN:

ABSENT:

Kathleen Field, 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 17, 2023
RE: Summary of Changes to Local CEQA Guidelines

In 2022, the California Legislature took action to exempt certain transportation, water system, and housing projects from the California Environmental Quality Act (“CEQA”). We have revised the District’s Local Guidelines for Implementing CEQA (“Local Guidelines”) to account for these CEQA developments. This memorandum summarizes the substantive amendments to the District’s Local Guidelines.

The Local Guidelines and this memorandum are designed to help the District comply with CEQA when considering a project subject to CEQA. We still recommend, however, that you consult with an attorney when you have specific questions on major, controversial, or unusual projects or activities.

The Local Guidelines, the related CEQA forms, and other important legal alerts may be accessed via the Best Best & Krieger CEQA client portal at <http://clients.bbklaw.net/pfcc/>. For technical support, please contact Tammy Ingram at tammy.ingram@bbklaw.com.

REVISIONS TO LOCAL GUIDELINES

1. SECTION 3.20 TRANSIT PRIORITIZATION PROJECTS

With its adoption of Senate Bill (“SB”) 922, the California Legislature amended Public Resources Code section 21080.25 to exempt certain transit, bicycle, and pedestrian projects that meet specified criteria and do not induce single-occupancy vehicle trips.

Examples of projects exempt under SB 922 include, but are not limited to: (1) pedestrian and bicycle facilities; (2) transit prioritization projects, such as the installation of traffic signs or new signals; (3) a project for the institution or increase of bus rapid transit, bus, or light rail service; (4) a public project to construct or maintain infrastructure or facilities to charge, refuel, or maintain zero-emission public transit buses, trains, or ferries; and (5) a decision to reduce or eliminate minimum parking requirements or institute parking maximums.

We revised Section 3.20 of the Local Guidelines to account for this exemption and to set forth conditions that must be met for the exemption to apply.

2. SECTION 3.21 TRANSPORTATION PLANS, PEDESTRIAN PLANS, AND BICYCLE TRANSPORTATION PLANS

The California Legislature amended Public Resources Code section 21080.20 to exempt “active transportation plans” and “pedestrian plans” from CEQA. An “active transportation plan”

refers to a plan developed by a local jurisdiction that promotes and encourages people to choose walking, bicycling, or rolling through the creation of safe, comfortable, connected, and accessible walking, bicycling, or rolling networks, and encourages alternatives to single-occupancy vehicle trips. A “pedestrian plan” refers to a plan developed by a local jurisdiction that establishes a comprehensive, coordinated approach to improving pedestrian infrastructure and safety.

While a lead agency’s adoption of an active transportation plan or pedestrian plan is exempt from CEQA, specific projects identified within those plans remain subject to CEQA unless such projects are exempt under a separate provision of CEQA.

We revised Section 3.21 of the Local Guidelines to account for this exemption and to set forth procedural requirements that must be met when finding a project exempt under this provision.

3. SECTION 3.22 WATER SYSTEM WELLS AND DOMESTIC WELL PROJECTS

With the adoption of AB 1642 and its codification at Public Resources Code section 21080.31, the Legislature has enacted a new statutory exemption that applies to the construction, maintenance, repair, or replacement of wells where certain conditions are met. To qualify for the exemption, (1) the domestic well or water system to which the well project is connected must be designated by the State Water Resources Control Board (“State Board”) as high risk or medium risk in the State Board’s drinking water needs assessment; (2) the well project must be designed to mitigate or prevent a circumstance where residents that rely on the well or the water system to which the well is connected would be left without an adequate supply of safe drinking water; (3) the well project may not be designed primarily to serve irrigation or future growth; and (4) a series of other conditions must be met.

We added Section 3.22 to the Local CEQA Guidelines to provide for this statutory exemption and to set forth in greater detail the circumstances in which it may apply.

4. SECTION 9.08 AFFORDABLE HOUSING DEVELOPMENTS IN COMMERCIAL ZONES

The Legislature has created a new CEQA-exempt, ministerial approval process for multifamily housing developments meeting specified criteria, codified at Public Resources Code section 65912.110, et seq. For a proposed multifamily housing development project to qualify for this exemption, the project must (1) ensure that 100 percent of the project’s units, excluding managers’ units, be dedicated to lower income households at an affordable cost or affordable rent; (2) meet applicable objective zoning standards, objective subdivision standards, and objective design review standards, as defined; (3) be located in a zone where office, retail, or parking are a principally permitted use; (4) meet certain labor standards; and (5) meet a list of other conditions, specified in the Local Guidelines.

We have added Section 9.08 to the Local Guidelines to include this exemption and to set forth the various conditions a project must meet to qualify for the exemption.

5. SECTION 9.09 MIXED-INCOME HOUSING DEVELOPMENTS ALONG COMMERCIAL CORRIDORS

The Legislature has additionally created another CEQA-exempt, ministerial approval process for proposed multifamily housing development projects that meet certain affordability criteria, set forth at Public Resources Code section 65912.120, et seq. In addition to meeting the specified affordability criteria, the proposed project must (1) abut a commercial corridor and have frontage along the commercial corridor of at least fifty feet; (2) not be located on a project site greater than 20 acres; (3) be located in a zone where office, retail, or parking is a principally permitted use; (4) meet certain labor standards; and (5) meet a list of over twenty other conditions, specified in the Local Guidelines.

We have added Section 9.09 to the Local Guidelines to include this exemption and to set forth the various conditions a project must meet to qualify for the exemption.

6. VARIOUS SECTIONS UPDATED REFERENCES TO CALIFORNIA PUBLIC RECORDS ACT

The Legislature has recodified and reorganized the entirety of the California Public Records Act (“PRA”) consistent with Assembly Bill (“AB”) 463. Whereas the PRA was previously codified at Government Code section 6250, et seq., the PRA is now codified at Government Code section 7920.000, et seq. We have updated all references to the PRA in the Local Guidelines consistent with AB 463. The reorganization makes no substantive changes to the PRA.

Other Changes

Effective January 1, 2023, the Department of Fish and Wildlife has increased its fees. For a Negative Declaration or a Mitigated Negative Declaration, the new filing fee is \$2,764.00. For an EIR, the new filing fee is \$3,839.25. For an environmental document prepared pursuant to a Certified Regulatory Program, the filing fee has been increased to \$1,305.25.

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, please contact a BB&K attorney for assistance.

BEST BEST & KRIEGER LLP