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## NOTICE OF EXEMPTION

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

**APPLICANT:** Charles d'Arcy, d'Arcy Architecture

**ADDRESS:** 18 Technology Way, Irvine, CA. 92618

**PHONE NUMBER:** (949) 407-7760 Ext. 102

**LEAD AGENCY:** City of San Juan Capistrano, 32400 Paseo Adelanto, SJC, CA, 92675

**PROJECT MGR.:** Justin R. Poley, Associate Planner

**PHONE NUMBER:** (949) 443-6333

**PROJECT TITLE:** Consideration of Grading Plan Modification (GPM) 23-018; Johnson & Titus Residence, a request to modify the grade on a previously developed parcel to accommodate the construction of a new single-family residence and related accessory structures.

**PROJECT LOCATION:** 26132 Calle Roberto (APN: 649-311-07)

### **DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:**

The Planning Commission approved Grading Plan Modification (GPM) 23-018, Johnson & Titus Residence; A request to modify the grade on a previously developed parcel to accommodate the construction of a new single-family residence and related accessory structures ("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 15303, Class 3 (New Construction or Conversion of Small Structures). The entire project is exempt per Section 15303 because the project would allow for the grading of a property for the construction of a new single-family residence within a residential zone on a lot which was previously developed. Further, none of the exceptions to the categorical exemptions apply. 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. The proposed Project is not located in a particularly sensitive environment. The site is in the center of an existing residential neighborhood where nearly every surrounding lot has been developed. Further, the site was previously developed with a single-family residence and accessory structures.
- b. There is no possibility that the proposed Project would result in a significant environmental impact resulting from the cumulative impact of successive projects of the same type, in the same place, over time. The project involves the construction of a single-family residence in a single-family residential neighborhood. Once the home is built, the likelihood of a successive project (i.e., tear down and rebuild) on this site is low and probability of a cumulative impact is low.

- c. There is not a reasonable possibility that the proposed Project will have a significant effect on the environment due to unusual circumstances. As an initial matter, there are no unusual circumstances relating to the proposed Project. There is nothing unusual about the construction of a single-family residence in a single-family residential neighborhood. Moreover, there is no evidence that the proposed Project will have any significant effect on the environment.
- d. The proposed 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. Notably, the proposed Project is not located within a 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 proposed Project would not cause a substantial adverse change in the significance of a historical resource. Notably, there are no historical resources on the proposed Project site.

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, Class 3 (New Construction or Conversion of Small Structures).

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: July 24, 2024.



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Joel Rojas, Environmental Administrator

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Date 7/29/2024