

STATUTORY EXEMPTIONS

This brochure is for planners seeking to utilize Statutory Exemptions from the California Environmental Quality Act, which can expedite housing project approvals.

INTRODUCTION

Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the State Legislature ([PRC § 21080 et seq.](#)). Projects covered by statutory exemptions may include those that could result in significant environmental effects, but for which the Legislature has determined that the benefits of these projects to the State or a particular community outweigh the benefits of complying with CEQA. The State has enacted legislation to create focused statutory exemptions covering specific types of affordable housing. They include special qualifications. This brochure provides guidance about these exemptions.

CEQA NERD REMINDER

CEQA exemptions apply only to CEQA compliance. Agencies may still need to comply with other federal, state, or local laws that are applicable to the project.



MINISTERIAL OR "BY RIGHT" PROJECTS ARE NOT SUBJECT TO CEQA

CEQA applies when a governmental agency can exercise judgment in deciding whether and how to carry out or approve a project. This makes the project "discretionary" ([CEQA Guidelines, § 15357](#)). Where the law requires a governmental agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is called "ministerial," and CEQA does not apply ([CEQA Guidelines, § 15268\(a\)](#), [§ 15369](#)).

State and local laws and guidelines should be consulted when determining whether a project may be ministerial.



STATUTORY EXEMPTIONS APPLICABLE TO HOUSING PROJECTS

To qualify for the agricultural housing, affordable housing, or residential infill statutory exemptions set forth in CEQA Guidelines Sections [15193](#), [15194](#), or [15195](#), a housing project must meet the threshold requirements set forth below.

THRESHOLD REQUIREMENTS FOR EXEMPTIONS FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS

[CEQA Guidelines § 15192](#)

Requirements	Applicability
<p>(a) The project must be consistent with:</p> <p>(1) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and</p> <p>(2) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.</p>	<p>General Plan/Specific Plan/Coastal Program Designation:</p> <p>General Plan/Specific Plan/Coastal Program Policies:</p> <p>Consistent? Yes / No</p> <p>Zoning Designation and Regulations: <i>(Are there design exceptions that have no environmental impacts?)</i></p> <p>Consistent? Yes / No</p>
<p>(b) Community-level environmental review has been adopted or certified.</p>	<p>Is there a certified EIR on the General Plan/Specific Plan/Coastal Program?</p> <p style="text-align: right;">Yes / No</p>
<p>(c) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.</p>	<p>Utilities/Public Services</p> <p>Is site served by:</p> <p>Water? Yes / No</p> <p>Wastewater? Yes / No</p> <p>Electricity? Yes / No</p> <p>Natural Gas? Yes / No</p> <p>Solid Waste? Yes / No</p> <p>Stormwater drainage? Yes / No</p> <p>Are there applicable in-lieu/Development Fees?</p> <p style="text-align: right;">Yes / No</p> <p>Has there been a commitment to pay applicable fees?</p> <p style="text-align: right;">Yes / No</p>



THRESHOLD REQUIREMENTS FOR EXEMPTIONS FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS

[CEQA Guidelines § 15192](#)

Requirements	Applicability						
<p>(d) The site of the project:</p> <p>(1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations.</p> <p>(2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.</p> <p>(3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 – commencing with Section 1900) of Division 2 of the Fish and Game Code, the California Endangered Species Act (Chapter 1.5 – commencing with Section 2050) of Division 3 of the Fish and Game Code.</p> <p>(4) Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.</p>	<p>Does the site contain:</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Wetlands?</td> <td style="text-align: right;">Yes / No</td> </tr> <tr> <td style="padding-left: 20px;">Riparian Habitat?</td> <td style="text-align: right;">Yes / No</td> </tr> <tr> <td style="padding-left: 20px;">Special Status Species Habitat?</td> <td style="text-align: right;">Yes / No</td> </tr> </table> <p><i>(Tip ► Run a CNDDDB database search at wildlife.ca.gov/Data/CNDDDB/Maps-and-Data)</i></p>	Wetlands?	Yes / No	Riparian Habitat?	Yes / No	Special Status Species Habitat?	Yes / No
Wetlands?	Yes / No						
Riparian Habitat?	Yes / No						
Special Status Species Habitat?	Yes / No						
<p>(e) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.</p>	<p>Is the site listed as a hazardous waste site?</p> <p style="text-align: right;">Yes / No</p> <p><i>(Tip ► Search the Cortese List here: calepa.ca.gov/sitecleanup/corteselist/section-65962-5a)</i></p>						
<p>(f) The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to</p>	<p>Has a Phase I Environmental Site Assessment been prepared for the property?</p> <p style="text-align: right;">Yes / No</p>						



THRESHOLD REQUIREMENTS FOR EXEMPTIONS FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS

[CEQA Guidelines § 15192](#)

Requirements	Applicability
<p>determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment:</p> <p>(1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.</p> <p>(2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.</p>	<p>Has a Phase II Environmental Site Assessment been prepared for the property?</p> <p style="text-align: right;">Yes / No</p>
<p>(g) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.</p>	<p>Does the site include historical resources</p> <p style="text-align: right;">Yes / No</p> <p><i>(Tip ► Check for listed historical resources here: www.ohp.parks.ca.gov/ListedResources)</i></p>
<p>(h) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.</p>	<p>Is the site in a high fire hazard severity zone?</p> <p style="text-align: right;">Yes / No</p> <p><i>(Tip ► Check for fire-hazard severity zones here: osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps)</i></p>
<p>(i) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.</p>	<p>See (f), above.</p>



THRESHOLD REQUIREMENTS FOR EXEMPTIONS FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS

[CEQA Guidelines § 15192](#)

Requirements	Applicability
(j) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.	See (f), above.
(k) Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.	<p>Will the project comply with current building code? Yes / No</p> <p><i>(Note ► Compliance with the building code, other regulatory provisions, and geotechnical investigations, addresses site-specific soil conditions and ensures seismic safety.)</i></p>
(l) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.	<p>Is the project site in a flood zone? Yes / No</p> <p><i>(Tip ► Check the FEMA Flood Maps for flood risk here: msc.fema.gov/portal/search?#searchresults_anchor)</i></p>
(m) The project site is not located on developed open space.	<p>Is the site located on developed open space? Yes / No</p>
(n) The project site is not located within the boundaries of a state conservancy.	<p>Is the site located within boundaries of state conservancy? Yes / No</p>
(o) The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in CEQA Guidelines Sections 15193 to 15195.	<p>Is the site divided into smaller projects to qualify for one or more exemptions? Yes / No</p>





AGRICULTURAL HOUSING EXEMPTION

[CEQA Guidelines § 15193](#)

The following table lists the requirements to meet the Agricultural Housing Exemption, which is intended to support development of housing for agricultural employees.

Working through this table can help identify if the particular project or site fit this exemption and provide substantial evidence for the agency's administrative record.

STATUTORY EXEMPTION – AGRICULTURAL HOUSING

[CEQA Guidelines § 15193](#)

Requirements	Applicability
<p>(a) The project meets the CEQA Guidelines Section 15192 threshold criteria.</p>	<p>See table, above, for Threshold Requirements for Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects (CEQA Guidelines § 15192).</p>
<p>(b) The project site meets the following size criteria:</p> <ul style="list-style-type: none"> (1) The project site is located in an area with a population density of at least 1,000 persons per square mile and is two acres or less in area. (2) The project site is located in an area with a population density of less than 1,000 persons per square mile and is five acres or less in area. 	<p>Does the site meet size criteria?</p> <p style="text-align: right;">Yes / No</p>
<p>(c) The project meets the following requirements regarding location and number of units.</p> <ul style="list-style-type: none"> (1) The project is located on a site within the city limits or in a census-defined place, it must meet the following requirements: <ul style="list-style-type: none"> (A) The project location must be within one of the following: <ul style="list-style-type: none"> (1) Incorporated city limits. 	<p>Does the site meet requirements regarding location and number of units?</p> <p style="text-align: right;">Yes / No</p>



STATUTORY EXEMPTION – AGRICULTURAL HOUSING

[CEQA Guidelines § 15193](#)

Requirements	Applicability
<p>(2) A census defined place within a minimum population density of at least 5,000 persons per square mile.</p> <p>(3) A census-defined place with a minimum population density of at least 1,000 persons per square mile, unless a public agency that is carrying out or approving the project determines that there is a reasonable possibility that the project, if completed, would have a significant effect on the environment due to unusual circumstances or that the cumulative impacts of successive projects of the same type in the same area, over time, would be significant.</p> <p>(B) The project must be located on a site that is adjacent to land that has been developed, on at least two sides.</p> <p>(C) The project must meet either of the following requirements:</p> <ul style="list-style-type: none"> (i) Consist of 45 units or less. (ii) Consist of housing for a total of 45 or fewer agricultural employees if the housing consists of dormitories, barracks, or other group living facilities. <p>(2) If the project is located on a project site zoned for general agricultural use, it must meet either of the following requirements:</p> <ul style="list-style-type: none"> (A) Consist of 20 units or less. (B) Consist of housing for a total of 20 or fewer agricultural employees if the housing consists of dormitories, barracks, or other group living facilities. 	



STATUTORY EXEMPTION – AGRICULTURAL HOUSING

[CEQA Guidelines § 15193](#)

Requirements	Applicability
<p>(d) The project meets the following requirements regarding provision of housing for agricultural employees:</p> <p>(1) The project must consist of the construction, conversion, or use of residential housing for agricultural employees.</p> <p>(2) If the project lacks public financial assistance, then the following requirements must be met:</p> <p>(A) The project must be affordable to lower income households.</p> <p>(B) The developer of the development project must provide sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 15 years.</p> <p>(3) If public financial assistance exists for the project, then the following requirements must be met:</p> <p>(A) The project must be housing for very low, low-, or moderate-income households.</p> <p>(B) The developer of the development project must provide sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for low- and moderate-income households for a period of at least 15 years.</p>	<p>Does the site meet requirements regarding provision of housing for agricultural employees?</p> <p style="text-align: right;">Yes / No</p> <p>Lower income households are defined in Section 50079.5 of the Health and Safety Codes.</p> <p>Very low, low-, or moderate-income households are defined in Section 50079.5 of the Health and Safety Code.</p> <p>Low- and moderate-income households are defined in Section 50079.5 of the Health and Safety Code.</p>



AFFORDABLE HOUSING EXEMPTION

[CEQA Guidelines § 15194](#)

The following table lists the requirements to meet the Affordable Housing Exemption, which is intended to support development of housing that is affordable to low-income households, as defined in Section 50079.5 of the Health and Safety Code.

Working through this table can help identify if the particular project or site fit this exemption and provide substantial evidence for the agency's administrative record.



STATUTORY EXEMPTION – AFFORDABLE HOUSING

[CEQA Guidelines § 15194](#)

Requirements	Applicability
<p>(a) The project meets the CEQA Guidelines Section 15192 threshold criteria.</p>	<p>See table, above, for Threshold Requirements for Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects (CEQA Guidelines § 15192).</p>
<p>(b) The project meets the following size criteria: The project site is not more than five acres in area.</p>	<p>Is the site 5 acres or less? Yes / No</p>
<p>(c) The project meets both of the following requirements regarding location:</p> <p>(1) The project meets one of the following location requirements relating to population density:</p> <p>(A) The project site is located within an urbanized area or within a census-defined place with a population density of at least 5,000 persons per square mile.</p>	<p>Does the site meet location requirements related to population density? Yes / No</p>



STATUTORY EXEMPTION – AFFORDABLE HOUSING

[CEQA Guidelines § 15194](#)

Requirements	Applicability
<p>(B) If the project consists of 50 or fewer units, the project site is located within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.</p> <p>(C) The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.</p> <p>(2) The project meets one of the following site-specific location requirements:</p> <p>(A) The project site has been previously developed for qualified urban uses; or</p> <p>(B) The parcels immediately adjacent to the project site are developed with qualified urban uses.</p> <p>(C) The project site has not been developed for urban uses and all of the following conditions are met:</p> <ul style="list-style-type: none"> i. No parcel within the site has been created within 10 years prior to the proposed development of the site. ii. At least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses. iii. The existing remaining 25 percent of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses. 	<p>Does the site meet site-specific location requirements?</p> <p style="text-align: right;">Yes / No</p>



STATUTORY EXEMPTION – AFFORDABLE HOUSING <small>CEQA Guidelines § 15194</small>	
Requirements	Applicability
<p>(d) The project meets both of the following requirements regarding provision of affordable housing.</p> <ul style="list-style-type: none"> (1) The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households. (2) The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be “affordable rent” for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code. 	<p>Does the site meet requirements regarding provision of affordable housing?</p> <p style="text-align: right;">Yes / No</p>





RESIDENTIAL INFILL PROJECTS EXEMPTION

[CEQA Guidelines § 15195](#)

The following table lists the requirements to meet the Residential Infill Exemption, which is intended to support residential projects on urban infill development sites.

Working through this table can help identify if the particular project or site fit this exemption and provide substantial evidence for the agency's administrative record.

STATUTORY EXEMPTION – RESIDENTIAL INFILL HOUSING

[CEQA Guidelines § 15195](#)

Requirements	Applicability
<p>(a) Except as set forth in subdivision (b), CEQA does not apply to any development project that meets the following criteria:</p> <p>(1) The project meets the threshold criteria set forth in CEQA Guidelines Section 15192; provided that with respect to the requirement in Section 15192(b) regarding community-level environmental review, such review must be certified or adopted within five years of the date that the lead agency deems the application for the project to be complete pursuant to Section 65943 of the Government Code.</p> <p>(2) The project site meets the following size criteria:</p> <p>(A) The project site is not more than four acres in total area.</p> <p>(B) The project does not include any single level building that exceeds 100,000 square feet.</p>	<p>See table, above, for Threshold Requirements for Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects (CEQA Guidelines § 15192)</p> <p>Is the General Plan EIR less than five years old? Yes / No</p> <p>Is the site 5 acres or less? Yes / No</p> <p>Does the site include any single-level buildings that exceed 10,000 square feet? Yes/No</p>



STATUTORY EXEMPTION – RESIDENTIAL INFILL HOUSING

[CEQA Guidelines § 15195](#)

Requirements	Applicability
<p>(3) The project meets both of the following requirements regarding location:</p> <p>(A) The project is a residential project on an infill site.</p> <p>(B) The project is within one-half mile of a major transit stop.</p> <p>(4) The project meets both of the following requirements regarding number of units:</p> <p>(A) The project does not contain more than 100 residential units.</p> <p>(B) The project promotes higher density infill housing. The lead agency may establish its own criteria for determining whether the project promotes higher density infill housing except in either of the following two circumstances:</p> <p>(i) A project with a density of at least 20 units per acre is conclusively presumed to promote higher density infill housing.</p> <p>(ii) A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density infill housing unless the preponderance of the evidence demonstrates otherwise.</p> <p>(5) The project meets the following requirements regarding availability of affordable housing: The project would result in housing units being made available to moderate, low or very low income families as set forth in either A or B below:</p>	<p>Is the residential project in an infill site? Yes / No</p> <p>Is the site located within 0.5 mile of a major transit stop? Yes/No</p> <p>Does the project meet requirements regarding number of units? Yes/No</p> <p>Does the project meet requirements regarding availability of affordable housing? Yes / No</p>



STATUTORY EXEMPTION – RESIDENTIAL INFILL HOUSING

[CEQA Guidelines § 15195](#)

Requirements	Applicability
<p>(A) The project meets one of the following criteria, and the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units as set forth below at monthly housing costs determined pursuant to paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code.</p> <ul style="list-style-type: none"> (i) At least 10 percent of the housing is sold to families of moderate income. (ii) Not less than 10 percent of the housing is rented to families of low income. (iii) Not less than 5 percent of the housing is rented to families of very low income. <p>(B) If the project does not result in housing units being available as set forth in subdivision (5A) above, then the project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to subparagraph (5A).</p>	
<p>(b) A project that otherwise meets the criteria set forth in subdivision (a) is not exempt from CEQA if any of the following occur:</p> <ul style="list-style-type: none"> (1) There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. 	



STATUTORY EXEMPTION – RESIDENTIAL INFILL HOUSING

[CEQA Guidelines § 15195](#)

Requirements	Applicability
<p>(2) Substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project have occurred since community-level environmental review was certified or adopted.</p>	<p>Is the project consistent with a General Plan? Yes / No</p> <p>Is the General Plan EIR less than five years old? Yes / No</p> <p>Have circumstances in the project area notably changed? Yes / No</p>
<p>(3) New information becomes available regarding the circumstances under which the project is being undertaken and that is related to the project that was not known, and could not have been known at the time that community-level environmental review was certified or adopted.</p>	



RESIDENTIAL OR MIXED-USE HOUSING INFILL PROJECTS – URBAN UNINCORPORATED COUNTY AREAS - EXEMPTION

PRC § 21159.25

The following table lists the requirements to meet a Statutory Exemption for infill development ([CEQA Guidelines, § 15332](#)) of certain multi-family housing projects in urbanized, unincorporated county areas.

Working through this table can help identify if the particular project or site fit this exemption and provide substantial evidence for the agency's administrative record.



STATUTORY EXEMPTION – RESIDENTIAL OR MIXED-USE HOUSING INFILL PROJECTS URBAN UNINCORPORATED COUNTY AREAS [PRC § 21159.25](#)

Requirements	Applicability
<p>(a) For purposes of this section, the following definitions apply:</p> <ul style="list-style-type: none"> (1) “Residential or mixed-use housing project” means a project consisting of multifamily residential uses only or a mix of multifamily residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use. (2) “Substantially surrounded” means at least 75 percent of the perimeter of the project site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. The remainder of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an environmental impact report was certified. 	



STATUTORY EXEMPTION – RESIDENTIAL OR MIXED-USE HOUSING INFILL PROJECTS URBAN UNINCORPORATED COUNTY AREAS [PRC § 21159.25](#)

Requirements	Applicability
<p>(b) Without limiting any other statutory exemption or categorical exemption, this division does not apply to a residential or mixed-use housing project if all of the following conditions described in this section are met:</p> <p>(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.</p> <p>(2)</p> <p>(A) The public agency approving or carrying out the project determines, based upon substantial evidence, that the density of the residential portion of the project is not less than the greater of the following:</p> <p>(i) The average density of the residential properties that adjoin, or are separated only by an improved public right-of-way from, the perimeter of the project site, if any.</p> <p>(ii) The average density of the residential properties within 1,500 feet of the project site.</p> <p>(iii) Six dwelling units per acre.</p> <p>(B) The residential portion of the project is a multifamily housing development that contains six or more residential units.</p> <p>(3) The proposed development occurs within an unincorporated area of a county on a project site of no more than five acres substantially surrounded by qualified urban uses.</p> <p>(4) The project site has no value as habitat for endangered, rare, or threatened species.</p>	<p>Does the site contain: Special Status Species Habitat?</p> <p style="text-align: right;">Yes / No</p> <p><i>(Tip ► Run a CNDDDB database search at wildlife.ca.gov/Data/CNDDDB/Maps-and-Data)</i></p>



STATUTORY EXEMPTION – RESIDENTIAL OR MIXED-USE HOUSING INFILL PROJECTS URBAN UNINCORPORATED COUNTY AREAS [PRC § 21159.25](#)

Requirements	Applicability												
<p>(5) Approval of the project would not result in any significant effects relating to transportation, noise, air quality, greenhouse gas emissions, or water quality.</p> <p>(6) The site can be adequately served by all required utilities and public services.</p> <p>(7) The project is located on a site that is a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.</p>	<p>See (c)(2), below.</p> <p>Utilities/Public Services. Is site served by:</p> <table border="0"> <tr> <td>Water?</td> <td>Yes / No</td> </tr> <tr> <td>Wastewater?</td> <td>Yes / No</td> </tr> <tr> <td>Electricity?</td> <td>Yes / No</td> </tr> <tr> <td>Natural Gas?</td> <td>Yes / No</td> </tr> <tr> <td>Solid Waste?</td> <td>Yes / No</td> </tr> <tr> <td>Stormwater drainage?</td> <td>Yes / No</td> </tr> </table>	Water?	Yes / No	Wastewater?	Yes / No	Electricity?	Yes / No	Natural Gas?	Yes / No	Solid Waste?	Yes / No	Stormwater drainage?	Yes / No
Water?	Yes / No												
Wastewater?	Yes / No												
Electricity?	Yes / No												
Natural Gas?	Yes / No												
Solid Waste?	Yes / No												
Stormwater drainage?	Yes / No												
<p>(c) Subdivision (b) does not apply to a residential or mixed-use housing project if any of the following conditions exist:</p> <p>(1) The cumulative impact of successive projects of the same type in the same place over time is significant.</p> <p>(2) There is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.</p>	<p>Cumulative Impact: If the project is consistent with a General Plan, did the General Plan EIR consider the cumulative impacts of General Plan implementation? Yes / No</p> <p>Significant Effect: The project will not have a significant effect on the environment due to unusual circumstances. Specific environmental topics are addressed below:</p> <p>Aesthetics Will the project add substantial light/glare? Yes / No</p> <p>Will it go through design review? Yes / No</p>												



STATUTORY EXEMPTION – RESIDENTIAL OR MIXED-USE HOUSING INFILL PROJECTS URBAN UNINCORPORATED COUNTY AREAS [PRC § 21159.25](#)

Requirements	Applicability
	<p>Agriculture/ Forestry Does the site contain agricultural land or forested land? Yes / No <i>(Tip ▶ Check for Important Farmland here: www.conservation.ca.gov/dlrp/fmmp)</i></p> <p>Air Quality/GHGs Will the project include a new source of air pollutant emissions? (<i>Note ▶ stationary air pollution sources are typically associated with industrial processes rather than housing, especially a small housing project.</i>) Yes / No</p> <p>Biological Resources Does the site contain: Wetlands? Yes / No Riparian Habitat? Yes / No Special Status Species Habitat? Yes / No <i>(Tip ▶ Run a CNDDDB database search at wildlife.ca.gov/Data/CNDDDB/Maps-and-Data)</i></p> <p>Cultural Resources See (c)(5) below.</p> <p>Energy Will the project comply with current building code/Title 24 Energy Code? Yes / No</p> <p>Geology/Soils Will the project comply with current building code? (<i>Note ▶ Compliance with the building code, other regulatory provisions, and geotechnical investigations, addresses site-specific soil conditions and ensures seismic safety.</i>) Yes / No</p> <p>Hazards/Hazardous Materials See (c)(4), below.</p>



STATUTORY EXEMPTION – RESIDENTIAL OR MIXED-USE HOUSING INFILL PROJECTS URBAN UNINCORPORATED COUNTY AREAS [PRC § 21159.25](#)

Requirements	Applicability
	<p>Hydrology/Water Quality Will the project implement best management practices (BMPs) to prevent erosion and construction pollutants from contacting stormwater? Yes / No</p> <p>Noise Will the project include a new stationary noise sources? <i>(Note: stationary noise sources are typically associated with mechanical equipment rather than housing, especially a small housing project.)</i> Yes / No</p> <p>Transportation Will the project include roadway or transportation system changes beyond site ingress/egress? Yes / No</p> <p>Utilities/Public Services Is site served by: Water? Yes / No Wastewater? Yes / No Electricity? Yes / No Natural Gas? Yes / No Solid Waste? Yes / No Stormwater drainage? Yes / No</p> <p>Wildfire Hazard Is the site in a high fire hazard severity zone? Yes / No</p> <p><i>(Tip ► Check for fire-hazard severity zones here: osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps)</i></p>



STATUTORY EXEMPTION – RESIDENTIAL OR MIXED-USE HOUSING INFILL PROJECTS URBAN UNINCORPORATED COUNTY AREAS [PRC § 21159.25](#)

Requirements	Applicability
<p>(3) The project 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.</p> <p>(4) The project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.</p> <p>(5) The project may cause a substantial adverse change in the significance of a historical resource.</p>	<p>Is the site listed as a hazardous waste site? Yes / No</p> <p><i>(Tip ► Search the Cortese List here: calepa.ca.gov/sitecleanup/corteselist/section-65962-5a)</i></p> <p>Does the site include historical resources? Yes / No</p> <p><i>(Tip ► Check for listed historical resources here: www.ohp.parks.ca.gov/ListedResources)</i></p>

This statute will sunset by its own terms (unless extended) on January 1, 2025.



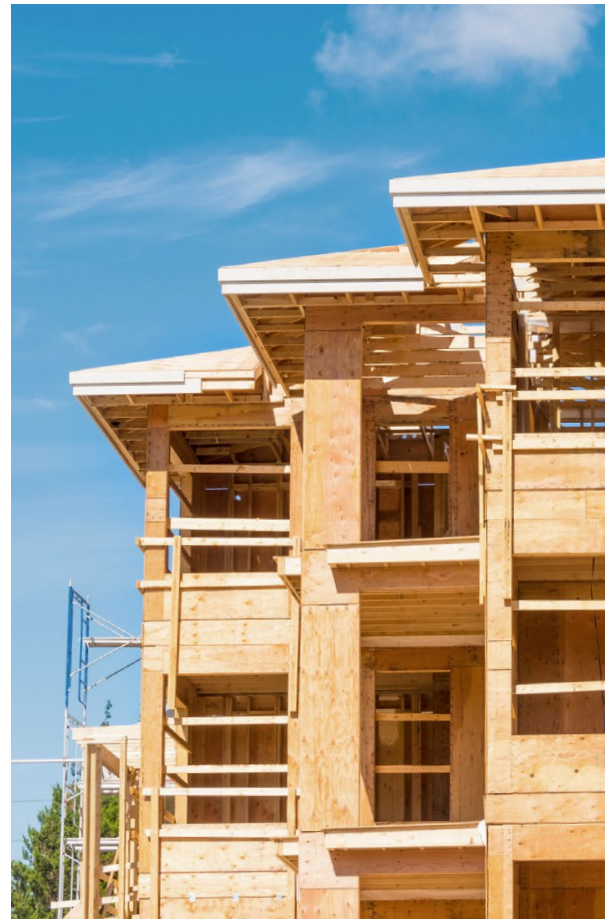
NOTICE OF EXEMPTION FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS

[CEQA Guidelines § 15196](#)

When a local agency determines that a project is not subject to CEQA under Sections [15193](#), [15194](#), [15195](#), or [PRC § 21159.25](#), and it approves or determines to carry out that project, the local agency or person seeking project approval shall file a Notice of Exemption (NOE) with OPR as required by as required by [PRC § 21152.1](#), pursuant to [CEQA Guidelines § 15062](#).

Procedural Steps

- 1** Document that the project fits the categorical exemption and that there are no exceptions or potential environmental impacts.
- 2** Fill out the Notice of Exemption Form, available here: opr.ca.gov/docs/NOE.pdf
- 3** After the project has been approved, submit one copy of the Notice of Exemption to the State Clearinghouse or County Clerk.



CEQA NERD SAYS: FILE AN NOE

The CEQA Guidelines state that the lead agency “shall” file a Notice of Exemption for housing exemptions per CEQA Guidelines Sections 15193, 15194, 15195, and PRC Section 21159.25. Posting the NOE starts a 35 day statute of limitations period on legal challenges to the agency’s decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply.

