

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 and Community Development Department
809 Center Street, Santa Cruz, CA 95060

Project Title: 111 Errett Circle Project

Project Address: 111 Errett Circle

Assessor's Parcel No.: 004-151-01

Project Location: City of Santa Cruz – see Figure 1 **County of:** Santa Cruz

Project Description: The proposed project consists of two alternative site plans developed in response to suggestions from City Planning Department staff. The options include: 1) Nonresidential Demolition Authorization Permit to demolish a church and a Tentative Map to subdivide the parcel into 13 lots consisting of 12 single-family parcels and 1 common ownership parcel; and 2) Nonresidential Demolition Authorization Permit to demolish a church, Planned Development Permit, Design Permit, and Tentative Map to subdivide the parcel into 18 lots consisting of 10 single-family parcels, 6 condominium units, and 2 common ownership parcels. Table 1 lists the project components and their respective sizes.

Table 1. Summary of Project Alternatives

Project Component	Alternative 1 (Low-Density Alternative)	Alternative 2 (High-Density Alternative)
Single-family residential lots	12 (5,000 square feet each)	10 (4,933 square feet each)
Multi-family residential lots/units	0	6
Common ownership lots	1	2

Alternative 1 would include subdivision of the project site into twelve 5,000-square-foot single-family residential lots. One common ownership lot would encompass 10,686 square feet, including the center of the project site (see site layout on Figure 2). The residential lots would be roughly pie-shaped and arranged around the central common area lot; the common area lot would be keyhole-shaped and would extend from the southern edge of the site near the intersection of Errett Circle and Woodrow Avenue into the center of the site. While the project would facilitate future development of the single-family lots, no structures are currently proposed for the newly subdivided single-family residential parcels as part of the project; future residential construction would occur under the future ownership of each parcel.

Alternative 2 would include subdivision of the project site into ten 4,933-square-foot single-family residential lots and one 10,670-square-foot multi-family residential lot to be developed with six townhome/condominium units. Two common ownership lots would be incorporated into the project design, including one 10,686-square-foot lot which would encompass the center of the project site, and one lot with the multi-family residential condos. The lot configuration would be similar to that described for Alternative 1, with pie-shaped residential lots arranged around a keyhole-shaped common area. As with Alternative 1, the lots would be sold and individual buyers would construct homes on the new lots in the future, and the six condominium units would be developed separately. This alternative would require approval of a Design Permit for the multi-family units and a Planned Development to allow multi-family units in a single-family zone district.

For both alternatives, the 10,686-square-foot common ownership lot is proposed to contain a building with a raised porch and green roof, garden space, a recreational lawn/play area, a fire pit, and a bocce court. The open area would include gravel pathways, concrete paving, and decorative pavers. A gate would restrict access to the common ownership lot.

Name of Person or Agency Carrying Out Project: Circle of Friends, LLC

Name of Public Agency Approving Project: City of Santa Cruz

Exempt Status: (check one)

- ☐ Ministerial Project (Section 21080(b)(1); 15268).
- ☒ Statutory Exemption (Pub. Resources Code § 21083.3; CEQA Guidelines § 15183).
- ☒ Categorically Exempt (Section 15332).
- ☐ Declared Emergency (Section 21080(b)(3); 15269(a)).
- ☐ Emergency Project (Section 21080(b)(4); 15269(b)(c)).
- ☐ The project clearly will not have a significant effect on the environment (15061(b)(3)).

Reasons why project is exempt: The project has been determined to be exempt from the California Environmental Quality Act (CEQA) under a Statutory Exemption pursuant to Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183 (Projects Consistent with General Plan, Community Plan or Zoning) and Categorical Exemption 15332 (Class 32-Infill Development Projects).

Statutory Exemption – Public Resources Code Section 21083.3. The California Environmental Quality Act (CEQA) allows a lead agency to avoid repeating analyses that were already provided in a certified General Plan EIR (Public Resources Code Section 21083.3) for projects that are consistent with General Plan and local zoning designations and regulations. Pursuant to section 21083.3(b), if a development project is consistent with the general plan of a local agency for which an environmental impact report was certified, the application of CEQA shall be limited to effects on the environment which are “peculiar to the parcel or to the project” and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report. Subsection (d) further indicates that an effect of a project upon the environment shall not be considered “peculiar to the parcel or to the project,” “if uniformly applied development policies or standards” have been previously adopted by the city or county, with a finding based upon substantial evidence, which need not include an environmental impact report, that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. Under these provisions of CEQA, a project that is consistent with a General Plan that was adopted pursuant to a certified EIR, could be potentially partially or wholly exempt from CEQA.

Section 15183 of the State CEQA Guidelines provides further guidance to implement Public Resources Code section 21083. Specifically, if a project is consistent with an agency’s General Plan for which an EIR has been certified, the agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

- (1) Are peculiar to the project or the parcel on which the project would be located,
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or

- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. (State CEQA Guidelines section 15183(b).)

CEQA Guidelines section 15183, subdivision (c) further provides that “if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards,..., then an additional EIR need not be prepared for the project solely on the basis of that impact.” “[D]evelopment policies or standards need not apply throughout the entire city or county, but can apply only within the zoning district in which the project is located...such policies or standards need not be part of the general plan or any community plan, but can be found within another pertinent planning document such as a zoning ordinance.” (Guidelines, § 15183, subd. (f).)

On June 26, 2012, the Santa Cruz City Council adopted the *General Plan 2030* after certifying an EIR for the plan. The General Plan 2030 EIR includes the Draft EIR volume (September 2011) and the Final EIR volume (April 2012). The General Plan EIR reviewed all of the topics included on the Appendix G environmental checklist in the State CEQA Guidelines as well as all sections required to be included in an EIR.

The General Plan EIR is a “program” EIR prepared pursuant to State CEQA Guidelines Section 15168, which reviewed environmental impacts associated with future development and buildout within the City’s planning area that would be accommodated by the General Plan. A program EIR can be used for subsequent projects implemented within the scope of the program/plan. Typically, site-specific or new significant impacts that weren’t addressed in the program EIR would be evaluated in an Initial Study, leading to preparation of a Negative Declaration, Mitigated Negative Declaration, or EIR. Mitigation measures adopted for the General Plan also would be a part of future development projects, as relevant, and supplemented, as may be necessary, with any site-specific mitigation measures identified in the project-specific environmental review process.

As indicated above, pursuant to Public Resources Code section 21083.3, certain (or potentially all) aspects of a development project that are consistent with a General Plan for which an EIR was certified may be exempt from additional CEQA analyses (i.e., negative declaration, mitigated negative declaration, or EIR) of issues that were adequately covered in the General Plan EIR. The project site is designated Low-Density Residential in the City’s *General Plan 2030* with an allowed density of 1.1-10 dwelling units per acre. The site is zoned R-1-5 (single-family residence). The proposed residential subdivision is consistent with the General Plan land use designation and density. Under Alternative 2 in which six condominium units are proposed, these units would be permitted with approval of a Planned Development Permit. Development under either proposed alternative would result in a residential density that is consistent with the General Plan allowed density in the Low Density Residential designation.

While the General Plan 2030 EIR considered the impacts of repurposing, intensifying, and redeveloping existing developed parcels in the City as a whole, specific future development of the project site was not noted or specifically evaluated in the General Plan 2030 EIR, and there were no site-specific impacts identified for the project site. However, as part of the overall estimated buildout, the EIR considered construction of new housing units and non-residential uses in the City

with an estimated buildout of 3,350 new residential units and approximately 1,090,000 square feet of commercial uses throughout the City by the year 2030 (SOURCE V.1b, DEIR volume-page 3-13). Since 2009, the General Plan EIR “baseline” year, since adoption of the General Plan, approximately 1,840 residential units, including single-family homes and accessory dwelling units, have been constructed or approved throughout the City. Thus, the proposed 12-16 residential units developed as a result of the project would be within the remaining residential and commercial buildout estimates considered in the city-wide General Plan EIR impact analyses.

The proposed project is located within the “Lower Westside” neighborhood area that was identified in the General Plan EIR for the purposes of evaluating potential growth. The General Plan EIR identified additional development in the Lower Westside to include 188 residential units. Since adoption of the General Plan, approximately three housing units, excluding single-family homes and accessory dwelling units, have been in constructed, are under construction, or have been approved in the Lower Westside Area. Therefore, the proposed project would be within the buildout estimates evaluated in the General Plan EIR.

An “Environmental Checklist Review” was prepared and is on file with the City of Santa Cruz Planning and Community Development Department. Based on the review, it has been determined that the City’s General Plan 2030 EIR has adequately addressed the following issues, and no further environmental review is required pursuant to Public Resources Code section 21083.3: air quality (sensitive receptors); biological resources (conflicts with plans); energy; geology and soils (fault rupture, paleontological resources); greenhouse gas emissions; noise; population and housing; public services; recreation; utilities; and cumulative impacts.

The following site-specific impacts have been analyzed and determined to be less than significant and/or less than significant with General Plan policies, zoning regulations and/or development standards that are uniformly applied to development projects throughout the City: aesthetics (visual character and light and glare); air quality (emissions); biological resources (nesting birds); geology and soils (seismic-geologic hazards, erosion, expansive soils); hydrology/water quality (drainage and water quality); and cumulative impacts. Thus, pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183, no further environmental analysis is required.

No impacts peculiar to the project or the project site have been identified related to aesthetics (scenic views and scenic resources), agricultural and forest resources, air quality (conflicts with Air Quality Management Plan and odors), biological resources (special status species and sensitive habitat), cultural resources (historical resources, archaeological resources), geology and soils (use of septic systems), hazards/hazardous materials, hydrology-water quality (groundwater, flood risks, conflict with plans), land use, mineral resources, transportation/traffic, tribal cultural resources, and wildfire.

In addition to the above statutory exemptions, CEQA provides several “categorical exemptions” which are applicable to categories of projects and activities that the Lead Agency has determined generally do not pose a risk of significant impacts on the environment. The project consists of a subdivision to construct single-family homes within the developed urban area of the City of Santa Cruz. Therefore the project can also be considered to be exempt from CEQA under a Categorical

Exemption pursuant to State CEQA Guidelines Section 15332 (Class 32-Infill Development Projects).
The project meets the criteria of Class 32 as it is an in-fill development where 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.
- Occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- Site has no value as habitat for endangered, rare or threatened species.
- Would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- Can be adequately served by all required utilities and public services.

Alternative 1 is wholly consistent with the General Plan and Zoning criteria. Alternative 2 is consistent with the General Plan and uses the Planned Development Permit, which is authorized by the Zoning Code, to be consistent with said document. The 1.62-acre site is surrounded by developed land in an area already served by utilities. The technical reports and analyses attached hereto describe how the developed site and redevelopment project have no value as habitat and would not result in significant environmental effects.

On May 12, 2020, the City Council for the City of Santa Cruz considered the project's environmental checklist along with the General Plan EIR and heard public testimony for and against the project and regarding the City's environmental review process for the project. The City did not receive any substantial evidence prior to project approval that supported a conclusion that the project would result in significant environmental impacts peculiar to the project or parcel that would not be adequately mitigated by uniformly applied development policies and standards identified in the environmental checklist and project conditions approved for the project.

Thus, pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines sections 15183 and 15332, no further environmental analysis is required.

Lead Agency

Contact Person: Ryan Bane, Senior Planner

Phone: (831) 420-5141

Department: Planning & Community Development **Address:** 809 Center Street
Santa Cruz, CA 95060

Signature: Ry - B

Date: 5/15/20

- ☒ Signed by Lead Agency
☐ Signed by Applicant

Title: Senior Planner

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: **Uploaded and posted per Executive Order N-54-20**

Date Received for filing at OPR: **May 19, 2020**

FIGURE 1: VICINITY LOCATION

