

(Above for use by Planning and Research only)



## NOTICE OF EXEMPTION

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

1. **APPLICANT:** 31791 Los Rios Street LLC
2. **ADDRESS:** 31791 Los Rios Street, San Juan Capistrano, CA 92675
3. **PHONE NUMBER:** (949) 354-5600
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 Los Rios Specific Plan to Allow Eating Establishments With Beer and Wine Service No Larger than 1,000 Square Feet as Accessory Uses with Approval Of An Accessory Use Permit in the Historic Commercial District, and to Clarify the Boundary Line Between the Historic Commercial District and the Historic Residential District that Traverses the Property Located at 31791 Los Rios Street (APN 121-160-17) and Contains Hidden House Coffee and Zoomar's at River Street; and a Finding That Said Action is Categorically Exempt from California Environmental Quality Act (CEQA) per Section 15311 and 15303.
8. **PROJECT LOCATION:** The project is located at 31791 Los Rios Street, San Juan Capistrano, CA 92675. (APN 121-160-17)
9. **DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:** An ordinance of the City of San Juan Capistrano City Council amending the Los Rios Specific Plan to allow Allow Eating Establishments With Beer and Wine Service No Larger than 1,000 Square Feet as Accessory Uses with Approval Of An Accessory Use Permit in the Historic Commercial District. Additionally, the proposed Code Amendment would clarify the boundary line between the Historic Commercial District and the Historic Residential District that traverses the Hidden House/Zoomar's property, so that the boundary provides a clear separation between the Hidden House Coffee House operation, located in the Historic Residential District, and the Zoomar's at River Street operation, located in the Historic Commercial District.; and a finding that said action is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines Section Section 15311 and 15303.

### 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 15311; Class 11 "Accessory Structures" and Section 15303; Class 3 "New Construction or Conversion of Small Structures"). The project is consistent with Sections 15311 and 15303 because the proposed project includes the allowance to construct an accessory eating establishment of up to 1,000 square feet, operated accessory to existing permitted or conditionally permitted uses, as well as clarifying other accessory activities or structures associated with the permitted and ongoing uses. Consequently, staff finds that no additional environmental analysis is necessary to meet the requirements of the CEQA.

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 15311 (Class 11 – Accessory Structures) 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