

April 25, 2023

TO: Staff

FROM: Amy J. Bodek, AICP  
Director of Regional Planning

**CALIFORNIA STATE CEQA GUIDELINE SECTION 15315 CLASS 15 MINOR LAND DIVISION CATEGORICAL EXEMPTION INTERPRETATION NO. 2023-05: FOR MINOR AND MAJOR LAND DIVISIONS WITH FOUR OR FEWER PARCELS**

**PURPOSE**

The purpose of this memo serves to clarify the applicability and use of a Class 15 (Minor Land Divisions Categorical exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15315. Per the CA State CEQA Guidelines

*Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.*

The memo outlines how this categorical exemption can be applied to both minor and major land division parcels with four or fewer parcels so long as the proposed project meets the applicability requirements outlined below. The interpretation section below provides a more detailed explanation of the interpretations and rationale in its applicability.

**BACKGROUND**

This memo arose out of the need to apply the Class 15 categorical exemption both appropriately and consistently to small and medium-sized subdivision projects in urbanized areas as intended pursuant to CEQA. Given the severe lack of housing of both affordable and market-rate units, this memo supports other state efforts to accelerate housing production, and especially infill development, by limiting the application of additional regulations. Applying this exemption where possible allows for land division and permit process streamlining, benefitting the Los Angeles County (County) as well as applicants impacted by long processing times, particularly for much-needed proposed new housing developments.

**APPLICABILITY**

A CEQA Class 15 categorical exemption may apply to a subdivision when all the following provisions are met for the proposed subdivision. These first six conditions are verbatim from Class 15 (see above):

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1. The parcel/project is within an urbanized area (utilizing the Urban Areas layer in GIS-NET) zoned for residential, commercial, or industrial.
2. The project does not require any legislative action or modification or exception to the requirements of Title 21 or Title 22 of the County Code, such as a Plan Amendment, Zone Change, or Variance.
3. The project request is for a minor or major land division with four or fewer parcels.
4. All services (utilities such as water and sewage<sup>1</sup>), and access to the proposed parcels to local standards are available.
5. The parcel was not involved in a division of a larger parcel within the previous two years.
6. The parcel does not have an average slope greater than 20 percent.

Furthermore,

7. The parcel and proposed project do not:
  - a. have any access issues;
  - b. conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; and
  - c. substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses.

This should be confirmed in collaboration with County Department of Public Works (Public Works) and County Fire Department.

8. The proposed residential subdivision must result in a net gain of 11 dwelling units or less, meaning existing and occupied units to be demolished may be subtracted from the net total.<sup>2</sup>
9. If the proposed residential subdivision is 12 new net units or more, it must be located within one half-mile radius of a major transit stop or an existing stop along a high-quality transit corridor. To determine if the location of a development project is within a one-half mile radius of a major transit stop or high-quality transit corridor, planners should use the “Southern California Association of Governments (SCAG) – High Quality Transit Area ½ mile buffer” and “SCAG – Major Transit Stops ½ mile buffer” layers in GIS-NET, which are under the Transportation category. The metadata for the layers includes a caveat that transit agencies adjust bus service on a regular

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<sup>1</sup> This may include projects with onsite wastewater treatment/septic systems (e.g. onsite wastewater treatment system (OWTS) permit) or private wells that are ministerial in nature.

<sup>2</sup> If existing units are being subtracted out from the new net total, proof will need to be supplied that the units have been recently occupied for at least six (6) months within two years. Additionally, if the proposed project consists of 100% affordable residential developments, this condition eight (8) is not required.

basis, so the planner may request the applicant to verify that the transit information provided is still valid and accurate. The project must also meet the additional Public Works Traffic Impact Analysis (TIA) Guidelines screening criteria.<sup>3</sup>

10. As with all categorical exemptions, the proposed project does not pose significant impacts to any of the six exceptions to the categorical exemptions pursuant to CEQA Guidelines, Section 15300.2, and CA Public Resources Code, Section 21084. Such exceptions may apply under the following six circumstances: location, cumulative impacts, significant effect or unusual circumstances, scenic highways, hazardous waste sites, and/or historic resources.
11. The proposed subdivision may include:
  - a. Modifications or waivers of provisions to Title 21 when authorized pursuant to Sections 21.52.010 and 21.24.320 of the County Code (e.g., minimum lot size, street frontage waivers, and flag lots); and
  - b. Discretionary and other ministerial permits to be processed concurrently with a qualifying subdivision. Examples of allowable discretionary permits include Conditional Use Permit (CUP)<sup>4</sup>, Community Standards District Modification, Housing Permit, Oak Tree Permit, and Yard Modification.
12. If the subdivision is within a High Fire Severity Zone or Very High Fire Severity Zone, it must demonstrate compliance with requirements of the County General Plan Safety Element and current County Fire Department requirements.

### **INTERPRETATION**

Section 21.08.110 of the County Code defines a minor land division as one with four or fewer parcels and with four or fewer units. A major land division, though not defined in Title 21 of the County Code, is therefore a subdivision with five more parcels, or with five or more units. However, there is no definition of the term “parcel” in the CEQA Guidelines nor in the Public Resources Code CEQA statutes, nor for minor or major land divisions. The term “parcel”, in land use law and development generally, refers to a lawfully created (and identified by metes and bounds) area of land. The Class 15 language would therefore consider how many parcels are created rather than the number of units. Therefore, a Class 15 categorical exemption may be applied to either a minor or major land division, so long as four or fewer parcels are proposed.

The definition of “urbanized area” for the purposes of Class 15 is taken from Section 15387 of the CEQA Guidelines. This states that an urbanized area is a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. And that the lead agency shall determine whether a particular area meets the criteria in this section

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<sup>3</sup> Greater than 0.75 Floor Area Ratio, less than the required parking provision, consistency with Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and no replacement of lower income housing for higher-income market rate units. Additionally, if the proposed project consists of 100% affordable residential developments, this condition eight (8) is not required.

<sup>4</sup> Excluding CUPs for development within a hillside management area (HMA) or Significant Ecological Area (SEA)

either by examining the area or by referring to a map prepared by the U.S. Bureau of the Census which designates the area as urbanized. In practice, planners can see if a parcel qualifies by referencing the Urban Area layer in GIS, which uses U.S. Census data and aligns with this definition.

An “exception” as used in the Class 15 language (number 2 above) does not refer to additional discretionary permits that may be required. It refers to exceptions from the parameters of the established land use plan and zoning code, such as legislative actions, required for the landowner/developer to meet to obtain an approval. A variance, for instance, is an exception from the normal zoning code provisions that ordinarily govern the use of the subject property. Another example could be if the requested land use exceeds the density or number of units that may be established or the nature of the established allowable land use (e.g., multi-family land use on an ordinarily allowable agricultural land use, with the exception of cases with a Housing Permit/Density Bonus). Exceptions in this case therefore refer to Variances, Zone Changes, and Plan Amendments.

The threshold of 11 new net dwelling units as the maximum number of proposed units assumes that there are no potentially significant impacts that will occur as a result of the proposed subdivision based on the State of California Office of Planning and Research (OPR) Guidance<sup>5</sup> in compliance with Senate Bill 743 (Sections 65088.1 and 65088.4 and Cal Public Resources Code Sections 21099 and 21155.4), and subsequent Public Works TIA Guidelines.<sup>6</sup> These guidelines utilize trip generation data (110 trips per day) from the Institute of Transportation Engineers (Latest Edition) for single-family homes. The locational criteria related to proximity to high quality transit networks or Transit Priority Areas is based on OPR Guidelines, as defined by California Public Resource Code Section 21064.3, and SCAG data, and referenced in the TIA Guidelines. Existing units onsite may be subtracted from the proposed number of total units to arrive at the new net total. This will require proof that the units have been occupied for at least six months within two years of the application intake date.

Subdivision projects that include a Density Bonus/Housing Permit including modifications to Title 22 in the form of waivers or incentives can still qualify for a Class 15 exemption so long as they comply will all applicable requirements as described herein. Finally, projects with valid Onsite Wastewater Treatment System Permits may also qualify, based on past precedent and the assumption that these permits are ministerial in nature.

### **IMPLEMENTATION / STANDARDS**

Findings addressing all applicable Class 15 exemption requirements shall be included in the project staff report and filed as needed within the project file as part of the administrative record. In some cases, additional documentation may be needed.

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<sup>5</sup> State of California Office of Planning and Research (OPR), [Technical Advisory on Evaluating Transportation Impacts in CEQA](#), December 2018

<sup>6</sup> Los Angeles County Public Works, [Transportation Impact Analysis \(TIA\) Guidelines](#), July 23, 2020

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For example, if a project is being exempted based on its proximity to high-quality transit, additional review by Public Works may be required to determine if a project meets the required screening criteria.

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c: Subdivisions Staff

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