



Staff Report

File #: 22-0630

REQUEST FOR CITY COUNCIL ACTION

DATE: 08/03/2022

TO: Honorable Mayor and City Council Members

FROM: Planning and Development Department

SUBJECT:

Resolution approving the 2022 Local Guidelines for Implementing the California Environmental Quality Act.

EXECUTIVE SUMMARY:

The California Environmental Quality Act 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 2022 Local Guidelines for Implementing the California Environmental Quality Act for the City of Corona reflect recent legal changes to CEQA.

RECOMMENDED ACTION:

That the City Council adopt Resolution No. 2022-106, approving the 2022 Local Guidelines for Implementing the California Environmental Quality Act. (Pub. Resources Code §§ 21000 et seq.)

BACKGROUND & HISTORY:

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 the significant environmental impacts of their decisions.

To this end, 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.

ANALYSIS:

The 2022 Local CEQA Guidelines meet CEQA’s requirements and provide step-by-step procedures for evaluating projects prior to approval. The Local CEQA Guidelines also provide instructions and forms

for preparing environmental documents required under CEQA.

The 2022 Local CEQA Guidelines reflect recent changes in the law that occurred during 2021. The following information summarizes some of the recent changes to CEQA.

Posting of CEQA Documents and Related Notices

Assembly Bill 819 (AB 819) amended CEQA to require a lead agency for a project to post the Draft Environmental Impact Report (EIR), Final EIR, Negative Declaration, or Mitigated Negative Declaration (MND) prepared for a project on the lead agency's website, if the lead agency has a website. Additionally, a lead agency shall post all CEQA notices on its website. This requirement extends to any Notice of Exemption, Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration, Notice of Preparation, Notice of Availability, Notice of Completion, and Notice of Determination.

Procedure to Appeal a CEQA Determination Decided by a Non-Elected Decision-making Body

The City may charge a non-elected decision-making body with the responsibility of making an exemption determination or adopting or certifying environmental documents under CEQA. However, a determination made by a non-elected decision-making body must be appealable to the City Council. Sections 2.04 and 6.16 of the Local Guidelines have been revised to elaborate this change.

Notices of Exemption

Section 3.04 of the Local Guidelines have been revised to align with AB 819 to provide that a Notice of Exemption shall now be filed electronically with the County Clerk, if the County Clerk accepts electronic filing of Notices of Exemption, and the City must post its Notices of Exemption on its website. Additionally, Section 3.04 has been revised to update the procedure by which a project applicant, rather than the City, may file a Notice of Exemption for a project that the City has determined is exempt from CEQA. For a project applicant to file a Notice of Exemption, the project applicant must attach a Certificate of Determination from the City to the Notice of Exemption.

Submission of Environmental Documents and Related Notices to the State Clearinghouse

AB 819 requires all Negative Declarations and MNDs to be submitted electronically to the State Clearinghouse via the Office of Planning and Research's "CEQA Submit" website, even if the Negative Declaration or MND does not require state agency review. When submitting the Negative Declaration or MND to the State Clearinghouse, the Lead Agency must also submit a Notice of Completion via the "CEQA Submit" website. Section 6.11 of the Local Guidelines has been revised to reflect this change in the law, and it includes instructions on how to submit both documents that require state agency review and documents that do not require state agency review.

The same procedure requires for all EIRs. EIRs must be submitted electronically to the State Clearinghouse via the Office of Planning and Research's "CEQA Submit" website, even if the EIR does not require state agency review. Additionally, a Lead Agency must submit any Notice of Preparation, Notice of Completion, and Notice of Determination related to the EIR to the Office of Planning and Research via the "CEQA Submit" website. Sections 7.03, 7.25, 7.26, and 7.39 of the Local Guidelines have been revised to reflect these requirements.

Exemption Regarding Linear Broadband Deployment in a Right-of-Way

The Legislature's enactment of SB 156 created a CEQA exemption for projects that consist of linear broadband deployment in a right-of-way, if certain conditions are met. To qualify for the exemption, the project must be located in an area identified by the Public Utilities Commission as a component of the statewide open-access middle-mile broadband network; must be constructed along, or within 30-feet of, the right-of-way of any public road or highway; and must be either deployed underground where the surface area is restored to a condition existing before the project or placed aurally along an existing utility pole right-of-way. Additionally, the project is required to include conditions of approval to address potential environmental impacts, including, but not limited to, requiring monitors during construction activities or measures to address impacts to biological or cultural resources. Section 3.24 was added to the Local Guidelines to reflect this new exemption.

FINANCIAL IMPACT:

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

ENVIRONMENTAL ANALYSIS:

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

PREPARED BY: JOANNE COLETTA, PLANNING AND DEVELOPMENT DEPARTMENT

Attachments:

1. Exhibit 1 - Resolution 2022-106
2. Exhibit 2 - 2022 Local Guidelines for Implementing CEQA