

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: Kern
1115 Truxtun Avenue, 1st Floor
Bakersfield, CA 93301

From: (Public Agency): City of Tehachapi
115 S. Robinson Street
Tehachapi, CA 93561

(Address)

Project Title: 6th Cycle (2023-2031) Housing Element

Project Applicant: City of Tehachapi

Project Location - Specific:

The Housing Element Update (HEU) is a policy document that proposes updated programs and actions to replace the City of Tehachapi's current Housing Element and as such has no location. +

Project Location - City: Tehachapi Project Location - County: Kern

Description of Nature, Purpose and Beneficiaries of Project:

The State of California considers the availability of suitable housing for all families a top priority, with laws requiring cities and counties to plan for their share of regional housing needs through a long-term strategy known as the Housing Element. As part of each jurisdiction's General Plan, the Housing Element—updated every eight years and subject to State certification—guides how local governments accommodate housing across income levels. This 6th Cycle Housing Element (2023–2031) enables the City of Tehachapi to evaluate its housing needs and craft responsive policies that support diverse community members—from teachers and seniors to young adults and families—ultimately impacting both the regional economy and overall quality of life in Kern County.

Name of Public Agency Approving Project: City of Tehachapi

Name of Person or Agency Carrying Out Project: City of Tehachapi

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: 15061(b)(3)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

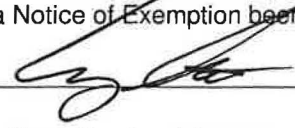
The Housing Element Update (HEU) is a policy document that proposes updated programs and actions to replace the City of Tehachapi's current Housing Element, aiming to address existing and projected housing needs without proposing specific development projects or increasing development beyond the proposed General Plan. It ensures compliance with the Regional Housing Needs Allocation (RHNA) and aims to reduce barriers to housing production. Any future development resulting from the HEU would undergo separate environmental and regulatory review processes. Since the HEU itself does not entail rezoning or facilitate additional development, it is not expected to significantly affect the environment and is therefore exempt from CEQA.

Lead Agency

Contact Person: Corey Costelloe Area Code/Telephone/Extension: 661-822-2200, ext 121

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:  Date: 7/7/25 Title: Assistant City Manager

▪ 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: _____

City of Tehachapi

Housing Element Update

Categorical Exemption - Supplemental and Supporting Information

This information is being provided to provide additional support for the proposed Categorical Exemption from the California Environmental Quality Act (CEQA) for the City of Tehachapi (Lead Agency) Housing Element Update (HEU) Project. This document provides a summary of the proposed HEU and the applicability of the cited exemption from CEQA.

Description of Nature, Purpose, and Beneficiaries of Project:

The State of California has stated that the availability of decent and suitable housing for every California family is “a priority of the highest order” (Government Code Section 54220). This objective has become increasingly urgent in recent years as communities across the State struggle to meet the housing needs of all their residents. State Housing Element Law, established in 1969, recognizes the vital role local governments play in the supply and affordability of housing and requires all cities and counties in California establish a long-range plan to meet their fair share of regional housing needs. Local governments such as the City are charged with planning for the welfare of their citizens, including ensuring that the existing and projected demands for housing are adequately met.

The Housing Element is the primary tool used by the State to ensure local governments are appropriately planning for and accommodating enough housing across all income levels. This Housing Element covers the planning period 2023-2031. The Housing Element is a mandatory part of a jurisdiction’s General Plan, but it differs from other General Plan elements in two key aspects. First, the Housing Element must be updated at least every eight years for jurisdictions within a metropolitan planning organization (MPO) on a four-year regional transportation plan (RTP) cycle, such as the Kern Council of Governments (Kern COG). This is the “6th Cycle” of Housing Element updates in California, thus this Housing Element is also referred to the “6th Cycle Housing Element update” throughout this document. Second, the Housing Element must also be reviewed by the California Department of Housing and Community Development (HCD) to ensure compliance with statutory requirements, after which HCD certifies the Housing Element as being in substantial compliance with Housing Element Law. Certification also ensures that the City remains eligible for various State and federal funding programs.

In practical terms, the Housing Element provides the City of Tehachapi with an opportunity to assess its housing needs and to develop policies and actions that effectively respond to those needs. Amongst other groups, the Housing Element affects teachers in the schools, employees in local businesses, older residents on fixed incomes, parents and their adult children who want to remain in or return to Tehachapi, and young persons wishing to live in the community. Ultimately, the supply and cost of housing affect the entire Kern County economy as well as quality of life in the region.

Overview of Housing Element

Pursuant to California Government Code Sections 65580-65589, the Housing Element consists of the following components:

Existing Programs Review: An evaluation of the results of the goals, policies, and programs adopted in the previous Housing Element comparing projected outcomes with actual achieved results.

Housing Needs Assessment: An analysis of the existing and projected housing needs of the community. It provides a profile of socio-demographic information, such as population characteristics, household information, housing stock, tenure, and housing affordability. The assessment also considers local special housing needs, such as seniors, farmworkers, homeless, large households, and female-headed households.

Sites inventory and Methodology: An inventory listing adequate sites that are suitably zoned and available within the planning period to meet the City's fair share of regional housing needs across all income levels.

Housing Resources: An identification of resources to support the development, preservation, and rehabilitation of housing.

Housing Constraints: An assessment of impediments to housing production across all income levels covering both governmental (e.g., zoning, fees, etc.) and nongovernmental (e.g., market, environmental, etc.).

Affirmatively Furthering Fair Housing Assessment (AFFH): Assembly Bill (AB) 686 requires cities and counties to take deliberate actions to foster inclusive communities, advance fair and equal housing choice, and address racial and economic disparities through local policies and programs. The goal of AB 686 is to achieve better economic and health outcomes for all Californians through equitable housing policies. The assessment of affirmatively furthering fair housing documents compliance with AB 686.

Goals, Policies, and Programs: This Section provides a statement of the community's goals, quantified objectives, and policies to maintain, preserve, improve, and develop housing, as well as a schedule of implementable actions to be taken during the planning period to achieve the goals, objectives, and policies. Quantified objectives for new construction, rehabilitation, and conserved units by income category (i.e., very low, low, moderate, and above moderate) are included to make sure that both the existing and the projected housing needs are met, consistent with the City's share of the Regional Housing Needs Allocation (RHNA).

Section II provides a summary of the projected housing need. Section III contains goals, policies, and actions related to housing in Tehachapi. The comprehensive research and analysis supporting the development of Section III are compiled in appendices to this Housing Element. These appendices (from the HEU) contain the full set of information used to inform the City's goals, policies, and programs:

Appendix A: Housing Needs Assessment

Appendix B: Housing Capacity Analysis and Methodology

Appendix C: Housing Constraints

Appendix D: Evaluation of the 2015-2023 Housing Element

Appendix E: Public Participation Summaries

Appendix F: Affirmatively Furthering Fair Housing Assessment

Appendix G: Housing Resources

Justification and Support for CEQA Exemption:

The proposed HEU is being initiated by the City of Tehachapi and would require discretionary approval from the City. Therefore, pursuant to CEQA Guidelines Section 15060(c), this activity is potentially considered a project under CEQA. Pursuant to CEQA Guidelines Section 15061(a), the lead agency (in this case, the City of Tehachapi) shall determine whether the project is exempt from CEQA.

Pursuant to CEQA Guidelines Section 15061(b), a project is exempt from CEQA if:

- 1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).
- 2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300 [of the CEQA Guidelines]) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
- 3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- 4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).
- 5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter. As stated in CEQA Guidelines 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity would result in a significant effect on the environment, the activity is not subject to CEQA.

As stated above, the HEU is a policy document that would replace the City' s current Housing Element with the programs, policies, and actions proposed therein. The HEU does not include specific development projects; rather, it establishes policies and a housing plan to meet the City's existing and projected housing needs, including its share of the RHNA, and to remove constraints that hinder the City from meeting its housing needs. The HEU would not facilitate increased development beyond what is allowed in the General Plan. Future housing development identified by the HEU would be subject to separate environmental review under CEQA as applicable, and would require compliance with the established regulatory framework, including federal, state, regional, and local regulations (e.g., Tehachapi General Plan policies). The HEU does not consider the details of any specific housing development in any specific location but instead considers the issue at a policy level only. Future housing development would also be subject to development review by the City.

Courts similarly have recognized that a housing element is fundamentally a policy document. (See *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596, 628 [categorizing housing element "as a policy document for implementing change"].) A housing element

consists “of an *identification and analysis* of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and *scheduled programs* for the preservation, improvement, and development of housing.” (Gov’t Code § 65583; emphasis added.) It must include “[a]n assessment of housing needs and an inventory of resources,” “[a] statement of the community’s goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing,” and scheduled programs “to implement the policies and achieve the goals and objectives of the housing element.” (Gov’t Code § 65583(a), (b)(1), (c).) The “scheduled programs” must set forth “a schedule of actions during the planning period, each with a timeline for implementation ... that the local government is undertaking or intends to undertake to implement the *policies and achieve the goals and objectives of the housing element....*” (Gov’t Code § 65583(c); emphasis added.) The programs must “[i]dentify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards” (Gov’t Code § 65583(c)(1)), confirming that the housing element itself is not taking such actions.

Therefore, because the activity in question would involve adoption of a policy document that does not, in and of itself, include any proposed development or rezoning that would facilitate increased development, there is no reasonable possibility that the HEU would have a significant effect on the environment, and it is exempt from CEQA.

Below is a brief analysis that demonstrates adoption of the HEU would not result in a direct or reasonably foreseeable indirect physical change in the environment. Environmental resources discussed are those on the CEQA Guidelines Appendix G Checklist.

- I. Aesthetics – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development or rezoning that would facilitate increased development. Further, future development requiring discretionary approval would undergo project-specific development review. As such, its implementation would not cause a substantial adverse effect on a scenic vista, damage scenic resources within a state scenic highway, create a new source of substantial light or glare, or otherwise alter the existing visual character of the City. Therefore, there is no reasonable possibility that the HEU would have a significant effect on the environment, and no significant effect to aesthetics would occur.
- II. Agriculture/Forest Resources – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. In addition, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review. Because it is a policy document that does not involve or approve physical development, the proposed project would not convert agricultural land to non-agricultural use or result in the loss or conversion of forest land.
- III. Air Quality – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. Because it is a policy document that does not involve or approve physical development, the proposed project would not involve construction or operational activities that would generate

pollutant emissions. There is no reasonable possibility that the HEU would have a significant effect on the environment, and no significant effect to air quality would occur.

- IV. Biological Resources – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. In addition, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to address potential impacts. Because it is a policy document that does not involve or approve physical development, there is no reasonable possibility that the HEU would have a significant effect on special status species, habitat, or wildlife movement, and no significant effect would occur.
- V. Cultural Resources – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. In addition, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to address potential impacts. Because it is a policy document that does not involve or approve physical development, the proposed project would not cause a substantial adverse change in the significance of a historic or archaeological resource, or human remains. There is no reasonable possibility that the HEU would have a significant effect on cultural resources.
- VI. Energy – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. Because it is a policy document that does not involve or approve physical development, the proposed project would not involve construction or operational activities that would generate or require energy. There is no possibility that the HEU would have a significant effect on the environment, and no significant effect to energy would occur.
- VII. Geology and Soils – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. In addition, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to address potential impacts. Because it is a policy document that does not involve or approve physical development, the proposed project would not cause substantial adverse effects related to seismicity, ground failure, erosion, or geologic stability. There is no reasonable possibility that the HEU would have a significant effect on geology and soils and no significant impact would occur.
- VIII. Greenhouse Gas Emissions - The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. Because it is a policy document that does not involve or approve physical development, the proposed project would not involve construction or operational activities that would

generate pollutant emissions. There is no reasonable possibility that the HEU would have a significant effect on the environment, and no significant effect to greenhouse gases would occur.

- IX. Hazards & Hazardous Materials –The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. Because it is a policy document that does not involve or approve physical development, the proposed project would not involve the transport, use, or disposal of hazardous materials, nor create a significant hazard to the public or environment. There is no reasonable possibility that the HEU would result in a significant effect on the environment. Furthermore, future development would be required to comply with federal, State, and local regulations and policies to ensure a less than significant effect on the environment, including regulations and policies related to hazards and hazardous materials. No significant effect to hazards and hazardous materials would occur.
- X. Hydrology & Water Quality – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. Because it is a policy document that does not involve or approve physical development, the proposed project would not violate water quality standards, substantially decrease groundwater supplies, substantially alter existing drainage patterns, or release pollutants in a flood hazard, tsunami or seiche zone. There is no possibility that the HEU would result in a significant effect on the environment. Furthermore, future development would be required to comply with federal, State, and local regulations and policies to ensure a less than significant effect on the environment, including regulations and policies related to hydrology and water quality. There is no reasonable possibility that the HEU would have a significant effect on hydrology and water quality and no significant impact would occur.
- XI. Land Use & Planning - The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. The HEU would not involve changes to the physical environment that would physically divide an established community or result in conflicts with adopted policies and regulations that intend to avoid or mitigate an environmental effect. Therefore, there is no reasonable possibility that the HEU would have a significant effect on the environment, and no significant effect to land use and planning would occur.
- XII. Mineral Resources – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. In addition, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to address potential impacts. Because it is a policy document that does not involve or approve physical development, the proposed project would not result in a substantial adverse effect to mineral resources. Therefore, there is no reasonable possibility that the HEU

would have a significant effect on mineral resources, and no significant impact would occur.

- XIII. Noise - The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. Because it is a policy document that does not involve or approve physical development, the proposed project would not involve construction or operational activities that would generate noise. Therefore, there is no reasonable possibility that the HEU would have a significant effect related to noise, and no significant impact would occur.
- XIV. Population & Housing - The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. The HEU would not induce substantial unplanned population growth or displace substantial numbers of existing people or housing, as any population growth that would result from future development associated with the HEU is considered planned. There is no reasonable possibility that the HEU would have a significant effect on the environment, and no significant impact related to population and housing would occur.
- XV. Public Services - The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. As such, the HEU would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities (police, fire, libraries, etc.). There is no reasonable possibility that the HEU would have a significant effect on the environment, and no significant impact on public services would occur.
- XVI. Recreation - The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. As such, the HEU would not result in substantial adverse physical impacts associated with the provision of new or physically altered recreational facilities. There is no reasonable possibility that the HEU would have a significant effect on the environment, and no significant impact on recreational facilities would occur.
- XVII. Transportation & Traffic – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. Because it is a policy document that does not involve or approve physical development, the proposed project would not involve construction or operational activities that would generate vehicle trips. There is no reasonable possibility that the HEU would have a significant effect on the environment, and no significant impact on transportation would occur.
- XVIII. Tribal Cultural Resources – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. In addition, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to

address potential impacts. Because it is a policy document that does not involve or approve physical development, the proposed project would not cause a substantial adverse change in the significance of tribal cultural resources. There is no reasonable possibility that the HEU would have a significant effect on tribal cultural resources.

- XIX. Utilities & Service Systems – The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. As such, the HEU would not result in substantial adverse physical impacts associated with the provision of new or physically altered utilities and service systems (wastewater, water, solid waste). As the HEU further explains, “All identified sites and housing development planned to satisfy RHNA have access to sufficient infrastructure and utilities.” (HEU, p. B-8.) There is no reasonable possibility that the HEU would have a significant effect on the environment, and no significant impact on utilities and service systems would occur.

- XX. Wildfires –The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. The HEU would not impair an adopted emergency response plan or emergency evacuation plan; exacerbate wildfire risks; require the installation or maintenance of infrastructure that may exacerbate fire risks; or expose people or structures to significant risks because of post fire slope instability or drainage changes. As such, there is no reasonable possibility that the HEU would have a significant effect on the environment, and no significant impact related to wildfire would occur.

In addition, none of the potential exemptions (CEQA Guidelines Section 15300.2) to the use of a categorical exemption apply.

- a. **Cumulative Impact** – CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the HEU, which is a policy document that does not propose any rezoning, and which is already a City-wide, legislative document, there is no potential for cumulatively considerable impacts. The HEU will not result in significant impacts in any environmental area and would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increase need for housing, increase in traffic, air pollutants, etc.).

- b. **Significant Effect** – There are no environmental impacts associated with the HEU. See analysis above.

- c. **Scenic Highways** – There is no development associated with the HEU and no impact to scenic highways, as also discussed above under Aesthetics.

d. **Hazardous Waste Sites** – There is no development associated with the HEU and no impact related to hazardous waste sites.

e. **Historical Resources** – There is no development associated with the HEU and no impact related to historical resources.

Conclusion

Based on the information contained herein, the HEU is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3)).