

CITY OF SANTA CRUZ
Notice of Exemption

To: Clerk of the Board
County of Santa Cruz
Governmental Center
701 Ocean Street
Santa Cruz, CA 95060

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Santa Cruz, Planning and Community Development Department
809 Center Street, Room 101, Santa Cruz, CA 95060

Project Title: Peace Village Housing

Project Address: 900 High Street

Assessor's Parcel No.: 001-022-40

Project Location: City of: Santa Cruz – see Figure 1. **County of:** Santa Cruz

Project Description: The project consists of a Minor Land Division, Design Permit, Slope Development Permit, Density Bonus Request, and Heritage Tree Removal Permit to divide a 258,825-square-foot (approximately 5.9-acre) lot with an existing church and associated residence and daycare facility and develop a 40-unit residential apartment project. The existing parcel would be divided into two lots with a flag lot configuration. The lower lot, fronting High Street, would consist of approximately 3.7 acres and would retain the existing church campus. The upper lot would consist of 2.2 acres on which the project proposes to construct a 40-unit, five-story residential apartment building. The project would remove 14 heritage trees to construct the apartment complex and associated site improvements.

Name of Person or Agency Carrying Out Project: Diana Alfaro, Workbench, 189 Walnut Street, Santa Cruz, CA 95060

Name of Public Agency Approving Project: City of Santa Cruz

Exempt Status: (check one)

- Ministerial Project (Section 21080(b)(1); 15268).
- Statutory Exemption (Code/Section 21083.3).
- Categorically Exempt (Section 15305 and Section 15332).
- Declared Emergency (Section 21080(b)(3); 15269(a)).
- Emergency Project (Section 21080(b)(4); 15269(b)(c)).
- The project clearly will not have a significant effect on the environment (15061(b)(3)).

Reasons why project is exempt: The project has been determined to be exempt from the California Environmental Quality Act (CEQA) under a Statutory Exemption pursuant to Public Resources Code

Section 21083.3 and State CEQA Guidelines Section 15183 (Projects Consistent with General Plan, Community Plan or Zoning) as explained below.

CEQA allows a lead agency to avoid repeating analyses that were already provided in a certified General Plan EIR for a development project that is consistent with the General Plan. Public Resources Code section 21083.3 and its parallel CEQA Guidelines provision, section 15183, provide for streamlined environmental review or exemption for projects consistent with the General Plan for which an EIR was certified. Pursuant to section 21083.3, subdivision (b), if a development project is consistent with the general plan for which an environmental impact report was certified, the application of CEQA shall be limited to effects on the environment which are “peculiar to the parcel or to the project” and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report. Subdivision (d) further indicates that an effect of a project upon the environment shall not be considered “peculiar to the parcel or to the project,” “if uniformly applied development policies or standards” have been previously adopted by the city or county, with a finding based upon substantial evidence, that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards would not substantially mitigate the environmental effect. CEQA Guidelines section 15183, subdivision (f), adds that “[w]here a city or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the city or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project.”

Under these provisions of CEQA, a project that is consistent with a General Plan that was adopted pursuant to a certified EIR, could be potentially partially or wholly exempt from CEQA.

Section 15183 of the State CEQA Guidelines provides further guidance related to Public Resources Code section 21083. Specifically, if a project is consistent with an agency’s General Plan for which an EIR has been certified, the agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

- (1) Are peculiar to the project or the parcel on which the project would be located,
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. (State CEQA Guidelines section 15183(b).)

CEQA Guidelines section 15183, subdivision (c) further provides that “if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be

substantially mitigated by the imposition of uniformly applied development policies or standards..., then an additional EIR need not be prepared for the project solely on the basis of that impact.”

On June 26, 2012, the Santa Cruz City Council adopted the *General Plan 2030* after certifying an EIR for the plan. The General Plan 2030 EIR (April 2012) includes the Draft EIR volume (September 2011) and the Final EIR volume (April 2012). The General Plan EIR reviewed all of the topics included on the Appendix G Environmental Checklist in the State CEQA Guidelines.

As indicated above, pursuant to Public Resources Code section 21083.3, certain (or potentially all) aspects of a development project that are consistent with a General Plan for which an EIR was certified may be exempt from additional CEQA analyses (i.e., negative declaration, mitigated negative declaration, or EIR) of issues that were adequately covered in the General Plan EIR. The project will be sited on a newly created 2.22-acre lot, which has a base residential density of 23 units. By providing six low-income units (one of which is voluntarily restricted to very low-income households) and three additional very low-income units, the project two density bonuses, amounting to total density bonus of 88.75%, or 21 additional units, under State Density Bonus Law, as amended by California Assembly Bill 1287. The project proposes 17 density bonus units in addition to the 23 base density units, for a total unit count of 40 units. The proposed density complies with the density restrictions of the Santa Cruz General Plan, as modified by State Density Bonus Law. General plan policy LU3.7.1 encourages development at the higher end of the density range unless site characteristics or zoning regulations require a lower density. Therefore, the project uses are consistent with the General Plan 2030 for which an EIR was prepared and certified in June 2012, and meets the provisions of CEQA section 21083.3(b) with regards to project consistency with the City’s adopted General Plan.

While the General Plan 2030 EIR considered the impacts of repurposing, intensifying, and redeveloping existing developed parcels in the City as a whole, specific future development of the project site was not noted or specifically evaluated in the General Plan 2030 EIR, and there were no site-specific impacts identified for the project site. However, as part of the overall estimated buildout, the EIR considered construction of new housing units and non-residential uses in the City with an estimated buildout of 3,350 new residential units throughout the City by the year 2030. Since adoption of the General Plan, approximately 2,726 residential units have been constructed or approved throughout the City. Thus, the project’s 40 residential units would be within the remaining residential development estimate considered in the city-wide General Plan EIR impact analyses.

Specific future development of the project site was not noted in the General Plan 2030 EIR, and there were no site-specific impacts identified for the project site. However, as indicated above, the project’s residential uses would be within the remaining residential development estimates considered in the city-wide General Plan 2030 EIR impact analyses.

An “Environmental Checklist Review” was prepared and is on file with the City of Santa Cruz Planning and Community Development Department. The purpose of the checklist was to evaluate the impact categories covered in the City’s certified General Plan 2030 EIR to determine whether the project’s impacts have been adequately analyzed in that EIR or whether any new significant impacts peculiar to the project or project site would result. Where an impact resulting from the project was adequately analyzed previously, the review provides a cross-reference to the pages in the General Plan and Downtown Plan Amendments EIRs where information and analysis may be found relative to the environmental issue listed under each topic. The Environmental Checklist also

identifies whether the project involves new significant impacts or substantially more severe impacts than analyzed in the General Plan 2030 EIR or new significant impacts not peculiar to the site or project. As indicated above, an impact would not be considered “peculiar” to the project or project site if uniformly applied development policies or standards will substantially mitigate an environmental effect. Therefore, the review includes mitigation measures identified in the General Plan EIR that would be applicable to the site or project and/or relevant uniformly applicable development policies or standards that will be applied to the project.

Based on the following review, it has been determined that the City’s General Plan 2030 EIR has adequately addressed the following issues, and no further environmental review is required pursuant to Public Resources Code section 21083.3: aesthetics (scenic views, scenic resources); agricultural and forest resources; air quality (conflicts with Air Quality Management Plan, odors); biological resources (riparian, wetland or other sensitive habitat, conflicts with plans); cultural resources (historical resources); energy; geology and soils (fault rupture, use of septic systems, paleontological resources); greenhouse gas (GHG) emissions (GHG emissions, conflict with plans); hazards/hazardous materials (use/disposal of hazardous materials, create hazard, exposure to hazardous materials, airport safety, emergency response, wildfire hazards); hydrology-water quality (groundwater, flood risk, conflicts with plans); land use; mineral resources; noise (vibration); population and housing; public services; recreation; transportation (hazardous design, emergency access); and utilities (infrastructure, wastewater treatment, solid waste disposal).

The following site-specific impacts have been analyzed and determined to be less than significant due to substantial mitigation resulting from General Plan policies, zoning regulations and/or development standards that are uniformly applied to development projects throughout the City: aesthetics (visual character, light and glare); air quality (project emissions, sensitive receptors); biological resources (special status species, nesting birds, conflicts with local tree ordinance); cultural resources (archaeological resources, human burials); geology and soils (seismic and geologic hazards, erosion, soils); hydrology-water quality (water quality, drainage); noise (noise increases); transportation (conflicts with program or policy, conflict with CEQA Guidelines); tribal cultural resources; utilities (water supply); wildfire; and cumulative impacts. Thus, pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183, no further environmental analysis is required.

For reasons explained in the Environmental Checklist Review prepared for the project, the Zoning Administrator agreed with City staff’s conclusion that the Project is wholly exempt from CEQA under section 21083.3 and CEQA Guidelines section 15183. The Environmental Checklist Review explained why the project does not create any impacts that are peculiar to the project or parcel. The document identifies numerous impacts that were sufficiently addressed in the General Plan 2030 EIR. The remaining impacts can be substantially mitigated by the uniformly applied development policies and standards identified in the Checklist. The Planning Commission found that these policies and standards, as applied to the project, were effective in substantially mitigating these impacts.

Thus, pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183, no further environmental analysis is required.


Lead Agency

Contact Person: Brittany Whitehill

Phone: (831) 420-5134

Department: Planning & Community Development

Address: 809 Center Street, Room 101
Santa Cruz, CA 95060

Signature:  _____

Date: February 13, 2023 _____

Title: Senior Planner

- Signed by Lead Agency
- Signed by Applicant

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

Date Received for filing at County Clerk: _____

Date Received for filing at OPR:

