

work, and the ability of the firm to coordinate, organize and present a broad range of environmental data.

- b. When the Planning Director determines that it is necessary to contract with a consultant to prepare an EIR, only those consultants on the above-referenced list shall be considered. Prior to making this choice, the Planning Director may request bids from not less than three (3) consultants with the final choice being made on the basis of the cost and time required to prepare the document, the special expertise necessary to assess the environmental impacts, and the type of project involved.

Section 111 - Conflicts With State CEQA Guidelines

In the event of any conflict between these rules and the State CEQA Guidelines, the State CEQA Guidelines shall control.

DIVISION II EXEMPTIONS FROM THESE RULES

Section 201 - Applicability

These rules shall not apply to:

- a. Any project categorically exempt under the State CEQA Guidelines or anything specifically exempted by state law.
- b. Proposals for legislation to be enacted by the State Legislature.
- c. The submittal of proposals to the voters of Calabasas, except for development agreements.
- d. Continuing administrative or maintenance activities, including, but not limited to, purchases of supplies, personnel-related actions, general policy and procedure making, and feasibility or planning studies.
- e. The following emergency projects:
 1. Any project undertaken, carried out or approved by the City or other public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in

a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Section 8550 *et seq.* Of the Government Code.

2. Emergency repairs to public service facilities necessary to maintain service.
 3. Specific actions necessary to prevent or mitigate an emergency as set forth in State CEQA Guideline 15269.
- f. The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by the City Council which the City Council finds are for the purpose of:
1. Meeting operating expenses, including employee wage rates and fringe benefits;
 2. Purchasing or leasing supplies, equipment or materials;
 3. Meeting financial reserve needs and requirements, or
 4. Obtaining funds for capital projects, necessary to maintain service within existing service areas.

The City Council shall incorporate written finding in the record of any proceeding in which an exemption under this subsection is claimed setting forth with specificity the basis for the claim of exemption.

- g. Projects which the City rejects or disapproves.
- h. Project involving only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded, provided, however, that such studies must take into account environmental factors.
- i. 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. Where an exemption under this section is claimed:

1. The Planning Director shall review the project application materials in light of the criteria in the Initial Study environmental checklist form.
 2. If based on that criteria, 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 Planning Director shall prepare a NOE pursuant to State CEPA Guideline 15062 and place it in the project application file. If the project is approved, the NOE may be filed with the City Clerk.
- j. Family day care homes as specified in State CEQA Guideline 15274.
- k. The following mass transit projects:
1. The institution or increase of passenger or commuter service or rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.
 2. Facility extensions not to exceed four (4) miles in length which are required for transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.
- l. Project undertaken by the City to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5 of the Public Resources Code. Any site-specific effect on the project which was not analyzed as a significant effect in the plan or written documentation required by Section 21080.5 is subject to these rules.
- m. Housing for agricultural employees as specified in State CEQA Guideline 15279.
- n. Lower income housing projects as specified in State CEQA Guideline 15280.
- o. The construction of housing or neighborhood commercial facilities in an urbanized area pursuant to the provisions of Section 21080.7 of the Public Resources Code.

- p. The conversion of an existing rental mobile home park to a resident initiated subdivision, cooperative, or condominium for mobile homes as set forth in Section 21080.8 of the Public Resources Code.
- q. The adoption of an ordinance regarding second units in a single-family or multiple-family residential zone by the City to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.
- r. The closing of any public school or the transfer of students from that public school to another school in which kindergarten or any grades 1 through 12 is maintained as set forth in 21080.18 of the Public Resources Code.
- s. A project for restriping streets or highways to relieve traffic congestion as set forth in Section 21080.19 of the Public Resources Code.
- t. The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one (1) mile in length.
- u. Minor alterations to utilities made for the purposes of complying with Sections 4026.7 and 4026.8 of the Health and Safety Code as set forth in Section 21080.26 of the Public Resources Code.
- v. The adoption of an ordinance exempting the City from the provisions of the Solar Shade Control Act as set forth in Section 25985 of the Public Resources Code.
- w. The adoption or amendment of a nondisposal facility element as set forth in Section 41735 of the Public Resources Code.
- x. Determinations made regarding the City's regional housing needs as set forth in Section 65584 of the Government Code.
- y. Any action necessary to bring the City's general plan or relevant mandatory element of the general plan into compliance pursuant to a court order as set forth in Section 65759 of the Government Code.

- z. Temporary changes in the point of diversion, place of use, of purpose of use due to a transfer or exchange of water or water rights as set forth in Section 1729 of the Water Code.
- aa. The preparation and adoption of Urban Water Management Plans pursuant to the provisions of Section 10652 of the Water Code.
- bb. The inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing hazardous or volatile liquid pipeline or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline as set forth in State CEQA Guideline 15284.

Section 202 - Relation of Categorical Exemptions to Ministerial Projects

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are already exempt, Categorical Exemptions should be applied only where a project is not ministerial under the City's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the OPR that such an activity is discretionary.

Section 203 - Ministerial Projects

- a. Ministerial projects are exempt from the requirements of these rules and no environmental documents are required. For the purpose of these rules, the following actions shall be conclusively be presumed to be ministerial:
 - 1. Issuance of all building permits
 - 2. Issuance of grading permits for cut and fill quantities under 10,000 cubic yards
 - 3. Approval of final land division maps.
 - 4. Issuance of permits of licenses for Certificate of Occupancy or Film Permits

- b. For all other projects the determination of whether the project is ministerial shall be made on a case-by-case basis based upon analysis of the law and the facts relevant to the project.

Section 204 - Categorical Exemptions

These rules shall not apply to the activities which do not have a significant effect on the environment.

- a. **Class 1.** 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 use beyond that existing at the time of the Lead Agency's determination. 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 an existing use. Examples include but are not limited to:
 - 1. Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
 - 2. Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
 - 3. Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety) except where the activity will involve removal of a scenic resource including a stand of trees, a rock out cropping, or an historic building;
 - 4. Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
 - 5. Additions to existing structures provided that the addition will not result in an increase of more than:

- (A) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
- (B) 10,000 square feet if:
 - (1) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - (2) The area in which the project is located is not environmentally sensitive.
- 6. Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
- 7. New copy on existing on and off-premise signs;
- 8. Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);
- 9. Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, stream flows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- 10. Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- 11. Demolition and removal of individual small structures listed in this subsection;
 - (A) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of thirty (30) persons.

- (B) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
 - 12. Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
 - 13. Conversion of a single family residence to office use.
 - 14. Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600 *et seq.*, of the Health and Safety Code) and accepts no offsite waste.
 - 15. Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.
- b. **Class2.** 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, including but not limited to:
- 1. Replacement or reconstruction of existing school and hospitals to provide earthquake resistant structures which do not increase capacity more than fifty (50) percent.
 - 2. Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.
 - 3. Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
 - 4. Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

- c. **Class 3. Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:**
1. **One single-family residence, or a second dwelling unit in a residential zone.**
 2. **A duplex or similar multi-family residential structure totaling no more than four dwelling units.**
 3. **A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area.**
 4. **Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.**
 5. **Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.**
 6. **An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600 *et seq.*, of the Health and Safety Code) and accepts no offsite waste.**
- d. **Class 4. Minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agriculture purposes. Examples include, but are not limited to:**
1. **Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard**

such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist or environmentally sensitive area.

2. **New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.**
 3. **Filling of earth into previously excavated land with material compatible with the natural features of the site.**
 4. **Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;**
 5. **Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.**
 6. **Minor trenching and backfilling where the surface is restored;**
 7. **Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;**
 8. **The creation of bicycle lanes on existing rights-of-way;**
 9. **Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.**
- e. **Class 5. Minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:**

1. Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
 2. Issuance of minor encroachment permits;
 3. Reversion of acreage in accordance with the Subdivision Map Act.
- f. Class 6. Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.
- g. Class 7. Actions taken by City as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.
- h. Class 8. Actions taken by the City, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.
- i. Class 9. Activities limited entirely to inspections, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.
- j. Class 10. Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:
1. Loans made by the Department of Veterans Affairs under the Veterans Farm Act of 1943.

2. Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.
- k. **Class 11. Construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:**
1. On-premise signs;
 2. Small parking lots;
 3. Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.
- l. **Class 12. Sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern identified in State CEQA Guideline 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:**
1. The property does not have significant values for wildlife habitat or other environmental purposes, and
 2. Any of the following conditions exist:
 - (A) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or
 - (B) The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or
 - (C) The use of the property and adjacent property has not changed since the time of purchase by the public agency.
- m. **Class 13. Acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code section 1580, and preserving access to**

public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

- n. Class 14. Minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.
- o. Class 15. Division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.
- p. Class 16. Acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:
 - 1. The management plan for the park has not been prepared, or
 - 2. The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.
- q. Class 17. The establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.
- r. Class 18. Designation of Wilderness areas under the California Wilderness System .

s. **Class 19. Annexations:**

1. **To the City or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.**
2. **Of individual small parcels of the minimum size for facilities exempted by State CEQA Guideline 15303, New Construction or Conversion of Small Structures.**

t. **Class 20. Changes in the organization or reorganization of where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:**

1. **Establishment of a subsidiary district.**
2. **Consolidation of two or more districts having identical powers.**
3. **Merger with the City of a district lying entirely within the boundaries of the City.**

u. **Class 21. Actions by the City to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the City or enforcement of a law, general rule, standard, or objective, administered or adopted by the City. Such actions include, but are not limited to, the following:**

1. **The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement;**
2. **The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.**

3. Law enforcement activities by peace officers acting under any law that provides a criminal sanction;
 4. Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.
- v. Class 22. The adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:
1. Development of or changes in curriculum or training methods.
 2. Changes in the grade structure in a school which do not result in changes in student transportation.
- w. Class 23. The normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.
- x. Class 24. Actions taken by the City as authorized by statute, to regulate any of the following:
1. Employee wages,
 2. Hours of work, or
 3. Working conditions where there will be no demonstrable physical changes outside the place of work.
- y. Class 25. Transfers of ownership in interest in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

1. Acquisition, sale, or other transfer of areas to preserve existing natural conditions, including plant or animal habitats.
 2. Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.
 3. Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.
 4. Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.
 5. Acquisition, sale or other transfer to preserve historical resources.
- z. **Class 26. Actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.**
- aa. **Class 27. The leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:**
1. Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or ND has been prepared;
 2. Shall be substantially the same as that originally proposed at the time the building permit was issued;
 3. Shall not result in a traffic increase of greater than 10% of front access road capacity, and
 4. Shall include the provision of adequate employee and visitor parking facilities.
 5. Examples of Class 27 include, but are not limited to:

- (A) Leasing of administrative offices in newly constructed office space;
- (B) Leasing of client service offices in newly constructed retail space;
- (C) Leasing of administrative and/or client service offices in newly constructed industrial parks.

bb. **Class 28. The installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:**

1. **The capacity of the generating facilities in 5 megawatts or less;**
2. **Operation of the generating facilities will not change the flow regime in the affected stream, canal or pipeline including, but not limited to:**
 - (A) **Rate and volume of flow;**
 - (B) **Temperature;**
 - (C) **Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and**
 - (D) **Timing of release.**
3. **New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river.**
4. **Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.**
5. **There will be no significant upstream or downstream passage of fish affected by the project.**
6. **The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.**

7. The project will not cause violations of applicable state or federal water quality standards.
 8. The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places, and
 9. Construction will not occur in the vicinity of any endangered, rare, or threatened.
- cc. **Class 29. The installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.**
1. **At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:**
 - (A) **Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the country, and**
 - (B) **Comply with all applicable state, federal, and local air quality laws.**
 2. **At commercial and industrial facilities, the installation of cogeneration facilities will be exempt if the installation will:**
 - (A) **Meet all the criteria described in Subsection (a).**
 - (B) **Result in no noticeable increase in noise to nearby residential structures.**
 - (C) **Be contiguous to other commercial or institutional structures.**
- dd. **Class 30. Any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less. No cleanup action shall be subject to this Class 31 exemption if the**

action requires the onsite use of a hazardous waste incinerator or thermal treatment unit, with the exception of low temperature, thermal desorption, or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code section 25123.6 except for small scale in situs oil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with the applicable state and local environmental permitting requirements including, but not limited to, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site. Examples of such minor cleanup actions include but are not limited to:

1. Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;
2. Maintenance or stabilization of berms, dikes, or surface impoundments;
3. Construction or maintenance of interim or temporary surface caps;
4. Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;
5. Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;
6. Application of dust suppressants or dust binders to surface soils;
7. Controls for surface water run-on and run-off that meets seismic safety standards;
8. Pumping of leaking ponds into an enclosed container;
9. Construction of interim or emergency ground water treatment systems;

10. Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.
- ee. Class 31. 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, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.
- ff. Class 32. Projects characterized as in-fill development meeting the conditions described in this section.
1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
 2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
 3. The project site has no value, as habitat for endangered, rare or threatened species.
 4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 5. The site can be adequately served by all required utilities and public services.

The use of the Infill Exemption under CEQA can only apply to areas that have previously been graded for which no significant environmental resources or environmental management concerns have been identified. In cases where all of the conditions of this exemption apply but some residual concern exists for environmental protection or in cases where the compliance of an otherwise exempt project with the performance standards in the General Plan is subject to interpretation or question, a "Conditional Exemption" may be applied to a project. The use of this type of "Conditional Exemption" shall require that the applicant agree to a set of environmental mitigations derived from the General Plan Performance Standards prior to determining the project Exempt under Class 32 Infill Exemption category.

Section 205 - Exemptions

- a. Categorical exemptions of 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 shall apply in 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. 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 ND 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. The City shall prepare an Historic and Cultural Resource Property List which will provide an inventory of known historic and prehistoric resources within the City. The City may also require a cultural resource field reconnaissance for archaeological resources prior to granting an exemption under Class 1 through 32 exemptions. The known inventory of historic and cultural

properties shall be used in the future to determine whether projects otherwise exempt from CEQA review may need to be assessed for impacts due to historic and local cultural significance

- g. Projects that may typically be exempt from CEQA under the various classes of categorical exemption may not qualify for such exemptions if they are situated in Hillside Mountainous General Plan Land Use designations and other hillside classifications that may result in highly visible modifications to the native landscape character or landforms. Single family homes, for example, that have the potential to substantially degrade regional viewsheds or scenic character or conflict with the overall intents of the Santa Monica Mountains National Recreation Area General Management Plan may not necessarily be granted categorical exemptions from CEQA review.

Section 206 - Notice of Exemption

- a. When the City determines that an activity is exempt from the requirements of CEQA, and the City approves or determines to carry out the activity, it may file a NOE. An Initial Study may, but is not required to be prepared, prior to determining that an activity is exempt from these rules. This notice, if prepared, shall be available for public inspection in the Office of the Planning Department during regular working hours for a reasonable period of time.
- b. All such notices shall include:
 - 1. A brief description of the project;
 - 2. A finding that the project is exempt, including a citation to the State CEQA Guidelines section under which it is found to be exempt; and
 - 3. A brief statement of reasons to support the findings.
- c. The NOE, if prepared, shall be filed with the County Clerk for the County of Los Angeles after the project is approved. Copies of all such notices shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the office of the County Clerk for the County of Los Angeles and shall remain posted for a period of 30 days.