

REPORT

DATE ISSUED: September 4, 2008 REPORT NO.:HCR08-108

ATTENTION: Chair and Members of the Housing Commission
For the Agenda of October 31, 2008

SUBJECT: Proposed Adoption of Policy 800.001 Implementation of Environmental
Guidelines

REQUESTED ACTION:

Recommend approval of the proposed Implementation of Environmental Guidelines to the Housing Authority.

STAFF RECOMMENDATION:

That the Housing Commission Board approves Policy 800.001 "Implementation of Environmental Policy" as drafted by the Housing Commission's General Counsel.

SUMMARY:

The Housing Commission has adopted certain operational policies to ensure that officials, employees and persons doing business with the Housing Commission comply with all applicable laws and regulations. Once a policy is adopted by the Board, Administrative Regulations covering specific situations are developed and distributed internally to all Housing Commission staff. Policies are approved by the Board of Commissioners and, for certain policies, by the Housing Authority. Administrative Regulations are prepared and approved by the President & Chief Executive Officer or his/her designee, the Executive Vice President & Chief Operating Officer.

DISCUSSION:

Historically, all environmental review of Housing Commission activities has been performed through cooperation between the City of San Diego and the Housing Commission. The Housing Commission has no formally enacted policies or regulations addressing the California Environmental Quality Act ("CEQA") or the National Environmental Policy Act ("NEPA"). The adoption of policies and regulations would formalize the practices implemented between the City of San Diego, the Housing Commission and HUD with respect to the NEPA and between the City of San Diego and the Housing Commission with respect to CEQA. It is the intent of the proposed policy and subsequent administrative regulations to permit the Housing Commission to undertake the initial steps of CEQA and/or NEPA review for Housing Commission activities.

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ENVIRONMENTAL REVIEW:

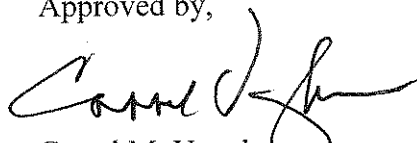
This proposed transaction is not a "project" pursuant to the California Environmental Quality Act (CEQA); no CEQA environmental review is required. Because no federal funding would result from this action, processing under the National Environmental Policy Act (NEPA) is not required.

Respectfully submitted,



Cissy Fisher
Director of Housing Finance

Approved by,



Carrol M. Vaughan
Executive Vice President &
Chief Operating Officer

- Attachments:
1. Sample Policy
 2. Sample Administrative Regulations

San Diego Housing Commission
POLICY

Subject: **Implementation of Environmental Guidelines**

Number: **PO 800.001**

Effective Date:

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Purpose

To implement the California Environmental Quality Act ("CEQA"), the CEQA Guidelines as defined and contained in 14 California Code of Regulations, Sections 15001 et seq. (hereinafter "CEQA Guidelines") and the National Environmental Policy Act ("NEPA"). To provide the San Diego Housing Commission with objectives, criteria and specific procedures consistent with these environmental regulations for administering its responsibilities under CEQA and NEPA, including the timely and orderly evaluation of activities and the preparation of environmental documentation.

Policy

To provide a detailed and comprehensive procedure for Housing Commission staff to undertake the preliminary steps of environmental review required by CEQA and/or NEPA.

1 Authority

The procedures set forth here and in Administrative Regulation 800.001 are adopted by the Housing Commission pursuant to Section 21082 of CEQA and Section 15022 of the CEQA Guidelines. The procedures applicable to NEPA are adopted by the Housing Commission pursuant to Title 42 of the United States Code Service, Section 4331 and Title 24 of the Code of Federal Regulations, Sections 58.10 and 58.12.

2 Powers and Duties of the President and Chief Executive Officer

- 2.1 The President and Chief Executive Officer ("CEO"), or designee, shall be responsible for conducting preliminary environmental reviews and making preliminary determinations in accordance with CEQA and NEPA regarding whether the specific project should be referred to the City for further environmental review. All Projects subject to NEPA shall be reviewed by an agent of the Responsible Entity, as that term is defined in Administrative Regulation 800.001. Projects that are not exempt from CEQA shall be referred to the City for further environmental review in accordance with the CEQA.

History (Adopted _____)

Authorized

Carrol M. Vaughan
Executive Vice President & Chief Operating Officer

Date

Date

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- 2.2 The responsibilities of the CEO with respect to preliminary CEQA and NEPA reviews may be delegated to appropriate Housing Commission staff members.
- 2.3 The CEO, or his/her designated representative, shall establish and maintain that degree of independence in the performance of his/her functions and duties as will assure the Housing Commission and its members, and the citizens of the City of San Diego that the review and analysis of the environmental consequences of projects under his/her purview, whether beneficial or detrimental, are in accordance with CEQA and NEPA, if applicable, are independent and wholly objective and are not prepared for the purpose of either supporting or detracting from any project, plan or position, whether advanced by the Housing Commission, any other governmental agency, a developer, a citizen or a group of citizens. The CEO, or his/her designated representative, shall, in addition, work with and encourage project applicants to incorporate and effect all feasible environmental mitigation measures or project alternatives to minimize, if not precluded, adverse impacts to the environment from the project consistent with CEQA and NEPA.
- 2.4 The CEO, or his/her designated representative, shall review each activity proposed to be taken by the Housing Commission, to determine whether the activity is a project under CEQA and if it is a project, whether the activity is exempt from CEQA. Any activity that is assisted with federal funding shall also be evaluated under NEPA. Any project, which the CEO determines is subject to CEQA and/or NEPA shall be referred to the appropriate division of the City of San Diego for further environmental review.
- 2.5 The Housing Commission shall not undertake any environmental review of Covered Activities that are subject to CEQA and/or NEPA .

3 Housing Commission as a Responsible Agency.

- 3.1 The Housing Commission will not undertake any environmental review when CEQA applies, i.e. which require an environmental impact report or a negative declaration. The Housing Commission remains a responsible agency for any Projects that are referred to the City of San Diego for further CEQA review. A "Responsible Agency" is a public agency which proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an environmental impact report or negative declaration. A "Lead Agency" is the public agency which has the principal responsibility for carrying out or approving a project. For the majority of projects, the Lead Agency will be the City of San Diego.

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- 3.2 As a Responsible Agency under CEQA, the Housing Commission must consider the environmental impact or negative declaration prepared by the Lead Agency and reach its own conclusion on whether and how to approve a Project. The Housing Commission shall cooperate with the City or any other Lead Agency in order to assist the Lead Agency in preparing adequate environmental documents for the Project. The Housing Commission shall respond to the Lead Agency's requests for consultation, attend meetings and comment on draft environmental documents
- 3.3 For exempt and categorically excluded projects under NEPA, the CEO, or his/her designated representative, shall complete the appropriate environmental document(s) and have those document(s) approved and signed by the Certifying Officer designated by the City of San Diego, pursuant to the Housing Commission's Environmental Review Guidebook, as may be amended from time to time.
- 3.4 When an activity is neither exempt nor categorically excluded from NEPA, as further discussed in Administrative Regulation 800.001 and the Environmental Review Guidebook, the Housing Commission shall collaborate with the City of San Diego preparing all required environmental documents and assessments under NEPA.

Note: Authority cited: Cal. Public Resources Code §21082 and §15022 of Title 14, Cal. Code of Regulations. §4331 of Title 42, Chapter 55 of the United States Code Service and §58.4, §58.10 and §58.12 of Title 24 of the Code of Federal Regulations. Reference: Cal. Public Resources Code §§21000, et seq. and Title 14, Division 6, Chapter 3 of the Cal. Code of Regulations. Title 42, Chapter 55 of the United States Code Service §4331 et seq. and Title 24, Part 58 and Title 40, Part 1501 of the Code of Federal Regulations

HISTORY:

New Section filed _____; effective upon filing.

San Diego Housing Commission
ADMINISTRATIVE REGULATION

Subject: **Procedures for Implementation of Environmental Review**

Number: **AR 800.001**

Effective Date:

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Purpose

To implement the California Environmental Quality Act (CEQA), the CEQA Guidelines as defined and contained in 14 California Code of Regulations, Section 15001 et seq. (hereinafter the "CEQA Guidelines") and the National Environmental Policy Act (NEPA) as they apply to the activities of the San Diego Housing Commission. The procedures and provisions of Housing Commission Policy 800.001 and these regulations are intended to supplement the CEQA Guidelines for environmental review under CEQA and to provide additional guidance for the preliminary environmental evaluation of activities carried out by the Housing Commission under both CEQA and NEPA.

Policy & Definitions

To provide a detailed and comprehensive procedure for Housing Commission staff to undertake the preliminary steps of environmental review required by CEQA and NEPA, when applicable.

1. Covered Activities

These activities are subject to CEQA environmental review:

- 1.1 Activities directly undertaken by the Housing Commission, which include public works construction activities, clearing and grading of land, improvements to existing public structures, enactment and amendment to ordinances, and adoption and amendment of local general plans.
- 1.2 Activities that are supported, in whole or in part, by the Housing Commission, which includes contracts, grants, subsidies, loans or other assistance from the Housing Commission.
- 1.3 Activities involving the Housing Commission's issuance of leases, permits, licenses, certificates or other entitlements for use.

History (Adopted _____)

Authorized

Carrol M. Vaughan
Executive Vice President & Chief Operating Officer

Date

Date

San Diego Housing Commission
ADMINISTRATIVE REGULATION

Subject: **Procedures for Implementation of Environmental Review**

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2. Environment means physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "environment" includes both natural and man-made conditions.
3. A Project is any Covered Activity which may cause either a direct physical change in the environment, or a reasonably foreseeable physical change in the environment
4. Responsible Entity is the unit of local government charged by the United States Department of Housing and Urban Development with responsibility for compliance with NEPA arising out of the use of federal funds. Under almost all situations where NEPA must be analyzed, the Responsible Entity shall be the City of San Diego. The City has designated a Certifying Officer who is the official authorized to execute the Request for Release of Funds and Certification and has legal capacity to carry out the responsibilities of NEPA.

CEQA Environmental Review Procedure

2 Powers and Duties of the President and Chief Executive Officer.

- 2.1 The President and Chief Executive Officer ("CEO") shall be responsible for conducting preliminary environmental reviews and making preliminary determinations in accordance with CEQA and NEPA regarding whether the specific project should be referred to the City for further environmental review. All Projects subject to NEPA shall be reviewed by the Certifying Officer, as that term is defined in AR 800.001. Projects that are not exempt from CEQA shall be referred to the City for further environmental review in accordance with the CEQA.
- 2.2 The CEO may delegate the duty of environmental review process to appropriate Housing Commission staff members.
- 2.3 If the Covered Activity under CEQA, is based on an application for permits or other entitlements for use, the environmental review in this Policy should be conducted when the application is reviewed for completeness, and shall be reviewed within 30 days of receiving the application.

3 Determination of "Not a Project" Under CEQA

- 3.1 If the activity in question will not cause a direct physical change in the environment and it is not reasonably foreseeable that a physical change in the environment will occur because of the activity, then it is not a Project under CEQA. CEQA does not apply to activities that are not Projects. See

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Appendix C for sample activities that have been determined to be not Projects under CEQA.

- 3.2 If the Covered Activity will cause a direct physical change or a reasonably foreseeable indirect physical change in the environment, the Covered Activity must be evaluated further to determine if any exemptions, as set forth in Section 4, apply.
- 4 CEQA Exemptions. If a Project is exempt from CEQA, no further environmental review is required. The CEO, or designated staff member, must document the applicable exemption(s) in the Project file retained by the Housing Commission and may complete and file a Notice of Exemption, as discussed in Section 5.
- 4.1 Statutory Exemptions. Statutory Exemptions are types of Projects which the California Legislature has decided are not subject to CEQA. Appendix A contains a list of Statutory Exemptions applicable to Housing Commission activities, which is not exhaustive, but represents those most likely to be utilized by the Housing Commission.
- 4.2 Ministerial Projects. A Ministerial Project is one which involves little or no personal judgment by the public official as to the wisdom or manner of carrying out the Project are exempt from CEQA. Ministerial Projects are exempt from CEQA. Appendix C contains examples of Housing Commission Projects, including those over which the Housing Commission only has ministerial authority.
- 4.3 Categorical Exemptions.
- 4.3.1 Categorical Exemptions are classes of Projects determined not to have a significant effect on the environment and therefore are exempt from CEQA. Appendix B contains a list of Categorical Exemptions applicable to the Housing Commission, which is not exhaustive, but represents those most likely to be used by the Housing Commission. See Appendix C for Projects for a list of common Housing Commission activities that are categorically exempt.
- 4.3.2 Exceptions to Exemptions. The Categorical Exemptions in Appendix B do not apply if any of the following apply to the Project:
- (i) the Project is located in an environmentally sensitive location;
 - (ii) the cumulative impact of successive Projects of the same type in the same place, is significant over time;
 - (iii) there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;

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- (iv) the Project may result in damage to scenic resources;
- (v) the Project is located on a site determined to contain hazardous waste; or
- (vi) the Project may cause a substantial adverse change in the significance of a historical resource.

Note: If any of these exceptions applies to the Project, the Project must be further evaluated for its environmental impact under CEQA, pursuant to Section 6.

5 CEQA's Notice of Exemption ("NOE").

- 5.1 Using the form attached as Appendix D, a NOE may be filed with the county recorder for Projects that are determined to be exempt from CEQA.
- 5.2 The NOE is filed with the San Diego County Clerk after the Housing Commission has decided to carry out or approve a Project. The county clerk will make the NOE available for public inspection by posting it for 30 days. Upon the expiration of 30 days, the county clerk will return the NOE to the Housing Commission. NOE's returned from the county clerk must be retained in the Project's file for at least 12 months from receipt of the NOE from the county clerk.
- 5.3 The NOE may be filed when the CEO and general counsel to the Commission determine that it is in the Commission's best interest to file an NOE. The filing of an NOE starts a 35 day statute of limitations period on legal challenges to the Commission's decision that the Project is exempt from CEQA. If an NOE is not filed, a 180 day statute of limitations period applies.

6 CEQA Further Environmental Review.

- 6.1 Any Project which is determined by the CEO not to be exempt from the provisions of CEQA under Section 4 shall be referred to the appropriate department of the City of San Diego for further environmental review in compliance with CEQA.
- 6.2 The Housing Commission will not undertake any environmental review when CEQA applies, i.e. which require an environmental impact report or a negative declaration or a mitigated negative declaration.

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NEPA Environmental Review

7 Applicability.

- 7.1 NEPA applies to any activity that the Housing Commission undertakes as part of a federally assisted project, regardless of whether its cost is to be borne by HUD assistance or is an eligible expense under the HUD assistance program.
- 7.2 The environmental review and completion of required documents should be performed by the CEO, or his/her delegated representative, according to the provisions set forth in the Environmental Review Guidebook prepared by the San Diego Housing Commission, as may be amended from time to time, and is incorporated into these Regulations, as though fully set forth herein.
- 7.3 Activities requiring review under NEPA fall into one of the following categories:
- 7.3.1. Exempt Activities generally have no physical impact on the environment. A list of activities exempt from NEPA is located at section V, subsection A of the Environmental Review Guidebook and in §58.34 of Title 24 of the Code of Federal Regulations.
- 7.3.2. Categorically Excluded activities are those for which HUD has determined will not individually or cumulatively have a significant effect on the environment and which have been found to have no such effect in procedures adopted by HUD. All Categorical Exclusions must be evaluated for their impact on certain other Federal requirements, listed in §58.6 of Title 24 of the Code of Federal Regulations and a Statutory Worksheet, as further discussed in the Environmental Review Guidebook, must be completed. Some Categorical Exclusions are subject to further review under §58.5 of Title 24 of the Code of Federal Regulations. In order to determine whether further review is required for a Categorically Excluded activity, refer to section V, subsections B and C of the Environmental Review Guidebook and §58.35 of Title 24 of the Code of Federal Regulations.
- 7.3.3. Examples of common activities which are either Exempt or Categorically Excluded under NEPA are included in Appendix C.
- 7.4 For exempt and categorically excluded projects under NEPA, the CEO, or his/her designated representative, shall complete the appropriate environmental document(s) and have such document(s) approved and

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signed by the appropriate agent of the Responsible Entity pursuant to the Housing Commission's Environmental Review Guidebook.

- 7.5 When an activity is neither Exempt nor Categorically Excluded from NEPA, the Housing Commission shall collaborate with the Responsible Entity in preparing all required environmental documents and assessments under NEPA, but shall not undertake the environmental review on its own.

Note: Authority cited: Cal. Public Resources Code §21082 and §15022 of Title 14, Cal. Code of Regulations. §4331 of Title 42, Chapter 55 of the United States Code Service and §58.4, §58.10 and §58.12 of Title 24 of the Code of Federal Regulations. Reference: Cal. Public Resources Code §§21000, et seq. and Title 14, Division 6, Chapter 3 of the Cal. Code of Regulations. Title 42, Chapter 55 of the United States Code Service §4331 et seq. and Title 24, Part 58 and Title 40, Part 1501 of the Code of Federal Regulations

HISTORY:

New Section filed _____; effective upon filing.

Appendix A

CEQA Statutory Exemptions

This list of Statutory Exemptions is not exhaustive of all statutory exemptions enacted by the California Legislature, but is representative of those most likely to be utilized by the Housing Commission. See CEQA Guidelines Sections 15260-15285 for a complete list of Statutory Exemptions.

Exemption	Description	Citation:
Ministerial Projects	Ministerial (or non-discretionary) projects are a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. Examples include: automobile registrations, dog licenses, and marriage licenses. Where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.	Guidelines §15268 and §15369
Feasibility and Planning Studies	Projects involving only feasibility or planning studies for possible future actions which has not been approved, adopted, or funded is exempt. This section <u>does not apply</u> to the adoption of a plan that will have a legally binding effect on later activities.	Guidelines §15262
Emergency Projects	Project to prevent or mitigate an emergency and projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a declared disaster. (Exemption does not include long-term projects undertaken to prevent or mitigate emergency situations with a low probability of occurrence.)	Guidelines §15269
Disapproved Projects	Projects which the Housing Commission rejects or disapproves	Guidelines §15270
Rates, Tolls, Fares and Charges	Establishment, modification, structuring, restructuring or approval of rates, tolls, fares and other charges by the Housing Commission which the Housing Commission determines are for the purpose of: (i) meeting operating expenses; (ii) purchasing or leasing supplies, equipment or materials; (iii) meeting financial reserve needs; and/or (iv) obtaining funds for capital projects, necessary to maintain service within existing service areas. Incorporate written findings in the record of any proceeding	Guidelines §15273

Exemption	Description	Citation
	in which this exemption is claimed.	
Housing Needs Allocation	CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community Development, a council of governments, or a city or county pursuant to the City of San Diego's Housing Element	Guidelines §15283
Conversion of Mobile Home Park	The conversion of an existing rental mobile home park to a resident initiated subdivision, cooperative, or condominium for mobile homes <u>if</u> the conversion will not result in an expansion of or change in existing use of the property is exempt.	CEQA §21080.8
Housing for Agricultural Employees	<p><u>Any project seeking CEQA Exemption under these provisions MUST be referred to the City of San Diego for complete review of the project, to determine whether the exemption applies.</u></p> <p>Development projects for the construction, conversion, or use of residential housing for agricultural employees that is either:</p> <p>(1) Affordable to lower income households (defined in Health and Safety C. §50079.5), lacks public financial assistance and will be restricted to ensure availability and use for lower income households for at least 15 years OR</p> <p>(2) Affordable to very low, low-, or moderate-income households (defined in Government C. §65589.5(h)(2)), is receiving public financial assistance and will be restricted to ensure availability and use for low- and moderate-income households for at least 15 years</p> <p>The project must contain the appropriate number of units for the location (i.e. within incorporated city or on a site zoned for agricultural use) and must satisfy the criteria in Public Resources C. §21159.21 and 21159.24</p> <p>The project may not be more than five acres in area, except when the site is located in an area with a population density of at least 1,000 persons per square mile, the site shall not be more than 2 acres in area.</p>	Guidelines §15279 & CEQA §21159.2
Lower-Income Housing Projects	<p><u>Any project seeking CEQA Exemption under these provisions MUST be referred to the City of San Diego for complete review of the project, to determine whether the exemption applies.</u></p> <p>Any construction, conversion or use of residential housing of 100 or fewer that is affordable to low-income households IF all the following apply:</p>	Guidelines §15280 & CEQA §21159.23

Exemption	Description	Citation:
	<p>(1) the housing units are restricted for availability and use to lower income households (earning at or less than 80% AMI) for at least 30 years to be rented at ;</p> <p>(2) the project satisfies the criteria in Public Resources C. §21159.21 and 21159.24</p> <p>(3) the project site was previously developed for qualified urban use (OR the parcels immediately adjacent to the site are developed with qualified urban uses, OR at least 75% of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25% of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses, and the site has not been developed for urban uses and no parcel within the site has been created within 10 years prior to the proposed development of the site.)</p> <p>(4) the project site is not more than 5 acres in area</p> <p>(5) 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 or, if the project consists of 50 or fewer units, 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>	

Appendix B

CEQA Categorical Exemptions

The list of Categorical Exemptions is not an exhaustive list of all categorical exemptions enacted by the California Legislature, but is representative of those most likely to be utilized by the Housing Commission. See CEQA Guidelines Sections 15300 – 15333 for a complete list of Categorical Exemptions.

Exemption	Description	Citation:
Existing Facilities	The Commission's operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, etc., <u>that involves little or no expansion of the existing use.</u>	Guidelines §15301
Replacement or Reconstruction	The 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.	Guidelines §15302
New Construction or Conversion of Small Structures	The construction and location of limited numbers of new, small facilities or structures; or The installation of small new equipment and facilities in small structures; or The conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.	Guidelines §15303
Minor Alterations to Land	Minor 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, <u>including new gardening or landscaping.</u>	Guidelines §15304
Information Collection	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 part of a study leading to an action which the Commission has not yet approved, adopted, or funded.	Guidelines §15306
Inspections	Activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities.	Guidelines §15309

Surplus Government Property Sales	Sales of surplus government property except for parcels of land located in an area of statewide, regional, or area wide concern.	Guidelines §15312
Changes in Organization of Local Agencies	Changes in the organization or reorganization of the Housing Commission where the changes do not change the geographical area in which previously existing powers are exercised.	Guidelines §15320
Enforcement Actions by Regulatory Agencies	Actions to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the Housing Commission or the enforcement of a law, general rule, standard, or objective, administered or adopted by the Housing Commission.	Guidelines §15321
Educational or Training Programs	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	Guidelines §15322
Acquisition of Housing for Housing Assistance Programs	Actions by the Housing Commission 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.	Guidelines §15326
***In-Fill Development Projects	Projects characterized as in-fill development that: (i) is consistent with the applicable general plan designation, all applicable general plan policies, and applicable zoning designation and regulations; (ii) occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (iii) the project site has no value as a habitat for endangered, rare or threatened species; (iv) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (v) the site can be adequately served by all required utilities and public services.	Guidelines §15332

*** These projects should be referred to the City of San Diego for proper Environmental Review and filing of a Notice of Exemption.

Appendix C

Examples of Housing Commission Projects With Applicable Environmental Review

The lists provided in the tables below are not exhaustive of all the activities the Housing Commission may encounter, but is generally representative of activities that are routinely conducted by the Housing Commission.

**Table AR ____ C-1
Housing Commission Activities Which Are Generally “Not A Project” under CEQA:**

“Not A Project” Activity	CEQA Citation:	NEPA Citation, if federal funds implicated:
Approve and/or amend budgets, audit reports, and other fiscal activities which do not involve the commitment of any funds to any specific project	This activity does not fall within the definition of “project” under the CEQA Guidelines Sections 15060(c)(3) and 15378.	This activity is <u>exempt</u> from NEPA under §58.34(a)(2) information and financial services and §58.34(a)(3) administrative and management activities.
Approve and/or amend of Action Plan, Consolidated Plan, and Business Plan	This activity does not fall within the definition of “project” under the CEQA Guidelines Sections 15060(c)(3) and 15378.	This activity is <u>exempt</u> from NEPA under §58.34(a)(1) development of plans and §58.34(a)(3) administrative and management activities.
Applications for participation in and/or funding from federal agencies, State of California agencies and the City (e.g. CDBG funds, Lead Hazard Control Programs, SuperNOFAs, State Mortgage Credit Certificate Program)	This activity does not fall within the definition of “project” under the CEQA Guidelines Sections 15060(c)(3) and 15378.	This activity is <u>exempt</u> from NEPA under §58.34(a)(2) information and financial services and §58.34(a)(3) administrative and management activities.
Adopt and/or amend of Housing Commission policies and administrative regulations	This activity does not fall within the definition of “project” under the CEQA Guidelines Sections 15060(c)(3) and 15378.	This activity is <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities.
Suggest amendments to, and evaluate and respond to proposed amendments to the Municipal Code	This activity does not fall within the definition of “project” under the CEQA Guidelines Sections 15060(c)(3) and 15378.	This activity is <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities.
Personnel-related activities, including contracts with employee’s unions, searches for employment candidates, increases in annual compensation, and revisions to	This activity does not fall within the definition of “project” under the CEQA Guidelines Sections 15060(c)(3) and 15378.	This activity is <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities, under §58.34(a)(9) if it involves trainings. Operating Costs are <u>categorically</u>

"Not A Project" Activity	CEQA Citation:	NEPA Citation, if federal funds implicated:
employee policies		<u>excluded</u> under §58.35(b)(3).
Nominate individuals to Housing Commission committees	This activity does not fall within the definition of "project" under the CEQA Guidelines Sections 15060(c)(3) and 15378.	This activity is <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities.
Adopt resolutions permitting Housing Commission officers to perform specific functions (i.e. authorized signatories, revise budget)	This activity does not fall within the definition of "project" under the CEQA Guidelines Sections 15060(c)(3) and 15378.	This activity is <u>exempt</u> from NEPA under §58.34(a)(2) information and financial services and §58.34(a)(3) administrative and management activities.
Approve funding for administrative expenses and operating assistance funding to transitional housing programs, CHDOs, etc.	This activity does not fall within the definition of "project" under the CEQA Guidelines Sections 15060(c)(3) and 15378.	Operating Costs are <u>categorically excluded</u> under §58.35(b)(3).
Approval of agreements and guidelines with Redevelopment Agency to administer redevelopment project areas	This activity does not fall within the definition of "project" under the Guidelines Sections 15060(c)(3) and 15378. Activity is also exempt as "ministerial" under Guidelines §15268.	This activity is <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities.
Increase or decrease affordable housing restrictions on transitional housing and other restricted units	This activity does not fall within the definition of "project" under the CEQA Guidelines Sections 15060(c)(3) and 15378.	This activity is <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities.
Contracts with consultants for provision of services that will not result in potentially significant physical impact on the environment. (e.g. contracts with consultants to conduct an audit, or assist in an employee search, and other administrative, personnel, or financial services)	This activity does not fall within the definition of "project" under the CEQA Guidelines Sections 15060(c)(3) and 15378.	This activity is <u>exempt</u> from NEPA under §58.34(a)(1) to conduct studies, §58.34(a)(2) information and financial services, §58.34(a)(3) administrative and management activities, and/or §58.34(a)(9) technical assistance and training.

Table AR____.____ C-2

Housing Commission Activities Generally Falling Within a Categorical Exemption:

Categorically Exempt Activity	CEQA Citation:	NEPA Citation, if federal funds implicated:
Issuing permits and licenses	Ministerial activities are exempt from CEQA under §15268.	This activity is <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities.
Inspecting and monitoring compliance with provisions of the Municipal Code, (e.g. Inclusionary Ordinance, SRO Regulations, etc.)	"Enforcement Action" of City Ordinance administered by the Housing Commission. Guidelines §15321	This activity is <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities.
Monitoring loans and housing compliance initiating actions	"Enforcement Action" of entitlement issued by Housing Commission. Guidelines §15321	This activity is <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities and under §58.34(a)(11) payment of principal and interest on loans made or obligations guaranteed by HUD.
Initial and final steps to issue mortgage revenue bonds to fund rehabilitation of existing residential properties.	"Existing Facility" involving negligible or no expansion of the existing use, including rehabilitation of deteriorated or damaged structures to meet current standards of public health and safety. CEQA Guidelines §15031	Rehabilitation of buildings is <u>categorically excluded</u> under §58.35(a)(3) IF for residential use and use is not changed and: (A) less than 4 units- density not increased and building footprint not changed OR (B) more than 4 units - density not changed more than 20% and rehabilitation cost is less than 75% of total replacement cost after rehabilitation
Approve and monitor loans and/or bonds (multifamily housing revenue bonds, mortgage revenue bonds, etc.) to developers for acquisition and rehabilitation of existing apartments, hotels, single family residences, etc.	"Existing Facility" involving negligible or no expansion of the existing use, including rehabilitation of deteriorated or damaged structures to meet current standards of public health and safety. CEQA Guidelines §15031	Acquisition (including leasing) of an existing structure where structure will be retained for same use is <u>categorically excluded</u> under §58.35(a)(5). Rehabilitation of buildings is <u>categorically excluded</u> under §58.35(a)(3) IF for residential use and use is not changed and: (A) less than 4 units- density not increased and building footprint not changed OR (B) more than 4 units - density not changed more than 20% and rehabilitation cost is less than 75% of total replacement cost after rehabilitation

Categorically Exempt Activity	CEQA Citation:	NEPA Citation, if federal funds implicated:
Approve and monitor loans to individuals for individual homebuyer programs	Ministerial activities are exempt from CEQA under §15268.	Activities to assist homebuyers to purchase existing dwellings are <u>categorically excluded</u> under §58.35(b)(5).
Approve forgiveness and/or transfers of Housing Commission financing on housing developments and individually owned homes	"Existing Facility" involving negligible or no expansion of the existing use. CEQA Guidelines §15031.	Activities to assist homebuyers to purchase existing dwellings are <u>categorically excluded</u> under §58.35(b)(5). This activity may be <u>exempt</u> from under §58.34(a)(3) administrative and management activities.
Approve loan restructuring without option to purchase land	"Existing Facility" involving negligible or no expansion of the existing use. CEQA Guidelines §15031.	This activity may be <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities. Equity loans on an existing structure where structure will be retained for same use is <u>categorically excluded</u> under §58.35(a)(5).
Activities relating to the financing and leveraging of equity of the 1,366 former public housing units	"Existing Facility" involving negligible or no expansion of the existing use. CEQA Guidelines §15031. "Acquisition of Housing" by a housing authority to implement an adopted Housing Assistance Plan in housing units that are either in existence or possessing all required permits for construction. CEQA Guidelines §15326.	No federal funding contemplated in these activities, so NEPA would not apply. However, affordable housing pre-development costs, which do not have a physical impact, are <u>categorically excluded</u> under §58.35(a)(6) and equity loans on an existing structures where structures will be retained for the same use are <u>categorically excluded</u> under §58.35(a)(5).
Acquisition of affordable housing units owned by the Commission, when units are constructed	"Acquisition of Housing" by a housing authority to implement an adopted Housing Assistance Plan in housing units that are either in existence. CEQA Guidelines §15326.	Acquisition (including leasing) of, disposition of and equity loans on an existing structure where structure will be retained for same use is <u>categorically excluded</u> under §58.35(a)(5).
Approve lease arrangements at Smart Corner	"Existing Facility" involving negligible or no expansion of the existing use, including interior and exterior alterations. CEQA Guidelines §15031.	Acquisition (including leasing) of an existing structure where structure will be retained for same use is <u>categorically excluded</u> under §58.35(a)(5).

Categorically Exempt Activity	CEQA Citation:	NEPA Citation, if federal funds implicated:
Contracts for services relating to Smart Corner (e.g. contracts for fire systems, pest control, HVAC service)	"Existing Facility" involving negligible or no expansion of the existing use. CEQA Guidelines §15031.	This activity is <u>exempt</u> from NEPA under §58.34(a)(3) administrative and management activities. The inspection and testing for hazards and safety is exempt under §58.34(a)(5).
Contracts for services relating to property owned by the Housing Commission (Examples: site cleaning, property insurance, waste disposal)	"Existing Facility" involving negligible or no expansion of the existing use. CEQA Guidelines §15031.	The purchase of insurance is <u>exempt</u> from NEPA under §58.34(a)(6). The inspection and testing of properties for hazards and safety is exempt under §58.34(a)(5)
Contracts for repairs and renovations at properties owned by the Housing Commission (Example: installation of smoke detectors, refrigerators)	"Existing Facility" involving negligible or no expansion of the existing use, including the rehabilitation of deteriorated or damaged structures and interior and exterior alterations. CEQA Guidelines §15031	The inspection and testing of properties for hazards and safety is <u>exempt</u> under §58.34(a)(5). Rehabilitation of buildings is <u>categorically excluded</u> under §58.35(a)(3) IF for residential use and use is not changed and: (A) less than 4 units- density not increased and building footprint not changed OR (B) more than 4 units - density not changed more than 20% and rehabilitation cost is less than 75% of total replacement cost after rehabilitation

Table AR____.____ C-3
Housing Commission Activities Generally Requiring Referral
to the City for Further Environmental Review:

Activity that Requires Referral	CEQA:	NEPA (federal funds implicated):
Approve changes in management of affordable housing development using tax credits and/or bonds where a sale of a partnership interest has occurred	The activity is not a separate project under CEQA Guidelines Section 15060(c)(3) and 15378 if it has been adequately addressed in environmental documents prepared by the City of San Diego and there has been no significant change in the circumstances or information to warrant additional environmental review.	Approval of Supplemental Assistance to projects previously approved, if approval is made by the same Responsible Entity that conduct the original environmental review are <u>categoryically excluded</u> under §58.35(b)(7). See Title 24 of Code of Federal Regulations, §58.47 for more restrictions on this exclusion.
Bond authorization for new construction	The activity is not a separate project under CEQA Guidelines Section 15060(c)(3) and 15378 if it has been adequately addressed in environmental documents prepared by the City of San Diego and there has been no significant change in the circumstances or information to warrant additional environmental review.	Approval of Supplemental Assistance to projects previously approved, if approval is made by the same Responsible Entity that conduct the original environmental review are <u>categoryically excluded</u> under §58.35(b)(7). See §58.47.
Approve other changes to affordable housing development that do not result in potentially significant impact on the environment	The activity is not a separate project under CEQA Guidelines Section 15060(c)(3) and 15378 if it has been adequately addressed in environmental documents prepared by the City of San Diego and there has been no significant change in the circumstances or information to warrant additional environmental review.	Approval of Supplemental Assistance to projects previously approved, if approval is made by the same Responsible Entity that conduct the original environmental review are <u>categoryically excluded</u> under §58.35(b)(7). See §58.47.
In-Fill Development Projects (Referral to the City is recommended, even though excluded from CEQA, to determine compliance with the general plan)	The project is: 1- consistent with the applicable general plan and zoning regulations; 2- occurs within city limits on a project site of 5 acres or less that is substantially surrounded by urban uses; 3- has no value endangered, rare or threatened species habitat; 4- approval would not result in any significant effects relating to traffic, noise, air quality, or water quality; and 5- it can be adequately served by all required utilities and public services. CEQA Guidelines §15332.	Acquisition (including leasing) or disposition or, or equity loans on an existing structure or vacant land provided that the structure or land will be retained for the same use, is <u>categoryically excluded</u> under §58.35(a)(5).