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NOTICE OF EXEMPTION

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

- 1. APPLICANT:** SJC Mission Ventures, LLC
- 2. ADDRESS:** 31791 Los Rios Street, San Juan Capistrano, CA 92675
- 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) 23-002 and Grading Plan Modification (GPM) 23-009; Heritage Barbeque Phase 2 Expansion
- 7. PROJECT LOCATION:** 31721 Camino Capistrano (Assessor Parcel Numbers: 124-181-02, -03, -04, -05 & -11)
- 8. DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:**
The Planning Commission approved a request to improve the Heritage Barbeque restaurant by adding a 1,912 sq. ft. barn structure, a 162 sq. ft. free-standing restroom structure, an exterior concrete pad to accommodate six smokers under three shade structures, and related hardscape and landscape improvements (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 whole of the Project is categorically exempt from further review per State CEQA Guidelines, Section 15303, Class 3 (New Construction or Conversion of Small Structures), Section 15311, Class 11 (Accessory Structures), and Section 15332, Class 32 (In-Fill Development Projects).

The Project is exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303, which applies to the construction and location of limited numbers of new, small facilities or structures not exceeding 2,500 square feet in floor area. Here, the Project falls within the Class 3 exemption as the Project entails the construction of a 1,912 sq. ft. barn structure, a 162 sq. ft. free-standing restroom structure, and an exterior concrete pad to house six barbecue smokers provided with three shade structures. The Project would not result in the construction of facilities or structures exceeding 2,500 square feet.

The Project is further exempt from CEQA under the Class 11 exemption set forth in State CEQA Guidelines section 15311, which applies to the construction or placement of minor structures accessory to existing commercial facilities. Here, the Project falls within the Class 11 exemption as the structures to be constructed as part of the Project are all accessory and appurtenant to the Applicant's existing commercial facility and operations at the Project Site.

The Project is additionally exempt from CEQA under the Class 32 exemption set forth in State CEQA Guidelines section 15332. The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations; the Project is consistent with the San Juan Capistrano General Plan and Title 9 of the San Juan Capistrano Municipal Code, Land Use. The Project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site

has no value as a habitat for endangered, rare, or threatened species; the project site has already been developed and currently has a restaurant and related improvements and therefore is not a habitat for endangered, rare, or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services; the project site is currently serviced by all required utilities, including but not limited to electricity, gas, garbage, water, and sewer and therefore would remain adequately serviced. As result, there is no reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances and no substantial adverse change in the significance of a historic resource would be caused, as concluded within the Historic Resources Analysis Report prepared in support of the analysis of the project.

In addition:

- a. The site is centrally located in the City of San Juan Capistrano and has been previously developed with structures, residences, and commercial uses. The proposed Project would not impact an environmental resource of hazardous or critical concern that has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies;
- b. There is no possibility of a cumulative impact of the same type of project in the same place over time. The Project involves the removal, relocation, and reconstruction of a 1,912 sq. ft. barn structure, and construction of a 162 sq. ft. free-standing restroom structure and an exterior concrete pad to house six (6) barbecue smokers provided with three (3) shade structures. There is not foreseeable successive project at this site and there is no possibility of a cumulative impact from this same type of project in this area over time;
- c. The Project is not marked by unusual circumstances. There is nothing unusual about the development of a commercial site with accessory structures on a property in a commercially zoned district of the City;
- 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. As described above, three trees are proposed to remain and five new trees would be provided as part of the Project.
- 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. A Historic Resources Analysis Report (HRAR) was prepared by Urban Preservation & Planning, LLC. The HRAR assessed the proposed Project's impact on historic resources, including the proposed rehabilitation design for compliance with The Secretary of the Interior's Standards for Rehabilitation. Urbana has concluded that the proposed Project would not cause a significant impact or substantial adverse change in the significance of an historical resource. If the Project receives final approval, a Notice of Exemption will be filed with the County Recorder's Office within five (5) days of such approval.

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 15303 (New Construction or Conversion of Small Structures), Section 15311 (Accessory Structures), and Section 15332 (In-Fill Development Projects)

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: April 10, 2024.



Joel Rojas, Environmental Administrator

4-23-24

Date