MITIGATED NEGATIVE DECLARATION

OUR LADY OF GUADALUPE SENIOR RESIDENTIAL PROJECT

Lead Agency:

City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708
(714) 593-4400

Project Proponent:

Irwin Partners Architects
245 Fischer Avenue, Suite B-2
Costa Mesa, CA 92626
(714) 557-2448

Environmental Consultant:

Phil Martin & Associates
2987 NW Fairway Heights Drive
Bend, Oregon 97703
(949) 454-1800

August 1, 2023

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PLANNING DEPARTMENT

1. **Project Title:** Our Lady of Guadalupe Senior Residential Project

2. **Lead Agency Name and Address:** City of Fountain Valley
   10200 Slater Avenue
   Fountain Valley, CA 90201

3. **Contact Person and Phone Number:** Steven Ayers, Principal Planner (714) 593-4431

4. **Project Location:** The project is located in the City of Fountain Valley as shown in Figure 1, Regional Map. More specifically, the project is located at 17103 Magnolia Street as shown in Figure 2, Vicinity Map. An aerial photograph of the site and surrounding area is shown in Figure 3, Aerial Photo. Figure 4 is a topography map that shows the topography on the site and surrounding areas.

5. **Project Sponsor's Name and Address:** Irwin Partners Architects
   245 Fischer Avenue, Suite B-2
   Costa Mesa, CA 92626
   (714) 557-2448

6. **General Plan Designation:** The project site is designated as General Commercial by the Fountain Valley General Plan. The project will require a General Plan Amendment to High Density Residential.

7. **Zoning:** The site is zoned C-1 Local Business by the Fountain Valley Zoning Map. The project would require a zone change to R4 High Density Multiple Dwelling to allow for the development of 29 low-income senior units with density bonuses permitted by state law.

8. **Description of Project:** The project site totals approximately 2.1 gross acres (91,503 square feet) and includes one parcel (APN 167-391-24). The site is currently developed with Our Lady of Guadalupe that is a 62 plus senior apartment building with 71 studio and 1-bedroom senior apartments and three stories in height. The building totals approximately 50,932 square feet.

   The Our Lady of Guadalupe Senior residential project is proposed for the open space area west of the existing Our Lady of Guadalupe building that is currently developed with 22 parking spaces, a 1,500 square foot patio with benches, chairs and tables and a 15,000 square garden.

   The project applicant proposes the development of 29 low-income senior independent living units in an 18,039 square foot, two-story building on the 2.1 acre site. The two-story building consists of one separate building that is connected by a second floor corridor. The project proposes 14 independent units on the first floor that totals 6,538 square feet of living space and 15 independent units on the second floor that total 6,960 square feet of living space for a total of 13,498 square feet of living space. The project proposes 68 parking spaces, which includes retaining 25 existing spaces, 21 relocated spaces and 22 new parking spaces. Access to the project site would be from Magnolia Avenue that extends along and forms the east project boundary.

   The project will require a General Plan Amendment to High Density Residential and a zone change to R4 High Density Multiple Dwelling to allow for the development of 29 low-income senior units with density bonuses permitted by state law.

PMA *Phil Martin & Associates, Inc.*

OUR LADY OF GUADALUPE
SENIOR RESIDENTIAL PROJECT
CITY OF FOUNTAIN VALLEY

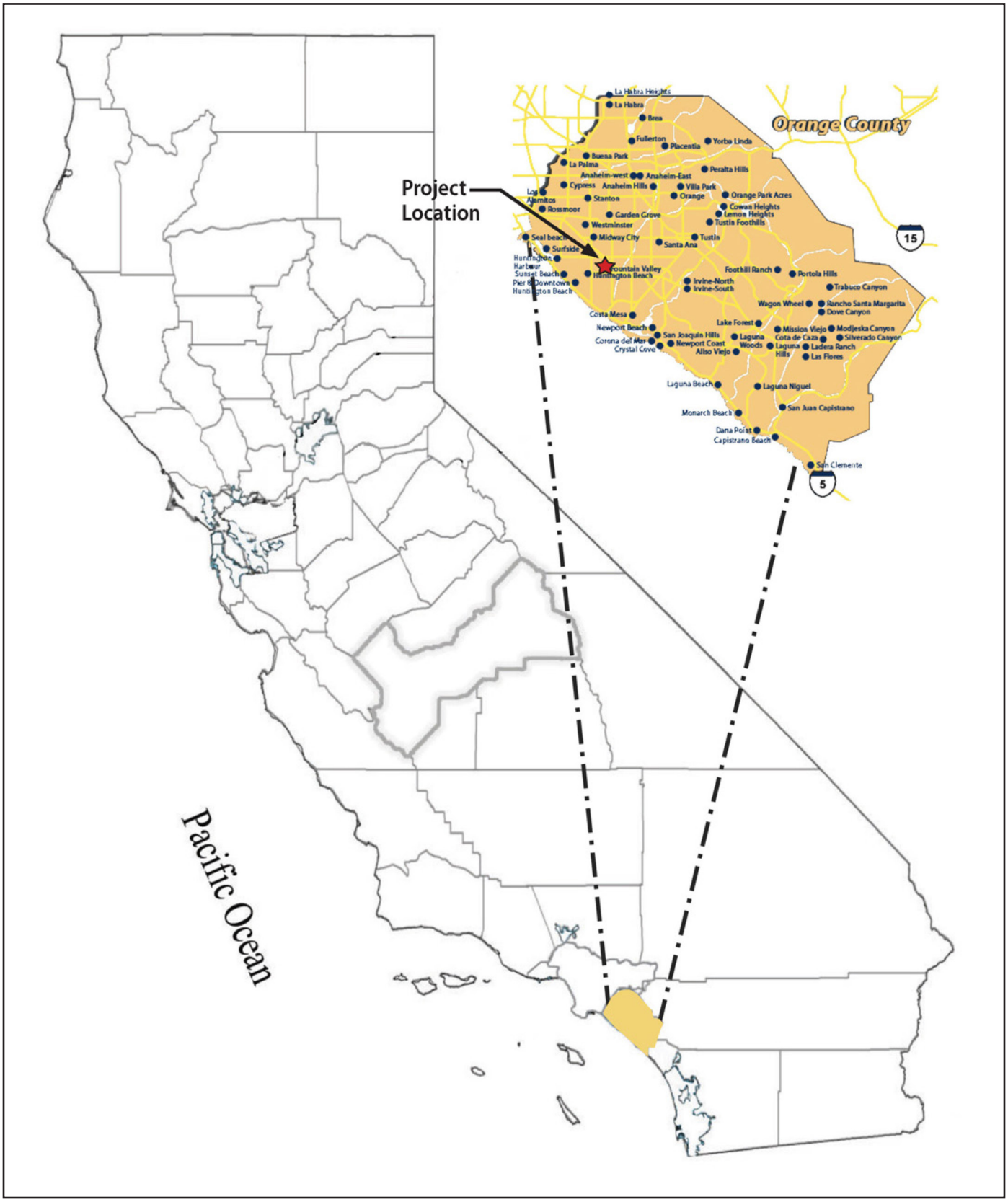
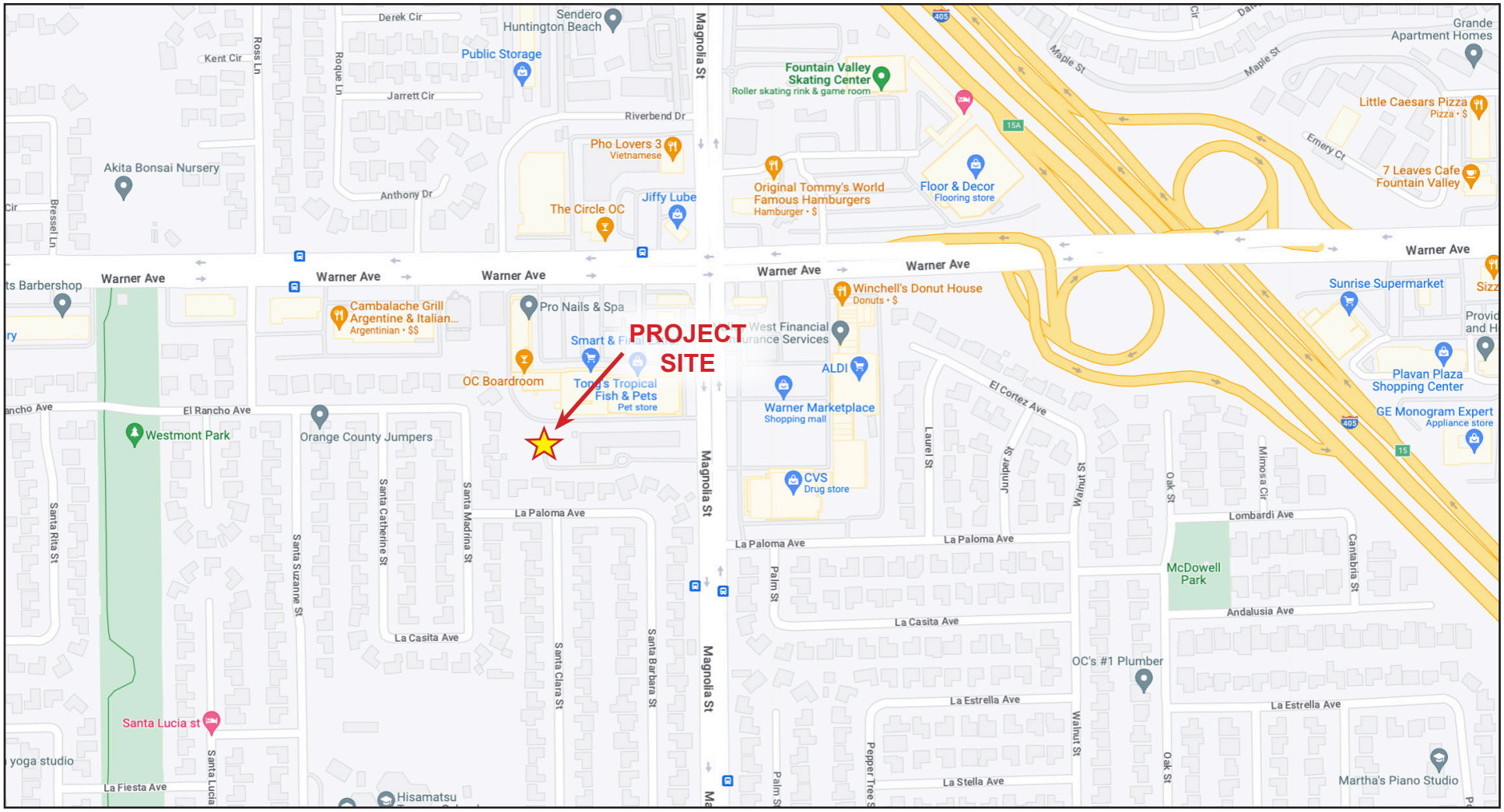


FIGURE 1
Regional Map



Source: Google Maps

FIGURE 2
Local Vicinity Map

Source: Google Maps

FIGURE 3
Aerial Photo

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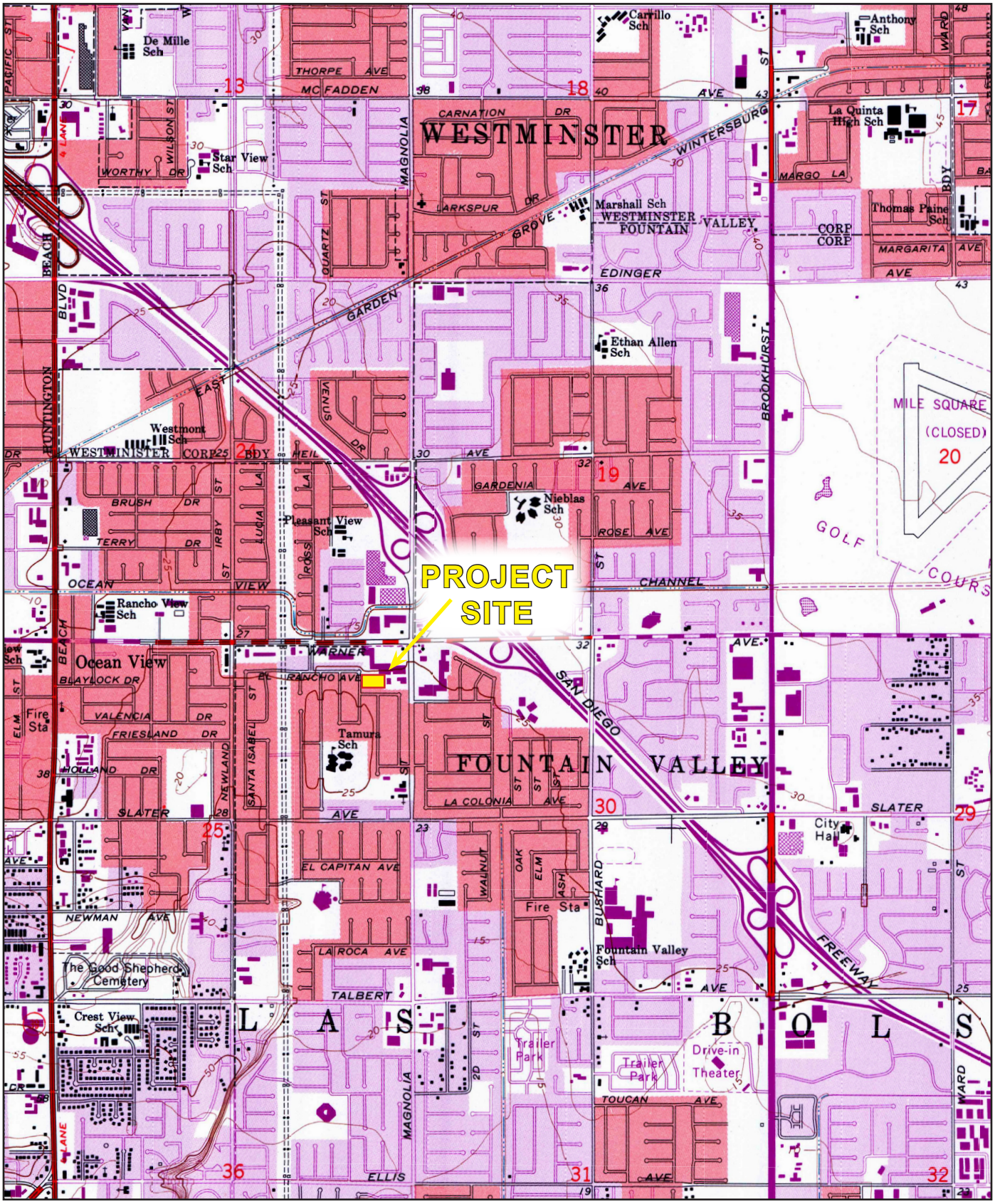


Source: U.S. Dept. of Interior

FIGURE 4
USGS Topo Map

The proposed R4 Zone applied to the 2.1 acre site would allow a maximum development of 30 DU/AC, or 63 dwelling units. There are, however, 71 existing residential units on the site associated with the existing Our Lady of Guadalupe development with a density of 33.8 DU/AC (71 dwelling units ÷ 2.1 acres = 33.8 DU/AC). The addition of the proposed 29 dwelling units would increase the density on the site to 47.6 DU/AC and greater than allowed by the R4 zone. The project is requesting a density bonus to allow 100 units on the site as opposed to 63 units as allowed by the requested R4 zone.

Fountain Valley Municipal Code (FVMC) 21.08.040 requires 27.5 ft. between the proposed residential building and the existing Our Lady of Guadalupe building. The project proposes 20 feet between the two residential structures. Thus, the project is requesting a concession to this requirement.

FVMC 21.08.040 requires a minimum floor area of 500 square feet for a studio unit and 750 square feet for a 1-bedroom unit. The project proposes 378 square feet and 422 square feet of floor area for studio units and 556 square feet for 1-bedroom units. Thus, the project is requesting a concession to floor area requirement.

FVMC 21.08.040 requires 100 square feet of private open space per multi-family unit. Due to the site constraints in order to provide 29 units, the project is unable to provide 100 square feet of private open space as required by the FVMC. The residents, however, would have access to other existing outdoor amenities on the site and include a pet area (713 square feet), walking path (591 square feet), two patios (172 square feet and 495 square feet), and a patio by the entry of the new building (421 sf). The residents of the proposed building would also have access to and the use of the recreational amenities in the existing Our Lady of Guadalupe building adjacent to the proposed building and include a lounge/library (294 square feet) and recreation rooms (1,222 square feet and 603 square feet) on the first floor and a TV/Game Room (399 sf) on the second floor. The project is requesting a concession to the private open space requirement.

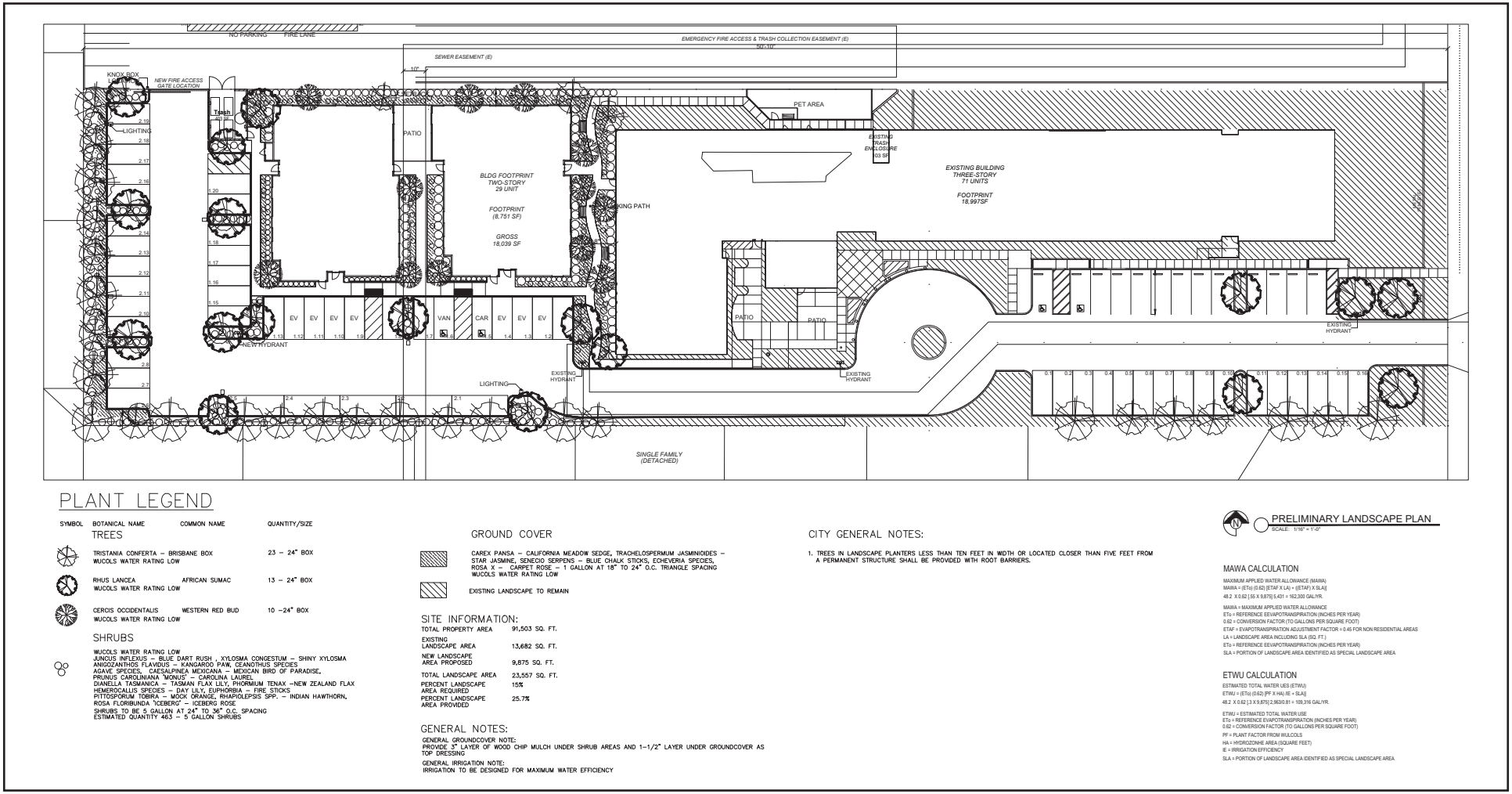
The project will be setback 84 feet from the west property line, 64 feet from the south property line, 7 feet from the north property line and 391 feet from the east property line.

The project proposes two floor plans with 15 studio units and 14 one-bedroom units. The size of the studio units are 378 square feet, 422 square feet and the one-bedroom units are 556 square feet. There is no maximum floor area ratio (FAR) requirement in the R4 zone. The project lot coverage is 31%. The architectural style is Contemporary Spanish.

The proposed landscape plan is shown in Figure 5. The project proposes open space consisting of a 713 square foot pet area, a 591 square foot walking path, 2 patios outside of the recreation room of 172 square feet and 495 square feet and a 421 square foot patio near the entry of the new building. The project is scheduled to be constructed in one phase with construction tentatively scheduled to start October 2023 and completed in October 2024. The proposed site plan is shown in Figure 6.

9. **Surrounding Land Uses and Setting:** The land uses surrounding the project site include commercial use to the north, single-family residential to the west and south and Our Lady of Guadalupe adjacent to and east of the project and further east of the site, east of Magnolia Street is commercial use. Figure 7 shows photographs of the on-site land use and Figure 8 shows photographs of the surrounding land uses. Figure 9 is a photo orientation map showing the locations of the photographs in Figures 7 and 8.

10. **Other Public Agencies whose approval is Required:** The discretionary approvals required from the City of Fountain Valley includes the following:



PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY/SIZE
TREES			
	TRISTANIA CONFERTA – BRISBANE BOX WUCOLS WATER RATING LOW		23 – 24" BOX
	RHUS LANCEA WUCOLS WATER RATING LOW	AFRICAN SUMAC	13 – 24" BOX
	CERCIS OCCIDENTALIS WUCOLS WATER RATING LOW	WESTERN RED BUD	10 –24" BOX
SHRUBS			
	WUCOLS WATER RATING LOW JUNCUS INFLEXUS – BLUE DART RUSH , XYLOSMA CONGESTUM – SHINY XYLOSMA ANIGOZANTHOS FLAVIDUS – KANGAROO PAW, CEANOTHUS SPECIES AGAVE SPECIES, CAESALPINEA MEXICANA – MEXICAN BIRD OF PARADISE, PRUNUS CAROLINIANA 'MONUS' – CAROLINA LAUREL DIANELLA TASMANICA – TASMAN FLAX LILY, PHORMIUM TENAX –NEW ZEALAND FLAX HEMEROCALLIS SPECIES – DAY LILY, EUPHORBIA – FIRE STICKS PITTOSPORUM TOBIRA – MOCK ORANGE, RHAPIOLEPSIS SPP. – INDIAN HAWTHORN, ROSA FLORIBUNDA 'ICEBERG' – ICEBERG ROSE SHRUBS TO BE 5 GALLON AT 24" TO 36" O.C. SPACING ESTIMATED QUANTITY 463 – 5 GALLON SHRUBS		

GROUND COVER

CAREX PANSA – CALIFORNIA MEADOW SEDGE, TRACHELOSPERMUM JASMINIOIDES – STAR JASMINE, SENECIO SERPENS – BLUE CHALK STICKS, ECHEVERIA SPECIES, ROSA X – CARPET ROSE – 1 GALLON AT 18" TO 24" O.C. TRIANGLE SPACING
WUCOLS WATER RATING LOW

EXISTING LANDSCAPE TO REMAIN

SITE INFORMATION:

TOTAL PROPERTY AREA	91,503 SQ. FT.
EXISTING LANDSCAPE AREA	13,682 SQ. FT.
NEW LANDSCAPE AREA PROPOSED	9,875 SQ. FT.
TOTAL LANDSCAPE AREA	23,557 SQ. FT.
PERCENT LANDSCAPE AREA REQUIRED	15%
PERCENT LANDSCAPE AREA PROVIDED	25.7%

GENERAL NOTES:

GENERAL GROUNDCOVER NOTE:
PROVIDE 3" LAYER OF WOOD CHIP MULCH UNDER SHRUB AREAS AND 1-1/2" LAYER UNDER GROUNDCOVER AS TOP DRESSING

GENERAL IRRIGATION NOTE:
IRRIGATION TO BE DESIGNED FOR MAXIMUM WATER EFFICIENCY

CITY GENERAL NOTES:

1. TREES IN LANDSCAPE PLANTERS LESS THAN TEN FEET IN WIDTH OR LOCATED CLOSER THAN FIVE FEET FROM A PERMANENT STRUCTURE SHALL BE PROVIDED WITH ROOT BARRIERS.

PRELIMINARY LANDSCAPE PLAN

SCALE: 1/16" = 1'-0"

MAWA CALCULATION

MAXIMUM APPLIED WATER ALLOWANCE (MAWA)
MAWA = (ETo) (0.62) [ETAF X LA) + ((ETAF) X SLA)]
48.2 X 0.62 [.55 X 9,875] 5,431 = 162,300 GAL/YR.

MAWA = MAXIMUM APPLIED WATER ALLOWANCE
ETo = REFERENCE EEVAPOTRANSPIRATION (INCHES PER YEAR)
0.62 = CONVERSION FACTOR (TO GALLONS PER SQUARE FOOT)
ETAF = EVAPOTRANSPIRATION ADJUSTMENT FACTOR = 0.45 FOR NON RESIDENTIAL AREAS
LA = LANDSCAPE AREA INCLUDING SLA (SQ. FT.)
ETo = REFERENCE EEVAPOTRANSPIRATION (INCHES PER YEAR)
SLA = PORTION OF LANDSCAPE AREA IDENTIFIED AS SPECIAL LANDSCAPE AREA

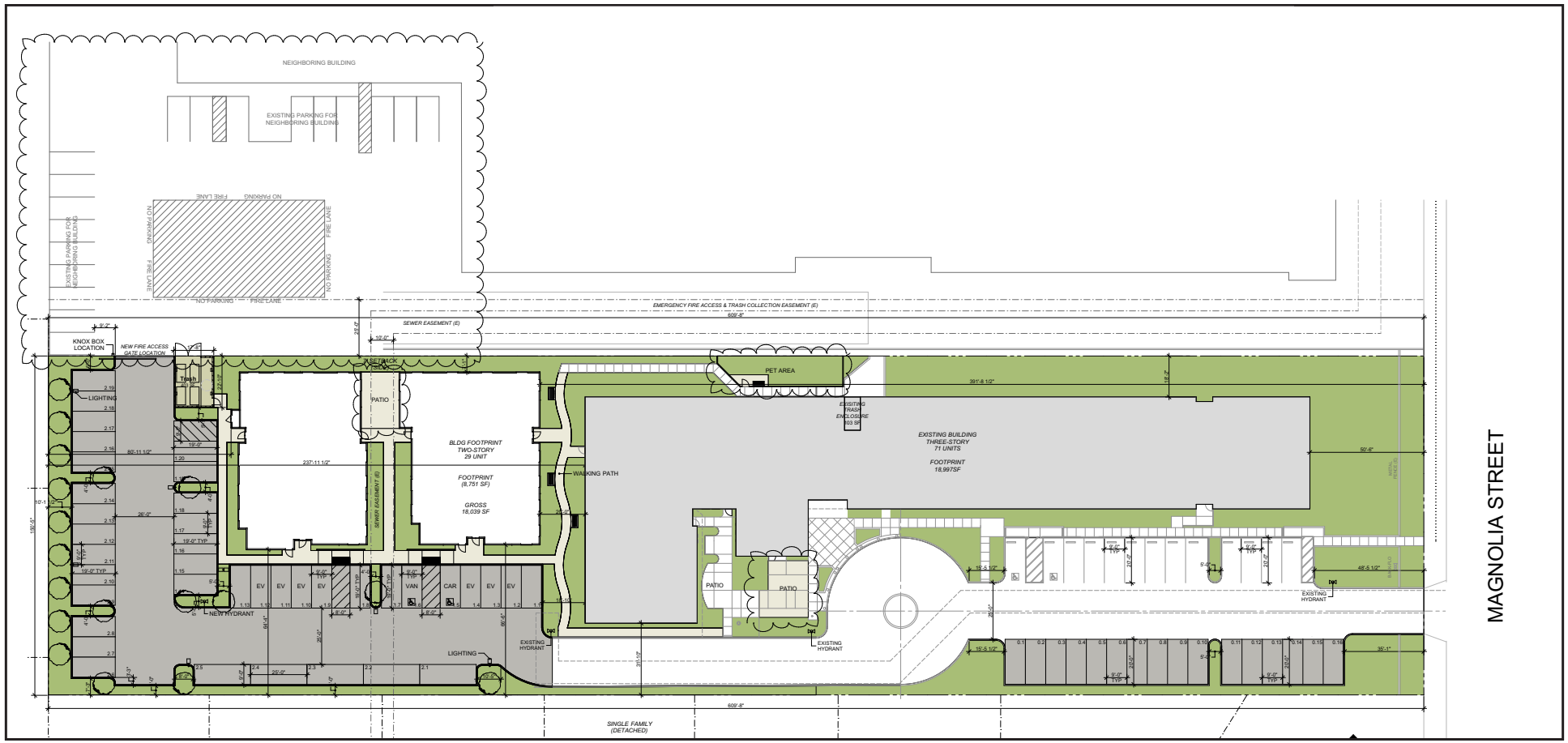
ETWU CALCULATION

ESTIMATED TOTAL WATER UES (ETWU)
ETWU = (ETo) (0.62) [PF X HA) /IE + SLA)]
48.2 X 0.62 [.3 X 9,875] 2,963/0.81 = 109,316 GAL/YR.

ETWU = ESTIMATED TOTAL WATER USE
ETo = REFERENCE EVAPOTRANSPIRATION (INCHES PER YEAR)
0.62 = CONVERSION FACTOR (TO GALLONS PER SQUARE FOOT)
PF = PLANT FACTOR FROM WUCOLS
HA = HYDROZONHE AREA (SQUARE FEET)
IE = IRRIGATION EFFICIENCY
SLA = PORTION OF LANDSCAPE AREA IDENTIFIED AS SPECIAL LANDSCAPE AREA

Source: Irwin Partners Architects / VAI Associates, Inc.

FIGURE 5
Landscape Plan



Source: Waber Consultants

FIGURE 6
Site Plan

A. *Looking at the site from Magnolia Street*

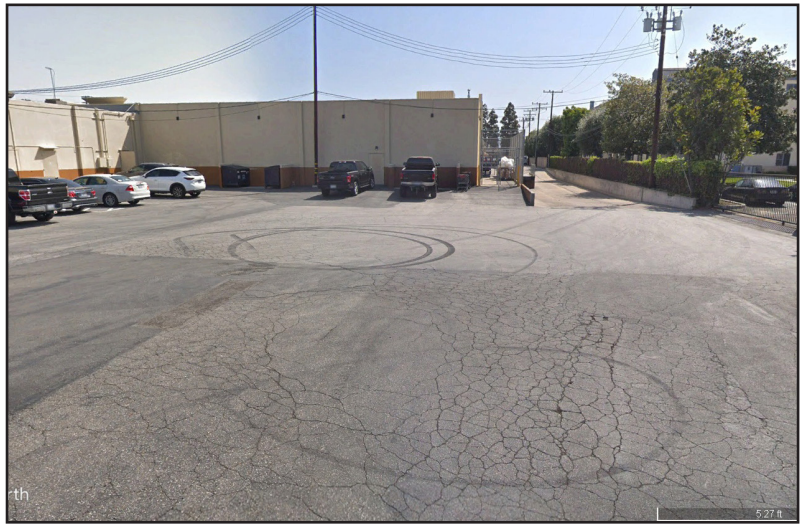
B. *Looking at the site from the existing Our Lady of Guadalupe building*

C. *Looking at the site from overhead*

Figure 7
On-Site Photographs

D. *Looking at the residential homes south of the site*

E. *Looking at the residential homes west of the site*



F. *Looking at the rear of the shopping center north of the site*

G. *Looking at the shopping center east of the site, east of Magnolia Street*

Figure 8
Surrounding Photos

Source: Google Earth

Figure 9
Photo Orientation Map

a. General Plan Amendment to High Density Residential
b. Zone change to R4 High Density Multiple Dwelling
c. Density bonus of 47.6 DU/AC
d. Precise Plan for construction of the new building
e. Conditional Use Permit (CUP) for a multifamily dwelling in the R4 zone
f. Density Bonus and Affordable Housing Agreement

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? Tribal letters were mailed October 18, 2022 to 21 tribes and formally inviting consultation with the city in compliance with 21080.3.1. The tribes that were contacted includes:

1. Andrew Salas - Gabrieleño Band of Mission Indians – Kizh Nation
2. Sandonee Goad - Gabrieleño/Tongva Nation
3. Robert Dorame - Gabrieleño/Tongva Indians of California Tribal Council
4. Anthony Morales - Gabrieleño/Tongva San Gabriel Band of Mission Indians
5. Joseph Ontiveros - Soboba Band of Luiseno Indians
6. Joyce Stanfield Perry - Juaneno Band of Mission Indians – Acjachemen Nation
7. Matias Belardes - Juaneno Band of Mission Indians – Acjachemen Nation
8. Angela Santos - Manzanita Band of Kumeyaay Nation
9. Charles Alvarez – Gabrielino-Tongva Tribe
10. Christina Conley – Gabrielino Tongva Indians of California Tribal Council
11. Gwendolyn Parada – La Posta Band of Diegueno Mission Indians
12. Heidi Lucero - Juaneno Band of Mission Indians Acjachemen Nation 84A
13. Isaiah Vivanco – Soboba Band of Luiseno Indians
14. Javaughn Miller – La Posta Band of Diegueno Mission Indians
15. Lovina Redner – Santa Rosa Band of Cahuilla Indians
16. Michael Garcia - Ewilaapaayp Band of Kumeyaay Indians
17. Michael Linton - Mesa Grande Band of Diegueno Mission Indians
18. Ralph Goff - Campo Band of Diegueno Mission Indians
19. Robert Pinto - Ewilaapaayp Band of Kumeyaay Indians
20. Scott Cozart - Soboba Band of Luiseno Indians
21. Shasta Gaughen – Pala Band of Mission Indians

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code Section 21080.3.2) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code Section 21082.3(c) contains provisions specific to confidentiality.

12. **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☑ Air Quality
☑ Biological Resources	☑ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☑ Noise	☐ Population/Housing	☑ Public Services
☐ Recreation	☐ Transportation	☑ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☑ Mandatory Findings of Significance

13. Determination: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant impact on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant impact on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on an earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature: Date

Evaluation of Environmental Impacts:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-than-significant Impact”. The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a) Earlier Analysis Used. Identify and state where they are available for review.

    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significance criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significance.

14. Issues:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS: Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare that will adversely affect day or nighttime views in the area?	☐	☐	☒	☐

II. AGRICULTURE and FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agricultural farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which due to their location or nature, could individually or cumulatively result in the loss of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species	☐	☐	☐	☒

or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of a unique archaeological resource as defined in §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
VI. ENERGY: Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐
VII. GEOLOGY AND SOILS: Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

VIII. GREENHOUSE GAS EMISSIONS Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

IX. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport, will the project result in a safety hazard or excessive noise for people working or residing in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

X. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner, which would:				
(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site;	☐	☐	☒	☐
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
(iv) impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐
XI. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigation an environmental effect?	☐	☐	☒	☐
XII. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
XIII. NOISE: Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise	☐	☒	☐	☐

ordinance, or applicable standards of other agencies?				
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
XIV. POPULATION AND HOUSING: Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
XV. PUBLIC SERVICES:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☐	☒
XVI. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐

XVII. TRANSPORTATION: Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐
XVIII. TRIBAL CULTURAL RESOURCES:				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1 (k), or	☐	☒	☐	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐
XIX. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state and local management and reduction statues and regulations related to solid waste?	☐	☐	☒	☐

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result or runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

XXI. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☒ ☐

15. Explanation of Issues

I. AESTHETICS: Would the project:

a) ***Have a substantial adverse effect on a scenic vista?*** **No Impact.** The project site is not part of any approved or designated scenic vista. Furthermore, the Fountain Valley General Plan does not designate any scenic vista that is either adjacent to or directly visible from the site. Warner Avenue is the city boundary between the City of Huntington Beach and Fountain Valley and approximately 450 feet north of the project site. There are no designated scenic vistas along Warner Avenue in Huntington Beach that are within direct view of the project site. The project would not have any scenic vista impacts.

b) ***Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*** **No Impact.** There are no Officially Designated or Eligible state scenic highways and no scenic resources such as trees, rock outcroppings, or historic buildings within a state scenic highway either adjacent to or in direct view from the site that would be removed or altered by the project. The project would not impact a state scenic resource.

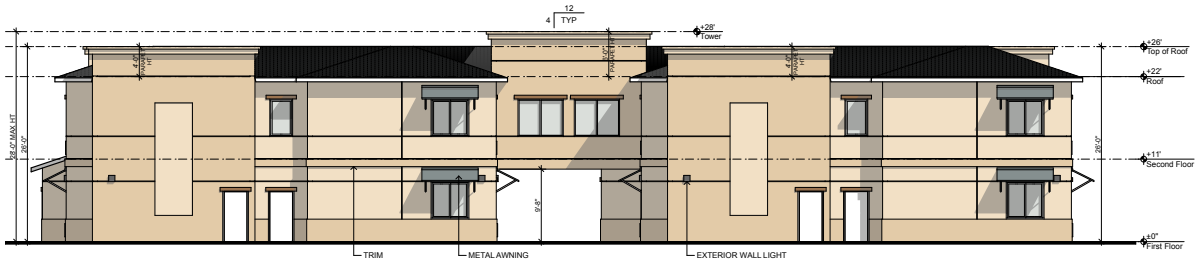
c) ***In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*** **Less Than Significant Impact.** The project is located within an urbanized area.[1] The project would remove approximately 21 existing parking spaces and a 1,500 square foot patio to develop the 29 low-income senior independent living units in an 18,039 square foot, two-story building, underground utilities, landscaping and other supporting site improvements and 68 total parking spaces. The proposed building would reflect a Contemporary Spanish architecture. The project proposes a landscaped walking path in the building set-back between the existing and proposed building. New landscaping including trees, groundcover and shrubs are proposed for the open space area around the perimeter of the proposed building and within the new parking lot west and south of the proposed building. FVMC Chapter 21.20.040 requires 15 percent of the project site be landscaped. The project proposes approximately 9,201 square feet of new landscaping in addition to the existing 15,699 square feet of existing landscaping for a total of 24,900 square feet of landscaping that totals 27.5 percent of the project site and exceeds the municipal code.

The maximum height of the proposed building is 28', including the top of the tower. The architectural design character of the proposed building includes building elevations that are detailed and articulated with metal awning projections, trim, and building extensions and recesses to avoid long and plain surfaces. Building massing would be further minimized by using differentiated building colors to match the existing building on the site. Elevations of the proposed two-story building are shown in Figures 10 and 11. The design and architecture of the proposed building along with landscaping around the building and throughout the parking lot would improve the aesthetics of the site for both existing and future project residents. The project would be required by the city to comply with the development standards that are required for the requested R4 zoning for the site. The project would not have any significant aesthetic impacts.

[1] CEQA Guidelines §15387.

NEW BUILDING COLORS AND MATERIALS TO MATCH COLOR SCHEME AND MATERIALS OF EXISTING BUILDING

02 North Elevation
SCALE: 1/8" = 1'-0"



01 South Elevation
SCALE: 1/8" = 1'-0"

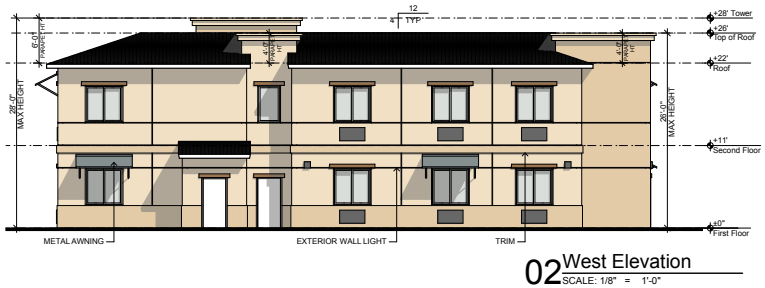
Source: Irwin Partners Architects

Figure 10

North/South Building Elevations

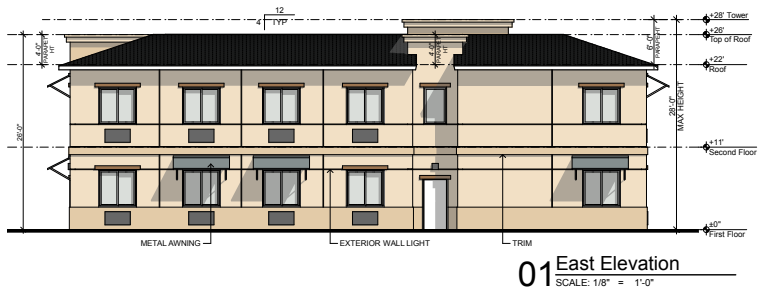
NEW BUILDING COLORS AND MATERIALS TO MATCH COLOR SCHEME AND MATERIALS OF EXISTING BUILDING

05 West Elevation 'B'
SCALE: 1/8" = 1'-0"



02 West Elevation
SCALE: 1/8" = 1'-0"

04 East Elevation 'A'
SCALE: 1/8" = 1'-0"



01 East Elevation
SCALE: 1/8" = 1'-0"

Source: Irwin Partners Architects

Figure 11
East/West Building Elevations

d) ***Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*** **Less Than Significant Impact**. The project would generate increased amounts of light and glare compared to the existing vacant land on the site where the building is proposed to be constructed. The new sources of light and glare include city required exterior lighting in compliance with FVMC Chapter 21.18.060, landscape lighting and car headlights. The exterior building lighting, landscape lighting and cars lights would be similar to the light that is generated by the existing Our Lady of Guadalupe building on the site, but less intense due to the smaller size of the proposed building. The interior lights of the proposed building would be directly visible to the existing residents adjacent to and west and south of the site. The new sources of lighting would increase the amount of light that is currently generated from the vacant land on the site. Although the interior and exterior lights of the project would be visible to existing residents adjacent to and in close proximity of the project the intensity of the project lighting would be similar to, but less than the light that is generated by the existing Our Lady of Guadalupe residential building on the project site and other residential and commercial lighting in the project vicinity.

The lights from the cars of the residents that would drive in and out of the site would increase the amount of nighttime automobile light at the west end of the site where the building is proposed. Like the existing condition, the existing 5 foot block walls along the west and south project boundary would prevent car headlights from shining directly into the yards of the adjacent residential units. While the lights of the cars generated by the project would incrementally increase the amount of nighttime light in the immediate project vicinity and visible to the residents adjacent to and immediately west and south of the site, the lights from the car headlights of the project would not be new or unique to the project site or the immediate area and is not anticipated to significantly impact adjacent residents.

There is minimal glare currently generated from the area of the project site where the project is proposed to be constructed. Glare is not new or unique to the site or the immediate project area. There is existing residential development adjacent to the site and the existing Our Lady of Guadalupe development currently generate glare to the area and within the project site. The project would incrementally increase the amount of glare from metal surfaces and glazing from the proposed building similar to the existing Our Lady of Guadalupe building. However, the incremental increase in glare by the project would be similar to the existing glare on the site and would not significantly impact existing residents on or adjacent to the site.

New parking lot lights would be installed in the parking lot resulting in lights being closer to the existing residential homes adjacent to and west and south of the project. Therefore, the project would increase the amount of nighttime lighting onto the adjacent residents closest to the site compared to the existing condition. The project must comply with FVMC Section 21.18.060 which sets the standards for the amount of light and glare the project can generated to protect both project residents and the existing residents adjacent to the site. Project compliance with light and glare requirements of FVMC Section 21.18.060 would reduce potential project light and glare impacts to the adjacent residents to a level of less than significant. The project would not have any significant light or glare impacts.

II. AGRICULTURE AND FORESTRY RESOURCES: Would the project:

a) ***Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*** **No Impact.** The project site is developed with the Our Lady of Guadalupe low-income senior housing apartment building and associated site improvements. There are no agricultural activities on the site currently.

The site is designated "Urban and Built-Up Land" by the latest State of California Department of Conservation Orange County Important Farmland 2016 map[2]. Urban and Built-up Land is, "used for residential, industrial, commercial, construction, institutional, public administrative purposes, railroad yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment plants, water control structures, and other development purposes. Highways, railroads, and other transportation facilities are mapped as a part of Urban and Built-up Land if they are a part of the surrounding urban areas.

Units of land smaller than 10 acres will be incorporated into the surrounding map classifications. The building density for residential use must be at least 1 structure per 1.5 acres (or approximately 6 structures per 10 acres). Urban and Built-up Land must contain man-made structures or buildings under construction, and the infrastructure required for development (e.g., paved roads, sewers, water, electricity, drainage, or flood control facilities) that are specifically designed to serve that land. Parking lots, storage and distribution facilities, and industrial uses such as large packing operations for agricultural produce will generally be mapped as Urban and Built-up Land even though they may be associated with agriculture.

Urban and Built-up Land does not include strip mines, borrow pits, gravel pits, farmsteads, ranch headquarters, commercial feedlots, greenhouses, poultry facilities, or road systems for freeway interchanges outside of areas classified as Urban and Built-up Land areas.

Within areas classified as Urban and Built-up Land, vacant and nonagricultural land which is surrounded on all sides by urban development and is less than 40 acres in size will be mapped as Urban and Built-up. Vacant and nonagricultural land larger than 40 acres in size will be mapped as Other Land.[3]

The project would not convert prime, unique, or farmland of statewide importance to non-agricultural use and impact farmland.

b) ***Conflict with existing zoning for agricultural use, or a Williamson Act contract?*** **No Impact.** The project site is not in a Williamson Act contact. The requested R4 zoning does not allow agricultural use. The project would not conflict with any existing agricultural use or a Williamson Act contract.

c) ***Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*** **No Impact.** There are no timber or forests in the City of Fountain Valley. The requested zone change to R4 High Density Multiple Dwelling does not allow timber or forest production. The project would not impact any forest or timber production.

d) ***Result in the loss of forest land or conversion of forest land to non-forest use?*** **No Impact.** See Response to section "II.c" above.

e) ***Involve other changes in the existing environment, which due to their location or nature, could individually or cumulatively result in the loss of Farmland, to non-agricultural use?*** **No Impact.** The project would not result in the loss of any farmland, either individually or cumulatively, and would have no impact to farmland.

[2] https://maps.conservation.ca.gov/DLRP/CIFF/
[3] https://www.conservation.ca.gov/dlrp/fmmp/Documents/soil_criteria.pdf

III. AIR QUALITY: Would the project:

a) ***Conflict with or obstruct implementation of the applicable air quality plan? Less Than Significant Impact.*** The U.S. Environmental Protection Agency (U.S. EPA) is the primary federal agency for regulating air quality. The EPA implements the provisions of the Federal Clean Air Act (FCAA). This Act establishes National Ambient Air Quality Standards (NAAQS) that are applicable nationwide. The EPA designates areas with pollutant concentrations that do not meet the NAAQS as non-attainment areas for each criteria pollutant. States are required by the FCAA to prepare State Implementation Plans (SIP) for designated non-attainment areas. The SIP is required to demonstrate how the areas would attain the NAAQS by the prescribed deadlines and what measures would be required to attain the standards. The EPA also oversees implementation of the prescribed measures. Areas that achieve the NAAQS after a non-attainment designation are redesignated as maintenance areas and must have approved Maintenance Plans to ensure continued attainment of the NAAQS.

The California Clean Air Act (CCAA) required all air pollution control districts in the state to prepare plans to reduce pollutant concentrations exceeding the California Ambient Air Quality Standards (CAAQS) and ultimately achieve the CAAQS. The districts are required to review and revise these plans every three years. The South Coast Air Quality Management District (SCAQMD), in which the project is located, satisfies this requirement through the publication of an Air Quality Management Plan (AQMP). The AQMP is developed by SCAQMD and the Southern California Association of Governments (SCAG) in coordination with local governments and the private sector. The AQMP is incorporated into the SIP by the California Air Resources Board (CARB) to satisfy FCAA requirements discussed above.

On December 7, 2012, the 2012 AQMP was adopted by the SCAQMD Governing Board. The primary task of the 2012 AQMP is to bring the basin into attainment with federal health-based standards for unhealthful fine particulate matter (PM2.5) by 2014. The document states that to have any reasonable expectation of meeting the 2023 ozone deadline, the scope and pace of continued air quality improvement must greatly intensify.

AQMPs are required to be updated every three years. The 2019 AQMP was adopted by the SCAQMD Board on March 6, 2019, and has been submitted to the California Air Resources Board for forwarding to the EPA. The 2019 AQMP acknowledges that motor vehicle emissions have been effectively controlled and that reductions in NOx, the continuing ozone problem pollutant, may need to come from major stationary sources (power plants, refineries, landfill flares, etc.). The current attainment deadlines for all federal non-attainment pollutants are now as follows:

- 8-hour ozone (70 ppb) 2032
- Annual PM-2.5 (12 $\mu g/m^3$) 2025
- 8-hour ozone (75 ppb) 2024 (old standard)
- 1-hour ozone (120 ppb) 2023 (rescinded standard)
- 24-hour PM-2.5 (35 $\mu g/m^3$) 2019

The project does not directly relate to the AQMP in that there are no specific air quality programs or regulations governing residential projects. Conformity with adopted plans, forecasts and programs relative to population, housing, employment and land use is the primary yardstick by which impact significance of planned growth is determined. The SCAQMD, however, while acknowledging that the AQMP is a growth-accommodating document, does not favor designating regional impacts as less than significant just because a proposed development is consistent with regional growth projections. Air quality impact significance for the project has therefore been analyzed on a project-specific basis.

The proposed project would not significantly affect regional air quality plans. According to section "XVII Transportation" of this MND, the project would not generate new vehicle emissions that exceed AQMD adopted thresholds based on the air quality analysis that concludes no significant air quality impact. Therefore, the project is consistent with and would not significantly impact the AQMP.

b) ***Result in a cumulatively considerable net increase of any criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*** **Less Than Significant Impact.** Cumulative projects include local development as well as general growth within the project area. However, as with most development, the greatest source of emissions is from mobile sources, which travel well out of the local area. Therefore, from an air quality standpoint, the cumulative analysis would extend beyond any local projects and when wind patterns are considered, would cover an even larger area.

The project is located within the SCAB and non-attainment for ozone and PM_{10} particulate matter. Construction and operation of cumulative projects would further degrade the local air quality, as well as the air quality of the SCAB. The greatest cumulative impact on the regional air quality is the incremental addition of pollutants mainly from increased traffic from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with the construction of these projects. Air quality would be temporarily degraded during construction activities that occur separately or simultaneously. However, in accordance with the SCAQMD methodology, projects that do not exceed the SCAQMD criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact.

As stated in section "III.c" below of this MND, the project would not generate any short- or long-term air emissions that exceed SCAQMD emission thresholds. Therefore, the project would not have any significant cumulative criteria pollutant impacts.

c) ***Expose sensitive receptors to substantial pollutant concentrations?*** **Potentially Significant Unless Mitigation Incorporated.** An air quality and greenhouse gas report[4] was prepared for the project. A copy of the air quality and greenhouse gas report is attached in Appendix A.

Criteria Pollutants, Health Effects, and Standards

Under the Federal Clean Air Act (FCAA), the U.S. EPA has established National Ambient Air Quality Standards (NAAQS) for six major pollutants; ozone (O_3), respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and lead. These six air pollutants are often referred to as the criteria pollutants. The NAAQS are two tiered: primary, to protect public health, and secondary, to prevent degradation to the environment (i.e., impairment of visibility, damage to vegetation and property).

Under the California Clean Air Act, the California Air Resources Board has established California Ambient Air Quality Standards (CAAQS) to protect the health and welfare of Californians. State standards have been established for the six criteria pollutants as well as four additional pollutants; visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride.

Table 1 presents the state and national ambient air quality standards. A brief explanation of each pollutant and their health effects is presented in the Table 1 footnotes.

[4] Air Quality and GHG Impact Analysis, Guadalupe Manor (17103 Magnolia) Residential Project, Gerrick Environmental, May 14, 2023.

Table 1
Ambient Air Quality Standards

Ambient Air Quality Standards						
Pollutant	**Averaging Time**	**California Standards [1]**		**National Standards [2]**		
		Concentration [3]	**Method [4]**	**Primary [3,5]**	**Secondary [3,6]**	**Method [7]**
Ozone (O_3)[8]	1 Hour	0.09 ppm (180 µg/m^3)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m^3)		0.070 ppm (137 µg/m^3)		
Respirable Particulate Matter (PM10)[9]	24 Hour	50 µg/m^3	Gravimetric or Beta Attenuation	150 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m^3		—		
Fine Particulate Matter (PM2.5)[9]	24 Hour	—	—	35 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m^3	Gravimetric or Beta Attenuation	12.0 µg/m^3	15 µg/m^3	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m^3)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m^3)	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m^3)		9 ppm (10 mg/m^3)	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m^3)		—	—	
Nitrogen Dioxide (NO_2)[10]	1 Hour	0.18 ppm (339 µg/m^3)	Gas Phase Chemiluminescence	100 ppb (188 µg/m^3)	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)		0.053 ppm (100 µg/m^3)	Same as Primary Standard	
Sulfur Dioxide (SO_2)[11]	1 Hour	0.25 ppm (655 µg/m^3)	Ultraviolet Fluorescence	75 ppb (196 µg/m^3)	—	Ultraviolet Flourescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m^3)	
	24 Hour	0.04 ppm (105 µg/m^3)		0.14 ppm (for certain areas)[11]	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas)[11]	—	
Lead[12,13]	30 Day Average	1.5 µg/m^3	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m^3 (for certain areas)[12]	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m^3		
Visibility Reducing Particles[14]	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	**No National Standards**		
Sulfates	24 Hour	25 µg/m^3	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m^3)	Ultraviolet Fluorescence			
Vinyl Chloride[12]	24 Hour	0.01 ppm (26 µg/m^3)	Gas Chromatography			

See footnotes on next page …

For more information please call ARB-PIO at (916) 322-2990 **California Air Resources Board (5/4/16)**

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.

5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.

8. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.

9. On December 14, 2012, the national annual PM2.5 primary standard was lowered from 15 $\mu g/m^3$ to 12.0 $\mu g/m^3$. The existing national 24-hour PM2.5 standards (primary and secondary) were retained at 35 $\mu g/m^3$, as was the annual secondary standard of 15 $\mu g/m^3$. The existing 24-hour PM10 standards (primary and secondary) of 150 $\mu g/m^3$ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.

10. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.

11. On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

    Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.

12. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

13. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 $\mu g/m^3$ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.

14. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Monitored Air Quality

Long-term air quality monitoring is carried out by the SCAQMD at various monitoring stations. The SCAQMD has divided the South Coast Air Basin into 38 air-monitoring areas with a designated ambient air monitoring station representative of each area. There are no nearby stations to the project that monitor the full spectrum of pollutants. However, the Anaheim monitoring station that is the closest air monitoring station to the project, monitors measures both regional pollution levels such as smog, ozone, 10 and 2.5 micron particulate matter (PM-10, PM-2.5) and nitrogen oxides (NOx). Table 2 is a 4-year summary of the most recent monitoring data for the major air pollutants compiled from the Anaheim air monitoring station.

Table 2
Air Quality Monitoring Summary (2018-2021)
(Number of Days Standards Were Exceeded, and Maximum Levels During Such Violations)

Pollutant/Standard	2018	2019	2020	2021
Ozone				
1-Hour > 0.09 ppm (S)	1	1	6	0
8-Hour > 0.07 ppm (S)	1	1	15	0
8- Hour > 0.075 ppm (F)	0	1	4	0
Max. 1-Hour Conc. (ppm)	0.112	0.096	0.142	0.103
Max. 8-Hour Conc. (ppm)	0.071	0.082	0.097	0.068
Carbon Monoxide				
8- Hour > 9. ppm (S,F)	0	0	0	0
Max 8-hour Conc. (ppm)	1.9	1.3	1.7	1.5
Nitrogen Dioxide				
1-Hour > 0.18 ppm (S)	0	0	0	0
Max. 1-Hour Conc. (ppm)	0.066	0.059	0.071	0.067
Inhalable Particulates (PM-10)				
24-hour > 50 $\mu g/m^3$ (S)	13/320	13/364	13/329	12/361
24-hour > 150 $\mu g/m^3$ (F)	0/320	0/364	0/329	0/361
Max. 24-Hr. Conc. ($\mu g/m^3$)	129.	127.	120.	115.
Ultra-Fine Particulates (PM-2.5)				
24-Hour > 35 $\mu g/m^3$ (F)	3/353	3/346	1/355	9/364
Max. 24-Hr. Conc. ($\mu g/m^3$)	54.1	36.1	41.4	54.4

S - State Standard
F – Federal Standard
Source: South Coast AQMD Air Monitoring Station Data Summary, Anaheim Station (3176)

Air Emission Thresholds

The SCAQMD has developed significance thresholds based on the volume of pollution emitted rather than actual ambient air quality because the direct air quality impact of a project is not quantifiable on a regional scale. The SCAQMD California Environmental Quality Act (CEQA) Handbook states that any project in the South Coast Air Basin with daily emissions that exceed any of the identified significance thresholds should be considered as having an individually and cumulatively significant air quality impact. For the purposes of this air quality impact analysis, a regional air quality impact would be considered significant if emissions exceed the SCAQMD significance thresholds identified in Table 3.

Table 3
SCAQMD Daily Emissions Thresholds of Significance

Pollutant	Construction	Operations
ROG	75	55
NOx	100	55
CO	550	550
PM-10	150	150
PM-2.5	55	55
SOx	150	150
Lead	3	3

Source: SCAQMD CEQA Air Quality Handbook, November, 1993 Rev.

Additional Indicators

Air quality impacts are considered "significant" if they cause clean air standards to be violated where they are currently met, or if they "substantially" contribute to an existing violation of standards. Any substantial emissions of air contaminants for which there is no safe exposure, or nuisance emissions such as dust or odors, would also be considered a significant impact.

Appendix G of the California CEQA Guidelines offers the following four tests of air quality impact significance. A project would have a potentially significant impact if it:

- Conflicts with or obstructs implementation of the applicable air quality plan.
- Results in a cumulatively considerable net increase of any criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard.
- Exposes sensitive receptors to substantial pollutant concentrations.
- Creates objectionable odors affecting a substantial number of people.

Short-Term Construction Impacts

Construction activities to develop the project would generate air emissions, toxic air contaminant emissions, and odors during construction. The project construction activities include the demolition of the existing residence, buildings, and other site improvements, grading of the site, construction of the residential units, trenching for underground utilities, street paving, painting the houses, construction of block walls and other required site improvements.

CalEEMod was developed by the SCAQMD to provide a model to calculate construction emissions and operational emissions for a variety of land use projects. It calculates both the daily maximum and annual average emissions for criteria pollutants as well as total or annual greenhouse gas (GHG) emissions. Although exhaust emissions would result from the operation of on- and off-site motorized equipment, the exact types and numbers of equipment would vary among contractors such that emissions cannot be quantified with certainty. Project construction emissions were estimated by using CalEEMod2020.4.0 computer model to identify the maximum daily emissions for each pollutant during

project construction based on the type and number of pieces of construction equipment necessary to develop the project and the estimated time to construct the project. The estimated construction fleet to develop the project is shown in Table 4.

Table 4
Construction Activity Equipment Fleet

Phase Name and Duration	Equipment
Demolition (10 days)	1 Concrete Saw
	1 Dozer
	2 Loader/Backhoes
Grading (4 days)	1 Grader
	1 Dozer
	1 Loader/Backhoe
Construction (100 days)	1 Crane
	2 Loader/Backhoes
	2 Forklifts
Paving (5 days)	1 Paver
	4 Mixers
	1 Loader/Backhoe
	1 Roller

Referencing the construction equipment fleet and durations shown in Table 4, the worst-case daily construction emissions were calculated by CalEEMod2020.4.0 and are shown in Table 5.

Table 5
Construction Activity Emissions Maximum Daily Emissions (pounds/day)

Maximal Construction Emissions	ROG	NOx	CO	SO_2	PM-10	PM-2.5
2024						
Unmitigated	17.1	9.7	7.7	0.0	5.8	3.0
Mitigated	17.1	9.7	7.7	0.0	2.9	1.5
SCAQMD Thresholds	75	100	550	150	150	55

As shown in Table 5, peak daily construction activity emissions are estimated to be below SCAQMD CEQA thresholds without the need for mitigation measures. The only mitigation measure that was included in the CalEEMod2020.4.0 air model program was watering exposed dirt surfaces three times a day to minimize the generation of fugitive dust during grading activities.

Construction equipment exhaust emissions contain carcinogenic compounds within the diesel exhaust particulates. The toxicity of diesel exhaust is evaluated relative to a 24-hour per day, 365 days per year, 70-year lifetime exposure. The SCAQMD does not generally require the analysis of construction-related diesel emissions relative to health risk due to the short period for which the majority of diesel exhaust would occur. Health risk analyses are typically assessed over a 9-, 30-, or 70-year timeframe and not over a brief construction period due to the lack of health risk associated with a brief exposure.

Localized Significance Thresholds

SCAQMD developed analysis parameters to evaluate ambient air quality on a local level in addition to the more regional emissions-based thresholds of significance. These analysis elements are called Localized Significance Thresholds (LSTs). LSTs were developed in response to Governing Board's Environmental Justice Enhancement Initiative 1-4 and the LST methodology was provisionally adopted in October 2003 and formally approved by SCAQMD's Mobile Source Committee in February 2005.

For the project, the primary source of a possible LST impact would be during project construction and not the operation of the project. LSTs are applicable for a sensitive receptor where it is possible that an individual could remain for 24 hours such as a residence, hospital or convalescent facility, which in this case the existing residents adjacent to the project are considered sensitive receptors.

LSTs are only applicable to the following criteria pollutants: oxides of nitrogen (NOx), carbon monoxide (CO), and particulate matter (PM-10 and PM-2.5). LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

LST screening tables are available for 25, 50, 100, 200 and 500-meter source-receptor distances. For the proposed project the nearest sensitive receptors are the residences adjacent to and south and west of the project and therefore, the most conservative 25-meter distance was modeled.

The SCAQMD has issued guidance on applying CalEEMod to LSTs. LST pollutant screening level concentration data is currently published for various size sites and varying distances. For this project, the most stringent thresholds for a 1-acre site were applied. Table 6 shows the estimated LST emissions and thresholds.

Table 6
LST and Project Emissions (pounds/day)

LST 1 acre/25 meters N. Coastal Orange County	CO	NOx	PM-10	PM-2.5
LST Threshold	647	92	4	3
Max On-Site Emissions				
Unmitigated	8	10	6	3
Mitigated	8	10	3	2

The project LSTs were compared to the maximum daily construction activities. As shown in Table 6, with active dust suppression measures the project construction emissions are less than significant and would meet the LST construction thresholds. Although project construction activities are not calculated to generate dust emissions that would exceed SCAQMD thresholds, minimizing construction emissions through enhanced dust control measures is recommended because the project is located in the SCAB and non-attainment for PM-2.5. The following measure is recommended to minimize PM-2.5 dust emissions during project grading and construction:

Mitigation Measure No. 1 The project contractor shall implement the following dust control measure throughout project demolition, grading and construction:

- Exposed surfaces shall be watered a minimum of 3 times/day.

Similarly, construction ozone precursor emissions (ROG and NOx) are calculated to be below SCAQMD thresholds as shown in Table 5. However, because of the regional non-attainment for photochemical smog, the use of reasonably available control measures for diesel exhaust is recommended. The following measure is recommended to minimize ROG and NOx emissions during project construction:

Mitigation Measure No. 2 The project contractor shall implement the following measures throughout project demolition, grading and construction:

- Apply soil stabilizers or moisten inactive areas.
- Cover all stock piles with tarps at the end of each day or as needed.
- Provide water spray during loading and unloading of earthen materials.
- Minimize in-out traffic from construction zone.
- Cover all trucks hauling dirt, sand, or loose material and require all trucks to maintain at least two feet of freeboard.
- Sweep streets daily if visible soil material is carried out from the construction site.

Long-Term Operational Emissions

Operational emissions were calculated using CalEEMod2020.4.0. In addition to mobile source emissions from motor vehicles, residential development generates smaller amounts of "area source" air emissions that are generated from on-site energy consumption and off-site electrical generation. These energy emission sources represent a minimal percentage of the total project NOx and CO emissions along with a few percent of other emissions. The inclusion of such emissions adds negligibly to the total project emissions as shown in Table 7.

Table 7
Daily Operational Impacts

	Operational Emissions (lbs./day)					
Source	**ROG**	**NOx**	**CO**	**SO_2**	**PM-10**	**PM-2.5**
Area*	0.4	0.5	2.6	0.0	0.0	0.0
Energy	0.0	0.1	0.0	0.0	0.0	0.0
Mobile	0.3	0.2	2.6	0.0	0.7	0.2
Total	0.7	0.8	5.2	0.0	0.7	0.2
SCAQMD Threshold	**55**	**55**	**550**	**150**	**150**	**55**
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

*Assumes the use of gas hearths, if any (no wood burning)
Source: CalEEMod Output in Appendix A.

As shown in Table 7, the project would not generate any operational air emissions that exceed their respective SCAQMD significance thresholds. Therefore, the operational emissions of the project are less than significant.

The residences south, west, and north of the project are considered sensitive land uses. Because the project would not generate any air emissions that exceed adopted emission thresholds, the adjacent residents would not be exposed to substantial pollutant concentrations. Therefore, the project would not significantly impact any sensitive receptors.

d) ***Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*** **No Impact.** The proposed residential project, like other similar multi-family residential projects in the City of Fountain Valley, would not generate any odors and impact existing adjacent residents. The project would not generate any objectionable odors that would impact any area sensitive receptors.

IV. BIOLOGICAL RESOURCES: Would the project:

a) ***Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?*** **Potentially Significant Unless Mitigation Incorporated.** The project site is developed with the existing Our Lady of Guadalupe senior care facility, parking lot, patio area, community garden for the residents and other site improvements. The habitat on the site includes introduced urban landscaping including trees, shrubs, turf, ground cover, flowers, etc. The existing trees on the site could provide nesting sites for some bird species. Project construction could impact nesting birds if present. None of the trees are a candidate for a sensitive or special status plant species.

The following measure is recommended to mitigate potential impacts to nesting birds.

Mitigation Measure No. 3 Nesting Birds –

- All necessary clearing and removal of vegetation for project construction shall be conducted outside of the typical nesting season for birds (February 15 through September 1).

- If any construction activities are scheduled to occur during the nesting bird season (February 15 through September 1), a qualified biologists shall conduct a survey to determine whether there are any active bird nests within the on-site trees.

- The nesting bird survey shall occur no more than 7-days prior to the start of construction and include a search for nesting birds within the project site.

- If any active nests are observed, they shall either be avoided until after all young have fledged from the nest, or an alternative as determined by a biologist to ensure against negative impacts to nesting birds.

The implementation of the above mitigation measures would reduce potential nesting bird impacts to less than significant.

b) ***Have substantial adverse impact on any riparian habitat or other natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and***

Wildlife or the U.S. Fish and Wildlife Service? **No Impact.** The site is disturbed and developed with the Our Lady of Guadalupe that is a 62 plus senior apartment building with 62 studio and 1-bedroom senior apartments and three stories in height. There is no riparian habitat or other natural communities either on or adjacent to the site. The project would not impact any riparian or other natural communities.

c) ***Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?*** **No Impact.** Please see section "IV.b" above of this MND.

d) ***Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*** **No Impact.** The project is in an urbanized area with residential and commercial development adjacent to and surrounding the project site. There is a 5 foot block wall along the south and west project boundary and a 5 foot block wall and shrub fence along the north project boundary. The project site is surrounding with residential and commercial development and there are no open spaces areas adjacent to the site that could serve as a wildlife corridor. Because the project is surrounded with residential and commercial development and there is no habitat on the site that could serve as a migratory wildlife corridor the project would not impact or impede any wildlife corridors or migratory wildlife species.

e) ***Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?*** **No Impact.** There are trees on the site that would be removed to develop the site. The city does not have any local policies or ordinances that protect the existing trees on the site. The removal of the existing on-site trees would not conflict with any local policies or ordinances that protect the existing trees on the property from being removed.

f) ***Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*** **No Impact.** The City of Fountain Valley is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project would not conflict with or impact a conservations plan.

V. CULTURAL RESOURCES: Would the project:

a) ***Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*** **No Impact.** The project site has be graded and disturbed associated with the grading and construction of the existing Our Lady of Guadalupe senior low-income apartment building on the site. There are no existing buildings on the project site that would be demolished to allow for the construction of the proposed 29 unit, two-story building. Therefore, the project would not impact any historical resources.

b) ***Cause a substantial adverse change in the significance of a unique archaeological resource as defined in §15064.5?*** **Potentially Significant Unless Mitigation Incorporated.** As discussed in section "V.a" above of this MND, the area of the project site that is proposed for construction has been disturbed and graded for the construction of the existing Our Lady of Guadalupe senior low-income apartment building. Any archaeological resources that may have been present were likely disturbed during previous grading and construction activities.

The project applicant contacted the South Central Coastal Information Center requesting a records search of the property to determine if any site surveys have been conducted on the property in the past. Based on the records search, no previous studies have been conducted for the property.[5] While there are currently no recorded archaeological sites within the project area, buried resources could potentially be unearthed during project activities. Therefore, the following mitigation measure is recommended to reduce potential cultural resource impacts to less than significant.

Mitigation Measure No. 4 The project developer shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior's Professional Qualifications and Standards, to conduct an Archaeological Sensitivity Training for construction personnel prior to commencement of excavation activities. The training session shall be carried out by a cultural resource professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The training session shall include a handout and focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation if one is necessary.

Mitigation Measure No. 5 In the event that archaeological resources are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist hired by the project developer, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be prehistoric, Native American Tribes/Individuals shall be contacted and consulted, and Native American construction monitoring shall be initiated. The City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.

Mitigation Measure No. 6 The project developer's archaeological monitor, under the direction of a qualified professional archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards, shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted to the City, the South Central Costal Information Center and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures. The report shall include a description of resources unearthed, if any,

[5] South Central Coastal Information Center, Stacy St. James, letter dated March 10, 2023.

evaluation of the resources with respect to the California Register and CEQA, and treatment of the resources.

c) ***Disturb any human remains, including those interred outside of formal cemeteries?*** **No Impact.** The project site has not been used as a cemetery in the past. In addition, the site is not known to have been used for any activities that have resulted in human remains being present on the property. In the unlikely event that human remains are found during construction, those remains would require proper treatment, in accordance with applicable laws. State of California Health and Safety Code Section 7050.5-7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 705o.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission, and consultation with the individual identified by the Native American Heritage Commission to be the "most likely descendant." If human remains are found during excavation, the excavation must stop in the vicinity of the find and in any area that is reasonably suspected to contain remains adjacent to the find, until the County Coroner has been called, the remains have been investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with State regulations, which detail the appropriate actions necessary in the event human remains are encountered, impacts in this regard would be considered less than significant.

Compliance with Health and Safety Code Sections 7050.5-7055 and Public Resources Code Section 5097.98, related to protection of human remains would reduce potential impacts associated with future development project proposals to a less than significant level.

VI. ENERGY: Would the project:

a) ***Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*** **Less Than Significant Impact.** Information found in this section, as well as other aspects of the project's energy implications, are discussed in greater detail elsewhere in this MND, including section VIII (Greenhouse Gas Emissions) and section XVII (Transportation) of this MND.

Construction-Related Energy Consumption

Heavy-duty construction equipment associated with demolition, grading, the construction of utilities, paving, and construction of the proposed senior apartment building would include the operation of excavators, graders, tractors/loaders/backhoes, dozers, scrapers, air compressors, cranes, forklifts, generators, pumps, welders, rollers, trenchers, and pavers. Most of the equipment would likely be diesel-fueled; however, smaller equipment, such as air compressors and forklifts may be electric, gas, or natural gas-fueled. For the purposes of this assessment, it is assumed that the construction equipment would be diesel-fueled, due to the speculative nature of specifying the amounts and types of non-diesel equipment that might be used, and the difficulties in calculating the energy, which would be consumed by this non-diesel equipment.

The number of construction workers required to construct the project would vary based on the phase of construction and the activity taking place. The transportation fuel required by construction workers to travel to and from the site would depend on the total number of worker trips estimated for the duration of construction activity. Based on the latest information, a 2007 study by the California Department of Transportation (Caltrans) estimates the statewide average fuel economy for all vehicle types

(automobiles, trucks, and motorcycles) in the year 2020 is 18.78 miles per gallon.[6] Assuming construction worker vehicles have an average fuel economy consistent with the Caltrans study and each construction worker commutes an average of 20 miles a day to and from the site, the maximum 20 workers on-site during each phase of the project is estimated to consume approximately 22 gallons of gasoline a day. Assuming all 20 construction workers are employed at the site for a year (52 weeks), the fuel used by construction workers commuting to the site is approximately 143 barrels (5,720 gallons) of gasoline and represents less than 0.00004 percent of the statewide transportation gasoline consumption in 2016, which is the latest year that data is available.[7]

Construction equipment fuels (e.g., diesel, gasoline, natural gas) would be provided by local or regional suppliers and vendors. Electricity would be supplied by the local utility provider (e.g., Southern California Edison) via existing connections. A temporary water supply, primarily for fugitive dust suppression and street sweeping, would also be supplied by the local provider (e.g., City of Fountain Valley).

Electricity used during construction to provide temporary power for lighting and electronic equipment (e.g., computers, etc.) inside temporary construction trailers and for outdoor lighting when necessary for general construction activity would generally not result in a substantial increase in on-site electricity use. Electricity use during construction would be variable depending on lighting needs and the use of electric-powered equipment and would be temporary for the duration of construction activities. Thus, electricity use during construction would generally be considered negligible.

Energy Conservation: Regulatory Compliance

The project would utilize construction contractors who must demonstrate compliance with applicable CARB regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment. CARB has adopted an Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling to reduce public exposure to diesel particulate matter and other Toxic Air Contaminants (TACs). Compliance with the above anti-idling and emissions regulations would result in a more efficient use of construction-related energy and minimize or eliminate wasteful and unnecessary consumption of energy.

With respect to solid waste, CALGreen requires 65% of most construction and demolition waste be diverted from a landfill.[8] The project would generate various types of debris during project construction that would be recycled in compliance with CALGreen.

Republic Services is the current contract solid waste hauler for the City of Fountain Valley and would serve the project. The solid waste that is collected in Fountain Valley is taken to a Materials Recovery Facility (MRF) in Huntington Beach. All recyclables are recovered and the remaining solid waste is taken to the Frank R. Bowerman Landfill. The City of Fountain Valley adopted a Source Reduction and Recycling Element (SRRE) in 1992 that outlines the City's commitment to a 25% solid waste reduction by 1995 and a 50% reduction by 2000. The solid waste generated by the project would be recycled and the materials that cannot be recycled would be hauled to the Frank R. Bowerman Landfill. The city's waste hauler would actively recycle the solid waste generated by the project to reduce the amount of material that is hauled to the Frank R. Bowerman Landfill. The project would not have a significant solid waste impact on the capacity of the Frank R. Bowerman Landfill.

[6] 2007 California Motor Vehicle Stock, Travel and Fuel Forecast, California Department of Transportation, Table 1, (2008).
[7] California 2015 Transportation gasoline consumption – 348,830 thousand barrels; https://www.eia.gov/state/seds/sep_fuel/html/pdf/fuel_mg.pdf
[8] CALGreen, 2019, Section 4.408.1.

Anticipated Energy Consumption

The daily operation of the project would generate a demand for electricity, natural gas, and water supply, as well as generating wastewater requiring conveyance, treatment, and disposal off-site, and solid waste requiring off-site disposal. Southern California Edison is the electrical purveyor in the City of Fountain Valley and would provide electricity to the project. The Southern California Gas Company is the natural gas purveyor in the City of Fountain Valley would provide natural gas to the project.

Energy Conservation: Regulatory Compliance

The California Energy Commission (CEC) first adopted the Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR, Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Part 11 of the Title 24 Building Standards Code is referred to as CALGreen. The purpose of CALGreen is to "improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design; (2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental quality."[9] As of January 1, 2011, CALGreen is mandatory for the construction of all new buildings in the state. CALGreen establishes mandatory measures for new residential and non-residential buildings. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design and overall environmental quality.[10] CALGreen was recently updated to include new mandatory measures for residential as well as nonresidential uses; the new 2022 California Green Building Standards Code, Title 24, Part 11. The project would be required by the City to comply with the applicable provisions of Title 24 and CALGreen.

With respect to solid waste, the project is required to comply with applicable regulations, including those pertaining to waste reduction and recycling as required by the City of Fountain Valley Source Reduction and Recycling Element and the State of California. Waste haulers serving the project would divert project-generated municipal waste in accordance with applicable city ordinances.

Energy Conservation: Project Design Features

The project would be designed to include green building, energy saving, and water saving measures and other sustainability features. Consistent with the CALGreen, the project would be required to meet and comply with the residential mandatory measures that include water efficiency and conservation, material conservation and resource efficiency, environmental quality, etc. As such, the project would be designed to reduce wasteful, inefficient, and unnecessary consumption of energy.

Estimated Energy Consumption

The long-term operation of the project would result in transportation energy use primarily for residents that commute to and from their place of employment. Transportation fuels, primarily gasoline, would be provided by local or regional suppliers and vendors. As discussed previously, in 2019, California consumed a total of 360,237 thousand barrels of gasoline for transportation, which is part of the total annual consumption nationwide of 3,397,909 thousand barrels by the transportation sector.[11] Project-

[9] California Building Standards Commission, California Green Building Standards Code, (2022).
[10] Ibid.
[11] U.S. Energy Information Administration, Table F3: Motor Gasoline Consumption, Price, and Expenditure Estimates, 2019, https://www.eia.gov/state/seds/sep_fuel/html/pdf/fuel_mg.pdf.

related vehicles would require a fraction of a percent of the total state's transportation fuel consumption. A 2008 study by Caltrans determined that the statewide average fuel economy for all gasoline and diesel powered automobiles in 2020 would be 22.74 miles per gallon.[12]

The project's estimated passenger vehicle miles traveled (VMT) is estimated to be 359,890 miles per year.[13] With an average fuel economy of 22.74 miles per gallon, the project residents would consume approximately 14,895 gallons (354 barrels[14]) of fuel a year associated with passenger cars. The project would consume less than 0.004% of the statewide annual gasoline consumption.

Alternative-Fueled Vehicles

Alternative-fueled, electric, and hybrid vehicles could be used by some project residents. The use of these types of alternative fueled vehicles would reduce the overall consumption of gasoline by the project. The effect is anticipated to be minimal in today's current vehicle market due to the relatively few alternative vehicles that are in use. According to the Los Angeles Times, alternative-fueled vehicles make up approximately 2.3% of all vehicles registered in California.[15] The above transportation fuel estimates for the project do not account for alternative-fueled, electric, and hybrid vehicles, which are more energy efficient vehicles. Thus, the assessment is a conservative estimate of transportation fuel consumption. The project would not have any wasteful, inefficient, or unnecessary consumption of energy resources during either project construction of the life of the project because the project would be required to comply with all applicable state energy conservation measures.

b) ***Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*** **Less Than Significant Impact.** The project would be required by the city to comply with all applicable CALGreen and Title 24 state energy requirements to minimize energy consumption. Therefore, the project would not conflict with or obstruct a state or local energy plan. The project would not significantly impact an energy plan.

VII. GEOLOGY AND SOILS: Would the project:

a) ***Director or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving:***

i. ***Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)*** **Less Than Significant Impact.** A geotechnical report[16] was prepared for the project. A copy of the report is included in Appendix B.

The project site is not located within a state-identified Earthquake Fault Zone of Required Investigation.[17] No active or potentially active faults are known to pass directly beneath the site. The closest active fault is the Newport-Inglewood system that is located approximately 3.0 miles

[12] California Department of Transportation, 2008 California Motor Vehicle Stock, Travel and Fuel Forecast (June 2009).
[13] 32 VMT/day times 365 days times 1 driver/dwelling unit times 29 dwelling units = 338,720 miles/year.
[14] 42 gallons/barrel
[15] Los Angeles Times, Electric, hybrid car sales up, California auto emissions down, May 22, 2014, http://www.latimes.com/business/autos/la-fi-hy-electric-vehicle-sales-up-auto-emissions-down-20140521- story.html. Accessed August 2014.
[16] Preliminary Geotechnical Interpretive Report, Proposed Guadalupe Manor, 17103 Magnolia, Fountain Valley, California, CW Soils, June 28, 2023.
[17] Ibid, page 4.

(4.8 kilometers) northeast of the project site. The potential hazard of ground surface rupture at the site is considered to be unlikely.[18] Although the potential hazard of ground surface rupture at the site is considered unlikely, the site is located in the seismically active Southern California region and could be subject to moderate to strong ground shaking in the event of an earthquake on one of the many active faults in Southern California. While there are faults in the region that could generate moderate to significant ground shaking at the site, the incorporation of the recommendations in the soils report regarding seismic design and the construction of the proposed residential dwelling units in compliance with the 2022 California Building Codes (CBC) and other site improvements would reduce potential fault impacts to less than significant.

ii. ***Strong seismic ground shaking?*** **Less Than Significant Impact.** Because the project site is in Southern California and a seismically active area, there is the potential for strong ground motion at the site. As with all projects in the City of Fountain Valley, the design and construction of the proposed residential dwelling units and all site improvement must comply with the current California Building Code (2022 CBC) and would reduce potential strong ground shaking impacts to less than significant.

iii. ***Seismic-related ground failure, including liquefaction?*** **Less Than Significant Impact.** Liquefaction is a phenomenon when loose, saturated, relatively cohesionless soil deposits lose their shear strength during strong ground motions. The primary factors controlling liquefaction include intensity and duration of ground motion, gradation characteristics of the subsurface soils, in-situ stress conditions, and the depth to groundwater. Liquefaction is typified by a loss of shear strength in the liquefied layers due to rapid increases in pore water pressure generated by earthquake accelerations.

The project site is not located in a mapped liquefaction hazard zone on the California Seismic Hazard Zone Map for Newport Beach 7.5 Minute Quadrangles (CGS, 1999). A liquefaction analysis was conducted for the site to determine if the site is subject to liquefaction. Based on the results of the liquefaction analysis, the potential for design level earthquake induced liquefaction and lateral spreading to occur beneath the proposed structure is considered very low to remove due to the recommended compacted fill and the clayey nature of the deeper onsite soils.[19] Therefore, the potential for the project to be impacted by liquefaction is less than significant.

iv. ***Landslides?*** **No Impact.** The project site and the developed land adjacent to and surrounding the site are generally flat. There are no hills, slopes, or other topographic relief features on or adjacent to the site that would impact the project due to a landslide. The project would not generate or be impacted by a landslide.

b) ***Result in substantial soil erosion or loss of topsoil?*** **Less Than Significant Impact.** The City would require the grading and construction contractor to install and maintain all applicable City required short-term construction soil erosion control measures to reduce and minimize soil erosion impacts throughout project grading and construction. The contractor would be required to submit a Storm Water Pollution Prevention Plan (SWPPP) to identify all Best Management Practices (BMPs) that would be incorporated into the project prior to the start of grading and maintained to completion of all construction activities to reduce and minimize soil erosion. The City has standard soil erosion protection measures that the contractor would be required to install and maintain throughout grading and construction to minimize off-site soil erosion. The requirement by the City for the contractor to

[18] I Preliminary Geotechnical Interpretive Report, Proposed Guadalupe Manor, 17103 Magnolia, Fountain Valley, California, CW Soils, June 28, 2023, page 10.
[19] Ibid, page 11.

incorporate all applicable mandated soil erosion control measures into project construction would minimize and reduce potential soil erosion impacts to less than significant.

c) ***Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*** **Less Than Significant Impact.** There are no known unstable geologic or soil conditions either on or adjacent to the site that would impact the project. There are no geologic or soil constraints that would become unstable due to the development of the project as proposed. As stated in section "VII.a.iii" above of this MND, the project is not located in a mapped liquefaction hazard zone. As a result, the site would not be significantly impacted by liquefaction due to the absence of groundwater close enough to the ground surface to impact the project by liquefaction. Based on the soils report, there are no existing soil or geotechnical conditions at the site that could significantly impact the project with the incorporation of the recommendations in the geotechnical report.[20]

d) ***Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*** **Less Than Significant Impact.** Based on laboratory tests the on-site soils have a low expansion potential.[21] The project would not have any significant expansive soil impacts.

e) ***Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?*** **No Impact.** The project proposes to connect to the existing on-site public sewer line as required by the City. The City would not allow the project to use an individual septic tank for wastewater disposal. The project would not have any septic tank or alternative wastewater disposal impacts.

f) ***Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*** **Less Than Significant Impact.** The Fountain Valley General Plan does not identify the presence of any paleontological resources in Fountain Valley. The area of the site that is proposed for development was disturbed in the past with the construction of the existing patio, parking lot, garden area and other improvements on the site. Because the site has been disturbed and paleontological resources are not known to exist in Fountain Valley, it is unlikely that paleontological resources would be uncovered during project construction. The project would not impact paleontological resources.

VIII. GREENHOUSE GAS EMISSIONS: Would the project:

a) ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*** **Less Than Significant Impact.** "Greenhouse gases" (so called because of their role in trapping heat near the surface of the earth) emitted by human activity are implicated in global climate change, commonly referred to as "global warming." Greenhouse gases contribute to an increase in the temperature of the earth's atmosphere by transparency to short wavelength visible sunlight, but near opacity to outgoing terrestrial long wavelength heat radiation in some parts of the infrared spectrum. The principal greenhouse gases (GHGs) are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. For purposes of planning and regulation, Section 15364.5 of the California Code of Regulations defines GHGs to include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of GHG emissions globally.

[20] Preliminary Geotechnical Interpretive Report, Proposed Guadalupe Manor, 17103 Magnolia, Fountain Valley, California, CW Soils, June 28, 2023, page 6.
[21] Ibid, page 12.

Industrial and commercial sources are the second largest contributors of GHG emissions with about one-fourth of total emissions.

In response to the requirements of SB 97, the State Resources Agency developed guidelines for the treatment of GHG emissions under the California Environmental Quality Act (CEQA) Guidelines (Guidelines). These new guidelines became state laws as part of Title 14 of the California Code of Regulations in March, 2010. Based on the Guidelines, a project would have a potentially significant impact if it:

- Generates GHG emissions, directly or indirectly, that may have a significant impact on the environment, or;
- Conflicts with an applicable plan, policy or regulation adopted to reduce GHG emissions.

Section 15064.4 of the Guidelines specifies how significance of GHG emissions is to be evaluated. Emissions may be quantitative, qualitative or based on performance standards. The Guidelines allow the lead agency to "select the model or methodology it considers most appropriate." The most common practice for transportation/combustion GHG emissions quantification is to use a computer model such as CalEEMod, which was used for this project.

In September 2010, the SCAQMD CEQA Significance Thresholds GHG Working Group released revisions that recommended a threshold of 3,000 MT CO_2e for all land use projects. This 3,000 MT/year recommendation has been used as a guideline for the GHG analysis for this project. In the absence of an adopted numerical threshold of significance, project related GHG emissions in excess of the guideline level are presumed to trigger a requirement for enhanced GHG reduction at the project level.

Construction Activity GHG Emissions

For the GHG analysis, the project is assumed to be constructed within approximately one year. During project construction, the CalEEMod2020.4.0 computer model predicts that the construction activities would generate the annual CO_2e emissions shown in Table 8.

Table 8
Construction Emissions (Metric Tons CO_2e)

	CO_2e
Year 2024	224.3
Amortized	**7.5**

The SCAQMD policy is to amortize construction GHG emissions over a 30-year lifetime. As shown in Table 9, the amortized construction emission level is 7.5 metric tons CO_2e. The GHG impacts from project construction are less than significant.

Project Operational GHG Emissions

The total operational and annualized construction emissions for the proposed project are shown in Table 9. As shown, the total project GHG emissions are below the SCAQMD recommended significance threshold of 3,000 MT. The operations of the project would not result in the generation of a significant level of greenhouse gases.

Table 9
Proposed Operational Emissions

Consumption Source	
Area Sources	3.5
Energy Utilization	40.1
Mobile Source	154.3
Solid Waste Generation	8.9
Water Consumption	4.8
Construction	7.5
Total	**219.1**
Guideline Threshold	3,000
Exceeds Threshold?	No

Consistency with GHG Plans, Programs and Policies

The City of Fountain Valley does not have an adopted Greenhouse Gas Reduction Plan. Therefore, the applicable GHG planning document is AB-32. As discussed above and shown in Table 9 above, the project is estimated to generate approximately 219.1 $MTCO_2e$ per year and below the SCAQMD threshold of 3,000 $MTCO_2e$ per year for all land use types. The project complies with the reduction goals of AB-32. The project would not have any significant GHG impact.

b) ***Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*** **No Impact.** As discussed in section "VIII.a" above of this MND, the project would not have a significant increase in either construction or operational GHG emissions. As a result, the project generated GHG emissions are below the recommended SCAQMD threshold of 3,000 MT/year. The project would not impact and conflict with any applicable plan, policy, or regulations to reduce GHG emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

a) ***Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*** **Potentially Significant Unless Mitigation Incorporated.** A Phase I Environmental Site Assessment (ESA)[22] was prepared for the site. The Phase I ESA in included in Appendix C.

A review of the Environmental Protection Agency (EPA) map of Radon Zones indicates the project site is located within a Zone 3 radon area. Zone 3 is defined as an area that has a low potential for radon gas, with a predicted average indoor radon screening level less than 2.0 picoCuries per liter (pCi/L). The EPA recommended Action Level for radon is 4.0 pCi/L.[23]

EBI conducted a radon screening at the property as part of the Phase I Environmental Site Assessment, including sampling and analysis in accordance with the HUD MAP Guide and conformance with HUD Office of Multifamily Development Radon Policy and ANSI/AARST MAMF (Protocol for Conducting Radon Decay Product Measurement in Multifamily Buildings). Per the referenced protocols, tests were placed in a minimum of 100% of the ground contact and 10% of upper floor apartments in each building. Ground contact areas are the areas of the existing building that are in

[22] Phase I Environmental Site Assessment, Our Lady of Guadalupe, 17103 Magnolia Street, Fountain Valley, CA, November 7, 2022, EBI Consulting.
[23] Ibid, pages 32-33.

direct contact with the ground and in this case every area of the building that has direct ground contact was tested. The sampling was conducted and supervised by Radon Professionals.

Between October 28 and 31, 2022, EBI conducted a limited short-term radon screening of the project site by testing 28 residential and 3 non-residential areas. The radon test canisters were exposed for a minimum of 48 hours and were sent to Air Chek, Inc. in Mills River, North Carolina for analysis. Based on the analytical lab results, the measured levels ranged from less than 0.3 up to 1.0 pCi/L and below the EPA action level of 4.0 pCi/L.[24] The quality assurance plan for the project was in control. No additional action is recommended.

Per HUD MAP Guide, 9.6.3.5., newly constructed buildings in all radon zones are required to incorporate radon-resistant construction features and follow all requirements referenced in ANSI-AARST CC-1000-2018, Soil Gas Control Systems in New Construction of Buildings. The following measure is recommended to ensure the project meets and complies with all applicable laws and regulations pertaining to the project site being in Radon Zone 3

Mitigation Measure No. 7 During project construction, all radon resistant construction must be completed under the direct supervision of a Radon Professional.

Mitigation Measure No. 8 Following the completion of construction, radon testing is required in accordance with ANSI/AARST MAMF (Protocol for Conducting Radon Decay Product Measurement in Multifamily Buildings). If post-construction test results are above the threshold (≥ 4.0 pCi/L), a retrofit of the mitigation systems or conversion from passive to fan-powered mitigation systems shall be required followed by post-mitigation testing (to confirm the systems are functioning correctly and radon concentrations have been reduced to below the EPA action level). All testing and mitigation required as a result of this testing must be performed by, or under the direct supervision of a Radon Professional.

The Phase I ESA did not identify any hazardous materials on or adjacent to the site. Therefore, based on the results of the site reconnaissance and records search the project would not have any significant hazardous impacts associated with any hazardous materials with the implementation of the recommended mitigation measures.

b) ***Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*** **Less Than Significant Impact.** There are no uses or activities associated with the proposed project as discussed in section "IX.a" above of this MND that would create or release hazardous materials into the environment. The project would not have any significant hazard impacts to the public or environment involving the release of a hazardous material.

c) ***Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*** **Less Than Significant Impact.** The closest school to the project is Hisamatsu Tamura Elementary School that is located at 17340 Santa Suzanne Street and approximately a quarter mile southwest of the project.

[24] Phase I Environmental Site Assessment, Our Lady of Guadalupe, 17103 Magnolia Street, Fountain Valley, CA, November 7, 2022, EBI Consulting, page 33.

Hazardous materials such as diesel fuel, lubricants, and paint would be stored and used at the site during project construction. The hazardous materials that would be used and stored during project construction are required by law to be stored and locked in a safe area. The project contractor is responsible for the safe use and storage of all hazardous materials during construction. The use and storage of hazardous materials in compliance with all applicable state and local laws and regulations during project construction would reduce potential hazardous emission impacts to less than significant. Once constructed, project residents would use typical household cleaning materials to clean and maintain their residence. The use and storage of standard household cleaning and janitorial materials would not have any hazardous impacts greater than the use of household cleaning materials by any other residential development within 1,600 feet of Hisamatsu Tamura Elementary School.

There are no activities associated with the construction or throughout the life-time of the project that would significantly impact the educational operations at the Hisamatsu Tamura Elementary School.

d) ***Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or environment?*** **No Impact.** Based on the Phase I ESA the project site is not listed as a hazardous material site on the "Cortese" list pursuant to Government Code Section 65962.5.[25] The project would not have a hazardous impact to the public or environment per Government Code Section 65962.5.

e) ***For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport, would the project result in a safety hazard or excessive noise for people working or residing in the project area?*** **No Impact.** The closest airport to the project is John Wayne Airport, which is a public use, general aviation airport and located approximately 6 miles southeast of the project. There are not activities associated with the project that would result in any safety hazards to the ongoing operations at John Wayne Airport. The project would also not expose future project residents to any safety impacts or noise impacts associated with the operation of John Wayne Airport. The project would not have any airport safety hazard impacts.

f) ***Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*** **Less Than Significant Impact.** The proposed project improvements are located on private property. Magnolia Street that is adjacent to and east of the project site, is used as an emergency evacuation route for the project site and the immediate Fountain Valley community. The project would not significantly interfere with or impact the ability of Magnolia Street to continue to serve as an emergency evacuation route for the City. An existing emergency access gate with the shopping center adjacent to and north of the project site would provide emergency ingress/egress for the project. The project would not significantly impact any emergency evacuation routes in the City.

g) ***Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*** **No Impact.** There are no designated wildland fire areas in Fountain Valley. See section "XX Wildfire" of this MND for further wildland fire analysis. The project would not be exposed to or be impacted by a wildland fire.

[25] Phase I Environmental Site Assessment, Our Lady of Guadalupe, 17103 Magnolia Street, Fountain Valley, CA, November 7, 2022, EBI Consulting, page 15.

X. HYDROLOGY AND WATER QUALITY: Would the project:

a) ***Violate any water quality standards or waste discharge requirements?*** **Less Than Significant Impact.** A hydrology report[26] was prepared and included in Appendix D. A Water Quality Management Plan[27] was also prepared for the project and is included in Appendix D.

During grading and project construction, silt could be generated from the site, especially if construction occurs during the winter months when rainfall typically occurs. The City would require the project contractor to prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with California State Water Resources Control Board (State Water Board), Construction General Permit Order R8-2009-0030, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS618030 (Permit). The SWPPP would require the contractor to implement Best Available Technology Economically Achievable measures to reduce and eliminate storm water pollution from all construction activity through the implementation of Best Management Practices (BMPs).

The purpose of the SWPPP is to identify pollutant sources that may affect the quality of the storm water that would be discharged from the site during all construction activity. The SWPPP would require the contractor to identify, construct, and implement the storm water pollution prevention measures and BMPs that are necessary to reduce pollutants that are present in the storm water that is discharged from the site during construction. The SWPPP would include specific BMPs that must be installed and implemented prior to the start and throughout project construction. The installation and maintenance of all required BMPs by the contractor during construction would reduce potential water quality impacts to less than significant.

The project developer would be required by the State of California to have a Water Quality Management Plan (WQMP) approved by the city prior to the start of grading. The project applicant has prepared a preliminary WQMP that identifies the BMPs that would be used on-site to control the pollutants during the life of the project that are predictable by the project from entering the storm water runoff from the site. The types of pollutants that are anticipated to be generated during the life of the project include suspended solids/sediment, nutrients, heavy metals, pathogens (bacteria/virus) pesticides, oil and grease, toxic organic compounds and trash and debris. The State required WQMP identifies the measures that would be included in the project including use of a retention/detention basin, storm water clarifier, and catch basins with BMPs.

The WQMP states that the on-site surface water flows of the portion of the site proposed for the construction of the two-story building currently flows in a southerly direction within an existing “v” ditch and into an on-site catch basin near the southern project boundary. Water in the catch basin flows east and empties into the existing city storm drain system in Magnolia Street.

Project generated surface water flows less than a 2-year storm would be collected in “V” ditch drains in the paved parking areas and catch basins located throughout the site and drain to an underground Modular Wetland System (MWS) that is proposed for the landscape area and parking lot southwest of building 1. The MWS would remove trash and debris from the storm water and the biofiltration chamber would remove oil and grease that is typically generated from parking areas. Water from the MWS would then flow south to an existing catch basin near the southern property line and then east to an existing underground storm drain system in Magnolia Street. Stormwater in the storm drain system in Magnolia Street flows south to Reach 1 of the Santa Ana River and eventually empties in the Pacific Ocean that is approximately 5.5 miles south of the site. Stormwater flows greater than a 2-year storm

[26] Hydrology Report for Guadalupe Manor, 17103 Magnolia Street, Fountain Valley, Ca, Waber Consultants, Inc., July 2022.
[27] Water Quality Management Plan, 17103 Magnolia Street, Fountain Valley, California, Waber Consultants, Inc., October 2022.

would, like existing conditions, be discharged directly to the existing catch basin near the southern project boundary and drain into the existing storm drain system in Magnolia Street east of the site.

The city would review and approve the WQMP for compliance with State law prior to the issuance of building permits for the residential units. The installation of and the regular maintenance of a required SWPPP and WQMP would reduce storm water runoff pollutants generated from the project site during both project construction and the life of the project to less than significant.

b) ***Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.*** **Less Than Significant Impact.** The project would be required by the city to use water for dust suppression during project grading and construction. The amount of water that would be required to control dust during grading and construction would be minimal due to the small size of the area that is proposed for actual construction (0.68-acres) and would not significantly impact existing groundwater supplies.

Currently, approximately 40% (0.32-acres) of the area of the 0.80-acre site that is proposed for development is impervious associated with the existing driveway, parking lot and patio area. Approximately 60% (0.48-acres) of the site is pervious associated with the landscaping and garden area. Upon completion of the project, approximately 83% (0.57-acres) of the site would be impervious associated with the proposed building and expanded parking lot and 17% (0.11-acres) of the site would be pervious associated with landscaping. Although the project would increase the amount of impervious area on the site compared to the existing condition, the remaining pervious area would continue to allow rainfall percolation into the local groundwater.

Based on the hydrology report, the surface water runoff from the project site under existing conditions for a 100-year storm event is calculated to be 3.31 cubic feet per second (cfs) compared to 3.29 cfs after the project is constructed, a decrease of 0.02 cfs. For a 25-year storm event the project the storm water flow would not change from the existing condition and estimated to be 2.50 cfs. For a 2-year storm event the project storm water flow would increase by 0.02 cfs from 1.22 cfs to 1.24 cfs.

The on-site rainfall infiltration rate was conducted at depths of 4 feet and 5 feet, with a measured infiltration rate of 0.19 inches/hour. Therefore, based on the infiltration test on-site infiltration is not feasible.[28] As a result, most of the rainfall that historically has fallen on the site surface flows off the site into the local storm drain system with minimal on-percolation into the local groundwater.

While the project would reduce the amount of rainfall that currently percolates into the local groundwater by approximately 0.02 cfs for a 100-year storm event, the reduction in the amount of rainfall that would percolate into the local groundwater would not significantly decrease groundwater supplies or interfere substantially with groundwater recharge and significantly impact sustainable groundwater management of the groundwater basin.

The city receives its water supply from local wells and has stated that it has adequate capacity to meet the water supply needs of the project, including potable water for drinking, landscape irrigation and fire flow. The project would not significantly deplete groundwater supplies or cause a drop in production rates of wells due to the decrease in on-site surface water percolation. The project would have a less than significant impact on groundwater supplies.

[28] Water Quality Management Plan, 17103 Magnolia Street, Fountain Valley, California, Waber Consultants, Inc., October 2022 , page 5.

c) ***Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:***

i. ***Result in substantial erosion or siltation on or off site?*** **Less Than Significant Impact.** The project site is relatively flat. The existing on-site elevations range from a low of approximately 28.94 feet above mean sea level (msl) in the southwest corner of the site to a high of approximately 30.24 in the northwest corner of the site. Surface water runoff on the project site generally sheet flows southerly across the site to a catch basin near the southern project boundary. The existing drainage patterns on the site would be retained and all developed flows would continue to drain east and discharge into the existing storm drain system in Magnolia Street. Low flows on the site would be collected and discharged into a sub-surface MWS biofiltration system in the landscape area and adjacent parking lot southwest of the proposed building. The surface water would be treated in the MWS and flow into the existing catch basin near the southern project boundary and flow east to Magnolia Street to the east. On-site surface water flows greater than first-flush would flow south to the curb and gutter along the southern project boundary and flow directly into Magnolia Street to the east and ultimately discharged into the Pacific Ocean approximately five and a half miles south of site. The project would generate less runoff than the current condition for a 100-year storm even as shown in Table 10.

Table 10
Estimated Project Runoff

Storm Event	Existing Condition	Proposed Condition
2-Year	1.22 cfs*	1.24 cfs
25-Year	2.50 cfs	2.50 cfs
100-Year	3.31 cfs	3.29 cfs

*cubic feet/second

Although the project would increase surface water runoff for a 2-year storm event by approximately 0.02 cfs, the increase would be insignificant. For the 25-year and 100-year storm events, the project would either not change the developed surface water flow from the existing condition or decrease the current surface water flow by approximately 0.02 cfs. As a result, the project stormwater runoff would not alter the course of any downstream streams or river or cause substantial erosion or siltation downstream of the site. The project would have a less than significant erosion or siltation impact on or off the site.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off site? **Less Than Significant Impact.** As discussed in section "X.b" and shown in Table 10 above of this MND, the project would increase the amount of surface water runoff generated from the site by 0.02 cfs for a 2-year storm, remain the same for a 25-year storm and decrease flows by 0.02 cfs for a 100-year storm. The project would not significantly change the existing flows on the site and cause flooding either on or off the site. The existing storm drain system in Magnolia Street has capacity to handle the stormwater flows from the project without causing any flooding downstream of the site. As a result, the project would not have any significant on- or off-site flooding impacts.

iii. ***Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*** **Less Than Significant Impact.** Based on Table 10 above of this MND, the storm water runoff by

the project compared to the existing condition would increase by 0.02 cfs for a 2-year storm event, stay the same for a 25-year storm event and decrease by 0,02 cfs for a 100-year event.

The project proposes to collect and direct all surface water low-flows to a sub-surface Modular Wetland System (MWS) that is proposed for the landscape area and parking lot southwest of building 1. The MWS would remove trash and debris from the storm water and the biofiltration chamber would remove oil and grease that is typically generated from parking areas. Water from the MWS would then flow south to an existing catch basin near the southern property line and then east to an existing storm drain system in Magnolia Street. Stormwater in the storm drain system in Magnolia Street flows south to Reach 1 of the Santa Ana River and eventually empties in the Pacific Ocean that is approximately 5.5 miles south of the site. Stormwater flows greater than a 2-year storm would, like existing conditions, be discharged directly to the existing catch basin near the southern project boundary and drain into the existing storm drain system in Magnolia Street east of the site.

The project would be required to treat surface water runoff prior to its discharge to meet Regional Water Quality Control Board water quality requirements and provide safeguards that surface water runoff would not provide sources of polluted runoff. As discussed in section "X.a" above of this MND, a WQMP was prepared and states that the low flows on the site would be collected and discharged into an on-site sub-surface MWS. The proposed MWS would remove and prevent most project generated pollutants from being discharge from the site into the existing off-site storm drain system in Magnolia Street. The installation and required routine maintenance of the MWS and storm drain system in compliance with the WQMP would reduce and filter most project runoff pollutants. As a result, the project would not significantly impact surface water quality.

iv. ***Impede or redirect flood flows?*** **Less Than Significant Impact.** Please see section "X.c.ii." above of this MND.

d) ***In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.*** **No Impact.** The site is approximately 3 miles west of the Santa Ana river. The project is in flood zone X and not in a 100-year flood hazard area with a reduced flood risk due to a levee.[29] The project is approximately 5.5 miles north of the Pacific Ocean and approximately 28.94 feet above mean sea level at the lowest elevation on the site. The Fountain Valley General Plan does not identify any portion of the city at risk due to a tsunami. There are no water bodies adjacent to or near the site that would impact the project due to a seiche. Therefore, the project would not be exposed to a flood hazard due to a tsunami or seiche and release pollutants due to inundation by a flood hazard.

e) ***Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.*** **Less Than Significant Impact.** The project developer has prepared a WQMP[30] and would be required by the city to install and implement all proposed water quality collection and surface water runoff treatment measures listed in the WQMP. As a result, the project would not conflict with or obstruct water quality control measures mandated by the state.

The City of Fountain Valley has an adopted Urban Water Management Plan (UWMP)[31]. The UWMP provides a detailed summary of present and future water resources and demands and provides an

[29] https://msc.fema.gov/portal/search?AddressQuery=17103%20Magnolia%20Street%20Fountain%20Valley%2C%20CA#searchresultsanchor.

[30] Water Quality Management Plan, 17103 Magnolia Street, Fountain Valley, California, Waber Consultants, Inc., October 2022

[31] Fountain Valley 2020 Urban Water Management Plan, Final, June 2021.

assessment of the City of Fountain Valley's water resource needs. The UWMP provides water supply planning for a 20-year planning period in five-year increments and identifies water supplies needs to meet existing and future demands. The City gets its water from three main sources, recycled water from Orange County Water District's Green Acres Project, local well water from the Lower Santa Ana River Groundwater basin, and imported water from the Colorado River and the State Water Project (SWP) provided by the Metropolitan Water District of Southern California (MET) and delivered through Municipal Water District of Orange County (MWDOC).[32]

The UWMP analyzed the future water demand for the city based on land use type, including single-family, multi-family, commercial, institutional, industrial, etc. The UWMP also analyzed its future water supply based on the reliability of its existing sources of water including groundwater, MET, recycling, etc. Based on the UWMP the available supply of water would meet the projected demand due to diversified supply and conservation measures. The project would continue to allow rainfall to percolate into approximately 17% of the pervious on-site soils. The project would not significantly impact the UWMP and the City's future sources of water supply.

XI. LAND USE AND PLANNING: Would the project:

a) ***Physically divide an established community?*** **No Impact.** The project site is an infill site and surrounded by single-family detached residential homes to the west, and south, a shopping center to the north and Magnolia Street to the east. Approximately 1.3 acres (56,634 square feet) of the 2.1 acre site is developed with an existing Our Lady of Guadalupe low-income senior apartment building. The project is proposed for approximately 0.8 acres (34,869 square feet) of the site to construct a two-story building with 29 senior apartments. The project proposes to developed a vacant area of an existing site and would not physically divide an established community, but rather construct 29 senior apartments to an established residential community.

b) ***Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*** **Less Than Significant Impact.** The project site is designated General Commercial by the Fountain Valley General Plan and zoned C-1 Local Business. The project applicant is requesting a General Plan Amendment to High Density Residential and a zone change to R4 – High Density Multiple Residential. The project applicant is also requesting a Conditional Use Permit to develop multi-family units in the R-4 zone. FVMC section 21.08.040 restricts the density on the site to a maximum of 30 dwelling units per acre (du/ac) Therefore, the 2.1 acre site is allowed by the FVMC to be developed with up to 63 residential units. The addition of the proposed 29 low-income senior apartments along with the existing 71 units would total 100 low-income senior apartments on the site at a density of 47.6 du/ac and exceed the 30 du/ac of the Municipal Code. Therefore, the project would require a density bonus to 47.6 du/ac for the 2.1 acre site to allow the project as proposed.

General Plan Consistency

Land Use Compliance

The project site is designated General Commercial by the Fountain Valley General Plan and allows a wide range of retail and service commercial uses. However, the General Commercial land use does not allow residential development as proposed by the project. Therefore, the project applicant is requesting a General Plan Amendment to High Density Residential to allow the development of the 29 senior apartments.

[32] Ibid, page ES-3.

General Plan Goals and Policies

The Fountain Valley General Plan Land Use Element states that High Density Residential "will allow for the development of multi-residential structures and other attached dwelling units up to a density of twenty dwelling units per net acre."[33]

The applicable Goal and Policies of the General Plan Land Use Element that relate to residential development include:

Goal

2.1 Maintain and enhance high quality development throughout the City.

The applicable policy to obtain Goal 2.1 states:

Policy 2.1.2 Encourage variety, quality, consistency and innovation in land use practice.

The project meets the intent of Policy 2.1.2 of the Fountain Valley General Plan by proposing a residential project that is compatible with the existing residential uses and the commercial use adjacent to the project. The project proposes an architectural style and character consistent with surrounding development to create a project identity for the residents of the project and can take pride in the development.

Zoning Compliance

Land Use Compliance

The project site is zoned C-1 Local Business. The only residential land use allowed in the C-1 zone is an emergency shelter and requires a conditional use permit. Thus, the project applicant is requesting a zone change to R4 – High Density Multiple Residential to allow the development of the proposed 29 low-income senior apartments, which is a permitted use in the R4 zone.

The FVMC establishes the following development standards for a project in the R4 zone.

R4 development standards.

Lot Area: Minimum lot area = 10,000 square feet.
Lot width: 60 feet; 65 feet for corner lots
Maximum density: 30 units per acre
Maximum number of dwelling units per parcel: 1 unit per 1,452 square feet of site area. See Section 21.08.055 for accessory dwelling unit standards.
Setbacks required:

Front: 20 feet
Sides (each): 5 feet; 10 feet corner lot
Between residential structures: 20 ft., plus 5 ft. for second story; 15 ft. between side walls and front or rear of other buildings, plus 2.5 ft. for each additional story. See Section 21.08.050(B)
Second story: 2-story nonresidential or multi-family structures shall be set back 25 ft. from an existing single-family development; 3-story or taller structures shall be set back from single-family residential a minimum of 100 ft.

[33] City of Fountain Valley General Plan, Chapter 2.0: Land Use, Page 2-4.

Rear: 25 feet or 20% lot depth, whichever is less
Height Limit: 35 feet/3 stories
Site coverage: 40%
Minimum floor area: As required by Table 2-4
Private open space – multi-family units: 100 square feet per unit with no dimension smaller than 10 feet.
Landscaping: As required by Section 21.20. (Landscaping)
Parking: As required by Chapter 21.22 (Parking and Loading)

The project meets all the R4 zoning regulations and development standards with the exception of density, distance between structures, minimum floor area and private open space requirement. FVMC 21.08.050 allows a density bonus and concessions of other incentives for a housing project of at least five units, provide housing units affordable to certain income households, donate land, provide housing units to transitional foster youth, disabled veterans, or homeless persons, construct a child day care facility located on the premises of, as part of, or adjacent to a qualifying density bonus project, or provide qualifying senior housing pursuant to State Government Code Section 65915 et seq. The project proposes more than five units and also proposes affordable housing for seniors, which complies with FVMC 21.08.050.

Density Bonus Law

The California Density Bonus Law (California Government Code Sections 65915-65918) encourages the development of affordable and senior housing. Cities and counties are required to grant a density bonus and other incentives or concessions to housing projects which contain one of the following:

- At least 5% of the housing units are restricted to very low income residents.
- At least 10% of the housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale common interest development are restricted to moderate income residents.
- 100% of the housing units (other than manager's units) are restricted to very low, lower and moderate income residents (with a maximum of 20% moderate).
- At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low income level.
- At least 20% of the housing units are for low income college students in housing dedicated for full-time students at accredited colleges.
- The project donates at least one acre of land to the city or county for very low income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development (no affordable units required).
- The project is a mobile home park age-restricted to senior citizens (no affordable units required).

In addition to the density bonus, the city or county is also required to provide one or more "incentives" or "concessions" to each project which qualifies for a density bonus. A concession or incentive is defined as:

- A reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or
- Approval of mixed use zoning; or

- Other regulatory incentives or concessions which actually result in identifiable and actual cost reductions.

The number of required incentives or concessions allowed for a project is based on the percentage of affordable units in the project as shown in Table 11 below:

Table 11
Affordable Housing Concession Allowance

No. of Incentives/Concessions	Very Low Income %	Lower Income %	Moderate Income %
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)

The city or county is required to grant the concession or incentive proposed by the developer unless it finds that the proposed concession or incentive does not result in identifiable and actual cost reductions, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would be contrary to law. The Density Bonus Law restricts the types of information and reports that a developer may be required to provide to the local jurisdiction in order to obtain the requested incentive or concession. The local jurisdiction has the burden of proof in the event it declines to grant a requested incentive or concession. Financial incentives, fee waivers and reductions in dedication requirements may be, but are not required to be, provided by the city or county. The developer may be entitled to the incentives and concessions even without a request for a density bonus.

The project is requesting a density bonus and three concessions. Based on Table 11, the project is allowed up to four concessions. The project applicant is requesting a density bonus and three concessions and are discussed below.

Density

The R4 zone allows a density up to 30.0 units/acre[34] The project proposes 29 residential units and along with the existing 71 residential units on the site the project would total 100 residential units. The project site is 2.1 acres, thus the density for the site would be 47.6 dwelling units/acre and exceed the allowable 30 dwelling units per acre for the High Density Residential land use.

In compliance with FVMC 21.08.050(a)(2) the project applicant is requesting a density bonus to allow the development of 29 affordable residential units for seniors in the High Density Residential land use.

[34] City of Fountain Valley Municipal Code, 21.08.040, Table 2-3.

Distance Between Structures

Per FVMC 21.08.040, Table 2-3 the proposed 2-story residential building is required to be set-back 27.5 feet from the existing Our Lady of Guadalupe residential building. The project is unable to meet the required 27.5 foot distance because of an existing sewer easement that prohibits the construction of the proposed building within the easement. In addition, the required 27.5 foot setback would reduce the land available to provide the number of parking spaces required for the 29 residential units. Therefore, because of the sewer easement restriction and the land needed to provide the required number of parking spaces for the 29 residential units the proposed setback is 20.48 feet from the existing Our Lady of Guadalupe building rather than the required 27.5 foot set-back. As a result, the project applicant is requesting a set-back variance of 20.48 feet.

The project applicant's request to reduce the required setback from 27.5 feet to 20 feet meets the definition of a concession as defined by the California Density Bonus Law.

Floor Area

FVMC 21.08.040, Table 2-3 requires a minimum floor area of 500 square feet for a studio unit and 750 square feet for a 1-bedroom unit. The project propose 378 square feet and 422 square feet for the studio units and 556 square feet for the 1-bedroom units. The project applicant is requesting a floor area variance from the square footage required in FVMC 21.08.040, Table 2-3.

As stated in the density bonus concessions above, the city is required to provide one or more "incentives" or "concessions" to each project which qualifies for a density bonus, which in this case is a request to reduce the minimum floor square footage requirement. This concession meets the definition of a concession as defined by the Density Bonus Law.

Private Open Space

FVMC 21.08.040, Table 2-3 requires 100 square feet of private open space per unit with no dimension smaller than 10 feet. Due to the size of the overall site and the existing site conditions the project applicant is unable to meet the private open space requirement of FVMC 21.08.040, Table 2-3. In order to meet the private open safe requirement the units would need to be larger, which would reduce the 29 proposed units and reduce the proposed number of parking spaces. As an allowance for a reduction in the private open space requirement, the project applicant proposes additional outdoor amenities, including a pet area (713 square feet), walking path (591 square feet), two patios outside of the recreation room (172 square feet and 495 square feet), and a patio by the entry of the new building (421 square feet). In addition, the residents of the proposed 2-story building would have access to the open space/recreation amenities in the existing Our Lady of Guadalupe building, including a lounge/library (294 square feet) and recreation rooms (1,222 square feet and 603 square feet) on the first floor and a TV/Game Room (399 square feet) on the second floor.

As stated in the density bonus concessions above, the city is required to provide one or more "incentives" or "concessions" to each project which qualifies for a density bonus, which in this case is a request to reduce the private open space square footage requirement. This requested concession meets the definition of a concession as defined by the California Density Bonus Law.

The approval of the requested general plan amendment, zone change, density bonus and development concessions are consistent with the Fountain Valley General Plan High Density land use, the R-4 zone

development standards and meet the definition of a concession as defined by the California Density Bonus Law. The project would not have any significant land use impacts to surrounding land uses,

XII. MINERAL RESOURCES: Would the project:

a) ***Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*** **No Impact.** The project site is in Mineral Resource Zone 3 (MRZ-3).[35] Areas classified MRZ-3 contain mineral deposits, but their significance cannot be evaluated from available data.[36] The Fountain Valley General Plan does not identify any locally important minerals either on or adjacent to the site. Furthermore, there are no mining activities either on or adjacent to the project site. Because there are no known mineral resources on the site or known mineral resources adjacent to or within close proximity of the site, the project would not result in the loss of a locally important mineral resource or impact mineral resources.

b) ***Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*** **No Impact.** See Response to section "XII.a" above of this MND.

XIII. NOISE: Would the project result in:

a) ***Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?*** **Potentially Significant Unless Mitigation Incorporated.** A noise report[37] was prepared for the project and is included in Appendix E. The project site is developed with Our Lady of Guadalupe that is a 62 plus senior apartment building with 62 studio and 1-bedroom senior apartments and three stories in height. The building totals approximately 50,932 square feet. The area of the project site that is proposed for the development of 29 low-income senior independent living units in an 18,039 square foot, two-story building is developed with a patio for the residents of the existing senior apartment building and parking lot. The noise that is generated from the portion of the site that is proposed for development includes cars moving throughout the parking lot and residents conversing while on the patio. There is minimal noise generated from the area of the site proposed for development. Other noise sources in the immediate project area impacting the project site includes traffic on Magnolia Street east of the site, traffic and truck deliveries at the shopping center north of the site and from the residential neighborhoods adjacent to and south and west of the site.

Noise Standards

The Noise Element of the City of Fountain Valley General Plan establishes noise quality standards for land use categories based on the State of California Office of Noise Control land use compatibility recommendations. Community noise exposures are recommended as normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable for various classes of land use sensitivity. As shown in Table 12, the City guidelines an exterior noise exposure standard of 60 dB CNEL is the most desirable level for single-family residential uses while levels of 70 dB CNEL are acceptable for usable outdoor space (patios, decks, pools, etc.). A level of 70 dB CNEL is considered "conditionally acceptable". In a "conditionally acceptable" noise category, new construction should be

[35] California Department of Conservation, file:///C:/Users/Phil/Downloads/ofr_94-15_plate_1%20(1).pdf
[36] https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Reports/SR_146-MLC-Report03.pdf
[37] Noise Impact Analysis, Guadalupe Manor (17103 Magnolia) Residential Project, Gerrick Environmental, May 14, 2023.

undertaken only after a noise analysis has been made and needed noise insulation features have been incorporated in the project design. These standards apply to exterior recreational noise.

Table 12
Fountain Valley Noise Ordinance Standards
Fountain Valley Municipal Code Section 6.28.050

Noise Zone 1	Time Period	Exterior Noise Standard
All properties located in residential zone districts	7 a.m.- 10 p.m.	55 dB
	10 p.m.-7 a.m.	50 dB

It is unlawful for any person at any location within the city to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, when the foregoing causes the noise level, when measured on any other residential property, either incorporated or unincorporated, to exceed:

1) The noise standard for a cumulative period of more than thirty (30) minutes in any hour; or
2) The noise standard plus five (5) dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or
3) The noise standard plus ten (10) dB(A) for a cumulative period of more than five (5) minutes in any hour; or
4) The noise standard plus fifteen (15) dB(A) for a cumulative period of more than one (1) minute in any hour; or
5) The noise standard plus twenty (20) dB(A) for any period of time.

An interior CNEL of 45 dB is mandated by the State of California Noise Insulation Standards (CCR, Title 24, Part 6, section T25-28) for multiple-family dwellings and hotel and motel rooms. In 1988, the State Building Standards Commission expanded that standard to include all habitable rooms in residential use, including single-family dwelling units. For this project an exterior noise level of 70 dB CNEL in any usable outdoor recreational area and interior noise level of 45 dB in any habitable residential indoor space are considered to be the appropriate compatibility standards for residential use.

Baseline Noise Levels

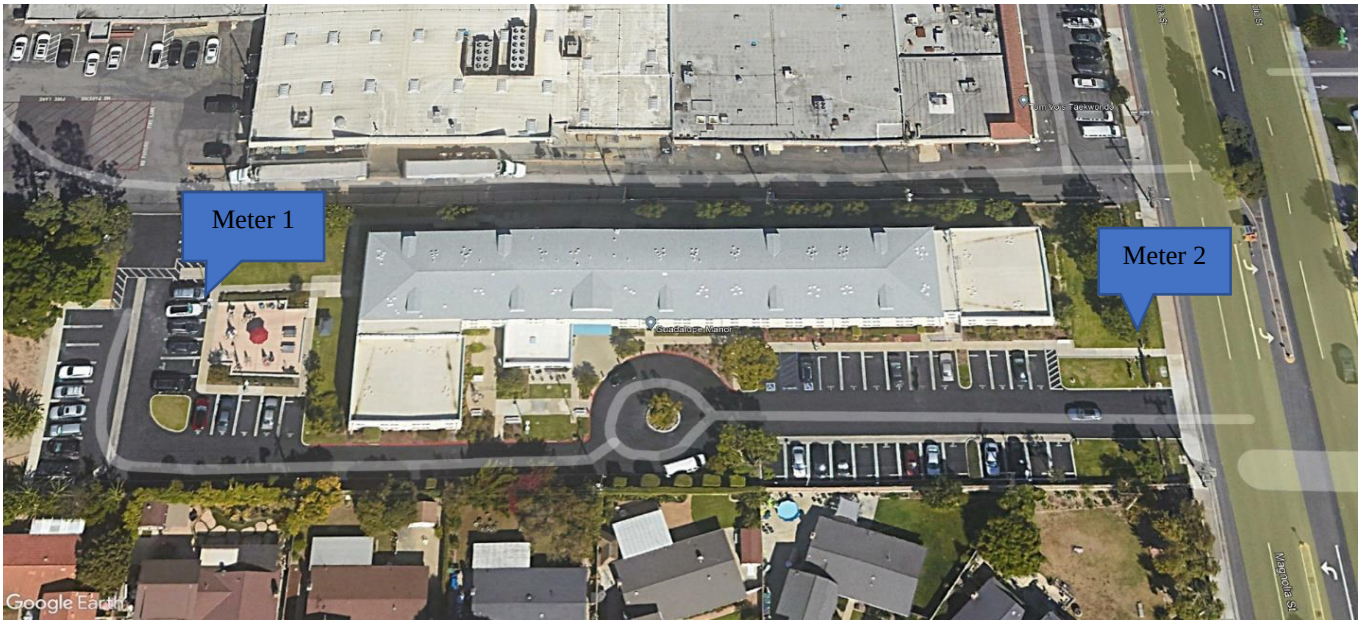
Baseline noise measurements were taken to document the existing noise levels on the site and the immediate project vicinity. The existing noise levels are shown in Table 13. The measured noise levels provide a basis to calculate the noise levels that project residents would be exposed to with the existing noise generating activities in the area. Short term (15-minute) noise measurements were conducted early afternoon on Wednesday, May 3, 2023 at two locations as shown in Figure 12.

Table 13
Measured Noise Levels (dBA)

Location	Leq	L_{Max}	L_{Min}
On-site, approximate location of new structure	47.2	56.9	29.0
On-site, 60-feet to Magnolia Avenue centerline	62.4	72.6	45.6

The City of Fountain Valley considers a noise level up to 70 dB CNEL "conditionally acceptable" for residential use. In a "conditionally acceptable" noise category, new construction should be undertaken

Figure 12
Noise Monitor Locations



only after a noise analysis has been made and needed noise insulation features have been incorporated in the project design. The existing noise levels at the project site are within the noise levels of the city's residential compatibility guidelines.

According to Appendix G of the California Environmental Quality Act (CEQA) Guidelines noise impacts are considered significant if they result in:

a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

"Substantially" is not defined in any noise guidelines. The accuracy of sound level meters and of sound propagation computer models is no better than ±1 dB. This is also the human loudness difference discrimination level under ideal laboratory conditions. Most people cannot distinguish a change in the noise environment that differs by less than 3 dB between the pre- and post-project exposure if the change occurs under ambient conditions. For the purposes of this analysis, a traffic noise increase of more than +3 dB that worsens an area of noise/land use incompatibility would be considered a significant noise impact.

Sensitive Receptors

The closest off-site noise sensitive receptors to the project are the residents west and south of the site. The homes to the west and south have approximately a 20' setback from the shared property line. The

proposed project is setback approximately 80' from the west property line and approximately 66' from the south property line. Taking into account the setback of the off-site residents from the shared property lines, the proposed residential building would be approximately 100' from the closest resident west of the proposed residential building and approximately 88' from the closest resident south of the proposed residential building. The existing 6' masonry wall on the shared property line both west and south project boundaries would remain.

Temporary Noise Impacts

The existing noise levels on the site and the noise levels in the immediate vicinity of the site would increase temporarily during project construction. Short-term construction noise would be generated during grading and the construction of the residential building and other proposed site improvements. Noise would also be generated by construction workers commuting to the site, the delivery of materials and supplies to the site and the operation of on-site electrical powered construction equipment, etc.

Temporary construction noise impacts vary markedly due to the noise level range of the various types of construction equipment, its activity level and the distance from the equipment to the closest noise sensitive land use. Short-term construction noise impacts typically occur in discrete phases dominated by large, earth-moving equipment that is used during for grading operations. The construction equipment that would be used to construct the residential building and pave the parking lot typically generates less noise than the grading equipment.

In 2006, the Federal Highway Administration (FHWA) published the Roadway Construction Noise Model that includes a national database of construction equipment reference noise emissions levels. The database provides an acoustical usage factor to estimate the fraction of time each piece of construction equipment is operating at full power during a construction phase. The usage factor is a key input variable that is used to calculate the average Leq (Equivalent Continuous Sound Pressure Level) noise levels.

Table 14 shows the highest (Lmax) noise levels that is typically associated with each type of construction equipment that would be used by the project and then adjusts the noise level for distance to the closest sensitive receptor to the project and the extent of the use of the equipment (usage factor), which is represented as Leq. Table 13 also shows the noise level for each individual piece of equipment at a reference 50-foot distance.

Table 14
Construction Equipment Noise Levels

Phase Name and Duration	Equipment	Usage Factor[1]	Noise @ 50 feet (dB)[2]	Hourly Noise Level @ 50 feet (dB))
Demolition	Concrete Saw	20%	90	83
	Dozer	40%	85	82
	Loader/Backhoe	37%	78	74
Grading	Grader	40%	85	81
	Dozer	40%	85	82
	Loader/Backhoe	37%	78	74
Construction	Crane	16%	81	73
	Loader/Backhoe	37%	78	74
	Forklift	20%	75	69

Paving	Paver	50%	77	74
	Mixer	40%	79	75
	Loader/Backhoe	37%	78	74
	Roller	20%	80	74

Source: FHWA's Roadway Construction Noise Model, 2006

1. Estimates the fraction of time each piece of equipment is operating at full power during a construction operation
2. The Lmax values presented are the actual measured values summarized in the Roadway Noise Model User Guide (FHWA 2006) unless the actual is unavailable in which case the equipment specifications were used.

The noise levels that would be generated by the operation of on-site construction equipment would be less than the noise levels of the construction equipment shown in Table 13 because the construction equipment of the proposed project would be more than 50 feet from the closest off-site noise sensitive receptor. Residences to the west have a 100-foot separation distance to the proposed new building and the residences to the south have an 88-foot separation distance. The existing block wall along the west and south project boundaries would assist to block construction noise at the adjacent residents. The existing block wall along the west and south project boundary would reduce off-site construction noise levels by 5 dBA.

Table 15 shows the noise levels that would occur at the adjacent off-site noise sensitive receptors during project construction taking into account the existing 6' wall along the project boundaries. Any existing homes with single pane windows would reduce noise levels by approximately 25 dB with the windows closed.[38] However, homes with dual pane windows can result in up to a 30-dB exterior to interior noise level reduction with closed windows. Therefore, during project construction the homes west of the project would experience interior noise levels of approximately 38-47 dBA and the homes south of the project would experience an interior noise level of approximately 39-48 dBA based on single pane windows. These estimated interior noise levels are based on the existing windows of the residents west and south of the site remaining closed during project construction.

Table 15
Exterior Construction Noise Equipment Levels at Off-Site Sensitive Uses (dBA Leq)

Phase Name and Duration	Equipment	Noise @ Western Perimeter Homes	Noise @ Southern Perimeter Homes
Demolition	Concrete Saw	72	73
	Dozer	71	72
	Loader/Backhoe	63	64
Grading	Grader	70	71
	Dozer	71	72
	Loader/Backhoe	63	64
Construction	Crane	62	63
	Loader/Backhoe	63	64
	Forklift	58	59
Paving	Paver	63	64
	Mixer	64	65
	Loader/Backhoe	63	64
	Roller	63	64

[38] U.S. Environmental Protection Agency, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, 1974.

The potential for construction-related noise to adversely affect nearby residential receptors would depend on the location and proximity of construction activities to these receptors. The operation of most of the construction equipment that would be used during construction would be located at a greater setback than the noise levels shown in Table 14 because the construction equipment would not always be operating at the edge of the project site where the distance measurements to the closest off-site residences were taken.

Construction noise levels at the residences south and west of the site would exceed the exterior noise standards of the Fountain Valley Noise Ordinance, Section 6.28.050. However, Municipal Code 6.28.070 exempts construction noise level restrictions during the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday and 9:00 a.m. and 8:00 p.m. on Saturdays and no construction on Sunday or legal holidays.

In addition to adhering to FVMC 6.28.070 to the allowable hours of construction (7 a.m. to 8 p.m. Monday through Friday and 9 a.m. through 8 p.m. on Saturdays with no construction allowed on Sundays and any legal holiday) the following measure is recommended to reduce construction noise level impacts to the adjacent residents to the lowest level possible.

Mitigation Measure No. 9 The following measures shall be implemented at the start of construction and continued through project completion:

- All stationary construction equipment shall be located a minimum of 75 feet from the adjacent occupied residential residences buildings;
- All construction equipment shall be shut off when not in use; and
- Electrical power shall run air compressors and similar power tools.

Vehicle Noise Impacts

As discussed in section "XVII.a" of this MND, the project is calculated to generate 94 daily vehicle trips. The project is expected to generate 94 daily trips according to the traffic analysis prepared for this project. According to City of Fountain Valley's website, Magnolia Street between Warner Avenue on the north and Slater on the south, the average daily traffic count was 31,400[39] in 2016. The addition of the project traffic to the existing traffic on Magnolia Street adjacent to the project would represent a less than a +0.01 dBA noise increase, which is below the noise threshold of significance of 3 dBA. Therefore, the project traffic would not have any significant vehicular noise impacts.

Mechanical Equipment

The project proposes that all mechanical equipment would be roof mounted within a recessed well. Based on the proposed roof plan there is sufficient distance between the mechanical equipment on the roof of the proposed building to the closest off-site sensitive noise receptors to ensure that noise from the operation of the mechanical equipment does not create a noise nuisance to the off-site residents. The operation of the proposed mechanical equipment for the project would not have any significant off-site noise impacts to area residents.

Based on the noise analysis above, the project would not have any significant temporary (construction) or permanent (operational) noise level impacts.

[39] https://ca-fountainvalley.civicplus.com/DocumentCenter/View/13818/1-Fountain-Valley-ADT-2016

b) ***Generation of excessive ground borne vibration or ground borne noise levels?*** **Potentially Significant Unless Mitigation Incorporated.** There are residential homes west and south of the project, a shopping center adjacent to and north of the project and the existing Our Lady of Guadalupe senior housing project adjacent to and east of the proposed building and on the same site as the project. Magnolia Street is east of the site and forms the east project boundary. The site is subject to occasional ground borne vibration with heavy trucks traveling on Magnolia Street, however it is approximately 400 feet east of the proposed residential building. Therefore, the vibration levels at the proposed project site from the passing of heavy trucks on Magnolia Street is not significant and short-term in duration.

Construction Activity Vibration

Construction activities generate ground-borne vibration when heavy equipment travels over unpaved surfaces or when it is engaged in soil movement, such as grading. The effects of ground-borne vibration include discernable movement of building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. Vibration related problems generally occur due to resonances in the structural components of a building because structures amplify groundborne vibration. Within the "soft" sedimentary surfaces of much of Southern California, ground vibration is quickly damped. Groundborne vibration is almost never annoying to people who are outdoors (FTA 2006).

Groundborne vibrations from construction activities rarely reach levels that can damage structures. Vibration thresholds have been adopted for major public works construction projects, but these relate mostly to structural protection (cracking foundations or stucco) rather than for human annoyance.

The vibration descriptor commonly used to determine structural damage is the peak particle velocity (ppv) and defined as the maximum instantaneous positive or negative peak of the vibration signal, usually measured in in/sec. The range of vibration levels is shown in Table 16.

Table 16
Human Response to Transient Vibration

Average Human Response	ppv (in/sec)
Severe	2.00
Strongly perceptible	0.90
Distinctly perceptible	0.24
Barely perceptible	0.03

Source: Caltrans Transportation and Construction Vibration Guidance Manual, 2013.

Over the years, numerous vibration criteria and standards have been suggested by researchers, organizations, and governmental agencies. However, there are no California Department of Transportation (Caltrans) or Federal Highway Administration standards for vibration.

According to Caltrans, the threshold for structural vibration damage for modern structures is 0.5 in/sec for intermittent sources, which include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers and vibratory compaction equipment. The American Association of State Highway and Transportation Officials (AASHTO) (1990) identifies maximum vibration levels for preventing damage to structures from intermittent construction or maintenance activities for residential

buildings in good repair with gypsum board walls to be 0.4–0.5 in/sec. The damage threshold criterion of 0.2 in/sec is appropriate for fragile buildings. For this analysis because some of the area residential units adjacent to the site can be older, therefore the 0.2 in/sec damage threshold for older fragile buildings is used as the evaluation criteria. Below the level of 0.2 in./sec. there is virtually no risk of building damage. Table 17 below shows the predicted vibration levels at varying distances that are typically generated by various types of construction equipment that could be operational on the project site during construction.

Table 17
Estimated Vibration Levels During Project Construction

Equipment	PPV at 10 ft (in/sec)	PPV at 15 ft (in/sec)	PPV at 25 ft (in/sec)	PPV at 40 ft (in/sec)	PPV at 50 ft (in/sec)
Large bulldozer	0.352	0.191	0.089	0.044	0.031
Loaded trucks	0.300	0.163	0.076	0.037	0.027
Jackhammer	0.138	0.075	0.035	0.017	0.012
Small bulldozer	0.012	0.006	0.003	0.001	<0.001

Source: FHWA Transit Noise and Vibration Impact Assessment

As shown in Table 16, the calculated vibration levels generated by the operation of construction equipment on the project site would be below the level of potential damage at the indicated setbacks to the closest adjacent off-site residences at 88-100 feet. The existing Our Lady of Guadalupe building is setback 20 feet from the proposed Our Lady of Guadalupe building. As shown in Table 16 the vibration levels at the Our Lady of Guadalupe building with the operation of a large bulldozer at 20 feet would be above levels that could create structural damage to the Our Lady of Guadalupe building (i.e., 0.3 in/sec). However, if a large bulldozer operates closer than 15-feet from the Our Lady of Guadalupe building there is the potential for structural damage due to vibration impacts.

To minimize the potential for vibration impacts to the existing Our Lady of Guadalupe building the following measure is recommended to reduce potential vibration impacts to less than significant.

Mitigation Measure No. 10 Small bulldozers shall only operate within 15 feet of the existing Our Lady of Guadalupe building and the property line of the existing residences adjacent to and south and west of the project.

The project would not have any significant ground borne or vibration impacts and vibration impacts with the implementation of the recommended mitigation measure.

c) ***For a project located within the vicinity of a private air strip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, would the project expose people residing or working in the project area to excessive noise levels?*** **No Impact.** There are no private air strips or public airports in the City of Fountain Valley or the immediate project vicinity. John Wayne Airport is the closest public airport to the site and is located approximately 6.5 miles southeast of the project. The project site is not located within the land use plan of John Wayne Airport. Because the project is more than seven miles from John Wayne Airport and outside of the airport plan for John Wayne Airport, the project would not be impacted by noise levels at John Wayne Airport.

XIV. POPULATION AND HOUSING: Would the project:

Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)? Less Than Significant **Impact.** The project proposes the development of 29 low-income senior independent living units. The existing Our Lady of Guadalupe senior independent living facility located adjacent to the project site has approximately 20 percent (15) of its 71 units that are occupied by two residents. The remaining 56 units are occupied by a single resident. If approximately 20 percent of the proposed 29 units are occupied by two residents the project could generate a population of approximately 35 residents. Project residents must be 62 years or older and make less than 80% of the median income in Orange County. The project would also accept Orange County housing vouchers.

The estimated population increase of approximately 35 residents would include residents that live in Fountain Valley and outside the city, but largely within Orange County. If project residents live in the city the population of Fountain Valley would not increase. However, residents that move to the project that live outside the city would incrementally increase the city's population. It is speculative at this time to estimate the exact number of Fountain Valley residents and non-city residents that would move into the project. While the city's population is expected to increase due to the project, the increase would not significantly increase the population of Fountain Valley.

California State Housing Element Law enacted in 1980 requires the Southern California Association of Governments (SCAG) and other regional councils of government in California to determine the existing and projected regional housing needs for persons at all income levels. SCAG is also required by law to determine each jurisdiction's share of the regional housing need in the six-county (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) Southern California region. State legislation and the Regional Housing Needs Assessment (RHNA) process are intended to address housing needs for projected state population and household growth, to create a better balance of jobs and housing in communities, and to ensure the availability of decent affordable housing for all income groups.

As the regional Council of Governments (COG) for Southern California, State law requires SCAG to "determine the existing and projected housing need for its region". SCAG takes the lead in overseeing the assessment by identifying measures to gauge housing demand and comparing those numbers against socioeconomic factors throughout the region.

The RHNA consists of two measurements: 1) existing need for housing, and 2) future need for housing. The existing need assessment examines key variables from census data, to measure ways in which the housing market is not meeting the needs of current residents. The future need assessment is determined by SCAG's growth forecast and public participation process.

The State's Housing Element law requires local governments to make plans to adequately address their share of existing and projected population growth, taking into consideration affordability of available and future housing. Recognizing that the most critical decisions regarding housing development, occur at the local level, through a City's General Plan, the Housing law seeks to adequately address housing needs and demands. The California Department of Housing and Community Development (HCD) enforces State Housing Element Law by requiring certified Housing Elements as part of every city's General Plan.

Fountain Valley's 2021-2029 Housing Element states the RHNA for Fountain Valley is 4,839 housing units, which includes 1,307 Very Low, 786 Low, 834 Moderate and 1,912 Above Moderate affordability levels. The city is required to ensure that the General Plan and Zoning Ordinance provide for the development of the 786 Low income residential units that are needed in Fountain Valley by 2029. The project's proposed 29 low income residential units are accounted for in its adopted Housing Element and would contribute toward the City's 2021-2029 RHNA housing need of 786 Low Income residential units and the city total 4,839 residential units."[40]

Fountain Valley Housing Element

The Fountain Valley Housing Element provides policy themes, goals, and policies to achieve the city's desired policy themes. The policy themes, goals and policies of the Housing Element that are applicable to the project are provided below:

Program Category #1: Adequate Housing Sites

The purpose of this program category is to describe the actions that the City will take to ensure that a variety of housing types can be accommodated, including multifamily rental housing, factory-built housing, emergency shelters, and transitional housing. The City's Land Use Element, Development Code, and specific plans regulate the housing types permitted in the community.

Goal 1: Promote and encourage the development of a variety of housing opportunities to accommodate current and projected households.

Policies

1.1 Promote the construction of additional dwelling units to accommodate Fountain Valley's share of regional housing needs in accordance with adopted land use policies.

1.2 Provide a variety of housing opportunities for all income levels through different land uses and densities.

1.3 Coordinate new residential development with the provision of infrastructure and public services.

1.4 Locate higher density residential development close to public transportation

Program Category #2: Housing Production

The City's existing needs include 63% of renter and 42% of mortgage-holding households that are cost burdened, expending more than 30% of their income toward housing. The City's new construction need includes 2,093 lower, 834 moderate, and 1,912 above moderate-income units, which can be supported by vacant and underutilized land.

Goal 2: Assist in the provision of housing affordable to lower income households.

Policies

2.1 Promote infill housing development through the adaptive reuse of underutilized parcels.

[40] Future Ready Fountain Valley General Plan, Housing Element, Table H-22, page 58.

2.2 Promote and encourage the use of innovative construction methods, design standards, lot configurations, and energy conservation techniques that will facilitate the production of quality, affordable, and attractive new housing which varies in type, design, form of ownership, and size, and is compatible with abutting development.

2.3 Encourage new housing construction for rental and ownership housing in a mixture of price ranges.

Program Category #3: Remove Governmental Constraints

Goal 3: Address and, where possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for people at all income levels, as well as housing for people with disabilities.

Policies

3.1 Encourage regulatory incentives that streamline the development and maintenance of housing, with additional incentives to develop and retain affordable housing.

Program Category #5: Affordable Housing Opportunities

Goal 5: Conserve and support affordable housing opportunities in the City.

Policies

5.2 Pursue available housing funds provided by federal, state, private, and/or local sources to preserve affordable housing.

5.3 Continue to support innovative public, private, and non-profit housing development organizations' efforts in the provision of affordable housing, particularly for special needs groups.

Program Category #6: Equal Housing Opportunities

Goal 6: Promote housing opportunities for all persons regardless of race, age, religion, sex, marital status, disability status, ancestry, national origin, or color.

Policies

6.4 Continue to require compliance with the Americans with Disabilities Act standards in all new residential developments and continue to enforce the building code provisions requiring accessible design.

6.8 Encourage and facilitate housing developments that provide units affordable to a mix of lower, moderate, and above moderate income households.

The proposed 29 residential units meets Goal #1 of Program Category #1 by promoting and encouraging the development of a variety of housing opportunities to accommodate current and projected households in Fountain Valley, which in this case includes low-income senior independent living apartments. The project meets policies 1.1, 1.2 and 1.3 of Goal #1 by providing housing to assist the city towards meeting its RHNA allocation of 4,839 residential units and 786 Low income units by the

year 2029, provide housing opportunities for an income level based on the proposed housing type and density and has adequate infrastructure and public services to serve the project, respectively.

Program Category #2 states, "The City's new construction need includes 2,093 lower, 834 moderate, and 1,912 above moderate-income units, which can be supported by vacant and underutilized land." The project proposes the development of 29 residential units on an underutilized 2.1-acre parcel. The project design and size is compatible with the existing Our Lady Of Guadalupe senior housing development adjacent to the proposed Our Lady of Guadalupe and the existing single-family detached residential development adjacent to and west and south of the site.

The project meets Category #3 because the senior low-income housing apartment project is supported by the federal governments Housing and Urban Development Division (HUD) to develop affordable housing.

The project meets Category #5 because the project supports affordable housing opportunities in the City, which in this case is senior low-income housing that is supported by HUD federal housing funds and a private senior housing company.

The project meets Goal #6 of Program Category #6 by promoting housing opportunities for all persons regardless of race, age, religion, sex, marital status, disability status, ancestry, national origin, or color and also meets policies 6.4 and 6.8 by meeting all applicable Americans with Disabilities Act standards and provide all required building code provisions requiring accessible design and provide housing for senior low-income households. The City would require the project to comply with all Federal and State equal opportunity housing mandates.

It is anticipated that many of the project residents would be existing residents of Fountain Valley. Therefore, the project is not anticipated to substantially increase the City's population.

b) ***Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*** **No Impact.** The area of the project site that is proposed for development is vacant and no existing housing would be demolished and replacement housing required elsewhere. Because no existing housing would be demolished the project would not displace any existing residents. The project would not have any impact by demolishing existing housing and requiring replacement housing elsewhere or displacing existing people.

XV. PUBLIC SERVICES:

a) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***

i. ***Fire protection?*** **Less Than Significant Impact.** The Fountain Valley Fire Department provides fire protection services to the site. The closest fire station to the site is Fire Station 1 and located at 17737 Bushard Street. Fire Station 1 is located approximately one mile southeast of the site. The other responding fire station is Fire Station 2 that is located at 16767 Newhope Street and approximately three miles east of the site. Once constructed, the project would require fire

protection services that are typically required for senior residential development and a higher occurrence of medical emergency calls than the general public.[41]

The project developer would be required to pay an annual standardized fee to the fire department as part of the operation of the senior living facility. The fee is used to partially fund support staff to complete mission-critical tasks that emergency personnel no longer can accomplish because of the increased emergency response demand. The project would not require the construction of new or expanded fire stations and fire protection service impacts are less than significant.[42] The impact of the project to fire protection services would be less than significant.

ii. ***Police protection?*** **Less Than Significant Impact.** The Fountain Valley Police Department provides police protection services to the site from the police department located at 10200 Slater Avenue, which is approximately two miles southeast of the site. The project could require police protection services during project construction to respond to theft, vandalism, accidents and other construction related police emergencies. Once constructed, the project would require typical operational police services for residential development such as routine police patrols, vandalism, break-ins, and other service calls associated with residential development.

The project site is located in an area with a low crime rate and the police department does not anticipate an increase in service calls that would require an increase in staffing levels. The number of proposed dwelling units does not substantially increase the population to the extent that it would diminish the current level of police protection services.[43] While the project would require police protection services during project construction and the life of the project, the project would not impact the Police Department's ability to continue to provide an adequate level of service to the community.

iii. ***Schools?*** **Less Than Significant Impact.** The project is served by the Fountain Valley School District and the Huntington Beach Union High School District. The project is a designated senior facility, therefore, the project would not generate any students to area schools.

As required by Government Code Section 65995, the project would be required to pay a developer fee. The Huntington Beach Union High School District charges the commercial rate for senior housing, which currently is $0.78 per square foot. Based on the total habitable living area of the project the developer fee would be $10,528.44.[44] The developer fee for commercial use in the Fountain Valley School District is $0.48 per square foot.[45] The project developer would be required to pay the fee in place at the time the developer acquires building permits for the construction of the project. Payment of the required developer fee would reduce the impact of the project to both the Fountain Valley School District and the Huntington Beach Union High School District to less than significant.

iv. ***Parks?*** **Less Than Significant Impact.** The closest public park to the project is McDowell Park that is located at 17200 Oak Street and approximately 0.5 miles east of the site. McDowell Park is approximately 1-acres and includes a climbing unit, benches, drinking fountain, picnic tables, bar-g-grill, play area and swings. Because the project does not propose any on-site recreational facilities, project residents would incrementally increase the demand and use of existing park and

[41] Fountain Valley Fire Department, Michelle Rudaitis, Battalion Chief, Administration/Fire Marshall, email dated May 2, 2023.
[42] Fountain Valley Fire Department, Michelle Rudaitis, Battalion Chief, Administration/Fire Marshall, email dated May 2, 2023.
[43] Fountain Valley Police Department, Chief Matthew Sheppard, letter dated May 10, 2023.
[44] Jill Russo, Huntington Beach Union High School District, letter dated May 4, 2023.
[45] Fountain Valley School District, Chris Fullerton, Assistant Superintendent, Business, email dated May 10, 2023.

recreational facilities in Fountain Valley, which could include McDowell Park. Mile Square Regional Park, which is an Orange County regional park, is located at 16801 Euclid Street and approximately 1.5 miles northeast of the project. Mile Square Park includes soccer, basketball, baseball, softball, cross country track meets, fishing and archery, golf and other active and passive recreational facilities. Due to the small scale of the senior project it is anticipated the increased demand for both city and county park and recreational facilities would not have a significant impact to the existing park and recreational facilities in Fountain Valley.

In compliance with FVMC 21.79.260 the project is exempt and would not be required to pay a park fee because the project proposes to provide affordable housing for low and very low income households.

The project would not have a significant impact on existing park and recreational facilities in Fountain Valley.

v. ***Other public facilities?*** **No Impact.** There are no public facilities or services that would be impacted by the project.

XVI. RECREATION

a) ***Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*** **Less Than Significant Impact.** The project would not significantly impact recreation facilities. Please see Public Services section "XV.a.iv" above of this MND.

b) ***Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*** **Less Than Significant Impact.** As discussed in Public Services section "XV.a.iv" above of this MND, the project does not propose the construction of any on-site recreational facilities and would not require the construction or the expansion of other recreational facilities that would impact the environment.

XVII. TRANSPORTATION: Would the project:

a) ***Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*** **Less Than Significant Impact.** A Vehicles Miles Traveled (VMT) screening analysis[46] was prepared for the project and is included in Appendix F.

The project is estimated to generate 94 daily vehicle trips, including 6 AM and 7 PM trips as shown in Table 18.

Table 18
Project Trip Generation Rates

			AM Peak Hour			PM Peak Hour			
Land Use	**Source[1]**	**Unit**	**% In**	**% Out**	**Rate**	**% In**	**% Out**	**Rate**	**Daily**
Senior Adult Housing	ITE 252	DU	34	66	0.20	56	44	0.25	3.24

[46] Guadalupe Manor Project Transportation Screening Assessment, Ganddini Group, May 1, 2023.

Trips Generated									
			AM Peak Hour			PM Peak Hour			
Land Use	**Quantity**	**Unit[2]**	**In**	**Out**	**Total**	**In**	**Out**	**Total**	**Daily**
Senior Adult Housing	29	DU	2	4	6	4	3	7	94

[1] Source: ITE = Institute of Transportation Engineers, Trip Generation Manual (11th Edition, 2021); ### = Land Use Code.
[2] DU- Dwelling Units.

Screening For Level of Service Analysis

The City of Fountain Valley has guidelines for Level of Service (LOS) impact for General Plan operational compliance. As specified in the City of Fountain Valley Transportation Impact Assessment (TIA) Guidelines, the requirement to prepare a transportation impact study (with Level of Service analysis) should be based on the following criteria:

- When either the AM or PM peak hour project trip generation exceeds 100 vehicle trips.
- Projects that generate 1600 or more average daily trips (ADT) on the Arterial Highway System.
- Projects that generate 51 or more vehicle trips during either the AM or PM peak hour to any intersection.

The project is calculated to generate 6 AM peak hour trips and 7 PM peak hour trips, which is less than 50 trips during the weekday AM and PM peak hours per the City of Fountain Valley Transportation Assessment Guidelines. Therefore, a Level of Service analysis is not warranted based on Fountain Valley's TIA Guidelines.[47]

Screening For Vehicles Miles Traveled Analysis

The project VMT impact was assessed in accordance with the City of Fountain Valley TIA Guidelines. The TIA Guidelines establish screening thresholds for certain types of projects that may be presumed to cause a less than significant VMT impact based on substantial evidence provided in the Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018).

The Fountain Valley TIA Guidelines specify the following three screening steps: 1) Transit Priority Area (TPA) Screening; 2) Low VMT Area Screening; and 3) Project Type Screening. To qualify for screening, a project needs to fulfill only one of the listed screening types. The screening of the project for each of the three steps is presented below:

<u>Transit Priority Area (TPA) Screening</u>

Projects located within a TPA (half mile area around an existing major transit stop or an existing stop along a high-quality transit corridor) may be presumed to have a less than significant impact absent substantial evidence to the contrary. This presumption may not be appropriate if the project:

1. Has a Floor Area Ratio (FAR) of less than 0.75;
2. Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking);

[47] Guadalupe Manor Project Transportation Screening Assessment, Ganddini Group, May 1, 2023, page 2.

3. Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the City with input from the Metropolitan Planning Organization): or
4. Replaces affordable residential units with a smaller number of moderate or high-income residential units.

The project is not located within a TPA based on the City TIA Guidelines. Therefore, the proposed project does not satisfy the city-established screening criteria for projects located within a TPA.

Low VMT Area Screening

Residential and office projects located within a low VMT generating area may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition, other employment-related and mixed-use land use projects may qualify for the use of screening if the project can reasonably be expected to generate VMT per resident, per worker, or per service population that is similar to the existing land uses in the low VMT area.

The Orange County Transportation Authority Model (OCTAM) measures the VMT performance for individual jurisdictions and for individual traffic analysis zones (TAZs). TAZs are geographic polygons similar to census block groups used to represent areas of homogenous travel behavior. A low VMT-generating area is where the project-generated VMT per service population is less than the city's General Plan Buildout average VMT per service population. The proposed project is located in an area that is 0 – 15% below the average for the City of Fountain Valley and is located within a low VMT-generating area based on the City of Fountain Valley TIA Guidelines. Therefore, the project satisfies the city-established screening criteria for projects located within a low VMT-generating area and can be presumed to result in a less than significant VMT impact.

Project Type Screening

Local serving retail projects less than 50,000 square feet may be presumed to have a less than significant impact absent substantial evidence to the contrary. Local serving retail generally improves the convenience of shopping close to home and has the effect of reducing vehicle travel. Minor interior or exterior expansions could be screened from assessment. The increase in square footage applies to the net new or increase in square footage of a new project or re-tenanting of a project. The following uses can be presumed to have a less than significant impact absent substantial evidence to the contrary as their uses are local serving in nature:

- Local-serving K-12 schools
- Local parks
- Day care centers
- Local-serving retail uses less than 50,000 square feet including:
  - □ Gas stations
  - □ Banks
  - □ Restaurants, bars, cocktail lounges
  - □ Shopping center
  - □ Service uses such as hair salon, barbers, gyms, equipment sales and rental, home electronics and small appliance repair, laundromats, tailors and other uses listed as permitted in Section 21.10.030 of the Fountain Valley Municipal Code
- Local-serving hotels (e.g. non-destination hotels)
- Student housing projects on or adjacent to college campuses
- Local-serving assembly uses (places of worship, community organizations)

- Community Institutions (Public libraries, fire stations, local government)
- Local serving community colleges that are consistent with the assumptions noted in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)
- Affordable or supportive housing
- Assisted living facilities
- Senior housing (as defined by HUD)
- Re-tenanting of existing non-residential space
- Interior expansions
- Minor exterior expansions
- Projects generating less than 110 net new daily vehicle trips:
  - 11 single family housing units
  - 16 multi-family, condominiums, or townhouse housing units
  - 10,000 square feet of office
  - 15,000 square feet of light industrial
  - 63,000 square feet of warehousing
  - 79,000 square feet of high-cube transload and short-term storage warehouse
- Other local-serving projects as approved by the Planning and Building Director, City Engineer, and/or Public Works Director

The project proposes affordable housing and is calculated to generate less than 110 net new daily vehicle trips. Therefore, the project satisfies the City-established screening criteria for project type screening and the VMT impact is less than significant.

As stated above, a project only needs to fulfill one of three listed screening thresholds to meet the City of Fountain Valley TIA Guidelines for a less than significant VMT impact. As stated, the project satisfies the city-established screening criteria for projects within a low VMT-generating area.

The existing traffic circulation system can accommodate the project traffic without significantly impacting any local intersections, city policies regarding transportation or CMP roadways or cause roadway congestion. The project would not have any significant transportation impacts.

b) ***Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*** **No Impact.** As stated in section "XVII.a)" above of this MND, in compliance with CEQA Guidelines Section 15064.3, subdivision (b) a VMT screening analysis was prepared and determined the project would not have a significant VMT impact. Therefore, the project would not be in conflict or inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

c) ***Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*** **Less Than Significant Impact.** Project ingress/egress would use the same driveway and drive aisle as the existing Our Lady of Guadalupe project at Magnolia Street and no new curve or intersections are proposed. The project does not propose any roadway or site access design features that would have significant traffic or circulation hazards or impacts.

d) ***Result in inadequate emergency access?*** **Less Than Significant Impact.** The existing public streets and circulation system would continue to provide adequate site access for emergency vehicle access. Police, fire, paramedic/ambulance, and other emergency vehicles would have adequate site access to respond to on-site emergencies at the existing site access driveway at Magnolia Street and the on-site drive aisle. The project driveway and on-site drive aisle have been reviewed by the city, including the police and fire departments to ensure the site access driveway has adequate widths and turning radius

for emergency vehicles to enter and exit the site. An existing emergency access gate with the shopping center adjacent to and north of the project site would provide emergency ingress/egress for the project. The project would not have any significant emergency access impacts to the site.

XVIII.TRIBAL CULTURAL RESOURCES: Would the project:

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i. **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1 (k). Potentially Significant Unless Mitigation Incorporated.** As required by AB 52, the City mailed letters to ten area Native American Indians on October 18, 2022 that are on record with the City that may have cultural resources associated with the site. The Gabrieleño Band of Mission Indians – Kizh Nation requested consultation because the project site lies within the ancestral tribal territory of the Kizh Nation. Thus, tribal cultural resources could exist on the site. After consultation with Kizh Nation in compliance with AB 52, the following mitigation measures are recommended to reduce potential impacts to Tribal resources, if present.

Mitigation Measure No. 11 Prior to the commencement of any ground disturbing activity at the project site, the project applicant shall retain a Native American Monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation. A copy of the executed contract shall be submitted to the City of Fountain Valley Planning and Building Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal monitor shall only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor shall complete daily monitoring logs that shall provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the project site have little to no potential to impact Tribal Cultural Resources.

Mitigation Measure No.12 Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified archaeologist and Tribal monitor approved by the Consulting Tribe. If the resources are Native American in origin, the Consulting Tribe shall retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic

purposes. If human remains and/or grave goods are discovered or recognized at the project site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code Section 5097.98(d)(1) and (2). Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

Implementation of the recommended mitigation measures would reduce potential tribal cultural resource impacts to less than significant.

ii) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. Potentially Significant Unless Mitigation Incorporated.** As discussed in section "XVIII.a.i." above of this MND, the project could significantly impact tribal resources if present. The implementation of the recommended mitigation measures would reduce potential impacts to tribal resources to less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS: Would the project:

a) ***Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?*** **Less Than Significant Impact.** The existing water main in Magnolia Street adjacent to the site has capacity to provide the required water supply for both fire flow and the potable water demand of the project without the need to construct new water supply facilities or expand existing facilities. The existing sewer line in Magnolia Street has capacity to serve the project without a need to upgrade or increase the size of the sewer line. All other utilities required to serve the project, including drainage, electricity,

natural gas, and telecommunications are in Magnolia Street and would not have to be expanded or relocated. The project developer would have to extend to the existing facilities to the site, but none of the existing facilities would have to be improved that could cause significant environmental impacts. The project would not have any significant public utility impacts.

b) ***Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*** **Less Than Significant Impact.** The project is estimated to consume approximately 2,900 gallons of water per day[48]. Based on the City's Urban Water Management Plan the City has an adequate water supply to meet the demand of the project into the future. The project would have a less than significant impact on water supply.

c) ***Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*** **Less Than Significant Impact.** Please see section "XIX.b" above of this MND.

d) ***Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*** **Less Than Significant Impact.** The construction of the project would generate various types of construction debris, including asphalt, metal, wood, etc. that cannot be recycled would be hauled to a landfill. Once operational, the project is estimated to generate approximately 116 pounds of solid waste per day.[49]

Republic Services is the current contract solid waste hauler for the City of Fountain Valley and would serve the project. The solid waste that is collected in Fountain Valley is taken to a Materials Recovery Facility (MRF) in Huntington Beach. All recyclables are recovered and the remaining solid waste is taken to the Frank R. Bowerman Landfill. The City of Fountain Valley adopted a Source Reduction and Recycling Element (SRRE) in 1992 that outlines the City's commitment to a 25% solid waste reduction by 1995 and a 50% reduction by 2000. The solid waste generated by the project would be recycled and the materials that cannot be recycled would be hauled to the Frank R. Bowerman Landfill. The city's waste hauler would actively recycle the solid waste generated by the project to reduce the amount of material that is hauled to the landfill. The solid waste generated by the project would have a less than significant impact on the life expectancy of any of the landfills that serve the project.

e) ***Comply with federal, state, and local statutes and regulations related to solid waste?*** **Less Than Significant Impact.** The City of Fountain Valley complies with all federal, state, and local statutes and regulations related to solid waste. The project would not have any solid waste impacts because the residents would be required to comply would all applicable solid waste statues and regulations and large quantities of solid waste would not be generated.

XX. WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) **Substantially impair an adopted emergency response plan or emergency evacuation plan? No Impact.** Based on review of the Very High Fire Hazard Severity Zones in Local Responsibility Areas and State and Federal Responsibility Areas map, the City of Fountain Valley is not located within a Very High Fire Hazard Severity Zone.[50] Furthermore, a review of the Fire Hazard Severity Zones in State Responsibility Areas map, the City of Fountain Valley is not located in a Moderate, High or Very

[48] 100 gallons/person/day and 1.0 people/household.
[49] http://www.calrecycle.ca.gov/. Residential - 4 pounds/day/unit.
[50] http://frap.fire.ca.gov/webdata/maps/orange/fhszl_map.30.pdf

High fire hazard zone.[51] The closest Moderate, High or Very High fire hazard zone to the project site is the open space that extends along the south side of University Drive from Culver Drive east to Ridgeline Drive in the City of Irvine and approximately nine miles southeast of the project. The project would not impair or impact any emergency response or emergency evacuation plan associated with an emergency response to a fire in this specific Very High fire hazard zone or any other designated local, state or Federal fire hazard zone in Orange County.

b) ***Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*** **No Impact.** As discussed in section "XX. a." above of this MND, the project is not in a Moderate, High, or Very High fire hazard zone and the closest designated fire hazard zone is approximately nine miles southeast of the project. The project site and surrounding properties are generally flat with no significant topographic relief and expose project occupants to wildfire risks. Santa Ana winds could expose project occupants to smoke and other pollutants associated with wildfires located east of the city. However, that exposure would not be site specific because much of the city and general geographic area would be exposed and not the project specifically. The project would not expose project occupants to pollutant concentrations from a wildfire due to slope, prevailing winds, or other factors.

c) ***Reguire the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*** **No Impact.** The project would be required to install fire sprinklers as required by the City of Fountain Valley Fire Department standards. However, the project would not be required to install and maintain any roads, fuel breaks, emergency water sources, power lines or other utilities to protect the project and the immediate area from a wildfire because the project is not located in a Moderate, High, or Very High fire hazard zone as discussed in section "XX. a." above of this MND.

d) ***Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result or runoff, post-fire slope instability, or drainage changes?*** **No Impact.** As discussed in section "XX. a." above of this MND, the project is not located within a Moderate, High, or Very High fire hazard zone. As discussed in section "XX. b." above of this MND, the project site and surrounding properties are generally flat with no significant topographic relief that would expose structures or project occupants to significant risks due to downslope or downstream flooding or landslides. Because the project is not located in a fire hazard zone or downstream of any hillsides of areas of topographic relief the project would not expose either project residents or proposed structures to significant risks due to downstream or downstream flooding or landslides due to post-fire slope instabilities.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE:

a) ***Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?*** **Potentially Significant Unless Mitigation Incorporated.** The project site is developed with the existing Our Lady of Guadalupe senior care facility, parking lot, patio area, community garden for the residents and other site improvements. The habitat on the site includes introduced urban landscaping

[51] http://frap.fire.ca.gov/webdata/maps/orange/fhszs_map.30.pdf

including trees, shrubs, turf, ground cover, flowers, etc. The existing trees on the site could provide nesting sites for some bird species. Project construction could impact nesting birds if present. None of the trees are a candidate for a sensitive or special status plant species. The project could impact birds that are nesting in the existing on-site vegetation. Mitigation measures are recommended to reduce potential nesting bird impacts to less than significant. The project would not significantly impact any historical resources on the site. However, if present, cultural resources could be uncovered during project grading and construction. Mitigation measures are recommended to reduce potential cultural resources impacts to less than significant. The recommended mitigation measures to reduce potential biological and cultural resource impacts to less than significant as listed in sections "IV" and "V" respectively, are duplicated below.

Biological Resources

Mitigation Measure No. 3 Nesting Birds –

- All necessary clearing and removal of vegetation for project construction shall be conducted outside of the typical nesting season for birds (February 15 through September 1).

- If any construction activities are scheduled to occur during the nesting bird season (February 15 through September 1), a qualified biologists shall conduct a survey to determine whether there are any active bird nests within the on-site trees.

- The nesting bird survey shall occur no more than 7-days prior to the start of construction and include a search for nesting birds within the project site.

- If any active nests are observed, they shall either be avoided until after all young have fledged from the nest, or an alternative as determined d by a biologist to ensure against negative impacts to nesting birds.

Cultural Resources

Mitigation Measure No. 4 The project developer shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior's Professional Qualifications and Standards, to conduct an Archaeological Sensitivity Training for construction personnel prior to commencement of excavation activities. The training session shall be carried out by a cultural resource professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The training session shall include a handout and focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation if one is necessary.

Mitigation Measure No. 5 In the event that archaeological resources are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted

away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist hired by the project developer, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be prehistoric, Native American Tribes/Individuals shall be contacted and consulted, and Native American construction monitoring shall be initiated. The City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.

Mitigation Measure No. 6 The project developer's archaeological monitor, under the direction of a qualified professional archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards, shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted to the City, the South Central Costal Information Center and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures. The report shall include a description of resources unearthed, if any, evaluation of the resources with respect to the California Register and CEQA, and treatment of the resources.

The project would not have any significant biological or cultural resource impacts with the implementation of the recommended mitigation measures above.

b) ***Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*** **Less Than Significant Impact.** The City of Fountain Valley has identified eight projects that, along with the proposed project, could have cumulative impacts. The cumulative projects are listed in Table 19. The location of the cumulative projects are shown in Figure 13.

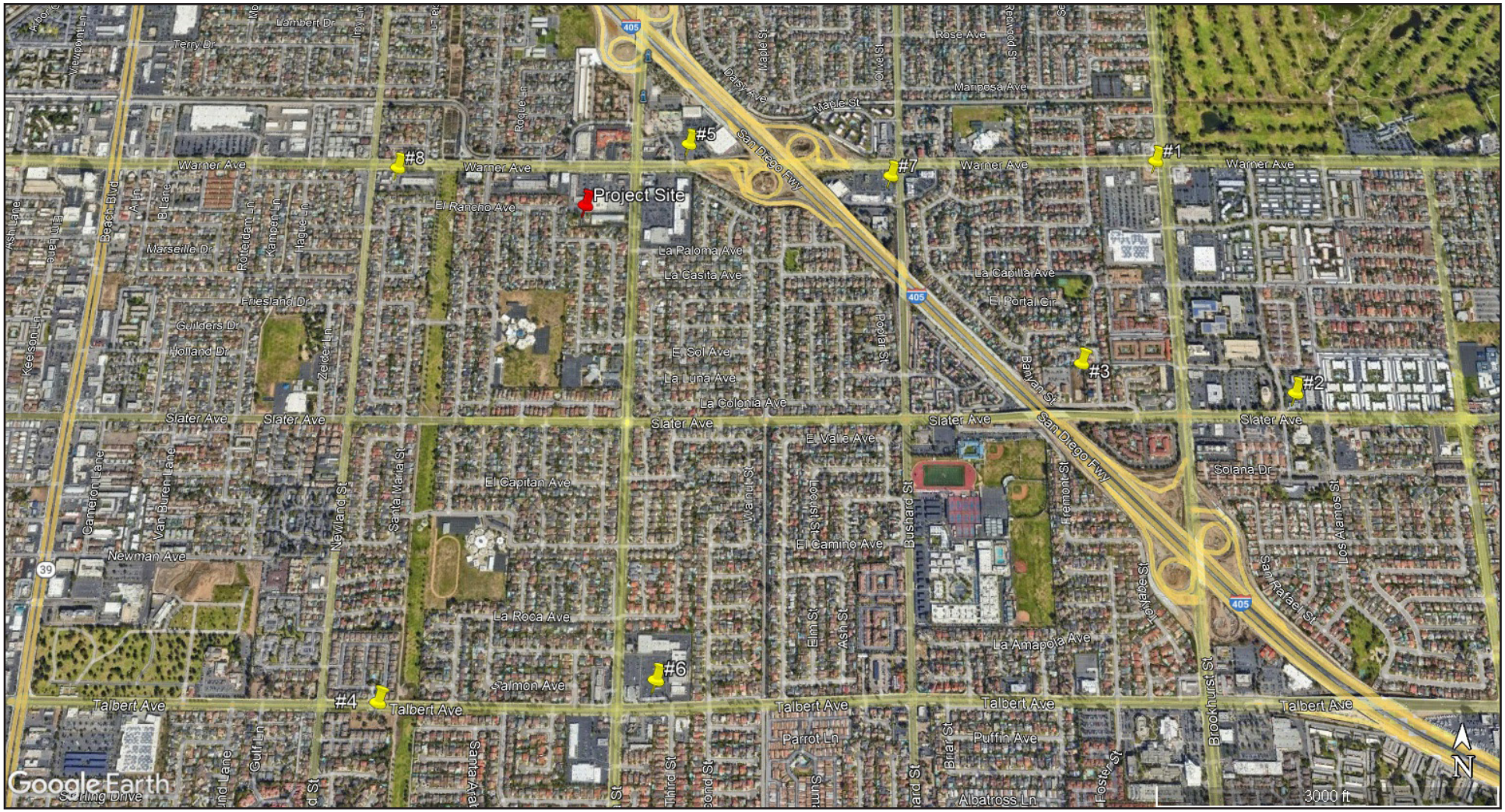
Table 19
Cumulative Projects

Address	Proposed Project	Status
#1 – 17025 Brookhurst Street	JUSU Retail Center: • 10,232 sq. ft. 2-story building.	Approved
#2 – 10201, 10221, 10231 Slater Avenue	Slater Mixed-Use Project: • One to five-story mixed use with 270 residential units. •5,000 sq. ft. restaurant with 2,000	Plan Check

	square feet of outdoor dining space. •Walk-up coffee and lunch bar. •1,660 sq. ft. art gallery. •6-level parking garage.	
#3 - 9801 Starfish Avenue	Villa Asteria: Seven detached single-family homes.	Under Construction
#4 – 8572 Talbert Avenue	Bonanni Development: 15 detached single-family residential homes.	Approved
#5 – 9065 Warner Avenue	Dutch Brothers: 950 sq. ft. building with a double drive-through.	Plan Check
#6 – Northeast corner of Magnolia Street and Talbert Avenue	Dutch Brothers: 950 sq. ft. building with a double drive-through.	Plan Check
#7 – 17071 Bushard Street	4,000 sq. ft. restaurant in an existing shopping center.	Plan Check
#8 – 8546 Warner Avenue	Warner Avenue Animal Hospital: Demolition of an existing animal hospital building and construct a new 8,294 sq. ft. animal hospital building and parking lot.	Plan Check

Based on the air quality report, the short-term construction emissions and the long-term operational emissions of the project would not exceed any adopted air emission thresholds. The project would not have any individual or cumulative noise or traffic impacts. In addition, the project would not have any significant individual or cumulative impacts associated with aesthetics, hydrology, soils and geology, land use, public services, or utilities that along with the cumulative projects would result in any significant cumulative impacts

c) ***Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?*** **Less Than Significant Impact.** There are no significant impacts associated with the proposed project that would cause substantial adverse effects and significantly impact human beings either directly or indirectly.



Source: Google Maps

FIGURE 13
Cumulative Project Location Map