



ERRATA SHEET

TO: Chair Boyle and Members of the Architectural Review Board
FROM: Alyson Hunter, Associate Planner
MEETING DATE: April 30, 2019
SUBJECT: Architectural Review Board Special Meeting Agenda - Errata Sheet

Attached is additional information for your consideration at the April 30, 2019 Architectural Review Board Meeting:

Agenda Item	Information Provided/Corrected
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7A – CEQA Training	CEQA Training Handout to accompany the Powerpoint presentation by Staff.
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RESPECTFULLY SUBMITTED:

Alyson Hunter

Alyson Hunter, Associate Planner



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Chair Boyle and Members of the Architectural Review Board

FROM: Alyson Hunter, Associate Planner

MEETING DATE: April 30, 2019

SUBJECT: California Environmental Quality Act (CEQA) Training: The Use of Categorical Exemptions and the Exceptions That Apply to Them

CEQA: Does Not Constitute a “Project” per California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION

Receive a presentation by Planning staff accompanied by a PowerPoint presentation, review the attached handout and conduct a question and answer period if needed.

BACKGROUND

The Architectural Review Board (Board) was created by ordinance to grant architectural approval where required by City zoning laws in order to promote the orderly and harmonious development of the City and to protect the City's architectural heritage. It is asked to make a finding of compliance with CEQA on nearly every development project that it reviews and takes action on. Periodically, staff provides training on CEQA and, specifically, the exemptions that apply to the majority of the projects that the Board reviews.

DISCUSSION

The attached handout provides a brief summary of what CEQA is, how and why it was created and how government agencies are required to apply the statute to projects that come through the Community Development Department. The handout defines “project”, statutory and categorical exemptions, and the *exceptions* that apply these exemptions. The handout also includes a CEQA Process Flow Chart that shows the path from application submittal to the decision on a project

COMPLIANCE WITH CEQA

Not a project per §15378 of the CEQA Guidelines.

RESPECTFULLY SUBMITTED BY:

Alyson Hunter

Associate Planner

Attachment

1. CEQA Training Handout on Exemptions/Exceptions



California Environmental Quality Act (CEQA) Training: The Use of Categorical Exemptions and the Exceptions That Apply to Them

1. What is the California Environmental Quality Act (CEQA)?

Following in the footsteps of the federal adoption of the National Environmental Policy Act (NEPA) in 1969, the California state legislature adopted, and Governor Regan signed, the statute that created CEQA in 1970.

As described in California Code of Regulations (CCR), [Title 14, Section 15000](#) and following, hereafter known as the CEQA Guidelines, the basic purposes of CEQA are to:

- (a) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- (b) Identify the ways that environmental damage can be avoided or significantly reduced.
- (c) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (d) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

CEQA only applies to activities directly undertaken by a governmental agency, activities financed in whole or in part by a governmental agency, or private activities which require approval (discretionary permit) from a governmental agency.

2. Does CEQA apply to everything?

No. There are a variety of actions that are not considered “projects” under CEQA. For example, activities covered by the “general rule” which applies to projects 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. [§15061\(b\)\(3\)](#). For example, changing the copy on an existing sign or replacing existing landscaping with new, drought-tolerant landscaping or adopting new Standard Operating Procedures for how the Community Development Department conducts business are all items that would not possibly have a significant effect on the environment.

CEQA further defines “project” in [§15378](#) of the CEQA Guidelines as: the whole of an action, which has the potential for resulting in either a physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

The following activities or actions are NOT considered projects subject to CEQA:

- a. Proposals to State Legislature;
- b. Administrative activities, such as purchases for supplies, personnel-related actions, general policy and procedure making;

- c. Ballot initiatives;
- d. Government funding mechanisms or other fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment;
- e. Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

3. What happens if an activity is determined to be a “project” under CEQA?

In the event that an activity is deemed to be a project, there are 3 types of environmental review that a project might qualify for: an Exemption, a Negative Declaration (or Mitigated Negative Declaration), or an Environmental Impact Report (EIR). There are 2 types of exemptions: Statutory ([§15260](#)) and Categorical ([§15300](#)).

The Statutory exemption consists of a list of specific activities that are exempt from full environmental review including, but not limited to: ministerial projects like Building Permits, financial assistance for income-qualified housing projects undertaken by HCD, the preparation of a Local Coastal Program, emergency projects, etc.

Categorical exemptions fall into 33 classes based on “categories” or types of project. For example, the City of Pacific Grove relies most commonly on the Class 1, 2, and 3 exemptions for existing facilities, replacement/reconstruction, and new construction, respectively.

Class 1 allows for additions to existing structures (residential or commercial). The Class 1 exemption also applies to demolition of individual structures.

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.

Class 3 allows for new construction of residences, ADUs and commercial buildings up to 10,000 sq. ft. in size.

We also rely heavily on the Class 31 (Historical Resource Restoration/Rehabilitation) and Class 32 (In-Fill Development Projects) exemptions.

Class 31 is frequently used for projects either on the HRI or eligible for the HRI, or the state or federal registers. This class consists of projects limited to the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the [Secretary of the Interior's Standards for the Treatment of Historic Properties](#). *A Class 31 exemption can only be used when it can be verified by a qualified architectural historian that the proposed project will not adversely affect the historic significance of the resource.*

This class relates directly to the [Rehabilitation](#) treatment of the Secretary's Standards which is the most commonly used because it is the most flexible treatment and allows for the most change to an existing building.

Class 32 exemption is intended to promote infill development within urbanized areas. This class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements; i.e., no zoning or general plan amendment required. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects.

Sometimes multiple classes are referenced in one application; the Class 31 exemption for a historic resource may accompany a Class 1 exemption for an addition to a residence or commercial building that is either on or eligible for the HRI.

4. Are there any exceptions to the exemptions?

Yes. Section [15300.2](#) of the CEQA Guidelines lists 6 categories which may *except* a project from the use of an exemption:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply 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.

(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 Section 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.

In other words, if one of the exceptions above applies to a project, an exemption cannot be used and a Negative Declaration or EIR must be prepared. The following flow chart shows the steps in making the determination of what CEQA path to follow if a project is not exempt.

CEQA Process Flow Chart

