

NOTICE OF EXEMPTION

To: County Clerk
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93001

From: City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063

Project Title: CUP-S-400 MOD#1

Project Location - Specific: 4343 Township Avenue (APN: 614-0-030-325)

Project Location - City: Simi Valley **Project Location - County:** Ventura

Description of Project: A Modification to an existing Conditional Use Permit (CUP-S-400 MOD#1) to construct a two-story religious facility; a General Plan Amendment (GPA-2021-0002) to change the land use designation of the project site from Neighborhood Park to General Commercial; a Zone Change (Z-S-2021-0007) from Residential Medium (RM) to Commercial Planned Development (CPD); and a Zone Text Amendment (Z-S-2024-0001) to amend portions of the Title 9 of the Simi Valley Municipal Code relating to modifications of setbacks between commercially zoned lots and public park uses

Name of Public Agency Approving Project: City of Simi Valley 08/19/2024
Date of Approval


Name of Person or Agency Carrying Out Project: Islamic Society of Simi Valley (Nashat Mshaiel)

- Exempt Status:** (check one)
- Ministerial [Sec. 21080(b)(1); 15268];
 - Declared Emergency [Sec. 21080(b)(3); 15269(a)];
 - Emergency Project [Sec. 21080(b)(4);15269(b)(c)];
 - Categorical Exemption - State type and section number: Class 3, 15303
 - Statutory Exemptions - State code number: _____
 - Common Sense [Sec. 15061(b)(3)]

Text of exemption and reasons why project is exempt:

See next page for details.

Lead Agency Contact Person: Naren Gunasekera **Area Code/Telephone** (805) 583-6863

Signature:  _____ **Date:** 08/19/2024 **Title:** Principal Planner
Naren Gunasekera Dept. of Environmental Services

Signed by Lead Agency

**California Environmental Quality Act (CEQA) Exemption
CUP-S-400 MOD#1/GPA-2021-0002/Z-S-2021-0007/Z-S-2024-0001 – 4343 Township
Avenue, Simi Valley**

Pursuant to CEQA (Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (14 California Code of Regulations Section 15000, et seq.), the proposed project is subject to environmental review.

Project Description

The project is for the proposed replacement/modification of an existing religious facility including the addition of a second floor. Also included is a General Plan Amendment from Neighborhood Park to General Commercial and a Zone Change from Residential Medium (RM) to Commercial Planned Development (CPD).

CUP-S-400 MOD#1

The existing single-story, 3,055-square-foot building, was permitted and constructed in 1966. A Conditional Use Permit (CUP-S-400) was approved on February 5, 1992 by the City of Simi Valley's Planning Commission for the use of the site as a religious facility. The Green Crescent of Simi Valley also known as the Islamic Society of Simi Valley has owned the site since 2012.

The proposed Conditional Use Permit Modification would allow for the demolition of the existing building and the construction of a two-story, 6,780-square-foot building. The proposed building will have the following components:

- 1,470 square feet main prayer hall and 510 square foot reception on the first floor;
- 1,935 square feet of restrooms, kitchen, office, and a library on the first floor;
- A 665 square-foot entry lobby on the first floor; and
- 2,200 square feet of classrooms for religious instruction and offices on the second floor.

GPA-2021-0002/Z-S-2021-0007

The project includes a request to change the General Plan Land Use designation from Neighborhood Park to General Commercial on the 0.64-acre site located at 4343 Township Avenue as well as a request for a Zone Change from Residential Medium (RM) to Commercial Planned Development (CPD).

The General Plan Land Use map currently designates the site as Neighborhood Park, which is a Land Use designation intended to meet the need for open areas of aesthetic value within a neighborhood and to allow active or passive recreation, usually for comparatively short periods of time, to residents and visitors. Typically, they range in size from six to ten acres and are intended to serve from 2,500 to 5,000 residents living within a radius of approximately 0.5 mile. However, the site has not served as a neighborhood park or a residential use since 1966. As detailed in Table LU-1 (Page 44 of Chapter 3 of

the General Plan), the current land use designation is not compatible with the parcel's zoning of Residential Medium (RM).

Zone Text Amendment (Z-S-2024-0001)





The applicant is requesting to amend portions of Title 9 to the Simi Valley Municipal Code (SMVC) relating to modifications of setbacks between commercially zoned lots and public park uses. The modifications are to SMVC Sections 9-26.040 - Commercial and Industrial District General Development Standards, Table 2-6 and 9-33.030 - Landscape Requirements as detailed in Exhibit D. The proposed changes would eliminate the need for a 10-foot landscape buffer and a side yard setback on commercial/industrial lots when next to a public park use. This change still keeps in place these buffer requirements when the adjacent use is residential.

CEQA Guidelines Section 15061(b)(3) – Common Sense Exception:

Pursuant to CEQA Guidelines Section 15061(b)(3) a project is exempt from CEQA if '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.'

The lot's current land use designation is inconsistent with its zoning as detailed in Table LU-1 (Page 47 of Chapter 3 of the General Plan) and shown below in Figure 1. The only compatible zoning district with the Neighborhood Park is a Park zoning district. The City does not currently have a Park zoning district. The changes would ensure consistency between the land use designation and zoning for the site itself and consistency with the adjacent commercial lot on the east.

Figure 1 – Table LU-1: General Plan/Zoning Consistency Matrix

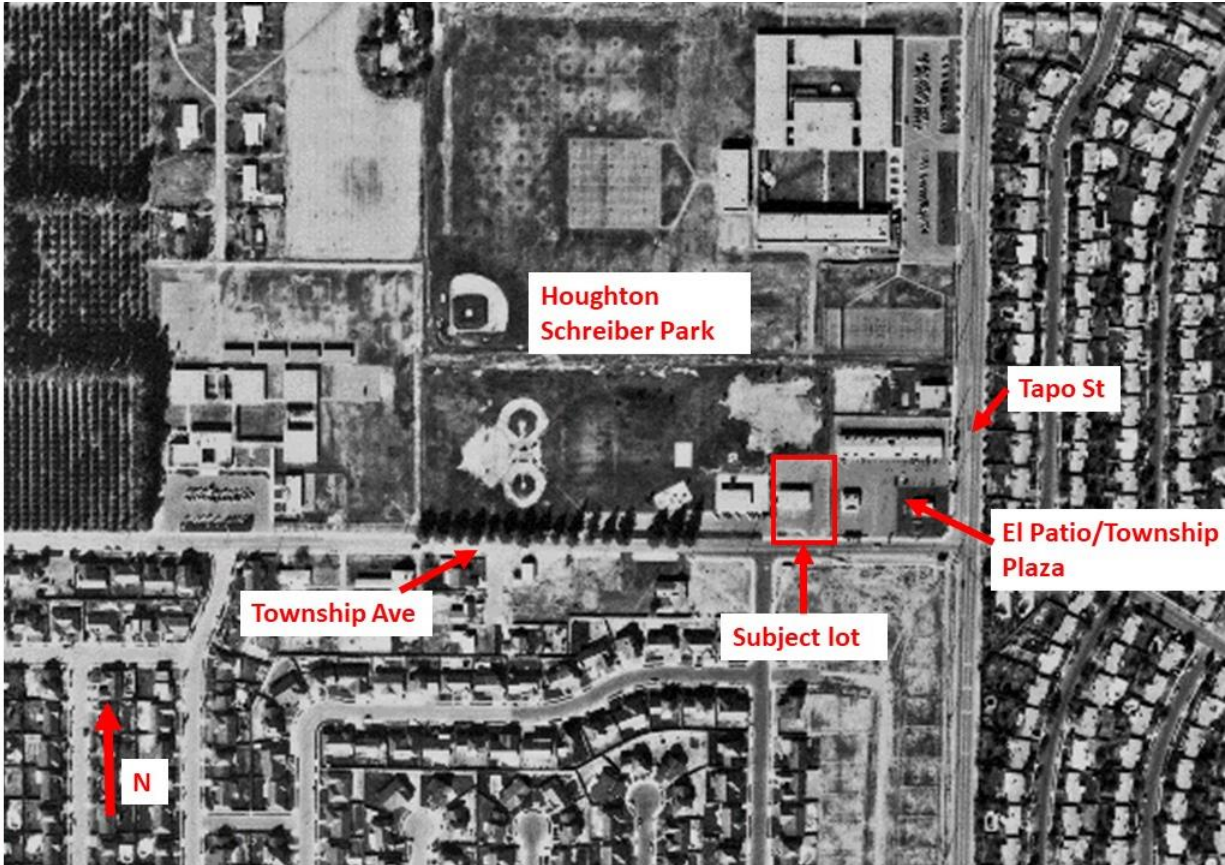
Table LU-1 General Plan/Zoning Consistency Matrix		
Land Use Designation	Compatible Zoning Districts	
Existing Zoning 	Open Space	OS, (A), (H), (L)
Existing Land Use Designation 	Residential Estate	RE, OS, (A), (H), (L)
	Very Low Density	RVL, RE, (A), (H), (L)
Zoning compatible with existing Land Use Designation 	Low Density	RL, RVL, (A), (H), (L)
	Medium Density	RM, FL, (A), (H), (L)
Proposed compatible Land Use Designation and Zoning 	Moderate Density	RMod, RM
	High Density	RH, RMod
	Very High Density	RVH, RH
	Mobile Home	MH
	Neighborhood Commercial	CN
	Office Commercial	CO, (MU)
	Recreation Commercial	CR
	General Commercial	CPD, CO, CR, CN, CI, (MU)
	Business Park	BP, GI, LI, CPD, CI, (BP)
	Industrial	GI, LI
	Mixed-Use	CO, CPD, GI, LI, RVH, (MU)
	Public/Semi-Public:	
	Civic Center	CC
	Public Services Center	LI, GI
	Hospital	CO, CN, CPD
	Regional Park	P
	Community Park	P
	Neighborhood Park	P
	Golf Course	All Residential Zones, CR, CPD
	Transportation	All Zones
	Waterbodies	All Zones
	Cemetery	OS
	Regional Facility:	
	Sanitary Landfill	OS
	University	All Residential Zones

The Neighborhood Park Land Use designation is intended to meet the need for open areas of aesthetic value within a neighborhood and to allow active or passive recreation, usually for comparatively short periods of time, to residents and visitors. Typically, they range in size from six to ten acres, and are intended to serve from 2,500 to 5,000 residents living within a radius of approximately 0.5 mile.

The RM zoning district is intended to provide for a suburban single-family residential environment with a range of parcel sizes and some clustering of parcels. The residential density in this zoning district may range from 3.6 to 5.0 units per acre. The maximum density is one dwelling per lot.

The site however is less than an acre in size and has been developed with a building and parking lot since 1966 as shown in Figure 2, which is an aerial image from 1970.

Figure 2 – Historical Aerial from 1970 (Source: UCSB Library)



If the religious facility use was discontinued at the site, any proposed commercial use would be required to comply with SVMC requirements for setbacks, parking and landscaping, all of which are established to ensure compatibility between adjacent land uses. Any future change of use to commercial use will require the demolition of the proposed religious facility and construction of a commercial building. This process would be subject to additional CEQA review. A change of use that may have impacts, environmental or otherwise, on surrounding properties, will have to go through a Conditional Use Permit application process as detailed in SVMC Section 9-52.070. This would also be subject to additional CEQA review. There will not be any loss of parkland, or potential residential square footage as the site has not been used as a park, or a residential use since the original building was approved on the site in 1966.

The use of a common sense exemption for a general plan/zoning change has precedence with *Muzzy Ranch Co. v. Solano County Airport Land Use Commission* (2007) 41 Cal. 4th 372 where a county adoption of a plan that embraced existing development restrictions was deemed to qualify for the exemption as it was consistent with existing general plan and zoning designations and development controls. As discussed above, the proposed changes are akin to a map correction both with regard to land use designation and zoning.

The zone text amendments proposed are minor and the change to the landscaping and setback standards will not create a significant impact on the environment. The revised development code sections would still require landscape buffers and setbacks between residential uses and industrial and commercial uses and as such the 'buffering' intent of the code will be maintained.

It can be seen with certainty that there is no possibility that the proposed change to the General Plan Land Use designation, zoning and the changes to the development code will have a significant effect on the environment.

CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures (Class 3 Exemption):

Class 3 Exemptions consist of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. In urbanized areas, the exemption also applies to up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The proposed project would qualify for a Class 3 Categorical Exemption as one 6,780 square-foot building is proposed to replace the existing 3,055 square-foot building. The site is within an urbanized area and as such, meets the 10,000 square foot building size limit and four building limit that precludes the use of this exemption. All public services and facilities are available to the site, and the surrounding area is not environmentally sensitive. The building's use as a religious facility will not involve the use of significant amounts of hazardous substances.

ANALYSIS OF EXCEPTIONS TO EXEMPTIONS, SECTION 15300.2:

(a) Location: Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is within an urbanized part of the City where the nearest natural habitat with potentially sensitive habitat types of special-status species is approximately 2,700 feet to the north. Based on a site visit there are no natural features or vegetation present

on the project site and is surrounded by urban uses, roads, and a park. No natural vegetation that could provide substantial habitat for wildlife will be impacted by the project. According to the Wetlands Inventory Maps from the US Department of the Interior, the project site does not contain any wetlands. The site inspection did not reveal any hydrology, soils, or substantial vegetation that would indicate the presence of wetlands within or adjacent to the construction area. No natural vegetation is present on site that could provide substantial habitat for migratory birds. There are no water sources within or immediately adjacent to the project area. The Arroyo Simi is over 1.5 miles from the southernmost end of the project. The project will meet all required standards for NPDES and SQUIMP Permits as required by ordinance. A search of the California Dept. of Toxic Substances Control "Envirostor" database indicated that there are no land uses that use, or store hazardous materials or clean-up sites in or near the project within or immediately adjacent to the project construction area.

Therefore, this exception to the categorical exemptions does not apply.

(b) Cumulative Impact: All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The Planning Division's latest Quarterly Development Summary for the second quarter of 2023 indicates that there are no pending or reasonably foreseeable probable future projects of the same type planned for the subject area or its surroundings.

Therefore, this exception to the categorical exemptions does not apply.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The site has been developed since 1966 and the religious facility has been in operation since 1992. The proposed redevelopment of the site to replace the aging building meets the development standards required in the SVMC. The proposed redevelopment is consistent with the City of Simi Valley General Plan's goals and policies and would not cause any conflict with any land use plan, policy or regulation.

The City's Traffic Engineer has determined that the project will not have transportation impacts with regard to vehicle miles traveled (VMT).

The project site is adjacent to a commercially zoned and developed parcel with an existing shopping center to the east. This parcel contains development that is similar in scale to the proposed project. Additionally, the project is bounded by the Houghton Schreiber Park to the west and north, and Township Avenue and existing single-family residences and religious institutes to the south. The proposed project is in scale and compatible with the surrounding uses.

Thus, the project's use and physical development would be compatible with the surrounding existing development and the planned industrial use of the site. No potentially significant effects on the environment have been identified, and no unusual circumstances apply.

With regard to potential cultural resources, the project approval will incorporate conditions that require the Applicant to have the Fernandeano Tataviam Band of Mission Indians (FTBMI) monitor grading activities and consult with the tribe on the disposition and treatment of any Tribal Cultural Resource encountered during all ground-disturbing activities.

Therefore, this exception to the categorical exemptions does not apply.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to 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. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The project site does not contain any scenic resources and no scenic highways or scenic resource areas are located in the vicinity of the project site. There is no public viewshed of scenic resources on or near the project site that would be adversely affected by the project. Development would occur within currently developed areas and would result in similar conditions as the existing baseline.

Therefore, this exception to the categorical exemptions does not apply.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Pursuant to a search of the California Dept. of Toxic Substances Control "Envirostor" database and research of the files within the Planning Division, the project location is not located on the State of California list of identified hazardous waste or hazardous substance sites.

Therefore, this exception to the categorical exemptions does not apply.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

There are no historic resources that exist on the project site that are included in a local register of historic resources, as defined in Section 5020.1(k) of the Public Resources Code (PRC). There are no structures or uses on site that are eligible for listing in the California Register of Historical Resources. Based on these findings, the proposed project would have no impacts, project-specific or cumulative, on historic resources.

With regard to potential cultural resources on the previously graded and developed site, the project approval will incorporate conditions that require the Applicant to have the Fernandeano Tataviam Band of Mission Indians (FTBMI) monitor grading activities and consult on the disposition and treatment of any Tribal Cultural Resource encountered during all ground-disturbing activities.

Therefore, this exception to the categorical exemptions does not apply.