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NOTICE OF EXEMPTION

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

1. **APPLICANT:** The Ecology Center
2. **ADDRESS:** 32701 Alipaz Street, San Juan Capistrano, CA 92675
3. **PHONE NUMBER:** (949) 443-4223
4. **LEAD AGENCY:** City of San Juan Capistrano, 32400 Paseo Adelanto, SJC, CA, 92675
5. **PROJECT MGR.:** Laura Stokes, Principal Planner
6. **PHONE NUMBER:** (949) 443-6313
7. **PROJECT TITLE:** Ordinance Amending the Kinoshita Farm Specific Plan (SP) 85-01, to Clarify That All Current Farm Operations, Activities and Structures Associated with The Ecology Center are Permitted by the Specific Plan Governing the 28-acre City-Owned Kinoshita Farm; and a Finding that Said Action is Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 (Existing Facilities) and, in the Alternative, State CEQA per State Guidelines Section 15303 (New Construction).
8. **PROJECT LOCATION:** The project is located at 32701 Alipaz Street, San Juan Capistrano, CA 92675. (APN 121-190-57)
9. **DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:** An ordinance of the City of San Juan Capistrano City Council amending the Kinoshita Farm Specific Plan so that there is consistency between the Applicant's current operations and the Specific Plan. In addition, because the Applicant's operations are governed by the City's Municipal Code, its current License Agreement, and a previously approved Conditional Use Permit, the Applicant's proposed Specific Plan amendment seeks to consolidate allowed uses and activities in a single document, memorializing existing uses on the property and identifying the review process for future minor site modifications; and a finding that said action is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and, in the Alternative, State CEQA per State Guidelines Section 15303 (New Construction).

ENVIRONMENTAL DETERMINATION:

Staff has reviewed the project for conformance with the California Environmental Quality Act (CEQA) and determined that the activity is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and, in the Alternative, State CEQA per State Guidelines Section 15303 (New Construction). A Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Here, the proposed project will update the Specific Plan so that all existing uses on the property are clearly identified as permitted within the zoning document. This is a minor code amendment to resolve allowance inconsistencies that involve negligible or no expansion of existing use. Accordingly, the project falls within the Class 1 exemption. In the alternative, a Class 3 exemption applies to construction and location of a limited number of new small structures including accessory structures like garages, carports, patios, swimming pools, and similar structures such as 1,000 square foot

maintenance structures, greenhouses, and sprung/tension structures. In accordance with the California Environmental Quality Act (CEQA), the recommended action is Categorically Exempt from CEQA per Section 15301 (Existing Facilities) and, in the Alternative, State CEQA per State Guidelines Section 15303 (New Construction).

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 21080.17 <Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units> (Sections 15260-15277); or,
- [X] The project is categorically exempt per State CEQA Guidelines, Section 15301 (Class 1 – Existing Facilities) and in the alternative, Section 15303 (Class 3 – New Construction).

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: April 2, 2024.



Joel Rojas, Environmental Administrator

4/22/2024

Date