

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) 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

The Santa Cruz County Planning Division has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in this document.

Application Number: 231069  
Assessor Parcel Number: 029-391-09

**Project Location:** 1960 Maciel Avenue, Santa Cruz, CA. The project is located on the east side of Maciel Avenue between Mattison Lane on the north and Encina Drive on the south within the community of Live Oak in unincorporated Santa Cruz County (see Figure 1).

**Project Name:** Maciel Residential Community

**Project Description:** The project consists of demolition of one existing single-family home and outbuildings on the site, subdivision of the parcel into 21 lots, and construction of 21 detached, 3-bedroom residential units. To accommodate the affordable units, a density bonus request is included as part of the project. Three of the units are proposed to be below market rate to moderate-income households.

**Person or Agency Proposing Project:** Jeff Greenberg, Maciel Development LP

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. \_\_\_\_\_ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. \_\_\_\_\_ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D.   X   **Statutory Exemption** other than a Ministerial Project (CEQA Section 21083.3 and CEQA Guidelines Section 15183).
- E. \_\_\_\_\_ **Categorical Exemption** Specify type:

**Reasons why the project is exempt:** The project has been determined to be exempt from 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) as explained below.

CEQA allows a lead agency to avoid repeating analyses that were already provided in a certified General Plan EIR for a development project that is consistent with the General Plan. Public Resources Code section 21083.3 and its parallel CEQA Guidelines provision, section 15183, provide for streamlined environmental review or exemption for projects consistent with the General Plan for which an EIR was certified. Pursuant to section 21083.3, subdivision (b), if a development project is consistent with the general plan 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. Subdivision (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, that the development policies or standards will substantially mitigate that environmental effect when applied to future projects. CEQA Guidelines section 15183, subdivision (f), adds that “[w]here a city or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the city or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project.” 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 related to 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.”

On December 13<sup>th</sup>, 2022, the Santa Cruz County Board of Supervisors adopted the Sustainability Policy and Regulatory Update (Sustainability Update) after certifying an EIR prepared for the Update. The Sustainability Update was a comprehensive update to the County's General Plan/Local Coastal Program (LCP). The Sustainability Update EIR includes the Draft EIR volume (April 2022) and the Final EIR volume (August 2022). The Sustainability Update 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.

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 of issues that were adequately covered in the General Plan EIR. The project site is designated Urban Low Residential in the County's General Plan/LCP with a density range of 4-10 units per acre. The 21-unit project is a low-density residential project on a 2.37-acre site represents a density of 9 units per acre. Thus, the project use and density are consistent with the General Plan/LCP land use residential designation as amended by the Sustainability Update for which an EIR was prepared and certified in December 2022. Therefore, the project meets the provisions of CEQA section 21083.3(b) with regards to project consistency with the County's adopted General Plan/LCP.

While the Sustainability Update EIR considered the impacts of repurposing, intensifying, and redeveloping existing developed parcels in the unincorporated county as a whole, specific future development of the project site was not noted or specifically evaluated in the Sustainability Update EIR, and there were no site-specific impacts identified for the project site. However, the Sustainability Update considered construction of new housing units and non-residential uses throughout the unincorporated county. The EIR estimates that the Sustainability Update has the potential to accommodate approximately 4,500 housing units throughout the County over existing conditions with approximately 75% projected to occur within urban areas. These forecasts provide an estimate of potential growth that could occur as a result of adoption and implementation of the Sustainability Update, for the purpose of evaluation in this EIR.

Since adoption of the Sustainability Update, approximately 142 residential units have been constructed or approved throughout the unincorporated area. The proposed project would result in 21 residential units with a net increase of 20 units with the demolition of the existing single-family residence on the site. The project and other constructed and approved residential units would result in a net increase in approximately 220 residential units, which would be well within the remaining residential buildout estimates of 4,500 residential units considered in the county-wide Sustainability Update EIR impact analyses.

An "Environmental Checklist for Determination of CEQA Exemption" was prepared and is on file with the County of Santa Cruz Department of Community Development and Infrastructure. The purpose of the checklist was to evaluate the impact categories covered in the County's certified Sustainability Update EIR to determine whether the project's impacts have been adequately analyzed in that EIR or whether any new significant impacts peculiar to the project or project site would result, or substantially more severe impacts than analyzed in the Sustainability Update EIR or new significant impacts not peculiar to the site or project.

Based on the environmental review, it has been determined that the County's Sustainability Update EIR has adequately addressed the following issues, and no further environmental review is required pursuant to Public Resources Code section 21083.3: aesthetics (scenic views, scenic resources, light and glare); agricultural and forest resources; air quality (conflicts with Air Quality Management Plan, project emissions, sensitive receptors, odors); biological resources (sensitive habitat, wildlife movement, conflicts with local tree ordinance, conflicts with plans); cultural resources (historical resources); energy; geology and soils (fault rupture, non-seismic geologic hazards, soils, paleontological resources); greenhouse gas (GHG) emissions (GHG emissions, conflict with plans); hazards/hazardous materials (use/disposal of hazardous materials, exposure to hazardous materials, airport safety); hydrology-water quality (groundwater, flood risk, conflicts with plans); land use; mineral resources; noise (noise increase, vibration); population and housing; public services; recreation; transportation (conflicts with program or policy, hazardous design, emergency access); utilities; wildfire; and cumulative impacts.

The following site-specific impacts have been analyzed and determined to be less than significant due to substantial mitigation resulting from General Plan/LCP policies, zoning regulations and/or development standards that are uniformly applied to development projects by the County: aesthetics (visual character); biological resources (special status species, nesting birds); cultural resources (archaeological resources, human burials); geology and soils (seismic hazards, erosion); hazards/hazardous materials (accidental release of hazardous materials); hydrology-water quality (water quality, drainage); transportation (conflict with CEQA Guidelines regarding vehicle miles traveled); and tribal cultural resources. Thus, pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183, no further environmental analysis is required.

For reasons explained in the Environmental Checklist Review prepared for the project, the County concludes that the Project is wholly exempt from CEQA under section 21083.3 and CEQA Guidelines section 15183. The Environmental Checklist Review explained why the project does not create any impacts that are peculiar to the project or parcel. The document identifies numerous impacts that were sufficiently addressed in the Sustainability Update EIR. The remaining impacts can be substantially mitigated by application of the uniformly applied development policies and standards identified in the Checklist. The Planning Commission found that these policies and standards, as applied to the project, were effective in substantially mitigating these impacts.

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

**Lead Agency Contact Person:** Jonathan DiSalvo    **Phone:** (831) 454-3157

**Department:** County of Santa Cruz Infrastructure and Community Development Department  
**Address:** 701 Ocean Street, Suite 400, Santa Cruz, CA 95062

  
Jonathan DiSalvo, Senior Planner

Date: August 27, 2024

☒ Signed by Lead Agency  
☐ Signed by Applicant

**EXHIBIT B**

Date Received for filing at County Clerk: \_\_\_\_\_

Date Received for filing at OPR: \_\_\_\_\_

