

## PETITION FOR EXEMPTION FROM AN ENVIRONMENTAL ASSESSMENT

*Certain projects may not require an Environmental Assessment because they are **exempt** under state law. The Environmental Review handout describes the types of applications that may qualify for an exemption. Staff at the Planning Office counter can also advise you whether your application may be exempt.*

*Submittal of this form must be accompanied by the Environmental Information Form (with photographs), which is used to determine if the project will have any potentially significant environmental impacts.*

The undersigned hereby requests exemption from the environmental review requirements of the California Environmental Quality Act of 1970, as amended. In completing this request, I / we are affirming our belief that no significant environmental impact will result from the proposed project.

1. Project Type (subdivision, grading etc.): \_\_\_\_\_

2. Project Location: \_\_\_\_\_

3. Project Description (including physical dimensions and proposed use): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**4. Project Qualification for Exemption (all answers must be 'No'):**

The questions in the table below are used to determine if a project could have any significant environmental impacts within different categories, necessitating the preparation of an Environmental Assessment. If the project does not have impacts in the listed categories (answer is "No"), the project may qualify to be an exemption.

Completion of the accompanying Environmental Information Form (EIF) can be used to answer the questions listed in the table, which specifies the location in the EIF (page and question) where these items are addressed.

Please note that the questions below are general screening thresholds to determine if an Environmental Assessment is required. Other factors may also be considered in this evaluation.

<b>Would the proposed project involve:</b>	<b>EIF Page/ Question</b>	<b>Yes</b>	<b>No</b>
<i>Biology</i>			
-work within 150 ft. of a watercourse, wetland, or riparian area?	P. 7/Q. 4		
-impacts to or loss of habitat for endangered, threatened or rare wildlife or plants?	P. 10/Q. 10		
-removal of five (5) or more native trees (12 inches in diameter, or 6 inches in diameter within the -h1 historic district)?	P. 6/Q. 2		
-removal of ½ acre or more of oak woodland?	P. 6/Q. 2		
<i>Historic</i>			
-demolition or alteration of historic resources (e.g., structure more than 50 years old)?	P. 3/Q. 7		
<i>Topography / total earthwork</i>			
-construction in area with steep topography – average slope of > 30%?	P. 6/Q. 1		
-import or export of more than 2,500 cubic yards of soil / material?	P. 2/Q. 6		
-total earthwork exceeds 5,000 cubic yards (cut and fill)?	P. 3/Q. 6		
<i>Non-residential</i>			
-generate significant new traffic?	P. 8/Q. 5		
-create significant outdoor noise (outdoor amplified music, industrial activity)?	P. 8/Q. 7b		
-use of hazardous materials?	P. 8/Q. 6		
-development on agricultural lands (A-40, A-20 Zoning Districts)?	P. 7/Q. 3		

5. List Categorical Exemption Class for which project is believed to qualify (refer to attached list)

Class #: \_\_\_\_\_

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<b>For Staff Use Only</b>	
Project file number: _____	Exemption (CEQA Section): _____
Comments: _____ _____	
Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
Staff Person: _____	Date: _____

# Exemptions from Environmental Review

Per the California Environmental Quality Act (CEQA), this is a list of exemptions that are most likely applicable to development applications processed by the Santa Clara County Planning Office. It is not comprehensive but, instead describes general categories.

Pick the number of the class that appears to most clearly describe your project and enter it on the form (item 4). Then explain why your project fits that category (item 5); for example: "a single duplex building"; or "an addition of less than 50%".

## Categorical Exemptions

### **Class 1 (CEQA Section 15301): Minor alteration of existing facilities involving negligible or no expansion of use**

Examples include but are not limited to:

- a. Interior or exterior alterations
- b. Existing facilities used to provide public utility service
- c. Existing highways, streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities (this includes road grading for the purpose of public safety)
- d. Restoration or rehabilitation of deteriorated or damaged structures or facilities to meet public health and safety standards
- e. Additions to existing structures
  - (1) Up to 50% of floor area or 2,500 square feet, whichever is less
  - (2) 10,000 square feet if:
    - (a) public services available
    - (b) area not environmentally sensitive
- f. Addition of safety or health protection devices
- g. New copy on existing signs
- h. Maintenance of existing landscaping
- i. Demolition or removal of small structures
- j. Conversion of a single-family residence to office use
- k. Use of a single-family residence as a small family day care home

### **Class 2 (CEQA Section 15302): Replacement or reconstruction of an existing structure located on the same site and with substantially the same purpose and capacity**

### **Class 3 (CEQA Section 15303): New construction or conversion of small structures**

Examples of this exemption include but are not limited to:

- a. One single family residence, or a second dwelling unit in a residential zone (up to 3 structures in an urbanized area)
- b. A duplex or similar multi-family residential structure, totaling no more than 4 dwelling units; maximum 6 dwelling units in one building for urbanized areas
- c. A store, motel, office, restaurant or similar structure not exceeding 2,500 square feet in floor area (up to 4 commercial buildings, not exceeding 10,000

- square feet, in urbanized areas) on sites zoned for such use, not involving the use of significant amounts of hazardous materials, 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 structures including garages, carports, swimming pools and fences

**Class 4 (CEQA Section 15304): Minor alterations to land, water or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.** Examples of this exemption include but are not limited to:

- a. Grading on land with less than 10% slope (if not in waterway, wetland, official scenic area or mapped area of severe geologic hazard).
- b. New gardening or landscaping
- c. Filling previous excavation
- d. Minor alterations in officially designated wildlife areas which result in habitat improvement.
- e. Minor temporary uses with no permanent effects (e.g., carnivals, Christmas tree sales, etc.)
- f. Minor trenching and backfilling
- g. Creation of bicycle lanes
- h. Fuel management activities (within 30 feet of structure, or within 100 feet of structure if designated by public agency responsible for fire protection)

**Class 5 (CEQA Section 15305): Minor Alterations in land use limitations**

On land of 20% average slope or less and no change in land use or density including but not limited to:

- a. Minor lot line adjustment (not resulting in creation of new lot), and setback variances.
- b. Minor encroachment permit
- c. Reversion to acreage in accordance to the Subdivision Map Act

**Class 11 (CEQA Section 15311): Construction or replacement of accessory structures**

- a. On premise signs
- b. Small parking lots
- c. Temporary or seasonal structures designed for public use

**Class 14 (CEQA Section 15314): Minor additions to Schools** that do not increase school student capacity by more than 25% or 10 classrooms, whichever is less

**Class 15 (CEQA Section 15315): Minor land divisions**

Which satisfies all of the following criteria:

- a. Four or fewer parcels (five, if one involves the dedication of permanent open space through a conservation easement);
- b. Within the Urban Service Area;
- c. Meet riparian setbacks if applicable as shown on the County General Plan;
- d. Future parcels will be served by public streets, sewers and water systems;
- e. Division is in conformance with the General Plan and zoning and no variance or exceptions are required;
- f. The parcel was not involved in the division of a prior subdivision within the previous 2 years; and
- g. The parcel does not have an average slope greater than 20 percent.

**Class 31** (CEQA Section 15331): **Historical Resource Restoration / Rehabilitation** *ONLY* consists of projects limited to 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 with Guidelines for Preserving, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

**Class 33** (CEQA Section 15333): **Small Habitat Restoration Projects**

Projects not to exceed 5 acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

- a. There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065,
- b. There are no hazardous materials at or around the project site that may be disturbed or removed, and
- c. The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- d. Examples of small restoration projects may include, but are not limited to:
  - (1). Revegetation of disturbed areas with native plant species;
  - (2). Wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;
  - (3). Stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;
  - (4). Projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment.
  - (5). Stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and
  - (6). Culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

