

## **Attachment C – Environmental Documentation**

# NOTICE OF EXEMPTION

**TO:** Recorder/County Clerk  
Attn: James Scott  
1600 Pacific Highway, M.S. A33  
San Diego, CA 92101

**FROM:** County of San Diego  
Planning & Development Services, M.S. O650  
Attn: Project Planning Division Section Secretary

**SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152**

**Project Name:** Rebecca's Retreat Major Use Permit; PDS2018-MUP-18-016, PDS2018-ER-18-14-012

**Project Location:** 9307 Tropico Drive, Valle De Oro Community Plan Area, within unincorporated San Diego County, CA; APN: 499-510-78

**Project Applicant:** Rebecca Chong, 9307 Tropico Drive; 619-206-0590

**Existing Conditions:** The site is currently developed with a large single-family dwelling and garage on a 0.4 acre (gross) lot within the RS Zone (Residential). The current use is a residential care facility for up to six (6) people, which is an authorized use by the State of California with a valid license and allowed by-right within the RS zone. The existing facility is licensed and certified by the California Department of Health Care Services.

**Project Description:** Rebecca's Retreat Group Care project, submitted in 2018, is a proposed Group Care Facility consisting of 14 daytime patients (no overnight care) within an existing single-family home in the Valle De Oro Community Plan area. Currently, the single-family home is being operated as a six-person Group Care Facility, allowed as a by-right use per the County's Zoning Ordinance.

**Agency Approving Project:** County of San Diego

**County Contact Person:** Nicholas Koutoufidis                      Telephone Number: (858) 495-5329

**Date Form Completed:** March 22, 2019

This is to advise that the County of San Diego Director of Planning & Development Services (PDS) has approved the above described project on March 22, 2019/Item # and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)
  - Declared Emergency [C 21080(b)(3); G 15269(a)]
  - Emergency Project [C 21080(b)(4); G 15269(b)(c)]
  - Statutory Exemption. C Section:
  - Categorical Exemption. G Section: 15301**
  - G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
  - G 15182 – Residential Projects Pursuant to a Specific Plan
  - G 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
  - Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures  were  were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan  was  was not adopted for this project.

## Statement of reasons why project is exempt:

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined to not have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. PDS Staff has determined the project is categorically exempt pursuant to Class 1, Existing Facilities, for the reasons described below.

### **Categorical Exemption: Section 15301 – Existing Facilities**

Section 15301 of the CEQA Guidelines consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations, of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. As stated in the CEQA Guidelines, the key consideration for applying this exemption is whether the project involves negligible or no expansion of an existing use.

Section 15301 lists 16 different examples of projects that would be expected to fall within Class 1. However, the types of "existing facilities" itemized within Class 1 are not intended to be all-inclusive of the types of projects which might fall within the class. The following are some examples of projects listed in Section 15301:

- additions to existing structures, provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less;
- demolition and removal of individual small structures (such as one single-family residence);
- conversion of a single-family residence to office use; and
- use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code

The proposed project is exempt from CEQA as there would be a negligible expansion of the existing use. The proposed use would remain the same as the existing use, with the exception of residents increasing from six (6) to fourteen (14) people, and staff from four (4) to six (6) people in one 24-hour period. As can be seen from the examples listed above, other conversion types (such as single-family residence to office use) would generally be considered to have more of an impact than this negligible expansion of use. As a group care facility, the increase in residents would not result in an increase in daily trips, as the residents stay at the facility only for daycare. The negligible increase in employees would not result in a significant amount of trips to the facility.

The proposed project is consistent with Sections 15301 – Existing Facilities, 15300.2 – Exceptions and Appendix G of the CEQA Guidelines. Therefore, the project may rely on the categorical exemption for the reasons documented above.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: \_\_\_\_\_ Telephone: 858-495-5329

Name (Print): Nicholas Koutoufidis Title: Land Use/Environmental Planner

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.



The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The <u>Steep Slope</u> section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

**Wetland and Wetland Buffers:**

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

**Floodways and Floodplain Fringe:**

The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

**Steep Slopes:**

The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

**Sensitive Habitats:**

No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

**Significant Prehistoric and Historic Sites:**

Based on an analysis of County of San Diego archaeology resource files, archaeological records, maps, and aerial photographs by County of San Diego staff archaeologist, it has been determined that the project site does not contain any archaeological resources. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

**V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?**

YES  
NO  
NOT APPLICABLE  

The project Storm Water Quality Management Plan has been reviewed and is found to be complete and in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES  
NO  
NOT APPLICABLE  

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project site is zoned RS and is subject to the most restrict one-hour average nighttime sound level limit of 45 dBA at the project property lines. The project description does not propose any new substantial noise generating equipment and/or activities. Based on project design and location, the project would comply with County noise standards, Section 36.404. An ongoing condition to comply with all County noise standards is included in the Form of Decision for the proposed project.