



NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

Orange County Clerk-Recorder
County Administration South
Attn: Recorder Operations
601 N. Ross Street
Santa Ana, CA 92701

From: Development Services Department
32400 Paseo Adelanto
San Jan Capistrano, CA 92675
Contact: Justin R. Poley
Phone: 949-443-6333

PROJECT TITLE: AYRES RESIDENCE; GRADING PLAN MODIFICATION AND ZONE VARIANCE
PROJECT APPLICANT: SCOTT AYRES
ADDRESS: 31302 ANDRES PICO ROAD, SAN JUAN CAPISTRANO, CA 92675

PROJECT LOCATION – CITY: SAN JUAN CAPISTRANO

PROJECT LOCATION – COUNTY: ORANGE

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

The Planning Commission approved the project to allow for grading of a residentially zoned site involving 195 cubic yards of cut and 529.2 cubic yards of fill, resulting in 334.2 cubic yards of import, with a series of retaining walls with maximum exposed wall heights up to eight feet. Approval of the project also granted deviations from five development standards of the Mission Residential District (MRD) 4,000 zoning district, specifically the front and side yard setbacks, the maximum second floor to first floor ratio, the maximum number of levels, and the orientation of the residence to minimize automobile-related uses.

NAME OF PUBLIC AGENCY APPROVING PROJECT: PLANNING DIVISION, CITY OF SAN JUAN CAPISTRANO

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: JUSTIN R. POLEY, ASSOCIATE PLANNER

EXEMPT STATUS: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Section 15303, Class 3, (New Construction or Conversion of Small Structures)
- Statutory Exemptions. State code number: _____

REASONS WHY PROJECT IS EXEMPT:

This project has been reviewed in accordance with the California Environmental Quality Act (CEQA). The City's Environmental Administrator has determined that the entire project is categorically exempt from further review under Section 15303, Class 3 (New Construction or Conversion of Small Structures) because the Class 3 exemption applies to, among other things, the construction and location of limited numbers of new, small facilities or structures, and it

specifically applies to the construction of a single-family residence and accessory structures. The proposed project is thus categorically exempt under the Class 3 exemption because it involves the grading of a property and variance to certain development standards for construction of a new single-family residence with accessory structures on a vacant lot in a residential zone. Consequently, staff finds that no additional environmental analysis is necessary to meet the requirements of the CEQA.

The City's Environmental Administrator has also considered whether the project is subject to any of the six exceptions that would prohibit the use of a categorical exemption as set forth in State CEQA Guidelines Section 15300.2. The six exceptions to this Exemption are: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

1. The proposed project is not located in a particularly sensitive environment. The site is in the center of an existing residential neighborhood where nearly every surrounding single family residential lot has been developed;
2. There is no possibility that the proposed project would result in a significant environmental impact resulting from the cumulative impact of successive projects of the same type, in the same place, over time. The project involves the construction of a single-family residence, attached garage and attached accessory dwelling unit on a vacant lot within an established single-family residential neighborhood. Once the home is built, the likelihood of a successive project (i.e., tear down and rebuild) on this site is low and the probability of a cumulative impact is low ;
3. There is not a reasonable possibility that the proposed project will have a significant effect on the environment due to unusual circumstances. As an initial matter, there are no unusual circumstances relating to the proposed project. There is nothing unusual about the construction of a single-family residence in a single-family residential neighborhood. Moreover, there is no evidence that the proposed project will have any significant effect on the environment;
4. The project would not damage 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;
5. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and
6. The proposed project would not cause a substantial adverse change in the significance of a historical resource. Notably, there are no historical resources on the proposed project site and the project was reviewed by the Cultural Heritage Commission for consideration of physical and aesthetic compatibility with the adjacent Durnford/Marco Forster House, which is listed on the City's Inventory of Historical and Cultural Landmarks and approximately 45' from the project site.

LEAD AGENCY

CONTACT PERSON: JUSTIN R. POLEY, ASSOCIATE PLANNER **TEL:** 949-443-6333



Signature: _____ **Date:** June 3, 2025

Joel Rojas, Environmental Administrator