

# Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**From: (Public Agency):** Department of Housing & Community Development  
2020 West El Camino Avenue, Suite 200  
Sacramento, California 95833

(Address)

Project Title: 2018 CDBG-DR Owner-Occupied Housing Rehabilitation and Reconstruction Grant Program (OOR)

Project Applicant: Individual homeowners in the project counties

Project Location - Specific:

Throughout 4 California counties as described in the attached project description

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project:

The State of California Department of Housing and Community Development (HCD) will provide grants to very-low, low- and moderate-income (LMI) homeowners whose primary residence was damaged or destroyed in 2018 by disasters that occurred in the California counties identified in the attached project description.

Name of Public Agency Approving Project: California HCD

Name of Person or Agency Carrying Out Project: Construction management contractor on behalf of HCD

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15302 Replacement or Reconstruction
- Statutory Exemptions. State code number: 15269 Emergency Projects

Reasons why project is exempt:

Projects to restore or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor are exempt from CEQA. 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 are also exempt.

Lead Agency Janice Waddell

Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: 916-263-1466

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Janice Waddell Date: 4/7/2021 Title: Federal Programs Branch Chief

▪ Signed by Lead Agency      Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

## Attachment A: Additional Information

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# California Environmental Quality Act Notice of Exemption Additional Information

## Project Information

**Project Name:** Tier I Environmental Review Record  
State of California  
2018 Community Development Block Grant – Disaster  
Recovery, Owner-Occupied Housing Rehabilitation and  
Reconstruction Grant Program

### 1.1 Project Location

The California Department of Housing and Community Development (HCD) will provide grants to very-low, low- and moderate-income (LMI) homeowners whose primary residence was damaged or destroyed in 2018 by disasters that occurred in the California counties identified in the following Table 1.

**Table 1. 2018 Federally Declared Disaster Areas**

<u>Federally Declared Disaster DR-4382</u>	<u>Federally Declared Disaster DR-4407</u>
1. Lake County	1. Butte County
2. Shasta County	2. Los Angeles County
	3. Ventura County

### 1.2 Project Background

Federally-declared disaster DR-4382 included the Carr Fire, which destroyed 1,614 structures and burned over 229,000 acres in Shasta County between July 2018 and January 2019. Also as part of DR-4382 Lake County was affected by the Mendocino Complex Fire, which burned a total of 459,123 acres and destroyed 246 structures.

The November 2018 Camp Fire in Butte County has become California's deadliest and most destructive wildfire on record and destroyed approximately 19,000 structures, including 14,000 homes. Tragically, 85 lives were lost. Nearly the entire Town of Paradise was destroyed in this fire, which moved quickly and was fueled by high winds. Due to the destruction, Butte County was included in the presidentially declared disaster, DR-4407. The 2018 OOR program is just one of multiple, simultaneous disaster recovery efforts occurring within Butte County. Due to the potential for significant, cumulative environmental impacts from these recovery efforts, the 2018 OOR program in Butte County only has been excluded from this Notice of Exemption and is being analyzed via a separate Initial Study under the California Department of Environmental Quality Act (CEQA).

Federally declared disaster DR-4407 also included the Woolsey Fire, which began on November 8, 2018 and spread quickly destroying 1,643 structures in Los Angeles and Ventura Counties. 2018 OOR program work in Los Angeles and Ventura Counties is subject to this Notice of Exemption.

As a result of DR-4382 and DR-4407, the federal government appropriated Community Development Block Grant-Disaster Recovery (CDBG-DR) funds to support the unmet recovery needs. HCD is the lead and responsible agency for administering the CDBG-DR funds allocated to the State of California.

The proposed project requires analysis pursuant to the National Environmental Policy Act (NEPA) because implementation is financed with federal funds from the CDBG-DR Program. Review pursuant to CEQA is required because the project would partially occur on private lands, and lands controlled by State and local agencies, and because HCD is taking a discretionary action to fund the project activities.

### **1.3 Purpose and Need**

The purpose of the Owner Occupied Housing Rehabilitation and Reconstruction (OOR) Program is to assist homeowners whose primary residence was damaged or destroyed during the 2018 disaster events rebuild. The funding assistance will ensure that the housing needs of LMI households and vulnerable populations, including individuals that were made homeless as a result of the disaster, are addressed to the greatest extent feasible. Only homeowners who reside in the twelve identified counties and whose home was directly affected as a result of the qualifying disaster are eligible for the OOR Program. The objective of the OOR Program is to provide decent, safe, and sanitary housing in the areas affected by the disasters. The 2018 CDBG-DR program will also provide funding for homeowners to replace their damaged or destroyed manufactured housing units (“MHUs”).

### **1.4 Proposed Action**

The program will provide home rehabilitation or reconstruction assistance to eligible applicants based on the extent of damage to their primary residences. Program activities may include the following, but not limited to:

- Environmental remediation;
- Permitting, design, and planning;
- Construction, including materials and labor;
- Site preparation for replacement housing; and,
- Lead-based paint and asbestos abatement.

The program will include up to 1,300 rebuilt homes throughout the 5-county project area, although about 1,000 homes are expected to be in Butte County, which is being analyzed separately as previously described.

Reconstruction is defined as the rebuilding of a structure on the same site in substantially the same footprint and manner. A reconstructed property must not increase the number of dwellings on site, although the number of rooms may increase or decrease. If a MHU homeowner is not able to replace their MHU on its original site location, the MHU homeowner will be allowed to relocate within the county to a previously developed location already prepared for an MHU with existing utility connections

## **1.5 Environmental Review and Mitigation**

### 1.5.1 Federal Environmental Review Requirements

In the approved Program Action Plan, HCD certified it will comply with federal environmental review requirements of the U.S. Department of Housing and Urban Development (HUD), specifically 24 Code of Federal Regulations (CFR) Part 58, Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities – HUD requirements under NEPA. Rehabilitation and rebuilding of an owner-occupied home is considered categorically excluded under 24 CFR 58.35(a)(3)(i), but subject to 24 CFR 58.5 and 58.6.

In order to comply with 24 CFR 58.5 and 58.6, a Broad-level environmental review (Tier 1) has been conducted. If compliance cannot be determined during the Tier 1 process, compliance will be achieved at the site-specific (Tier 2) level. General measures for mitigation of potential environmental impacts were summarized in the Tier 1 reviews and will be further developed as needed during the Tier 2 site-specific reviews.

### 1.5.2 State Environmental Review Requirements

CEQA requires state and local agencies to assess the environmental effects of projects they intend to construct or permit and to consider these effects in their decision-making. Under CEQA the term “project” refers to the whole of an action that has the potential, directly or ultimately, to result in a physical change to the environment (2020 CEQA Statutes and Guidelines Section 15378). This includes all phases of a project that are reasonably foreseeable, and all related projects that are directly linked to the project. CEQA environmental review can be performed simultaneously with federal environmental review under NEPA. CEQA may require the preparation of an environmental document by the subgrantee prior to commencing the project or program.

In addition to NEPA and CEQA requirements, some projects may require environmental permitting on the federal, state, and/or local level prior to and during implementation.

## **1.6 Reasons for Exemption**

The OOR Program falls under Categorical Exemption Class 2, Replacement or Reconstruction (State CEQA Guidelines Section 15302). This exemption applies to projects that consist of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and

will have substantially the same purpose and capacity as the structure replaced. Replacement or reconstruction of existing structures on the same site with the same purpose and capacity is appropriate to the OOR program.

The OOR Program also falls under the Statutory Exemption for Emergency Projects (State CEQA Guidelines Section 15269). This exemption applies to projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

CEQA lists exceptions to exemptions under Section 15300.2. Exceptions to Categorical Exemptions. These exceptions include (b) Cumulative Impact, which states that all exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. Due to the potential for significant impacts through cumulative, successive projects, Program work in Butte County only is being analyzed separately. Program work in the other four counties is exempt from CEQA as described herein.