

CATEGORICAL EXEMPTIONS FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) and the Guidelines for implementation of CEQA adopted by the Secretary of the California Resources Agency require that local agencies adopt a list of categorical exemptions from CEQA. Such list must show those specific activities at the local level that fall within each of the classes of exemptions set forth in Article 19 of the CEQA Guidelines, and must be consistent with both the letter and the intent expressed in such classes.

In the list that follows, the classes set forth in CEQA Guidelines Sections 15301 - 15332 are shown in bold italics, with further elaboration or explanation for applying these exemptions in San Francisco shown in normal upper- and lower-case type. The Secretary of the California Resources Agency has determined that the projects in these classes do not have significant effect on the environment, and therefore are categorically exempt from CEQA. The following exceptions, however, are noted in the State Guidelines.

First, Classes 3, 4, 5, 6, 11, and 32 are qualified by consideration of where the project is to be located. A project that would ordinarily be insignificant in its impact on the environment may, in a particularly sensitive or hazardous area, be significant. Therefore, these classes will not apply where the project may impact an area of special significance that has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. These classes have been marked with an asterisk (*) as a reminder.

Second, all classes of exemption are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant -- for example, annual additions to an existing building under Class 1. Where there is a reasonable possibility of a significant effect due to unusual circumstances surrounding the project, it is not exempt even if it clearly fits one of the categories. Additionally, small projects which are part of a larger project requiring environmental review generally must be reviewed as part of such larger project, and are not exempt.

Finally, exemptions shall not be applied in the following circumstances: (1) 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.) (2) A categorical exemption shall not be used for a project located on a site which is included on any list of hazardous waste sites compiled pursuant to Section 65962.5 of the Government Code. (3) A categorical exemption shall also not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

It must be observed that categorical exemptions are to be applied only where projects have not already been excluded from CEQA on some other basis. Projects that have no physical effects, or that involve only ministerial government action, are excluded; such projects are shown on a separate list. Feasibility and planning studies and certain emergency projects also are excluded, and private activities having no

involvement by government are not Aprojects≡ within the meaning of CEQA. Some projects not included in this list of categories of projects determined to be exempt from CEQA nevertheless clearly could not possibly have a significant effect on the environment and may be excluded from the application of CEQA under Section 15061 of the CEQA Guidelines. Projects that are initially screened and rejected or disapproved by a public agency are excluded from any CEQA review requirements.

Projects that are not excluded, and are also not categorically exempt according to the following list, are covered by CEQA and require preparation of an initial study or an environmental impact report.

CLASS 1: EXISTING FACILITIES

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 use beyond that existing at the time of the lead agency's determination. The types of Aexisting 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.

This Class, as a whole, includes a wide range of activities concerning existing structures and facilities. In many cases more than one item in the Class will apply to the same project. Certain new structures and facilities, and expansions, are covered by subsequent Classes.

The term Aoperation≡ includes all running and management of existing structures, facilities and programs, including continuing legal non-conforming uses beyond the original termination date whether such running and management has physical effects or not, and whether or not the activities are continuous. For example, the rental of a stadium or auditorium to various organizations for separate performances is part of the operation of that facility.

Examples include but are not limited to:

- (a) ***Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.***

Much of the work included under this item and others in this Class is ministerial in the case of private structures and facilities and is therefore not subject to CEQA. This item should not be used for code-mandated changes exempted under Class 1(d).

Addition of dwelling units within an existing building is included in this item.

Changes of use are included if the new use, as compared with the former use, would first be permitted as a principal or conditional use either in any equally restrictive or more restrictive zoning district as defined in the City Planning Code. Note that it is the former use of the property, not its zoning status, which is determinative in deciding whether a change of use will be exempted under this item. For example, if the former use of a 2,500-square-foot lot was a six-unit apartment building, first permitted in an RM-1 district, a change in use to a residential care facility for six or fewer persons, first permitted in RH-1 and RH-1(D) districts, would be exempt under this class. Conversion of a single-family dwelling to office use is covered under item (n) below. Certain other changes of use are included under Class 3(c).

Changes of use are also included if the occupancy of the new use would not exceed the equivalent occupancy of the former use plus an addition to the former use, as exempted under Class 1(e).

(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

The utilities systems covered include, in addition to those named above, telephone, radio, television, alarms and signals, other communications, water, and electricity for transit vehicles and street lights. Replacement, as opposed to maintenance, is covered under Class 2(c) below.

Street openings for the purpose of work under this item are included in this item.

Note that new installations, as opposed to replacements, are not covered by this item.

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).

This item, in combination with Classes 1(d) and (f) below and Class 2, includes the following (the number of the applicable category should be indicated when making an exemption under this item):

1. Cleaning and other maintenance of all facilities.
2. Resurfacing and patching of streets.
3. Street reconstruction within existing curb lines.
4. Replacement of existing drainage facilities.
5. All work on sidewalks, curbs and gutters without changes in curb lines, including lowering of curbs for driveways, and additions of sidewalk bulbs when not in conjunction with a program for extensive replacement or installation.
6. Replacement of stairways using similar materials.
7. Repair and replacement of bicycle ways, pedestrian trails, and dog exercise areas, and signs so designating, where to do so will not involve the removal of a scenic resource. (Creation of bicycle lanes is covered under Class 4(h) below.)
8. Replacement of light standards and fixtures, not including a program for extensive replacement throughout a district or along an entire thoroughfare.
9. Changes in traffic and parking regulations, including installation and replacement of signs in connection therewith, where such changes do not establish a higher speed limit along a significant portion of the street and will not result in more than a negligible increase in use of the street.
10. Installation and replacement of guide rails and rockfall barriers.
11. Installation and removal of parking meters.
12. Painting of curbs, crosswalks, bus stops, parking spaces and lane markings, not including traffic rechannelization.
13. Installation, modification and replacement of traffic signals, where no more than a negligible increase in use of the street will result.
14. Replacement of transit vehicle tracks and cable car cables, with no alteration of grade or alignment.
15. Rechannelization or change of traffic direction, where no more than a negligible increase in use of the street will result.
16. Installation of security fencing and gates.
17. Minor extension of roadways within the Port of San Francisco container terminals.

- (d) ***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.***

In addition to such work on public structures and facilities, this item includes nearly all private work resulting from code enforcement and inspections and areawide rehabilitation programs, including loan programs to bring an area up to code.

The environmental hazards referenced under this Class, as they apply in San Francisco, are primarily geologic hazards. It is permissible to restore or rehabilitate a structure to prevent seismic damage under this item, except in the case of a historical resource. (Then see Class 31.) Under most circumstances fire, wind, fog, rain leakage, termites, rot, sun, and cold shall not be deemed to be environmental hazards within the meaning of this item.

This class also includes maintenance and repair of pier aprons, piers, boat ramps, and other pile-supported structures in areas that are not environmentally sensitive.

Note that this item applies to restoration or rehabilitation of an existing structure, rather than replacement or reconstruction, which is exempt under Class 2. Thus, the restoration of a building after a fire which destroyed all but the foundations is exempt under this item, but had the foundation also required reconstruction, the rebuilding would be exempt under Class 2.

- (e) ***Additions to existing structures provided that the addition will not result in an increase of more than:***
- (1) ***50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or***
 - (2) ***10,000 square feet if:***
 - (A) ***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***
 - (B) ***The area in which the project is located is not environmentally sensitive.***

Where public services are already available for the maximum development allowable and where the area is not historically significant, or subject to landslide hazard, the 10,000-square-foot addition will normally apply in San Francisco. In an area where services are not available for maximum permitted development, the 50 percent or 2,500-square-foot limitation will apply. Note that the latter is whichever is less and that 50 percent means 1/2 of the existing structure's floor area -- the building may not be doubled in size.

Work under this Class may be related to the construction and reconstruction included in Classes 2, 3, 11, and 14. However, it normally cannot be accumulated together with the maximum work stated in those Classes in a single exempt project.

Addition of dwelling units to an existing building that does not involve a mere partitioning of existing space (see Class 1(a) above for coverage of the latter) is included in this item. Also included are additions of new decks, where they are not accessory structures covered under Class 3(e), and enclosures of existing decks or patios.

- (f) ***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.

Devices used during construction under this item include temporary shoring, temporary sanitary facilities, barriers, and covered pedestrian walkways in street areas.

Certain work for protection of health and safety is excluded from CEQA as emergency projects.

Lighting in parks and playgrounds and around buildings may be regarded as a safety or health protection device under this item, provided such lighting does not produce excessive glare. Replacement of street lighting may be exempted under Class 1(c)(8) above.

(g) *New copy on existing on- and off-premise signs.*

Installation and alteration of signs are ministerial and therefore exempt from CEQA, except for signs on designated landmarks or in historic districts, signs on sites regulated by prior stipulations under the City Planning Code, and signs that are part of a larger project requiring environmental review.

(h) *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).*

Such maintenance pertains primarily to existing landscaping, but when combined with Classes 2 and 4(b), this item includes replacement with similar landscaping.

Landscaping includes walls, fences, walkways, irrigation systems and similar features as well as plant materials.

Water supply reservoirs under this item supplement the water systems under Class 1(b) above.

Economic poisons, as defined by State law, are substances used for defoliating plants, regulating plant growth, and controlling weeds, insects, fungi, bacteria, animals, and other pests.

(i) *Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources.*

This item is applicable mainly to property owned by the City and County of San Francisco outside its borders.

(j) *Fish stocking by the California Department of Fish and Game.*

This item is not applicable to activities of the City and County of San Francisco.

- (k) ***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.***

This is a form of subdivision involving no new construction.

- (l) ***Demolition and removal of individual small structures listed in this subsection;***
- (1) ***One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.***
 - (2) ***A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where no more than six dwelling units will be demolished.***
 - (3) ***A store, motel, office, restaurant, and similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.***
 - (4) ***Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.***

The definition of individual small structures under this Class is similar to but not exactly the same as that found under Class 3, below.

Demolition is not exempt where a structure is a historic resource as defined in CEQA Section 21084.1.

Grading in connection with demolition is categorically exempt only as stated under Class 4.

Demolition of any structure determined by the San Francisco Fire Department to be a health and safety hazard is statutorily exempt as an emergency project (Guidelines Section 15071(c)).

Although occupant loads are not specified for all small commercial uses by local ordinances and regulations, the capacity of 30 persons or less shall be calculated on the basis of the type of use and the floor space available for customers and employees, using the standards of the San Francisco Building Code where applicable.

Note that the limitation on size and number of facilities is different for different categories of uses. The City and County of San Francisco meets the definition of an urbanized area (CEQA Guidelines Section 15387).

- (m) ***Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.***

This item applies only to property owned by the City and County of San Francisco outside its borders.

- (n) ***Conversion of a single-family residence to office use.***

Note that this Class concerns one single-family residence. It includes one of any kind of dwelling unit.

- (o) ***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 off-site waste.***
- (p) ***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.***

CLASS 2: REPLACEMENT OR RECONSTRUCTION

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, including but not limited to:

When considered together with Classes 1(d), 3, and 11, it must be deemed to include replacement and reconstruction of industrial, institutional, and public structures and facilities within the limitations stated, including construction undertaken to meet seismic safety standards.

The Same site \cong shall be deemed to mean the same lot or lots as were occupied by the original structure(s).

Siting of the replacement structure(s) may not result in land alterations other than those necessary to remove the old structure(s) and to provide new foundations in compliance with present building and seismic safety codes.

Note that if only part of a structure is to be replaced or reconstructed, such activity may be exempt under Class 1(a) or (d).

- (a) ***Replacement or reconstruction of existing schools and hospitals to provide earthquake-resistant structures which do not increase capacity more than 50 percent.***

This item is applicable to many instances of proposed school and hospital replacement and reconstruction in San Francisco.

- (b) ***Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.***

This exemption does not cover expansions in use or capacity of the facility to be replaced or reconstructed. If expansion is contemplated or made possible by the replacement or reconstruction, this Class is not applicable, although Class 3(c) may apply.

- (c) ***Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.***

Replacement of utility and transit power lines and equipment in existing locations and capacities is included in this item. As a general rule, such replacements will not involve any increase in size of a structure or facility. However, sewers are an exception to this rule where the size increase is solely for the purpose of carrying storm water runoff in order to prevent flooding in the immediate area. Water

mains are also an exception where the size increase is necessary to bring old mains up to the current minimum standard to serve existing development, or to provide adequate capacity for fire protection for such development.

This item includes short extensions of water mains for the purpose of eliminating dead-end mains to improve circulation and water quality in service to existing development.

Street openings for the purpose of work under this item are included in this item.

- (d) ***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.***

***CLASS 3: NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES**

Class 3 consists of 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.

When considered together with other classes, it must be construed to include small structures and facilities for industrial, institutional, and public use.

Note that the limitation on size and numbers of facilities is different for different categories of uses. The City and County of San Francisco meets the definition of an Urbanized area[≡] (CEQA Guidelines Section 15387).

Examples of this exemption include but are not limited to:

- (a) ***One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.***
- (b) ***A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.***

This section is limited to dwelling units and to no more than one building even when the number of units in two or more buildings totals less than six. The term Adwelling unit[≡] or Aresidential structure[≡] shall also include live/work or loft-style housing units. Motels and commercial structures are covered in Class 3(c) below.

- (c) ***A store, motel, office, restaurant and/or similar small commercial structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.***

This item is deemed to include both new construction and changes of use of all retail, service, and office uses of the types permitted in C-1 and C-2 zoning districts, within the size limitations stated. New construction and changes of use of industrial uses are also included when 10,000 square feet or less. Changes of use are included because to provide otherwise would place greater restriction upon existing buildings than upon new buildings (see also Class 1(a) regarding changes of use).

This exemption, when applicable, shall apply among other things to the issuance of permits by the Central Permit Bureau; the Police, Fire, Public Health, and Social Services Departments; and the Port of San Francisco Building Inspection and Permits Division. This exemption shall also apply to leases and concessions of all departments, boards, and commissions.

- (d) *Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.***

The types of utilities covered under this item are indicated under Class 1(b).

These utilities are exempt if they are to serve any construction or use included in this Class.

The utility extensions may serve a number of new structures built separately.

Street openings for the purpose of work under this item are included in this Class.

Certain utilities under the jurisdiction of the State Public Utilities Commission are not subject to local control and therefore do not require local environmental review.

- (e) *Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.***

This item covers accessory structures for both existing and new residential structures. Accessory structures covered by this item may be either separate or attached to the main structure, although attached structures are also covered by Class 1(e) in many cases.

This item also covers accessory structures for new nonresidential structures included in this Class. Accessory structures for existing nonresidential structures are covered by Class 11. School additions are further covered by Class 14.

- (f) *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.***

***CLASS 4: MINOR ALTERATIONS TO LAND**

Class 4 consists of 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 and agricultural purposes.

Stabilization of shorelines in areas that are not environmentally sensitive is also included in this item.

Examples include but are not limited to:

- (a) ***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.***

If grading is part of a larger project requiring environmental review, the grading will be considered as part of such project, regardless of slope. In such cases any special permit for grading will not be reviewed separately.

Where grading is done for construction of a building exempted by Class 3, and is covered by the construction permit, such grading is exempt under that Class even if on a slope of 10 percent or more. Grading on land with a slope of 10 percent or more for more buildings than are exempted under Class 3 will not be exempt, however.

Blasting used in excavation and grading is not exempt.

- (b) ***New gardening or landscaping, including the replacement of existing conventional landscaping with water-efficient or fire-resistant landscaping.***

Addition and removal of trees and other plant materials on private property does not require a permit.

Landscaping includes walls, fences, walkways, placement of statues and similar commemorative objects, irrigation systems, and similar features, as well as plant materials.

This item includes landscaping of parks, rights-of-way, and other public areas, except for grading that is otherwise limited by this Class. This item also includes development activities involved in the creation of new parks when the creation of a new park is not outside standards for exemption set forth in this or other classes. Development of parks and open space on undeveloped streets within Port of San Francisco jurisdiction would be included in this item.

Removal of dead, seriously damaged, and incurably diseased trees is exempt under this Class.

Movement of trees in planter boxes is not deemed to be tree removal or installation.

Under certain exceptional circumstances involving hazards to health and safety, removal of healthy trees may be considered an emergency project.

- (c) ***Filling of earth into previously excavated land with material compatible with the natural features of the site.***

Permits for private filling of this kind are ministerial and are therefore not subject to CEQA.

The term Aearth≅ normally means natural materials, but it may include other materials such as demolition debris at locations where they have the required compatibility.

The term Afilling≡ does not include operation of a dump.

- (d) ***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.***

This item is applicable mainly to property owned by the City and County of San Francisco outside its borders.

- (e) ***Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.***

Such uses might have certain temporary effects of a nuisance nature, but such effects are to be controlled by the regulatory department issuing permits for such uses.

Uses under this item include:

Fire Department permits: public fireworks display, tent.

Police Department permits: circus, closing-out sale, auction, temporary loudspeaker, rummage or garage sale.

Department of Public Health permits: temporary establishment for food preparation and service or food products and marketing.

Department of City Planning Permits: carnival, booth, sale of Christmas trees, or other ornamental holiday plants; placement of temporary buildings during construction; rental or sales office, all as specified in Sections 205.1 and 205.2 of the City Planning Code. Class 11(c), which lists other types of other seasonal uses, may also apply to projects under this category.

Port of San Francisco special events, public gatherings, athletic events, filming, commemorations, market places, fairs and construction of temporary tents and buildings to accommodate such uses.

Occasional temporary facilities set up at City museums and on piers along the Port of San Francisco waterfront to accommodate special exhibits and events are included in this Class. Public gatherings that are part of the normal operation of a facility are exempt under Class 23.

- (f) ***Minor trenching and backfilling where the surface is restored.***
- (g) ***Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies.***
- (h) ***The creation of bicycle lanes on existing rights-of-way.***

This item is applicable where there would be no changes in street capacity significantly affecting the level of service.

- (i) *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.*

***CLASS 5: MINOR ALTERATIONS IN LAND USE LIMITATIONS**

Class 5 consists of 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:

- (a) *Minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel.*

This item covers only the granting of lot line adjustments and variances, not construction that could occur as a result of such approvals. Setback variances include both front and rear yard variances and modification or abolition of legislated setback lines. Class 15 may also apply for minor land divisions into four or fewer parcels when no variance is required.

- (b) *Issuance of minor encroachment permits.*

Minor encroachments are encroachments on public streets, alleys, and plazas. Such encroachments may include the following:

1. Building extensions: subsidewalk structures and overhead projections in compliance with applicable ordinances and regulations.
2. Street furniture: planter boxes, vending stands, benches, bicycle racks, litter boxes, telephone booths, interpretive signs.
3. Use of street and sidewalk space during construction.
4. Street closings and equipment for special events.
5. Holiday decorations.
6. Development of pedestrian plazas or arcades in public rights-of-way when existing vehicular traffic will not be affected.

- (c) **Reversion to acreage in accordance with the Subdivision Map Act.**

This item will seldom apply in the City and County of San Francisco.

***CLASS 6: INFORMATION COLLECTION**

Class 6 consists of 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.

This Class is for the most part non-physical, but it also includes such activities as test borings; soil, water, and vegetation sampling; and materials testing in facilities and structures.

CLASS 7: ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF NATURAL RESOURCES

Class 7 consists of actions taken by regulatory agencies 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. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

This Class includes activities such as an energy-conservation program funded by a regulatory agency. Projects covered under this category that involve the transfer of ownership of interest in land may also be exempt under Class 25.

CLASS 8: ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT

Class 8 consists of actions taken by regulatory agencies, 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.

This Class includes:

1. The review process pursuant to CEQA.
2. Designation of landmarks and historic districts, and other such preservation efforts.
3. Acquisition of urban open space.

The acquisition or sale of land in order to establish a park where the land is still in its natural condition may be exempted under Class 16. Amending the San Francisco General Plan to include a parcel in the Recreation and Open Space Plan is not categorically exempt. Development of an urban park following acquisition may also be exempt under Class 4(b).

Transfer of portions of undeveloped streets to the Recreation and Park Department for development as a park is exempt under this Class. Class 25 includes open space acquisition in some special circumstances.

CLASS 9: INSPECTIONS

Class 9 consists of activities limited entirely to inspection, 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.

Such activities are primarily non-physical in the City and County of San Francisco, although they may lead to physical activities such as rehabilitation, which may be covered under Classes 1 or 2.

CLASS 10: LOANS

Class 10 consists of 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:

- (a) Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.*
- (b) Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.*

This Class is rarely applicable to activities of the City and County of San Francisco.

***CLASS 11: ACCESSORY STRUCTURES**

Class 11 consists of construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

This item includes tanks, bins, and other accessory structures within the property lines of existing sewage treatment plants, where such structures will be used to improve the quality of processing without increasing capacity.

Accessory structures for any residential structures and for some new non-residential structures are exempt under Class 3(e).

- (a) On-premise signs.*

On-premise signs may also be exempt under Class 1(g).

- (b) Small parking lots.*

Parking lots are in many cases subject to conditional use review, as either independent or accessory uses. Lots not requiring such review, whether small or not, are ministerial projects and are therefore not subject to CEQA review. In the downtown area, parking lots of up to approximately 50 parking spaces are considered small and are therefore exempt.

- (c) 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.*

This item includes temporary structures associated with public events of up to a two-week duration, such as music festivals, and includes sporting events, such as the ESPN Extreme Games (X-Games), on public and/or private property. Temporary uses and structures may also be exempt under Class 4(e). Public gatherings may be exempt under Class 23, if part of the normal operation of a facility.

CLASS 12: SURPLUS GOVERNMENT PROPERTY SALES

Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern identified in Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

- (a) The property does not have significant values for wildlife habitat or other environmental purposes, and*
- (b) Any of the following conditions exist:*
 - (1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or*
 - (2) The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or*
 - (3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.*

Most sales of surplus property other than land are non-physical actions, but such sales may also include sale of buildings for removal from the site and sale of transportation equipment. Street vacations of undeveloped streets rights-of-way are included under this item. Sales of surplus land may be physical actions, but most such sales are exempt under this Class.

Leases of government property are not included in this Class.

CLASS 13: ACQUISITION OF LAND FOR WILDLIFE CONSERVATION PURPOSES

Class 13 consists of the 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.

This Class is applicable mainly to property owned by the City and County of San Francisco outside its borders, but may include natural shorelines and undeveloped natural areas.

CLASS 14: MINOR ADDITIONS TO SCHOOLS

Class 14 consists of 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.

This item is applicable to schools at which attendance satisfies the requirements of the compulsory education laws of the State of California.

CLASS 15: MINOR LAND DIVISIONS

Class 15 consists of the 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 two years, and the parcel does not have an average slope greater than 20 percent.

Only land divisions into four or fewer parcels requiring no variances from the City Planning Code and no exceptions from the San Francisco Subdivision Ordinance are covered by this Class.

CLASS 16: TRANSFER OF OWNERSHIP OF LAND IN ORDER TO CREATE PARKS

Class 16 consists of the 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:

- (a) The management plan for the park has not been prepared, or*
- (b) The management plan proposes to keep the area in a natural condition or preserve the historical 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.*

This Class applies only to land that is presently in its natural condition and/or contains historic or archaeological sites. Acquisition of land for parks that is not in its natural condition may also be exempt under Class 8, and development of parks may be exempt under Class 4(b). Class 8 will be more often applicable within the borders of the City and County of San Francisco.

CLASS 17: OPEN SPACE CONTRACTS OR EASEMENTS

Class 17 consists of 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.

This Class is applicable to property owned by the City and County of San Francisco outside its borders.

CLASS 18: DESIGNATION OF WILDERNESS AREAS

Class 18 consists of the designation of wilderness areas under the California Wilderness System.

This Class is applicable to property owned by the City and County of San Francisco outside its borders.

CLASS 19: ANNEXATION OF EXISTING FACILITIES AND LOTS FOR EXEMPT FACILITIES

Class 19 consists of only the following annexations:

- (a) Annexations to a 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.*
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.*

This Class ordinarily will not apply in the City and County of San Francisco.

CLASS 20: CHANGES IN ORGANIZATION OF LOCAL AGENCIES

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised.

Examples include but are not limited to:

- (a) Establishment of a subsidiary district.*
- (b) Consolidation of two or more districts having identical powers.*
- (c) Merger with a city of a district lying entirely within the boundaries of the city.*

This Class ordinarily will not apply in the City and County of San Francisco.

CLASS 21: ENFORCEMENT ACTIONS BY REGULATORY AGENCIES

Class 21 consists of:

- (a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. 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.**

This category includes revocation of permits by the Department of Building Inspection and Port of San Francisco Building Inspection and Permits Division, and enforcement actions by the Planning Department and the Port of San Francisco until referred to the City Attorney.

- (b) Law enforcement activities by peace officers acting under any law that provides a criminal sanction.*
- (c) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.*

CLASS 22: EDUCATIONAL OR TRAINING PROGRAMS INVOLVING NO PHYSICAL CHANGES
Class 22 consists of 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:

- (a) Development of or changes in curriculum or training methods.*
- (b) Changes in the grade structure in a school which do not result in changes in student transportation.*

CLASS 23: NORMAL OPERATIONS OF FACILITIES FOR PUBLIC GATHERINGS

Class 23 consists of 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 the purposes of this section, Past history shall mean that the same or similar kind of activity has been occurring 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.

Operations of facilities in this Class are of an on-going nature. Minor temporary uses of land are exempt under Classes 4(e) and 11(c).

CLASS 24: REGULATIONS OF WORKING CONDITIONS

Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- (a) Employee wages,*
- (b) Hours of work, or*
- (c) Working conditions where there will be no demonstrable physical changes outside the place of work.*

CLASS 25: TRANSFERS OF OWNERSHIP OF INTEREST IN LAND TO PRESERVE EXISTING NATURAL CONDITIONS

Class 25 consists of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- (a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.*
- (b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.*
- (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.*
- (d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.*
- (e) Acquisition, sale, or other transfer to preserve historical resources.*

Classes 25(b) and (d) will seldom apply in the City and County of San Francisco. Class 8 regarding urban open space acquisition, and Class 16 for special types of park acquisition, may also apply.

CLASS 26: ACQUISITION OF HOUSING FOR HOUSING ASSISTANCE PROGRAMS

Class 26 consists of 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.

CLASS 27: LEASING NEW FACILITIES

- (a) *Class 27 consists of 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 negative declaration 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.*
- (b) *Examples of Class 27 include, but are not limited to:*
 - (1) *Leasing of administrative offices in newly constructed office space.*
 - (2) *Leasing of client service offices in newly constructed retail space.*
 - (3) *Leasing of administrative and/or client service offices in newly constructed industrial parks.*

CLASS 28: SMALL HYDROELECTRIC PROJECTS AT EXISTING FACILITIES

Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- (a) *The capacity of the generating facilities is five megawatts or less,*
- (b) *Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:*
 - (1) *Rate and volume of flow,*
 - (2) *Temperature,*
 - (3) *Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and*
 - (4) *Timing of release.*
- (c) *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.*
- (d) *Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.*
- (e) *There will be no significant upstream or downstream passage of fish affected by the project.*
- (f) *The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.*
- (g) *The project will not cause violations of applicable state or federal water quality standards.*
- (h) *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*
- (i) *Construction will not occur in the vicinity of any endangered, rare, or threatened species.*

CLASS 29: COGENERATION PROJECTS AT EXISTING FACILITIES

Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.

- (a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:
 - (1) 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 county, and*
 - (2) Comply with all applicable state, federal, and local air quality laws.**
- (b) At commercial and industrial facilities, the installation of cogeneration facilities will be exempt if the installation will:
 - (1) Meet all the criteria described in Subsection (a),*
 - (2) Result in no noticeable increase in noise to nearby residential structures,*
 - (3) Be contiguous to other commercial or institutional structures.**

CLASS 30: MINOR ACTIONS TO PREVENT, MINIMIZE, STABILIZE, MITIGATE OR ELIMINATE THE RELEASE OR THREAT OF RELEASE OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCES

Class 30 consists of 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 30 exemption if the action requires the on site 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 situ soil 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 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:

- (a) 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;*
- (b) Maintenance or stabilization of berms, dikes, or surface impoundments;*
- (c) Construction or maintenance of interim or temporary surface caps;*
- (d) Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;*
- (e) Excavation and/or off site disposal of contaminated soils or sludges in regulated units;*
- (f) Application of dust suppressants or dust binders to surface soils;*
- (g) Controls for surface water run-on and run-off that meets seismic safety standards;*
- (h) Pumping of leaking ponds into an enclosed container;*
- (i) Construction of interim or emergency ground water treatment systems;*
- (j) Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.*

CLASS 31: HISTORICAL RESOURCE RESTORATION/REHABILITATION

Class 31 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, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

To be considered eligible under this Class, a project must be clearly defined by the project proponent as a rehabilitation that is consistent with the *Secretary's Standards*. The proponent must demonstrate use of qualified personnel (e.g. a preservation architect), a process/procedure (e.g. use of federal historic rehabilitation tax credits), or other means to ensure appropriate interpretation and application of the *Standards*. The proponent must understand that work undertaken may be halted, and the exemption revoked, if the work is not being performed consistent with the *Standards* as originally defined.

***CLASS 32: IN-FILL DEVELOPMENT PROJECTS**

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) 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.*
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) The project site has no value as habitat for endangered, rare or threatened species.*
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) The site can be adequately served by all required utilities and public services.*

This Class may be used where above-noted conditions (a) through (e) are fulfilled, where it can be seen with certainty that the proposed project could not have a significant effect on the environment.

N:\MEA\Exemptions\Categorical Exemption List CEQA 2000.doc