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NOTICE OF EXEMPTION

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

1. **APPLICANT:** City of San Juan Capistrano
2. **ADDRESS:** 31283 – 31297 Don Juan Avenue, San Juan Capistrano, CA 92675
3. **LEAD AGENCY:** City of San Juan Capistrano, 32400 Paseo Adelanto, SJC, CA, 92675
4. **PROJECT MANAGER.:** Matisse Reischl, Assistant City Manager
5. **PHONE NUMBER:** (949) 443-6315
6. **PROJECT TITLE:** Purchase and Sale Agreement with Affordable Housing Land Consultants LLC for Property Located at 31283 – 31297 Don Juan Avenue; Appropriation of Funds; Authorization to Release a Request for Proposals for a Senior Affordable Housing Project
7. **PROJECT LOCATION:** 31283 – 31297 Don Juan Avenue (Accessor Parcel Numbers: 649-271-69 through 74);
8. **DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:**
The City Council approved a Purchase and Sale Agreement to facilitate the City's purchase of the property and authorize staff to prepare and release a Request for Proposal for a senior affordable housing project.

ENVIRONMENTAL DETERMINATION:

This Project has been reviewed in accordance with the California Environmental Quality Act (CEQA). In accordance with the California Environmental Quality Act (CEQA) the action is exempt from CEQA pursuant to State CEQA Guidelines, Section 15004(b)(2)(A) which states that public agencies may designate a preferred site for CEQA review and may enter into land acquisition agreements when the agency has conditioned the agency's future use of the site on CEQA compliance. Specifically, the recommended Purchase and Sale Agreement is not subject to CEQA because it merely transfers ownership of the site and results in the City designating the site as a preferred site for future CEQA review. The City's potential future use of the site for a senior affordable housing development project is expressly conditioned upon future CEQA compliance. The recommended Purchase and Sale Agreement does not foreclose the City's ability to study alternatives or impose mitigation measures that would ordinarily be a part of CEQA review for any development proposal.

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

- Ministerial project (Pub. Resources Code Sec. 21080(b)(1); State CEQA Guidelines Sec. 15268)
- Not a project (State CEQA Guidelines Sec. 15050(c)(2)-(3))
- Declared Emergency (Pub. Resources Code Sec. 21080(b)(3); State CEQA Guidelines Sec. 15269(a))
- Emergency Project (Pub. Resources Code Sec. 21080(b)(4); State CEQA Guidelines Sec. 15269(b), (c))
- Categorical Exemption. State type and section number _____
- Statutory Exemption. State type and section number _____

[X] Other. Explanation: The action is exempt from CEQA pursuant to State CEQA Guidelines, Section 15004(b)(2)(A).

Reasons why the project is exempt:

The action is exempt from CEQA pursuant to State CEQA Guidelines, Section 15004(b)(2)(A) which states that public agencies may designate a preferred site for CEQA review and may enter into land acquisition agreements when the agency has conditioned the agency's future use of the site on CEQA compliance. Specifically, the recommended Purchase and Sale Agreement is not subject to CEQA because it merely transfers ownership of the site and results in the City designating the site as a preferred site for future CEQA review. The City's potential future use of the site for a senior affordable housing development project is expressly conditioned upon future CEQA compliance. The recommended Purchase and Sale Agreement does not foreclose the City's ability to study alternatives or impose mitigation measures that would ordinarily be a part of CEQA review for any development proposal.

9. Was a public hearing held by the Lead Agency to consider the exemption?
Yes No If yes, the date of the public hearing was: A public hearing was not held, however, a public meeting was held on October 15, 2024.



Joel Rojas, Environmental Administrator

10-16-24

Date