

PUBLIC PROJECT EXEMPTION
(PLEASE PRINT OR TYPE AND **SUBMIT IN PERSON**)

TO BE COMPLETED BY PLANNING STAFF				
FILE NUMBER PP			DATE STAMP	
QUAD#	COUNCIL DISTRICT	RECEIVED BY		
LOCATION				
TO BE COMPLETED BY APPLICANT				
TYPE OF PROJECT				
<input type="checkbox"/> Master Plan	<input type="checkbox"/> Contract/Agreement	<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Tree Removal	<input type="checkbox"/> Other (<i>Describe</i>)
<input type="checkbox"/> Resolution	<input type="checkbox"/> Grant	<input type="checkbox"/> PD Zoning	<input type="checkbox"/> Variance	
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Site Development Permit	<input type="checkbox"/> PD Permit	<input type="checkbox"/> Street Vacation	_____
<input type="checkbox"/> Construction Bid	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Grading Permit	<input type="checkbox"/> Subdivision	
PROJECT TITLE / CIP DATABASE PROJECT NAME:				
PROJECT LOCATION (please specify street address or street names and cross streets)				
PROJECT DESCRIPTION - include square footage of any new construction (<i>Attach separate sheet if necessary</i>)				
ASSESSOR'S PARCEL NUMBER(S)	ACREAGE (gross)	CHARGE NUMBER i.e. 999-99-999999-4052	- - -4052	
DOES THE PROJECT INVOLVE HUD FEDERAL FUNDING/ASSISTANCE? <input type="checkbox"/> NO <input type="checkbox"/> YES PLEASE INDICATE WHETHER HUD FUNDING HAS BEEN AWARDED, IS PROPOSED, OR IS ANTICIPATED, FOR THE PROPOSED PROJECT. If yes, indicate type of funding (i.e. CDBG Grant, HOME Investment Partnership Program, Section 108 Loan Guarantee, etc.), funding amount, whether awarded (if known) or application is pending, and fiscal year of award or application request.				
PLEASE REFER TO THE ATTACHED LIST OF EXEMPTIONS AND FIND THE SECTION NUMBER OF THE EXEMPTION THAT BEST DESCRIBES YOUR PROJECT. WRITE THAT SECTION NUMBER IN THE SPACE PROVIDED. SECTION #: _____				
PROJECTED COUNCIL HEARING OR DEPT. HEAD APPROVAL DATE	MEMO DUE DATE TO CITY MANAGER OR DEPT. HEAD	This exemption application should be submitted to the Planning Division 2 weeks prior to the memo due date.		
PRINT NAME OF CONTACT PERSON and DEPARTMENT/DIVISION		TELEPHONE #		
COMPLETE ROUTING ADDRESS		FAX#		
SIGNATURE		DATE		

**PLEASE SUBMIT THIS APPLICATION IN PERSON TO AN ENVIRONMENTAL PLANNER
ON THE 3RD FLOOR OF CITY HALL**

PUBLIC PROJECT CEQA CLEARANCE CHECKLIST:

Please fill out this checklist and submit the following information with your application **two weeks prior the date you would like the CEQA clearance completed***:

N/A YES

- Draft City Council Memo
- Site plan drawn to scale showing the following information:
 - Existing buildings and age of structures; proposed structures, landscaping, signage, lighting, parking, and driveways; hours of operation; existing trees to remain and trees to be removed (specify tree species, circumference as measured 24 inches above grade, and condition); specify all existing and proposed uses on site and describe the surrounding land uses; explain all other proposed physical changes to the site (new structures, excavation activities, generators, air compressors, trash enclosures/compactors, lighting, etc).
- Building Elevations, Floor Plans, Construction Details, and Landscape Plan (unbound plan set)
- Recent site and aerial photographs
- Description of the biotic features of the site (including open spaces, vegetation, waterways or riparian corridors adjacent to or within 300 feet of the site, landscaping, unique biological features or animal species)
- Explanation of the proposed use and hours of operation, etc.
- Any discretionary review or actions (and tentative dates) expected to be taken on the project. (e.g. City Council approval, RDA Board approval, other agency approval, etc)
- List of any other local, state regional or federal permits required for the project
- List of any professional reports prepared for the project (soils or groundwater testing, archaeology, historic, noise, trees survey, biotic, etc.)
- Any proposed change in drainage patterns of the site. Percentage of the site currently covered by impervious surfacing (buildings, asphalt driveways, etc.) and percentage of site proposed to be covered by impervious surfacing after project completion. The Non Point Source table may be used and attached to the application. A Stormwater Control Plan may be required per Council Policy 6-29. (Include information in planset)
- Any hazardous materials proposed to be used as a part of this project.
- State whether the site is listed on any local, state or Federal regulatory database due the hazardous material contamination (check list at the following link) <http://lustop.sccgov.org/>; <http://www.envirostor.dtsc.ca.gov/public/> and <http://www.geotracker.swrcb.ca.gov/>
- Any proposed exterior uses or equipment that will result in noise? (e.g. Heating, Ventilation and Air Conditioners (HVAC), emergency generators, etc.)
- Details of any public improvements associated with this use (e.g. street vacation, road widening, right-of-way improvements, etc). (Include in planset)
- Project grading and number of cubic yards of cut and fill material (grading and drainage plans if available).
- Any natural waterways on or within 300 feet of the project site.
- Any other information pertaining to the project that was not covered above

Notes:

* Please submit a **complete** Public Project Application with the draft Council memo, plans and the above checklist

**For a good example of a Public Project Exemption Application please look at PP07-240 using Planning's on-line permitting at: <http://www.sanjoseca.gov/planning/counter/>

Please provide detailed information and plans for any "yes" answers, above.

INSTRUCTIONS FOR FILLING A **PUBLIC PROJECT EXEMPTION**

INSTRUCTIONS Please complete the attached application, prepare the plans, photographs, and other required information and return it, in person, to the Planning Division. Applications will only be accepted for processing if they are complete.

1. **Completed Application Form.** A separate application shall be filed for each site.
2. **Draft Council or Department Head Memo.** Submit a copy of your draft Council Memo, as this will help us better understand your proposal.
3. **County Assessor's Parcel Map.** Provide a copy of the Assessor's Parcel Map (APN) showing the subject property. This map can be obtained from the Planning Division, City Hall, 3RD Floor.
4. **Development Plan Sets.** 1 full set of the development plans which include:
 - Site Plan – (drawn to scale) showing the location of all proposed changes to the subject property.
 - Grading and Drainage Plan – An archaeology report may be required for grading within Archaeology Sensitive areas. All stormwater discharge shall comply with the State regulation and City Council Policies No. 6-29 and No. 8-14.
 - Stormwater Control Plan is required for all public projects a) funded/construction committed after October 15, 2003 AND b) replacing, adding or expanding impervious surface by 10,000 square feet or more. – Plan should include all BMPs (swales, disconnected downspouts, etc.) and treatment control measures (TCMs), calculations by drainage area illustrating water quality TCMs meet numerical standards set forth in Policy No. 6-29, TCM maintenance requirements for all landscaped-based and/or mechanical water quality treatment solutions, and licensed certification that the specified TCMs meet the requirements in Policy No. 6-29.
 - Elevations, Floor Plans, and construction details as appropriate
 - Landscape Plan – Show all existing trees. If any trees are proposed to be removed, new mitigation trees will need to be included on this sheet.
5. **Photographs.** Provide photos of the existing site and the surrounding area.

Submittal Deadline. As an environmental determination must be made before your Council memo is submitted to the City Manager's office, **Planning requires that you submit this application at least two weeks prior to Manager's deadline.**

Fees. Public Projects are subject to Planning filing fees. All Charge Numbers should use the format xxx-xx-xxxxxx-xxx. The fee schedule can be obtained on the Planning Division's website http://www.sanjoseca.gov/planning/pdf/08-09_Fee_Schedule_final.pdf

Updates. The most up-to-date information regarding Public Project Exemptions can be found on the Planning Environmental Intranet site - <http://www.sanjoseca.gov/planning/eir/ConsultantPage.asp>

Process Schedule

- Planning Staff will review the application for conformance to CEQA.
- If the project is not exempt from environmental review, you will be asked to submit an Environmental Clearance application and associated reports.
- If the project is found to be exempt from CEQA, Planning will provide you with a Statement of Exemption via fax. The file number from this Statement is what should be placed in the CEQA section of your Council memo. Example - Exempt, File No. _____

HUD Federal Funding and Environmental Compliance with the National Environmental Policy Act (NEPA). Compliance with the National Environmental Policy Act (NEPA) is required for all projects involving property acquisition, new construction for any project that has been awarded, proposes to include, or anticipates the use of federal funding from the Department of Housing and Urban Development (HUD), for any portion of the project. Additional review, reports, and/or referrals may be necessary. Additional fees will be required for projects funded by HUD programs other than the CDBG program. Please contact the Plan Implementation Division Environmental Review Team Principal or Senior Planner for more information at 408.535-7800

PLEASE NOTE: Projects involving 1) acquisition of real property involving a change of use, or 2) new construction require an Environmental Assessment (EA). Concurrent environmental review per the California Environmental Quality Act (CEQA) is also required. The obtainment of a qualified environmental consultant to provide documentation services (i.e. a combined Initial Study/EA) is strongly recommended.

LIST OF EXEMPTIONS

Following is a list of categories of projects that are generally exempt from environmental review. Although a project may fit in one of these categories, it is only exempt if there are no significant environmental effects associated with the project or the site. Planning staff will review the project to determine if it qualifies for an exemption. If the project is not exempt, Planning will be ask you to submit an Environmental Clearance Application.

Select from the list below the number of the section that appears to most clearly describe the project and enter it on the form in the space provided. If the project does not fit within one of the categories below, please refer to the complete list of categorical exemptions, available on-line at: <http://ceres.ca.gov/ceqa/guidelines/art19.html>

15301 Existing Facilities: involving little or no expansion of use including:

- 15301(a) Interior or exterior alterations.
- 15301(b) Existing facilities used to provide public utility service.
- 15301(c) Existing streets, sidewalks, trails and similar facilities.
- 15301(d) Restoration or rehabilitation of deteriorated or damaged structures or facilities to meet public health and safety standards unless the damage was substantial and resulted from an environmental hazard.
- 15301(e) Additions to existing structures:
 - 15301(e)(1) Up to 50% of existing floor area or 2,500 square feet, whichever is less.
 - 15301(e)(2) 10,000 square feet if:
 - (A) public services are available
 - (B) area is not environmentally sensitive
- 15301(f) Addition of safety or health protection devices.
- 15301(g) New copy of existing signs.
- 15301(k) Changing multi-family units or single family residences into common interest ownership; subdivision of existing commercial or industrial building where no physical changes occur.
- 15301(l) Demolition or removal of small structures, for example:
 - 15301(l)(1) Demolition of 3 single-family residences.
 - 15301(l)(2) Duplexes with up to 6 dwelling units within these structures.

15301(l)(3) Up to 3 stores, motels, offices, restaurants, or similar small commercial structures if designed for an occupant load of 30 persons or less on sites zoned for such use.

15301(l)(4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

15301(n) Conversion of a single family residence to office use.

15301(p) Use of a single-family residence as a small family day care home, as defined in Section

15302 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. Example of this exemption includes but are not limited to:

15302(a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.

15302(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity.

15302(c) Replacement or reconstruction of existing utility systems or facilities with little or no expansion.

15302(d) Conversion of overhead electric utilities underground.

15303 New Construction or Conversion of Small Structures: 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. Examples of this exemption include but are not limited to:

15303(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.

15303(b) Apartments, duplexes and similar structures designed for not more than six dwelling units.

- 15303(c) A store, motel, office, restaurant or similar structure, totaling up to four 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.
- 15303(d) Water main, sewage, electrical, gas and other utility extensions, including street improvements, of reasonable length to serve such construction.
- 15303(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- 21.05.110(A) Issuance of a sewer lateral permit.
- 21.05.110(B) Issuance of house moving permits pursuant to Chapter 17.36 of Title 17.

15304 Minor Alterations to Land: 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. Examples include but are not limited to:

- 15304(a) Grading on land with a slope of less than 10%, 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.
- 15304(b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.
- 15304(c) Filling of earth into previously excavated land with material compatible with natural features of the site.
- 15304(e) Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.
- 15304(f) Minor trenching and back filling where the surface is restored.
- 15304(h) The creation of bicycle lanes on existing rights-of-way.
- 21.05.120(A) The installation, maintenance, repair, restoration, reconditioning, relocation, replacement, removal or demolition of pipeline which is less than one mile in length and within a public right-of-way. "Pipeline" includes only subsurface facilities.

- 21.05.120(B) Temporary permits for carnivals, amusement rides and petting zoos.
- 21.05.120(C) Temporary permits for tract sales offices.
- 21.05.120(D) Temporary permits for temporary storage or construction yards.
- 21.05.120(E) Weed abatement programs.

15305 Minor Alterations in Land Use Limitations: 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:

- 15305(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creating of any new parcel.
- 15305(b) Minor encroachment permits.
- 15305(c) Reversion of acreage in accordance with the Subdivision Map Act.

15311 Accessory Structures: construction or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities including but not limited to:

- 15311(a) On premise signs.
- 15311(b) Small parking lots.
- 15311(c) Temporary structures.

15314 Minor Additions to Schools: minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or 10 classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

15319 Annexations of Existing Facilities and Lots for Exempt Facilities: consists of only the following:

- 15319(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 rezoning of either the gaining or losing environmental 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.

15319(b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

15323 Normal Operations of Facilities for Public Gatherings: for which 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.

15329 Cogeneration Projects at Existing Facilities: the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.

15329(a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:

15329(a) (1) Result in no net increase 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.

15329(a) (2) Comply with all applicable state, federal, and local air quality laws.

15329(b) At commercial and industrial facilities, the installation of cogeneration facilities will be exempt if the installation will:

15329(b)(1) Meet all the criteria in subsection (a) .

15329(b)(2) Result in no noticeable increase in noise to nearby residential structures.

15329(b)(3) Be contiguous to other commercial or institutional structures.

15331 Historical Resource Restoration/ Rehabilitation: for 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.

15332 InFill Development Projects: for projects characterized as infill development meeting the conditions described as follows

15332(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.

15332(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

15332(c) The project site has no value as habitat for endangered, rare or threatened species.

15332(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

15332(e) The site can be adequately served by all required utilities and public services.

15280 Lower-Income Housing Projects the construction, conversion or use of residential housing consisting of not more than 100 units in an urbanized area, provided that it is either affordable to lower-income households or low and moderate income households, as defined in Section 50079.5 and 65589.5 of the Health and Safety Code. The development must also meet all the following criteria

15280(a) It is consistent with the local jurisdiction's general plan as it existed on the date the project application was deemed complete.

15280(b) Its site has been previously developed or is currently developed with urban uses, or the immediately contiguous properties surrounding the site are or have been previously developed with urban uses.

15280(c) Its site is not more than two (2) acres in area, can be adequately served by utilities, and has no value as wildlife habitat.

15280(d) It will not affect any historic resources or is located on a hazardous waste site.