

## CEQA EXEMPTIONS USED FOR PC2343 AMENDMENT

### Existing Facilities Exemption

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.

This exemption is used for the 2901-2905 Middlefield Road PC: There are no changes to the private structures, no expansion of the multifamily residential use (no additional uses beyond multifamily residential).

### Common Sense Exemption 15061(b)(3)

(3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

This exemption is used for both PCs. The lots area already in place and zoning and underlying land use designation has reflected multifamily residential use at 2901 Middlefield Road and single family residential use at 702 Ellsworth Place.

### Class 3 Exemption: New Construction or Conversion of Small Structures (15303)

This exemption allows: either one single family unit or a second unit, or a duplex or similar multi-family use with up to 4 units (whereas in urbanized areas additional units are allowed, up to 3 single-family or 6 multifamily units).

This exemption is used for the 702 Ellsworth Place PC: One single-family unit is proposed on an existing parcel with underlying land use designation of single family residential.

## **Exceptions to Categorical Exemptions**

- a. Location.** Class 3 is qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact the environment may, in a particularly sensitive environment, be significant. Therefore, this class is considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. Note that Classes 26 and 32 are not qualified by this location consideration.
- b. Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- c. Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d. Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- e. Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to §65962.5 of the Government Code.
- f. Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.<sup>2</sup>

See [Exceptions Worksheet](#) to determine whether any of the exceptions may disqualify the project from using one of the Categorical Exemptions.

<sup>2</sup> An historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (Public Resources Code §21084.1)

Staff maintains that the project is eligible for the Categorical Exemptions since none of the exceptions apply (e.g. this is not a 'particularly sensitive' environment designated locally or by the State or Federal governments, and this project will not have a significant effect on the environment due to unusual circumstances).