

**Notice of Exemption****Appendix E**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**From:** (Public Agency): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Address)

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location - Specific:

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Lead Agency

Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?    Yes    No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

Signed by Lead Agency    Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

**Exempt Status:** Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, In-Fill Development Projects (“Class 32”), exempts in-fill development projects that are 1) consistent with the applicable General Plan and Municipal Code designations, policies, and requirements; 2) occur within city limits on a project site of no more than five acres surrounded by urban uses; 3) has no value as a habitat for endangered, rare, or threatened species; 4) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and 5) can be adequately served by all required utilities and public services.

Additionally, in order to qualify for a Class 32 Exemption, none of the following exceptions listed in Section 15300.2 of the CEQA Guidelines may be present:

- 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.

**Reasons Why Project Is Exempt:** As documented in the Initial Study, the project meets all the requirements of Section 15332 of the CEQA Guidelines. The proposed multi-family residential development is consistent with both the site’s *Multi-Use Residential Focus* land use designation and its *MX-R, Multi-Use – Residential Focus* zoning district. The project site is approximately 0.57-acres in size and is surrounded by a wide variety of urban land uses, ranging from single- and multi-family residential in all directions, and various commercial businesses along El Camino Real. The project site, which has been previously developed with urban uses, has no habitat suitable for special-status plant or wildlife species on or near the project site. With standard mitigation incorporated, the project would result in less than significant impacts relating to traffic

, noise, air quality, and water quality. The mitigation in question addresses commonplace impacts related to construction dust, emissions, and vibrations, none of which constitute unusual circumstances for an in-fill development project surrounded by urban uses. Lastly, the project would be adequately served by all required utilities and public services.

It is also documented in the Initial Study that none of the exceptions listed Section 15300.2 of the CEQA Guidelines are present. Exception a) only applies to classes 3, 4, 5, 6, and 11. With mitigation incorporated, the project's temporary and highly localized construction-related air quality, biological, cultural, geology and soils, and noise impacts were found to be less than significant and not cumulatively considerable. In addition to construction dust, emissions, and vibrations, the mitigation in question addresses the removal of existing trees and the potential to encounter undiscovered subsurface cultural/tribal cultural or paleontological resources or geological features, none of which constitute unusual circumstances for projects located in the San Francisco Bay Area. The project would have no impact on scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a state-designated scenic highway. The project site is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The project would have no impact on historic resources pursuant to CEQA Guidelines Section 15064.5.