

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1008

Introduced by Senator Lara

February 11, 2016

An act to amend Section 21080.25 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1008, as amended, Lara. California Environmental Quality Act: Los Angeles Regional Interoperable Communications System: exemption.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.

Existing law, until January 1, 2017, exempts from CEQA the design, site acquisition, construction, operation, or maintenance of certain structures and equipment of the Los Angeles Regional Interoperable Communications ~~System~~, *System (LA-RICS)* consisting of a long-term evolution broadband mobile data system and a land mobile radio system, if certain criteria are met at the individual project site.

This bill would extend that exemption until January 1, 2020. *The bill would provide that the exemption does not apply if the project site is located in certain areas. The bill would require the LA-RICS Joint Powers Authority to hold a public hearing before making a determination that a project is exempted, to file the notice of exemption with the Office of Planning and Research and the county clerk of the*

county in which the project is located, and to post certain information on its Internet Web site. Because a lead agency, which may include a local agency, ~~is would be~~ required to determine whether a project qualifies for this ~~exemption~~, *exemption and to perform additional duties*, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21080.25 of the Public Resources Code
2 is amended to read:

3 21080.25. (a) For purposes of this section, the following
4 definitions shall apply:

5 (1) "Antenna support structures" means lattice towers,
6 monopoles, and roof-mounts.

7 (2) "Authority" means the Los Angeles Regional Interoperable
8 Communication System Joint Powers Authority.

9 ~~(2)~~
10 (3) "Habitat of significant value" includes all of the following:

11 (A) Wildlife habitat of national, statewide, or regional
12 importance.

13 (B) Habitat identified as candidate, fully protected, sensitive,
14 or species of special status by a state or federal agency.

15 (C) Habitat essential to the movement of resident or migratory
16 wildlife.

17 ~~(3)~~
18 (4) "LA-RICS" means the Los Angeles Regional Interoperable

19 Communications System, consisting of a long-term evolution
20 broadband mobile data system, a land mobile radio system, or
21 both.

22 ~~(4)~~
23 (5) "LMR" means a land mobile radio system.

24 ~~(5)~~

1 (6) “LTE” means a long-term evolution broadband mobile data
2 system.

3 ~~(6)~~

4 (7) “Riparian area” means an area that is transitional between
5 terrestrial and aquatic ecosystems, that is distinguished by gradients
6 in biophysical conditions, ecological processes, and biota, and that
7 meets the following criteria:

8 (A) Is an area through which surface and subsurface hydrology
9 connect bodies of water with their adjacent uplands.

10 (B) Is adjacent to perennial, intermittent, and ephemeral streams,
11 lakes, or estuarine or marine shorelines.

12 (C) Includes those portions of terrestrial ecosystems that
13 significantly influence exchanges of energy and matter with aquatic
14 ecosystems.

15 ~~(7)~~

16 (8) “Wetlands” has the same meaning as defined in the United
17 States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21,
18 1993).

19 ~~(8)~~

20 (9) “Wildlife habitat” means the ecological communities upon
21 which wild animals, birds, plants, fish, amphibians, and
22 invertebrates depend for their conservation and protection.

23 (b) ~~If Except as provided in subdivision (d), if~~ all the criteria
24 specified in subdivision (c) are met at the individual project site,
25 this division does not apply to the design, site acquisition,
26 construction, operation, or maintenance of the following elements
27 of the LA-RICS:

28 (1) Antennas, including microwave dishes and arrays.

29 (2) Antenna support structures.

30 (3) Equipment enclosures.

31 (4) Central system switch facilities.

32 (5) Associated foundations and equipment.

33 (c) As a condition of the exemption specified in subdivision
34 (b), all of the following criteria shall be met at the individual
35 project site:

36 (1) The project site is publicly owned and already contains one
37 or both of the following:

38 (A) An antenna support structure and one or both of the
39 following components:

40 (i) Antennas.

1 (ii) Equipment enclosures.
 2 (B) A police, sheriff, or fire station or other public facility that
 3 transmits or receives public safety radio signals.

4 (2) Construction and implementation at the project site would
 5 not have a substantial adverse impact on wetlands, riparian areas,
 6 or habitat of significant value, and would not harm any species
 7 protected by the federal Endangered Species Act of 1973 (16
 8 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter
 9 10 (commencing with Section 1900) of Division 2 of the Fish and
 10 Game Code), or the California Endangered Species Act (Chapter
 11 1.5 (commencing with Section 2050) of Division 3 of the Fish and
 12 Game Code) or the habitat of those species.

13 (3) Construction and implementation of the project at the site
 14 would not have a substantial adverse impact on historical resources
 15 pursuant to Section 21084.1.

16 (4) Operation of the project at the site would not exceed the
 17 maximum permissible exposure standards established by the
 18 Federal Communications Commission, as set forth in Sections
 19 1.1307 and 1.1310 of Title 47 of the Code of Federal Regulations.

20 (5) Any new LTE antenna support structures or LMR antenna
 21 support structures would comply with applicable state and federal
 22 height restrictions and any height restrictions mandated by an
 23 applicable comprehensive land use plan adopted by an airport land
 24 use commission. The new monopoles shall not exceed 70 feet in
 25 height without appurtenances and attachments, and new lattice
 26 towers shall not exceed 180 feet in height without appurtenances
 27 and attachments.

28 (6) Each new central system switch is located within an existing
 29 enclosed structure at a publicly owned project site or is housed at
 30 an existing private communications facility.

31 (d) *Subdivision (b) does not apply if the individual project site*
 32 *is located on either of the following:*

- 33 (1) *A school site.*
- 34 (2) *A cultural or sacred site, as described in Section 5097.9 or*
 35 *5097.993.*

36 (e) (1) *Before determining that a project is not subject to this*
 37 *division pursuant to this section, the authority shall hold noticed*
 38 *public hearings in areas affected by the project to hear and respond*
 39 *to public comments. The notice shall be published no fewer times*
 40 *than required by Section 6061 of the Government Code, by the*

1 authority in a newspaper of general circulation in the area affected
2 by the project. If more than one area will be affected, the notice
3 shall be published in the newspaper of largest circulation from
4 among the newspapers of general circulation in those areas.

5 (2) If the authority determines that a project is not subject to
6 this division pursuant this section, and it determines to approve
7 or carry out that project, the notice of exemption shall be filed
8 with the Office of Planning and Research and the county clerk in
9 the county in which the project is located in the manner specified
10 in subdivisions (b) and (c) of Section 21152. The authority shall
11 post the notice of exemption on its Internet Web site.

12 (f) The authority shall post on its Internet Web site all of the
13 following, as applicable:

14 (1) Draft and final environmental documentation in compliance
15 with this division or the federal National Environmental Policy
16 Act of 1969 (42 U.S.C. Sec. 4321 et seq.).

17 (2) The date of filing of notices required pursuant to this division
18 or the federal National Environmental Policy Act of 1969.

19 (3) All notice and hearing information regarding review and
20 approval of environmental documentation by federal agencies.

21 (g) On or after January 1, 2017, the authority and its member
22 agencies shall approve use agreements for the LA-RICS in an open
23 and noticed public meeting.

24 ~~(h)~~

25 (h) This section shall remain in effect only until January 1, 2020,
26 and as of that date is repealed, unless a later enacted statute, that
27 is enacted before January 1, 2020, deletes or extends that date.

28 SEC. 2. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 a local agency or school district has the authority to levy service
31 charges, fees, or assessments sufficient to pay for the program or
32 level of service mandated by this act, within the meaning of Section
33 17556 of the Government Code.