

**CITY OF CAPITOLA
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 Capitola, Community Development Department, 420 Capitola Avenue, Capitola, CA 95010

Project Title: 723 El Salto Drive

Assessor's Parcel No.: 036-143-35

Project Address: 723 El Salto Drive

Project Location: City of Capitola (see Figure 1)

County of: Santa Cruz

Project Description: The Project includes a proposed Tentative Parcel Map to split the existing 0.82-acre lot into two lots. Parcel A would be 28,959 square feet in size, and Parcel B would be 6,479 square feet. An existing four-unit condominium building with garage will be retained on the Parcel A. No additional redevelopment, site disturbance or tree removal is proposed at this time. The location is within the R-1 (single-family residential) zoning district.

Name of Person or Agency Carrying Out Project: Douglas Dodds

Name of Public Agency Approving Project: City of Capitola

Exempt Status: (check one)

- ☐ Ministerial Project (Section 21080(b)(1); 15268).
- ☒ Categorically Exempt (Section 15315).
- ☐ 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 Resources Agency has determined generally do not pose a risk of significant impacts on the environment.

The project includes a minor land division to create two parcels. The Class 15 categorical exemption consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The project site is designated

and zoned for residential uses, and the minor land division is in conformance with the City of Capitola General Plan and zoning, and no variances or exceptions are required. The existing parcel is developed and provided public services and access. The parcel has not been involved in a division of a larger parcel within the two previous years, and the parcel does not have an average slope greater than 20 percent. Thus, the project meets the criteria to claim application of the Class 15 categorical exemption.

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

- (a) for certain classes of projects (3, 4, 5, 6 and 11) 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.

Under CEQA Guidelines Section 15300.2(a), a categorical exemption for Classes 3, 4, 5, 6 and 11 is qualified by consideration of where the project is located – a project that is ordinarily insignificant in its impact on the environment, may in a particularly sensitive environment, be significant. The consideration includes where the project may impact “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 Class 15 category applied to the project is not excluded on the basis of location, and exception (a) does not apply to Class 15 categorical exceptions. However, it is noted that the project site does not contain an environmental resource of hazardous or critical concern that has been mapped by federal, state or local agencies.

There is no evidence of a potential significant cumulative impact (b) because successive projects of the same type in the same place have not been approved and are not proposed. The demolition of the existing structure could lead to future development of a residential dwelling unit, but there are no current proposals. Such development, if it were to occur, would be the same residential use within a new parcel on which an existing residential dwelling unit exists. While future development is not planned at this time and is speculative, no significant cumulative impacts would result from future development given that the site is already developed. Additionally, there is no evidence to conclude that significant impacts would occur based on past project approvals in the surrounding area or that the proposed project’s impacts are cumulatively considerable when evaluating any cumulative impacts. The neighborhood in which the project is located is developed. Other development projects in the vicinity of the project have been limited and/or small-sized projects, such as replacement of existing structures, and would not result in project-level or cumulatively significant impacts. Therefore, exception (b) does not apply.

The project would not result in any significant effects on the environment due to unusual circumstances (c). The surrounding area in the project's immediate area has similar General Plan 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 properties or projects. For example, other properties in the project vicinity within Depot Hill have developed or could develop residential uses. The project is located in a developed residential neighborhood and is directly surrounded by residential uses, and as indicated above, sensitive resources are not present on the site. There are no features that distinguish the project or project site from other properties in the area. For these reasons, the project would not result in any significant effects on the environment due to unusual circumstances, and exception (c) does not apply to the project.

The project would not result in damage to scenic resources or a scenic highway (d). There are no designated state scenic highways within the City of Capitola, and the project site is not located near a highway officially designated as a state scenic highway. Highway 1 north of the project site is an eligible state scenic highway; however, the project site is not visible from the highway due to distance from the highway and intervening development and topography. Therefore, the project would not result in damage to scenic resources within a state scenic highway. Thus, exception (d) does not apply to the project.

The site is not a hazardous waste site (e). The project site is not located on any of the California Department of Toxic Substance Control lists of hazardous materials sites. There are no known former or current hazardous materials release sites on or adjacent to the project site, and the project site is not included on any list compiled pursuant to Government Code §65962.5. Therefore, exception (e) does not apply to the project.

A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. A historical resource evaluation concluded that the existing structures are not listed or eligible for listing in the California Register of Historic Resources, the National Register of Historic Places, or in a local registry. Thus, the existing structures are not a historical resource under the definition found in CEQA Guidelines section 15064.5, subdivision (a). Therefore, the project, including demolition of the existing cottage, would not result in a substantial adverse change to the significance of a historic resource, and exception (f) does not apply to the project.

For all of these reasons, the City is able to document that the project qualifies for the Categorical Exemptions found at CEQA Guidelines section 15315 for minor land divisions, and that none of the potential exceptions to the use of a categorical exemption, as set forth in CEQA Guidelines section 15300.2, apply to this project or the project site.

Lead Agency

Contact Person: Brian Froelich, Senior Planner

Phone: (831) 475-7300 x 259

Department: Community Development

Address: 420 Capitola Avenue
Capitola, CA 95010

Signature: _____

Date: _____

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 Location