

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 206, Santa Cruz, CA 95060

Project Title: 555 Pacific Avenue

Project Address: 555 Pacific Avenue

**Assessor's
Parcel No.:** 007-023-17

Project Location: City of Santa Cruz

County of: Santa Cruz

Project Description: The project consists of Administrative Use, Coastal, Planned Development and Design Permits to construct 94 residential Small Ownership Units (SOUs) and 4,680 square feet of ground floor commercial space with outdoor seating in a four-story building. A below-grade parking garage will be provided. The project is located at the lower end of Pacific Avenue south of Laurel Street and the Downtown area of the city of Santa Cruz as shown on the attached figure.

Name of Person or Agency Carrying Out Project: Sona Resorts / Barry Swenson Builder

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 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 residential project with ground-floor commercial uses within the developed urban area of the city of Santa Cruz. The project is exempt under Section 15332 of the State CEQA Guidelines (Class 32-Infill Development Projects). The project meets the conditions for an infill exemption described in Section 15332 of the State CEQA Guidelines as explained below.

- (a) *The project is consistent with applicable general plan designation, applicable policies and applicable zoning designation and regulations.* The subject site is designated Regional Visitor Commercial (RVC) in the City's *General Plan 2030* and the 1990-2005 Local Coastal Plan (LCP), and is zoned CBD-E (Central Business District, Lower Pacific subdistrict) with a Coastal Zone Overlay (CZ-O) and Floodplain Overlay (FP-O). Both the General Plan The site is located in the South of Laurel area as identified in the *Beach and South of Laurel Comprehensive Area Plan*. The General Plan RVC designation calls for mixed-use and residential development with visitor-serving and neighborhood commercial uses to connect the Beach Area with Downtown Santa Cruz. The LCP also identifies the RVC land use designation in the South of Laurel area for these types of uses types of uses are also identified for this area of the RVC land use designation. Mixed-use residential and commercial developments with condominium units above first floor commercial uses are principal permitted uses in the CBD zoning district. Thus, the project is consistent with the General Plan, LCP, Beach Area Plan land use and zoning designations and other applicable General Plan and LCP policies.

The proposed project provides 94 Small Ownership Units (SOUs). Pursuant to the City's Municipal Code section 24.12.1520, City regulations permit SOU unit size of 400 to 650 square feet. The proposed unit sizes range are 400, 520, and 650 square feet, and are thus, consistent with the zoning regulations regarding unit size. A Planned Development Permit (PD) request is part of the project to allow a one-story height increase as specified and permitted in the PD regulations. City staff review determined that all required findings for the PD and Design Permits can be made. Therefore, the project complies with all applicable zoning regulations.

- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.* The proposed project occurs within the city limits of Santa Cruz on an approximate 0.8-acre site, and thus, is less than the maximum five acres specified in Section 15332(b) for this exemption. The site is surrounded by existing developed urban residential and commercial uses.
- (c) *The project has no value as habitat for endangered, rare or threatened species.* The site is vacant and contains non-native, weedy grasses and has been disturbed. The site is surrounded by urban development and contains no sensitive habitat or habitat for special status species. Thus, the project site has no value 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.* Approval of the project would not result in any significant effects related to traffic, noise, air quality or water quality. A project traffic study was prepared, and no significant impacts were identified.

The project uses would not result in a generation of substantial noise levels and would not result in significant noise impacts. The project site is located adjacent to Pacific Avenue in an area where future ambient noise levels are projected to be 60 decibels Ldn (day-night average sound level) according to the City's *General Plan 2030* EIR, which is within the "normally acceptable" noise range for the multi-family residential uses. Furthermore, recent noise measurements for a sports arena, located approximately 420 feet northeast of the project site, did not identify significant noise effects for a site of similar distance from the arena. Events at the arena that generate noise are of limited duration and frequency during

the year. Thus, the project occupants would not be exposed to noise levels that exceed standards for land use compatibility.

The project would not result in significant air emissions and is below the level of development (1,080 apartments) cited in the Monterey Bay Unified Air Pollution Control District's "CEQA Guidelines" (2008) that could potentially result in a significant impact. The proximity of the project to the Downtown area and transit facilities will reduce automobile use and indirect air emissions. The project complies with City storm water requirements and includes "Low Impact Development" measures, and thus, will not result in significant water quality impacts.

- (e) *The project has been reviewed by City staff, and can be adequately served by all required utilities and public services.* The project has been reviewed by City staff, and can be adequately served by all required utilities and public services.

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 (Classes 3, 4, 5, 6 and 11) due to location where the project may impact an environmental resource or hazardous or critical concern;
- (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.

Section 15300.2(a) does not apply to the Class 32 category of exemptions. Nonetheless, the project site is not located in area of sensitive or critical concern.

With regard to Section 15300.2(b), there is no evidence of a potential significant cumulative impact because successive projects of the same type in the same place have not been approved and are not currently proposed. Cumulative impacts related to development accommodated by the City's General Plan over the next 15+ years were found to be less than significant in the *General Plan 2030* EIR, except for potential significant cumulative impacts related to traffic, water supply, population, and noise. The project traffic study did not identify significant cumulative traffic impacts with regards to the project and potential General Plan buildout. The proposed project would not contribute to the identified significant cumulative noise impact as the identified street segments where increased noise levels are projected are outside of the project area (Westside industrial area). Cumulative population growth due to development accommodated by the General Plan was not determined to be significant. Cumulative population growth with the addition of potential University of California Santa Cruz (UCSC) campus growth on lands outside the City that might be ultimately annexed to the City was found to be significant, but there are no pending University plans for development.

Water demand from the proposed project is slightly less than was factored in the General Plan EIR cumulative water impact evaluation for the project site. Furthermore, the project would be subject to City requirements for installation of water conserving fixtures and landscaping in accordance with City Municipal Code and building requirements. In addition, the project will pay the required "System Development Charge," which is used in part to implement conservation measures and help fund costs associated with development of a supplemental water source planned under the City's adopted *Integrated Water Plan*. The City's *2010 Urban Water Management Plan* notes that between 2000 and 2010 "there has been a larger reduction in water use from water conservation programs than there has been an increase in water use by new connections, with a net decrease over the last ten years of almost 80 million gallons per year". Thus, incremental increases in water demand by new development have been offset by savings from increased water conservation attained through the City's water conservation program.

Regarding Section 15300.2(c), the project would not result in any significant effects on the environment due to unusual circumstances. The project site is surrounded by urban development and not located within a sensitive resource area. Archaeological studies on the project site found no evidence of significant archaeological resources. The project site is located in a mapped liquefaction hazard area, as is all of the downtown area. A project geotechnical investigation has been prepared that sets forth soil preparation and foundation measures to mitigate against liquefaction hazards.

Section 15300.2(d) does not apply to the project site as the site is not located adjacent to or visible from a designated scenic highway, and thus, will not result in damage to scenic resources or a scenic highway.

Section 15300.2(e) does not apply because the site is not a state-designated hazardous waste site. Additionally, previously identified areas of soil contamination were excavated and successfully bio-remediated. All of this work was done under a Work Plan that had been reviewed and approved by the Santa Cruz County Department of Environmental Health Services (SCCDEHS). Subsequent soil and groundwater sampling activities have found minimal levels of contaminants at one soil sample location that was located outside the 2000-2001 remedial zone areas and was not considered to be a significant concern. The Regional Water Quality Control Board (RWQCB) indicated in their 2013 No Further Action letter for the subject site that the possibility existed that some contaminated soil might be encountered during site development activities and that appropriate management and oversight of any such material encountered should be provided by the Developer/Contractor. Best Management Practices (BMPs) measures have been outlined as part of the project and will be implemented during construction.

Lead Agency

Contact Person: Janice Lum

Phone: (831) 420-5196

Department: Planning & Community Development

Address: 809 Center Street, Room 206
Santa Cruz, CA 95060

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: _____

PROJECT LOCATION

