

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, Room 101, Santa Cruz, CA 95060

Project Title: 209 Golf Club Drive

Project Address: : 209 Golf Club Drive

Assessor's Parcel No.: 001-072-03

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

Project Description: The project consists of a Design Permit to recognize a garage, a storage building, and an addition to a pole barn, resulting in a single family home greater than 3,500 square feet, and a Watercourse Development Permit to demolish an unpermitted diversion, demolish a carport/workshop, and for construction/removal of fences within watercourse setbacks of Pogonip Creek on a site in the R-1-7 zone district.

Name of Person or Agency Carrying Out Project: James Felich

Name of Public Agency Approving Project: City of Santa Cruz

Exempt Status: (check one)

- Ministerial Project (Section 21080(b)(1); 15268).
- Statutory Exemption (Code/Section 21083.3).
- Categorically Exempt (Sections 15301, 15303, and 15307).
- 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: CEQA provides several “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 project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Class 1, Existing Facilities), 15303 (Class 3, New Construction or Conversion of Small Structures), and 15307 (Class 7, Actions Taken by Regulatory Agencies for Protection of Natural Resources).

The project purpose is to secure City of Santa Cruz permits to recognize a garage, a storage building, and an addition to a pole barn that were previously constructed without permits on a property with an existing single-family home and accessory dwelling unit. Additionally, the project requires a Watercourse Development Permit to demolish the unpermitted installation of a small creek diversion and carport/workshop, and for removal of fences within watercourse setbacks of Pogonip Creek as established in the City's *City-wide Creeks and Wetlands Management Plan*. According to City of Santa Cruz Municipal Code section 24.08.2150.A.1.f, demolition within the riparian corridor is allowed with a permit, provided no mechanized machinery is used. The code explicitly prohibits any exceptions for mechanized equipment within the riparian corridor, ensuring the protection of sensitive natural areas; however, use of mechanized equipment within the development setback is not prohibited as long as no impacts to the riparian corridor occur. Therefore, for demolition, manual methods will be employed within the riparian corridor, ensuring that mechanized equipment is only used in areas outside the riparian zone.

The Class 1 categorical exemption is for "existing facilities," including maintenance or minor alteration of existing structures, facilities or equipment, involving negligible or no expansion of use. The project includes removal of small unpermitted facilities, including a small creek diversion, carport/workshop, and fences, all of which would be removed without use of mechanized equipment within the riparian setback area defined in City plans. Removal of these small existing accessory structures and diversion are consistent with requirements for this categorical exemption, including minor alterations.

The Class 3 categorical exemption is for construction of limited numbers of new, small facilities or structures, including accessory structures such as garages, carports, patios, and fences. Examples under this exemption also include up to three single-family residences or six multi-family dwelling units in urbanized areas. The project includes recognition of small accessory structures that were constructed without City approval of building permits, including additions to a pole barn, a new garage, and new storage building, which together total approximately 2,009 square feet. These small additions to accessory buildings associated with a single-family residence are consistent with the requirements for this categorical exemption as they constitute accessory structures, and the area is far less than the number of residential units that could be allowed under this exemption.

The Class 7 categorical exemption consists of actions taken by regulatory agencies authorized by state or local ordinance to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for the protection of the environment. The removal of unpermitted small structures, which is part of the project, is required pursuant to City of Santa Cruz regulations for protection of riparian habitats as established in the *City's Citywide Creeks and Wetlands Management Plan*. The project includes approval of a Watercourse Development Permit to remove the facilities, and work will be done without use of mechanized equipment in accordance with City requirements. Upon removal, approximately 745 square feet of riparian habitat be restored in accordance with specifications set forth in a Riparian Analysis and Restoration Plan prepared for the project. These actions are necessary to comply with City regulations for protection of riparian habitat.

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 categorical exemptions (including Class 3 but not Classes 1 or 7), due to locations with particularly sensitive environmental conditions;
- (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.” Section 15300.2(a) does not apply to the Class 1 or 7 category of projects. For the purposes of the Class 3 exemption, while small structural additions were constructed without City permits, the location of these small structures are not located within a City-mapped riparian habitat area. For purposes of the Class 3 exemption, the portion of the project site where small structures were constructed does not qualify as an environmental resource of hazardous or critical concern. Neither the City’s *General Plan 2030* nor the *City-wide Creeks and Wetlands Management Plan*, or any state or federal regulatory document has precisely mapped and officially designated the site as such an environmental resource. Absent such a formal designation, the location exception cannot apply. (See, e.g., *Aptos Residents Assn. v. County of Santa Cruz* (2018) 20 Cal.App.5th 1039, 1052-1053; *Don’t Cell Our Parks v. City of San Diego* (2018) 21 Cal.App.5th 338, 362-363.) Moreover, the site of the recognized small structures is already developed and has already been previously disturbed. Therefore, the Class 3 category of projects as applied to the project is not excluded on the basis of location on a site with particularly sensitive environmental conditions.

There is no evidence of a potential significant cumulative impact (section 15300.2(b)) because successive projects of the same type in the same place are not proposed, and no significant cumulative impacts have been identified as result from other projects in the same place or in the vicinity of the project. Therefore, this exception does not apply.

The project would not result in any significant effects on the environment due to unusual circumstances (section 15300.2(c)). The project site’s immediate area has similar General Plan and zoning designations as the project property. There are no “unusual circumstances” that differentiate the project and project site from the general class of similarly situated projects and project sites. For example, other properties in the surrounding area adjacent to riparian habitat areas have developed or could develop and construct similar structures as on the project site. The project site possesses no unusual features or environmental characteristics that distinguish it from other properties of similar size along Pogonip Creek or other water courses within the City. Additionally, there is no substantial evidence that the proposed project would result in a significant

impact based on project reviews and technical studies conducted for the project. Although a small area of understory riparian habitat was impacted with installation of the unpermitted facilities, no trees were removed. A Riparian Analysis and Habitat Restoration Plan prepared by a qualified biologist did not identify significant impacts associated with the removal of previously installed, unpermitted structures, and previously disturbed habitat would be restored. 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 will not result in damage to scenic resources within a scenic highway (section 15300.2(d)), as the site is not adjacent to or visible from a designated scenic highway. There are no designated state scenic highways within the City, and the project is not adjacent to the highways located in the City. Therefore, the project site is not located within or near a highway officially designated as a state scenic highway and would not result in damage to scenic resources within a state scenic highway. Thus, this exception does not apply to the project.

The site is not a state-designated hazardous waste site or on any list compiled pursuant to Section 65962.5 of the Government Code, and thus is not subject to the exception set forth in subdivision (e) of section 15300.2.

None of the small structures to be removed are of the age that would be considered a potential historical resource, having been installed/constructed approximately within the last 7 years. Therefore, the project, including demolition of small structures, would not result in a substantial adverse change to the significance of a historic resource. The project is not subject to the exception set forth in subdivision (f) of section 15300.2.

For all of these reasons, the City is able to document that the project qualifies for the Categorical Exemption found at CEQA Guidelines sections 15301, 15303 and 15307 for infill development projects and minor alterations in land use limitations, respectively, 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: Rina Zhou

Phone: (831) 420-5104

Department: Planning & Community Development

Address: 809 Center Street, Room 101
Santa Cruz, CA 95060

Signature: _____



Date: _____

Jan. 15, 2025

- 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: _____

Date Received for filing at OPR:

Figure 1: Project Location

