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ORANGE COUNTY CLERK-RECORDER DEPARTMENT

HUGH NGUYEN, CLERK-RECORDER

BY:

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(above for use by County Clerk-Recorder's Office only)



NOTICE OF EXEMPTION

From: Development Services Department
32400 Paseo Adelanto
San Juan Capistrano, California 92675

1. **APPLICANT:** City of San Juan Capistrano
2. **ADDRESS:** 32400 Paseo Adelanto, San Juan Capistrano, CA, 92675
3. **PHONE NUMBER:** (949) 493-1171
4. **LEAD AGENCY:** City of San Juan Capistrano, 32400 Paseo Adelanto, SJC, CA, 92675
5. **PROJECT MGR.:** Joe Parco, City Engineer
6. **PHONE NUMBER:** (949) 443-6353
7. **PROJECT TITLE:** Resolution to Vacate a Portion of Public Right-of-Way on Old Mission Road at 26874 Old Mission Road (formerly Ortega Highway)
8. **PROJECT LOCATION:** 26874 Old Mission Road, San Juan Capistrano, CA, 92675
9. **DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:** San Juan Capistrano City Council adopted a Resolution vacating a portion of Old Mission Road at 26874 Old Mission Road and authorized the City Manager to reserve all easements and rights required to maintain, operate, replace, remove, or renew existing public utilities

ENVIRONMENTAL DETERMINATION: In accordance with the California Environmental Quality Act (CEQA), the recommended action is exempt from CEQA per Section 15061(b)(3), which is the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Vacation of unused street right-of-way would not be an activity with potential to cause significant effect on the environment because the 1,283 square-foot remnant area is not located within the existing street alignment and will not be needed for roadway purposes in the future, and therefore is exempt from CEQA.

Therefore, the City Council has determined that further environmental evaluation is not required because:

- The project is not subject to CEQA because it "does not involve the exercise of discretionary power," or "will not result in a direct or reasonably foreseeable indirect physical change in the environment," or, "is not a project as defined in Section 15378 of the CEQA guidelines." (Sections 15060(c)(1), (2) & (3)); or,
- "The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt per State CEQA Guidelines, Section 15301 (Class 1 – Existing Facilities).

10. Was a public hearing held by the Lead Agency to consider the exemption?
Yes No If yes, the date of the public hearing was: January 17, 2023

David Contreras, Environmental Administrator

1.19.23

Date