



**U.S. Department of Housing and Urban  
Development**

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Washington, DC 20410  
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## **Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58**

### **Project Information**

**Project Name:** The Groves

**Responsible Entity:** OC Housing and Community Development

**Grant Recipient** (if different than Responsible Entity):

**State/Local Identifier:** CA/059

**Preparer:** Cindy Wolfe, Administrative Manager/Environmental Coordinator

**Certifying Officer Name and Title:** Julia Bidwell, Director, OC Housing and Community Development

**Grant Recipient** (if different than Responsible Entity):

**Consultant** (if applicable): AECOM  
999 Town & Country Road  
Orange, CA 92868

**Direct Comments to:** Cindy Wolfe, (714) 480-2869

**Project Location:** Northwest Corner of Junipero Serra Road and Camino Capistrano, San Juan Capistrano, CA 92675  
Census Tract No. 423.12 / APN 121-050-21

### **Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The Groves (proposed project) consists of new construction of a 75-unit affordable senior apartment community in the City of San Juan Capistrano (City) (refer to Figure 1, Project Vicinity Map). The 75 units would include 10 Permanent Supporting Housing (PSH) units. Located at the northwest corner of Camino Capistrano and Junipero Serra Road, this 3.83 acres of City-owned land would be designed with a mix of one- and two-bedroom units in a single three-story building with elevator access. The property would feature an entry plaza, leasing office, onsite laundry facilities, community center with a kitchen, exercise room, sitting areas, and barbeque pavilion for residents. Active and passive green open space, including a quarter-mile walking trail would also be available for the senior population. A total of 75 parking spaces

would be provided to meet the 1:1 parking ratio code. The proposed project would be designed and oriented to meet Leadership in Energy and Environmental Design (LEED) Environmental Design Standards. The proposed project would feature a Mission Revival style architecture and the elevations would embrace the rich and varied architectural heritage of the City, with an earth tone color palette. The design is in compliance with the City’s Design Guidelines. The height and scale of the buildings would be three stories and situated below Camino Capistrano to help the buildings blend into the surrounding community. Access to and from the project site would be taken from Camino Capistrano with street improvements as part of the proposed project.

The proposed project would serve the following target population:

Population Served	Large Families (3 or more bedrooms)	Families 2 or less bedrooms	Elderly	Homeless	Single-room occupancy	Handicapped
Number of Units	0	0	74	10	0	0

Note: Total of units listed in categories above may exceed total units.

The project site is designated as Residential 2.6 Very High Density (VHD) by the City of San Juan Capistrano General Plan and zoned Residential VHD District, which allows up to 30 dwelling units per acre. The proposed project is currently going through a site plan review process and will require Planning Commission and City Council approval. In addition, the project site is within a 2019 Qualified Census Tracts (QCTs) and Difficult Development Areas (DDAs). QCT is an area designated by the Secretary of Housing and Urban Development (HUD) where, for the most recent year for which census data are available on household income in such tract, either 50 percent or more of the households in the tract have an income which is less than 60 percent of the Area Median Gross Income or the tract’s poverty rate is at least 25 percent. DDAs are areas with high land, construction and utility costs relative to the area median income (HUD 2019).

**Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

The completion of the proposed project would facilitate the development of a vacant lot into an affordable apartment community and would assist the County of Orange in its production efforts for new affordable housing.

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

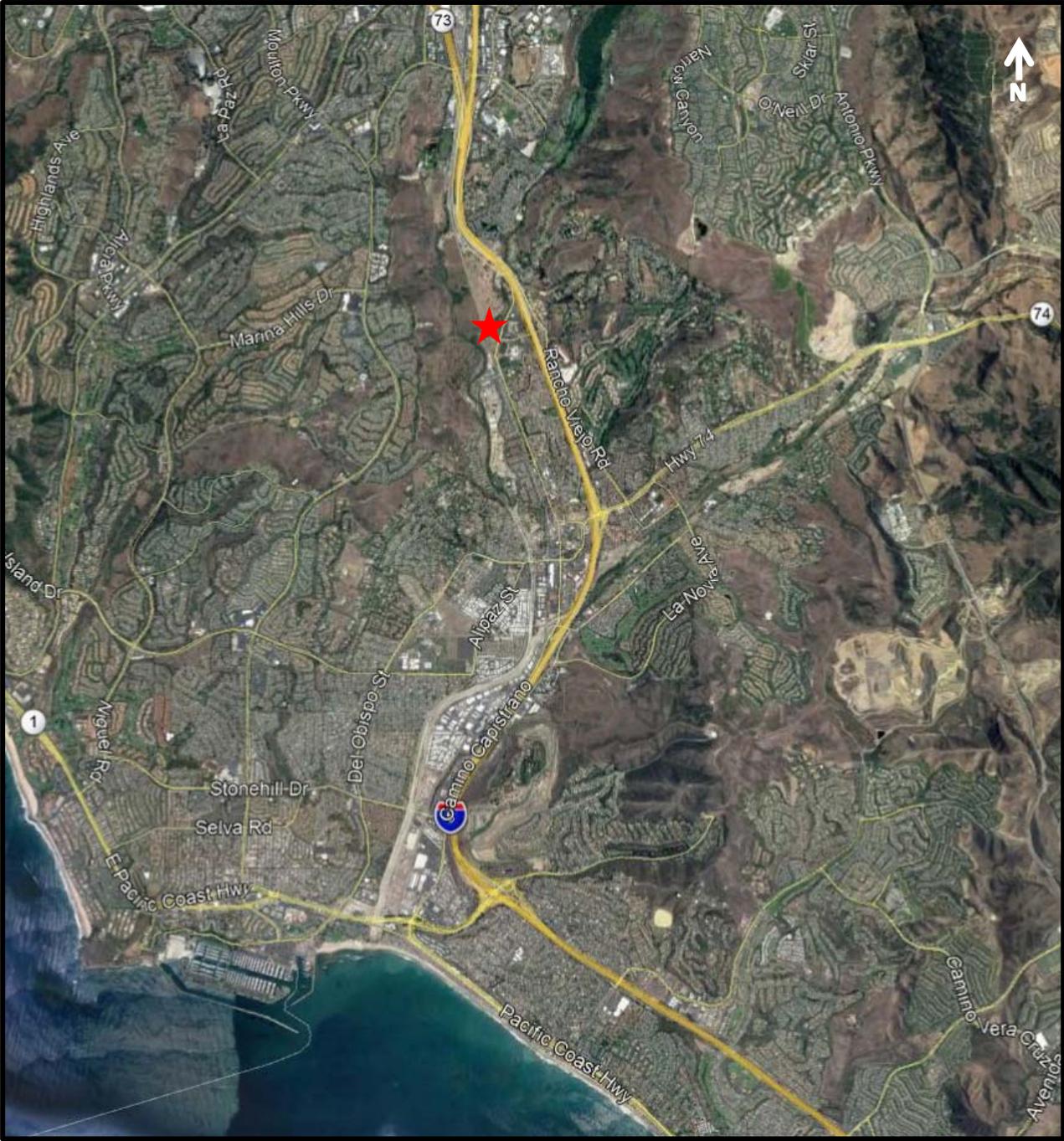
The project site is currently a vacant lot and is owned by the City. It has been designated in the City’s Housing Element as an affordable housing site with a maximum density of 30 dwelling units per acre. The adjoining properties consist of open space, single-family homes, medical facility, and office buildings to the north and east; a memory care facility, condominiums and a private high school to the south; and open space to the west (refer to Figure 2, Site Map).

## **Funding Information**

<b>Grant Number</b>	<b>HUD Program</b>	<b>Funding Amount</b>
	2016 PSH NOFA	\$567,000.00
	8 Project Based Vouchers	\$2,576,160 (15-year value)

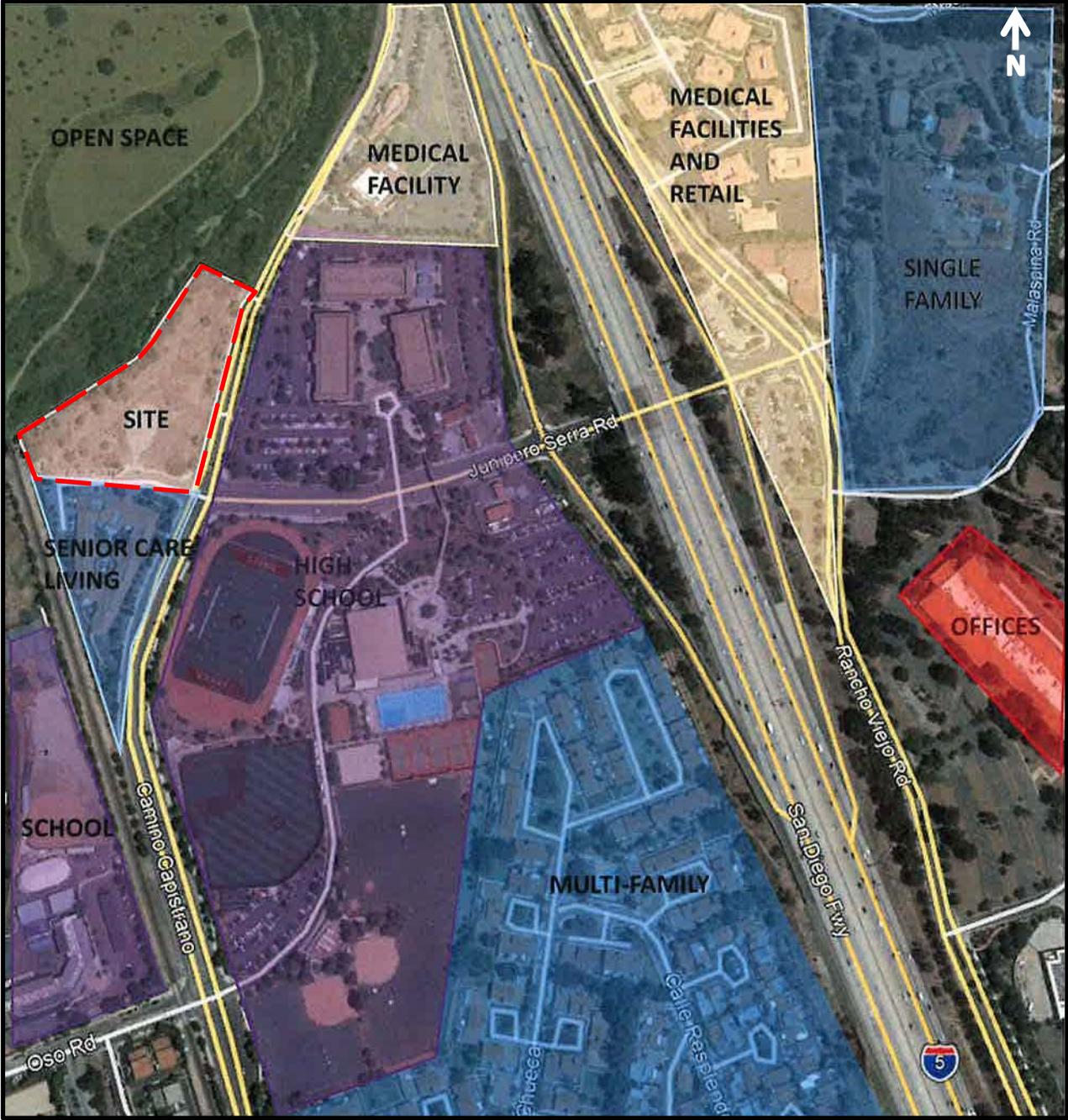
**Estimated Total HUD Funded Amount:** \$3,143,160.00

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:** \$31,198,965.00



★ Project Site Location

Figure 1  
Project Vicinity Map



 Approximate Project Site Boundary

**Figure 2**  
**Site Map**

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 AND 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	John Wayne Airport is the nearest airport to the project site and is located approximately 15.6 miles (82,368 feet) to the northwest (Google Earth Pro 2019). Camp Pendleton Marine Corps Air Station is the nearest military airport located approximately 23.6 miles (124,608 feet) to the southeast (Google Earth Pro 2019). Thus, the proposed project is not located within 2,500 feet of a civilian airport or within 15,000 feet of a military airport. In addition, the project site is not located within an airport land use plan and the safety zone as identified in the <i>Airport Environs Land Use Plan for John Wayne Airport</i> as prepared by the Orange County Airport Land Use Commission (ALUC) (ALUC 2008). Therefore, no adverse effect would result from the proposed project.
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is located approximately 4.9 miles inland from the Pacific Ocean and is not located within a Coastal Barrier Resource Area (USFWS 2019a). Therefore, no adverse effect would result from the proposed project.
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	According to the Flood Insurance Rate Map (FIRM) from the Federal Emergency Management Agency (FEMA), the project site is located within Zone “X” (Areas determined to be outside the 0.2 percent annual chance floodplain [i.e., 500-year flood zone]) as defined on FEMA Map

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
		<p>06059C0443J, (effective as of December 3, 2009). Flood Hazard Zone “X” is an area with the least likely potential for flooding (FEMA 2019). However, marginally encroaching into the project site, which coincides with the creek perimeter line for Trabuco Creek and conservation easement along or near the northwest side of the project site, is “Zone AE: Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood,” where base flood elevations have been determined. The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. No structures are planned within this part of the project site and would remain open land. The proposed project would also be required to comply with the floodplain standards set forth in the City’s Municipal Code (Title 8, Chapter 11). In addition, the following mitigation measure would be required.</p> <p><u>Mitigation Measure – Flood Insurance</u></p> <p>The project civil engineer shall be consulted to verify the exact location of the FEMA Flood “Zone AE” with respect to the subject site boundaries to ensure the project site remains outside this zone.</p> <p>With implementation of the mitigation measure identified above in conjunction with compliance with the floodplain standards in the City’s Municipal Code, no adverse effects would result from the proposed project.</p>
<b>Clean Air</b>	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	A programmatic Mitigated Negative Declaration (MND), which included air quality and greenhouse gas (GHG)

Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93

emissions analyses, was prepared by the City for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013). Among other things, these amendments and rezone included changing the project site's land use designation and zoning from Office/Research Park and Office Commercial District, respectively, to Residential VHD (with a maximum density of 30 dwelling units per acre) and updating the City's Housing Element accordingly (referred to as the 2014-2021 Updated Housing Element) (City of San Juan Capistrano 2013). According to the MND, future residential development supported by the policies of the updated Housing Element, including development of the project site, would result in short-term criteria pollutant emissions. Short-term criteria pollutant emissions would occur during site preparation, grading, building and painting activities associated with new development. Emissions would occur from use of equipment, vendor, and hauling trips, and disturbance of onsite soils dust. However, these future developments, including the proposed project, would be required to comply with the South Coast Air Quality Management Plan (SCAQMD) rules and regulations aimed at reducing construction-related pollutant emissions, including fugitive dust and other particulates, as well as organic compounds and other ozone precursors found in paints and other coatings. These future developments, including the proposed project, would also be required to comply with the City's General Plan policies related to air quality management. With application of SCAQMD rules and regulations and the following City's General Plan goals and policies related to air quality management, the MND concluded that no new or more significant impacts relative to air quality standards would result from implementation of General Plan Amendments than those

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Are formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
		<p>analyzed in the City’s General Plan EIR. In addition, according to the MND, short-term, project-specific, construction-related emissions would be required to be analyzed as individual development proposals are submitted. Mitigation would be applied, on a case-by-case basis where necessary. Given this, the following mitigation measure would be implemented for the proposed project to demonstrate conformance with the State Implementation Plan (SIP) by showing criteria pollutant emissions remain below the General Conformity <i>de minimis</i> levels.</p> <p><u>Mitigation Measure – Air Quality</u> The applicant shall prepare an air quality analysis to demonstrate conformance with the SIP (specifically, demonstrate criteria pollutant emissions are below the General Conformity <i>de minimis</i> levels) prior to project approval.</p> <p>[Note: The air quality analysis shall also need to be submitted to the County of Orange for review and approval.]</p> <p>Also, according to the MND, while GHG emissions would be generated during construction and operation of future developments, no significant impacts would result. Given that development of the proposed project is included within the total units analyzed in the MND, the proposed project would not result in new or substantially greater air quality or GHG emissions impacts than what was previously analyzed. Additionally, the proposed project would be required to comply with Title 24 Energy Standards and County codes related to energy efficient building design and operation, which would reduce long-term</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
		<p>criteria air pollutant and GHG emissions. Indeed, the proposed project is being designed and oriented in a manner which would meet LEED Environmental Design Standards.</p> <p>With implementation of the mitigation measure identified above in conjunction with compliance with the SCAQMD rules and regulations along with other local, state, and federal air quality and energy regulations, no adverse effects would result from the proposed project.</p>
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The closest coastal zone (Doheny State Beach) is located approximately 3.5 miles south from the project site (Conservation Biology Institute 2019; California Coastal Commission 2019). Thus, the project site is not located within a coastal zone, and therefore, does not involve the placement, erection or removal of materials within a coastal zone. Therefore, no adverse effect would result from the proposed project.</p>
<b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) & 58.5(i)(2)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The Phase I Environmental Site Assessment (ESA) (LOR Geotechnical Group, Inc. 2019) prepared for the proposed project concluded there is no evidence of recognized environmental conditions (RECs), historical recognized environmental conditions (HRECs), and/or controlled recognized environmental conditions (CRECs) indicative of releases or threatened releases of hazardous substances in connection with the project site. Additional environmental investigation at the project site is not considered to be warranted. Therefore, no adverse effect would result from the proposed project.</p>
<b>Endangered Species</b>	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The project site has been previously disturbed by development and human</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Are formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
<p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>		<p>activity. It consists of a vacant land with vegetation, relatively recent placement of fill materials, and asphalt-paved area. Onsite vegetation, light to very dense, is largely natural grasses, plants, bushes and trees, with some landscaped bushes along the south side, associated with parking for the offsite senior assisted living facility. Based on the United States Fish and Wildlife Service (USFWS)'s online Critical Habitat for Threatened &amp; Endangered Species mapper, the proposed project would have no effect on listed species. However, a critical habitat for coastal California gnatcatcher exists to the northwest of the project site (USFWS 2019b). Indirect impacts to special-status species occurring outside the project site could result from construction-related habitat loss and modification of sensitive natural communities related to dust, noise, stormwater runoff, and through the potential spread of noxious and invasive plant species into these communities.</p> <p>As discussed previously, the proposed project is within the total units analyzed in the City's MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013). In the MND's discussion of biological resources, it notes that Trabuco Creek traverses the northwestern edge of the project site and is designated as a wetland by the USFWS National Wetlands Inventory with associated riparian habitat. To ensure that future development of the project site would not substantially affect sensitive riparian habitat, Mitigation Measure B-1 from the MND</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Are formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
		<p>would be implemented. This mitigation measure requires a general biological survey to be performed prior to approval of entitlements to identify any on-site sensitive species and to assess the value of the existing habitat in supporting sensitive species. With this mitigation measure, impacts were found to be less than significant. This mitigation measure is provided below.</p> <p><u>Mitigation Measure B-1</u></p> <p>A biological resources assessment shall be prepared for any development proposal prior to approval of entitlements located on any land within a Critical Habitat designation or identified in the General Plan Environmental Impact Report as riparian habitat. This assessment shall identify the habitat types and quality, identify species occurrence and distribution, determine the specific impacts to biological resources and characterize the biological significance of those impacts, and define measures to avoid, reduce or compensate for any significant impacts attributable to a proposed project. The reduction in impacts may include a redesign of the project. The compensation may include creating and/or preserving in perpetuity equivalent or better quality habitat at a minimum 1:1 ratio, as will be determined through project-specific analysis. The biological resources assessment shall be prepared by a qualified biologist and submitted to the [City of San Juan Capistrano] Development Services Director for review/approval in consultation with the biologist and other as appropriate to the project. The biological resources assessment</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Are formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
		<p>shall be included in the CEQA compliance documentation for all such proposals.</p> <p>[Note: The biological resources assessment shall also need to be submitted to the County of Orange for review and approval.]</p> <p>Given that development of the proposed project is included within the total units analyzed in the MND, the proposed project would not result in new or substantially greater biological resources impacts than what was previously analyzed. In addition, the proposed project would implement the following mitigation measure to reduce the potential indirect impacts to special-status species to less than significant.</p> <p><u>Mitigation Measure – Endangered Species</u> Project activities shall occur outside of the nesting bird season (generally February 15 through September 15). If vegetation removal and other project construction outside this time period are not feasible, the following additional measures shall be employed to avoid and minimize impacts to special-status bird species and nesting birds protected under the Migratory Bird Treaty Act that may occur within the surrounding project site:</p> <ol style="list-style-type: none"> <li>a. A pre-construction nesting bird survey shall be conducted by a qualified biologist within three days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone.</li> <li>b. In the event that an active nest is detected during preconstruction</li> </ol>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
		<p>surveys, construction work within 300 feet of a passerine nest or 500 feet or a raptor nest would be delayed until the nest is vacated and juveniles have fledged, and when there is no evidence of a second attempt at nesting. Nest avoidance zones shall be established in the field with flagging and stakes or construction fencing, and construction personnel shall be instructed on the ecological sensitivity of the area.</p> <p>c. If the recommended nest avoidance zone is not feasible, the qualified biologist shall determine whether an exception is possible and obtain concurrence from the appropriate resource agency before construction work can resume within the avoidance buffer zone. All work shall cease within the avoidance buffer zone until either agency concurrence is obtained or the biologist determines that the adults and young are no longer reliant on the nest site.</p> <p>Lastly, it should be noted that no structures are planned within this part of the subject site where the wetland is located and would remain open land. Therefore, with implementation of the mitigation measures identified above, no adverse effect would result from the proposed project.</p>
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	No underground storage tanks or aboveground storage tanks used for hazardous materials storage were reported for the project site per the Phase I ESA (LOR Geotechnical Group, Inc. 2019).

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Are formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
		<p>Therefore, no adverse effect would result from the proposed project.</p>
<p><b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>According to the California Department of Conservation (CDC)’s Farmland Finder, the project site is not designated as Prime Farmland (CDC 2016). The proposed project does not involve conversion of any farmland, nor is it currently zoned for agriculture. Therefore, no adverse effect would result from the proposed project.</p>
<p><b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes    No <input checked="" type="checkbox"/>   <input type="checkbox"/></p>	<p>According to the FIRM from the FEMA, the project site is located within Zone “X” (Areas determined to be outside the 0.2 percent annual chance floodplain [i.e., 500-year flood zone]) as defined on FEMA Map 06059C0443J, (effective as of December 3, 2009). Flood Hazard Zone “X” is an area with the least likely potential for flooding (FEMA 2019). However, marginally encroaching into the project site, which coincides with the creek perimeter line for Trabuco Creek and conservation easement along or near the northwest side of the project site, is “Zone AE: Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood”, where base flood elevations have been determined. The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. No structures are planned within this part of the project site and would remain open land. In addition, the following mitigation measure would be required.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
		<p><u>Mitigation Measure – Flood Insurance</u></p> <p>The project civil engineer shall be consulted to verify the exact location of the FEMA Flood “Zone AE” with respect to the subject site boundaries to ensure the project site remains outside this zone.</p> <p>Lastly, the project site is also not found within any of the other locations set forth in Table 1 of 24 CFR Part 55.11 Table. With implementation of the mitigation measure identified above, no adverse effect would result from the proposed project.</p>
<b>Historic Preservation</b>  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The project site has been previously disturbed by development and human activity. It consists of a vacant land with vegetation, relatively recent placement of fill materials, and asphalt-paved area. The proposed project consists of the construction of a 75-unit residential development. As discussed previously, the proposed development is within the total units analyzed in the City’s MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013). According to the MND, much of the City is identified as containing prehistoric and historic archaeological resources, including the project site. In addition, paleontological resources have been uncovered in various portions of the City. Furthermore, a current records search conducted by South Central Coastal Information Center (SCCIC) in August 2019 (SCCIC 2019) re-affirmed that the project site is sensitive for cultural resources as the property was previously surveyed and cultural resources were found.</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Are formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
		<p>In the unlikely event that archaeological materials or paleontological resources are uncovered, the MND indicated that Mitigation Measure C-1 would be implemented to ensure that uncovered resources are evaluated, left in place if possible, or curated as recommended by a qualified anthropologist or paleontologist. Also, while no known cemeteries or human burials have been identified in the MND, including the project site, it is possible that unknown human remains could be located in the area. To ensure that any such materials or humans remains, if found, are properly identified (and the resource recovered, if necessary), before grading or other earthmoving activities proceed in that immediate area, Mitigation Measure C-1 would also apply. This mitigation measure is provided below.</p> <p><u>Mitigation Measure C-1</u> In the event that subsurface resources are encountered during the course of grading and/or excavation for projects completed pursuant to Housing Element policy, all development shall temporarily cease in these areas until the City of San Juan Capistrano Planning Division is contacted and agrees upon a qualified archaeologist/ paleontologist, and Native American monitor to be brought onto the project site to properly assess the resources and make recommendations for their disposition. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
		<p>the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. The applicable project applicant shall bear all costs associated with implementing this mitigation measure.</p> <p>In addition, Orange County Community Resources (OCCR) submitted a request to the California Department of Parks and Recreation, Office of Historic Preservation (OHP) for concurrence with their determination that no historic property would be adversely affected as a result of implementation of the proposed project in accordance with Section 106 of the NHPA and HUD requirements. OHP's State Historic Preservation Officer (SHPO) concurred with OCCR's determination in their e-mail response dated November 13, 2019. Therefore, with implementation of the cultural resources mitigation measure identified above, no adverse effects would result from the proposed project.</p>
<b>Noise Abatement and Control</b>  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposed project would involve construction of a 75-unit residential development that would occur within a residential zone. Per the City's Municipal Code (Section 9-3.531, Noise Standards [Residential and Nonresidential]), noise sources associated with construction, repairs, remodeling, or the grading of any real property are exempt from the provisions of the Municipal Code, provided said activities do not take place between the hours of 6:00 PM and 7:00 AM on Monday through Friday, or 4:30 PM and 8:30 AM on Saturday, or at any time on Sunday or a national holiday. With restriction of</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
		<p>construction activities to the hours listed above, no adverse effects would result from the construction of the proposed project.</p> <p>In addition, as discussed previously, the proposed development is within the total units analyzed in the City's MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013). According to the MND, while the proposed General Plan amendments would increase maximum residential densities to 30 dwelling units per acre, the proposed General Plan amendments would be consistent with Southern California Association (SCAG) growth projections and would therefore not result in any substantial traffic or other noise sources as analyzed in the General Plan EIR. Future housing developments would be subject to the noise policies of the City's General Plan designed to minimize noise impacts to residential properties. With compliance with the noise policies of the City's General Plan, impacts related to noise were found to be less than significant. Given that the proposed project is included within the total units analyzed in the MND, the proposed project would not result in new or substantially greater noise impacts than what was previously analyzed. Therefore, with compliance with the City's Municipal Code and noise policies in the City's General Plan, no adverse effects would result from the operation of the proposed project.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as amended, particularly Section 1424(e); 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is not located within a United States Environmental Protection Agency (EPA)-designated sole source aquifer watershed area per EPA Map of Sole Source Aquifer Locations website (EPA 2019a). Therefore, no adverse effect would result from the proposed project.
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>There are no wetlands, including estuarine and marine deepwater, estuarine and marine wetland, freshwater emergent wetland, freshwater forested/shrub wetland, freshwater pond, lake, riverine, and other freshwater wetlands, located at or immediately adjacent to the subject site. However, as discussed previously, near and just northwest of the project site, approximately 40 feet or more away, a freshwater forested/shrub wetland, a riverine, and a freshwater emergent wetland are indicated (USFWS 2019c; City of San Juan Capistrano 2013). No structures though are planned within this part of the subject site and would remain open land (LOR Geotechnical Group, Inc. 2019; USFWS 2019c). Furthermore, as discussed previously, the following mitigation measure from the City’s MND for General Plan amendments and rezone would apply to the proposed project related to wetlands protection.</p> <p><u>Mitigation Measure B-1</u>            A biological resources assessment shall be prepared for any development proposal prior to approval of entitlements located on any land within a Critical Habitat designation or identified in the General Plan Environmental Impact Report as riparian habitat. This assessment shall identify the habitat types and quality, identify species occurrence and distribution, determine the specific impacts</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
		<p>to biological resources and characterize the biological significance of those impacts, and define measures to avoid, reduce or compensate for any significant impacts attributable to a proposed project. The reduction in impacts may include a redesign of the project. The compensation may include creating and/or preserving in perpetuity equivalent or better quality habitat at a minimum 1:1 ratio, as will be determined through project-specific analysis. The biological resources assessment shall be prepared by a qualified biologist and submitted to the [City of San Juan Capistrano] Development Services Director for review/approval in consultation with the biologist and other as appropriate to the project. The biological resources assessment shall be included in the CEQA compliance documentation for all such proposals.</p> <p>[Note: The biological resources assessment shall also need to be submitted to the County of Orange for review and approval.]</p> <p>Therefore, with implementation of the mitigation measure identified above, no adverse effect would result from the proposed project.</p>
<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is not located within one mile of a listed Wild and Scenic River (EPA 2019b). Therefore, no adverse effect would result from the proposed project.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Based on the analysis of this Environmental Assessment, the proposed project would not expose persons to adverse environmental conditions. Therefore, the proposed project would not expose low income or minority populations to adverse environmental conditions. Furthermore, since the proposed project would provide affordable housing to very-low to moderate-income seniors, it would provide a benefit to populations with very-low to moderate-income. Therefore, the proposed project would have a beneficial effect related to environmental justice.

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans/ Compatible Land Use and Zoning/ Scale and Urban Design	2	<p>The proposed project would provide an affordable housing to very-low to moderate-income seniors. The project site is designated as Residential 2.6 VHD by the City General Plan and zoned Residential VHD District. Residential 2.6 VHD allows single-family dwellings, mobile home parks, duplexes, and multi-family dwellings including condominiums, townhomes, apartments, and cooperatives, which allows up to 30 dwelling units per acre (City of San Juan Capistrano 2002). The City has stated that the proposed project would be compatible with existing land uses and would comply with both the zoning ordinance and General Plan of the City (City of San Juan Capistrano 2019a). In addition, as stated previously, the design of the proposed project would be in compliance with the City’s Design Guidelines and the height and scale of the proposed buildings would be three stories to blend into the surrounding community. Therefore, no adverse effect would result from the proposed project.</p>
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	3	<p>The project site is generally situated on a mid-level terrace between the higher terrace to the east along Camino Capistrano and lower terraces to the west and northwest along the nearby Trabuco Creek streambed. Smaller portions along the east side of the project site, along Camino Capistrano, are situated at elevations fairly level with the higher terrace. The eastern slopes of the project site extend up to roughly 13 feet and the southern slopes up to approximately 10 feet. The project site topography is comprised of terraces, slopes, and planar areas with gentle to relatively steep falls, generally falling in westerly to northwesterly to northerly directions. The local groundwater flow direction is estimated to be southerly, coincident with the overall fall in local ground surface topography and/or drainage features, including Trabuco Creek next the project site, which empties into San Juan Creek approximately 2 miles south-southeast of the project site. San Juan Creek flows into the Pacific Ocean approximately 4.1 miles south-southwest of the project site (LOR Geotechnical Group, Inc. 2019).</p> <p>As discussed previously, the proposed project is within the total units analyzed in the City’s MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002,</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>and 13-004 (City of San Juan Capistrano 2013). According to the MND, the soils of the Monterey and Capistrano formations are moderately to highly expansive, thus expansive soils are considered a hazard in the City. The California Building Code requires that a soil and geological report be prepared for any development, including future potential housing. Presence of expansive soils and identification of measures to eliminate this constraint (such as removal and replacement with suitable engineered materials) would be determined through site-specific geotechnical evaluations to be conducted as part of the City's routine development review procedures. Such routine procedures would apply to all future development projects, including the proposed project. As such, potential impacts associated with expansive soils would be less than significant.</p> <p>In addition, according to the MND, although the City is not located within an Alquist-Priolo Earthquake Fault Zone, and no trace of any known active or potentially active fault passes through the project site, the entire City is subject to strong ground shaking, as is the entirety of southern California. The project site is located in an area identified by the City's General Plan as having the potential for liquefaction. However, appropriate measures that reduce the ground-shaking and liquefaction effects of earthquakes are identified in the California Building Code, including specific provisions for seismic design of structures. All future development projects, including the proposed project, would be subject to the City's standard environmental review process for evaluation of liquefaction potential and other geologic hazards. Thus, it was determined that a less than significant impact would occur related to liquefaction.</p> <p>Additionally, according to the MND, due to the urbanized nature of the City, future housing development, including the proposed project, would not substantially alter the drainage pattern of the area, and would not result in substantial erosion or siltation on or off site or downstream. Future housing development, including the proposed project, would be required to implement standard on-site drainage controls and storm water conveyance devices to direct any drainage appropriately. Furthermore, the City's Water Quality Regulations</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>establish requirements for development and redevelopment project site designs to reduce surface runoff pollution and erosion and establish requirements for the management of surface runoff flows from development and redevelopment projects, both to prevent erosion and to protect and enhance existing water-dependent habitats. Additionally, wind erosion would be required to be minimized through soil stabilization measures required by SCAQMD Rule 403 (Fugitive Dust). Water erosion would also be prevented through the City's standard erosion control practices required pursuant to the California Building Code and the National Pollution Discharge Elimination System (NPDES), such as silt fencing or sandbags. Thus, it was determined a less than significant impact would occur related to drainage pattern alteration and soil erosion.</p> <p>Given that development of the proposed project is included within the total units analyzed in the MND, the proposed project would not result in new or substantially greater geology and soils impacts than what was previously analyzed. Therefore, with compliance with the City's development review procedures, erosion control standards and water quality regulations, California Building Code and NPDES requirements, no adverse effect would result from the proposed project.</p>
Hazards and Nuisances including Site Safety and Noise	3	<p>As discussed previously, the Phase I ESA (LOR Geotechnical Group, Inc. 2019) prepared for the proposed project revealed no evidence of a REC connected with the project site. Also, the project site is not within 1 mile of a National Priorities List site (EPA 2019c) or within 0.5 mile of a Superfund Enterprise Management System site (EPA 2019d). In addition, as discussed previously, the proposed project would not result in new or substantially greater noise impacts than what was previously analyzed in the City's MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013). Therefore, no adverse effect would result from the proposed project.</p>
Energy Consumption	2	<p>Electrical service would be provided to the project site by San Diego Gas &amp; Electric and natural gas service would be provided by Southern California Gas Company. The project site is located in a developed area that already provides infrastructure to support the surrounding uses.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>Although the project site is currently vacant, it was previously used for agricultural grove with buildings and structures (likely residential). During the site reconnaissance performed by the LOR Geotechnical Group, Inc. on May 10, 2019, utilities including electric, telecommunications, storm drain, water, and traffic signal, were present at the project site. In addition, electric, natural gas, sewer, water, telecommunications, and traffic signal were observed along Camino Capistrano (LOR Geotechnical Group, Inc. 2019). The proposed project would not result in significant alteration or expansion of existing utility and service systems nor would it create any significant additional burden on these facilities. Also, it should be noted that the proposed project would be designed and oriented to meet LEED Environmental Design Standards. Therefore, no adverse effect would result from the proposed project.</p>
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	1	<p>The proposed project provides affordable housing to very-low to moderate-income seniors. It is designed to provide immediate and basic human needs for those who find themselves without such resources. The proposed project would not serve as a substantial source of employment, nor would it affect change to income patterns in the area. There is currently a large contingent of homeless persons in Orange County and the proposed project would serve some of these persons. Therefore, minor beneficial effects would result from the proposed project.</p>
Demographic Character Changes, Displacement	2	<p>The project site is currently a vacant lot and thus development of the proposed 75 units would not result in a displacement of persons or existing housing. Also, as discussed previously, the proposed project is within the total units analyzed in the City's MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013). The MND included an evaluation of population and housing impacts resulting from these proposed amendments to the General Plan, including changing the project site's land use designation and zoning from Office/Research Park and Office Commercial District, respectively, to Residential VHD (with a maximum density of 30 dwelling units per acre) and updating the City's Housing Element accordingly (City of San Juan Capistrano 2013). It was</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>determined that implementation of these amendments and rezone would not result in an increase in population and households over that contemplated in the SCAG's Regional Transportation Plan/Sustainable Communities Strategies or the City's General Plan buildout projection (City of San Juan Capistrano 2013). Furthermore, these amendments and rezone would assist the City in achieving its housing allocation under the Regional Housing Needs Assessment as well as provide supportive housing for those who may be homeless. Given the proposed project is within the total units analyzed in the MND, the proposed project would not result in new or substantially greater population or housing impacts than what was previously analyzed. Therefore, no adverse effect would result from the proposed project.</p>
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	<p>The closest private school (JSerra Catholic High School) is located adjacent to the east of the project site and the closest public school (George White Elementary School) is located approximately 0.95 mile to the west of the project site. The use of the 75-unit residential development is not expected to have an impact or result in displacement of existing schools or cultural facilities. Therefore, no adverse effect would result from the proposed project.</p>
Commercial Facilities	2	<p>The proposed project is located in a mixed residential, office, and medical facilities area that contains retail services that provide essential items such as food, medicine, and other convenience shopping (Google Earth Pro 2019). It is not expected that the proposed project would have an impact on commercial facilities. Therefore, no adverse effect would result from the proposed project.</p>
Health Care and Social Services	1	<p>County-provided social services and health care would be available to the future residents of the project site. The Orange County Social Services Agency provides wide range of services such as In-Home Supportive Services, General Relief, Cash Assistance Program for Immigrants, CalFresh Program, Medi-Cal, and Medical Safety Net. County-provided health care are the Healthcare Center of Orange County and Orange County Health Care Agency. The City's Community Services Department provides senior services such as estate planning attorney, legal assistance, health insurance counseling and advocacy</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>program, free blood pressure checks, Alzheimer support group, free exercise classes, drop-in car games, etc. The proposed project would also provide services to the 10 PSH units by the Orange County Health Care Agency to make the transition from homelessness to housing more successful. Thus, the proposed project would not affect health care and social services. The proposed project would result in a beneficial effect since it would be providing affordable housing to very-low to moderate-income elderly households. Therefore, no adverse effect would result from the proposed project.</p>
Solid Waste Disposal / Recycling	2	<p>The City contracts with CR&amp;R, a private solid waste hauler, to collect and dispose of the solid waste/refuse generated in the City (City of San Juan Capistrano 2019b). All solid waste/refuse collected by CR&amp;R can be disposed at the Olinda Alpha Landfill in the City of Brea, Frank R. Bowerman Landfill in the City of Irvine, and the Prima Deshecha Landfill in the City of San Juan Capistrano. These landfills are owned and operated by Orange County Waste and Recycling. The Olinda Alpha Landfill has a permitted maximum throughput of 8,000 tons per day (TPD) (California Department of Resources Recycling and Recovery [CalRecycle] 2019a), the Frank R. Bowerman Landfill has a permitted maximum throughput of 11,500 tons per day (CalRecycle 2019b), and the Prima Deshecha Landfill has a permitted maximum throughput of 4,000 tons per day (CalRecycle 2019c).</p> <p>CalRecycle publishes solid waste generation rates based on land use types, where single-family residential uses can generate solid waste at a rate of approximately 11.4 pounds per unit per day (CalRecycle 2019d). Based on these generation rates, the proposed project's residential units could generate solid waste at a rate of approximately 855 pounds per day (or 0.428 tons per day). The solid waste generated from operation of the proposed project could be accommodated by the landfills. Also, the proposed project would be required to comply with the City's Construction and Demolition (C&amp;D) Waste Recycling Program per San Juan Capistrano Municipal Codes 6-3.08 through 6-3.08.10 which require diversion of 65 percent of the total C&amp;D waste tonnage at a project site from landfills (City of San Juan Capistrano 2019c).</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>In addition, the solid waste generated from construction (e.g., demolition debris) would not exceed the maximum tons per day permitted at the landfills. Additionally, the proposed project would comply with all local, state, and federal solid waste regulations. With compliance with local, state, and federal solid waste requirements, no adverse effects would result from the proposed project.</p>
Wastewater / Sanitary Sewers	2	<p>As discussed previously, the proposed project is within the total units analyzed in the City’s MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013). According to the MND, the City’s Sewer and Wastewater Division is responsible for maintaining the City’s sewer collection system. The City’s sewer is collected and treated at the South Orange County Wastewater Authority’s (SOCWA) JB Latham Treatment Plant (JBLT) and then discharged into the ocean. Wastewater treatment requirements for the Orange County Sanitation District treatment facilities are established by the Santa Ana Regional Water Quality Control Board (RWQCB). These treatment requirements establish pollutant limits for effluent discharges to receiving waters. Future housing development would result in typical residential wastewater discharges and would not require new methods or equipment for treatment that are not currently permitted for existing treatment plants. Furthermore, residential development is not subject to point-source discharge requirements. Future housing development would not interfere with compliance with RWQCB wastewater treatment requirements. In addition, the MND concluded that the increased housing density from the General Plan amendments would not create a greater impact related to wastewater/sanitary sewers than was already analyzed by the General Plan EIR.</p> <p>Given the proposed project is within the total units analyzed in the MND, the proposed project would not result in new or substantially greater wastewater/sanitary sewer impacts than what was previously analyzed. Therefore, no adverse effects would result from the proposed project.</p>
Water Supply	2	<p>As discussed previously, the proposed project is within the total units analyzed in the City’s MND for General</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013).</p> <p>According to the MND, the City is responsible for water distribution in San Juan Capistrano and provides services throughout its fourteen square mile service area. The City receives its water from two main sources, the San Juan Basin, which is managed by the San Juan Basin Authority (SJBA) and imported water from the Municipal Water District of Orange County (MWDOC). Groundwater is pumped from two domestic wells located throughout the City, and imported water is treated at the Metropolitan Water District of Southern California Robert B. Diemer Water Treatment Plant and is delivered to the City through two imported water connections. As discussed in the MND, the General Plan EIR determined that with the water conservation programs in place, there would be a less than significant impact to water resources with General Plan build out. The proposed General Plan amendments and rezone would not alter any land use that could increase development intensity that could potentially create a greater impact than was already analyzed by the General Plan EIR. The proposed General Plan amendments and rezone would not result in any population growth or additional demand on water supplies; rather, these amendments and rezone would guide development to accommodate anticipated population growth in the community through the year 2021. Furthermore, according to the City's 2015 Urban Water Management Plan (UWMP), water supplies are projected to meet full-service demands through 2040 (Arcadis 2016). Thus, the proposed project would not result in the need for new or expanded water supplies, nor revise any policies associated with water supply or demand. Given that development of the proposed project is within the total units analyzed in the City's MND and covered in population projections in the City's latest UWMP, the proposed project would not result in new or substantially greater water supply impacts than what was previously analyzed. The proposed project would also comply with State law regarding water conservation measures, including pertinent provisions of Title 20 and Title 24 of the California Government Code regarding the use of water-efficient appliances. Therefore, no adverse effect would result from the proposed project.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
Public Safety - Police, Fire and Emergency Medical	2	<p>The Orange County Fire Authority provides fire protection emergency medical services to the City, including the project site. The nearest fire station to the project site is the San Juan Capistrano Fire Station #7 located at 31865 Del, located approximately 1.6 miles to the south (Google Earth Pro 2019). The Orange County Sheriff's Department (OCSD) provides police protection to the City which includes the project site. The OCSD's Aliso Viejo Station, which is located at 11 Journey in Aliso Viejo, approximately 6 miles to the northwest (Google Earth Pro 2019). Also, the nearest hospital with emergency room services to the project site is the Mission Hospital Mission Viejo at 27700 Medical Center Road, approximately 2.79 miles to the northeast (Google Earth Pro 2019). Due to the small number of occupants that would be permitted at the project site at any given time, the proposed project would not create a substantial demand on fire, police, or emergency services. In addition, property management staff would also be present to assist residents as needed. Therefore, no adverse effects would result from the proposed project.</p>
Parks, Open Space and Recreation	2	<p>The two nearest parks to the project site are Rio Oso Park and El Camino Real Park (Google Earth Pro 2019). Rio Oso Park is located approximately 0.33 mile southwest of the project site. Rio Oso Park includes grass area and picnic tables. El Camino Real Park, located approximately 0.30 mile south of the project site, includes grass area and picnic tables (Google Earth Pro 2019). Due to the limited number of residents using the 75 units, the proposed project is not expected to result in substantial impacts to nearby parks. The property would feature an exercise room, sitting areas, and barbeque pavilion for residents. Active and passive green open space, including a quarter-mile walking trail would also be available for the senior population. Therefore, no adverse effects would result from the proposed project.</p>
Transportation and Accessibility	2	<p>The proposed project has multi-modal access through bus transit, rail transit, as well as the local and regional street network. Bus transportation is provided by Orange County Transportation Authority (OCTA) Bus Route 91, which connects riders to the Laguna Hills Transportation Center and the San Juan Capistrano Metrolink Station. The project site is within 0.75 mile of the bus stop with the closest bus stop on Camino Capistrano at Junipero</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>Serra Road. Also, any eligible resident that needs Dial-a-Ride services would have access to the program. In addition, the City offers transportation to residents to the City's Senior Center for classes as well as grocery shopping and non-emergency medical transportation. The closest train station, San Juan Capistrano Metrolink Station, is 1.4 miles south from the project site. The proposed project is not expected to negatively impact any current facility, service or service expansion plans for the project area and/or project site. In addition, the project site is walkable and located within 2 miles to a wide range of service amenities such as medical clinic, park, grocery store, public park, and the San Juan Capistrano Missions. Therefore, no adverse effect would result from the proposed project.</p>
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	2	<p>The proposed project involves construction of a 75-unit residential development on a vacant lot. The adjacent properties are developed with residential, school, and medical facilities (including buildings, paved yards, etc.). As discussed previously, the proposed project is within the total units analyzed in the City's MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013). According to the MND, Trabuco Creek traverses the east side of project site. Future development would not be authorized to disrupt the hydrologic function of any waterway pursuant to local, state, and federal laws prohibiting loss or alteration of these resources; therefore, movement of wildlife and aquatic species through local riparian corridors would not be substantially impacted by future housing development, including the proposed project (which would keep this area as open land). Thus, the proposed project would not impact any unique natural features or water resources. Therefore, no adverse effect would result from the proposed project.</p>
Vegetation, Wildlife	3	<p>The project site has been previously disturbed by development and human activity. It consists of a vacant land with vegetation, relatively recent placement of fill materials, and asphalt-paved area. Onsite vegetation, light to very dense, is largely natural grasses, plants, bushes, and trees, with some landscaped bushes along the south side, associated with parking for the offsite senior assisted living facility.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>As discussed previously, based on the USFWS’ online Critical Habitat for Threatened &amp; Endangered Species mapper, the proposed project would have No Effect on listed species (USFWS 2019b). However, a critical habitat for coastal California gnatcatcher exists to the northwest of the project site (USFWS 2019b). Indirect impacts to special-status species occurring outside the project site could result from construction-related habitat loss and modification of sensitive natural communities related to dust, noise, stormwater runoff, and through the potential spread of noxious and invasive plant species into these communities.</p> <p>Also, as discussed previously, the proposed project is within the total units analyzed in the City’s MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013). In the MND’s discussion of biological resources, it notes that Trabuco Creek traverses the northwestern edge of the project site and is designated as a wetland by the USFWS National Wetlands Inventory with associated riparian habitat. To ensure that future development of the project site would not substantially affect sensitive riparian habitat, Mitigation Measure B-1 from the MND would be implemented. This mitigation measure requires a general biological survey to be performed prior to approval of entitlements to identify any on-site sensitive species and to assess the value of the existing habitat in supporting sensitive species. With this mitigation measure, impacts were found to be less than significant. This mitigation measure is provided below.</p> <p><u>Mitigation Measure B-1</u></p> <p>A biological resources assessment shall be prepared for any development proposal prior to approval of entitlements located on any land within a Critical Habitat designation or identified in the General Plan Environmental Impact Report as riparian habitat. This assessment shall identify the habitat types and quality, identify species occurrence and distribution, determine the specific impacts to biological resources and characterize the biological significance of those impacts, and define</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>measures to avoid, reduce or compensate for any significant impacts attributable to a proposed project. The reduction in impacts may include a redesign of the project. The compensation may include creating and/or preserving in perpetuity equivalent or better quality habitat at a minimum 1:1 ratio, as will be determined through project-specific analysis. The biological resources assessment shall be prepared by a qualified biologist and submitted to the [City of San Juan Capistrano] Development Services Director for review/approval in consultation with the biologist and other as appropriate to the project. The biological resources assessment shall be included in the CEQA compliance documentation for all such proposals.</p> <p>[Note: The biological resources assessment shall also need to be submitted to the County of Orange for review and approval.]</p> <p>Given that development of the proposed project is included within the total units analyzed in the MND, the proposed project would not result in new or substantially greater biological resources impacts than what was previously analyzed. In addition, the proposed project would implement the following mitigation measure. Therefore, the following mitigation measure is proposed to reduce the potential indirect impacts to special-status species to less than significant.</p> <p><u>Mitigation Measure – Endangered Species</u></p> <p>Project activities shall occur outside of the nesting bird season (generally February 15 through September 15). If vegetation removal and other project construction outside this time period are not feasible, the following additional measures shall be employed to avoid and minimize impacts to special-status bird species and nesting birds protected under the Migratory Bird Treaty Act that may occur within the surrounding project site:</p> <ol style="list-style-type: none"> <li>a. A pre-construction nesting bird survey shall be conducted by a qualified biologist within three days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone.</li> <li>b. In the event that an active nest is detected during preconstruction surveys, construction work within</li> </ol>

Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>300 feet of a passerine nest or 500 feet of a raptor nest would be delayed until the nest is vacated and juveniles have fledged, and when there is no evidence of a second attempt at nesting. Nest avoidance zones shall be established in the field with flagging and stakes or construction fencing, and construction personnel shall be instructed on the ecological sensitivity of the area.</p> <p>c. If the recommended nest avoidance zone is not feasible, the qualified biologist shall determine whether an exception is possible and obtain concurrence from the appropriate resource agency before construction work can resume within the avoidance buffer zone. All work shall cease within the avoidance buffer zone until either agency concurrence is obtained or the biologist determines that the adults and young are no longer reliant on the nest site.</p> <p>Lastly, the project site is located within the boundaries of Orange County Central-Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) -Coastal Subregion (USFWS 2016). Since the County is the signatory to the Orange County Central-Coastal NCCP/HCP - Coastal Subregion, they would conform with applicable measures provided in this document.</p> <p>With implementation of the mitigation measures identified above, no adverse effect would result from the proposed project.</p>
Other Factors	NA	No other factors apply to this evaluation.

**Additional Studies Performed:**

No additional studies were performed.

**Field Inspection** (Date and completed by):

No field inspection was performed.

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]:

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- . 2019c. Construction and Demolition Program.  
[http://sanjuancapistrano.org/Departments/Utilities/Environmental/Construction-and-  
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- . 2013. Mitigated Negative Declaration and Initial Study for San Juan Capistrano General  
 Plan Amendments 13-003, 13-004, 13-005, and 13-006, Code Amendments 13-001, 13-  
 002, Rezone 13-002, and 13-004; applications for Updating the Housing Element,  
 Updating the Density Bonus Program, Changing the Affordability Family Senior  
 Housing district to Very High Density, increasing the maximum residential density to  
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**List of Permits Obtained:**

None.

**Public Outreach [24 CFR 50.23 & 58.43]:**

N/A

**Cumulative Impact Analysis [24 CFR 58.32]:**

A project’s cumulative impact could occur if its incremental effect causes an adverse effect when combined with effects of other projects. With implementation of the mitigation measures discussed above, none of the issue areas analyzed above would contribute an incremental adverse effect that could combine with other incremental effects. Furthermore, while the project site is currently a vacant lot, it has been designated in the City’s Housing Element as an affordable housing site with a maximum density of 30 dwelling units per acre. The completion of the proposed project would thus facilitate the development of a vacant lot into an affordable apartment community consistent with the City’s Housing Element and would assist the County of Orange in its production efforts for new affordable housing. Therefore, with implementation of the mitigation measures discussed above, no adverse effect would result from the proposed project and subsequently no cumulative adverse effect would occur.

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]:**

**No Action Alternative [24 CFR 58.40(e)]:**

If the proposed project were not implemented, the project site would continue to be a vacant lot. Because there would be no construction and no operational changes under the No Action Alternative, it would have no adverse environmental effect. Under this alternative, none of the benefits associated with the proposed project (e.g., providing permanent housing for low-income senior individuals) would occur.

**Summary of Findings and Conclusions:**

As discussed above, the proposed project is within the total units analyzed in the City’s MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-

002; and Rezone 13-002, and 13-004 (City of San Juan Capistrano 2013). Thus, the proposed project would not result in new or substantially greater environmental impacts than what was previously analyzed in the MND. With implementation of the applicable mitigation measures from the MND and the additional mitigation measures discussed above, no new adverse effect would result from the proposed project. Furthermore, as discussed above, for other environmental parameters not covered under the MND and discussed above in this EA (e.g., environmental justice, commercial facilities, and County Health Care and Social Services, etc.), no adverse effect would result from the proposed project.

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Flood Insurance	The project civil engineer shall be consulted to verify the exact location of the FEMA Flood “Zone AE” with respect to the subject site boundaries to ensure the project site remains outside this zone.
Air Quality	<p>The applicant shall prepare an air quality analysis to demonstrate conformance with the SIP (specifically, demonstrate criteria pollutant emissions are below the General Conformity <i>de minimis</i> levels) prior to project approval.</p> <p>[Note: The air quality analysis shall also need to be submitted to the County of Orange for review and approval.]</p>
Endangered Species	<p>Project activities shall occur outside of the nesting bird season (generally February 15 through September 15). If vegetation removal and other project construction outside this time period are not feasible, the following additional measures shall be employed to avoid and minimize impacts to special-status bird species and nesting birds protected under the Migratory Bird Treaty Act that may occur within the surrounding project site:</p> <ul style="list-style-type: none"> <li>a. A pre-construction nesting bird survey shall be conducted by a qualified biologist within three days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone.</li> <li>b. In the event that an active nest is detected during preconstruction surveys, construction work</li> </ul>

Law, Authority, or Factor	Mitigation Measure
	<p>within 300 feet of a passerine nest or 500 feet or a raptor next would be delayed until the nest is vacated and juveniles have fledged, and when there is no evidence of a second attempt at nesting. Nest avoidance zones shall be established in the field with flagging and stakes or construction fencing, and construction personnel shall be instructed on the ecological sensitivity of the area.</p> <p>c. If the recommended nest avoidance zone is not feasible, the qualified biologist shall determine whether an exception is possible and obtain concurrence from the appropriate resource agency before construction work can resume within the avoidance buffer zone. All work shall cease within the avoidance buffer zone until either agency concurrence is obtained or the biologist determines that the adults and young are no longer reliant on the nest site.</p>
<p>City of San Juan Capistrano’s MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004</p>	<p><u>Mitigation Measure B-1</u> A biological resources assessment shall be prepared for any development proposal prior to approval of entitlements located on any land within a Critical Habitat designation or identified in the General Plan Environmental Impact Report as riparian habitat. This assessment shall identify the habitat types and quality, identify species occurrence and distribution, determine the specific impacts to biological resources and characterize the biological significance of those impacts, and define measures to avoid, reduce or compensate for any significant impacts attributable to a proposed project. The reduction in impacts may include a redesign of the project. The compensation may include creating and/or preserving in perpetuity equivalent or better quality habitat at a minimum 1:1 ratio, as will be determined through project-specific analysis. The biological resources assessment shall be prepared by a qualified biologist and submitted to the [City of San Juan Capistrano] Development Services Director for review/approval in consultation with the biologist and other as appropriate to the project. The biological resources assessment shall be included in the CEQA compliance documentation for all such proposals.</p>

Law, Authority, or Factor	Mitigation Measure
	[Note: The biological resources assessment shall also need to be submitted to the County of Orange for review and approval.]
City of San Juan Capistrano's MND for General Plan Amendments 13-003, 13-004, 13-005, and 13-006; Code Amendments 13-001, 13-002; and Rezone 13-002, and 13-004	<u>Mitigation Measure C-1</u> In the event that subsurface resources are encountered during the course of grading and/or excavation for projects completed pursuant to Housing Element policy, all development shall temporarily cease in these areas until the City of San Juan Capistrano Planning Division is contacted and agrees upon a qualified archaeologist/paleontologist, and Native American monitor to be brought onto the project site to properly assess the resources and make recommendations for their disposition. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. The applicable project applicant shall bear all costs associated with implementing this mitigation measure.

**Determination:**

**Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]  
The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]  
The project may significantly affect the quality of the human environment.

Preparer Signature: Cindy Wolfe Date: 11/19/19

Name/Title/Organization: Cindy Wolfe / Administrative Manager/Environmental Coordinator / OC Housing and Community Development

Certifying Officer Signature: Julia Bidwell Date: 11/19/19

Name/Title: Julia Bidwell/Director

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).