

CITY OF SANTA CRUZ
Notice of Exemption

To: Clerk of the Board
County of Santa Cruz
Governmental Center
701 Ocean Street
Santa Cruz, CA 95060

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Santa Cruz, Planning Dept., 809 Center Street, Room 108, Santa Cruz, CA 95060

Project Title: 150 Felker Street

Project Address: 150 Felker Street

Assessor's Parcel No.: 008-181-23

Project Location: City of Santa Cruz

County of: Santa Cruz

Project Description: The project consists of a Minor Modification to previous permits which approved construction of a five-story apartment complex containing 35 residential units including the provision of four Very Low Income units in exchange for a 50-percent Density Bonus and waivers from codified development standards related to building height, front setback, and side yard setbacks, and for a concession for a 20 percent reduction in required open space, along with removal of six Heritage trees, on a site located in the R-M (Multiple Residence - Medium-Density) zone district. On September 6, 2023, a Major Modification (CP23-0069) was approved by the City's Zoning Administrator, authorizing revisions to the Design Permit, Heritage Tree Removal Permit, and Density Bonus Request (CP21-0137) previously approved by the Zoning Administrator on August 17, 2022.

The Minor Modification approved by staff on December 4, 2024 allows revisions to the previously-approved project design, incorporating community amenities, support services, formal lobby, replacement of eight (8) parking spaces, and minor exterior modifications. As proposed, the development comprises a five (5)-story apartment building with 35 one-bedroom units ranging from 557 to 650 square feet in size on the second through fifth floors, atop a raised podium including vehicular and secured bicycle parking, as well as lobby, office, and administrative support functions. The approximately 0.41-acre site (Figure 1) is situated in a developed urban area on land designated M (Medium-Density Residential) in the City's General Plan and Local Coastal Program and is zoned R-M (Multiple Residence – Medium-Density). As previously entitled, the project includes a density bonus request pursuant to California Government Code Sections 65915 – 65918, and the applicant has requested the granting of several incentives/concessions and/or waivers pursuant to State Density Bonus Law (Government Code Section 65915 et. seq.).

Name of Person or Agency Carrying Out Project: Ben Noury, Linc Housing

Name of Public Agency Approving Project: City of Santa Cruz

Exempt Status: (check one)

- Ministerial Project (Section 21080(b)(1); 15268).
- Categorically Exempt (Section 15332).
- Declared Emergency (Section 21080(b)(3); 15269(a)).
- Emergency Project (Section 21080(b)(4); 15269(b)(c)).
- Statutory Exemption (Code/Section _____).
- The project clearly will not have a significant effect on the environment (15061(b)(3)).

Reasons why project is exempt: CEQA provides “categorical exemptions” which are applicable to categories of projects and activities that the Natural Resource Agency has determined generally do not pose a risk of significant impacts on the environment. The Class 32 categorical exemption is for “infill development” projects that meet the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

The proposed project meets all the foregoing criteria to claim the application of the infill exemption, as stated below:

The project demonstrates consistency with General Plan and zoning land use designations and density, with State legislation (including Senate Bill 330) applied. The project additionally is consistent with all applicable General Plan policies and zoning regulations. Furthermore, the court decision in *Wollmer v. City of Berkeley* expressly held that the waivers a city was required to grant for a Density Bonus-eligible project did not result in planning and zoning inconsistencies that disqualified the project from the categorical exemption for infill development, because the mandatory nature of the waivers meant that those standards were inapplicable to the project (a).

The approximately 0.41-acre site is situated within city limits, totals less than five acres in size, and is surrounded by urban residential and commercial development (b). The project site has remained fully developed, since approximately 1975.

The project site has no value as habitat for endangered, rare, or threatened species as it does not contain any natural open space and is not mapped for sensitive habitat under the General Plan. Additionally, there are no known endangered or threatened species due to the site’s location within a developed urban area. Thus, the project has no value as habitat for endangered, rare, or threatened species (c).

The proposed project is not expected to result in significant impacts relating to traffic or air emissions in that the population to be housed in the project demonstrates low rates of vehicle ownership, the project site remains within a half-mile of transit stops, and the new residential units will fall within convenient walking and cycling distance to employment, commercial goods and services, and recreational opportunities. Affordable housing projects situated on infill development sites are further presumed to have less-than-significant environmental impacts related to Vehicle Miles Traveled (VMT) under the provisions of Senate Bill (SB) 743, as detailed in the Governor's Office of Planning and Research's (OPR's) Technical Advisory on Evaluating Transportation Impacts in CEQA and reflected in the City of Santa Cruz CEQA Guidelines as revised on June 9, 2020. Under AB 2097, no vehicular parking is required for the proposed development; however, the project provides 21 vehicular parking stalls to accommodate vehicles of residents, employees, support staff, and visitors. The project size is below the screening threshold of potentially significant air emissions identified in the Monterey Bay Air Resource District's CEQA Guidelines, and thus, would not be expected to result in significant emissions of criteria air pollutants. The project will be required to comply with City stormwater requirements, and a noise study was prepared to ensure compliance with the City's noise ordinance. Thus, the project will not result in significant impacts related to traffic, noise, air quality or water quality (d). The subject site can be adequately served by all required utilities and public services, as existing utility infrastructure currently serves the project area and is sized sufficiently to accommodate the proposed use (e).

The City has further considered whether the project is subject to any of the exceptions to the use of a categorical exemption found in CEQA Guidelines Section 15300.2. This section prohibits the use of categorical exemptions under the following circumstances:

- (a) for certain classes of projects (not the Class 32 infill exemption) due to location;
- (b) when the cumulative impact of successive projects of the same type in the same place, over time, is significant;
- (c) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (d) where the project 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;
- (e) where the project is located on a state designated hazardous waste site; and
- (f) where the project may cause a substantial adverse change in the significance of a historical resource.

As noted above, Section 15300.2(a) does not apply to this project because the Class 32 category of projects is not excluded on the basis of location. However, technical studies related to geotechnical conditions, cultural resources, and existing trees prepared for the project did not identify environmental resources of hazardous or critical concern on the project site. There is no evidence of a potentially significant cumulative impact (b), because successive projects of the same type in the same place have not been approved and are not proposed. The project will not result in damage to scenic resources or a scenic highway (d) as the site is not adjacent to, and is not visible from, a designated scenic highway. The site is not a hazardous waste site (e). The cultural resources investigation conducted for the project did not identify cultural resources, and the existing building is less than 50 years in age, with its demolition not protected under CEQA. Therefore, the project would not affect an historic resource (f).

The project would not result in any significant effect to the environment due to unusual circumstances. The project area is outside the coastal zone and occurs within an urban area, surrounded by development. The immediate vicinity has similar General Plan, LCP and zoning

designations as the project property. There are no "unusual circumstances" that differentiate the project or project site from the general class of similarly situated projects and designated sites. That is, other properties in the surrounding area have developed, or can be allowed to develop, affordable residential housing units with application of a density bonus pursuant to state law and accompanying requests for waivers permitted.

The site is located on land mapped as potentially sensitive for archaeological resources, but an archaeological evaluation did not identify cultural resources on the project site, and a project condition of approval is included that requires compliance with Section 24.12.430(5) of the Zoning Ordinance in the event that there is discovery of unknown resources during construction. An arborist report analyzed impacts to existing trees, and conditions of approval require that the recommendations of the arborist report be followed. The project area can be characterized as generally flat, without significant slopes, and redevelopment of the project area would not induce impacts additional impacts related to topography. Based on the results of the archaeological evaluation and staff review of the project plans and technical studies, the subject site does not contain sensitive resources. Thus, the project would not result in any significant effects on the environment due to unusual circumstances (c).

In consideration of all of the aforementioned, the City documents that the project qualifies for the Categorical Exemption found in CEQA Guidelines section 15332, the infill exemption, and that none of the potential exceptions to the use of a categorical exemption apply to this project or the project site.

Lead Agency

Contact Person: Timothy Maier

Phone: (831) 420-5196

Department: Planning & Community Development

Address: 809 Center Street, Room 100
Santa Cruz, CA 95060

Signature: *Timothy Maier*

Date: 12/5/24

Title: Senior Planner

- Signed by Lead Agency
- Signed by Applicant

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Date Received for filing at County Clerk: _____

Date Received for filing at OPR: _____

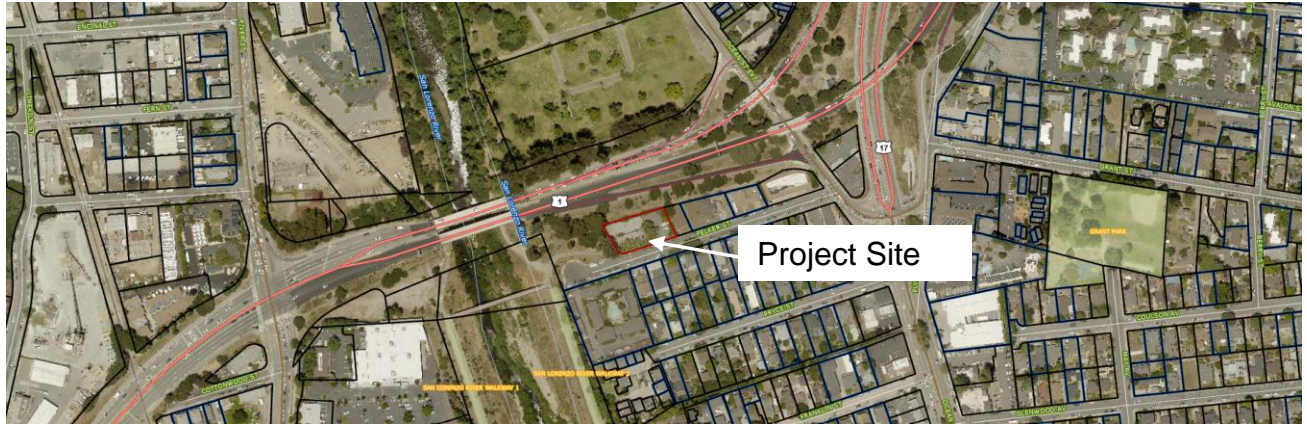


Figure 1: Project Site and Surroundings