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NOTICE OF EXEMPTION

From: Development Services Department
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LEAD AGENCY: City of San Juan Capistrano, 32400 Paseo Adelanto, SJC, CA, 92675

PROJECT MGR.: Justin R. Poley, Associate Planner

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PROJECT TITLE: Consideration of Conditional Use Permit (CUP23-004) a request to establish a private cigar lounge and bar within an existing commercial suite.

PROJECT LOCATION: 27129 Calle Arroyo, Unit 1803 (APN: 666-131-17).

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:

The Planning Commission approved the project to establish a private cigar lounge and bar use within an existing commercial suite (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 entire project is categorically exempt from further review under Section 15301, Existing Facilities. The entire project is exempt per Section 15301 because all activities associated with the use will be conducted within the existing footprint of the commercial building. Further, no expansion of the structure's footprint is proposed and any modifications or improvements to the interior or exterior would involve negligible or no expansion of the buildings existing use. More specifically, there is no reasonable possibility that the activity will have significant effects on the environment due to unusual circumstances.

The City has also considered whether the project is subject to any of the six (6) exceptions that would prohibit the use of a categorical exemption as set forth in State CEQA Guidelines Section 15300.2. The six (6) exceptions to this Exemption are: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

- a. Location exception only applies to Class 3, 4, 5, 6 and 11 exemptions, none of which are being utilized here;
- b. There is no possibility of a cumulative impact as the project involves the establishment of a cigar lounge and bar within an existing 3,110 sq. ft. suite with no expansions proposed to the suite. The likelihood of a successive project on this site is low and probability of a cumulative impact is low;
- c. The project is not marked by unusual circumstances. There is nothing unusual about an existing commercial facility. Further, a parking analysis, which was originally provided for PC Resolution No. 21-03-09-03, ensures that the parking needs of the use in addition to each of the land uses occupying the Capistrano Business Center will continue to be met.
- d. The project would not damage scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway;

- e. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and
- f. The project would not cause a substantial adverse change in the significance of a historical resource.

Therefore, the City Council 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 15301 (Existing Facilities).

10. Was a public hearing held by the Lead Agency to consider the exemption?
Yes No If yes, the date of the public hearing was: January 24, 2024.



Joel Rojas, Environmental Administrator

1-29-24

Date