



What is CEQA?

The California Environmental Quality Act (CEQA) requires government agencies to consider the environmental consequences of their actions before approving plans and policies or committing to a course of action on a project.

What is the purpose of CEQA?

This process is intended to: (1) inform government decision-makers and the public about the potential environmental effects of proposed activities; (2) identify the ways that environmental damage can be avoided or significantly reduced; (3) prevent significant, avoidable environmental damage by requiring changes in projects, either by the adoption of alternatives or imposition of mitigation measures; and (4) disclose to the public why a project was approved if that project has significant environmental impacts that cannot be mitigated to a less than significant level.

What is a "Project"?

A "project" is defined as a "whole action" subject to a public agency's discretionary funding or approval that has the potential to either (1) cause a direct physical change in the environment or (2) cause a reasonably foreseeable indirect physical change in the environment. "Projects" include discretionary activity by a public agency, a private activity that receives any public funding, or activities that involve the public agency's issuance of a discretionary approval and is not statutorily or categorically exempt from CEQA. (Pub. Res. Code § 21065.)

The CEQA Process

If an agency determines that a proposed activity is a project under CEQA, it will usually take the following three steps:

- (1) determine whether the project falls under a statutory or categorical exemption from CEQA;
- (2) if the project is not exempt, prepare an initial study to determine whether the project might result in significant environmental effects; and
- (3) prepare a negative declaration, mitigated negative declaration, or EIR, depending on the initial study.

Step 1: Do Any Exemptions Apply?

There are two types of CEQA exemptions:
(1) statutory exemptions and (2) categorical exemptions.

Statutory Exemptions

Statutory exemptions are created by the Legislature. A project that falls within a statutory exemption generally is not subject to CEQA even if it has the potential to significantly affect the environment.

Categorical Exemptions

The categorical exemptions are created through the regulatory process and are found in CEQA Guidelines §§ 15300-15333. A categorical exemption generally will not apply if (1) there is a reasonable possibility of a significant effect on the environment due to unusual circumstances; (2) significant cumulative impacts from projects of the same type will result; or (3) the project will have impacts on a uniquely sensitive environment. (Guidelines § 15300.2.) For other exceptions, see Guidelines § 15300.2.

Notice of Exemption (NOE)

A NOE contains several elements: a brief project description; the location of a project; a finding that the project is exempt from CEQA, including a citation to the appropriate exemption; and a brief statement of the reasons to support the finding that the project is exempt. (Guidelines § 15062(a).)

If a NOE is filed after project approval, it will trigger a 35-day statute of limitations for challenging the agency's decision that the project is exempt from CEQA. (Pub. Res. Code § 21167(d); Guidelines § 15062(d).) If the NOE is not filed, the time period for challenging the action under CEQA is normally 180 days following the agency's approval. (Pub. Res. Code § 21167(d); Guidelines § 15062(d).)

Step 2: Initial Study

If the project does not fall under an exemption, the public agency usually undertakes an "initial study." An initial study is a preliminary analysis prepared by the lead agency (usually the city or the county having primary jurisdiction over the project, but may also be state agencies) to determine whether an environmental impact report (EIR) or negative declaration (ND) must be prepared. (Guidelines §§ 15063, 15365; Pub. Res. Code §§ 21080.1, 21080.3.)

The purpose of the initial study is to determine whether there may be a significant environmental impact. (Pub. Res. Code § 21080(c); Guidelines §§ 15063-15065.)

Step 3: Appropriate Level of Review

Depending on the Initial Study, a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report may be required.

Negative Declaration

If the initial study concludes that the project will not cause a significant effect on the environment, the agency can prepare a negative declaration. (Pub. Res. Code § 21080(c); Guidelines § 15070 et seq. (negative declaration process).) A negative declaration is a written statement that an EIR is not required because a project will not have a significant adverse impact on the environment. (Pub. Res. Code §§ 21064, 21080(c).)

Mitigated Negative Declaration

An agency may attach conditions to a negative declaration for the purpose of mitigating potential environmental effects. This is referred to as a "mitigated negative declaration." (Guidelines § 15070(b); Pub. Res. Code § 21064.5.) A mitigated negative declaration states that revisions in the project made or agreed to by the applicant would avoid the potentially significant adverse impacts, and that there is no substantial evidence that the revised project will have a significant effect on the environment. (Pub. Res. Code § 21064.5; Guidelines § 15070(b) (2).)



Environmental Impact Report (EIR)

If the agency determines that the project may have a significant effect on the environment, an EIR must be prepared. (Pub. Res. Code §§ 21002.1, 21061, 21080, 21080.1 et seq.; Guidelines §§ 15080–15081.5.)

Scoping

The first step in preparing an EIR is to determine the scope of the EIR in consultation with agencies, the public, and the applicant. (Guidelines §§ 15082, 15083.)

Draft EIR

Following the scoping process, either the agency must prepare a draft EIR or the applicant's consultant can prepare the CEQA documents, as long as the agency independently reviews, evaluates, and exercises judgment over the document and the issues it raises and addresses. The draft EIR must be released for public comment for at least 30 days but no more than 60 days, unless there are unusual circumstances. (Guidelines § 15105.)



Contents

An EIR must contain:

- A project description;
- An environmental baseline;
- Evaluation of environmental impacts;
- Thresholds of significance, which can sometimes be measured in terms of historic and cultural significance;
- Evaluation of short-term and long-term water supply needs;
 - Climate change;
 - Energy;
 - Cumulative impacts;
 - Mitigation measures; and
- Project alternatives, which are a meaningful discussion of project alternatives that would reduce adverse environmental impacts.

Final EIR

The final EIR consist of: (1) the draft EIR; (2) comments and recommendations received on the draft EIR; (3) the responses of the lead agency to the significant environmental points raised in the review and consultation process; (4) a list of persons and agencies commenting on the draft EIR; and (5) any other information added by the lead agency. (Guidelines § 15132.)

Approval

After the final EIR is complete, the agency determines whether to approve the project or an alternative to the project.

Program and Master EIRs

CEQA provides several optional tools for streamlining environmental review when there is a series of projects or activities the agency is considering. Master EIRs are designed to provide for analysis of broad policy issues, such as cumulative and growth-inducing impacts, to limit the environmental review of subsequent projects. (Pub. Res. Code § 21156.)

Program EIRs generally can be used for the same types of actions as master EIRs, though this streamlining device is reserved for related actions that can be characterized as one large project. (Guidelines § 15168.)



EIR Notices

A minimum of three notices must be prepared and properly filed in connection with the EIR.

- (1) Notice of preparation of EIR. (Pub. Res. Code § 21080.4; Guidelines § 15082.)
- (2) Notice of completion of EIR. (Pub. Res. Code § 21161; Guidelines § 15085.)
- (3) Notice of approval or determination, which is filed and posted after the project is approved. (Pub. Res. Code § 21152; Guidelines § 15094.)

Mitigation Monitoring

When an agency makes CEQA findings for any project that is approved subject to mitigation measures in an EIR, or when an agency adopts a mitigated negative declaration, the agency must impose a mitigation monitoring or reporting program to ensure implementation of the mitigation measures and project revisions that are required by the agency. (Pub. Res. Code § 21081.6.)

Subsequent Review

Ordinarily, only one EIR or negative declaration is prepared for a project. A supplemental or subsequent EIR (SEIR) may be required if another discretionary approval is being considered and:

- (a) there are substantial changes to the project;
- (b) there are substantial changes in the project's circumstances; or
- (c) new information that could not have been known at the time the EIR was certified becomes available and such changes or new information require major revisions to the previous EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (Pub. Res. Code § 21166; Guidelines § 15162(a).)

Project changes

Project changes standing alone normally will not trigger requirements for further CEQA review. However, the lead agency must provide a reasoned basis supporting its conclusion that project changes would not result in new or substantially more severe significant impacts. (*American Canyon Cmty United for Responsible Growth v. City of American Canyon* (2006) 154 Cal.App.4th 1062.)

New information

New information can trigger an SEIR or subsequent negative declaration only if the information was not known and could not have been known at the time the EIR was certified as complete, shows new or substantially more severe significant impacts, or demonstrates the feasibility of mitigation measures or alternatives previously found infeasible, and is of substantial importance to the project. (Pub. Res. Code § 21166(c); Guidelines § 15162(a)(3).)

Use of Addenda

If none of the three triggers for an SEIR exist, then an agency may use an addendum to make changes or additions to the prior EIR or negative declaration. (Guidelines §§ 15164(a), (b).) The addendum does not need to be circulated for public review. (Guidelines §§ 15164(c), (d).) A brief explanation of the decision not to prepare an SEIR should be included in the addendum, the findings, or elsewhere in the record. (Guidelines § 15164(e).)

For more information about the CEQA process, please visit opr.ca.gov/ceqa



Notice of Exemption

To: Clerk of the Board
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240
sbcob@co.santa-barbara.ca.us

From: Vandenberg Village Community Services District
3745 Constellation Road
Lompoc, CA 93436
(805) 733-2475
(805) 733-2109 FAX
administration@vvcasd.org

Project Title: Well Site and Access Road Lease

Project Location: APN 097-371-049
Lompoc, CA 93436

Description of Nature, Purpose, and Beneficiaries of Project:

Obtain a long-term lease from the California State Lands Commission for 0.684 acres of land to accommodate three groundwater wells and 0.078 acres of land containing a short section of the access road to the District's water treatment plant.

The parcels are identified as Parcel 1 (well site) and Parcel 2 (access road) on the attached map.

The two small parcels are contiguous to historic easements for water wells, water production facilities, roads, and pipelines within APN 097-371-049. These easements were granted prior to 1991 when the State of California acquired the property and before 1999 when it was leased as part of the Burton Mesa Ecological Reserve to the California Department of Fish and Wildlife. Groundwater from this location is the sole source of drinking water for the community of Vandenberg Village. The first generation of three groundwater wells, drilled 1959-1970, failed and were replaced with a second generation of wells which were drilled 1977-1987. The second-generation wells are still operational; however, they are 34-44 years old and will eventually need to be replaced. Extensive hydrological study has determined this is the best site within the Lompoc Upland aquifer for producing groundwater of sufficient quality and quantity. A replacement well will not be drilled within the 0.684-acre parcel until the imminent or actual failure of an existing well.

The 0.078-acre parcel includes a short section of access road that was rerouted and reconstructed following severe flood damage in 1995.

The 7,400 residents of Vandenberg Village are the beneficiaries of the project.

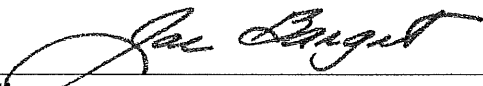
Lead Agency: Vandenberg Village Community Services District

Exempt Status: Categorically exempt per Sections 15301(c) and 15302(c) of the 2020 California Environmental Quality Act (CEQA) Statute and Guidelines.

RECORDED
MAY 11 3 14 PM '11
COUNTY OF SANTA BARBARA
REGISTERED CLERK

Reasons Why Project Is Exempt: The project consists of an existing facility (access road) and the replacement or reconstruction of existing utility facilities (groundwater wells) involving negligible or no expansion of capacity.

Contact Person/Telephone: Joe Barget, General Manager, (805) 733-2475


Signature

March 3, 2021
Date

Attachment: Well Site and Access Road Lease Map

WELL SITE & ACCESS ROAD LEASE Vandenberg Village Community Services District



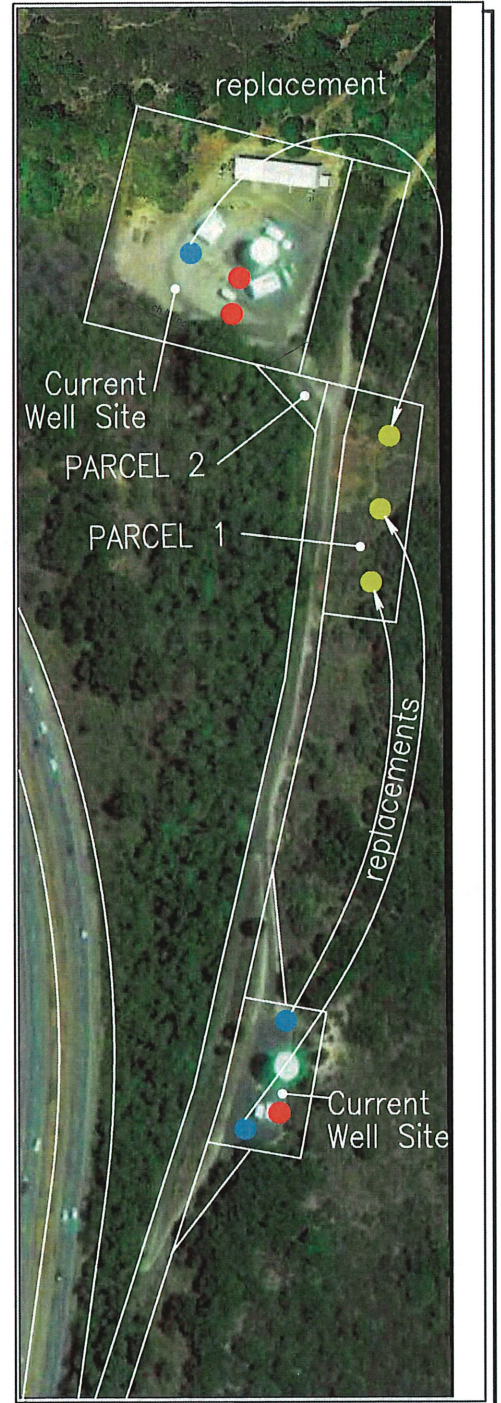
No Scale

LEGEND	
Operational Well	●
Failed Well	●
Replacement Well	●

VICINITY MAP



© 2021 Google Earth



© 2021 Google Earth

Approved by

Joe Barget
Joe Barget, GM

March 2, 2021
date

This description has been prepared by me
in accordance with provisions of the
Professional Land Surveyors Act.

Robert J. Reese 2021.02.25
Robert J. Reese date



REESE
Water **& Land**
SURVEYING SERVICES
900-B Los Osos Valley Road
Los Osos, CA 93402-3206
805.439.2741



State of California - Department of Fish and Wildlife
2021 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 01/01/21) Previously DFG 753.5a

RECEIPT NUMBER:
 42 — 03032021 — 055
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY Vandenberg Village CSD	LEAD AGENCY EMAIL jbarget@vvcasd.org	DATE 03032021
COUNTY/STATE AGENCY OF FILING Santa Barbara	DOCUMENT NUMBER	

PROJECT TITLE

NOE - Well Site and Access Road Lease

PROJECT APPLICANT NAME Vandenberg Village CSD	PROJECT APPLICANT EMAIL jbarget@vvcasd.org	PHONE NUMBER (805) 733-2475
PROJECT APPLICANT ADDRESS 3745 Constellation Road	CITY Lompoc	STATE CA
		ZIP CODE 93436

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,445.25 | \$ | 0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,480.25 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,171.25 | \$ | 0.00 |

- Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 Fee previously paid (attach previously issued cash receipt copy)

- | | | | |
|---|----------|----|-------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | 50.00 |
| <input type="checkbox"/> Other | | \$ | |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X Angelica Ramirez Digitally signed by Angelica Ramirez Date: 2021.03.04 08:33:31 -08'00'	AGENCY OF FILING PRINTED NAME AND TITLE Angelica Ramirez, Deputy Clerk
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NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
 Accounting Services Branch
 P.O. Box 944209
 Sacramento, California 94244-2090



2021 CEQA Transmittal Memorandum

County of Santa Barbara - Clerk of the Board of Supervisors

105 E. Anapamu St. Room 407 • Santa Barbara • CA • 93101

(805) 568-2240

Complete this form when filing a Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report or Notice of Exemption.

You will need to submit one original for posting plus one copy for the Department of Fish & Wildlife. A scanned copy including the date/time of posting will be emailed to the Lead Agency and Project Applicant. If you would like a return copy, please submit an extra copy along with a pre-addressed, stamped envelope.

Contact Person Joe Barget		Phone (805) 733-2475	
Lead Agency Vandenberg Village CSD		Lead Agency Email jbarget@vvcasd.org	
Project Title Well Site and Access Road Lease			
Project Applicant Vandenberg Village CSD	Email jbarget@vvcasd.org	Phone (805) 733-2475	
Project Applicant Address 3745 Constellation Road	City Lompoc	State CA	Zip 93436

DOCUMENT BEING FILED:

- Environmental Impact Report (EIR)
 - 2021 Filing Fee \$3,445.25
 - Previously Paid (**must attach receipt**) \$0.00
 - No Effect Determination (**must be attached**) \$0.00

- Negative Declaration or Mitigated Negative Declaration
 - 2021 Filing Fee \$2,480.25
 - Previously Paid (**must attach receipt**) \$0.00
 - No Effect Determination (**must be attached**) \$0.00

- Notice of Exemption \$0.00

- County Administrative Handling Fee (**required for all filings, effective 7/19/18**) \$50.00

TOTAL: \$ 50.00

PAYMENT METHOD: ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING

- Cash
- Credit Card
- Check # 27528
- Journal Entry # _____



VANDENBERG VILLAGE CSD
 3745 CONSTELLATION ROAD • LOMPOC, CALIFORNIA 93436
 (805) 733-2475

Mechanics Bank

800.797.6324
 90-203/1211

27528

*****50*DOLLARS*AND*00*CENTS**

03/02/21

*****50.00*

*Fifty*****

SANTA BARBARA COUNTY
 CLERK OF BOARD OF SUPERVISORS
 105 E ANAPAMU ROOM 407
 SANTA BARBARA CA 93101
 SAN27 PY-PC



[Signature]
 AUTHORIZED SIGNATURE

Security features. Details on back.

⑈027528⑈ ⑆121102036⑆ 9557374201⑈



COUNTY OF SANTA BARBARA

X2143809

COB

Department

Date 3/3/21

Received from see Marget/Vandenberg Village CSD

In Payment of note / Vandenberg Village CSD / well site / horse kind lease

Fifty

and 100 Dollars \$ 50⁰⁰

Received original of the above numbered receipt

CREDIT CARD	
CASH	
CHECK	<input checked="" type="checkbox"/>

AC-147

SIGNATURE OF PAYOR

27528

AUTHORIZED SIGNATURE

[Signature]

Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 925; *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810; *Association for the Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720; and *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464

15300.3. REVISIONS TO LIST OF CATEGORICAL EXEMPTIONS

A public agency may, at any time, request that a new class of categorical exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.4. APPLICATION BY PUBLIC AGENCIES

Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15301. EXISTING FACILITIES

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes);
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:

- (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
- (2) 10,000 square feet if:
 - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - (B) The area in which the project is located is not environmentally sensitive.
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- (j) Fish stocking by the California Department of Fish and Game;
- (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- (l) Demolition and removal of individual small structures listed in this subdivision:
 - (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.
 - (2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.
 - (3) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.
 - (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
- (n) Conversion of a single family residence to office use.
- (o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.
- (p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084, Public Resources Code; *North County Advocates v. City of Carlsbad* (2015) 241 Cal.App.4th 94; *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310; *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307.

15302. REPLACEMENT OR RECONSTRUCTION

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.
- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15303. NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21084, Public Resources Code.

15304. MINOR ALTERATIONS TO LAND

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.
- (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;
- (f) Minor trenching and backfilling where the surface is restored;
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;
- (h) The creation of bicycle lanes on existing rights-of-way.
- (i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15305. MINOR ALTERATIONS IN LAND USE LIMITATIONS

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15306. INFORMATION COLLECTION

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.



State of California

PUBLIC RESOURCES CODE

Section 21080

21080. (a) Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits, and the approval of tentative subdivision maps unless the project is exempt from this division.

(b) This division does not apply to any of the following activities:

- (1) Ministerial projects proposed to be carried out or approved by public agencies.
- (2) Emergency repairs to public service facilities necessary to maintain service.
- (3) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(4) Specific actions necessary to prevent or mitigate an emergency.

(5) Projects which a public agency rejects or disapproves.

(6) Actions undertaken by a public agency relating to any thermal powerplant site or facility, including the expenditure, obligation, or encumbrance of funds by a public agency for planning, engineering, or design purposes, or for the conditional sale or purchase of equipment, fuel, water (except groundwater), steam, or power for a thermal powerplant, if the powerplant site and related facility will be the subject of an environmental impact report, negative declaration, or other document, prepared pursuant to a regulatory program certified pursuant to Section 21080.5, which will be prepared by the State Energy Resources Conservation and Development Commission, by the Public Utilities Commission, or by the city or county in which the powerplant and related facility would be located if the environmental impact report, negative declaration, or document includes the environmental impact, if any, of the action described in this paragraph.

(7) Activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, an Olympic games under the authority of the International Olympic Committee, except for the construction of facilities necessary for the Olympic games.

(8) The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of (A) meeting operating expenses, including employee wage rates and fringe benefits, (B) purchasing or leasing supplies, equipment, or materials, (C) meeting financial reserve needs and requirements, (D) obtaining funds for capital

projects necessary to maintain service within existing service areas, or (E) obtaining funds necessary to maintain those intracity transfers as are authorized by city charter. The public agency shall incorporate written findings in the record of any proceeding in which an exemption under this paragraph is claimed setting forth with specificity the basis for the claim of exemption.

(9) All classes of projects designated pursuant to Section 21084.

(10) A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities. For purposes of this paragraph, "highway" shall have the same meaning as defined in Section 360 of the Vehicle Code.

(11) A project for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.

(12) Facility extensions not to exceed four miles in length which are required for the transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.

(13) A project for the development of a regional transportation improvement program, the state transportation improvement program, or a congestion management program prepared pursuant to Section 65089 of the Government Code.

(14) Any project or portion thereof located in another state which will be subject to environmental impact review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) or similar state laws of that state. Any emissions or discharges that would have a significant effect on the environment in this state are subject to this division.

(15) Projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5. Any site-specific effect of the project which was not analyzed as a significant effect on the environment in the plan or other written documentation required by Section 21080.5 is subject to this division.

(c) If a lead agency determines that a proposed project, not otherwise exempt from this division, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration to that effect. The negative declaration shall be prepared for the proposed project in either of the following circumstances:

(1) There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.

(2) An initial study identifies potentially significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (B) there is no substantial evidence, in light of the whole record before the lead agency, that the project, as revised, may have a significant effect on the environment.

(d) If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared.

(e) (1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.

(2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

(f) As a result of the public review process for a mitigated negative declaration, including administrative decisions and public hearings, the lead agency may conclude that certain mitigation measures identified pursuant to paragraph (2) of subdivision (c) are infeasible or otherwise undesirable. In those circumstances, the lead agency, prior to approving the project, may delete those mitigation measures and substitute for them other mitigation measures that the lead agency finds, after holding a public hearing on the matter, are equivalent or more effective in mitigating significant effects on the environment to a less than significant level and that do not cause any potentially significant effect on the environment. If those new mitigation measures are made conditions of project approval or are otherwise made part of the project approval, the deletion of the former measures and the substitution of the new mitigation measures shall not constitute an action or circumstance requiring recirculation of the mitigated negative declaration.

(g) Nothing in this section shall preclude a project applicant or any other person from challenging, in an administrative or judicial proceeding, the legality of a condition of project approval imposed by the lead agency. If, however, any condition of project approval set aside by either an administrative body or court was necessary to avoid or lessen the likelihood of the occurrence of a significant effect on the environment, the lead agency's approval of the negative declaration and project shall be invalid and a new environmental review process shall be conducted before the project can be reapproved, unless the lead agency substitutes a new condition that the lead agency finds, after holding a public hearing on the matter, is equivalent to, or more effective in, lessening or avoiding significant effects on the environment and that does not cause any potentially significant effect on the environment.

(Amended by Stats. 2013, Ch. 523, Sec. 1. (SB 788) Effective January 1, 2014.)