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NOTICE OF EXEMPTION

From: Development Services Department
32400 Paseo Adelanto
San Juan Capistrano, California 92675

1. **APPLICANT:** Benjamin Horning, Dedeaux Properties, LLC
2. **ADDRESS:** 100 Wilshire Boulevard, Suite 250, Santa Monica, CA 90401
3. **LEAD AGENCY:** City of San Juan Capistrano, 32400 Paseo Adelanto, SJC, CA, 92675
4. **PROJECT MANAGER.:** Paul Garcia, AICP, Principal Planner
5. **PHONE NUMBER:** (949) 443-6327
6. **PROJECT TITLE:** Architectural Control (AC) 23-006 and Grading Plan Modification (GPM) 23-019; Swallows Creek
7. **PROJECT LOCATION:** 30700 Rancho Viejo Road (APN 650-111-15)
8. **DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:**
The Planning Commission approved a request to allow for modification of development plans, previously approved under AC 21-017 and GPM 21-018, related to the construction of three industrial warehouse buildings totaling 136,308 sq. ft. on a 15.3-acre parcel (the "Project").

ENVIRONMENTAL DETERMINATION:

This Project has been reviewed in accordance with the California Environmental Quality Act (CEQA). The City's Environmental Administrator has determined that the Project is categorically exempt under the California Environmental Quality Act (CEQA) Guidelines under State CEQA Guidelines Section 15302, Replacement or Reconstruction, which exempts 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. Here, the entire Project is exempt per Section 15302 because it involves the replacement of a 123,000 sq. ft. industrial building and related improvements with three industrial buildings totaling 136,310 sq. ft. The new industrial buildings, comprised of warehouse and vehicle sales use, would substantially serve the same size (negligible increase in square footage), purpose (light industrial uses), and capacity (negligible increase in traffic flow). Further, an Air Quality & Greenhouse Gas Emissions Analysis, Health Risk Assessment, Noise Impact Analysis, and Focused Traffic Study, were prepared by professional firms and concluded that the Project would have no significant effects on the environment. Lastly, none of the conditions set forth under State CEQA Guidelines section 15300.2 apply. There are no cumulative impacts because there will be no successive projects of the same type on this same site over time. There are no unusual circumstances that apply to the project that would result in a reasonable possibility for a significant effect on the environment. There are no scenic resources within an officially designated scenic highway on or near the project site that would result in damage to those scenic resources as a result of the project. The project site is not included on any list compiled pursuant to Government Code section 65962.5. There are no historical resources on or near the project site such that there would be a substantial adverse change in the significance of such historical resource.


Therefore, the Planning Commission has determined that further environmental evaluation is not required because:

- [] The project is not subject to CEQA because it "*does not involve the exercise of discretionary power,*" or "*will not result in a direct or reasonably foreseeable indirect physical change in the*

environment," or, "is not a project as defined in Section 15378 of the CEQA guidelines." (Sections 15060(c)(1), (2) & (3)); or,

- [] "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" (Section 15061(b)(3)); or,
- [] The project is statutorily exempt, Section 15268, Ministerial Project (Sections 15260-15277); or,
- [X] In the alternative, the project is categorically exempt per State CEQA Guidelines, Section 15302 (Class 2, Replacement or Reconstruction)

9. Was a public hearing held by the Lead Agency to consider the exemption?
Yes No If yes, the date of the public hearing was: December 13, 2023 & January 10, 2024.



Joel Rojas, Environmental Administrator

1-17-24

Date