
**DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE HISTORIC TOWN CENTER MASTER
PLAN REPEAL, GENERAL PLAN
AMENDMENT AND ORDINANCE CHANGE
PROJECT
SAN JUAN CAPISTRANO, CA**

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EXECUTIVE SUMMARY

E.S.1 INTRODUCTION

The City of San Juan Capistrano (City) is proposing to repeal the existing Historic Town Center Master Plan (HTCMP), amend the City's General Plan, and amend the City's Zoning Code (collectively, the Project or Proposed Project). The purpose of the Project is to correct land use inconsistencies between the HTCMP and the General Plan, replace the "form-based code" (FBC) currently applicable to the City's Historic Town Center (HTC) area by amending the Zoning Code and General Plan Land Use Element, and to clarify setbacks, building heights, and allowable Floor Area Ratio (FAR) within the HTC area. The City of San Juan Capistrano is lead agency for the Project.

This document is a Draft Environmental Impact Report (Draft EIR) prepared in accordance with the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.) (CEQA) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.); and it provides an overview of the Proposed Project and considered alternatives, identifies the anticipated environmental impacts from the Proposed Project and the alternatives, and identifies mitigation measures designed to reduce the level of significance of potentially significant impacts.

E.S.2 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The primary purpose of CEQA is to inform the public and decision makers as to the potential impacts of a project and to allow an opportunity for public input to ensure informed decision-making. CEQA requires all State and local government agencies to consider the environmental effects of projects over which they have discretionary authority. CEQA also requires each public agency to mitigate or avoid the significant environmental impacts resulting from proposed projects, when feasible, and to identify a range of feasible alternatives to the Proposed Project that could reduce those environmental effects.

Under CEQA, a project EIR analyzes the impacts of an individual activity or specific projects and focuses primarily on changes to the environment that would result from the activity or project. The EIR must include the contents required by CEQA and the State CEQA Guidelines, and the environmental review guidelines of the City of San Juan Capistrano.

An EIR is the most comprehensive form of environmental documentation in CEQA and the CEQA Guidelines, and is intended to provide an objective, factually supported analysis and full disclosure of the environmental consequences of a proposed project with the potential to result in significant, adverse environmental impacts.

An EIR is one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Before approving a proposed project, the lead agency must consider the information in the EIR; determine whether the EIR was prepared in accordance with CEQA and the CEQA Guidelines; determine that it reflects the independent judgment of the lead agency; adopt findings concerning the project's significant environmental impacts and alternatives; and adopt a statement of overriding considerations if significant impacts cannot be avoided.

The Executive Summary has been prepared in accordance with Section 15123 (b) of the CEQA Guidelines which states that the EIR should contain a brief summary of the proposed action and its consequences

and should identify: 1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; 2) areas of controversy known to the lead agency; and 3) issues to be resolved including the choice among alternatives and how to mitigate significant effects.

This overview is intended to provide a summary of the HTCMP Repeal, General Plan Amendment (GPA), and Zoning Code revision (Ordinance Change) Project *Draft Environmental Impact Report*. A complete copy of the Draft EIR may be inspected between June 22, 2020 and August 5, 2020 at:

- By appointment at: City of San Juan Capistrano City Hall Public Counter, 32400 Paseo Adelanto, San Juan Capistrano, CA 92675. To make an appointment, please contact the Planning Division at (949) 443-6331.
- Online at the City's website: <http://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning/Environmental-Documents>

E.S.3 PROJECT LOCATION

The Project area consists of the approximately 150 acres governed by the HTCMP. Within the boundaries of the HTCMP area is the 48-acre Historic Town Center (HTC). These two areas overlap and compose the Project area. The Project area is generally bounded by Acjachema Street to the north, the San Diego (I-5) Freeway to the east, existing retail to the south, and Paseo Adelanto to the west (see Figure 2-1, and Figure 2-2). Local access to the Project area is provided via Ortega Highway (SR-74), Del Obispo Street, and Camino Capistrano.

E.S.4 PROJECT BACKGROUND

In 2009, the City's then-Redevelopment Agency initiated an update to the City's 1995 HTCMP. After numerous studies, public workshops, stakeholder meetings and Committee/Commission meetings, the City Council approved an updated HTCMP document in 2012. The updated 2012 HTCMP affirmed many of the goals and policies of the 1995 HTCMP, such as creation of pedestrian-friendly, vibrant downtown and retention of the downtown's historic character. The updated HTCMP also significantly expanded the HTCMP area to encompass 150 acres of the City's downtown area. Central to the HTCMP was the City's HTC, an area of 48 acres in the core of the City divided into the Town Center (TC) and Town Center Edge (TCE) districts (see Figure 2-3). Finally, the City established a form-based code (FBC) to be used in the HTC area in lieu of the City's existing Zoning Code to implement the goals and policies of the 2012 HTCMP.

The City Council implemented the 2012 HTCMP and FBC with the adoption of four resolutions and enactment of one ordinance (Ordinance) approved by City Council on April 3, 2012. The adopted resolutions and the Ordinance made certain changes to the City's General Plan and incorporated the FBC into the City's Zoning Code to be utilized in the HTC area only. The adopted resolutions and the Ordinance did not, however, make certain key amendments to the General Plan that were necessary to implement the 2012 HTCMP. As a result, there are inconsistencies between the adopted 2012 HTCMP, the City's General Plan, and the FBC. For example, while the 2012 HTCMP encourages residential housing in the HTC area (up to 239 units) and the adopted FBC contains residential development standards, the General Plan's Land Use Element and Land Use Map were not amended to allow housing in the HTC area. Another example of an inconsistency is that the adopted 2012 HTCMP allows for a Floor Area Ratio (FAR) range of 0.95:1 to 1.5:1 for the HTC area, but the General Plan's existing FAR limit of 0.50:1 within the HTC area was not amended. As part of the FBC, the Park Once Program was established as a policy to encourage

visitors to the HTCMP area to only park one time and be able to access desired locations within a five-minute walk from the City-owned public parking lots (Zoning Code Sec. 9-3.535). However, the Park Once Program conflicted with other City parking standards already in place. Lastly, the FBC contained a set of overlays: the Freeway Edge Overlay and Town Center Edge overlay for areas east and south of Del Obispo Street. It was deemed unlikely that the conditions necessary for inclusion in the HTC would be met; therefore, these overlays will also be removed as part of the FBC repeal. Other contradictions are noted in Section 2.2 Project Description, below.

E.S.5 PROJECT DESCRIPTION

The implementation of the HTCMP and the FBC introduced land use inconsistencies between the Master Plan, the City of San Juan Capistrano General Plan, and the FBC. To remedy the inconsistencies, this Project proposes repeal of the HTCMP and FBC as well as several revisions to replace the FBC by amending the Zoning Code and General Plan Land Use Element. Those revisions are included as Appendix A. The inconsistencies and the proposed actions to remedy them include the following:

Residential Land Use

The HTCMP encourages residential housing in the Project area (City 2012a). In addition, the FBC contains residential use standards for uses such as studios and multi-family housing (City 2012b). However, the General Plan Land Use Element does not allow housing in the HTCMP area (City 1999). Repeal of the HTCMP and FBC would eliminate these inconsistencies and maintain the existing condition status quo, as there are no residential housing projects located within the HTC area.

Floor Area Ratio

The General Plan limits the FAR in the HTCMP area to 0.5:1 (City 2012a, City 1999). The Project would amend the City's General Plan to allow a FAR of up to 0.75:1 for the Town Center (TC) and Town Center Edge (TCE) Districts, as established within the HTC area; and a FAR of up to 1.5:1 for buildings that include provisions for public gathering spaces. Table LU-4, Development Capacity, will also be revised due to the increase in allowable FAR.

Zoning Code Amendment

The Project proposes the following changes to the Zoning Code through an amendment, which will incorporate items from the FBC, clarify building heights, establish parking standards, increase FAR, and include provisions for nonconforming uses, as described in detail below.

Adopting Language from the Former FBC into the Zoning Code

The Project includes adoption of the following elements from the former FBC into the Zoning Code:

- Definitions of the TC and TCE Districts;
- Revision of Table 3-4 of the Zoning Code to add districts and allowable uses from the FBC;
- Section 9-3.554, which clarifies TC and TCE definitions, development standards, frontage standards, parking standards, and design standards.

Building Heights

The FBC limits buildings in the HTC area to two stories with a maximum height of 35 feet (City 2012b), with the exception of hotel uses which are permitted a maximum of three stories with no specific height limit (City 2012b). This has created uncertainty as to whether three-story buildings must adhere to the 35-foot height limit called out for two-story buildings in the FBC. The Project would amend the Zoning Code to clarify that buildings within the TC and TCE Districts, with the exception of hotels, are limited to a maximum of two-stories and 35 feet in height. Hotel buildings are limited to a maximum height of three stories and 45 feet in height in the HTC area.

Parking

The Park Once Program was incorporated into the Land Use Code in 2011 as a method to attract uses to the Historic Town Center and surrounding areas and help create a pedestrian friendly, vibrant downtown (Land Use Ordinance 2011). The program establishes simplified parking requirements for certain retail, commercial, entertainment, and food uses, and allows said uses to satisfy their on-site parking requirement by entering into shared parking agreements with adjoining uses or proximity to a City parking facility. The 2012 FBC adopted the Park Once Program and also established more detailed parking requirements and identified the payment of an in-lieu fee that would be used toward construction of a downtown parking garage as an added method to satisfy parking requirements (City 2012b). The Proposed Project readopts and affirms the Park Once Program parking standards, including the shared parking provisions, through establishing standards and land use parking ratios in the HTCMP area for non-residential properties within five-minute walking distance radius (i.e., approximately 1,500 linear feet) of the intersection of Camino Capistrano and Forster Street.

Setbacks

The HTCMP establishes setback requirements between the Esslinger Building and Judge Egan House and any new buildings on adjoining lots (City 2012a, City 2012b). Since this setback was intended to be a part of the HTCMP and not the FBC, the setback is considered policy and not part of the legally binding Land Use Ordinance. Nonetheless, the policy has created confusion as to how the setback requirements are to be applied

In order to clarify setbacks in the HTC area, the Project proposes that new construction on properties adjacent to Inventory of Historic and Cultural Landmarks (IHCL) listed historic buildings or structures identified by the City in the HTC area would require a setback from the historic building of one foot for every foot in new building height. Specifically, setbacks are described in Table 3-554-1 in Appendix A.

Land Use Designations

The repeal of the HTCMP and the FBC includes removal of the Town Center Edge and Freeway Edge Overlays; properties that previously had these overlays will remain designated General Commercial (GC) as shown on the General Plan Land Use Map (City 1999). The Zoning Code will be amended to include the Town Center (TC) and Town Center Edge (TCE) Districts, and prescribe definitions, development standards, frontage standards, parking standards, and design standards. These Districts were previously included in the FBC, and they will retain the development standards already established for these areas.

Modification of Non-conforming Uses

The Project would modify the Zoning Code to define and clarify regulation of non-conforming uses in the TC and TCE Districts, such as when specific frontage types apply. This would apply to structures that are not in conformance with the Zoning Code due to these structures existing prior to the adoption of that document. For nonconforming uses, minor modifications to existing buildings in the TC and TCE Districts may be approved by the Development Services Director subject to the requirements of Section 9-2.313 Architectural Control review.

Table ES-0-1: Project Elements

Element	Current HTCMP and FBC Condition	Current General Plan Condition	Proposed Action
Residential uses in the HTC area	Encourages residential uses and contains residential development standards	Prohibits residential uses	Repeal the FBC which would maintain General Plan's prohibition of residential uses in HTC area
Floor Area Ratio (FAR) limit for HTC area	Limits between 0.95:1 and 1.5:1 FAR	Limits up to 0.5:1 FAR	Implement FAR of 0.75:1, up to 1.5:1 FAR for buildings that provide public gathering space
Residential Standards in the FBC	Allows for various residential unit types	No residential in HTC area	Repeal FBC which would exclude all residential uses
Maximum Building Height in the HTCMP Area	Limits buildings to two stories with maximum height of 35 feet, and allows hotels to have three stories without a specific height limit	N/A	Amend the Zoning Code to limit the height of hotel buildings to three stories and 45 feet, and all other buildings to two stories and 35 feet.
Parking Standards	Established more detailed parking requirements and identified the payment of an "in lieu" fee	N/A	Readopt and affirm Park Once standards
Setback/Height Restrictions for New Buildings Adjacent to Historic Structures	Establish setback between Esslinger Building and Judge Egan House and new buildings on adjoining lots	N/A	Amend Zoning Code to codify setback requirements for new buildings adjacent to all historic buildings in the HTC, specifically that new construction on properties adjacent to historic buildings would require the new building to have a setback of one foot for every foot in new building height.
Clean-up Amendments	N/A	N/A	Repeal the FBC to correct the inconsistencies, and clarify required yard setbacks, setbacks and limits, development standards, land

Element	Current HTCMP and FBC Condition	Current General Plan Condition	Proposed Action
			uses and parking, etc. in the Zoning Code
Repeal of the HTCMP	HTCMP exists, but is inconsistent with General Plan	Includes references to HTCMP	Repeal the HTCMP, and remove references to HTCMP from General Plan
Nonconforming conditions	N/A	N/A	Establish standards to address existing nonconforming buildings or conditions
Town Center Edge and Freeway Edge Overlays	Identifies Town Center Edge and Freeway Edge Overlays.	General Commercial	Eliminate the Town Center Edge and Freeway Edge Overlays, and retain GC designation
Roadway Connections	Extends roadways including Forster Street, Yorba Street, and Avenida Los Amigos	N/A	Eliminate these roadway extension plans and maintain existing roadway network.

E.S.6 TABLE OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Table ES-1 summarizes the potential significant adverse impacts for the Proposed Project. Each environmental resource area covered in Chapter 3.0 is summarized. Impacts found to be significant are listed along with the proposed mitigation measures. The residual impact after application of mitigation is also indicated for each significant impact. Cumulative impacts, if any, are also identified.

Table ES-0-2: Summary of Significant Impacts and Mitigation Measures

<i>Potential Impacts</i>	<i>Mitigation Measures</i>	<i>Level of significance after mitigation</i>
3.4 – Aesthetics		
<i>Substantial impact on a scenic vista</i>	<p>AES-1: Prior to the issuance of grading permits for site specific development, the project applicant shall prepare a Construction Staging Plan that identifies that location(s) of staging areas, including equipment and vehicle storage areas, stockpile areas, etc. These areas shall be located as far away from the existing view corridors as practical. In addition, the Construction Staging Plan shall also identify the manner in which the staging and equipment storage would be screened (e.g., temporary fencing, landscaping, berms, or a combination of these and other methods) subject to the approval of the Public Works Director and Development Services Director, to ensure that the temporary visual impacts would be minimized within the viewshed.</p> <p>AES-2: Prior to the issuance of grading permits for site specific development that includes the construction of noise barriers (e.g., berms or sound walls) the project applicant shall prepare plans (i.e., soundwall plans, berm grading plans, landscaping plans, etc.) that demonstrate that landscaping and setbacks would provide a visual buffer between noise barriers and surrounding viewsheds to the Development Services Director or their designee for review and approval; who may refer such plans to the Design Review Committee for review.</p>	LTS
<i>Degrade existing visual character</i>	None required	LTS
3.5- Air Quality		
<i>Would the Project conflict with or obstruct implementation of the applicable air quality plan?</i>	AQ-1: All land use development projects within the HTC Area that require either earthmoving activities or extensive demolition or building construction shall prepare a project specific air quality assessment that analyzes the construction and operational regional and localized air impacts created from the specific project and addresses all CEQA-related air quality and greenhouse gas emissions checklist questions. If the air quality assessment finds a significant impact, the air quality assessment shall develop all feasible	Significant and Unavoidable

Table ES-0-2: Summary of Significant Impacts and Mitigation Measures

<i>Potential Impacts</i>	<i>Mitigation Measures</i>	<i>Level of significance after mitigation</i>
	mitigation measures that could avoid or reduce those impacts.	
<i>Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?</i>	AQ-1	Significant and Unavoidable
<i>Would the Project expose sensitive receptors to substantial pollutant concentrations?</i>	AQ-1	Significant and Unavoidable
<i>Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?</i>	None required	LTS
3.6 – Cultural Resources		
<i>Adverse change in the significance of a historical resource</i>	<p>MM-CUL-1: Prior to the approval of discretionary entitlements and associated CEQA review for future site-specific development associated with the Project area that either 1) impacts an historic structure or 2) is located adjacent to an historic structure, the project applicant shall complete, or cause to be completed the following:</p> <p>a. Prepare a historic resources evaluation to provide an updated historic integrity evaluation of the historic site pursuant to the requirements of the CEQA Guidelines, the National Register of Historic Places criteria and the Secretary of the Interior’s Guidelines for Architectural and Engineering Documentation (often referred to as “HABS documentation”). In the event the evaluation concludes the site retains its historic integrity, the requirements governing the significance of impacts and mitigation of impacts to historical resources set forth in CEQA Guidelines Sections 15064.5 (b) and 15126.4(b) shall be addressed in the CEQA document prepared for the project. In the event the evaluation concludes the site does not retain its integrity, then the City shall submit the report to the California Office of Historic Preservation for a concurrence determination</p>	Significant and Unavoidable

Table ES-0-2: Summary of Significant Impacts and Mitigation Measures

<i>Potential Impacts</i>	<i>Mitigation Measures</i>	<i>Level of significance after mitigation</i>
	<p>pursuant to National Register of Historic Places procedures.</p> <p>b. For buildings or improvements proposed adjacent to an historic structure listed in the National Register of Historic Places, site-specific development plans shall be evaluated to determine if the design of the proposed structures is compatible with the adjacent historic resource in accordance with the Secretary of the Interior's Standards and CEQA Guidelines Section 15064.5(b) and 15126.4(b). Stringent design guidelines shall be required for projects located adjacent to historic buildings taking into account the potential for indirect and visual impacts. Mitigation measures must be recommended and incorporated into future site specific projects to reduce indirect visual impacts as part of the discretionary entitlement and CEQA review process. Specific measures may include but are not limited to re-orienting or adjusting the location of proposed buildings or improvements; incorporating features and elements consistent with architectural design guidelines; reducing the height and/or massing of the proposed structures or buildings; increased setbacks and screening of the structure with native trees.</p>	
3.7 – Greenhouse Gas Emissions		
<i>Would the Project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	None required	LTS
<i>Would the Project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?</i>	None required	LTS
3.8 – Land Use		
<i>Conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect</i>	None required	LTS
3.9- Transportation		
<i>Conflict with a program plan, ordinance, or policy addressing the</i>	None required	LTS

Table ES-0-2: Summary of Significant Impacts and Mitigation Measures

<i>Potential Impacts</i>	<i>Mitigation Measures</i>	<i>Level of significance after mitigation</i>
<i>circulation system, including transit, roadway, bicycle, and pedestrian facilities</i>		
<i>Conflict with CEQA Guidelines Section 15064.3 or with an applicable congestion management program</i>	None required	LTS

E.S.7 AREAS OF CONTROVERSY

Pursuant to the CEQA Guidelines Section 15123, this EIR acknowledges the areas of controversy and issues to be resolved that are known to the City or were raised during the scoping process. Major issues and concerns raised during the 30-day public review period on the NOP/Initial Study included the following:

- Cost to the City
- Whether to fix issues in the HTCMP and FBC rather than repealing them
- The continuing need to promote and preserve the City’s historic character
- Safety of pedestrians and bicyclists
- Encourage use of alternate transportation
- Assess cumulative impacts

E.S.8 ALTERNATIVES TO THE PROPOSED PROJECT

The California Environmental Quality Act (CEQA) requires that an EIR include a discussion of reasonable project alternatives that would “feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant effects of the project, and evaluate the comparative merits of the alternatives” (CEQA Guidelines Section 15126.6). CEQA provides that an EIR not need examine all potentially feasible alternatives, but a range of alternatives that would allow the decision-making body to make a fully-informed decision on the proposed project. A total of two project alternatives were identified during the scoping process and analyzed for relative impacts as compared to the Proposed Project.

E.S.8.1 Alternative 1: No Project

Under this alternative, the HTCMP would continue in the HTCMP area and future development would occur as outlined in the HTCMP. The General Plan Land Use Element would require revisions and an update in order to be consistent with the HTCMP. In addition, FAR would not increase within the HTC Area for areas with public gathering spaces, and the FBC would remain unchanged. Lastly, building heights would not increase, and setback requirements would remain as outlined in the HTCMP.

E.S.8.2 Alternative 2: Reduced Building Height

Under this alternative, the building heights for all buildings in the HTC area, including hotels, would be limited to 35 feet in height, as opposed to the Proposed Project which would include an allowable 45-foot building height for hotel buildings. All other elements of HTCMP Repeal, General Plan Amendment, and Ordinance Change Project would remain the same. The purpose of this alternative is to reduce the potential for impacts associated with taller, three-story hotel buildings of up to 45-feet in height.

E.S.8 ISSUES TO BE RESOLVED

The major issues to be resolved by the City of San Juan Capistrano, as the Lead Agency, include the following:

- Whether the environmental document adequately describes the potential environmental impacts of the Proposed Project.
- Whether the recommended mitigation measures should be adopted.
- Whether mitigation measures should be applied to the Project other than those identified in the Draft EIR.
- Which among the Proposed Project and the Alternatives should be selected for approval.

Figure ES-0-1 Project Vicinity

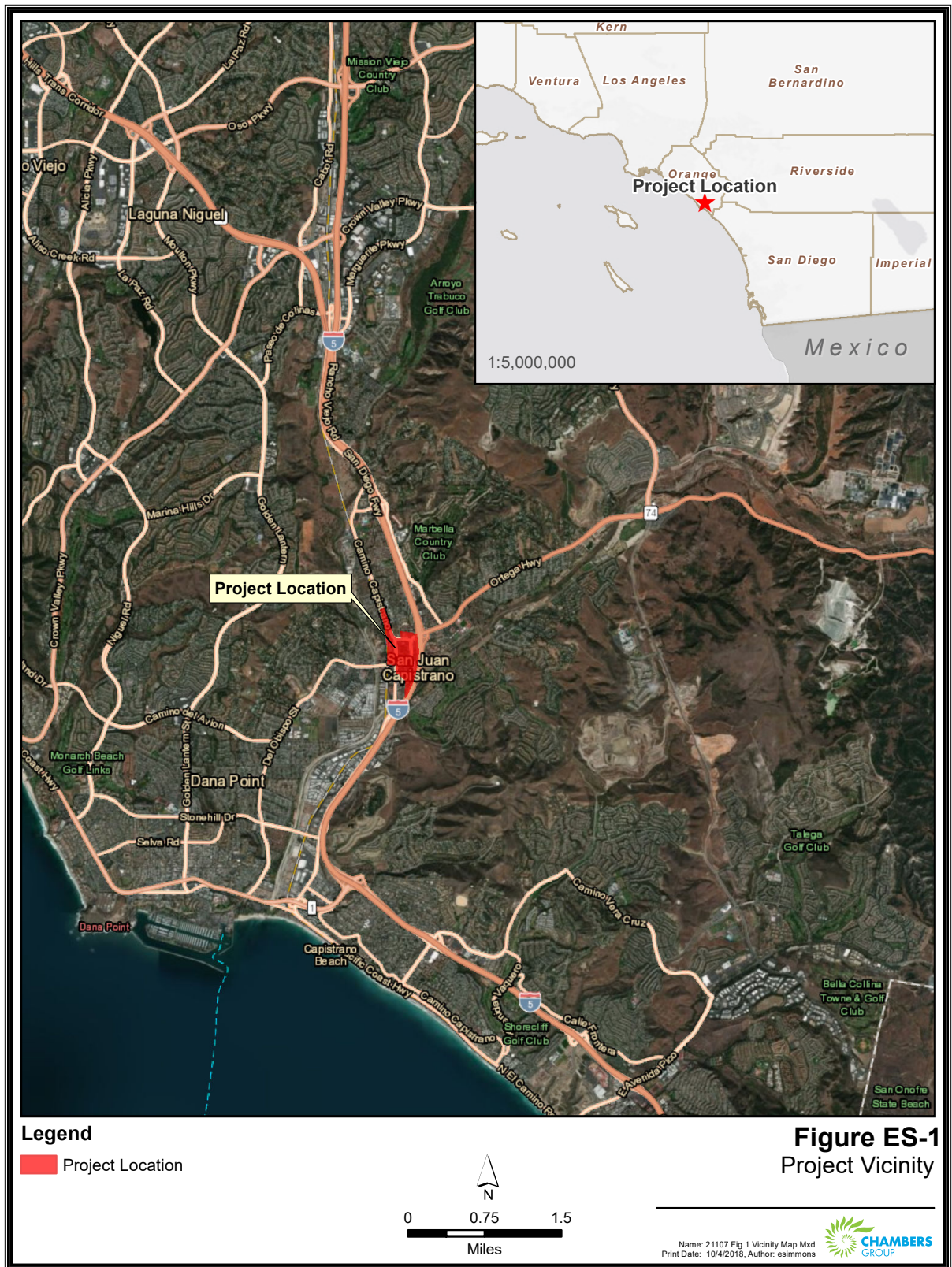
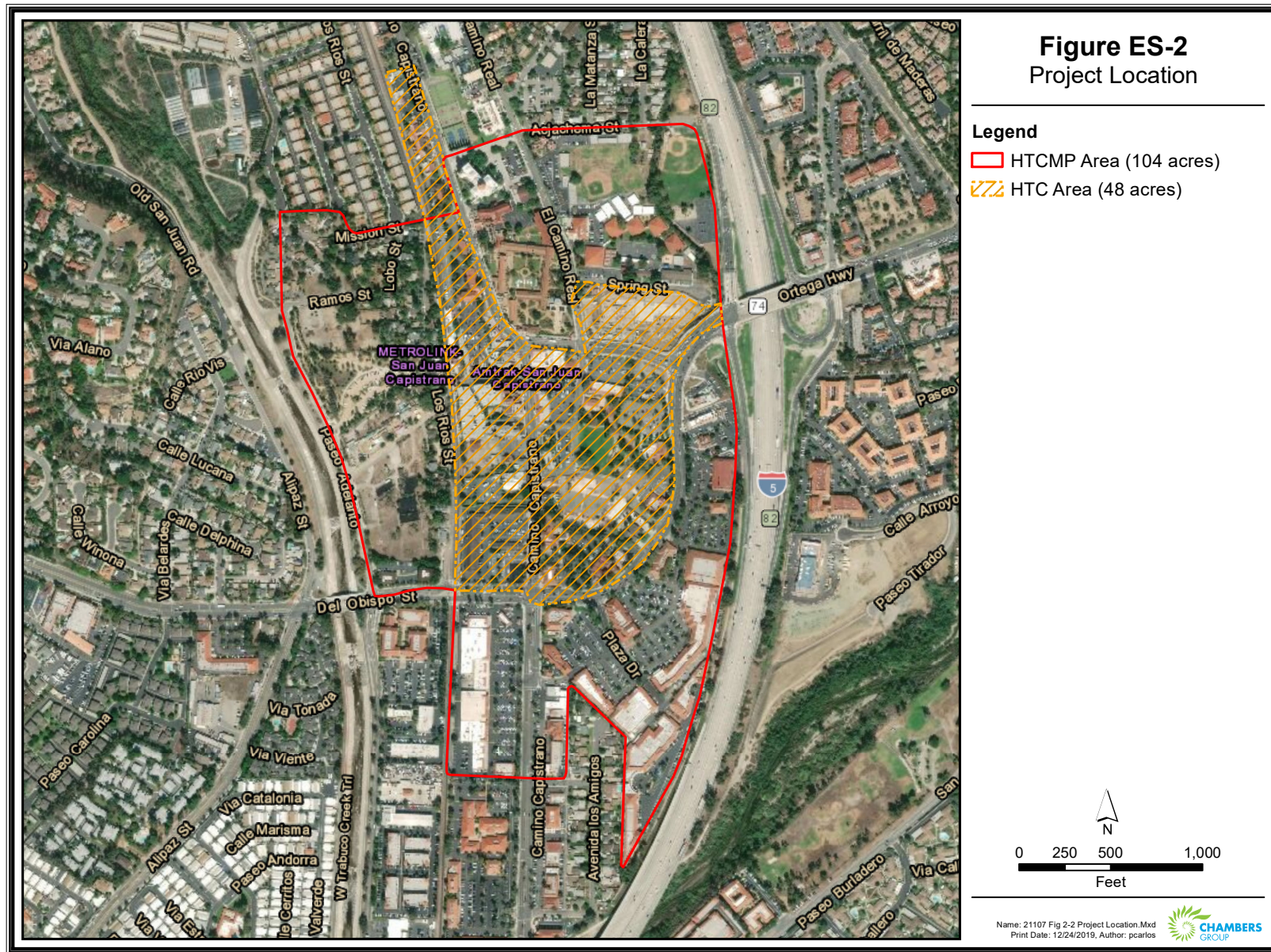


Figure ES-0-2: Project Location Map



CHAPTER 1.0 – INTRODUCTION

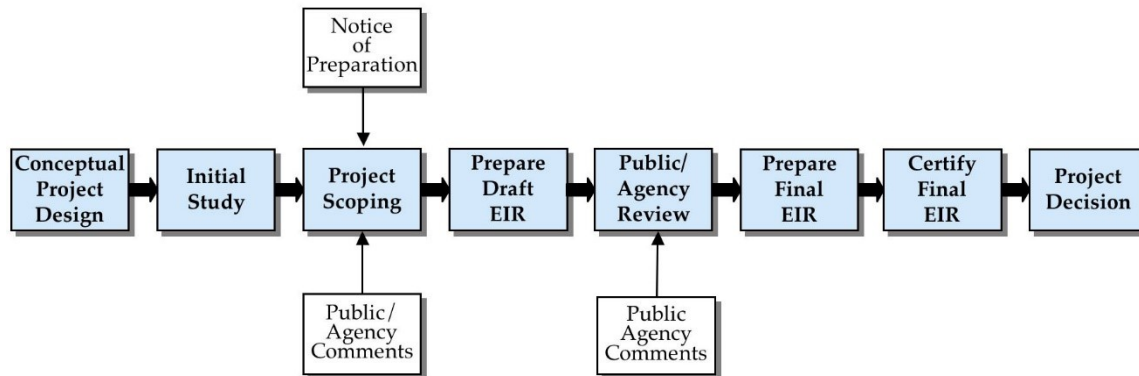
1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The City of San Juan Capistrano (City) is proposing to repeal the existing Historic Town Center Master Plan (HTCMP), amend the City's General Plan, and amend the City's Zoning Code (collectively, the Project or Proposed Project). The purpose of the Project is to correct land use inconsistencies between the HTCMP and the General Plan, replace the "form-based code" (FBC) currently applicable to the City's Historic Town Center (HTC) area by amending the Zoning Code and General Plan Land Use Element, and to clarify setbacks, building heights, and allowable Floor Area Ratio (FAR) within the HTC area. This document is a Draft Environmental Impact Report (Draft EIR) and it was prepared in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

CEQA was enacted in 1970 by the California Legislature to disclose to decision makers and the public the significant environmental effects of a proposed project and identify possible ways to avoid or minimize significant environmental effects of a project by requiring implementation of mitigation measures or recommending feasible alternatives. CEQA applies to all California governmental agencies at all levels, including local, regional, and State, as well as boards, commissions, and special districts. As such, the City of San Juan Capistrano is required to conduct an environmental review to analyze the potential environmental effects associated with the Proposed Project. The City of San Juan Capistrano is the lead agency for the preparation of this Draft EIR in accordance with CEQA.

This Draft EIR is circulated to the public and affected agencies for review and comment. One of the primary objectives of CEQA is to enhance public participation in the planning process; public involvement is an essential feature of CEQA. Community members are encouraged to participate in the environmental review process, request to be notified, monitor newspapers for formal announcements, and submit substantive comments at every possible opportunity afforded by the agency. The environmental review process provides ample opportunity for the public to participate through scoping, public notice, and public review of CEQA documents. A diagram illustrating the CEQA process is shown in Figure 1-1 below. Additionally, lead agencies are required to respond to timely public comments in Final EIRs and consider comments from the scoping process in the preparation of the Draft EIR.

Figure 1-1: The Environmental Review Process



1.2 SCOPE OF THE DRAFT EIR

This section provides a summary of the issues addressed in this Draft EIR. This Draft EIR was prepared following input from the public, responsible agencies, and affected agencies through the EIR scoping process, which included the following:

- In accordance with the CEQA Guidelines, sections, a Notice of Preparation (NOP) and Initial Study (IS) were prepared and distributed to responsible agencies, affected agencies, and other interested parties.
- The NOP was posted in the County Clerk's office for 30 days. The NOP was submitted to the State Clearinghouse to officially solicit participation in determining the scope of the EIR.
- Information requested and input provided during the 30-day public review period regarding the contents of the NOP/IS and the scope of the EIR were incorporated in this Draft EIR.

The content of the Draft EIR was established based on the findings of the IS and public and agency input. Under the *CEQA Guidelines*, the analysis in the Draft EIR is focused on issues determined in the IS to be potentially significant, whereas issues found in the IS to have less than significant impacts (with or without mitigation) or no impact do not require further evaluation. Therefore, based on the analysis contained in the IS, the following issue areas were determined to have less than significant impacts or no impacts with respect to implementation of the Proposed Project and would not require further evaluation in the Draft EIR:

- Agricultural and Forestry Resources
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Mineral Resources

- Noise
- Population and Housing
- Public Services
- Recreation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

This Draft EIR analyzes the following environmental issues:

- Aesthetics
- Air Quality
- Cultural Resources
- Greenhouse Gas Emissions
- Land Use
- Transportation

Mitigation measures to reduce impacts to a less-than-significant level are proposed whenever feasible. In addition to the environmental issues identified above, this Draft EIR also includes all of the sections required by the *CEQA Guidelines*. (Table 1-1 contains a list of sections required under *CEQA Guidelines*, along with reference to the chapter where these items can be found.)

Table 1-1: Required EIR Contents

Section Title	Location
Table of Contents (Section 15122)	Table of Contents
Summary (Section 15123)	Executive Summary
Introduction (Section 15122)	Chapter 1
Project Description (Section 15124) and Environmental Setting (Section 15125)	Chapter 2
Consideration and Discussion of Environmental Impacts (Section 15126)	Chapter 3.4-3.9
Unavoidable Significant Environmental Impacts (Section 15126.2)	Chapter 5
Mitigation Measures (Section 15126.4)	Chapter 3.4-3.9
Cumulative impacts (Section 15130)	Chapter 3.4-3.9
Alternatives to the Proposed Project (Section 15126.6)	Chapter 4
Growth-Inducing Impacts (Section 15126.2)	Chapter 5
Effects Found Not to Be Significant (Section 15128)	Chapter 5
Organizations and Persons Consulted (Section 15129)	Chapter 6 and 7
List of Preparers	Chapter 7

1.3 DRAFT EIR ORGANIZATION

The Draft EIR is organized into the following chapters so the reader can easily obtain information about the Proposed Project and related environmental issues:

- Executive Summary – Presents a summary of the Proposed Project and alternatives, potential impacts and mitigation measures.

- Chapter 1: Introduction – Describes the purpose and use of the Draft EIR, provides a brief overview of the Proposed Project, and outlines the organization of the Draft EIR.
- Chapter 2: Project Description and Environmental Setting – Describes the Proposed Project location, Project details, baseline environmental setting and existing physical conditions, and the City’s overall objectives for the Proposed Project.
- Chapter 3: Environmental Analysis – Describes the existing conditions, or setting, before project implementation; methods and assumptions used in impact analysis; thresholds of significance; impacts that would result from the Proposed Project; and applicable mitigation measures that would eliminate or reduce significant impacts for each environmental issue.
- Chapter 4: Alternatives Analysis – Evaluates the environmental effects of project alternatives, including the No-Project Alternative and Environmentally Superior Project Alternative.
- Chapter 5: Other CEQA Considerations – Includes a discussion of issues required by CEQA that are not covered in other chapters. This includes unavoidable adverse impacts, impacts found not to be significant, irreversible environmental changes, and growth-inducing impacts.
- Chapter 6: References – Identifies the documents and individuals consulted in preparing the Draft EIR.
- Chapter 7: Report Preparation – Lists the individuals involved in preparing the Draft EIR and organizations and persons consulted.
- Chapter 8: Acronyms/Abbreviations – Presents a list of the acronyms and abbreviations.

Appendices – Present data supporting the analysis or contents of this Draft EIR. The Appendices include the following:

- APPENDIX A Proposed Text Changes in General Plan and Zoning Code
- APPENDIX B Notice of Preparation, Initial Study, and Comments
- APPENDIX C Air Quality and Greenhouse Gas Emissions Studies
- APPENDIX D Historic Resources Preliminary Visual Impacts Assessment
- APPENDIX E Traffic Impact Assessment

CHAPTER 2.0 – PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING

2.1 PROJECT BACKGROUND

In 2009, the City's then-Redevelopment Agency initiated an update to the City's 1995 Historic Town Center Master Plan (HTCMP). After numerous studies, public workshops, stakeholder meetings and Committee/Commission meetings, the City Council approved an updated HTCMP document in 2012. The 2012 HTCMP affirmed many of the goals and policies of the 1995 HTCMP, such as creation of a pedestrian-friendly, vibrant downtown and retention of the downtown's historic character. The updated document also expanded the HTCMP area to encompass 150 acres of the City's downtown area. Central to the HTCMP was the City's Historic Town Center (HTC), an area of 48 acres in the core of the City divided into the Town Center (TC) and Town Center Edge (TCE) districts (see Figure 2-3). Finally, the City established a form-based code (FBC) to be used in the HTC area in lieu of the City's existing Zoning Code to implement the goals and policies of the 2012 HTCMP.

The City Council implemented the 2012 HTCMP and FBC with the adoption of four resolutions and enactment of one ordinance (Ordinance) approved by City Council on April 3, 2012. The adopted resolutions and the Ordinance made certain changes to the City's General Plan and incorporated the FBC into the City's Zoning Code to be utilized in the HTC area only. The adopted resolutions and the Ordinance did not, however, make certain key amendments to the General Plan that were necessary to implement the 2012 HTCMP. As a result, there are inconsistencies between the adopted 2012 HTCMP, the City's General Plan, and the FBC. For example, while the 2012 HTCMP encourages residential housing in the HTC area (up to 239 units) and the adopted FBC contains residential development standards, the General Plan's Land Use Element and Land Use Map were not amended to allow housing in the HTC area. Another example of an inconsistency is that the adopted 2012 HTCMP allows for a Floor Area Ratio (FAR) range between 0.95:1 to 1.5:1 for the HTC area, but the General Plan's existing FAR limit of 0.50:1 within the HTC area was not amended. As part of the FBC, the Park Once Program was established as a policy to encourage visitors to the HTCMP area to only park one time and be able to access desired locations within a five-minute walk from the City-owned public parking lots (Zoning Code Sec. 9-3.535). However, the Park Once Program conflicted with other City parking standards already in place. Lastly, the FBC contained a set of overlays: the Freeway Edge Overlay and Town Center Edge overlay for areas east and south of Del Obispo Street. It was deemed unlikely that the conditions necessary for inclusion in the HTC would be met; therefore, these overlays will also be removed as part of the FBC repeal. Other contradictions are noted in Section 2.2 Project Description, below.

On September 16, 2014, the City Council authorized the Planning Commission to appoint an ad-hoc committee to review the HTCMP, FBC, and General Plan, and work with staff to recommend actions to reconcile inconsistencies in the documents (the Project). The ad-hoc committee met several times in 2015 to review the various documents, discuss the vision for the HTC area, and conduct field research to observe examples of commercial and residential development that might fit the HTC area. After extensive research and analysis, the ad-hoc committee developed a number of recommended amendments to the General Plan and FBC. Due to a potential conflict of interest affecting one Planning Commissioner, the ad hoc committee worked with a committee of four of the five Planning Commissioners referred to as the "Planning Commission Committee of the Whole."

At its February 9, 2016 meeting, the Planning Commission recommended that the City Council amend the General Plan, the Zoning Code, and the HTCMP as proposed by the ad-hoc advisory committee. The

Planning Commission Committee of the Whole later also recommended the further refinement of height and setback standards for protection of historic structures in the HTC.

The Planning Commission's ad hoc committee proposed a list of General Plan and Zoning Code Amendments in 2015 to reconcile discrepancies between the HTCMP, FBC, and the General Plan. The Planning Commission reviewed the ad-hoc committee's proposal and City staff analyzed and commented on the recommendations in February 2016. In March 2016, the Planning Commission Committee of the Whole recommended that both the ad hoc committee's suggestions and staff's comments be forwarded to the City Council for consideration. Each ad hoc committee recommendation, followed by staff comment, is listed below and divided into General Plan Amendments and Zoning Code Amendment categories.

1) Proposed General Plan Amendments

- a. Residential Use in the HTC area. The ad-hoc committee recommended that the General Plan be amended to allow residential uses in the HTC area, but restrict residential development to vertical mixed-use buildings with no residential uses on the ground floor at a density not exceeding 30 units per acre. The staff recommended that the General Plan's prohibition of residential uses in the HTC area remain and that the FBC be amended to remove the residential standards.
- b. Floor Area Ratio (FAR) Limit. The ad-hoc committee recommended amendment of the General Plan to establish a maximum FAR of 0.75:1 within the HTCMP area with a potential increase to 1.0:1 for buildings in the HTCMP area that include provisions for public gathering space, such as a publicly accessible plaza or accommodation of a public use such as a museum or civic facility. The staff joined in the ad-hoc committee's FAR recommendation for the HTC area only; and, for study purposes, increase the FAR cap to 1.5 for buildings that include provisions for public gathering space.

2) Proposed Zoning Code (FBC) Amendments

- a. Residential Standards in the FBC. The ad-hoc committee recommended that the FBC be revised to only allow residential uses in vertical mixed-use buildings with no residential units on the ground floor. Staff, on the other hand, recommended that all residential uses be removed from the FBC.
- b. Maximum Building Height in the HTC area. The ad hoc committee recommended amending the FBC to limit building height in the HTC area to two stories and 25 feet with the exception of hotels, which could be built to a height of three stories and a height of 35 feet to ensure that new buildings integrate with the scale and mass of existing downtown structures. The staff concurred with the ad-hoc committee's height limit recommendations and added clarification regarding the allowed height of architectural features such as towers, spires, etc.
- c. Viability of the Park Once Program. The ad-hoc committee recommended amending the FBC to eliminate the Park Once concept/regulations until a later date when more parking information is available to develop an alternate program. The staff agreed with the ad hoc committee's recommendation to eliminate the Park Once Concept from the FBC and Land Use Code, and study whether to apply the Park Once or FBC parking requirements to the HTCMP area.
- d. Setback/Height Restrictions for New Buildings Adjacent to Historic Structures. The ad-hoc committee recommended that new setback and height restrictions be added to

the FBC for new buildings adjacent to the Esslinger Building and Judge Egan House. The height limit for structures located on adjacent parcels would be equal to the height of the two historic structures. An additional setback distance from the historic structures would also apply to new buildings measured from the property line. The staff recommended applying the additional standards to new buildings adjacent to all historic buildings in the HTC area.

- e. Staff Identified Clean-up Amendments. In addition to the ad hoc committee's recommendations and corresponding staff comments, the staff recommended the correction of additional identified inconsistencies such as ambiguities as to the applicable sign standards for the HTCMP area and inconsistencies between the Town Center Edge Overlay and the General Commercial standards, which both apply to properties east of Del Obispo Street.

In addition to initiating the General Plan and Zoning Code Amendments described above, the City Council also considered curing the inconsistencies between the General Plan and the HTCMP by repealing some or all of the HTCMP.

On October 24, 2017, the City Council directed staff to provide a report presenting options to remedy the inconsistencies between the HTCMP and the City's General Plan. In addition to the various amendments reviewed and recommended by the Planning Commission and the ad hoc committee, the City Council requested a proposal that would include rescinding the HTCMP.

On November 7, 2017, staff provided a presentation to the City Council that identified inconsistencies with the land use policies and regulations contained in the HTCMP, FBC, and the General Plan. As part of the City Council presentation, the staff was directed to return to a future meeting to initiate a combined General Plan Amendment and Zoning Map/Development Code amendment to correct the ambiguities and inconsistencies of the Historic Town Center Master Plan, Form Based Code, and General Plan. In addition, the City Council directed staff to consider repealing some or all of the Historic Town Center Master Plan in the resulting work.

On March 6, 2018, the City Council directed staff to initiate a GPA Land Use Code amendment study to correct inconsistencies between the HTCMP, FBC, General Plan. The City Council also directed staff to consider two-story buildings to remain limited to 35 feet in height with hotel buildings limited to three stories and 45 feet in height. Staff were also directed to initiate the process to repeal the HTCMP. The Project analyzed in this document resolves the inconsistencies identified and presented to the City Council by implementing the following steps:

- Repeal of the HTCMP.
- Clarification that residential uses are not permitted within the HTC area.
- Adoption of a General Plan text amendment to:
 - Remove references to the HTCMP.
 - Allow FAR of up to 0.75:1 in the HTC area and allow a FAR of up to 1.5:1 for buildings that include provisions for public gathering spaces. Table LU-4, Development Capacity, set forth at the Land Use Element, Commercial Designations section, would be revised accordingly.
- Repeal the FBC.
- Amend the General Plan land use map to remove the previously designated Historic Town Center area east of Del Obispo Street from the TC area designation.

- Zoning Code Text Amendments to:
 - Adopt the following elements from the former FBC to the Zoning Code:
 - Define the TC and TCE Districts;
 - Revise Table 3-4 of the Zoning Code to add districts and allowable uses from the FBC;
 - Section 9-3.554 which clarifies TC and TCE definitions, development standards, frontage standards, parking standards, and design standards;
 -
 - Adopt a height limit for all buildings within the TC and TCE Districts, with the exception of hotels, to two stories and 35 feet;
 - Adopt a height limit for hotel buildings in the TC and TCE Districts of three stories and 45 feet;
 - Require new construction on properties adjacent to historic buildings identified by the City to implement a setback of one foot from the historic structure for every foot in new building height within the TC and TCE Districts;
 - Readopt and affirm the Park Once Program
 - Add a section to the Zoning Code clarifying that the Development Services Director may approve minor modifications to Nonconforming uses in the TC and TCE Districts.

2.1.1 Location

The Project is located within the City of San Juan Capistrano (City) and consists of the Historic Town Center (HTC) area and other property falling within the HTCMP area (see Figure 2-1, Project Vicinity). The City encompasses approximately 14 square miles of land within southern Orange County. Cities bordering San Juan Capistrano include Mission Viejo to the north, Laguna Niguel to the north and west, and Dana Point and San Clemente to the south. The City is bordered by unincorporated County of Orange land to the east. Regional access to the Project area is provided via the San Diego (I-5) Freeway, a major highway that connects Los Angeles, Orange, and San Diego Counties, Ortega Highway (SR-74) that connects to eastern Riverside County, and by Amtrak and Metrolink passenger rail service to San Diego, Los Angeles and points north.

The Project area consists of the approximately 150 acres that compose the HTCMP area, including the 48-acre HTC area. These two areas overlap and compose the Project area. The Project area is generally bounded by Acjachema Street to the north, the San Diego (I-5) Freeway to the east, existing retail to the south, and Paseo Adelanto to the west (see Figure 2-2, Project Location Map). Local access to the Project area is provided via Ortega Highway (SR-74), Del Obispo Street, and Camino Capistrano.

2.1.2 Adjacent Land Uses

The land uses surrounding the Project area consist of residential communities to the north and west, the I-5 freeway to the east, retail shopping centers, restaurants, church uses, and a residential neighborhood to the south. Small markets, restaurants, the Junipero Serra School and two churches are located to the north of the Project area. San Juan Creek is south of the Project boundary and flows in a northeast to southwest direction. On the opposite side of the I-5 freeway, to the east, a variety of land uses are present including churches, a cemetery, retail, office, hotel, self-storage, residential, and golf course uses (City 1999).

Figure 2-1: Project Vicinity

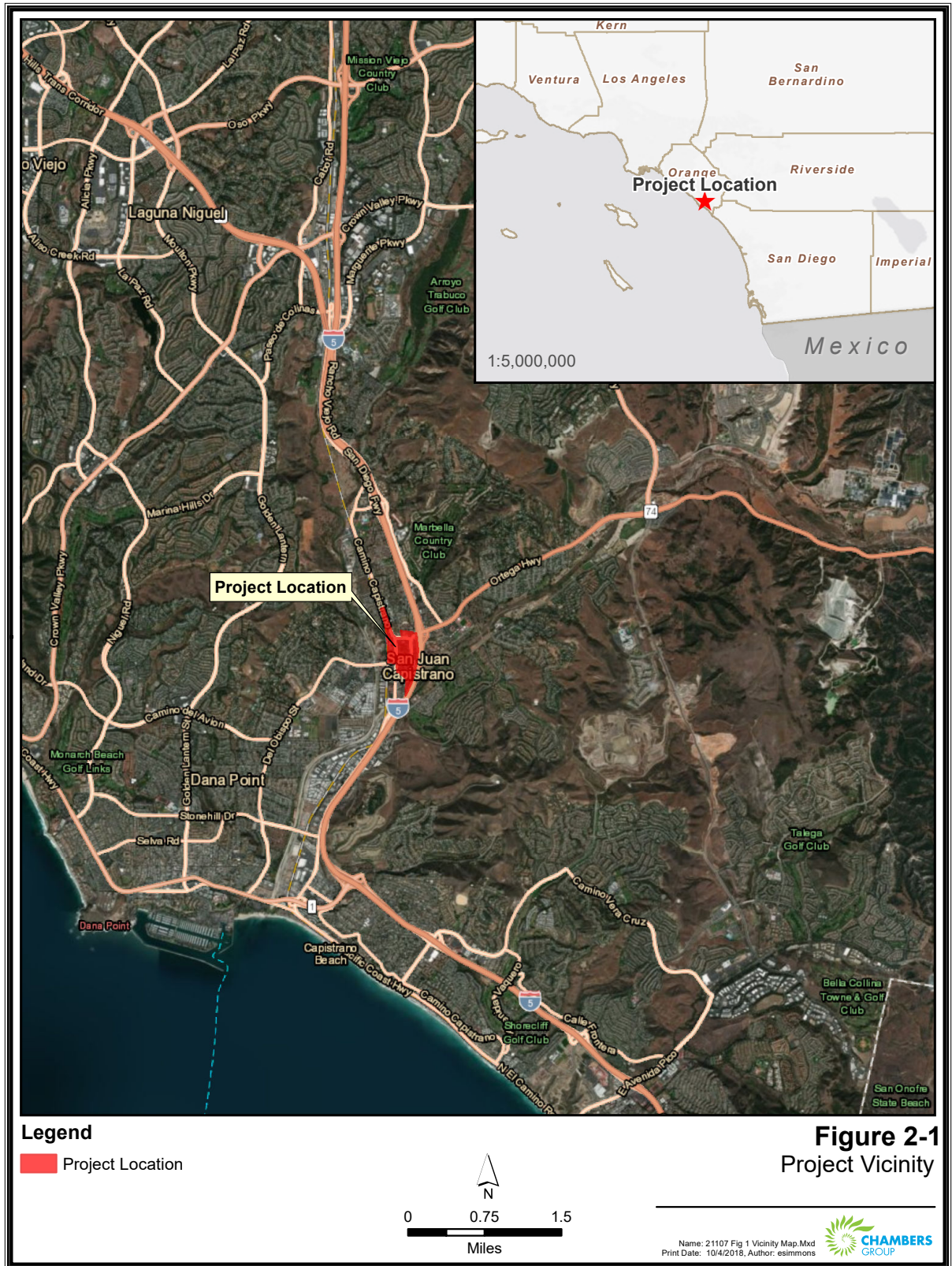
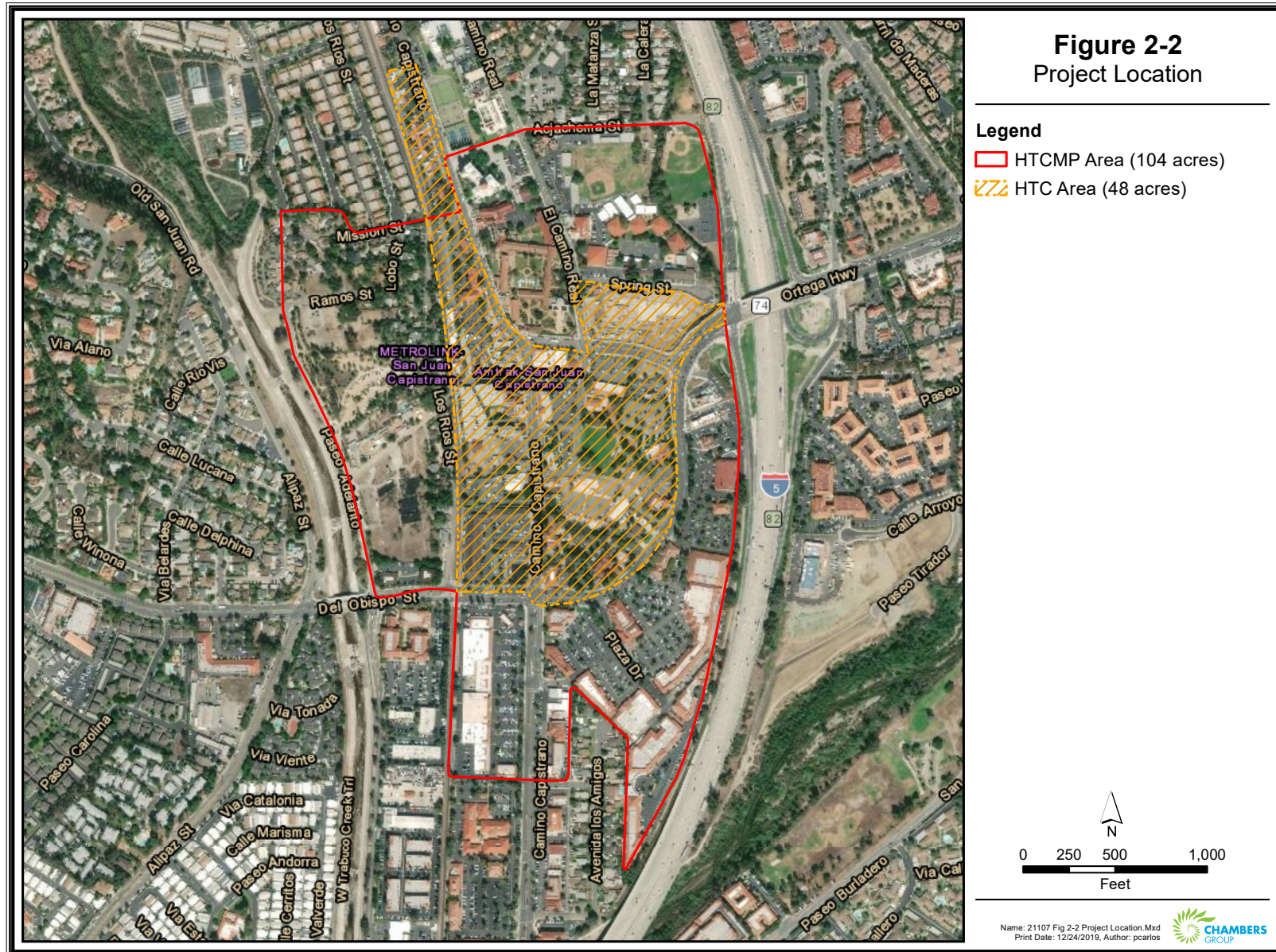


Figure 2-2: Project Location Map



2.2 PROJECT DESCRIPTION

The implementation of the Historic Town Center Master Plan and the FBC introduced land use inconsistencies between the Master Plan, the City of San Juan Capistrano General Plan, and the FBC. To remedy the inconsistencies, this Project proposes repeal of the HTCMP and FBC as well as several revisions to replace the FBC by amending the Zoning Code and General Plan Land Use Element. Those revisions are included as Appendix A. The inconsistencies and the proposed actions to remedy them include the following:

2.2.1 Repeal of HTCMP and FBC

The repeal of the HTCMP and the FBC would remove the inconsistencies that now burden the City's land use law and clarify allowable land uses in the Project area. The accompanying GPA and Zoning Ordinance will provide further clarity with respect to FAR, building height limits, and parking and setback regulations in the Project area. In addition, repealing the HTCMP would result in maintaining the existing roadway network and eliminate the identified future roadway connections proposed in the HTCMP, including the proposed extensions of Forster Street, Yorba Street, and Avenida Los Amigos.

Residential Land Use

The HTCMP encourages residential housing on the Project area (City 2012a). In addition, the FBC contains residential use standards for uses such as studios and multi-family housing (City 2012b). However, the General Plan Land Use Element does not allow housing in the HTCMP area (City 1999). Repeal of the HTCMP and FBC would eliminate these inconsistencies and maintain the existing condition status quo, as there are no residential housing projects located within the Project area.

FBC Repeal

The repeal of the HTCMP FBC would also remove the Freeway Edge Overlay and Town Center Edge designations from the area east of Del Obispo Street. This area would retain the General Commercial land use designation, as noted in the General Plan Land Use Map. The overlays would have allowed for additional development potential beyond the General Commercial designation for the area east of Del Obispo Street once the area experienced cumulative floor expansion by 10% from the date of the adoption of the code, or modification of property access, or if the property was rezoned. Since none of these conditions were met, this area would retain both the current General Commercial zoning and General Commercial land use designation; and the overlay designations would be removed.

2.2.2 General Plan Text Amendments

The General Plan text amendments will include removing references to the HTCMP, as well as the following revisions:

Floor Area Ratio (FAR)

The General Plan limits the FAR in the HTCMP area to 0.5:1 (City 2012a, City 1999). The Project would amend the City's General Plan to allow a FAR of up to 0.75:1 for the Town Center (TC) and Town Center Edge (TCE) Districts, as established within the Project area; and a FAR of up to 1.5:1 for buildings that

include provisions for public gathering spaces. Table LA-4, Development Capacity, will also be revised due to the increase in allowable FAR.

2.2.3 Zoning Code Amendment

Adopting Language from the Former FBC into the Zoning Code

The Project includes adoption of the following elements from the former FBC into the Zoning Code:

- Definitions of the TC and TCE Districts;
- Revision of Table 3-4 of the Zoning Code to add districts and allowable uses from the FBC;
- Section 9-3.554, which clarifies TC and TCE definitions, development standards, frontage standards, parking standards, and design standards.

Building Heights

The FBC limits buildings in the Project area to two stories with a maximum height of 35 feet (City 2012b), with the exception of hotel uses which are permitted a maximum of three stories with no specific height limit (City 2012b). This has created uncertainty as to whether three-story buildings must adhere to the 35-foot height limit called out for two-story buildings in the FBC. The Project would amend the Zoning Code to clarify that buildings within the HTC area, with the exception of hotels, are limited to a maximum of two-stories and 35 feet in height. Hotel buildings are limited to a maximum height of three stories and 45 feet in height in the HTC area.

Parking

The Park Once Program was incorporated into the Land Use Code in 2011 as a method to attract uses to the Historic Town Center and surrounding areas and help create a pedestrian friendly, vibrant downtown (Land Use Ordinance 2011). The program establishes simplified parking requirements for certain retail, commercial, entertainment, and food uses, and allows said uses to satisfy their on-site parking requirement by entering into shared parking agreements with adjoining uses or proximity to a City parking facility. The 2012 FBC adopted the Park Once Program and also established more detailed parking requirements and identified the payment of an in-lieu fee that would be used toward construction of a downtown parking garage as an added method to satisfy parking requirements (City 2012b). The Project readopts and affirms the Park Once Program, including the shared parking provisions, through establishing standards and land use parking ratios in the Project area for non-residential properties within five-minute walking distance radius (i.e., approximately 1,500 linear feet) of the intersection of Camino Capistrano and Forster Street.

Setbacks

The HTCMP establishes setback requirements between the Esslinger Building and Judge Egan House and any new buildings on adjoining lots (City 2012a, City 2012b). Since this setback was intended to be a part of the HTCMP and not the FBC, the setback is considered policy and not part of the legally binding Land Use Ordinance. Nonetheless, the policy has created confusion as to how the setback requirements are to be applied.

In order to clarify setbacks in the Project area, the Project proposes that new construction on properties adjacent to Inventory of Historic and Cultural Landmarks (IHCL) listed historic buildings or structures identified by the City in the Project area would require a setback from the historic building of one foot for every foot in new building height. Specifically, setbacks are described in Table 3-554-1 in Appendix A.

Land Use Designations

The repeal of the HTCMP and the FBC includes the Town Center Edge and Freeway Edge Overlays; properties that previously had these overlays will remain designated as General Commercial (GC) as shown on the General Plan Land Use Map (City 1999). The Zoning Code will be amended to include the Town Center (TC) and Town Center Edge (TCE) Districts, and prescribe definitions, development standards, frontage standards, parking standards, and design standards. These Districts were previously included in the FBC, and they will retain the development standards already established for these areas.

Modification of Non-conforming Uses

The Project would modify the Zoning Code to define and clarify regulation of non-conforming uses in the TC and TCE Districts, such as when specific frontage types apply. This would apply to structures that are not in conformance with the Zoning Code due to these structures existing prior to the adoption of that document. For nonconforming uses, minor modifications to existing buildings in the TC and TCE Districts may be approved by the Development Services Director subject to the requirements of Section 9-2.313 Architectural Control review.

Table 2-1: Project Elements

Element	Current HTCMP and FBC Condition	Current General Plan Condition	Proposed Action
Residential uses in the HTC area	Encourages residential uses and contains residential development standards	Prohibits residential uses	Repeal the FBC which would maintain General Plan's prohibition of residential uses in HTC area
Floor Area Ratio (FAR) limit for HTC area	Limits between 0.95:1 and 1.5:1 FAR	Limits up to 0.5:1 FAR	Implement FAR of 0.75:1, up to 1.5:1 FAR for buildings that provide public gathering space
Residential Standards in the FBC	Allows for various residential unit types	No residential in HTC area	Repeal FBC which would exclude all residential uses
Maximum Building Height in the HTCMP Area	Limits buildings to two stories with maximum height of 35 feet, and allows hotels to have three stories without a specific height limit	N/A	Amend the Zoning Code to limit the height of hotel buildings to three stories and 45 feet, and all other buildings to two-stories and 35 feet.
Parking Standards	Established more detailed parking requirements and identified the payment of an "in lieu" fee	N/A	Readopt and affirm Park Once

Element	Current HTCMP and FBC Condition	Current General Plan Condition	Proposed Action
Setback/Height Restrictions for New Buildings Adjacent to Historic Structures	Establish setback between Esslinger Building and Judge Egan House and new buildings on adjoining lots	N/A	Amend Zoning Code to codify setback requirements for new buildings adjacent to all historic buildings in the HTC, specifically that new construction on properties adjacent to historic buildings would require the new building to have a setback of one foot for every foot in new building height.
Staff-Identified Clean-up Amendments	N/A	N/A	Repeal the FBC to correct the inconsistencies and amend the zoning code to clarify required yard setbacks, setbacks and limits, development standards, land uses and parking, etc.
Repeal of the HTCMP	HTCMP exists, but is inconsistent with General Plan	Includes references to HTCMP	Repeal the HTCMP, and remove references to HTCMP from General Plan
Nonconforming conditions	N/A	N/A	Establish standards to address existing nonconforming buildings or conditions
Town Center Edge and Freeway Edge Overlays	Identifies Town Center Edge and Freeway Edge Overlays.	General Commercial	Eliminates the Town Center Edge and Freeway Edge Overlays, and retain GC designation
Roadway Connections	Extends roadways including Forster Street, Yorba Street, and Avenida Los Amigos	N/A	Eliminates these roadway extension plans and maintains existing roadway network.

Figure 2-3 Zoning Districts

Legend

- HTCMP Area (104 acres)
- HTC Area (48 acres)

Zoning Districts

- Commercial Manufacturing District
- Community Park District
- General Commercial District
- General Open Space
- Mission Residential District-4,000 District
- Mobile Home Park District
- Multiple-Family District
- Neighborhood Commercial District
- Office Commercial District
- Open Space Recreation District
- Planned Community District
- Planned Residential Development District
- Public and Institutional District
- Residential Garden-4,000 District
- Residential Garden-7,000 District
- Single-Family-10,000 District
- Single-Family-20,000 District
- Single-Family-40,000 District
- Single-Family-7,000 District
- Specific Plan/Precise Plan District
- Town Center District
- Town Center Edge District
- Very High Density District

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Feet

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Print Date: 12/24/2019, Author: pcarlos

2.3 STATEMENT OF PROJECT GOALS AND OBJECTIVES

Section 15124(b) of the CEQA Guidelines indicates that an EIR must include a “statement of objectives sought by the Project.” The overarching goal of the Project is to repeal the HTCMP and associated FBC and amend the General Plan and Zoning Code. The City has determined the following objectives to describe the underlying purpose of the Project.

1. Repeal the HTCMP and the FBC.
2. Initiate a General Plan Amendment and a Zoning text amendment to address the various inconsistencies identified by the Planning Commission ad-hoc committee, including removal of residential land uses, permitting minor alteration of nonconforming uses, and eliminating Freeway Edge Overlay and Town Center Edge Overlay.
3. Preserve and enhance the role of the Project area as the civic and commercial heart of the City.
4. Codify height and setback requirements for new buildings in the TC and TCE Districts adjacent to any historic buildings.
5. Provide increased FAR in the Project area, especially for areas that provide public gathering spaces.
6. Encourage hotel uses in the Project area, including allowing three story hotels; which will encourage economic generators in the Project area.
7. Encourage an expanded mix of retail, commercial, and civic uses to create a lively mixed-use environment.
8. Readopt and affirm the Park Once Program parking standards.

2.4 REQUIRED PERMITS AND APPROVALS

As required by the *CEQA Guidelines*, this section provides, to the extent the information is known to the City, the CEQA Lead Agency, a list of the agencies that are expected to use the EIR in their decision making and a list of permits and other approvals required to implement the project.

2.4.1 Lead Agency Approval

The Final Environmental Impact Report (FEIR) must be certified by the City Council as to its adequacy in complying with the requirements of CEQA before the City takes any action on the Proposed Project. The City Council will consider the information contained in the EIR in deciding to approve or deny the HTCMP Repeal, GPA, and Ordinance Change (Proposed Project). The analysis in the EIR is intended to provide environmental review for the whole of the Proposed Project in accordance with CEQA requirements.

2.4.2 Responsible and Trustee Agencies

No Responsible or Trustee agencies have been identified, as no outside permits or discretionary actions are required from other agencies.

2.4.3 Reviewing Agencies

Reviewing Agencies include those agencies that do not have discretionary powers, but that may review the EIR for adequacy and accuracy. Potential Reviewing Agencies include the following:

State Agencies

- California Department of Transportation (Caltrans)
- Environmental Protection Agency (Cal EPA)

Regional Agencies

- Southern California Association of Governments (SCAG)
- Regional Water Quality Control Board (RWQCB)
- South Coast Air Quality Management District

Native American Tribes

- Native American Tribes requesting consultation through the provisions of Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18)

2.5 CUMULATIVE SCENARIO

Cumulative impacts refer to the combined effect of Proposed Project impacts with the impacts of other past, present, and reasonably foreseeable future projects. Both CEQA and the *CEQA Guidelines* require that cumulative impacts be analyzed in an EIR. As set forth in the *CEQA Guidelines*, the discussion of cumulative impacts must reflect the severity of the impacts, as well as the likelihood of their occurrence; however, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. As stated in CEQA, “a project may have a significant effect on the environment if the possible effects of a project are individually limited but cumulatively considerable.”

According to the *CEQA Guidelines*:

“‘Cumulative impacts’ refer to two or more individual effects which, when considered together, are considerable and which compound or increase other environmental impacts.

- The individual effects may be changes resulting from a single project or a number of separate projects.
- The cumulative impact from several projects is the change in the environment which results from the incremental impact of the Proposed Project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”

In addition, as stated in the *CEQA Guidelines*, it should be noted that:

“The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the Proposed Project’s incremental effects are cumulatively considerable.”

Cumulative impact discussions for each issue area are provided in the technical analyses contained within Section 4.0 – Environmental Impacts.

As previously stated, and as set forth in the *CEQA Guidelines*, related projects consist of “closely related, past, present, and reasonably foreseeable probable future projects that would likely result in similar impacts and are located in the same geographic area.” An area of influence, defined by an approximate 1.5-mile radius from the Proposed Project site, was utilized in order to capture specific locations of other approved and pending projects. Based on coordination with the City of San Juan Capistrano, an area projects list was created. Responses that were received from the City were incorporated in the analysis. A majority of the study area is located in a highly urbanized area. The ability to develop new major projects within or adjacent to the study area is limited.

CHAPTER 3.0 – ENVIRONMENTAL ANALYSIS

3.1 ENVIRONMENTAL ISSUES ADDRESSED

An Initial Study (IS) was prepared for the Proposed Project in April 2019 (see Appendix B). Based on the findings documented in the IS, the City determined that an Environmental Impact Report (EIR) would be required for the Proposed Project. Environmental issue areas are listed in Table 3-1 by the level of significance of their impacts, as determined by the IS process and by comments received during the scoping period. Those issue areas identified in the IS as having potentially significant impacts are further analyzed in this EIR.

Table 3-1: Summary of Environmental Impacts Identified in the Initial Study

No Impact	Less Than Significant Impact	Potentially Significant Impact
Agricultural & Forestry Resources	Hydrology & Water Quality	Aesthetics
Biological Resources	Public Services	Air Quality
Energy	Recreation	Cultural Resources
Geology & Soils	Tribal Cultural Resources	Greenhouse Gas Emissions
Hazards & Hazardous Materials	Utilities & Services Systems	Land Use/Planning
Mineral Resources	Wildfire	Transportation

The City used the IS, as well as agency and public input received during the public comment during the scoping period (April 15, 2019 to May 16, 2019), to determine the final scope for this EIR. The six issue areas and their corresponding subchapter numbers discussed in their EIR include:

- 3.4 – Aesthetics
- 3.5 – Air Quality
- 3.6 - Cultural Resources
- 3.7 – Greenhouse Gas Emissions
- 3.8 – Land Use
- 3.9 – Transportation

Chapters 3.4 through 3.9 provide a detailed discussion of the environmental setting, applicable project design features, impacts associated with the Proposed Project, cumulative impacts, and mitigation measures designed to reduce significant impacts. Where impacts cannot be reduced to a less than significant level, City of San Juan Capistrano shall consider adopting a Statement of Overriding Considerations (SOC).

3.2 ORGANIZATION OF ENVIRONMENTAL ANALYSIS

To assist the reader in comparing information about the various environmental issues, each chapter contains the following information, as appropriate.

- Introduction

- Existing Environmental Setting
- Applicable Regulations
- Impacts and Mitigation
 - Methodology
 - Criteria for Determining Significance
 - Project Impacts
 - Mitigation Measures
 - Residual Impacts
 - Cumulative Impacts
 - Mitigation Measures
 - Residual Impacts

3.3 TERMINOLOGY USED IN THIS ANALYSIS

For each CEQA checklist question listed in the EIR, a determination of the level of significance of the impact is provided. Impacts are categorized in the following categories:

- **No Impact.** A designation of *no impact* is given when no adverse changes in the environment are expected.
- **Less Than Significant.** A *less than significant impact* would cause no substantial adverse change in the environment.
- **Less Than Significant with Mitigation.** A *potentially significant (but mitigable) impact* would have a substantial adverse impact on the environment but could be reduced to a less-than-significant level with incorporation of mitigation measure(s).
- **Potentially Significant.** A *significant and unavoidable impact* would cause a substantial adverse effect on the environment and no feasible mitigation measures would be available to reduce the impact to a less-than-significant level.

3.4 AESTHETICS

The information and analysis in this section is based partially on the Historic Resources Preliminary Potential Visual Impact Assessment Report for the Proposed Project completed by Justin Castells at PaleoWest in December 2019. The assessment includes the results of a field survey of the HTCMP area to better understanding of the general viewsheds of the HTCMP area. This report is included as Appendix D to this Draft EIR. The information and analysis is also based on comparison to the previous HTCMP EIR (City 2011) as well as review of the existing City planning documents.

3.4.1 Existing Environmental Setting

The HTCMP area is located within a relatively flat valley area of the City with views of the surrounding hillsides to the west and south and encompasses the downtown area of San Juan Capistrano. There is a mix of urban land uses within the HTCMP area which contributes to the overall visual character. Views on site consist mainly of those from the streetscape of existing buildings. There are several historic and iconic buildings located in and adjacent to the HTC area. Iconic buildings include the Mission San Juan Capistrano and its surrounding grounds as well as the Mission Basilica. Additional views include views of the Mission entrance from Camino Capistrano and Ortega Highway and views of the Mission Basilica looking in a northerly direction on Camino Capistrano. Additionally, the HTC area offers views of the surrounding ridgelines which are identified within the General Plan, as well as natural open space hillsides to the northwest, west and south of the site. There are several prominent trees including heritage trees located within the streetscapes. Views of the HTCMP area are primarily from the adjacent street system, including the I-5 Freeway to the east, which is elevated and provides views into the HTCMP area.

Visual Character

The visual character of the HTCMP area is a predominantly urban area surrounded by valleys and hills. There is a variety of land uses from commercial and retail uses, including gas stations, restaurants, retailers and professional offices, and church uses. To the south of the HTCMP area is a residential area; and small markets, restaurants, the Junipero Serra School, and two churches are located to the north of the HTCMP area (City 2011). The overall character of the HTCMP area is rich in historic diversity as detailed throughout Section 3.6, Cultural Resources, as a result of early Native American populations and well as the location of European settlement.

Several mature trees are located within the HTCMP area, which intercept views from adjacent streets and add a natural, vertical visual element to the minimal variation in the area's topography. Topography varies within the HTCMP area from approximately 80 to 145 feet above mean sea level (City 2011). San Juan Creek is a natural creek that flows from northeast of the site to the southwest. As the creek flows under the I-5 Freeway it becomes a concrete lined channel where it travels approximately 0.4 miles and forms a confluence with Trabuco Creek south of the HTCMP area. The concrete lined Trabuco Creek Channel parallels Paseo Adelanto.

The downtown portion of the HTC area includes retail uses on both sides of Camino Capistrano, as well as retail, office and associated parking which surrounds the centrally located Historic Town Center Park. There are a number of National Register-designated and locally-designated historic buildings of various styles that add to the historic village-like character of the HTC area. They include the Manuel Garcia Adobe, Domingo Yorba Adobe, Valenzuela Adobe, Judge Richard Egan House, El Adobe Restaurant and the "streamline modern" Esslinger Building (City 2011).

The 1.9 acre Historic Town Center Park, located on the east side of El Camino real south of the historic Bias Aguilar Adobe offers a permanent stage, restrooms, and a turfed event area. The Park contributes to the site context of the Bias Aguilar adobe. This area also contains open space areas including two landscaped plazas of 8,000 square feet along Camino Capistrano at Foster and Yorba Streets and a 2,500 square foot plaza at the railroad depot (City 2011).

The Santa Fe Depot is located north of the Franciscan Plaza public parking structure at the west terminus of Verdugo Street. The old Santa Fe Railroad Depot was first built in 1887 and serves as a unique historical and architectural feature within the HTCMP area (City 2011). It is listed on the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR) and the City's Inventory of Historical and Cultural Landmarks (IHCL) (City 2018).

Mission San Juan Capistrano and the Los Rios Street Historic District are two significant visual resources within the HTCMP area. The Mission, established in 1776, is listed on the NRHP and the CRHR as well as being listed as the first landmark on the City's IHCL (City 2018). Mission San Juan Capistrano represents not only an important cultural resource within the City but also is one of the most visually and aesthetically important and prominent features in San Juan Capistrano. The Mission gardens, screened from public view by a six foot-plus stucco wall, also provide a private open space opportunity for residents and visiting tourists (City 2011).

The Los Rios Historic District is one of the oldest neighborhoods in Orange County with homes over 215 years old, many relocated historic homes and a diverse canopy of mature trees. The O'Neill Museum, several historic private residents and several structures that provide specialty retail, restaurant, and commercial services line the Los Rios District (City 2011).

The Los Rios Park and Ito Nursery provide open space and visual relief within the HTCMP area. Los Rios Street connects residents of the San Juan Villas to these open spaces and parks and to the downtown. The character of this area consists of a rural road lined by mature trees; it provides a calm environment where pedestrians, bicyclists, horses and automobiles mix comfortably.

San Juan Elementary School, a part of the Capistrano Unified School District (CUSD), is located north of Spring Street. The school encompasses a series of permanent and temporary one-story administration and classroom structures along Spring Street with additional educational and playground facilities located further north within the limits of the school site.

The City lists Spring Street (From El Camino Real to its easterly terminus at the 1-5 Freeway), Los Rios Street (from Del Obispo Street to Mission Street), El Camino Real (from Zanja to Forester Street), and Camino Capistrano (from Ortega Highway to Del Obispo) on its IHCL; they are designated as "City Historic Streets." The Stroschein House, an historic single-family residence located at the southeastern corner of El Camino Real and Spring Street and constructed in 1927, is listed on the IHCL and was also listed on the NRHP in 2009 (City 2011).

Visual Resources

Several mature ornamental and native trees are present in the interior of the HTC area. Trees that have a trunk diameter at breast height of thirty-six (36) inches or greater and are a specimen of the following species: *Schinus molle* (California pepper), *Quercus* spp. (oak), *Cedar* spp. (cedar), *Eucalyptus globulus* (blue gum eucalyptus), *Juglans* spp. (walnut), *Olea europaea* (olive), *Platanus* spp. (sycamore), *Populus*

spp. (cottonwood), are considered to be heritage trees under the City of San Juan Capistrano's Heritage Tree Ordinance (Section 9.2-349[1]) (City 2011). Per the Municipal Code, removal of a heritage tree would require a tree removal permit, and the overall objective is to identify and preserve heritage trees within the City.

Other scenic resources in the City are views of the hillsides and ridgelines surrounding the City. The major north-south roadways in the City provide view corridors and include views of the hills to the north, west and south, which are designated "major ridgelines" in the City's General Plan. Distant views of these hills are afforded from locations throughout the Project site, including from Ortega Highway, Camino Capistrano and Del Obispo (City 1999).

The City's Inventory of Historical and Cultural Landmarks (IHCL) lists 40 properties, six districts and four streets within the City. A number of these historic properties and streets are located within the HTCMP area. Historic resources are discussed in more detail above and in Section 5.5 Cultural Resources. Four historic districts within the HTCMP area include the Mission Refuse Area, Mission Cemetery, River Street (within the Los Rios Historic District), and the Los Rios Historic District (City 2018).

Viewsheds

Figures 3-1 and 3-2 present existing views of the HTCMP area from four locations. The views were selected as representative views of the existing conditions because they show the visual character and scenic resources of the HTCMP area from public views and roadways.

View #1: Buildings located on Camino Capistrano, facing south from Mission San Juan Capistrano

View #2: Buildings located on Camino Capistrano, facing north from Forster Street

View #3: Mission San Juan Capistrano, facing west from Ortega Highway and Del Obispo Street

View #4: Los Rios Historic District facing north

Figure 3-1: Viewsheds within the Project Area



View of buildings located on Camino Capistrano, facing south from Mission San Juan Capistrano



View of buildings located on Camino Capistrano, facing north from Forster Street

Figure 3-2: Viewsheds within the Project Area



View towards Mission San Juan Capistrano, facing west from Ortega Highway and Del Obispo Street



View of Los Rios Historic District facing north

3.4.2 Impacts and Mitigation

Impact 3.4-1: Would the Project have a substantial effect on a scenic vista?

The General Plan Community Design Element serves to protect and enhance the image of the community by addressing 1) the protection of the natural hillsides and various views created by the hillsides; 2) the protection and enhancement of other natural features (e.g., major creeks and floodplains); 3) the preservation and enhancement of the historical character of the community; 4) the harmonious incorporation of new development into existing public and private development; and 5) the maintenance of the community's "small-village, rural atmosphere." Scenic vistas as viewed in the context of the Community Design Element consist of public viewpoints that provide expansive views of a natural landscape or historic character of the area. Examples include, but are not limited to:

- Views from the arterial streets (Camino Capistrano, Del Obispo Street, Ortega Highway) that traverse the Project area.
- Views of Mission San Juan Capistrano from Ortega Highway.
- Views of the hillsides and ridgelines.

The Project area is currently largely developed in nature. The visual character of the Project area would change over time due to future development and redevelopment of land uses resulting in a thriving and diverse HTC area with a greater intensity of uses. The buildings associated with these uses would comply with the FAR, setback, and height restrictions identified in Chapter 2 – Project Description, which may result in a change in building height and scale within the Project area. Some foreground views would be blocked by the addition of new buildings or taller buildings within the Project area; however, distant views of the surrounding hillsides to the west, north and south would still be afforded from the Project area and surrounding roadways. Thus, the addition of buildings to the HTC area, including the potential for taller hotel buildings, would have the potential to impact a scenic vista including views from the arterial streets, views of Mission San Juan Capistrano, and views of the surrounding hillsides and ridgelines.

Views of the Project area from the east are largely obstructed by I-5. Since I-5 is elevated, views from the 1-5 Freeway are presently characterized by the downtown urbanized area with a variety of land uses, associated parking lots and mature ornamental trees, combined with a view of the surrounding foothills in the background and can be considered visually pleasing by many viewers traveling the freeway. The Proposed Project would provide a framework for new infill development and redevelopment that would be in character with the existing and surrounding development through application of the City's Architectural Design Guidelines.

Surrounding land uses and roadways to the north and south are all at a similar elevation as compared to the Project area. Therefore, existing views do not extend far beyond the onsite buildings and/or Project area boundaries. Views of the Project area from the north and west will remain largely unchanged since the Proposed Project does not propose a change in land uses, from what is outlined in the General Plan, within these areas. However, the implementation of elements of the Proposed Project including greater allowable FAR, greater building height for hotel buildings, and the removal of the potential for mixed use development within the Project area would result in a change from what was previously analyzed in the HTCMP EIR. Views of the Project area looking north by travelers along Camino Capistrano and the Metrolink Amtrak railroad would also remain similar since they are at similar elevations as the Project area. Similarly, the implementation of elements of the Proposed Project including greater allowable FAR,

greater building height for hotel buildings, and the removal of the potential for mixed use development within the Project area would result in a change from what was previously analyzed in the HTCMP EIR. The increase in allowable FAR would have the potential to increase the density of units or uses within the HTC area; however, the increase in FAR would not have a material impact on a majority of sensitive views. In addition, the change in height allowance would only apply to three story hotel buildings within the HTC area; and the potential for an increase of 10-feet in building height for three-story hotel buildings in the HTC area would not make a material difference of a majority of sensitive views. The provision of setback requirements for new construction adjacent to historic buildings is also intended to self-mitigate for impacts of both future hotel buildings and any other projects adjacent to historic structures. In addition, distant views of the hillsides and ridgelines in the background would be maintained.

During construction, the presence of construction equipment and in-process site development have the potential to impact scenic vistas on a temporary basis. Due to the potential construction impacts that may occur, mitigation measures AES-1 and AES-2, provided below, will help guide future development projects in the Project area. Therefore, the Proposed Project would not have a significant effect on a scenic vista with incorporation of mitigation measures.

Impact 3.4-2: Would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

The Project area is predominately developed and is surrounded by existing development. As previously described, the Proposed Project is intended to amend and remove any discrepancies between the adopted City of San Juan Capistrano General Plan and HTCMP. The Proposed Project would also result in allowing greater FAR within the HTC area as well as increased building height for hotels in the HTC area. Since the HTCMP and associated FBC are being repealed as part of the Proposed Project, the General Plan itself will continue to encourage similar architectural styles, forms, and massing with the existing and surrounding development, therefore creating a cohesive visual character within the Project area. Individual site-specific projects will be subject to public discretionary review through the Commission review process for compliance with those City Guidelines including design policies and provisions specific to development within the Project area. These review processes would evaluate future projects on a project-by-project basis to determine whether significant impacts would occur under CEQA.

As indicated in the Historic Town Center Master Plan EIR (November 2011), implementation of the HTCMP would result in the removal of numerous mature ornamental trees resulting from the previously proposed street extensions. However, under the Proposed Project, these trees would not be removed, and tree replacement would not be warranted. However, as discussed in Section 5.4, Biological Resources of the 2011 EIR, any future site-specific project that proposes the removal of a tree must comply with the City's Tree Removal Permit Ordinance (Municipal Code, Section 9-2.349). The visual character of the Plan Area with numerous mature trees would largely remain the same, yet fewer impacts would occur under the Proposed Project pertaining to trees due to the street extensions not occurring under the Proposed Project.

Further, all future projects in the Plan Area would conform with the City's Architectural Design Guidelines and individual site-specific projects will be subject to public discretionary review through the Commission review process for compliance with those City Guidelines including design policies and provisions specific to "Downtown Commercial" development. In summary, conformance with the City's Architectural Design Guidelines would ensure less than significant visual character impacts.

During construction of future projects within the Project area, construction activities could result in a potentially adverse impact due to a temporarily disturbed condition on the site, including stockpiling, noise barriers, or demolition. Overall, construction impacts would be temporary in nature, but impacts would be minimized through implementation of mitigation measures AES-1 and AES-2, outlined below.

Implementation of the Proposed Project is not only expected to "not degrade the existing visual character or quality of the Project area and its surroundings" but it would maintain the existing visual character and quality of the Project area and its surroundings by establishing and enforcing protection of the visual character of the Project area.

Mitigation Measures

AES-1: Prior to the issuance of grading permits for site specific development, the project applicant shall prepare a Construction Staging Plan that identifies that location(s) of staging areas, including equipment and vehicle storage areas, stockpile areas, etc. These areas shall be located as far away from the existing view corridors as practical. In addition, the Construction Staging Plan shall also identify the manner in which the staging and equipment storage would be screened (e.g., temporary fencing, landscaping, berms, or a combination of these and other methods) subject to the approval of the Public Works Director and Development Services Director, to ensure that the temporary visual impacts would be minimized within the viewshed.

AES-2: Prior to the issuance of grading permits for site specific development that includes the construction of noise barriers (e.g., berms or sound walls) the project applicant shall prepare plans (i.e., soundwall plans, berm grading plans, landscaping plans, etc.) that demonstrate that landscaping and setbacks would provide a visual buffer between noise barriers and surrounding viewsheds to the Development Services Director or their designee for review and approval; who may refer such plans to the Design Review Committee for review.

Refer to mitigation measure MM CUL-1 in Section 3.7 for additional measures related to the protection of historic resources.

3.4.3 Cumulative Impacts

Development occurring in the vicinity of the Project area, would have the potential to alter scenic resources and change the visual character and quality of the general area. The Project area is located in an urbanized portion of the City and development changes to the aesthetic environment are ongoing. New development and redevelopment of the Project area would further develop the urban character of the Project area through potential demolition or renovation of existing structures and construction of new structures. Future site-specific development projects within the Project would be of quality design in conformance with the City's Architectural Design Guidelines and site design review. Chapter IV of the Architectural Design Guidelines provides design concepts and direction for all commercial projects, encourages high quality and innovative design solutions, and recognizes the importance of storefront visibility as well as parking and circulation design to the success of commercial enterprises. These Guidelines take into account architectural design, pedestrian access, and scale, as well as preservation of natural site amenities such as trees and hillside views. Compliance with the City's Architectural Design Guidelines and the site design review process is a City-wide requirement; however, with the Project area-specific guidelines such as setback restrictions, future projects within the Project area would be reviewed

within the strict guidelines of the HTCMP and HTC areas. As a result, the Proposed Project has a less than significant cumulative impact on the visual character and scenic resources within the City.

3.5 AIR QUALITY

This section provides a discussion of the potential air quality impacts due to the Proposed Project implementation and build-out. The information in this section is based off of the Air Quality and Greenhouse Gas (GHG) Emissions Impact Analysis (Appendix C) prepared by Vista Environmental in May 2020.

3.5.1 Introduction

The *Historic Town Center Master Plan General Plan Amendment Rezone Draft Environmental Impact Report* (City 2011), prepared by Templeton Planning Group, November 1, 2011, quantified the existing land uses in the HTCMP, which according to City Planning Staff, have not changed since the end of 2011 for the HTC area. In addition, the 2011 HTCMP EIR analyzed a No Project Alternative that would be very similar to the Proposed Project except for the following changes:

- (1) The allowed building height of hotels would be increased from 2 to 3 stories, which potentially could result in 33 percent more hotel rooms than the No Project Alternative discussed in the 2011 HTCMP EIR. This would increase the maximum number of hotel rooms from 214 to 285.
- (2) The FAR for the Retail, Commercial/Office and Civic land uses would be increased from 0.5:1 to 0.75:1 and may be increased to 1.5:1 for buildings that include public gathering spaces. According to City Staff, over half of the existing properties in the HTC currently exceed the 0.5:1 FAR or have other restrictions such as historical designations that would make it very unlikely that these properties would ever be changed with approval of increased FAR. In addition, only a few properties within the HTC are of a large enough size to be capable of incorporating a public gathering space in order to meet the requirements for a FAR of up to 1.5:1. As such, the emissions calculations provided in this analysis are based on 40 percent of the Retail, Commercial/Office, and Civic square footage shown in the No Project Alternative, increased by 50 percent to account for the FAR increase to 0.75:1 and 10 percent of the Retail, Commercial/Office and Civic square footage shown in the No Project Alternative increased by 200 percent to account for the FAR increase to 1.5:1.

The HTCMP Repeal Development Land Use Summary, including a comparison to the HTCMP and existing conditions is shown in Table 3-2.

Table 3-2– HTCMP Repeal Development Land Use Summary

Land Use	Existing Conditions ¹	HTCMP Buildout ¹	HTCMP Repeal Buildout (Proposed Project)	Difference HTCMP Repeal to:	
				HTCMP	Existing
Retail	559,089 SF	532,820 SF	726,816 SF	193,996 SF	167,727 SF
Commercial/Office	103,434 SF	217,099 SF	134,464 SF	(82,635) SF	31,030 SF
Civic	49,872 SF	70,533 SF	64,834 SF	(5,699) SF	14,962 SF
Religious	107,490 SF	107,490 SF	107,490 SF	0	0
Education	77,617 SF	77,617 SF	77,617 SF	0	0
Other	19,385 SF	14,907 SF	19,385 SF	4,478 SF	0
Residential (units)	0	279	0	(279)	0
Hotel (rooms)	0 RM	214 RM	285 RM	71 RM	285 RM

Land Use	Existing Conditions ¹	HTCMP Buildout ¹	HTCMP Repeal Buildout (Proposed Project)	Difference HTCMP Repeal to:	
				HTCMP	Existing
Parking Spaces	3,419 PS	3,716 PS	3,477 PS	(239) PS	58 PS

Notes:

¹ Obtained from Table 3.3-1 of the 2011 HTCMP EIR (Templeton Planning Group, 2011).

² Compared

Definitions: SF = Square Feet; RM = Hotel Room; PS = Parking Space

3.5.2 Regulatory Setting

The air quality at the Project site is addressed through the efforts of various international, federal, state, regional, and local government agencies. These agencies work jointly, as well as individually, to improve air quality through legislation, regulations, planning, policy-making, education, and a variety of programs. The agencies responsible for improving the air quality are discussed below.

Federal – United States Environmental Protection Agency

The Clean Air Act, first passed in 1963 with major amendments in 1970, 1977 and 1990, is the overarching legislation covering regulation of air pollution in the United States. The Clean Air Act has established the mandate for requiring regulation of both mobile and stationary sources of air pollution at the state and federal level. The Environmental Protection Agency (EPA) was created in 1970 in order to consolidate research, monitoring, standard-setting and enforcement authority into a single agency.

The EPA is responsible for setting and enforcing the National Ambient Air Quality Standards (NAAQS) for atmospheric pollutants. It regulates emission sources that are under the exclusive authority of the federal government, such as aircraft, ships, and certain locomotives. NAAQS pollutants were identified using medical evidence and are shown in Table C of Appendix C.

As part of its enforcement responsibilities, the EPA requires each state with federal nonattainment areas to prepare and submit a State Implementation Plan (SIP) that demonstrates the means to attain the national standards. The SIP must integrate federal, state, and local components and regulations to identify specific measures to reduce pollution, using a combination of performance standards and market-based programs within the timeframe identified in the SIP. The CARB defines attainment as the category given to an area with no violations in the past three years. As indicated in Table D of Appendix C, the Air Basin has been designated by EPA for the national standards as a non-attainment area for ozone and PM2.5 and partial non-attainment for lead. Currently, the Air Basin is in attainment with the national ambient air quality standards for CO, PM10, SO2, and NO2.

In 2015, one or more stations in the Air Basin exceeded the most current federal standards on a total of 146 days (40 percent of the year), including: 8-hour ozone (113 days over 2015 ozone NAAQS), 24-hour PM2.5 (30 days, including near-road sites; 25 days for ambient sites only), PM10 (2 days), and NO2 (1 day). Despite substantial improvement in air quality over the past few decades, some air monitoring stations in the Air Basin still exceed the NAAQS for ozone more frequently than any other area in the United States. Seven of the top 10 stations in the nation most frequently exceeding the 2015 8-hour ozone NAAQS in 2015 were located within the Air Basin, including stations in San Bernardino, Riverside, and Los Angeles Counties (Vista 2020).

PM2.5 levels in the Air Basin have improved significantly in recent years. By 2013 and again in 2014 and 2015, there were no stations measuring PM2.5 in the Air Basin that violated the former 1997 annual

PM2.5 NAAQS (15.0 µg/m³) for the 3-year design value period. On July 25, 2016 the EPA finalized a determination that the Basin attained the 1997 annual (15.0 µg/m³) and 24-hour PM2.5 (65 µg/m³) NAAQS, effective August 24, 2016. Of the 17 federal PM2.5 monitors at ambient stations in the Air Basin for the 2013-2015 period, five stations had design values over the current 2012 annual PM2.5 NAAQS (12.0 µg/m³), including: Mira Loma (Air Basin maximum at 14.1 µg/m³), Rubidoux, Fontana, Ontario, Central Los Angeles, and Compton. For the 24-hour PM2.5 NAAQS (35.0 µg/m³) there were 14 stations in the Air Basin in 2015 that had one or more daily exceedances of the standard, with a combined total of 25 days over that standard in the Air Basin. While it was previously anticipated that the Air Basin's 24-hour PM2.5 NAAQS would be attained by 2015, this did not occur based on the data for 2013 through 2015. The higher number of days exceeding the 24-hour PM2.5 NAAQS over what was expected is largely attributed to the severe drought conditions over this period that allowed for more stagnant conditions in the Air Basin with multi-day buildups of higher PM2.5 concentrations. This was caused by the lack of storm-related dispersion and rain-out of PM and its precursors (Vista 2020).

The Air Basin is currently in attainment for the federal standards for SO₂, CO, NO₂, and PM₁₀ and Orange County is currently in attainment for the federal standards for lead. While the concentration level of the 1-hour NO₂ federal standard (100 ppb) was exceeded in the Air Basin for one day in 2015 (Long Beach-Hudson Station), the NAAQS NO₂ design value has not been exceeded. Therefore, the Air Basin remains in attainment of the NO₂ NAAQS (Vista 2020).

State – California Air Resources Board

The California Air Resources Board (CARB), which is a part of the California Environmental Protection Agency, is responsible for the coordination and administration of both federal and state air pollution control programs within California. In this capacity, the CARB conducts research, sets the California Ambient Air Quality Standards (CAAQS), compiles emission inventories, develops suggested control measures, provides oversight of local programs, and prepares the SIP. The CAAQS for criteria pollutants are shown in Table C of Appendix C. In addition, the CARB establishes emission standards for motor vehicles sold in California, consumer products (e.g. hairspray, aerosol paints, and barbeque lighter fluid), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions.

The Air Basin has been designated by the CARB as a non-attainment area for ozone, PM₁₀ and PM_{2.5}. Currently, the Air Basin is in attainment with the ambient air quality standards for CO, NO₂, SO₂, lead, and sulfates and is unclassified for visibility reducing particles and Hydrogen Sulfide.

The following lists the State of California Code of Regulations (CCR) air quality emission rules that are applicable, but not limited to all warehouse projects in the State.

Assembly Bill 2588

The Air Toxics “Hot Spots” Information and Assessment Act (Assembly Bill [AB] 2588, 1987, Connelly) was enacted in 1987 as a means to establish a formal air toxics emission inventory risk quantification program. AB 2588, as amended, establishes a process that requires stationary sources to report the type and quantities of certain substances their facilities routinely release in California. The data is ranked by high, intermediate, and low categories, which are determined by: the potency, toxicity, quantity, volume, and proximity of the facility to nearby receptors.

CARB Regulation for In-Use Off-Road Diesel Vehicles

On July 26, 2007, the California Air Resources Board (CARB) adopted California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449 to reduce diesel particulate matter (DPM) and NOx emissions from in-use off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation limits idling to no more than five consecutive minutes, requires reporting and labeling, and requires disclosure of the regulation upon vehicle sale. Performance requirements of the rule are based on a fleet's average NOx emissions, which can be met by replacing older vehicles with newer, cleaner vehicles or by applying exhaust retrofits. The regulation was amended in 2010 to delay the original timeline of the performance requirement making the first compliance deadline January 1, 2014 for large fleets (over 5,000 horsepower), 2017 for medium fleets (2,501-5,000 horsepower), and 2019 for small fleets (2,500 horsepower or less). Currently, no commercial operation in California may add any equipment to their fleet that has a Tier 0 or Tier 1 engine. By January 1, 2018 medium and large fleets will be restricted from adding Tier 2 engines to their fleets and by January 2023, no commercial operation will be allowed to add Tier 2 engines to their fleets. It should be noted that commercial fleets may continue to use their existing Tier 0 and 1 equipment, if they can demonstrate that the average emissions from their entire fleet emissions meet the NOx emissions targets.

CARB Resolution 08-43 for On-Road Diesel Truck Fleets

On December 12, 2008 the CARB adopted Resolution 08-43, which limits NOx, PM10 and PM2.5 emissions from on-road diesel truck fleets that operate in California. On October 12, 2009 Executive Order R-09-010 was adopted that codified Resolution 08-43 into Section 2025, title 13 of the California Code of Regulations. This regulation requires that by the year 2023 all commercial diesel trucks that operate in California shall meet model year 2010 (Tier 4 Final) or latter emission standards. In the interim period, this regulation provides annual interim targets for fleet owners to meet. By January 1, 2014, 50 percent of a truck fleet is required to have installed Best Available Control Technology (BACT) for NOx emissions and 100 percent of a truck fleet installed BACT for PM10 emissions. This regulation also provides a few exemptions including a onetime per year 3-day pass for trucks registered outside of California. All on-road diesel trucks utilized during construction of the proposed project will be required to comply with Resolution 08-43.

Regional – Southern California

The SCAQMD is the agency principally responsible for comprehensive air pollution control in the South Coast Air Basin. To that end, as a regional agency, the SCAQMD works directly with the Southern California Association of Governments (SCAG), county transportation commissions, and local governments and cooperates actively with all federal and state agencies.

South Coast Air Quality Management District

SCAQMD develops rules and regulations, establishes permitting requirements for stationary sources, inspects emission sources, and enforces such measures through educational programs or fines, when necessary. SCAQMD is directly responsible for reducing emissions from stationary, mobile, and indirect sources. It has responded to this requirement by preparing a sequence of AQMPs. The Final 2016 Air Quality Management Plan (2016 AQMP) was adopted by the SCAQMD Board on March 3, 2016 and was adopted by CARB on March 23, 2017 for inclusion into the California State Implementation Plan (SIP). The 2016 AQMP was prepared in order to meet the following standards:

- 8-hour Ozone (75 ppb) by 2032
- Annual PM2.5 (12 µg/m3) by 2021-2025
- 8-hour Ozone (80 ppb) by 2024 (updated from the 2007 and 2012 AQMPs)
- 1-hour Ozone (120 ppb) by 2023 (updated from the 2012 AQMP)
- 24-hour PM2.5 (35 µg/m3) by 2019 (updated from the 2012 AQMP)

In addition to meeting the above standards, the 2016 AQMP also includes revisions to the attainment demonstrations for the 1997 8-hour ozone NAAQS and the 1979 1-hour ozone NAAQS. The prior 2012 AQMP was prepared in order to demonstrate attainment with the 24-hour PM2.5 standard by 2014 through adoption of all feasible measures. The prior 2007 AQMP demonstrated attainment with the 1997 8-hour ozone (80 ppb) standard by 2023, through implementation of future improvements in control techniques and technologies. These “black box” emissions reductions represent 65 percent of the remaining NOx emission reductions by 2023 in order to show attainment with the 1997 8-hour ozone NAAQS. Given the magnitude of these needed emissions reductions, additional NOx control measures have been provided in the 2012 AQMP even though the primary purpose was to show compliance with 24-hour PM2.5 emissions standards.

The 2016 AQMP provides a new approach that focuses on available, proven and cost effective alternatives to traditional strategies, while seeking to achieve multiple goals in partnership with other entities to promote reductions in GHG emissions and TAC emissions as well as efficiencies in energy use, transportation, and goods movement. The 2016 AQMP recognizes the critical importance of working with other agencies to develop funding and other incentives that encourage the accelerated transition of vehicles, buildings and industrial facilities to cleaner technologies in a manner that benefits not only air quality, but also local businesses and the regional economy.

Although SCAQMD is responsible for regional air quality planning efforts, it does not have the authority to directly regulate air quality issues associated with plans and new development projects throughout the Air Basin. Instead, this is controlled through local jurisdictions in accordance to the California Environmental Quality Act (CEQA). In order to assist local jurisdictions with air quality compliance issues the CEQA Air Quality Handbook (SCAQMD CEQA Handbook), prepared by SCAQMD, 1993, with the most current updates found at <http://www.aqmd.gov/ceqa/hdbk.html>, was developed in accordance with the projections and programs detailed in the AQMPs. The purpose of the SCAQMD CEQA Handbook is to assist Lead Agencies, as well as consultants, project proponents, and other interested parties in evaluating a proposed project’s potential air quality impacts. Specifically, the SCAQMD CEQA Handbook explains the procedures that SCAQMD recommends be followed for the environmental review process required by CEQA. The SCAQMD CEQA Handbook provides direction on how to evaluate potential air quality impacts, how to determine whether these impacts are significant, and how to mitigate these impacts. The SCAQMD intends that by providing this guidance, the air quality impacts of plans and development proposals will be analyzed accurately and consistently throughout the Air Basin, and adverse impacts will be minimized.

The following lists the SCAQMD rules that are applicable but not limited to all land development projects in the Air Basin.

Rule 402 - Nuisance

Rule 402 prohibits a person from discharging from any source whatsoever such quantities of air contaminants or other material which causes injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. Compliance with Rule 402 will reduce local air quality and odor impacts to nearby sensitive receptors.

Rule 403- Fugitive Dust

Rule 403 governs emissions of fugitive dust during construction activities and requires that no person shall cause or allow the emissions of fugitive dust such that dust remains visible in the atmosphere beyond the property line or the dust emission exceeds 20 percent opacity, if the dust is from the operation of a motorized vehicle. Compliance with this rule is achieved through application of standard Best Available Control Measures, which include but are not limited to the measures below. Compliance with these rules would reduce local air quality impacts to nearby sensitive receptors.

- Utilize either a pad of washed gravel 50 feet long, 100 feet of paved surface, a wheel shaker, or a wheel washing device to remove material from vehicle tires and undercarriages before leaving project site.
- Do not allow any track out of material to extend more than 25 feet onto a public roadway and remove all track out at the end of each workday.
- Water all exposed areas on active sites at least three times per day and pre-water all areas prior to clearing and soil moving activities.
- Apply nontoxic chemical stabilizers according to manufacturer specifications to all construction areas that will remain inactive for 10 days or longer.
- Pre-water all material to be exported prior to loading, and either cover all loads or maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114.
- Replant all disturbed area as soon as practical.
- Suspend all grading activities when wind speeds (including wind gusts) exceed 25 miles per hour.
- Restrict traffic speeds on all unpaved roads to 15 miles per hour or less.

Rules 1108 and 1108.1 – Cutback and Emulsified Asphalt

Rules 1108 and 1108.1 govern the sale, use, and manufacturing of asphalt and limits the VOC content in asphalt. This rule regulates the VOC contents of asphalt used during construction as well as any on-going maintenance during operations. Therefore, all asphalt used during construction and operation of the Proposed Project must comply with SCAQMD Rules 1108 and 1108.1.

Rule 1113 – Architectural Coatings

Rule 1113 governs the sale, use, and manufacturing of architectural coatings and limits the VOC content in sealers, coatings, paints and solvents. This rule regulates the VOC contents of paints available during construction. Therefore, all paints and solvents used during construction and operation of the Proposed Project must comply with SCAQMD Rule 1113.

Rule 1143 – Paint Thinners

Rule 1143 governs the sale, use, and manufacturing of paint thinners and multi-purpose solvents that are used in thinning of coating materials, cleaning of coating application equipment, and other solvent cleaning operations. This rule regulates the VOC content of solvents used during construction. Solvents used during construction and operation of the Proposed Project must comply with SCAQMD Rule 1143.

Southern California Association of Governments

The SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties and addresses regional issues relating to transportation, the economy, community development and the environment. SCAG is the federally designated Metropolitan Planning Organization (MPO) for the majority of the southern California region and is the largest MPO in the nation. With respect to air quality planning, SCAG has prepared the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), adopted April 2016 and the 2019 Federal Transportation Improvement Program (FTIP), adopted September 2018, which addresses regional development and growth forecasts. Although the RTP/SCS and FTIP are primarily planning documents for future transportation projects a key component of these plans are to integrate land use planning with transportation planning that promotes higher density infill development in close proximity to existing transit service. These plans form the basis for the land use and transportation components of the AQMP, which are utilized in the preparation of air quality forecasts and in the consistency analysis included in the AQMP. The RTP/SCS, FTIP, and AQMP are based on projections originating within the City and County General Plans.

Local – City of San Juan Capistrano

The City of San Juan Capistrano General Plan, adopted December 1999, provides the following air quality-related goals and policies that are applicable to the Proposed Project.

Conservation & Open Space Goal 6: Improve Air Quality

Policy 6.1: Cooperate with the South Coast Air Quality Management District and Southern California Association of Governments in their efforts to implement the regional Air Quality Management Plan.

Policy 6.2: Implement City-wide traffic flow improvements.

Policy 6.3: Achieve a greater balance between jobs and housing in San Juan Capistrano.

Policy 6.4: Integrate air quality planning with land use and transportation planning.

Policy 6.5: Cooperate and participate in regional air quality. management planning, programs, and enforcement measures.

Policy 6.6: Promote energy conservation and recycling by the public and private sectors.

3.5.3 Existing Environmental Setting

The Project site is located within Orange County, which is part of the South Coast Air Basin (Air Basin) that includes the non-desert portions of Riverside, San Bernardino, and Los Angeles Counties and all of Orange County. The Air Basin is located on a coastal plain with connecting broad valleys and low hills to the east. Regionally, the Air Basin is bounded by the Pacific Ocean to the southwest and high mountains to the east forming the inland perimeter.

The air quality at any site is dependent on the regional air quality and local pollutant sources. Regional air quality is determined by the release of pollutants throughout the Air Basin. Estimates of the existing emissions in the Air Basin provided in the 2012 AQMP, indicate that collectively, mobile sources account for 59 percent of the VOC, 88 percent of the NO_x emissions and 40 percent of directly emitted PM_{2.5}, with another 10 percent of PM_{2.5} from road dust. The 2016 AQMP found that since 2012 AQMP projections were made stationary source VOC emissions have decreased by approximately 12 percent, but mobile VOC emissions have increased by 5 percent. The percentage of NO_x emissions remain unchanged between the 2012 and 2016 projections.

SCAQMD has divided the Air Basin into 38 air-monitoring areas with a designated ambient air monitoring station representative of each area. The Project site is located in Air Monitoring Area 21, which covers the southeastern portion of Orange County. Since not all air monitoring stations measure all of the tracked pollutants, the data from the following two monitoring stations, listed in the order of proximity to the Project site have been used; Mission Viejo Monitoring Station (Mission Viejo Station) and Costa Mesa Monitoring Station (Costa Mesa Station).

The Mission Viejo Station is located approximately nine miles north of the Project site at 26081 Via Pera, Mission Viejo and the Costa Mesa Station is located approximately 18 miles northwest of the Project site at 2850 Mesa Verde Drive East, Costa Mesa. The monitoring data is presented in Table F of Appendix C and shows the most recent three years of monitoring data from CARB. Ozone, PM₁₀ and PM_{2.5} were measured at the Perris Station and NO₂ was measured at the Costa Mesa Station. CO measurements have not been provided, since CO is currently in attainment in the Air Basin and monitoring of CO within the Air Basin ended on March 31, 2013.

The SCAQMD defines sensitive receptors as residences, hospitals, and convalescent facilities where an individual may remain for 24 hours or more. The nearest sensitive receptors to the HTC Area are the residences located on the west side of the railroad, approximately 40 feet west of the HTC Area. The nearest schools to the HTC Area are San Juan Elementary School located on the north side of Spring Street, approximately 60 feet north of the HTC Area and Junipero Serra High School located on the north side of Acjachema Street, approximately 40 feet north of the HTC Area.

Further details on the atmospheric setting of the Project site can be found in Section 6 of Appendix C.

3.5.4 Impacts and Mitigation

Impact 3.5-1: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

The California Environmental Quality Act (CEQA) requires a discussion of any inconsistencies between a proposed project and applicable General Plans and regional plans (CEQA Guidelines Section 15125). The regional plan that applies to the Proposed Project includes the SCAQMD AQMP. Therefore, this section discusses any potential inconsistencies of the Proposed Project with the AQMP.

The purpose of this discussion is to set forth the issues regarding consistency with the assumptions and objectives of the AQMP and discuss whether the Proposed Project would interfere with the region's ability to comply with Federal and State air quality standards. If the decision-makers determine that the Proposed Project is inconsistent, the lead agency may consider project modifications or inclusion of mitigation to eliminate the inconsistency.

The SCAQMD CEQA Handbook states that "New or amended GP Elements (including land use zoning and density amendments), Specific Plans, and significant projects must be analyzed for consistency with the AQMP." Strict consistency with all aspects of the plan is usually not required. A Proposed Project should be considered to be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies. The SCAQMD CEQA Handbook identifies two key indicators of consistency:

- (1) Whether the project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
- (2) Whether the project will exceed the assumptions in the AQMP or increments based on the year of project buildout and phase.

Both of these criteria are evaluated in the following sections.

Criterion 1 - Increase in the Frequency or Severity of Violations?

Based on the air quality modeling analysis contained in this report, short-term regional construction and ongoing operations of the potential buildout of the Proposed Project would generate air pollutant emissions that are inconsequential on a regional basis and would not result in significant impacts based on SCAQMD thresholds of significance discussed in Appendix C. However, as detailed above, the Project is a repeal of a Master Plan and the adoption of proposed land use regulations, and therefore, no specific projects are being evaluated. As such it is not possible at this time to assess if a significant construction-related local impact may be created from a potential future development that may occur in the future under the land use regulations adopted through the Proposed Project. Therefore, there is a potential for a significant construction-related local air quality impact to occur from implementation of the Proposed Project.

Mitigation Measure AQ-1 has been incorporated into this analysis and requires all future development projects within the HTC Area that require either earthmoving activities or extensive demolition or building construction to prepare a project specific air quality assessment that analyzes the construction and operational regional and localized air impacts created from the specific project and address all CEQA-related air quality and GHG emissions checklist questions. If the air quality assessment finds a significant

impact, the air quality assessment shall develop all feasible mitigation measures that could avoid or reduce those impacts.

Therefore, based on the information provided above, even with implementation of Mitigation Measure AQ-1, the Proposed Project would have the potential to result in significant, unavoidable impacts.

Criterion 2 - Exceed Assumptions in the AQMP?

Consistency with the AQMP assumptions is determined by performing an analysis of the Proposed Project with the assumptions in the AQMP. The emphasis of this criterion is to ensure that the analyses conducted for the Proposed Project are based on the same forecasts as the AQMP. The AQMP is developed through use of the planning forecasts provided in the RTP/SCS and FTIP. The RTP/SCS is a major planning document for the regional transportation and land use network within Southern California. The RTP/SCS is a long-range plan that is required by federal and state requirements placed on SCAG and is updated every four years. The FTIP provides long-range planning for future transportation improvement projects that are constructed with state and/or federal funds within Southern California. Local governments are required to use these plans as the basis of their plans for the purpose of consistency with applicable regional plans under CEQA.

The Proposed Project would consist of removing inconsistencies that currently exist between the HTCMP, General Plan and FBC. The proposed revisions to the HTCMP have the potential to result in slightly higher densities of non-residential land uses within the HTC, while removing the residential component within the HTC. The RTP/SCS promotes higher densities for areas that are in close proximity to transit hubs as well as walkable communities. Since, the entire HTC area is within walking distance of the San Juan Capistrano Metrolink/Amtrak Station, the Project would conform to the strategies provided in the RTP/SCS. As such, the Proposed Project is not anticipated to exceed the AQMP assumptions for the Project site and is found to be consistent with the AQMP for the second criterion.

Based on the above, even with implementation of Mitigation Measure AQ-1, the Proposed Project could potentially result in an inconsistency with the SCAQMD AQMP. Therefore, a significant and unavoidable impact will occur in relation to implementation of the AQMP.

Impact 3.5-2: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?

The Proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard. The following section calculates the potential air emissions associated with the construction and operations of the Proposed Project and compares the emissions to the SCAQMD standards.

Construction Emissions

The construction emissions have been analyzed for both regional and local air quality impacts.

Construction-Related Regional Impacts

The CalEEMod model has been utilized to calculate the construction-related regional emissions from the Proposed Project and the input parameters utilized in this analysis have been detailed in Appendix C. The worst-case summer or winter daily construction-related criteria pollutant emissions from the Proposed Project for each phase of construction activities are shown below in Table 3-3 and the CalEEMod daily printouts are shown in Appendix C.

Table 3-3– Construction-Related Regional Criteria Pollutant Emissions

Activity	Pollutant Emissions (pounds/day)					
	VOC	NOx	CO	SO ₂	PM10	PM2.5
Demolition ¹	2.70	25.75	21.02	0.04	1.41	1.20
Site Preparation ¹	3.24	33.12	20.21	0.04	9.94	6.01
Grading ¹	3.70	38.89	29.61	0.06	5.76	3.18
Building Construction (2022)	2.96	25.63	26.14	0.08	4.35	1.74
Building Construction (2022)	2.71	22.01	25.36	0.08	4.23	1.63
Paving	1.16	10.22	14.98	0.02	0.68	0.51
Architectural Coating	73.17	1.40	3.13	0.03	0.63	0.22
Maximum Daily Construction Emissions	73.17	38.89	29.61	0.08	9.94	6.01
SCQAMD Thresholds	75	100	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Notes:

¹ Demolition, Site Preparation and Grading based on adherence to fugitive dust suppression requirements from SCAQMD Rule 403.

Source: CalEEMod Version 2016.3.2.

Table 3-3 shows that none of the analyzed criteria pollutants would exceed the regional emissions thresholds during either demolition, site preparation, grading or the combined building construction, paving, and architectural coatings phases. Therefore, a less than significant regional air quality impact would occur from construction of the Proposed Project.

Construction-Related Local Impacts

Construction-related air emissions may have the potential to exceed the State and Federal air quality standards in the Project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin. As detailed above, the Project is a repeal of a Master Plan and the adoption of proposed land use regulations, and therefore, no specific projects are being evaluated. As such it is not possible at this time to assess if a significant construction-related local impact may be created from a development that may occur in the future under the land use regulations adopted through the Proposed Project. Therefore, there is a potential for a significant construction-related local air quality impact to occur from implementation of the Proposed Project.

Mitigation Measure AQ-1 has been incorporated into this analysis that requires all future development projects within the HTC Area that require either earthmoving activities or extensive demolition or building construction to prepare a project specific air quality assessment that analyzes the construction and operational regional and localized air impacts created from the specific project and address all CEQA-related air quality and GHG emissions checklist questions. If the air quality assessment finds a significant

impact, the air quality assessment shall develop all feasible mitigation measures that could avoid or reduce those impacts. Therefore, even with implementation of Mitigation Measure AQ-1, a potentially significant local air quality impact could occur from construction of the Proposed Project.

Operational Emissions

The on-going operation of the Proposed Project would result in a long-term increase in air quality emissions. This increase would be due to emissions from the Project-generated vehicle trips, emissions from energy usage, and onsite area source emissions created from the on-going use of the Proposed Project. The following section provides an analysis of potential long-term air quality impacts due to regional air quality and local air quality impacts with the on-going operations of the Proposed Project.

Operations-Related Regional Criteria Pollutant Analysis

The operations-related regional criteria air quality impacts created by the Proposed Project have been analyzed through use of the CalEEMod model and the input parameters utilized in this analysis have been detailed in Appendix C. The worst-case summer or winter VOC, NO_x, CO, SO₂, PM₁₀, and PM_{2.5} daily emissions created from the Proposed Project's long-term operations have been calculated and are summarized below in Table 3-4 and the CalEEMod daily emissions printouts are shown in Appendix C.

Table 3-4 – Operational Regional Criteria Pollutant Emissions

Activity	Pollutant Emissions (pounds/day)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area Sources ¹	14.03	0.00	0.06	0.00	0.00	0.00
Energy Usage ²	0.44	4.01	3.37	0.02	0.30	0.30
Mobile Sources ³	6.45	33.05	74.11	0.39	47.09	12.70
Total Emissions	20.93	37.06	77.53	0.41	47.40	13.01
SCQAMD Operational Thresholds	55	55	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Notes:

¹ Area sources consist of emissions from consumer products, architectural coatings, and landscaping equipment.

² Energy usage consist of emissions from natural gas usage.

³ Mobile sources consist of emissions from vehicles and road dust.

Source: Calculated from CalEEMod Version 2016.3.2.

The data provided in Table 3-5 below shows that none of the analyzed criteria pollutants would exceed the regional emissions thresholds. Therefore, a less than significant regional air quality impact would occur from operation of the Proposed Project.

In *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 (also referred to as “Friant Ranch”), the California Supreme Court held that when an EIR concluded that when a project would have significant impacts to air quality impacts, an EIR should “make a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.” The Court developed a three part test that includes the following:

- 1) The air quality discussion shall describe the specific health risks created from each criteria pollutant, including diesel particulate matter.

The analysis in Appendix C, Section 2.0 details the specific health risks created from each criteria pollutant. In addition, the specific health risks created from diesel particulate matter is detailed in Appendix C. As such, this analysis meets the part 1 requirements of the Friant Ranch Case.

- 2) The analysis shall identify the magnitude of the health risks created from the Project. The Ruling details how to identify the magnitude of the health risks. Specifically, on page 24 of the ruling it states “The Court of Appeal identified several ways in which the EIR could have framed the analysis so as to adequately inform the public and decision makers of possible adverse health effects. The County could have, for example, identified the Project’s impact on the days of nonattainment per year.”

Table 3-4 above shows that the primary source of operational air emissions would be created from mobile source emissions that would be generated throughout the Air Basin. As such, any adverse health impacts created from the Proposed Project should be assessed on a basin-wide level, since the air emissions created from implementation of the Project would have the potential to impact a large portion of the Basin. As indicated above in Table 3-2, the Air Basin has been designated by EPA for the national standards as a non-attainment area for ozone, PM_{2.5}, and partial non-attainment for lead. In addition, PM₁₀ has been designated by the State as non-attainment. It should be noted that VOC and NO_x are ozone precursors, as such they have been considered as non-attainment pollutants. According to the 2016 AQMP, in 2016 the total emissions of: VOC was 500 tons per year; NO_x was 522 tons per year; SO_x was 18 tons per year; and PM_{2.5} was 66 tons per year. Since the 2016 AQMP did not calculate total PM₁₀ emissions, the total PM₁₀ emissions were obtained from The California Almanac of Emissions and Air Quality 2013 Edition, prepared by CARB, for the year 2020. The Project contribution to each criteria pollutant in the Air Basin is shown in Table 3-5.

Table 3-5 – Project’s Contribution to Criteria Pollutants in the South Coast Air Basin

Emissions Source	Pollutant Emissions (pounds/day)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Project Emissions ¹	20.93	37.06	77.53	0.41	47.40	13.01
Total Emissions in Air Basin ²	1,000,000	1,044,000	4,246,000	36,000	322,000	132,000
Project’s Percent of Air Emissions	0.0021%	0.0036%	0.0018%	0.00112%	0.015%	0.0099%

Notes:

¹ From the project’s total operational emissions shown above in 3-4.

² VOC, NO_x, CO, SO₂ and PM_{2.5} from 2016 AQMP and PM₁₀ from the California Almanac of Emissions and Air Quality 2013 Edition.

Development that could cause increased pollutants within the Project area would be limited to either the few undeveloped sites remaining, or renovation or redevelopment of existing buildings within the Project area. Therefore, the potential for increased amounts of criteria pollutants is considered low, as outlined in Table 3-4 and 3-5. As shown in Table 3-5, the Project would increase criteria pollutant emissions by as much as 0.0015 percent for PM₁₀ in the South Coast Air Basin. Due to these nominal increases in the Air Basin-wide criteria pollutant emissions and the fact that none of the criteria pollutant emissions would exceed existing thresholds, no increases in days of non-attainment are anticipated to occur from operation of the Proposed Project. As such, this analysis meets the Part 2 requirements of the Friant Ranch Case.

- 3) If addressing the magnitude of the health risk is not possible, then explain why not possible. Also explain if any mitigation provided is deferred mitigation.

Since Part 2 adequately explains the magnitude of the health risks created by implementation of the Project onto the Air Basin through outlining the Project's percent of air emissions in the Air Basin, Part 3 is limited to analyzing if Mitigation Measure AQ-1 is deferred mitigation. Mitigation Measure AQ-1 requires all future development projects within the HTC Area that require either earthmoving activities or extensive demolition or building construction to prepare a project specific air quality assessment that analyzes the construction and operational regional and localized air impacts created from the specific project and address all CEQA-related air quality and GHG emissions checklist questions. If the air quality assessment finds a significant impact, the air quality assessment shall develop all feasible mitigation measures that could avoid or reduce those impacts. Since the Mitigation cannot guarantee that all future development meet the air quality thresholds, it is possible for a specific development project to be constructed in the Project Area that would create significant levels of air emissions could have the potential to create adverse health impacts. As such, this analysis meets the Part 3 requirements of the Friant Ranch Case. However, even with implementation of Mitigation Measure AQ-1, impacts would be significant and unavoidable.

Operations-Related Local Air Quality Impacts

Project-related air emissions may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin. The Proposed Project has been analyzed for the potential local CO emission impacts from the Project-generated vehicular trips and from the potential local air quality impacts from on-site operations. The following analyzes the vehicular CO emissions and local impacts from on-site operations.

Local CO Hotspot Impacts from Project-Generated Vehicular Trips

CO is the pollutant of major concern along roadways because the most notable source of CO is motor vehicles. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of potential local air quality impacts. Local air quality impacts can be assessed by comparing future without and with Project CO levels to the State and Federal CO standards of 20 ppm over one hour or 9 ppm over eight hours.

At the time of the 1993 Handbook, the Air Basin was designated nonattainment under the CAAQS and NAAQS for CO. With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technologies on industrial facilities, CO concentrations in the Air Basin and in the state have steadily declined. According to the SCAQMD Air Quality Data Tables, in 2007 the Saddleback Valley had maximum CO concentrations of 3 ppm for 1 hour and 2.2 ppm for 8-hours and in 2018 the Saddleback Valley had maximum CO concentrations of 1.2 ppm for 1-hour and 0.9 ppm for 8-hours, which represent decreases in CO concentrations of 60 percent and 59 percent, respectively between 2018 and 2007. In 2007, the Air Basin was designated in attainment for CO under both the CAAQS and NAAQS. SCAQMD conducted a CO hot spot analysis for attainment at the busiest intersections in Los Angeles during the peak morning and afternoon periods and did not predict a violation of CO standards. Since the nearby intersections to the Proposed Project are much smaller with less traffic than what was analyzed by the SCAQMD and since the CO concentrations are now approximately 60 percent lower than when CO was designated in attainment in 2007, no local CO Hotspot are anticipated to be created from the Proposed Project and no CO Hotspot modeling was performed. Therefore, a less than significant long-term air quality impact is anticipated to local air quality with the on-going use of the Proposed Project.

Local Criteria Pollutant Impacts from Onsite Operations

Project-related air emissions from onsite sources such as architectural coatings, landscaping equipment, and onsite usage of natural gas appliances may have the potential to create emissions areas that exceed the State and Federal air quality standards in the Project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin. As detailed above, the Project is a repeal of a Master Plan and the adoption of proposed land use regulations, and therefore, no specific development projects are being evaluated. As such it is not possible at this time to assess if a significant operation-related local impact may be created from a development that may occur with implementation of the Proposed Project. Therefore, there is a potential for operation-related local air quality impact to occur from implementation of the Proposed Project.

Mitigation Measure AQ-1 has been incorporated into this analysis that requires future development projects within the HTC Area that require either earthmoving activities or extensive demolition or building construction to prepare a project specific air quality assessment that analyzes the construction and operational regional and localized air impacts created from the specific project and address all CEQA-related air quality and GHG emissions checklist questions. If the air quality assessment finds a significant impact, the air quality assessment shall develop all feasible mitigation measures that could avoid or reduce those impacts. Therefore, even with implementation of Mitigation Measure AQ-1, a potentially significant local air quality impact would occur from operation of the Proposed Project.

Therefore, the Proposed Project could result in a cumulatively considerable net increase of any criteria pollutant, and this impact is considered significant and unavoidable.

Impact 3.5-3: Would the Project expose sensitive receptors to substantial pollutant concentrations?

The Proposed Project would not expose sensitive receptors to substantial pollutant concentrations. The local concentrations of criteria pollutant emissions produced in the nearby vicinity of the Proposed Project, which may expose sensitive receptors to substantial concentrations have been calculated above for both construction and operations, which are discussed separately below. The discussion below also includes an analysis of the potential impacts from toxic air contaminant emissions. The nearest sensitive receptors to the HTC Area are the residences located on the west side of the railroad, approximately 40 feet west of the HTC Area. The nearest schools to the project site are San Juan Elementary School located on the north side of Spring Street, approximately 60 feet north of the HTC Area and Junipero Serra High School located on the north side of Acjachema Street, approximately 40 feet north of the HTC Area.

Construction-Related Sensitive Receptor Impacts

The construction activities that may occur for implementation of the Proposed Project would typically include: 1) Demolition, 2) Site preparation, 3) Grading, 4) Building construction, 5) Paving, and 6) Application of architectural coatings. Construction activities may expose sensitive receptors to substantial pollutant concentrations of localized criteria pollutant concentrations and from toxic air contaminant emissions created from onsite construction equipment, which are described below.

Local Criteria Pollutant Impacts from Construction

As detailed above, the Project is a repeal of a Master Plan and the adoption of proposed land use regulations, and therefore, no specific development projects are being evaluated. As such it is not possible

at this time to assess if a significant construction-related local impact may be created from a development that may occur with implementation of the Proposed Project. Therefore, there is a potential for construction-related local air quality impact to occur from implementation of the Proposed Project.

Mitigation Measure AQ-1 has been incorporated into this analysis that requires future development projects within the HTC Area that require either earthmoving activities or extensive demolition or building construction to prepare a project specific air quality assessment that analyzes the construction and operational regional and localized air impacts created from the specific project and address all CEQA-related air quality and GHG emissions checklist questions. If the air quality assessment finds a significant impact, the air quality assessment shall develop all feasible mitigation measures that could avoid or reduce those impacts. Therefore, even with implementation of Mitigation Measure AQ-1, construction activities that may occur from implementation of the Proposed Project would have a significant and unavoidable construction-related impact to local air quality.

Toxic Air Contaminants Impacts from Construction

The greatest potential for toxic air contaminant emissions would be related to diesel particulate matter (DPM) emissions associated with heavy equipment operations during construction of the Proposed Project. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of “individual cancer risk”. “Individual Cancer Risk” is the likelihood that a person exposed to concentrations of toxic air contaminants over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. It should be noted that the most current cancer risk assessment methodology recommends analyzing a 30 year exposure period for the nearby sensitive receptors (Vista 2020).

Given the relatively limited number of heavy-duty construction equipment, the varying distances that construction equipment would operate to the nearby sensitive receptors, and the short-term construction schedule, the Proposed Project would not result in a long-term (i.e., 30 or 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. In addition, California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449 regulates emissions from off-road diesel equipment in California. This regulation limits idling of equipment to no more than five minutes, requires equipment operators to label each piece of equipment and provide annual reports to CARB of their fleet’s usage and emissions. This regulation also requires systematic upgrading of the emission Tier level of each fleet, and currently no commercial operator is allowed to purchase Tier 0 or Tier 1 equipment and by January 2023 no commercial operator is allowed to purchase Tier 2 equipment. In addition to the purchase restrictions, equipment operators need to meet fleet average emissions targets that become more stringent each year between years 2014 and 2023. Therefore, since the majority if not all construction within the HTC Area would occur in 2023 or later, when the most stringent equipment standards will be in effect, no significant short-term toxic air contaminant impacts would occur during construction of the Proposed Project. As such, construction of the Proposed Project would result in a less than significant exposure of sensitive receptors to substantial pollutant concentrations.

Operations-Related Sensitive Receptor Impacts

The on-going operations of the Proposed Project may expose sensitive receptors to substantial pollutant concentrations of local CO emission impacts from the project-generated vehicular trips and from the potential local air quality impacts from onsite operations. The following analyzes the vehicular CO emissions. Local criteria pollutant impacts from onsite operations, and toxic air contaminant impacts.

Local CO Hotspot Impacts from Project-Generated Vehicle Trips

CO is the pollutant of major concern along roadways because the most notable source of CO is motor vehicles. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of potential impacts to sensitive receptors. The analysis provided above shows that no local CO Hotspots are anticipated to be created at any nearby intersections from the vehicle traffic generated by the Proposed Project. Therefore, operation of the Proposed Project would result in a less than significant exposure of offsite sensitive receptors to substantial pollutant concentrations.

Local Criteria Pollutant Impacts from Onsite Operations

Project-related air emissions from onsite sources such as architectural coatings, landscaping equipment, and onsite usage of natural gas appliances may have the potential to create emissions areas that exceed the State and Federal air quality standards in the Project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin. As detailed above, the Project is a repeal of a Master Plan and the adoption of proposed land use regulations, and therefore, no specific projects are being evaluated. As such it is not possible at this time assess if a significant operation-related local impact may be created from a development that may occur with implementation of the Proposed Project. Therefore, there is a potential for operation-related local air quality impact to occur from implementation of the Proposed Project.

Mitigation Measure AQ-1 has been incorporated into this analysis that requires future development projects within the HTC Area that require either earthmoving activities or extensive demolition or building construction to prepare a project specific air quality assessment that analyzes the construction and operational regional and localized air impacts created from the specific project and address all CEQA-related air quality and GHG emissions checklist questions. If the air quality assessment finds a significant impact, the air quality assessment shall develop all feasible mitigation measures that could avoid or reduce those impacts. However, even with implementation of Mitigation Measure AQ-1, a potentially significant local air quality impact could occur from operation of the Proposed Project.

Operations-Related Toxic Air Contaminant Impacts

Particulate matter (PM) from diesel exhaust is the predominant TAC in most areas and according to The California Almanac of Emissions and Air Quality 2013 Edition, prepared by CARB, about 80 percent of the outdoor TAC cancer risk is from diesel exhaust. Some chemicals in diesel exhaust, such as benzene and formaldehyde have been listed as carcinogens by State Proposition 65 and the Federal Hazardous Air Pollutants program. Due to the nominal number of diesel truck trips that are anticipated to be generated by implementation of the Proposed Project, a less than significant TAC impact would occur during the on-going operations of the Proposed Project and no mitigation would be required.

Therefore, operation of the Proposed Project would result in a less than significant exposure of sensitive receptors to substantial pollutant concentrations.

Impact 3-5-4: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The Proposed Project would not create objectionable odors affecting a substantial number of people. Individual responses to odors are highly variable and can result in a variety of effects. Generally, the impact of an odor results from a variety of factors such as frequency, duration, offensiveness, location, and sensory perception. The frequency is a measure of how often an individual is exposed to an odor in the ambient environment. The intensity refers to an individual's or group's perception of the odor strength or concentration. The duration of an odor refers to the elapsed time over which an odor is experienced. The offensiveness of the odor is the subjective rating of the pleasantness or unpleasantness of an odor. The location accounts for the type of area in which a potentially affected person lives, works, or visits; the type of activity in which he or she is engaged; and the sensitivity of the impacted receptor.

Sensory perception has four major components: detectability, intensity, character, and hedonic tone. The detection (or threshold) of an odor is based on a panel of responses to the odor. There are two types of thresholds: the odor detection threshold and the recognition threshold. The detection threshold is the lowest concentration of an odor that will elicit a response in a percentage of the people that live and work in the immediate vicinity of the Project site and is typically presented as the mean (or 50 percent of the population). The recognition threshold is the minimum concentration that is recognized as having a characteristic odor quality, this is typically represented by recognition by 50 percent of the population. The intensity refers to the perceived strength of the odor. The odor character is what the substance smells like. The hedonic tone is a judgment of the pleasantness or unpleasantness of the odor. The hedonic tone varies in subjective experience, frequency, odor character, odor intensity, and duration. Potential odor impacts have been analyzed separately for construction and operations below.

Construction-Related Odor Impacts

Potential sources that may emit odors during construction activities include the application of coatings such as asphalt pavement, paints and solvents and from emissions from diesel equipment. The objectionable odors that may be produced during the construction process would be temporary and would not likely be noticeable for extended periods of time beyond the project site's boundaries. Due to the transitory nature of construction odors, a less than significant odor impact would occur and no mitigation would be required.

Operations-Related Odor Impacts

The Proposed Project would consist of removing inconsistencies that currently exist between the HTCMP, General Plan and FBC. The proposed revisions to the HTCMP have the potential to result in slightly higher densities of non-residential land uses within the HTC, while removing the residential component within the HTC. Land uses typically associated with odors include wastewater treatment facilities, waste-disposal facilities, specialized industrial uses that include chemical manufacturing, fiberglass manufacturing, and painting/coating operations, or agricultural operations. None of these types of uses would be allowed within the HTC Area. As such, the Project's long-term operational activities are not anticipated to create odor emissions that would generate numerous odor complaints. Therefore, a less than significant odor impact would occur from operation of the Proposed Project and no mitigation would be required.

Mitigation Measures

MM AQ-1: All land use development projects within the HTC Area that require either earthmoving activities or extensive demolition or building construction shall prepare a project specific air quality assessment that analyzes the construction and operational regional and localized air impacts created from the specific project and addresses all CEQA-related air quality and greenhouse gas emissions checklist questions. If the air quality assessment finds a significant impact, the air quality assessment shall develop all feasible mitigation measures that could avoid or reduce those impacts.

3.5.5 Residual Impacts After Mitigation

Even with implementation of MM CUL-1, air quality impacts would remain significant and unavoidable.

3.6 CULTURAL RESOURCES

This section provides a discussion of the existing cultural and historic resources on the site and an analysis of potential impacts that may occur as a result of repealing the HTCMP and adoption of the elements identified in Chapter 2. A portion of the information and analysis in this section is based on the Historic Resources Preliminary Potential Visual Impact Assessment Report for the Proposed Project completed by Justin Castells at PaleoWest in December 2019. The report summarizes the methods and results of the historic resources preliminary potential visual impacts investigation. This investigation included conducting a records search at the South Central Coastal Information Center (SCCIC) to identify all previously recorded historic-built environment resources located within the Project area. The report is included as Appendix D.

3.6.1 Introduction

The Project area is located near the confluence of Oso Creek and Trabuco Creek; and south of the Project area, Trabuco Creek merges into San Juan Creek. It is likely that these creeks were more abundant during the prehistoric period, offering a year-round water source for human occupation, as well as vegetation and wildlife. Prehistoric peoples living in the area were Encinitas Tradition, Topanga Cultural Pattern groups. Approximately 1,300 years before present (BP) the Encinitas Tradition, Topanga Pattern groups were replaced by a new archaeological entity, a Palomar Tradition, San Luis Cultural Pattern group representing ancestral Acjachemen (City 2011).

The San Juan Capistrano region was home to the Acagchermen, or Juaneno, people for centuries prior to the arrival of the Spanish in 1776. In 1776 Franciscan missionaries led by Junipero Serra established Mission San Juan Capistrano in the Capistrano Valley. The mission prospered and exerted increasing control over the local Native American population over time. After Mexico won its independence from Spain in 1821, mission lands were absorbed by the new government through the Secularization Act of 1833. Mission lands were sold or awarded to Mexican citizens and later American investors. By 1841 the community of San Juan Capistrano was declared a pueblo instead of a religious parish and shortly after the mission lands were sold to John Forster (City 1999).

After the end of the Mexican-American War in 1848 California became a territory of the United States and was granted statehood in 1850. In 1860 the United States government returned the San Juan Capistrano mission lands to the Catholic church. The community of San Juan Capistrano grew slowly, but the arrival of the railroad in 1881 opened the community to significant growth and change. In the early 1900s, San Juan Capistrano and its mission began to become a tourist destination. The mission itself, which had been in decline for years, began to recover under the leadership of Father John O'Sullivan in 1910. The community of San Juan Capistrano incorporated as a general law city on April 19, 1961 (City 1999).

3.6.2 Regulatory Setting

Section 106 of the National Historic Preservation Act

Were federal funds to be used to execute the proposed improvement, the project would be a federally licensed "undertaking" per 36 Code of Federal Regulations (CFR) 800.2(o) and subject to compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (Section 106). Under this regulation, federal agencies are required to identify cultural resources that may be affected by their project actions, assess the significance of these resources and their eligibility for inclusion on the National

Register of Historic Places (NRHP) as per 16 USC 470w(5), and consult with the Advisory Council on Historic Preservation regarding project effects on significant resources. Eligibility is based on criteria defined by the Department of the Interior. Generally, districts, archaeological sites, buildings, structures, and objects that possess integrity are potentially eligible for inclusion in the NRHP under the following criteria:

- a) That are associated with events that have made a significant contribution to the broad patterns of our history;
- b) That are associated with the lives of persons significant in our past;
- c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) That have yielded, or may be likely to yield, information important in prehistory or history [36 CFR 60.4]

If a cultural resource is determined to be an eligible historic property under 36 CFR 60.4, then Section 106 requires that the effects of the proposed undertaking be assessed and considered in planning the undertaking, this includes potential visual impacts to previously recorded historic resource in the surrounding area.

To be listed in the NRHP, a property must not only be shown to be significant under the NRHP criteria, but it also must have integrity. Integrity is the ability of a property to convey its significance. The seven aspects of integrity are location, design, setting, materials, workmanship, feeling, and association. For a property to be eligible, it must retain some, if not most, of the aspects.

California Environmental Quality Act

Compliance with the California Environmental Quality Act (CEQA) statutes and guidelines requires both public and private projects with financing or approval from a public agency to assess the project's impact on cultural resources (Public Resources Code Section 21082, 21083.2 and 21084 and California Code of Regulations 10564.5). The first step in the process is to identify cultural resources that may be impacted by the project and then determine whether the resources are "historically significant" resources.

CEQA defines historically significant resources as "resources listed or eligible for listing in the California Register of Historical Resources (CRHR)" (Public Resources Code Section 5024.1). A cultural resource may be considered historically significant if the resource is 45 years old or older, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and meets any of the following criteria for listing on the CRHR:

- 1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- 2. Is associated with the lives of persons important in our past;
- 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,

4. Has yielded, or may be likely to yield, information important in prehistory or history (Public Resources Code Section 5024.1).

The CRHR recognizes a property's historic integrity through seven aspects or qualities. These include location, design, setting, materials, workmanship, feeling, and association. For a property to be eligible, it must retain some, if not most, of the aspects.

Cultural resources are buildings, sites, humanly modified landscapes, traditional cultural properties, structures, or objects that may have historical, architectural, cultural, or scientific importance. CEQA states that if a project will have a significant impact on important cultural resources, deemed "historically significant," then project alternatives and mitigation measures must be considered. Additionally, any proposed project that may affect historically significant cultural resources must be submitted to the State Historic Preservation Officer (SHPO) for review and comment prior to project approval by the responsible agency and prior to construction.

City of San Juan Capistrano Historic and Cultural Landmarks

The City of San Juan Capistrano maintains an Inventory of Historic and Cultural Landmarks (Local Register) which consists of a list of structures and sites within the City that have been deemed historically and/or culturally significant at a local level, due to their architectural style and condition; association with historic persons; and/or association with historic events. Potential eligibility of a property for inclusion on the Local Register is considered based on the following three criteria:

1. A historic building, object or site is one which has been found to have significance to the community as a whole and has been officially designated on the Inventory of Historic and Cultural Landmarks by resolution of the City Council as being worthy of public interest and protection.
2. A historic district is a collection of buildings or sites which, although perhaps not all qualifying individually, as a group they have been found to have significance to the community as a whole and have also been officially designated on the Inventory of Historic and Cultural Landmarks by resolution of the City Council as being worthy of public interest and protection.
3. A building or site of distinction is one which is unique and of interest to the community as a whole and may be potentially historic. Due to perhaps age or alteration, some may not qualify for more formal designation and protection. Others may qualify for more formal designation and protection when the owner desires to have the building or site considered for designation.

3.6.3 Existing Environmental Setting

A records search was conducted at the SCCIC at California State University, Fullerton on April 2, 2019. This inventory effort included the Project area and a 0.25-mile radius around the Project Area, collectively termed the Project study area. The objective of this records search was to identify historic-period built environment resources that have been previously recorded within the study area during prior cultural resource investigations.

National Register of Historic Places/California Register of Historic Resources

The SCCIC search included a review of all recorded historic-period built environment resources on file for the area. The results from the information center indicated that 40 historic-period built environment resources were previously identified within the 0.25-mile search radius. Of the 40 previously identified historic-period built environment resources, the SCCIC indicated that 34 are located within the Project area. Of the 34 identified within the Project area, 15 are eligible for/listing on the NRHP. No resources identified were eligible only for the CRHR. Additional research indicates that one additional NRHP eligible/listing property is located within the Project area that was not identified in the records search (Manuel Garcia Adobe/ 31861 Camino Capistrano). Table 3-6 below, as well as Figure 4-1 of the Historic Resources Preliminary Potential Visual Impact Assessment Report (Appendix D) provide information regarding the historic-period built environment resources (PaleoWest 2019).

Table 3-6: NRHP Eligible/Listed Historic Built Environment Resources within the HTC Area

Primary No.	Name/Address	NRHP Eligibility
P-30-160088	Mission San Juan Capistrano.26801 Ortega Highway and 31522 Camino Capistrano	NRHP Listed
P-30-160106	Montenez Adobe/31745 Los Rios Street	NRHP Listed
P-30-160107	Rios Adobe/3178 Los Rios Street	NRHP Eligible
P-30-160120	Santa Fe Depot/26701 Verdugo Street	NRHP Eligible
P-30-160122	River Street	NRHP Eligible
P-30-160123	Los Rios Street Historic District	NRHP Listed
P-30-160127	Domingo Yorba Adobe/31871 Camino Capistrano	NRHP Listed
P-30-160128	Blas Aguilar Adobe (Casa De Esperanza)/31806 El Camino Real	NRHP Listed
P-30-160130	Judge Richard Egan Residence/31829 Camino Capistrano	NRHP Listed
P-30-161915	Esslinger Building/31866 Camino Capistrano	NRHP Listed
P-30-176615	Hot Springs Road/Ortega Highway	NRHP Listed
P-30-177705	Stroschein House/31682 El Camino Real	NRHP Listed
P-30-177432	El Peaon Complex/Ferris Kelley Buildings/26822, 26832, 26842 Ortega Highway; 31752, 31754, 31762 Camino Capistrano	NRHP Eligible
P-30-177441	Los Rios Street	NRHP Listed

Primary No.	Name/Address	NRHP Eligibility
P-30-177442	Nick's Café, Mexico Lindo, Vaquero West	NRHP Eligible
	Manuel Garcia Adobe/31861 Camino Capistrano	NRHP Listed

Local Register

As of October 2018, which represents the most recent listing of historic and cultural landmarks available at the time of this EIR, the Local register includes 40 individual properties, six historic districts, and four historic streets. Of these resources listed on the Local Register 28 are located within the Project area. Table 3-7 below, as well as Figure 4-2 of the Historic Resources Preliminary Potential Visual Impact Assessment Report (Appendix D) provide information regarding the historic-period built environment resources (PaleoWest 2019).

Table 3-7: Local Register Listed Historic Built Environment Resources within the HTC Area

Local Register No.	Name/Address
P1	Mission San Juan Capistrano/26801 Ortega Highway and 31522 Camino Capistrano
P2	Rios Adobe/3178 Los Rios Street
P3	Montenez Adobe/31745 Los Rios Street
P4	Silvas Adobe/31861 Los Rios Street
P8	Blas Aguilar Adobe (Casa de Esperanza)/31806 El Camino Real
P9	Manuel Garcia Adobe/31861 Camino Capistrano
P10	Burrel Adobe Ruins/El Camino Real and Forster Street
P11	Domingo Yorba Adobe/31871 Camino Capistrano
P12	Juan Avila Adobe/31831 Camino Capistrano
P13	El Adobe Restaurant/Juzgado/Jose Antonio Yorba Adobe/31891 Camino Capistrano
P14	Santa Fe Depot/26701 Verdugo Street
P15	Judge Richard Egan Residence/31829 Camino Capistrano
P16	Buddy Forster Residence/31721 Los Rios Street

Local Register No.	Name/Address
P17	Frank A. Forster Mansion/27182 Ortega Highway
P18	The Jose Dolores Garcia/Albert Pryor House/31831 Los Rios Street
P26	English/Hardy House/26652 Ramos Street
P28	Community Christian Church/31612 El Camino Real
P30	Stroschein House/31682 El Camino Real
P31	Esslinger Building/31866 Camino Capistrano
P32	El Peaon Complex/Ferris Kelly Buildings/26822, 26832, 26842 Ortega Highway; 31752, 31754, 31762 Camino Capistrano
P39	Arley Leck House/31865 Los Rios Street
D3	River Street (located in Los Rios Historic District)
D5	Los Rios Historic District
D6	Little Hollywood/31362 and 31342 Ramos Street, 26604 Mission Street
S1	Los Rios Street (from Del Obispo Street to Mission Street)
S2	El Camino Real (from Ortega Highway to Del Obispo Street)
S3	Camino Capistrano (from Ortega Highway to Del Obispo Street)
S4	Spring Street (from El Camino Real to east terminus at I-5)
*P# indicated property, D# indicates district, S# indicates street	

Pedestrian Survey

Please see Section 3.5.1 for a description and examples of viewsheds within the Project area.

3.6.4 Impacts and Mitigation

Impact 3.6-1: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

With implementation of the Proposed Project, the HTCMP and FBC would be repealed, which could have the potential to affect the protections formerly afforded to historic resources in the HTCMP. The intent of

the HTCMP was “to ensure that the historic character and function of the Town Center as the civic and commercial heart of the City is preserved, enhanced and expanded over time” (City 2010, page 2). However, in order to retain the elements that provided protections to historic resources, the Proposed Project includes height and setback requirements as noted in Section 2.2, above, that will continue to protect the integrity of the historic buildings in the HTC area.

Based on a review of previously recorded historic built environment resources and observations made during the April 23, 2019 field visit, PaleoWest determined that buildings constructed 45-feet in height would likely result in some level of visual impact on historic built environment resources within the Project area. The NRHP recognizes a property's historic integrity through seven aspects or qualities. These include location, design, setting, materials, workmanship, feeling, and association. For a property to be eligible, it must retain some, if not most, of the aspects. Buildings 45-feet in height or taller are inconsistent in massing to the Project area and may fundamentally affect the integrity of setting and feeling for NRHP eligible/listed historic built environment resources and well as properties listed on the Local Register. With the Proposed Project, building heights would be limited to 45-feet for three-story hotel buildings only. As with other future projects, three-story hotel buildings of 45-feet in height would be required to go through City review and CEQA review processes to evaluate impacts. Site-specific development plans are required to evaluate the impacts of three-story hotel buildings within the Project area and complete a historic resource evaluation to provide an updated historic integrity determination of nearby designated historic sites. Appropriate mitigation measures to reduce impacts of these hotel buildings on historic structures include CUL-1, below. Considerations such as the proximity of the Proposed Project to historic resources and the design of the project must be taken into consideration in order to accurately assess the project's impact on historic resources. This impact is considered potentially significant; and even with implementation of mitigation measures CUL-1, noted below, impacts to historic resources would be significant and unavoidable.

Other aspects of the Proposed Project include removing the potential for residential uses in the HTC area, an increase in the allowable FAR, adopting FBC language into the Zoning Code, increasing required setbacks from historic buildings, and readopting and affirming the Park Once Program. Although residential uses were proposed in the HTCMP, the HTC area does not include residential uses. These, residential units allowed under the HTCMP would vary in massing and aesthetic value and would likely contrast with the neighboring historic buildings thereby adversely impacting aesthetic views of the surrounding historic resources. These adverse aesthetic impacts to views of the existing historic resources would not occur under the Proposed Project. The HTCMP EIR provided a mitigation measure to reduce impacts to historic structures, MM-CLT-1. This mitigation measure requires site specific CEQA review, historic resource evaluation, compliance with stringent design guidelines for sites adjacent to any such historic resources, and site specific measures include but are not limited to re-orienting or adjusting the location of proposed buildings or improvements; incorporating features and elements consistent with architectural design guidelines; reducing the height and/or massing of the proposed structure or building; increased setbacks and screening of the structure with native trees. The HTCMP MM-CLT-1 mitigation measure is retained under the Proposed Project as CUL-1, and, therefore, would continue to afford protection of the existing historic resources. .

The increase in allowable FAR would encourage a more village-scaled development and would largely impact the interior uses of buildings; therefore, the increase in allowable FAR would not have a significant impact on historic resources. Adopting previous FBC language into the Zoning Code would not result in any changes to existing conditions, except for the repeal of the FBC. The repeal of the FBC and revising of the Zoning Code would not result in changes to physical conditions of the Project area and would not

result in significant impacts to historic resources. The increase in required setbacks from historic buildings, including requiring a foot of setback for every foot in height of the building, would have a positive impact on historic resources by requiring additional setbacks from existing conditions. With the new setback requirements, designated historic buildings within the HTC and HTCMP areas would be further protected for future development. Lastly, the re-adoption and affirming of the Park Once Program would not cause any significant impacts to historic resources, as this would not result in a physical change from existing conditions.

Although the FAR, Zoning Code, setbacks, and Park Once Program components of the Proposed Project would not result in significant impacts, the Proposed Project's allowance of three-story hotel buildings to be 45-feet in height would result in significant unavoidable impacts.

Mitigation Measures

- CUL-1:** Prior to the approval of discretionary entitlements and associated CEQA review for future site-specific development associated with the Project area that either 1) impacts an historic structure or 2) is located adjacent to an historic structure, the project applicant shall complete, or cause to be completed the following:
- a. Prepare a historic resources evaluation to provide an updated historic integrity evaluation of the historic site pursuant to the requirements of the CEQA Guidelines, the National Register of Historic Places criteria and the Secretary of the Interior's Guidelines for Architectural and Engineering Documentation (often referred to as "HABS documentation"). In the event the evaluation concludes the site retains its historic integrity, the requirements governing the significance of impacts and mitigation of impacts to historical resources set forth in CEQA Guidelines Sections 15064.5 (b) and 15126.4(b) shall be addressed in the CEQA document prepared for the project. In the event the evaluation concludes the site does not retain its integrity, then the City shall submit the report to the California Office of Historic Preservation for a concurrence determination pursuant to National Register of Historic Places procedures.
 - b. For buildings or improvements proposed adjacent to an historic structure listed in the National Register of Historic Places, site-specific development plans shall be evaluated to determine if the design of the proposed structures is compatible with the adjacent historic resource in accordance with the Secretary of the Interior's Standards and CEQA Guidelines Section 15064.5(b) and 15126.4(b). Stringent design guidelines shall be required for projects located adjacent to historic buildings taking into account the potential for indirect and visual impacts. Mitigation measures must be recommended and incorporated into future site specific projects to reduce indirect visual impacts as part of the discretionary entitlement and CEQA review process. Specific measures may include but are not limited to re-orienting or adjusting the location of proposed buildings or improvements; incorporating features and elements consistent with architectural design guidelines; reducing the height and/or massing of the proposed structures or buildings; increased setbacks and screening of the structure with native trees.

3.6.5 Residual Impacts After Mitigation

Even with implementation of MM CUL-1, impacts would remain significant and unavoidable.

3.6.6 Cumulative Impacts

As described above, potential impacts related to historical resources would be significant and unavoidable even with the implementation of existing requirements and mitigation measures. Future construction projects in the area that increase local population will lead to accelerated degradation of the cultural resources, including historical resources. However, each development proposal received by the City undergoes environmental review and would be subject to the same resource protection requirements as the Proposed Project. If there is a potential for significant impacts on historic resources, an investigation will be required to determine the nature and extent of the resources and identify appropriate mitigation measures such as mitigation measure MM-CUL-1

3.7 GREENHOUSE GAS EMISSIONS

This section provides a discussion of the potential greenhouse gas emissions impacts due to the Proposed Project implementation and build-out. The information in this section is based off of the Air Quality and Greenhouse Gas (GHG) Emissions Impact Analysis (Appendix C) prepared by Vista Environmental in May 2020.

3.7.1 Introduction

Constituent gases of the Earth's atmosphere, called atmospheric greenhouse gases (GHGs), play a critical role in the Earth's radiation amount by trapping infrared radiation from the Earth's surface, which otherwise would have escaped to space. Prominent greenhouse gases contributing to this process include carbon dioxide (CO₂), methane (CH₄), ozone (O₃), water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). This phenomenon, known as the Greenhouse Effect, is responsible for maintaining a habitable climate. Anthropogenic (caused or produced by humans) emissions of these greenhouse gases in excess of natural ambient concentrations are responsible for the enhancement of the Greenhouse Effect and have led to a trend of unnatural warming of the Earth's natural climate, known as global warming or climate change. Emissions of gases that induce global warming are attributable to human activities associated with industrial/manufacturing, agriculture, utilities, transportation, and residential land uses. Emissions of CO₂ and N₂O are byproducts of fossil fuel combustion. Methane, a potent greenhouse gas, results from off-gassing associated with agricultural practices and landfills. Sinks of CO₂, where CO₂ is stored outside of the atmosphere, include uptake by vegetation and dissolution into the ocean. The following provides a description of each of the greenhouse gases and their global warming potential.

Water Vapor

Water vapor is the most abundant, important, and variable GHG in the atmosphere. Water vapor is not considered a pollutant; in the atmosphere it maintains a climate necessary for life. Changes in its concentration are primarily considered a result of climate feedbacks related to the warming of the atmosphere rather than a direct result of industrialization. The feedback loop in which water is involved is critically important to projecting future climate change. As the temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity can be higher (in essence, the air is able to "hold" more water when it is warmer), leading to more water vapor in the atmosphere. As a GHG, the higher concentration of water vapor is then able to absorb more thermal indirect energy radiated from the Earth, thus further warming the atmosphere. The warmer atmosphere can then hold more water vapor and so on and so on. This is referred to as a "positive feedback loop." The extent to which this positive feedback loop will continue is unknown as there is also dynamics that put the positive feedback loop in check. As an example, when water vapor increases in the atmosphere, more of it will eventually also condense into clouds, which are more able to reflect incoming solar radiation (thus allowing less energy to reach the Earth's surface and heat it up).

Carbon Dioxide

The natural production and absorption of CO₂ is achieved through the terrestrial biosphere and the ocean. However, humankind has altered the natural carbon cycle by burning coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700s, each of these activities has increased in scale and

distribution. CO₂ was the first GHG demonstrated to be increasing in atmospheric concentration with the first conclusive measurements being made in the last half of the 20th century. Prior to the industrial revolution, concentrations were fairly stable at 280 parts per million (ppm). The International Panel on Climate Change (IPCC) indicates that concentrations were 379 ppm in 2005, an increase of more than 30 percent. Left unchecked, the IPCC projects that concentration of carbon dioxide in the atmosphere is projected to increase to a minimum of 540 ppm by 2100 as a direct result of anthropogenic sources. This could result in an average global temperature rise of at least two degrees Celsius or 3.6 degrees Fahrenheit.

Methane

CH₄ is an extremely effective absorber of radiation, although its atmospheric concentration is less than that of CO₂. Its lifetime in the atmosphere is brief (10 to 12 years), compared to some other GHGs (such as CO₂, N₂O, and Chlorofluorocarbons (CFCs)). CH₄ has both natural and anthropogenic sources. It is released as part of the biological processes in low oxygen environments, such as in swamplands or in rice production (at the roots of the plants). Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of methane. Other anthropocentric sources include fossil-fuel combustion and biomass burning.

Nitrous Oxide

Concentrations of N₂O also began to rise at the beginning of the industrial revolution. In 1998, the global concentration of this GHG was documented at 314 parts per billion (ppb). N₂O is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. N₂O is also commonly used as an aerosol spray propellant (i.e., in whipped cream bottles, in potato chip bags to keep chips fresh, and in rocket engines and race cars).

Chlorofluorocarbons

CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane (C₂H₆) with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs have no natural source, but were first synthesized in 1928. They were used for refrigerants, aerosol propellants, and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and in 1989 the European Community agreed to ban CFCs by 2000 and subsequent treaties banned CFCs worldwide by 2010. This effort was extremely successful, and the levels of the major CFCs are now remaining level or declining. However, their long atmospheric lifetimes mean that some of the CFCs will remain in the atmosphere for over 100 years.

Hydrofluorocarbons

HFCs are synthetic man-made chemicals that are used as a substitute for CFCs. Out of all the GHGs, they are one of three groups with the highest global warming potential. The HFCs with the largest measured atmospheric abundances are (in order), HFC-23 (CHF₃), HFC-134a (CF₃CH₂F), and HFC-152a (CH₃CHF₂). Prior to 1990, the only significant emissions were HFC-23. HFC-134a use is increasing due to its use as a refrigerant. Concentrations of HFC-23 and HFC-134a in the atmosphere are now about 10 parts per trillion

(ppt) each. Concentrations of HFC-152a are about 1 ppt. HFCs are manmade for applications such as automobile air conditioners and refrigerants.

Perfluorocarbons

Perfluorocarbons (PFCs) have stable molecular structures and do not break down through the chemical processes in the lower atmosphere. High-energy ultraviolet rays about 60 kilometers above Earth's surface are able to destroy the compounds. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF₄) and hexafluoroethane (C₂F₆). Concentrations of CF₄ in the atmosphere are over 70 ppt. The two main sources of PFCs are primary aluminum production and semiconductor manufacturing.

Sulfur Hexafluoride

Sulfur Hexafluoride (SF₆) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. SF₆ has the highest global warming potential of any gas evaluated; 23,900 times that of CO₂. Concentrations in the 1990s were about 4 ppt. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

Aerosols

Aerosols are particles emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light. Cloud formation can also be affected by aerosols. Sulfate aerosols are emitted when fuel containing sulfur is burned. Black carbon (or soot) is emitted during biomass burning due to the incomplete combustion of fossil fuels. Particulate matter regulation has been lowering aerosol concentrations in the United States; however, global concentrations are likely increasing.

3.7.2 Regulatory Setting

The regulatory setting related to global climate change is addressed through the efforts of various international, federal, state, regional, and local government agencies. These agencies work jointly, as well as individually, to reduce GHG emissions through legislation, regulations, planning, policy-making, education, and a variety of programs. The agencies responsible for global climate change regulations are discussed below.

International

In 1988, the United Nations established the Intergovernmental Panel on Climate Change (IPCC) to evaluate the impacts of global climate change and to develop strategies that nations could implement to curtail global climate change. In 1992, the United States joined other countries around the world in signing the United Nations' Framework Convention on Climate Change (UNFCCC) agreement with the goal of controlling GHG emissions. The parties of the UNFCCC adopted the Kyoto Protocol, which set binding GHG reduction targets for 37 industrialized countries, the objective of reducing their collective GHG emissions by five percent below 1990 levels by 2012. The Kyoto Protocol has been ratified by 182 countries, but has not been ratified by the United States. It should be noted that Japan and Canada opted out of the Kyoto Protocol and the remaining developed countries that ratified the Kyoto Protocol have not met their Kyoto

targets. The Kyoto Protocol expired in 2012 and the amendment for the second commitment period from 2013 to 2020 has not yet entered into legal force. The Parties to the Kyoto Protocol negotiated the Paris Agreement in December 2015, agreeing to set a goal of limiting global warming to less than 2 degrees Celsius compared with pre-industrial levels. The Paris Agreement has been adopted by 195 nations with 147 ratifying it, including the United States by President Obama, who ratified it by Executive Order on September 3, 2016. On June 1, 2017, President Trump announced that the United States is withdrawing from the Paris Agreement, however the Paris Agreement is still legally binding by the other remaining nations.

Additionally, the Montreal Protocol was originally signed in 1987 and substantially amended in 1990 and 1992. The Montreal Protocol stipulates that the production and consumption of compounds that deplete ozone in the stratosphere—CFCs, halons, carbon tetrachloride, and methyl chloroform—were to be phased out, with the first three by the year 2000 and methyl chloroform by 2005.

Federal – United States Environmental Protection Agency

The United States Environmental Protection Agency (EPA) is responsible for implementing federal policy to address global climate change. The Federal government administers a wide array of public-private partnerships to reduce U.S. GHG intensity. These programs focus on energy efficiency, renewable energy, methane, and other non-CO₂ gases, agricultural practices and implementation of technologies to achieve GHG reductions. EPA implements several voluntary programs that substantially contribute to the reduction of GHG emissions.

In *Massachusetts v. Environmental Protection Agency* (Docket No. 05–1120), argued November 29, 2006 and decided April 2, 2007, the U.S. Supreme Court held that not only did the EPA have authority to regulate greenhouse gases, but the EPA's reasons for not regulating this area did not fit the statutory requirements. As such, the U.S. Supreme Court ruled that the EPA should be required to regulate CO₂ and other greenhouse gases as pollutants under the federal Clean Air Act (CAA).

In response to the FY2008 Consolidations Appropriations Act (H.R. 2764; Public Law 110-161), EPA proposed a rule on March 10, 2009 that requires mandatory reporting of GHG emissions from large sources in the United States. On September 22, 2009, the Final Mandatory Reporting of GHG Rule was signed and published in the Federal Register on October 30, 2009. The rule became effective on December 29, 2009. This rule requires suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions to submit annual reports to EPA.

On December 7, 2009, the EPA Administrator signed two distinct findings under section 202(a) of the Clean Air Act. One is an endangerment finding that finds concentrations of the six GHGs in the atmosphere threaten the public health and welfare of current and future generations. The other is a cause or contribute finding, that finds emissions from new motor vehicles and new motor vehicle engines contribute to the GHG pollution which threatens public health and welfare. These actions did not impose any requirements on industry or other entities, however, since 2009 the EPA has been providing GHG emission standards for vehicles and other stationary sources of GHG emissions that are regulated by the EPA. On September 13, 2013 the EPA Administrator signed 40 CFR Part 60, that limits emissions from new sources to 1,100 pounds of CO₂ per MWh for fossil fuel-fired utility boilers and 1,000 pounds of CO₂ per MWh for large natural gas-fired combustion units.

On August 3, 2015, the EPA announced the Clean Power Plan, emissions guidelines for U.S. states to follow in developing plans to reduce GHG emissions from existing fossil fuel-fired power plants (Federal Register Vol. 80, No. 205, October 23, 2015). On February 9, 2016 the Supreme Court stayed implementation of the Clean Power Plan due to a legal challenge from 29 states and in April 2017, the Supreme Court put the case on a 60 day hold and directed both sides to make arguments for whether it should keep the case on hold indefinitely or close it and remand the issue to the EPA. On October 11, 2017, the EPA issued a formal proposal to repeal the Clean Power Plan and on June 19, 2019, the EPA issued the Affordable Clean Energy Rule that replaces the Clean Power Plan.

On September 27, 2019, the EPA and the National Highway Safety Administration published the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks (SAFE Vehicles Rule). Part One of the Rule revokes California's authority to set its own GHG emissions standards and zero-emission vehicle mandates in California, which results in one emission standard to be used nationally for all passenger cars and light trucks that is set by the EPA.

State

The California Air Resources Board (CARB) has the primary responsible for implementing state policy to address global climate change, however there are State regulations related to global climate change that affect a variety of State agencies. CARB, which is a part of the California Environmental Protection Agency, is responsible for the coordination and administration of both the federal and state air pollution control programs within California. In this capacity, the CARB conducts research, sets California Ambient Air Quality Standards (CAAQS), compiles emission inventories, develops suggested control measures, provides oversight of local programs, and prepares the SIP. In addition, the CARB establishes emission standards for motor vehicles sold in California, consumer products (e.g. hairspray, aerosol paints, and barbecue lighter fluid), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions.

In 2008, CARB approved a Climate Change Scoping Plan that proposes a "comprehensive set of actions designed to reduce overall carbon GHG emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health" (CARB 2008). The Climate Change Scoping Plan has a range of GHG reduction actions which include direct regulations; alternative compliance mechanisms; monetary and non-monetary incentives; voluntary actions; market-based mechanisms such as a cap-and-trade system. In 2014, CARB approved the First Update to the Climate Change Scoping Plan (CARB, 2014) that identifies additional strategies moving beyond the 2020 targets to the year 2050. On December 14, 2017 CARB adopted the California's 2017 Climate Change Scoping Plan, November 2017 (CARB, 2017) that provides specific statewide policies and measures to achieve the 2030 GHG reduction target of 40 percent below 1990 levels by 2030 and the aspirational 2050 GHG reduction target of 80 percent below 1990 levels by 2050. In addition, the State has passed the following laws directing CARB to develop actions to reduce GHG emissions, which are listed below in chronological order, with the most current first.

California Code of Regulations (CCR) Title 24, Part 6

CCR Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24) were first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The California Energy Commission (CEC) is the agency responsible for the standards that are updated periodically to allow consideration and possible incorporation of new energy efficiency

technologies and methods. In 2008 the State set an energy-use reduction goal of zero-net-energy use of all new homes by 2020 and the CEC was mandated to meet this goal through revisions to the Title 24, Part 6 regulations.

The Title 24 standards are updated on a three-year schedule and since 2008 the standards have been incrementally moving to the 2020 goal of the zero-net-energy use. Currently the 2019 Title 24 standards are in effect and have been designed so that the average new home built in California will now use zero-net-energy. Single-family homes built with 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards. The 2019 standards also now require that all single-family homes to have rooftop solar photovoltaic systems and when the solar systems are factored in, homes built under the 2019 standards will use about 53 percent less energy than homes built under the prior 2016 standards. In addition to requiring rooftop solar systems, the 2019 standards also encourage the use of battery storage and heat pump water heaters, require the more widespread use of LED lighting, as well as improve the building's thermal envelope through high performance attics, walls and windows. The 2019 standards also require improvements to ventilation systems by requiring highly efficient air filters to trap hazardous air particulates as well as improvements to kitchen ventilation systems. (Vista 2020)

California Code of Regulations (CCR) Title 24, Part 11

CCR Title 24, Part 11: California Green Building Standards (CalGreen) was developed in response to continued efforts to reduce GHG emissions associated with energy consumption. The CalGreen Building Standards are also updated every three years and the current version is the 2019 California Green Building Standards Code, which became effective on January 1, 2020.

The CALGreen Code contains requirements for construction site selection; storm water control during construction; construction waste reduction; indoor water use reduction; material selection; natural resource conservation; site irrigation conservation; and more. The code provides for design options allowing the designer to determine how best to achieve compliance for a given site or building condition. The code also requires building commissioning, which is a process for verifying that all building systems (e.g., heating and cooling equipment and lighting systems) are functioning at their maximum efficiency.

The CALGreen Code provides standards for bicycle parking, carpool/vanpool/electric vehicle spaces, light and glare reduction, grading and paving, energy efficient appliances, renewable energy, graywater systems, water efficient plumbing fixtures, recycling and recycled materials, pollutant controls (including moisture control and indoor air quality), acoustical controls, storm water management, building design, insulation, flooring, and framing, among others. Implementation of the CALGreen Code measures reduces energy consumption and vehicle trips and encourages the use of alternative-fuel vehicles, which reduces pollutant emissions.

Some of the notable changes in the 2019 CALGreen Code over the current 2016 CALGreen Code include: an alignment of building code engineering requirements with the national standards that include anchorage requirements for solar panels, provides design requirements for buildings in tsunami zones, increases Minimum Efficiency Reporting Value (MERV) for air filters from 8 to 13, increased electric vehicle charging requirements in parking areas, and sets minimum requirements for use of shade trees.

Senate Bill 100

Senate Bill 100 (SB 100) was adopted September 2018 and requires that by December 1, 2045 that 100 percent of retail sales of electricity to be generated from renewable or zero-carbon emission sources of electricity. SB 100 supersedes the renewable energy requirements set by SB 350, SB 1078, SB 107, and SB X1-2. However, the interim renewable energy thresholds from the prior Bills of 44 percent by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030, will remain in effect.

Executive Order B-48-18 and Assembly Bill 2127

The California Governor issued Executive Order B-48-18 on January 26, 2018 that orders all state entities to work with the private sector to put at least five million zero-emission vehicles on California roads by 2030 and to install 200 hydrogen fueling stations and 250,000 electric vehicle chargers by 2025. Currently there are approximately 350,000 electric vehicles operating in California, which represents approximately 1.5 percent of the 24 million vehicles total currently operating in California. Implementation of Executive Order B-48-18 would result in approximately 20 percent of all vehicles in California to be zero emission electric vehicles. Assembly Bill 2127 (AB 2127) was codified into statute on September 13, 2018 and requires that the California Energy Commission working with the State Air Resources Board prepare biannual assessments of the statewide electric vehicle charging infrastructure needed to support the levels of zero emission vehicle adoption required for the State to meet its goals of putting at least 5 million zero-emission vehicles on California roads by 2030.

Executive Order B-30-15, Senate Bill 32 and Assembly Bill 197

The California Governor issued Executive Order B-30-15 on April 29, 2015 that aims to reduce California's GHG emissions 40 percent below 1990 levels by 2030. This executive order aligns California's GHG reduction targets with those of other international governments, such as the European Union that set the same target for 2030 in October 2014. This target will make it possible to reach the ultimate goal of reducing GHG emissions 80 percent under 1990 levels by 2050 that is based on scientifically established levels needed in the U.S.A to limit global warming below 2 degrees Celsius – the warming threshold at which scientists say there will likely be major climate disruptions such as super droughts and rising sea levels. Assembly Bill 197 (AB 197) (September 8, 2016) and Senate Bill 32 (SB 32) (September 8, 2016) codified into statute the GHG emissions reduction targets of at least 40 percent below 1990 levels by 2030 as detailed in Executive Order B-30-15. AB 197 also requires additional GHG emissions reporting that is broken down to sub-county levels and requires CARB to consider the social costs of emissions impacting disadvantaged communities.

Executive Order B-29-15

The California Governor issued Executive Order B-29-15 on April 1, 2015 and directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in urban water usage and directed the Department of Water Resources to replace 50 million square feet of lawn with drought tolerant landscaping through an update to the State's Model Water Efficient Landscape Ordinance. The Ordinance also requires installation of more efficient irrigation systems, promotion of greywater usage and onsite stormwater capture, and limits the turf planted in new residential landscapes to 25 percent of the total area and restricts turf from being planted in median strips or in parkways unless the parkway is next to a parking strip and a flat surface is required to enter and exit vehicles. Executive Order B-29-15 would reduce GHG emissions associated with the energy used to transport and filter water.

Assembly Bill 341 and Senate Bills 939 and 1374

Senate Bill 939 (SB 939) requires that each jurisdiction in California to divert at least 50 percent of its waste away from landfills, whether through waste reduction, recycling or other means. Senate Bill 1374 (SB 1374) requires the California Integrated Waste Management Board to adopt a model ordinance by March 1, 2004 suitable for adoption by any local agency to require 50 to 75 percent diversion of construction and demolition of waste materials from landfills. Assembly Bill 341 (AB 341) was adopted in 2011 and builds upon the waste reduction measures of SB 939 and 1374, and sets a new target of a 75 percent reduction in solid waste generated by the year 2020.

Senate Bill 375

Senate Bill 375 (SB 375) was adopted September 2008 in order to support the State's climate action goals to reduce GHG emissions through coordinated regional transportation planning efforts, regional GHG emission reduction targets, and land use and housing allocation. SB 375 requires CARB to set regional targets for GHG emissions reductions from passenger vehicle use. In 2010, CARB established targets for 2020 and 2035 for each Metropolitan Planning Organizations (MPO) within the State. It was up to each MPO to adopt a sustainable communities strategy (SCS) that will prescribe land use allocation in that MPOs Regional Transportation Plan (RTP) to meet CARB's 2020 and 2035 GHG emission reduction targets. These reduction targets are required to be updated every eight years and the most current targets are detailed at: <https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets>, which provides GHG emissions reduction targets for SCAG of 8 percent by 2020 and 19 percent by 2035.

The 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), adopted by SCAG April 2016 provides a 2020 GHG emission reduction target of 8 percent and a 2035 GHG emission reduction target of 18 percent. SCAG will need to develop additional strategies in its next revision of the RTP/SCS in order to meet CARB's new 19 percent GHG emission reduction target for 2035. CARB is also charged with reviewing SCAG's RTP/SCS for consistency with its assigned targets.

City and County land use policies, including General Plans, are not required to be consistent with the RTP and associated SCS. However, new provisions of CEQA incentivize, through streamlining and other provisions, qualified projects that are consistent with an approved SCS and categorized as "transit priority projects."

Assembly Bill 1109

California Assembly Bill 1109 (AB 1109) was adopted October 2007, also known as the Lighting Efficiency and Toxics Reduction Act, prohibits the manufacturing of lights after January 1, 2010 that contain levels of hazardous substances prohibited by the European Union pursuant to the RoHS Directive. AB 1109 also requires reductions in energy usage for lighting and is structured to reduce lighting electrical consumption by: (1) At least 50 percent reduction from 2007 levels for indoor residential lighting; and (2) At least 25 percent reduction from 2007 levels for indoor commercial and all outdoor lighting by 2018. AB 1109 would reduce GHG emissions through reducing the amount of electricity required to be generated by fossil fuels in California.

Executive Order S-1-07

Executive Order S-1-07 was issued in 2007 and proclaims that the transportation sector is the main source of GHG emissions in the State, since it generates more than 40 percent of the State's GHG emissions. It establishes a goal to reduce the carbon intensity of transportation fuels sold in the State by at least ten percent by 2020. This Executive Order also directs CARB to determine whether this Low Carbon Fuel Standard (LCFS) could be adopted as a discrete early-action measure as part of the effort to meet the mandates in AB 32.

In 2009 CARB approved the proposed regulation to implement the LCFS. The standard was challenged in the courts, but has been in effect since 2011 and was re-approved by the CARB in 2015. The LCFS is anticipated to reduce GHG emissions by about 16 MMT per year by 2020. The LCFS is designed to provide a framework that uses market mechanisms to spur the steady introduction of lower carbon fuels. The framework establishes performance standards that fuel producers and importers must meet annually. Reformulated gasoline mixed with corn-derived ethanol and low-sulfur diesel fuel represent the baseline fuels. Lower carbon fuels may be ethanol, biodiesel, renewable diesel, or blends of these fuels with gasoline or diesel. Compressed natural gas and liquefied natural gas also may be low-carbon fuels. Hydrogen and electricity, when used in fuel cells or electric vehicles, are also considered as low-carbon fuels.

Senate Bill 97

Senate Bill 97 (SB 97) was adopted August 2007 and acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. SB 97 directed the Governor's Office of Planning and Research (OPR), which is part of the State Natural Resources Agency, to prepare, develop, and transmit to CARB guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, as required by CEQA, by July 1, 2009. The Natural Resources Agency was required to certify and adopt those guidelines by January 1, 2010.

Pursuant to the requirements of SB 97 as stated above, on December 30, 2009 the Natural Resources Agency adopted amendments to the State CEQA guidelines that addresses GHG emissions. The CEQA Guidelines Amendments changed 14 sections of the CEQA Guidelines and incorporated GHG language throughout the Guidelines. However, no GHG emissions thresholds of significance were provided and no specific mitigation measures were identified. The GHG emission reduction amendments went into effect on March 18, 2010 and are summarized below:

- Climate Action Plans and other greenhouse gas reduction plans can be used to determine whether a project has significant impacts, based upon its compliance with the plan.
- Local governments are encouraged to quantify the GHG emissions of proposed projects, noting that they have the freedom to select the models and methodologies that best meet their needs and circumstances. The section also recommends consideration of several qualitative factors that may be used in the determination of significance, such as the extent to which the given project complies with state, regional, or local GHG reduction plans and policies. OPR does not set or dictate specific thresholds of significance. Consistent with existing CEQA Guidelines, OPR encourages local governments to develop and publish their own thresholds of significance for GHG impacts assessment.

- When creating their own thresholds of significance, local governments may consider the thresholds of significance adopted or recommended by other public agencies, or recommended by experts.
- New amendments include guidelines for determining methods to mitigate the effects of GHG emissions in Appendix F of the CEQA Guidelines.
- OPR is clear to state that “to qualify as mitigation, specific measures from an existing plan must be identified and incorporated into the project; general compliance with a plan, by itself, is not mitigation.”
- OPR’s emphasizes the advantages of analyzing GHG impacts on an institutional, programmatic level. OPR therefore approves tiering of environmental analyses and highlights some benefits of such an approach.
- Environmental impact reports must specifically consider a project’s energy use and energy efficiency potential.

Assembly Bill 32

In 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires CARB, to adopt rules and regulations that would achieve GHG emissions equivalent to statewide levels in 1990 by 2020 through an enforceable statewide emission cap which will be phased in starting in 2012. Emission reductions shall include carbon sequestration projects that would remove carbon from the atmosphere and utilize best management practices that are technologically feasible and cost effective.

In 2007 CARB released the calculated Year 1990 GHG emissions of 431 million metric tons of CO₂e (MMTCO₂e). The 2020 target of 431 MMTCO₂e requires the reduction of 78 MMTCO₂e, or approximately 16 percent from the State’s projected 2020 business as usual emissions of 509 MMTCO₂e (CARB, 2014). Under AB 32, CARB was required to adopt regulations by January 1, 2011 to achieve reductions in GHGs to meet the 1990 cap by 2020. Early measures CARB took to lower GHG emissions included requiring operators of the largest industrial facilities that emit 25,000 metric tons of CO₂ in a calendar year to submit verification of GHG emissions by December 1, 2010. The CARB Board also approved nine discrete early action measures that include regulations affecting landfills, motor vehicle fuels, refrigerants in cars, port operations and other sources, all of which became enforceable on or before January 1, 2010.

CARB’s Scoping Plan that was adopted in 2009, proposes a variety of measures including: strengthening energy efficiency and building standards; targeted fees on water and energy use; a market-based cap-and-trade system; achieving a 33 percent renewable energy mix; and a fee regulation to fund the program. The 2014 update to the Scoping Plan identifies strategies moving beyond the 2020 targets to the year 2050.

The Cap and Trade Program established under the Scoping Plan sets a statewide limit on sources responsible for 85 percent of California’s GHG emissions, and has established a market for long-term investment in energy efficiency and cleaner fuels since 2012.

Executive Order S-3-05

In 2005 the California Governor issued Executive Order S 3-05, GHG Emission, which established the following reduction targets:

- 2010: Reduce greenhouse gas emissions to 2000 levels;
- 2020: Reduce greenhouse gas emissions to 1990 levels;
- 2050: Reduce greenhouse gas emissions to 80 percent below 1990 levels.

The Executive Order directed the secretary of the California Environmental Protection Agency (CalEPA) to coordinate a multi-agency effort to reduce GHG emissions to the target levels. To comply with the Executive Order, the secretary of CalEPA created the California Climate Action Team (CAT), made up of members from various state agencies and commissions. The team released its first report in March 2006. The report proposed to achieve the targets by building on the voluntary actions of businesses, local governments, and communities and through State incentive and regulatory programs. The State achieved its first goal of reducing GHG emissions to 2000 levels by 2010.

Assembly Bill 1493

California Assembly Bill 1493 (also known as the Pavley Bill, in reference to its author Fran Pavley) was enacted on July 22, 2002 and required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. In 2004, CARB approved the “Pavley I” regulations limiting the amount of GHGs that may be released from new passenger automobiles that are being phased in between model years 2009 through 2016. These regulations will reduce GHG emissions by 30 percent from 2002 levels by 2016. The second set of regulations “Pavley II” is currently in development and will be phased in between model years 2017 through 2025 and will reduce emissions by 45 percent by the year 2020 as compared to the 2002 fleet. The Pavley II standards are being developed by linking the GHG emissions and formerly separate toxic tailpipe emissions standards previously known as the “LEV III” (third stage of the Low Emission Vehicle standards) into a single regulatory framework. The new rules reduce emissions from gasoline-powered cars as well as promote zero-emissions auto technologies such as electricity and hydrogen, and through increasing the infrastructure for fueling hydrogen vehicles. In 2009, the U.S. EPA granted California the authority to implement the GHG standards for passenger cars, pickup trucks and sport utility vehicles. In September 2009, the Pavley I regulations were adopted by CARB.

Regional – Southern California

The SCAQMD is the agency principally responsible for comprehensive air pollution control in the South Coast Air Basin. To that end, as a regional agency, the SCAQMD works directly with the Southern California Association of Governments (SCAG), county transportation commissions, and local governments and cooperates actively with all federal and state agencies.

South Coast Air Quality Management District

SCAQMD develops rules and regulations, establishes permitting requirements for stationary sources, inspects emission sources, and enforces such measures through educational programs or fines, when necessary. SCAQMD is directly responsible for reducing emissions from stationary, mobile, and indirect

sources. The SCAQMD is also responsible for GHG emissions for projects where it is the lead agency. However, for other projects in the SCAB where it is not the lead agency, it is limited to providing resources to other lead agencies in order to assist them in determining GHG emission thresholds and GHG reduction measures. In order to assist local agencies with direction on GHG emissions, the SCAQMD organized a working group and adopted Rules 2700, 2701, and 2702, which are described below.

SCAQMD Working Group

Since neither CARB nor the OPR has developed GHG emissions threshold, the SCAQMD formed a Working Group to develop significance thresholds related to GHG emissions. At the September 28, 2010 Working Group meeting, the SCAQMD released its most current version of the draft GHG emissions thresholds, which recommends a tiered approach that either provides a quantitative annual thresholds of 3,500 MTCO₂e for residential uses, 1,400 MTCO₂e for commercial uses, and 3,000 MTCO₂e for mixed uses. An alternative annual threshold of 3,000 MTCO₂e for all land use types is also proposed.

Southern California Association of Governments

The SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties and addresses regional issues relating to transportation, the economy, community development and the environment. SCAG is the federally designated Metropolitan Planning Organization (MPO) for the majority of the southern California region and is the largest MPO in the nation. With respect to air quality planning, SCAG has prepared the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), adopted April 2016 and the 2015 Federal Transportation Improvement Program (FTIP), adopted October 2013, which addresses regional development and growth forecasts. Although the RTP/SCS and FTIP are primarily planning documents for future transportation projects a key component of these plans are to integrate land use planning with transportation planning that promotes higher density infill development in close proximity to existing transit service. These plans form the basis for the land use and transportation components of the AQMP, which are utilized in the preparation of air quality forecasts and in the consistency analysis included in the AQMP. The RTP/SCS, FTIP, and AQMP are based on projections originating within the City and County General Plans.

Local – City of San Juan Capistrano

Local jurisdictions, such as the City of San Juan Capistrano, have the authority and responsibility to reduce GHG emissions through their police power and decision-making authority. Specifically, the City is responsible for the assessment and mitigation of GHG emissions resulting from its land use decisions. In accordance with CEQA requirements and the CEQA review process, the City assesses the global climate change potential of new development projects, requires mitigation of potentially significant global climate change impacts by conditioning discretionary permits, and monitors and enforces implementation of such mitigation.

The City does not have any plans, policies, regulations, significance thresholds, or laws addressing climate change at this time. In April 2018, the City Council passed Resolution No. 18-04-17-04, which supports findings that human activities are key contributor to climate change, as well as acknowledges that if left unaddressed, the consequences of climate change will adversely impact the public, especially the most vulnerable populations.

3.7.3 Existing Environmental Setting

According to the Carbon Dioxide Information Analysis Center¹ 9,855 million metric tons (MMT) of CO₂ equivalent (CO₂e) emissions were created globally in the year 2014. According to the US Environmental Protection Agency (EPA) Global Greenhouse Gas Emissions Data² the breakdown of global GHG emissions by sector consists of: 25 percent from electricity and heat production; 21 percent from industry; 24 percent from agriculture, forestry and other land use activities; 14 percent from transportation; 6 percent from building energy use; and 10 percent from all other sources of energy use.

According to Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2016, prepared by EPA, in 2016 total U.S. GHG emissions were 6,511.3 million metric tons (MMT) of CO₂ equivalent (CO₂e) emissions. Total U.S. emissions have increased by 2.4 percent between 1990 and 2016 and GHG emissions decreased by 1.9 percent between 2015 and 2016. The recent decrease in GHG emissions was a result of multiple factors, including substitution from coal to natural gas in the electricity sector and from a warmer winter and a slow-down in the economy in 2016. However, according to the Rhodium Group US Emissions Estimates website³ the preliminary estimates for 2018 show that GHG emissions have increased by 3.4 percent, which is primarily a result from a strong economy that required the use of more transportation fuels and power generation.

According to the CARB GHG Current California Emission Inventory Data⁴ the State of California created 429.4 MMTCO₂e in 2016. The breakdown of California GHG emissions by sector consists of: 41 percent from transportation; 23 percent from industrial; 16 percent from electricity generation; 8 percent from agriculture; 7 percent from residential buildings; 5 percent from commercial buildings; and 1 percent from other uses of energy. In 2016, GHG emissions were 12 MMTCO₂e lower than 2015 levels, which represent a 6 percent year-over-year decline.

3.7.4 Impacts and Mitigation

Impact 3.7-1: Would the Project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Implementation of the Proposed Project may generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The Proposed Project would consist of the operation of the proposed land uses as detailed above in Table 3-2 of Section 3.5.1. Operational activities would result in GHG emissions of: (1) Area sources that include emissions from landscaping equipment; (2) Energy usage that include natural gas and electrical appliances; and (3) mobile sources that include emissions from automobile and truck trips generated by the proposed land uses.

The Project's GHG emissions have been calculated with the CalEEMod model based on the construction and operational parameters detailed in Appendix C. The GHG emissions forecast assumes that several State GHG reduction measures will be implemented by 2040, including the following actions:

¹ https://cdiac.ess-dive.lbl.gov/trends/emis/tre_glob_2014.html

² <https://www.epa.gov/ghgemissions/global-greenhouse-gas-emissions-data>

³ <https://rhg.com/research/preliminary-us-emissions-estimates-for-2018/>

⁴ <https://www.arb.ca.gov/cc/inventory/data/data.htm>

- Implementation of the Renewable Portfolio Standard, which requires electricity providers to increase the portion of energy that comes from renewable sources to 60 percent by 2030 and zero-carbon sources by 2045;
- Implement of the most current Title 24 Part 6 and Part 11 building energy use standards;
- Reduction of indoor and outdoor commercial lighting energy usage as detailed in AB 1109;
- Implementation of light and heavy-duty vehicle fleet regulations, including Pavley standards as well as the future Safer Affordable Fuel-Efficient (SAFE) Vehicles Rules from the EPA; and
- Adoption of Complete Streets standards to expand pedestrian and bicycle infrastructure.

In addition, to the above GHG reduction measures, the Project location that includes an Amtrak/Metrolink Station and existing sidewalks on most of the HTC Area roadways were accounted for in the GHG emissions forecast. All input parameters utilized in the calculation of the GHG emissions forecast is detailed in Appendix C and a summary of the results is shown below in Table 3-8. The CalEEMod model run annual printouts are provided in Appendix C.

Table 3-8– Project Related Greenhouse Gas Annual Emissions Forecast for Buildout Year 2040

Category	Greenhouse Gas Emissions (Metric Tons per Year)			
	CO ₂	CH ₄	N ₂ O	CO ₂ e
Area Sources ¹	0.01	0.00	0.00	0.01
Energy Usage ²	1,604.51	0.05	0.02	1,611.80
Mobile Sources ³	5,187.67	0.20	0.00	5,192.62
Solid Waste ⁴	45.30	2.68	0.00	112.22
Water and Wastewater ⁵	94.50	0.74	0.02	118.33
Construction ⁶	41.42	0.01	0.00	41.56
Total Emissions	6,973.42	3.67	0.04	7,076.54
HTC Areas Service Population ⁷				5,715
MTCO₂e per Service Population				1.24
Threshold of Significance (Metric Tons CO₂e per Service Population)				4.0
Exceeds Threshold?				No

Notes:

¹ Area sources consist of GHG emissions from consumer products, architectural coatings, and landscaping equipment.

² Energy usage consists of GHG emissions from electricity and natural gas usage.

³ Mobile sources consist of GHG emissions from vehicles.

⁴ Waste includes the CO₂ and CH₄ emissions created from the solid waste placed in landfills.

⁵ Water includes GHG emissions from electricity used for transport of water and processing of wastewater.

⁶ Construction emissions amortized over 30 years as recommended in the SCAQMD GHG Working Group on November 19, 2009.

⁷ Service population obtained from TranspoGroup, 2020.

Source: CalEEMod Version 2016.3.2.

The data provided in Table 3-8 shows that implementation of all potential development within the HTC Area with adoption of the Project would create 7,076.54 MTCO₂e per year, which is equivalent to 1.24 MTCO₂e per year per service population. According to the threshold of significance detailed above in Section 8.5, a cumulative global climate change impact would occur if the GHG emissions exceed 4.0 MTCO₂e per year per service population for the year 2040. Therefore, a less than significant generation of greenhouse gas emissions would occur from construction and operation of the Proposed Project.

Impact 3.7-2: Would the Project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?

The Proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing GHG emissions. The proposed project would consist of removing inconsistencies that currently exist between the HTCMP, General Plan and FBC. The proposed revisions to the HTCMP have the potential to result in slightly higher densities of non-residential land uses within the HTC area, while removing the residential component within the HTC area.

As detailed above, the Proposed Project is anticipated to create 7,076.54 MTCO₂e per year, which is equivalent to 1.24 MTCO₂e per year per service population, which is well below the 4.0 MTCO₂e per service population for the year 2040 that was determined through linear interpolation of the 2017 Scoping Plan goals of 6 MTCO₂e per service population for the year 2030 and 2 MTCO₂e per service population for the year 2050. Utilization of the thresholds provided in the Scoping Plan represent the rate of GHG emission reductions necessary for the City to achieve its fair share of statewide GHG emission reductions necessary to meet the State's long-term GHG emissions reduction targets. It should also be noted that the entire HTC area is within walking distance of the San Juan Capistrano Metrolink/Amtrak Station, the Project would conform to the goals provided in the RTP/SCS that include Goal 8: Encourage land use and growth patterns that facilitate transit and active transportation. Therefore, the Proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation Measures

No mitigation measures are necessary.

3.8 LAND USE

3.8.1 Introduction and Background Information

This section includes a brief history of the Proposed Project. Please refer to Section 2.1 of this Draft EIR for a detailed description of the history of the Proposed Project.

On March 6, 2018, the City Council directed staff to initiate a GPA Land Use Code amendment study to correct inconsistencies between the HTCMP, FBC, and General Plan. The City Council also directed staff to consider two-story building to remain limited to 35 feet in height with hotel buildings limited to 3 stories and 45 feet in height. Staff were also directed to initiate a process to repeal the HTCMP. The Project analyzed in this document resolves the inconsistencies identified and presented to the City Council by implementing the following steps:

- Repeal of the HTCMP.
- Clarification that residential uses are not permitted within the HTC area.
- Adoption of a General Plan text amendment to:
 - Remove references to the HTCMP.
 - Allow FAR of up to 0.75:1 in the HTC area and allow a FAR of up to 1.5:1 for buildings that include provisions for public gathering spaces. Table LU-4, Development Capacity, set forth at the Land Use Element, Commercial Designations section, would be revised accordingly.
- Repeal the FBC.
- Amend the General Plan land use map to remove the previously designated Historic Town Center area east of Del Obispo Street from the TC area designation.
- Zoning Code Text Amendments to:
 - Adopt the following elements from the former FBC to the Zoning Code:
 - Define the TC and TCE Districts;
 - Revise Table 3-4 of the Zoning Code to add districts and allowable uses from the FBC;
 - Section 9-3.554 which clarifies TC and TCE definitions, development standards, frontage standards, parking standards, and design standards;
 -
 - Adopt a height limit for all buildings within the TC and TCE Districts, with the exception of hotels, to two stories and 35 feet;
 - Adopt a height limit for hotel buildings in the TC and TCE Districts of three stories and 45 feet;
 - Require new construction on properties adjacent to historic buildings identified by the City to implement a setback of one foot from the historic structure for every foot in new building height within the TC and TCE Districts;
 - Readopt and affirm the Park Once Program

- Add a section to the Zoning Code clarifying that the Development Services Director may approve minor modifications to Nonconforming uses in the TC and TCE Districts.

This section also provides a discussion of the existing conditions associated with transportation within and around the Project area and an analysis of potential impacts that may occur as the result of the Proposed Project. The information and analysis in this section is based on the Transportation Impact Analysis (TIA) prepared by Transpo Group (2020). The report is included as Appendix E.

The TIA analysis focuses on average daily conditions along the study roadway segments and average weekday peak hour conditions during the AM peak period (7:00 to 9:00 a.m.) and the PM peak period (4:00 to 6:00 p.m.) at the study intersections. These periods represent the highest cumulative total traffic for the adjacent street system.

The study roadways include:

- 1) Ortega Highway Between Rancho Vejo Rd and I-5 NB Ramp
- 2) Ortega Highway Between I-5 NB Ramp and I-5 SB Ramp
- 3) Ortega Highway Between I-5 SB Ramp and Del Obispo Street
- 4) Ortega Highway Del Obispo Street and El Camino Real
- 5) Ortega Highway El Camino Real and Camino Capistrano
- 6) El Camino Real Between Ortega Highway and Spring Street
- 7) El Camino Real Between Spring Street and Acjachema Street
- 8) Acjachema Street Between El Camino Real and Camino Capistrano
- 9) Camino Capistrano Between Acjachema Street and Ortega Highway
- 10) Camino Capistrano Between Ortega Highway and Forster Street
- 11) Camino Capistrano Between Forster Street and Del Obispo Street
- 12) Camino Capistrano Between Del Obispo Street and Avenida Golondrina
- 13) Del Obispo Street Between Plaza Dr and Camino Capistrano
- 14) Del Obispo Street Between Ortega Highway and Plaza Drive
- 15) Del Obispo Street Between Camino Capistrano and Paseo Adelanto
- 16) Del Obispo Street Between Paseo Adelanto and Alipaz Street

The study intersections include:

- 1) Rancho Viejo Road/Ortega Highway
- 2) I-5 Northbound Ramp/Ortega Highway
- 3) I-5 Southbound Ramp/Ortega Highway
- 4) Del Obispo Street/Ortega Highway
- 5) El Camino Real/Ortega Highway
- 6) El Camino Real/Spring Street
- 7) El Camino Real/Acjachema Street
- 8) Camino Capistrano/Acjachema
- 9) Camino Capistrano/Ortega Highway
- 10) Camino Capistrano/Verdugo Street
- 11) Camino Capistrano/Forster Street
- 12) Camino Capistrano/Del Obispo Street
- 13) Camino Capistrano/Avenida Golondrina

- 14) Paseo Adelanto/Del Obispo Street
- 15) Alipaz Street/Del Obispo Street

Hot Spots

The City has designated “hot spot” roadway segments and intersections. This designation applies to roadways experiencing high volumes during the peak hours as well as intersections with high volumes and closely spaced. Hot spots experience unique congestion due to specific spatial features such as school presence, closely spaced intersections or any other space limitations (e.g. right-of-way). The hot spot roadways and intersections in the study area are indicated by footnotes in the tables below.

Level of Service Thresholds

The City has a LOS D threshold for roadways and intersections that are not hot spots. Certain areas in the City are considered “Traffic Operations Hot Spots” where a lower LOS E threshold is acceptable. Orange County Transportation Authority also has a LOS E threshold for the Congestion Management Program (CMP) Highway System intersections: I-5 Northbound Ramp/Ortega Highway and I-5 Southbound Ramp/Ortega Highway.

Based on the City’s Administration Policy No. 310, a project impact occurs at a non-hot spot intersection or roadway segment when the v/c ratio increases by 0.01 or greater for locations operating at LOS is E or F. A project impact also occurs at a non-hot spot intersection when the project’s increase in delay is 1.0 second or greater for intersections operating at LOS E or F. A project impact occurs at a hot spot intersection or roadway segment when the v/c ratio increases by 0.01 or greater for locations operating at LOS F. A project impact also occurs at a hot spot intersection when the project’s increase in delay is 1.0 second or greater for locations operating at LOS F.

3.8.2 Existing Conditions

The Project area consists of the approximately 150 acres that compose the HTCMP area, including the 48-acre HTC area. The HTC area is situated entirely within the HTCMP area. The Project area is generally bounded by Acjachema Street to the north, I-5 to the east, existing retail to the south, and Paseo Adelanto to the west. Local access to the Project area is provided by SR-74, Del Obispo Street, and Camino Capistrano.

The land uses surrounding the Project area consist of residential communities to the north and west, the I-5 freeway to the east, the retail shopping centers, restaurants, church uses, and a residential neighborhood to the south. Small markets, restaurants, the Junipero Serra School and two churches are located to the north of the Project area. San Juan Creek is south of the Project boundary and flows in a northeast to southwest direction. On the opposite side of the I-5 freeway, to the east, a variety of land uses are present including churches, a cemetery, retail, office, hotel, self-storage, residential, and golf course uses (City 1999).

City of San Juan Capistrano General Plan

The City of San Juan Capistrano’s General Plan represents the long-range vision of the City. It is a comprehensive statement of San Juan Capistrano’s development and preservation policies for all geographic areas of the City and the relationships between social, financial, environmental, and physical

characteristics. It reflects the community's values and goals and serves as the basis for all of the City's land planning policies. The City's first General Plan was adopted in 1974. Since that time, the General Plan has been modified by the City Council to address changes to the City priorities, vision and planning goals. The last comprehensive General Plan Update as adopted in 1999, with the Housing Element updated in 2014. In addition, the City Council approved a General Plan Amendment on May 7, 2002, which included a variety of changes to several of the elements.

The City's General Plan has 12 elements, six of which are mandated by state law. The policy guidance in all of these elements will be applied to the future development in the Project area.

Zoning Code

The City of San Juan Capistrano Zoning Code provides guidance for development based on, and consistent with, the land use policies established in the General Plan. The Zoning Code identifies allowable land uses for each zoning classification, establishes development standards such as setbacks, building height, lot coverage, and parking requirements, and identifies other regulations such as signage and park requirements. The existing zoning classifications in the Project area are shown in Figure 2-3.

Roadway Network

The roadway network provides mobility and access for a range of travel modes and users in and around the Project area. Figure 3-3 shows the existing transportation system serving the City and Project area. Characteristics of the existing roadway network within or serving the Project area are shown in Table 3-9.

The local streets provide access from the arterials to retail/commercial and residential uses. Ortega Highway is a main regional connector to the City and runs from San Juan Capistrano to Perris in Riverside County.

All highways in California allow legal trucks with the overall maximum length of no more than 65-feet. In the Project area, I-5 and Ortega Highway west of Rancho Viejo Road are considered part of National Network (STAA) freight system allowing trucks larger than 65-feet, both single and double interstate "STAA" truck tractor-semitrailers. Ortega Highway east of Rancho Viejo Road is considered 65-foot California KPRA Advisory that allows California legal trucks only to travel via this roadway; however, travel is not advised for the truck's length of posted value (KPRA advisories range from 30 to 38 ft).

Table 3-9: Study Area Existing Street System Summary

Roadway	Arterial Classification	Posted Speed Limit ¹	Number of Travel Lanes	Parking	Sidewalks	Bicycle Facilities
<u>North-South</u>						
I-5	Freeway	65 mph	5 to 7	No	No	No
Rancho Viejo Rd	Secondary Arterial	30 to 45 mph ²	2 to 4	No	Yes ⁶	Yes ⁶
Camino Capistrano	Primary/Secondary Arterial ³	25 to 35 mph	3 to 5	Portions	Yes	Portions
Alipaz St	Secondary Arterial	30 to 40 mph ⁴	2 to 4	Portions	Portions	No
Paseo Adelanto	Local Street	25 to 30 mph	2	Portions	Yes ⁷	Yes ⁷
Plaza Dr	Local Street	25 mph	2	No	Portions	No
El Camino Real	Local Street	25 mph	2	Portions	Yes	No
<u>East-West</u>						
Ortega Highway (SR 72)	Primary/Secondary Arterial	25 to 40 mph	4 to 6	Portions	Portions	No
Del Obispo St	Secondary Arterial	35 mph	4	Portions	Yes	Portions
Avenida Golondrina	Local Street	25 mph	2	No	Yes	No
Foster St	Local Street	25 mph	2	No	No	No
Spring St	Local Street	25 mph	2	Portions	No	No
Verdugo St	Local Street	25 mph	2	No	Yes	No
Acjachema St	Local Street	25 mph	2	Yes	No	No

Notes:

1. Based on Vision Zero speed limits effected since 7 November 2016
2. The posted speed limit is 45 mph north of Ortega Highway and 30 mph south of Ortega Highway.
3. Primary arterial highway south of Del Obispo Street and a secondary arterial highway north of Del Obispo Street.
4. This street has a posted speed limit of 30 mph north of Del Obispo St and 40 mph south of Del Obispo St.
5. This road is considered a secondary arterial between Camino Capistrano and I-5 southbound off/on ramp and primary arterial east of I-5 according to the Orange County Master Plan of Arterial Highways (MPAH) classification.
6. Caballo Trail is provided on the east side of Rancho Viejo Rd.
7. Trabuco Creek Trail is provided on the west side of the street.

Figure 3-3: Existing Transportation System



Existing Transportation Network

Historic Town Center Master Plan, General Plan Amendment, and Ordinance Change Project

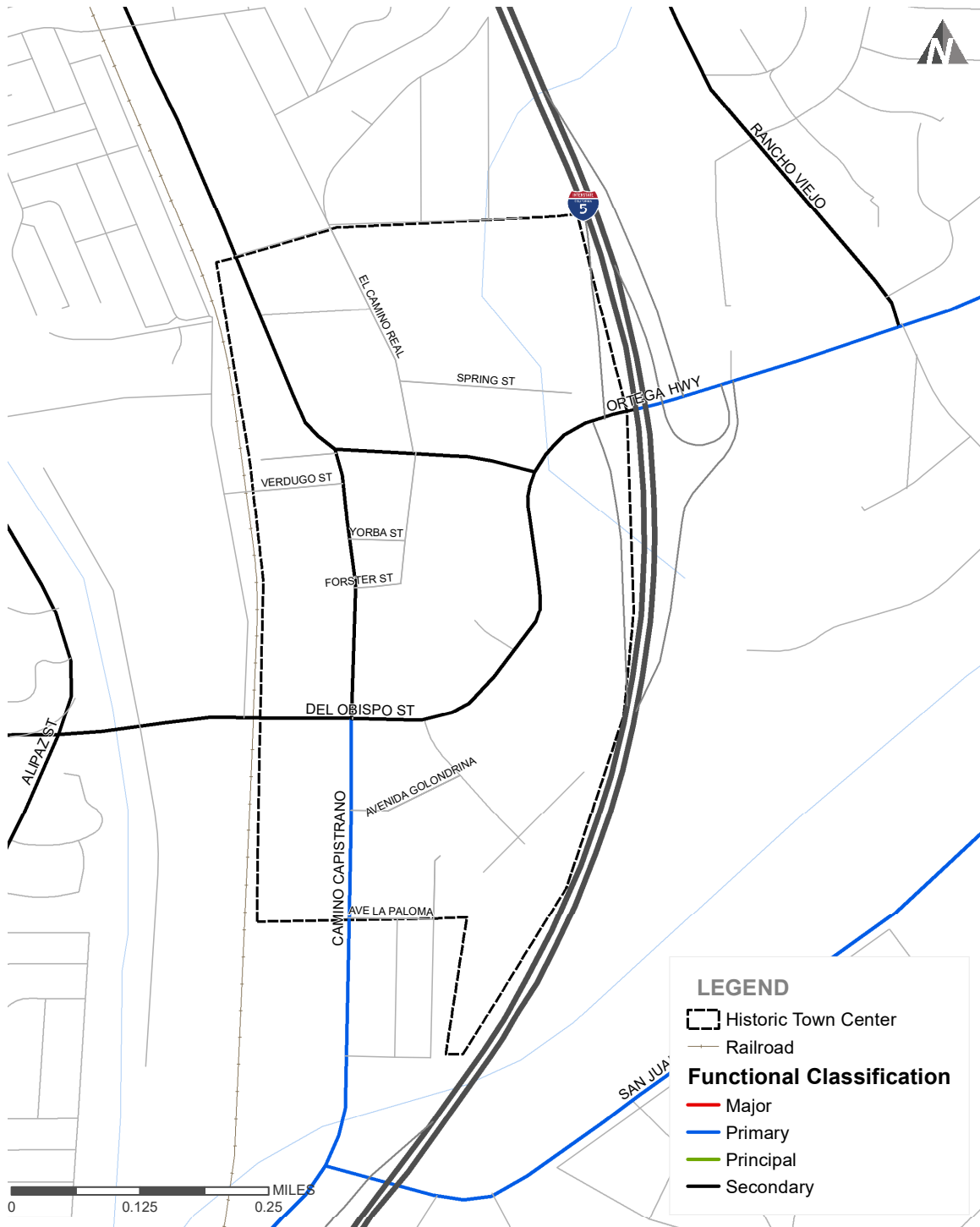
transpogroup 77

FIGURE

3-3

Jun 19, 2019 - 9:26am polinab M:\18\1.18209.00 - San Juan Capistrano HTC Traffic Analysis\Graphics\DWG\Traffic Volumes.dwg Layout: Fig1 Site Vicinity

Figure 3-4: Roadway Functional Classification



Roadway Functional Classification

Historic Town Center Master Plan, General Plan Amendment, and Ordinance Change Project

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transpogroup 7F

FIGURE

3-4

Traffic Volumes

Vehicular traffic counts were collected at the study intersections and roadways in September 2018 and November 2017. The Traffic Impact Analysis (Appendix E) provides detailed traffic count data. Data collected in November 2017 was increased by 2 percent per year to account for growth that may have occurred between 2017 and 2018. The analysis focuses on an average daily condition along the study roadway segments and an average weekday AM (7:00 to 9:00 AM) peak period and the PM (4:00 to 6:00 PM) peak period at the study intersections. Data was collected for three consecutive days (Tuesday through Thursday, when school were in session), consistent with the City's Administrative Policy 310 for both intersections and roadways.

The highest peak hour traffic volumes in the study areas are found along the Ortega Highway and I-5 corridor during both the weekday AM and PM peak hours. The lowest traffic volumes in the study area are along the El Camino Real corridor during the weekday peak hours.

Daily traffic volumes for the study roadways are also based on a three-day average. Table 3-10, below, provides a summary of the daily traffic volumes. Similar to the peak hours, the highest daily traffic volumes in the study area are found along the Ortega Highway and Del Obispo. The lowest traffic volumes are along the El Camino Real corridor.

Traffic Operations

The operational characteristics of a roadway and intersection are determined by calculating the intersection LOS. As described previously, within the study area, there are intersection and roadway LOS standards. The following describes the study intersection and roadway existing traffic operations.

Intersections

Per the City's Administrative Policy No. 310, intersection operations are evaluated using both the Intersection Capacity Utilization (ICU) and Highway Capacity Manual (HCM) methodologies. Table 3-10 and Table 3-11 summarizes the results of the existing weekday peak hour intersection LOS analysis using the ICU and HCM methods, respectively. Additionally, Figure 3-6 shows existing weekday AM and PM peak hour traffic volumes.

Table 3-10: Existing Weekday Peak Hour Intersection Operations – ICU LOS Summary

Study Intersection	Traffic Control	Peak Hour	ICU ^{2,3}	LOS ^{3,4}
1. Rancho Viejo Rd/Ortega Highway ¹	Signal	AM PM	0.652 0.799	B C
2. I-5 NB Ramp/Ortega Highway ¹	Signal	AM PM	0.782 0.685	C B
3. I-5 SB Ramp/Ortega Highway ¹	Signal	AM PM	0.643 0.648	B B
4. Del Obispo Street/Ortega Highway ¹	Signal	AM PM	0.508 0.511	A A
5. El Camino Real/Ortega Highway	Signal	AM PM	0.487 0.433	A A
6. El Camino Real/Spring Street	All-Way Stop	AM PM	N/A N/A	N/A N/A

Study Intersection	Traffic Control	Peak Hour	ICU ^{2,3}	LOS ^{3,4}
7. El Camino Real/Acjachema Street	All-Way Stop	AM PM	N/A N/A	N/A N/A
8. Camino Capistrano/Acjachema Street	Signal	AM PM	0.564 0.429	A A
9. Camino Capistrano/Ortega Highway	Signal	AM PM	0.507 0.480	A A
10. Camino Capistrano/Verdugo Street	Signal	AM PM	0.442 0.509	A A
11. Camino Capistrano/Forster Street	Side-Street Stop	AM PM	N/A N/A	N/A N/A
12. Camino Capistrano/Del Obispo Street ¹	Signal	AM PM	0.602 0.606	B B
13. Camino Capistrano/Avenida Golondrina	Signal	AM PM	0.395 0.545	A A
14. Paseo Adelanto/Del Obispo Street ¹	Signal	AM PM	0.530 0.534	A A
15. Alipaz Street/Del Obispo Street ¹	Signal	AM PM	0.484 0.436	A A

Notes:

1. Intersection is considered a "Hot Spot" location (LOS E is acceptable).
2. ICU = Intersection Control Utilization
3. N/A = not applicable, the ICU method only applies to signalized intersections.
4. LOS =Level of service based on ICU method.

Table 3-11: Existing Weekday Peak Hour Intersection Operations – HCM LOS Summary

Study Intersection	Traffic Control	Peak Hour	LOS	Delay ⁴	WM ⁵
1. Rancho Viejo Rd/Ortega Highway ^{1,2}	Signal	AM PM	C E	34.1 60.7	-
2. I-5 NB Ramp/Ortega Highway ^{1,2}	Signal	AM PM	D D	45.7 36.8	-
3. I-5 SB Ramp/Ortega Highway ^{1,2}	Signal	AM PM	D D	35.5 41.1	-
4. Del Obispo Street/Ortega Highway ^{1,2}	Signal	AM PM	B B	15.4 15.6	-
5. El Camino Real/Ortega Highway ²	Signal	AM PM	A A	7.5 6.1	-
6. El Camino Real/Spring Street ²	All-Way Stop	AM PM	B A	11.6 9.2	-
7. El Camino Real/Acjachema Street ²	All-Way Stop	AM PM	B A	10.8 8.9	-
8. Camino Capistrano/Acjachema Street ²	Signal	AM PM	A A	8.5 6.2	-
9. Camino Capistrano/Ortega Highway ³	Signal	AM PM	B B	16.8 19.5	-
10. Camino Capistrano/Verdugo Street ³	Signal	AM PM	B C	13.9 26.4	-
11. Camino Capistrano/Forster Street ²	Side-Street Stop	AM PM	C C	17.7 20.0	WB WB

Study Intersection	Traffic Control	Peak Hour	LOS	Delay ⁴	WM ⁵
12. Camino Capistrano/Del Obispo Street ^{1,2}	Signal	AM PM	C D	32.6 45.4	-
13. Camino Capistrano/Avenida Golondrina ²	Signal	AM PM	A B	8.8 11.6	-
14. Paseo Adelanto/Del Obispo Street ^{1,2}	Signal	AM PM	A B	6.9 18.8	-
15. Alipaz Street/Del Obispo Street ^{1,2}	Signal	AM PM	C C	32.8 28.7	-

Source: *Highway Capacity Manual*, 6th Edition and Transpo Group, 2018

1. Intersection is considered a "Hot Spot" location (LOS E is acceptable).
2. Level of service (LOS), based on *Highway Capacity Manual 6th Edition* methodology
3. Level of service (LOS), based on *Highway Capacity Manual 2000* methodology to allow cluster intersection analysis.
4. Average delay in seconds per vehicle.
5. Worst movement (WM) reported for side-street stop-controlled intersection where WB = westbound.

As shown in Table 3-10, based on the ICU method the signalized study intersections operate at LOS C or better during the weekday peak hours meeting the City of San Juan Capistrano's LOS D (0.9) standard for non-hot spot intersections and LOS E standard for identified hot spot locations. As shown in Table 3-11, study intersections also meet the City's LOS standards, based on the HCM method.

Roadways

Traffic operations for the roadway segments were determined using the average daily traffic (ADT) capacities outlined by Orange County Transit Authority. Table 3-12 provides a summary of the study roadway segment ADT, volume-to-capacity (V/C) ratios, and LOS.

Table 3-12: Existing Daily Roadway Operations Summary

Study Roadway Segment	Number of Lanes	LOS E Capacity	ADT ²	V/C ³	LOS ⁴
Ortega Highway Between Rancho Vejo Rd/I-5 NB Ramp ¹	6 Lanes Divided	56,300	49,576	0.88	D
Ortega Highway Between I-5 NB Ramp/I-5 SB Ramp ¹	8 Lanes Divided	75,000	40,775	0.54	A
Ortega Highway Between I-5 SB Ramp/Del Obispo St ¹	6 Lanes Divided	56,300	36,849	0.65	B
Ortega Highway Del Obispo St/El Camino Real	4 Lanes Undivided	25,000	11,701	0.47	A
Ortega Highway El Camino Real/Camino Capistrano	4 Lanes Undivided	25,000	7,085	0.28	A
El Camino Real Between Ortega Highway/Spring St	2 Lanes Undivided	12,500	5,576	0.45	A
El Camino Real Between Spring St/Acjachema St	2 Lanes Undivided	12,500	4,885	0.39	A
Acjachema St Between El Camino Real/Camino Capistrano	2 Lanes Undivided	12,500	1,795	0.14	A
Camino Capistrano Between Acjachema St/Ortega Highway	2 Lanes Divided	22,000	13,315	0.61	C
Camino Capistrano Between Ortega Highway/Forster St	2 Lanes Divided	22,000	12,852	0.58	C

Study Roadway Segment	Number of Lanes	LOS E Capacity	ADT ²	V/C ³	LOS ⁴
Camino Capistrano Between Forster St/Del Obispo St	2 Lanes Divided	22,000	15,067	0.68	D
Camino Capistrano Between Del Obispo St/Avenida Golondrina	4 Lanes Divided	37,500	18,448	0.49	A
Del Obispo St Between Plaza Dr/ Camino Capistrano ¹	4 Lanes Divided	37,500	23,855	0.64	B
Del Obispo St Between Ortega Highway/Plaza Dr ¹	4 Lanes Divided	37,500	27,913	0.74	C
Del Obispo St Between Camino Capistrano/Paseo Adelanto ¹	4 Lanes Divided	37,500	33,343	0.89	D
Del Obispo St Between Paseo Adelanto/Alipaz St ¹	4 Lanes Divided	37,500	31,436	0.84	D

Notes:

1. Roadway is considered a "Hot Spot" location (LOS E is acceptable).
2. Average daily traffic (ADT) based on three-day average.
3. V/C = volume-to-capacity ratio
4. LOS = level of service based on the roadway capacity from the *Guidance for Administration of the Orange County Master Plan of Arterial Highways* (MPAH)

3.8.3 Impacts and Mitigation

Impact 3.8-1: Would the Project 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?

The purpose of the Proposed Project is to resolve inconsistencies between the policy documents guiding development within the City. Currently, there are development guideline inconsistencies between the HTCMP (City 2012a), the City of San Juan Capistrano General Plan (City 1999), and the FBC (City 2012b). As such, the Proposed Project proposes several actions to remedy the inconsistencies, as identified above.

The City not only intends to initiate the General Plan Amendment but is also proposing to repeal the HTCMP and the FBC.

The repeal of the HTCMP document and the FBC would clarify allowable land uses in the Project area as it would leave the General Plan and the Zoning Code as the policy documents regulating land use in the Project area. This clarification would be furthered by the proposed language in the accompanying GPA and Zoning Ordinance clarifying FAR, building heights, parking, and setbacks in the Project area by way of amendment to the General Plan and Zoning Ordinance. In addition, repealing the HTCMP would result in maintaining the existing roadway network and eliminate the identified future roadway connections proposed in the HTCMP, including the proposed extensions of Forster Street, Yorba Street, and Avenida Los Amigos.

Although the FBC will be repealed, the Zoning Code text amendments will include incorporating elements of the FBC into the zoning code for the HTC area, specifically for the TC and TCE Districts.

In addition to the GPA and Zoning Code that will clarify inconsistencies between exiting planning documents, the Proposed Project is proposing to make additional revisions including adopting height limits for two story buildings as well as three story hotels within the HTC area, requiring additional setback

for structures proposed adjacent to historic buildings, and readopting and affirming the Park Once Program. The Proposed Project uses are revisions are compatible with the existing urban activities. These revisions are consistent with the existing General Plan, as no changes in General Plan-designated land use would be proposed through the Proposed Project. Any new buildings or modifications applied for through a Building Permit will be reviewed for consistency with the development standards.

Further, under the HTCMP, residential uses were proposed within the HTC and would be located adjacent to non-residential uses, including retail, office and mixed-use development, thereby resulting in potentially incompatible uses. Incompatibility may exist between the proposed residential uses and non-residential on-site noise generators, which include parking structures, and parking lots, loading docks, and music associated with commercial activities. These incompatibilities would not be realized under the Proposed Project.

In order to adequately determine the Proposed Project's compliance with applicable plans related to transportation, future transportation conditions for the 2040 horizon year of the Proposed Project have been calculated and compared to the No Project scenario conditions.

Roadway Network

The Proposed Project and the No Project Scenario would provide a circulation network to maintain capacities of existing roads, accommodate multiple modes and improve operations. The City's current 7-Year Capital Improvement Program (CIP) 2016-2023 also includes:

- Construction of a new left turn at the intersection of Ortega Highway and Del Obispo. The left turn will be from westbound Ortega Highway into the Del Taco driveway.

The No Project scenario also provides extensions of local roads (Yorba Street, Forster Street, and Avenida Los Amigos from Camino Capistrano to portions of Del Obispo and El Camino Real). These extensions are not assumed as part of the Proposed Project. Although analyzed as part of the HTCMP Program EIR, these roadway extensions were not implemented and were not incorporated into the General Plan Circulation Element.

Traffic Forecast

The horizon year 2040 was chosen to be consistent with the Orange County Transportation Analysis model, to analyze impacts in future years. Year 2040 traffic forecasts for the No Project and Proposed Project are presented below in Table 3-13. The traffic volumes were first developed for the Proposed Project, which represents a lower number of vehicle trips within the Project area and then the No Project forecast were developed using the Proposed Project as a basis.

Table 3-13: No Project and Proposed Project Weekday Peak Traffic Volumes Summary

Study Intersection	Peak Hour	No Project Traffic Volumes	Proposed Project Traffic Volumes	Traffic Volume Difference ²	Percent Difference
1. Rancho Viejo Rd/Ortega Highway ¹	AM	5,788	5,750	-38	-0.7%
	PM	5,582	5,535	-47	-0.8%
2. I-5 NB Ramp/Ortega Highway ¹	AM	5,954	5,905	-49	-0.8%
	PM	5,352	5,295	-57	-1.1%
3. I-5 SB Ramp/Ortega Highway ¹	AM	5,062	5,005	-57	-1.1%
	PM	4,950	4,880	-70	-1.4%
4. Del Obispo Street/Ortega Highway ¹	AM	3,705	3,700	-5	-0.1%
	PM	3,563	3,535	-28	-0.8%
5. El Camino Real/Ortega Highway	AM	1,537	1,625	88	5.7%
	PM	1,249	1,405	156	12.5%
6. El Camino Real/Spring Street	AM	802	800	-2	-0.2%
	PM	507	505	-2	-0.4%
7. El Camino Real/Acjachema Street	AM	702	700	-2	-0.3%
	PM	467	465	-2	-0.4%
8. Camino Capistrano/Acjachema Street	AM	1,940	1,930	-10	-0.5%
	PM	1,318	1,305	-13	-1.0%
9. Camino Capistrano/Ortega Highway	AM	1,992	2,020	28	1.4%
	PM	1,621	1,725	104	6.4%
10. Camino Capistrano/Verdugo Street	AM	1,459	1,435	-24	-1.6%
	PM	1,422	1,485	63	4.4%
11. Camino Capistrano/Forster Street	AM	1,699	1,630	-69	-4.1%
	PM	1,591	1,530	-61	-3.8%
12. Camino Capistrano/Del Obispo Street ¹	AM	4,469	4,435	-34	-0.8%
	PM	4,286	4,245	-41	-1.0%
13. Camino Capistrano/Avenida Golondrina	AM	1,929	1,905	-24	-1.2%
	PM	2,278	2,250	-28	-1.2%
14. Paseo Adelanto/Del Obispo Street ¹	AM	3,643	3,625	-18	-0.5%
	PM	3,449	3,425	-24	-0.7%
15. Alipaz Street/Del Obispo Street ¹	AM	3,616	3,600	-16	-0.4%
	PM	3,284	3,265	-19	-0.6%

Notes:

1. Intersection is considered a "Hot Spot" location.
2. Proposed Project minus No Project traffic volumes.

Traffic Operations

Intersection and roadway operations were evaluated for the No Project and Proposed Project.

Intersections

Table 3-14 and Table 3-15 summarize the weekday AM and PM peak hour intersection operations using ICU and HCM methods.

Table 3-14: 2040 Weekday Peak Hour Intersection Operations – ICU LOS Summary

Study Intersection	Traffic Control	Peak Hour	No Project Alternative		Proposed Project Alternative	
			ICU ^{2,3}	LOS ^{3,4}	ICU ^{2,3}	LOS ^{3,4}
1. Rancho Viejo Rd/Ortega Highway ¹	Signal	AM PM	0.801 0.909	D E	0.796 0.902	C E
2. I-5 NB Ramp/Ortega Highway ¹	Signal	AM PM	0.848 0.739	D C	0.846 0.733	D C
3. I-5 SB Ramp/Ortega Highway ¹	Signal	AM PM	0.751 0.763	C C	0.742 0.759	C C
4. Del Obispo Street/Ortega Highway ¹	Signal	AM PM	0.584 0.580	A A	0.587 0.580	A A
5. El Camino Real/Ortega Highway	Signal	AM PM	0.562 0.483	A A	0.573 0.506	A A
6. El Camino Real/Spring Street	All-Way Stop	AM PM	N/A N/A	N/A N/A	N/A N/A	N/A N/A
7. El Camino Real/Acjachema Street	All-Way Stop	AM PM	N/A N/A	N/A N/A	N/A N/A	N/A N/A
8. Camino Capistrano/Acjachema Street	Signal	AM PM	0.769 0.514	C A	0.764 0.511	C A
9. Camino Capistrano/Ortega Highway	Signal	AM PM	0.726 0.533	C A	0.742 0.556	C A
10. Camino Capistrano/Verdugo Street	Signal	AM PM	0.523 0.540	A A	0.516 0.559	A A
11. Camino Capistrano/Forster Street	Side-Street Stop	AM PM	N/A N/A	N/A N/A	N/A N/A	N/A N/A
12. Camino Capistrano/Del Obispo Street ¹	Signal	AM PM	0.758 0.716	C C	0.753 0.712	C C
13. Camino Capistrano/Avenida Golondrina	Signal	AM PM	0.513 0.649	A B	0.495 0.619	A B
14. Paseo Adelanto/Del Obispo Street ¹	Signal	AM PM	0.649 0.665	B B	0.648 0.662	B B
15. Alipaz Street/Del Obispo Street ¹	Signal	AM PM	0.597 0.552	A A	0.595 0.549	A A

Notes:

1. Intersection is considered a “Hot Spot” location (LOS E is acceptable).
2. ICU = Intersection Control Utilization

3. N/A = not applicable, the ICU method only applies to signalized intersections.
4. LOS =Level of service based on ICU method.

Table 3-15: 2040 Weekday Peak Hour Intersection Operations – HCM LOS Summary

Study Intersection	Traffic Control	Peak Hour	No Action Alternative			Proposed Project Alternative		
			LOS	Delay ⁴	WM ⁵	LOS	Delay ⁴	WM ⁵
1. Rancho Viejo Rd/Ortega Highway ^{1,2}	Signal	AM	D	44.9	-	D	44.3	-
		PM	E	74.6	-	E	73.7	-
2. I-5 NB Ramp/Ortega Highway ^{1,2}	Signal	AM	D	53.4	-	D	52.8	-
		PM	D	45.3	-	D	44.5	-
3. I-5 SB Ramp/Ortega Highway ^{1,2}	Signal	AM	D	54.4	-	D	54.2	-
		PM	D	43.7	-	D	43.4	-
4. Del Obispo Street/Ortega Highway ^{1,2}	Signal	AM	B	16.8	-	B	17.9	-
		PM	B	15.1	-	B	17.1	-
5. El Camino Real/Ortega Highway ²	Signal	AM	B	11.1	-	B	11.4	-
		PM	A	6.6	-	A	6.4	-
6. El Camino Real/Spring Street ²	All-Way Stop	AM	B	11.2	-	B	11.2	-
		PM	A	9.1	-	A	9.1	-
7. El Camino Real/Acjachema Street ²	All-Way Stop	AM	B	10.5	-	B	10.6	-
		PM	A	8.8	-	A	8.8	-
8. Camino Capistrano/Acjachema Street ²	Signal	AM	B	16.9	-	B	16.5	-
		PM	A	6.4	-	A	6.4	-
9. Camino Capistrano/Ortega Highway ³	Signal	AM	B	18.2	-	C	24.1	-
		PM	B	19.5	-	C	23.1	-
10. Camino Capistrano/Verdugo Street ³	Signal	AM	B	15.9	-	B	17.3	-
		PM	C	24.6	-	C	31.3	-
11. Camino Capistrano/Forster Street ²	Side-Street Stop	AM	D	29.3	WB	C	23.1	WB
		PM	D	34.6	WB	C	23.3	WB
12. Camino Capistrano/Del Obispo Street ^{1,2}	Signal	AM	D	38.6	-	D	38.0	-
		PM	D	52.0	-	D	51.6	-
13. Camino Capistrano/Avenida Golondrina ²	Signal	AM	A	9.8	-	A	9.7	-
		PM	B	14.0	-	B	13.6	-
14. Paseo Adelanto/Del Obispo Street ^{1,2}	Signal	AM	A	7.6	-	A	7.7	-

Table 3-15: 2040 Weekday Peak Hour Intersection Operations – HCM LOS Summary

Study Intersection	Traffic Control	Peak Hour	No Action Alternative			Proposed Project Alternative		
			LOS	Delay ⁴	WM ⁵	LOS	Delay ⁴	WM ⁵
		PM	C	25.0	-	C	24.9	-
15. Alipaz Street/Del Obispo Street ^{1,2}	Signal	AM	C	40.0	-	C	39.9	-
		PM	C	31.9	-	C	31.7	-

Source: *Highway Capacity Manual*, 6th Edition and Transpo Group, 2018

1. Intersection is considered a "Hot Spot" location (LOS E is acceptable).
2. Level of service (LOS), based on *Highway Capacity Manual 6th Edition* methodology
3. Level of service (LOS), based on *Highway Capacity Manual 2000* methodology to allow cluster intersection analysis.
4. Average delay in seconds per vehicle.
5. Worst movement (WM) reported for side-street stop-controlled intersection where WB = westbound.

As shown in Table 3-14, under both the No Project and Proposed Project all study intersections meet the City's LOS standard using the ICU method. The hot spot study intersections are forecasted to operate at LOS E or better and the non-hot spot, are expected to operate at LOS C or better. A comparison of both alternatives shows that differences in intersection operations are minimal.

As shown in Table 3-15, similar to the ICU method under both the No Project and Proposed Project all study intersections meet the City's LOS standard using the HCM method. All non-hot spot study intersections operate at LOS D or better during the weekday peak hours intersections and all hot spot intersections meet the LOS E standard.

Based on the review of intersection operations, no additional impacts are identified for the Proposed Project alternative. Generally, the No Project intersection operations are anticipated to have slightly higher V/C ratios and delays compared to the Proposed Project. This is due to the No Project including residential uses in the Project area, which would add population density to the Project area. However, the Proposed Project has slightly higher v/c ratios and delays at intersections along the Ortega Highway corridor from Camino Capistrano to Del Obispo Street and at the Camino Capistrano/Verdugo Street intersection. These results are consistent with the comparison of traffic volume forecasts for the two scenarios.

Roadways

Table 3-16 shows a summary of the study roadway segment operations under both the No Project and Proposed Project including ADT, v/c ratios and LOS.

Table 3-16: 2040 Daily Roadway Operations Summary

Study Roadway Segment	Number of Lanes	LOS E Capacity	No Action Alternative			Proposed Project Alternative		
			ADT ²	V/C ³	LOS ⁴	ADT ²	V/C ³	LOS ⁴
Ortega Highway Between Rancho Viejo Rd/I-5 NB Ramp ¹	6 Lanes Divided	56,300	63,843	1.13	F	63,248	1.12	F
Ortega Highway Between I-5 NB Ramp/I-5 SB Ramp ¹	8 Lanes Divided	75,000	49,788	0.66	B	49,040	0.65	B
Ortega Highway Between I-5 SB Ramp/Del Obispo St ¹	6 Lanes Divided	56,300	44,508	0.79	C	43,609	0.77	C
Ortega Highway Del Obispo St/El Camino Real	4 Lanes Undivided	25,000	15,246	0.61	B	15,196	0.61	B
Ortega Highway El Camino Real/Camino Capistrano	4 Lanes Undivided	25,000	9,013	0.36	A	8,963	0.36	A
El Camino Real Between Ortega Highway/Spring St	2 Lanes Undivided	12,500	6,432	0.51	A	6,400	0.51	A
El Camino Real Between Spring St/Acjachema St	2 Lanes Undivided	12,500	5,599	0.45	A	5,567	0.45	A
Acjachema St Between El Camino Real/Camino Capistrano	2 Lanes Undivided	12,500	2,203	0.18	A	2,203	0.18	A
Camino Capistrano Between Acjachema St/Ortega Highway	2 Lanes Divided	22,000	15,038	0.68	D	14,868	0.68	C
Camino Capistrano Between Ortega Highway/Forster St	2 Lanes Divided	22,000	17,030	0.77	D	16,811	0.76	D
Camino Capistrano Between Forster St/Del Obispo St	2 Lanes Divided	22,000	16,934	0.77	D	16,811	0.76	D
Camino Capistrano Between Del Obispo St/Avenida Golondrina	4 Lanes Divided	37,500	20,547	0.55	A	20,267	0.54	A
Del Obispo St Between Plaza Dr/ Camino Capistrano ¹	4 Lanes Divided	37,500	32,384	0.86	D	31,534	0.84	D
Del Obispo St Between Ortega Highway/Plaza Dr ¹	4 Lanes Divided	37,500	31,904	0.85	D	31,534	0.84	D
Del Obispo St Between Camino Capistrano/Paseo Adelanto ¹	4 Lanes Divided	37,500	39,034	1.04	F	38,694	1.03	F
Del Obispo St Between Paseo Adelanto/Alipaz St ¹	4 Lanes Divided	37,500	36,747	0.98	E	36,489	0.97	E

Notes:

1. Roadway is considered a "Hot Spot" location (LOS E is acceptable).
2. Average daily traffic (ADT) based on three-day average.
3. V/C = volume-to-capacity ratio
4. LOS = level of service based on the roadway capacity from the *Guidance for Administration of the Orange County Master Plan of Arterial Highways (MPAH)*

As shown in Table 3-16, all the study roadway segments meet the LOS standard except for two segments: Ortega Highway between Rancho Viejo Road and I-5 NB Ramp and Del Obispo Street between Camino Capistrano and Paseo Adelanto. These segments are anticipated to operate at LOS F in 2040 under both the No Project and Proposed Project with the No Project volumes and v/c ratio slightly higher than the Proposed Project.

Both Ortega Highway and Del Obispo Street segments are approximately 800-feet long with the major intersections. Operations along both the Ortega Highway and Del Obispo Street segments are mainly controlled by the intersections given the short length. There is additional capacity along both these segments with the turn lanes that are provided at the major intersections at Rancho Viejo Road and I-5 NB Ramp along Ortega Highway and at Camino Capistrano and Paseo Adelanto along Del Obispo Street. The intersection operations show that Ortega Highway/Rancho Viejo Road, Ortega Highway/I-5 Northbound Ramp, Camino Capistrano/Del Obispo Street, and Paseo Adelanto/Del Obispo Street all meet the City's LOS standard during the weekday AM and PM peak hours for both the No Project and Proposed Project (see Table 3-14 and Table 3-15).

The purpose and result of implementation of the Proposed Project will be consistency between the policy documents regulating land use in the Project area, as well as revisions to height, setbacks, and parking requirements within the HTC which would not conflict with the applicable land use plans and policies. As demonstrated above, activities associated with implementation of the Proposed Project would not substantially conflict with adjacent land uses. The Proposed Project is intended to provide a variety of commercial opportunities within an existing employment center and area of urban activity. Therefore, this impact is less than significant.

Mitigation Measures

No mitigation measures are necessary.

3.8.4 Cumulative Impacts

Cumulative redevelopment that results in revitalization of the HTCMP area and HTC area over time is specifically anticipated in the San Juan Capistrano General Plan (1999). The growth anticipated in the General Plan will occur in areas of the City determined to be more suitable for development. The cumulative redevelopment is consistent with the long-range goals, policies, and objectives adopted in the City in the General Plan and SCAG. Future development of cumulative projects will be required to comply with the adopted land use standards, policies and ordinances, and will be compatible with land uses in the areas surrounding the Project site. Development of related projects and areas surrounding the site will be governed by policies, implementation measures, and programs to ensure orderly urban development. Cumulative land use impacts are not considered cumulatively considerable.

3.9 TRANSPORTATION

This section provides a discussion of the existing conditions associated with transportation within and around the Project area and an analysis of potential impacts that may occur as the result of repealing the HTCMP and adoption of the elements identified in Chapter 2. The information and analysis in this section is based on the Transportation Impact Analysis (TIA) prepared by Transpo Group (2020). The report is included as Appendix E.

3.9.1 Introduction

The TIA analysis considers regional Vehicle Miles Traveled (VMT) as the basis for determining transportation impacts.

3.9.2 Existing Environmental Setting

This section provides an overview of the existing transportation system within the Project area. The existing transportation system including existing VMT, transit, non-motorized and parking are described.

Vehicle Miles Traveled

The City has not yet adopted a City-specific VMT threshold. The City is utilizing the Governor's Office of Planning and Research (OPR) guidance of a threshold of 15 percent below existing regional VMT (or 85 percent of the region VMT per capita). The regional VMT was determined to be the Orange County VMT, which is represented in the Orange County Transportation Analysis Model (OCTAM). This VMT analysis was based on the baseline (2012) OCTAM, which represents the existing conditions. Per capita or persons was also determined for the region using OCTAM. The calculation of the VMT threshold based on the OCTAM is shown in Table 3-17.

Table 3-17: Calculation of Vehicle Miles Traveled Per Capita Threshold

Region VMT	395,307,262
Region Capita	16,869,388
Region VMT per Capita	23.4
VMT Threshold (85% of Region)	19.9

Notes: VMT = Vehicle Miles Traveled

1. Based on Orange County Transportation Analysis Model (OCTAM) baseline (2012) model.
2. Calculated by dividing Region VMT by Region Capita
3. The VMT threshold is 85% of the regional VMT per Capita

This analysis uses the OCTAM to determine the VMT for the Historic Town Center area under No Project and Project Alternatives. Per capita for the Alternatives was calculated using estimated trip generation and the regional average vehicle trips per person from the baseline OCTAM. The overall VMT per capita for the Alternatives was determined by dividing the baseline VMT by the total persons (capita). VMT impacts of the Alternatives are identified by comparing VMT per capita for the Alternatives and the region. VMT impacts are considered significant if the Alternatives are above the VMT per capita threshold.

Transit

Transit bus service in the Project area is operated by OCTA with one regional bus route. The San Juan Capistrano train station is also located within the Project area where rail service is provided by Metrolink and Amtrak.

Route 91 provides local bus service between Laguna Hills and San Clemente, with stops along Del Obispo Street and Camino Capistrano. The route operates approximately every 30 minutes on weekdays with service provided between approximately 5 a.m. and 10 p.m. The route also operates between approximately 7 a.m. and 7:45 p.m. on Saturday and 7:30 a.m. and 8:05 p.m. on Sunday. During weekend, Route 91 provides service approximately every 30 minutes on Saturday and every 45 minutes on Sunday.

The City has a Summer Trolley Service, which begins in early June and operates for 13 consecutive weekends through Labor Day. This service includes two trolleys on 20-minute frequencies services a continuous loop from downtown San Juan Capistrano (La Zanja Street northern terminus) to a Dana Point trolley connection stop at Stonehill Drive and Del Obispo Street. Service hours are Fridays from 5:00 p.m. to 9:00 p.m., Saturdays from 11:00 a.m. to 9:00 p.m., and Sundays from 11:00 a.m. to 7:00 p.m. (City 2020). The purpose of the Summer Trolley Service is to reduce demand for parking and reduce vehicle trips within the City.

Metrolink provides commuter rail service within San Juan Capistrano. The system connects Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties in Southern California. Two lines operate through San Juan Capistrano, Inland Empire – Orange County Line and Orange County Line. These lines connect San Juan Capistrano with Oceanside, Riverside, San Bernardino, and Los Angeles.

Amtrak operates the Pacific Surfliner passenger train service, serving communities between San Luis Obispo, Santa Barbara, Los Angeles, San Juan Capistrano, and San Diego. Amtrak operates 18 trains in the southbound direction and 19 trains northbound. Most trains only serve the route segment from Los Angeles and San Diego, with some trains running to and from San Luis Obispo. The passenger train service has approximately 40-minute headways during the AM peak hour and 70-minute headways during the PM peak hour. Amtrak provides a connecting bus service, Thruway, with the service starting and ending at San Juan Capistrano station.

OCTA also provides mobility services for the San Juan Capistrano residents that are 60 years and older for free. This service provides on-demand door-to-door transportation via bus or a shuttle to and from San Juan Capistrano Community/Senior Center. The service is also provided for medical and grocery trips within the City.

Non-Motorized

Sidewalks and off-street trails are the primary pedestrian facility within the Project area. Sidewalks within the Project area are typically provided on both sides of the street with some segments of Alipaz Street, Plaza Drive, and Ortega Highway with sidewalks on one side. Sidewalks are not provided along Forster Street, Spring Street, and Acjachema Street.

The City has an extensive network of on- and off-street bicycle infrastructure; however, there are no bicycle facilities within the Project Area. Cyclists share the streets with vehicles in the Project area. Bicycle lanes are provided along both sides of Camino Capistrano between Avenida Padre and Avenida

Golondrina/Del Obispo Street and from La Zanja to the north and along Del Obispo Street between Alipaz Street and Stonehill Drive. In addition, sharrows (or designated shared vehicle/bicycle facilities) are provided along Camino Capistrano between Del Obispo Street and Foster Street.

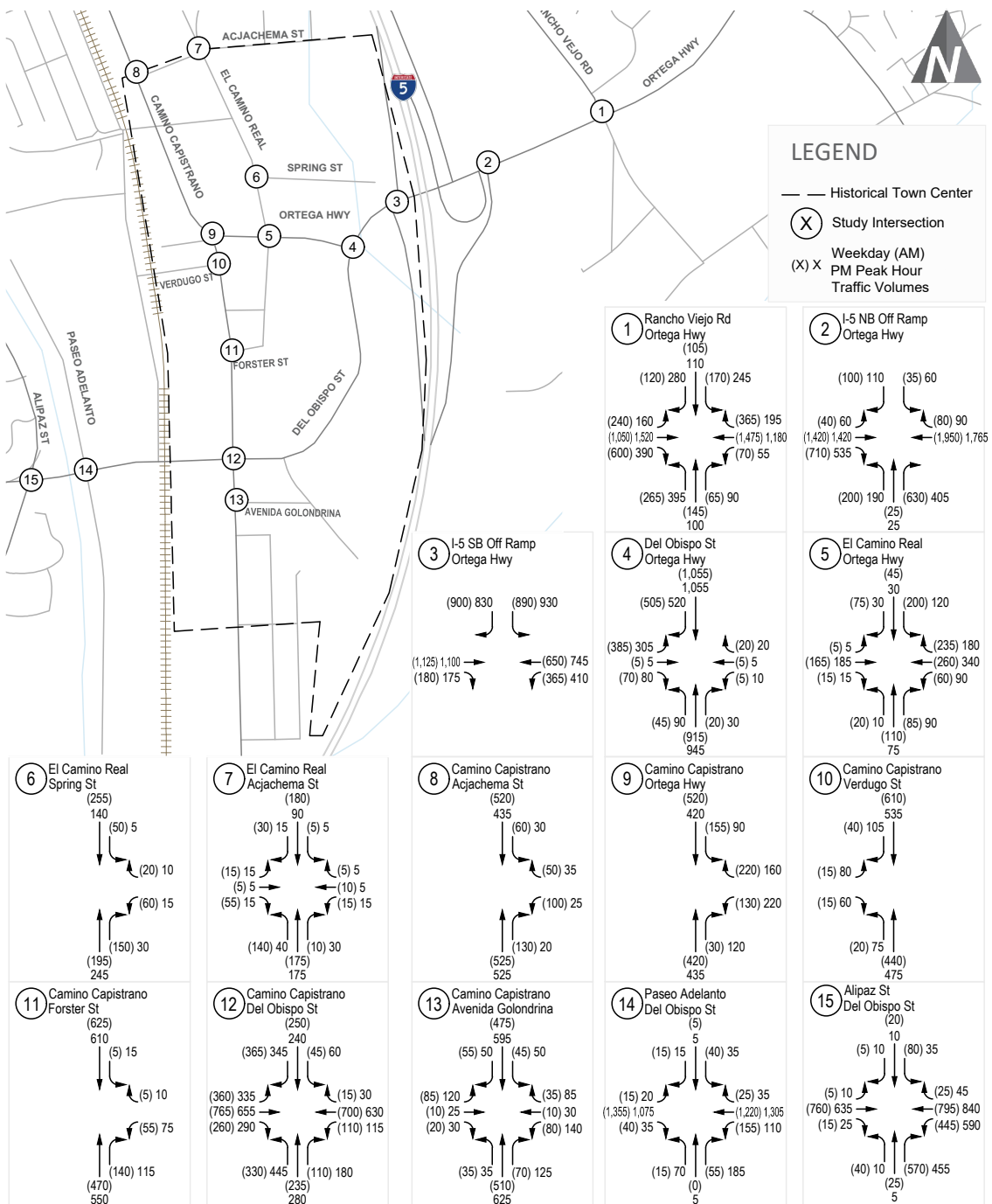
The Robert McCollum Memorial Bicycle Trail is a paved trail along Camino Capistrano located north of La Zanja street. Trabuco Creek Trail is another off-street paved trail located along Tabuco Creek and Paseo Adelanto and about one-mile length. Caballo Trail is a paved multi-use pathway along Rancho Viejo Road.

Parking

As part of the FBC, the Park Once Program was established as a policy to encourage visitors to the HTCMP area to only park one time and be able to access desired locations within a five minute walk from the City-owned public parking lots (Zoning Code Sec. 9-3.535). However, the Park Once Program conflicted with other City parking standards already in place.

A parking inventory was conducted within the Project area to understand the current parking supply. There was some construction in the study area including the block south of El Camino Real between Ortega Highway and Spring Street and a portion of the block between I-5 and Del Obispo Street; therefore, the supply identified is less than a period without construction. There are approximately 2,790 off-street parking spaces and 170 on-street parking spaces in the HTC for a total of 2,960 parking spaces.

Figure 3-5: Existing Weekday AM and PM Peak Hour Traffic Volumes



Existing Weekday Peak Hour Traffic Volumes

Historic Town Center Master Plan, General Plan Amendment, and Ordinance Change Project

transpogroup

FIGURE

3-5

3.9.3 Impacts and Mitigation

Impact 3.9-1: Would the Project conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Vehicle Miles Traveled

The review of VMT impacts focuses on how land use projects influence automobile use and removes the focus on intersection and roadway traffic. The City of San Juan Capistrano is currently developing VMT policies and procedures but has not yet adopted a VMT threshold for evaluating land use projects. As described in the Methodology section of this study, the City is utilizing the Governor's Office of Planning and Research (OPR) guidance for a threshold of 15 percent below existing regional VMT per capita (or 85 percent of the regional VMT per capita). This threshold strives to keep the local VMT less than the current region VMT per capita even with growth related to land use development. Achieving this VMT threshold means that there would be less miles traveled by vehicle per person in the local area. Cities and developments are able to achieve this threshold by providing alternatives to driving alone such as transit, telecommuting, rideshare, walking and biking facilities as well as increasing land densities and mixes of uses so that people do not have to travel long distances for living, working and playing.

Following OPR's guidance regarding VMT analysis, areas within a ½ mile of an existing major transit stop or corridor are considered to have a less than significant impact on VMT. As shown in Figure 8 of Appendix E, the HTC area is within ½-mile of the San Juan Capistrano Station, which is considered a major transit stop and corridor. Although the HTC area is within ½-mile of an existing major transit corridor, a quantitative VMT analysis was conducted to analyze potential VMT impacts.

Table 3-18 provides a comparison of the No Project and Project Alternatives VMT per capita to the VMT threshold.

Table 3-18: Comparison of Vehicle Miles Traveled Per Capita

	No Project Alternative	Project Alternative
VMT Threshold ¹	19.9	
Estimated VMT ²	113,430	103,925
Estimated Capita ²	6,240 persons	5,715 persons
VMT Per Capita ²	18.2	18.2
VMT at or Below Threshold	Yes	Yes

Notes: VTM = Vehicle Miles Traveled

1. The VMT threshold represents 85% of the VMT per capita from the Orange County Transportation Analysis Model (OCTAM) baseline (2012) model
2. VMT based on the OCTAM baseline for the Historic Town Center (HTC) area. Persons estimated based on vehicle trip generation by Alternative as well as the average vehicle trips per person based on the OCTAM.

As shown in Table 3-18, both the No Project and Project VMT per capita would meet the City's VMT standard and are below the VMT threshold. The VMT per capita is the same for both Alternatives because the land use is similar; therefore, the No Project generates more VMT but is denser and has a higher population (due to the incorporation of residential uses) while the Project generates less VMT with a lower population so the resulting VMT per capita is the same. The analysis shows for the No Project and Project Alternative the VMT impact is less than significant.

Non-auto options are readily available in the Project area; and, as transit, transportation demand management, rideshare, and non-motorized improvements are made, vehicle miles traveled would be reduced. The Project area is a walkable part of the City with sidewalks provided on the street network and multipurpose trails. In addition, train and bus access is provided for commuting and regional trips. Access to transit, bicycle facilities and walkable routes is anticipated to be similar for all alternatives.

Transit

As documented in the HTCMP, the No Project Alternative would promote public transit ridership by proposing non-motorized infrastructure improvements along Ortega Highway and Camino Capistrano and extending local streets. However, no service changes are proposed with the No Project Alternative.

The Proposed Project would rely on long-range planning as proposed by the General Plan and transit agencies. The General Plan includes goals related to promoting an advanced public transportation network and providing an extensive public bicycle and pedestrian system. In addition, the OCTA 2018 Long-Range Transportation Plan for 2040 does not have any additional routes added that will serve the Project area.

Transit service and connections with the No Project and Proposed Project are anticipated to be similar with no major changes by OCTA, Metrolink, and Amtrak and connections provided to promote use of the system and reduce reliance on auto.

Non-motorized

The No Project includes improvements such as widened sidewalks, additional crosswalks, pedestrian lighting, and sidewalk bulb-outs along Ortega Highway, Del Obispo Street, and Camino Capistrano as documented in the HTCMP. Additionally, the new pedestrian and bicycle connectors are proposed to the San Juan Capistrano HTC from the north (El Horno Street underpass), west (new bridge over Trabuco Creek and enhanced Verdugo Street), and from the east (I-5/Ortega Highway realignment for incorporating bicycle lanes). The I-5/Ortega Highway realignment is completed.

As describe above, the Proposed Project would rely on long-range planning as proposed by the General Plan and OCTA. The OCTA 2018 Long-Range Transportation Plan proposes an additional Class 1 Bike Path along Camino Capistrano from Del Obispo Street to La Zanja Street within the study area. Additional connections and improvements with the Proposed Project would be related to development that occurs within the Project area.

Parking

The No Project includes parking infrastructure projects, the Park Once Program, and 2012 FBC, which includes shared parking and “in-lieu” payments. Although the HTCMP discusses parking and public infrastructure projects, including a parking structure, the Park Once Program itself only involves parking standards that would allow visitors to park one time and be able to access desired locations within a five minute walk from the City-owned public parking lots. The Proposed Project would clarify parking requirements in the HTC area by affirming and readopting the Park Once Program. The Zoning Code would be amended to clarify parking standards consistent with the existing Park Once Program.

Conclusion

The Proposed Project generally results in less traffic to and from the Project area and traffic operations that are generally similar to or slightly better than the No Project scenario; therefore, the Proposed Project would not result in a new significant impact. Implementation of the Proposed Project would have a less than significant impacts with regards to compliance with existing transportation plans covering the Project area.

Impact 3.9-2: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3 or with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

As described above in Impact 3.9-1, the Proposed Project would result in less than significant impacts based on the VMT analysis above. Although height of hotels and allowable FAR within the HTC area would be potentially increased, the overall VMT would be reduced with implementation of existing City transit goals. The Proposed Project incorporates the goals and policies of the City's General Plan including measures to increase safety, encouraging developing Complete Streets facilities, and increasing regional connectivity. The City's policies will also require complete streets and consideration of alternative modes, which could encourage alternative travel and potentially reduce vehicle trips especially with improvements that encourage walking between uses thereby reducing excess vehicle trips travelling between uses within the Project area.

Orange County Transportation Authority has a LOS E threshold for the CMP Highway System intersections. CMP intersections within the study area include: I-5 Northbound Ramp/Ortega Highway and I-5 Southbound Ramp/Ortega Highway. As shown in Table 3-14 in Section 3.8.3, the Proposed Project would not result in any CMP intersections operating at LOS E or below; therefore, this impact is less than significant. In addition, the Proposed Project impacts would be under the VMT thresholds outlined by OPR; thus, VMT impacts would be less than significant.

Mitigation Measures

No mitigation measures are necessary.

3.9.4 Cumulative Impacts

The No Project and Proposed Project analyses contained above in Impact 3.9-1 assess the traffic impacts of all cumulative development anticipated by the Year 2040. As shown above, implementation of the Proposed Project would not result in any new impacts associated with VMT or service standards when compared to the No Project scenario; the Proposed Project would not require any new mitigation to reduce potentially significant impacts.

The future 2040 traffic volumes for the Proposed Project are based the future 2040 volumes presented in The Farm Specific Plan Traffic Impact Analysis (Farm TIA) (LSA, February 2018)⁵. The Farm TIA is consistent with the objectives and requirements of the City's Administrative Policy No. 310 and the City's General

⁵ These forecasts include development of projects such as the River Street Marketplace Project. A site-specific transportation study has also been conducted for the River Street Marketplace Project.

Plan Circulation Element and Growth Management Element (December 1999). The traffic forecast volumes in the Farm TIA were prepared using the Orange County Transportation Analysis Model (OCTAM), the long-range traffic modeling tool used for sub-regional traffic planning in the area. The OCTAM is a travel demand model that provides more specific land use and network information for Orange County and is derived from the Southern California Association of Governments (SCAG) Regional Model. The use of the 2040 traffic volumes included potential future cumulative impacts, and with the 2040 traffic volumes, no additional impacts to service standards would occur. As such, implementation of the Proposed Project would result in less than significant cumulative impacts.

CHAPTER 4.0 – ALTERNATIVES ANALYSIS

4.1 INTRODUCTION AND OVERVIEW

The California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly avoid or lessen any significant environmental impacts while substantially attaining the basic objectives of the project. An EIR should also evaluate the comparative merits of the alternatives. This chapter describes potential alternatives to the Proposed Project that were considered, identifies alternatives that were eliminated from further consideration and reasons for dismissal, and analyzes available alternatives in comparison to the potential environmental impacts associated with the Proposed Project.

Key provisions of the *CEQA Guidelines* pertaining to the alternatives analysis are summarized below:

- The discussion of alternatives shall focus on alternatives to the Proposed Project or its location that are capable of avoiding or substantially lessening any significant effects of the Proposed Project, even if these alternatives would impede to some degree the attainment of the Proposed Project objectives, or would be more costly.
- The No Project Alternative shall be evaluated along with its impact. The No Project analysis shall discuss the existing conditions at the time the Notice of Preparation is published. Additionally, the analysis shall discuss what would be reasonably expected to occur in the foreseeable future if the Proposed Project were not approved, based on current plans and consistent with available infrastructure and community services.
- The range of alternatives required in an EIR is governed by a “rule of reason”; therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. Alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Proposed Project.
- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the Proposed Project need to be considered for inclusion in the EIR.
- An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.

The range of feasible alternatives is selected and discussed in a manner to foster meaningful public participation and informed decision making. Among the factors that may be taken into account when addressing the feasibility of alternatives are environmental impacts; site suitability; economic viability; availability of infrastructure; general plan contingency; regulatory limitation; jurisdictional boundaries; and whether the proponent could reasonably acquire, control, or otherwise have access to the alternative site. An EIR need not consider an alternative whose effects cannot be reasonably identified, whose implementation is remote or speculative, and that would not achieve the basic project objectives.

4.2 PROJECT OBJECTIVES

As discussed in Chapter 2, Project Description and Environmental Setting, the Proposed Project is intended to reconcile identified discrepancies between the HTCMP, the City's FBC, and the General Plan. The overarching goal of the Proposed Project is to repeal the HTCMP and associated FBC and amend the General Plan and Zoning Code. The City has determined the following objectives to describe the underlying purpose of the Project:

1. Repeal the HTCMP and the FBC.
2. Initiate a General Plan Amendment and a Zoning text amendment to address the various inconsistencies identified by the Planning Commission ad-hoc committee, including removal of residential land uses, permitting minor alteration of nonconforming uses, and eliminating Freeway Edge Overlay and Railroad Overlay.
3. Preserve and enhance the role of the Project area as the civic and commercial heart of the City.
4. Preserve and honor the historic buildings and other resources in the Project area as integral and generative elements of its urban and architectural character.
5. Codify height and setback requirements for new buildings in the TC and TCE Districts adjacent to any historic buildings.
6. Provide increased FAR in the Project area, especially for areas that provide public gathering spaces.
7. Encourage hotel uses in the Project area, including allowing three story hotels; which will encourage economic generators in the Project Area.
8. Encourage an expanded mix of retail, commercial, and civic uses to create a lively mixed-use environment.
9. Readopt and affirm the Park Once Program parking standards.

4.3 ALTERNATIVES TO THE PROPOSED PROJECT

The alternatives identified below, with the exception of the mandatory No Project Alternative, were selected due to their potential to attain the basic project objectives discussed above and to lessen or avoid significant environmental effects resulting from implementation of the Proposed Project. Alternatives considered in this EIR include:

- No Project Alternative
- Reduced Height Alternative

In summary, the purpose of this section is to discuss feasible alternatives and evaluate the ability of each alternative to reduce or avoid significant adverse environmental impacts while achieving the basic project objectives. The reader is referred to the individual sections of the EIR (Chapter 3) and to the Executive Summary for a detailed discussion of environmental impacts, but each issue area, that would result from implementation of the Proposed Project.

4.3.1 No Project Alternative

Section 15126.6(e) of the CEQA Guidelines requires analysis of a No Project alternative that (1) discusses existing site conditions at the time the Notice of Preparation (NOP) is prepared or the EIR is commenced,

and (2) analyzes what is reasonably to be expected to occur in the foreseeable future based on current plans if the Proposed Project were not approved.

Under this alternative, the Proposed Project would not be implemented. The HTCMP would remain in place and would not be repealed, which would continue to allow for residential land uses in the area. In addition, the FAR would not be increased in the Project area, the maximum building height for all buildings in the HTC area would remain 35 feet, and no new setbacks would be introduced.

Potential effects for the No Project Alternative were compared to the areas of potentially significant effects prior to mitigation that could be a result of the Proposed Project.

Aesthetics

Aesthetic impacts would be less under the No Project Alternative than for the Proposed Project, since no taller buildings would be allowed under the No Project Alternative. However, as described in Section SS, the aesthetic impacts of the Proposed Project are less than significant.

The maximum height in the HTC area would remain at 35-feet in height for all buildings. The No Project Alternative would have reduced impacts in comparison to the Proposed Project.

Air Quality

Implementation of the No Project Alternative would include continued use of the HTCMP, which would include residential land uses. As shown in Table 3-2 above, the No Project Alternative would include greater Commercial/Office, Civic, and Residential square footage and units than the Proposed Project; however, the No Project Alternative would result in lesser square footage of Hotel and Retail uses as compared to the Proposed Project. On balance, the air quality impacts with the No Project Alternative are considered to be less than those of the Proposed Project.

Cultural Resources

Cultural resources, and particularly historic resources, impacts would be less under the No Project Alternative than for the Proposed Project as the No Project Alternative would not increase FAR or building heights within the HTC area. However, the No Project Alternative would result in some increased impacts as the No Project Alternative would not include the new setback requirements. The setback requirements as outlined in the Proposed Project are intended to provide greater protection for historic resources. Due to the Proposed Project's allowance of three story hotel buildings, the Proposed Project would have significant and unavoidable impacts to historic resources, and would overall have increased impacts in comparison to the No Project Alternative.

Greenhouse Gas Emissions

Implementation of the No Project Alternative would include continued use of the HTCMP, which would include residential land uses. As shown in Table 3-2 above, the No Project Alternative would include greater Commercial/Office, Civic, and Residential square footage and units than the Proposed Project; however, the No Project Alternative would result in lesser square footage of Hotel and Retail uses as compared to the Proposed Project. On balance, the GHG emissions impacts with the No Project Alternative are considered to be less than those of the Proposed Project.

Land Use

Under the No Project Alternative, the HTCMP and FBC will not be repealed and inconsistencies with the General Plan and Zoning Code would not be corrected. This alternative would keep the HTCMP which allowed residential uses in the HTC area; however, this is inconsistent with the land uses outlined in the General Plan. The No Project Alternative would have increased impacts in comparison to the Proposed Project.

Transportation

The No Project Alternative would continue to allow for residential uses in the HTC area which has the potential to generate new traffic to residential uses; however, it would also allow residents within the area the ability to walk to the commercial uses in the Project Area. The No Project Alternative would also provide roadway connections including the proposed extensions of Forster Street, Yorba Street, and Avenida Los Amigos. As described in Section 3.9.3, the No Project Alternative VMT per capita the same for both Alternatives because the land use is similar; therefore, the No Project generates more VMT but is denser and has a higher population (due to the incorporation of residential uses) while the Project generates less VMT with a lower population so the resulting VMT per capita is the same. Therefore, the No Project Alternative has similar transportation impacts compared to the Proposed Project.

Conclusion and Relationship to Project Objectives

The No Project Alternative would result in keeping the HTCMP in place without any changes to the General Plan or FBC. Compared to the Proposed Project, the No Project Alternative would further reduce the Proposed Project's already less than significant impacts relating to Aesthetics and Cultural Resources, but would result in greater impacts in the areas of Land Use and Transportation. While the overall impacts associated with the No Project Alternative would be slightly less, under the No Project Alternative none of the project objectives identified in Section 4.2, above, would be achieved.

4.3.2 Reduced Height Alternative

The Reduced Height Alternative assumes that the Proposed Project would be implemented as proposed, except for the building height element. Under this alternative, the building heights for all buildings in the HTC area, including hotel buildings, would be limited to 35 feet in height. All other elements of HTCMP Repeal, General Plan Amendment, and Ordinance Change Project would remain the same. The purpose of this alternative is to reduce impacts associated with taller, three-story buildings of up to 45-feet in height.

Aesthetics

Aesthetic impacts would be similar but less under the Reduced Height Alternative than for the Proposed Project, since building heights would be limited to 35 feet rather than increased to 45 feet for three-story buildings. The Reduced Height Alternative would have reduced impacts in comparison to the Proposed Project.

Air Quality

Under the Reduced Height Alternative, the only change in potential construction or operational emissions from the Proposed Project would be fewer potential hotel units, as three-story hotels would be limited to 35-feet in height. The Reduced Height Impact would have lesser construction and operational air quality impacts in comparison to the Proposed Project.

Cultural Resources

Cultural resources impacts would be less under the Reduced Height Alternative than for the Proposed Project, since no increase in the height of buildings would be approved. With the Reduced Height Alternative, all buildings within the HTC area would be limited to 35-feet in height. This alternative would have reduced cultural resources and historical resources impacts in comparison to the Proposed Project.

Greenhouse Gas Emissions

Under the Reduced Height Alternative, the only change in potential construction or operational emissions from the Proposed Project would be fewer potential hotel units, as three-story hotels would be limited to 35-feet in height. The Reduced Height Impact would have lesser construction and operational GHG emissions impacts in comparison to the Proposed Project.

Land Use

Under the Reduced Height Alternative, all of the Proposed Project elements would be implemented except the increase in allowable building height to 45-feet for 3-story buildings. This alternative would correct inconsistencies between the HTCMP, FBC, and General Plan, and would provide clarifications through the ordinance change. Compared to the Proposed Project, the Reduced Height Alternative would have similar beneficial impacts to land use.

Transportation

Transportation impacts under the Reduced Height Alternative would be similar to the Proposed Project, as the only difference between the two are the increased allowable building height under the Proposed Project. The Reduced Height Alternative would remove the possibility of residential land uses within the HTC area, and would correct other inconsistencies between the General Plan, HTCMP, and FBC. This alternative would have similar impacts in comparison to the Proposed Project.

Conclusion and Relationship to Project Objectives

Compared to the Proposed Project, the Reduced Height Alternative would further reduce the already less than significant impacts relating to aesthetics and cultural resources. However, under the Reduced Height Alternative, some of the project objectives provided in Section 4.2, above, would not be achieved. For example, the Reduced Height Alternative would not achieve the objective of encouraging three story hotels; which will encourage economic generators in the Project area, as this alternative would limit the height of three story hotels to 35 feet and would reduce the economic potential of those structures.

Table 4-1: Comparison of Alternatives

Environmental Issue Area	Proposed Project	No Project Alternative	Reduced Height Alternative
Aesthetics	Less than Significant	Reduced Less than Significant	Reduced Less than Significant
Air Quality	Significant and Unavoidable	Reduced Less than Signification	Reduced Significant and Unavoidable
Cultural Resources	Significant and Unavoidable	Reduced Less than Significant	Reduced Less than Significant with Mitigation
Greenhouse Gas Emissions	Less than Significant	Reduced Less than Significant	Reduced Less than Significant
Land Use	Less than Significant	Increased Potentially Significant	Similar Less than Significant
Transportation	Less than Significant	Similar Less than Significant	Similar Less than Significant

4.4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA does not require the City to choose the environmentally superior alternative. Instead CEQA requires the City to consider environmentally superior alternatives, explain the considerations that led it to conclude that those alternatives were infeasible from a policy standpoint, weigh those considerations against the environmental impacts of project that is proposed, and make findings that the benefits of those considerations outweighed the harm. The Reduced Height Alternative would limit the ability for hotels of three stories and 45-feet in height to be built in the Project area. However, this alternative would limit the City's opportunity to encourage hotel uses in the Project area, including allowing three story hotels, which could potentially limit economic generators in the Project area. Therefore, the Reduced Height Alternative would not meet all of the Project Objectives.

Regardless, the Reduced Height Alternative would result in the fewest environmental impacts as compared to the Proposed Project, while still achieving most of the Project Objectives.

CHAPTER 5.0 – OTHER CEQA CONSIDERATIONS

This chapter presents the evaluation of other types of environmental impacts required by CEQA that are not covered within the other chapters of this EIR. The other CEQA considerations include environmental effects that were found not to be significant, growth-inducing impacts, and significant and unavoidable adverse impacts.

5.1 ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

The Initial Study (IS) for the Proposed Project, completed in April 2019, which is included in the EIR as Appendix B, determined that the Proposed Project would result in no impact or a less than significant impact to 12 of 16 environmental issue areas. The IS for the Proposed Project discusses why the Project would have no impact or less than significant impacts for these issue areas, which are subsequently not discussed in detail in this EIR. The issue areas determined to have no impact or a less than significant impact in the IS and EIR analysis include the following:

- Agricultural Resources
- Biological Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation and Parks
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

After a more detailed evaluation of the environmental issues associated with the Proposed Project, the EIR determined that impacts would be less than significant with incorporation of project design features or mitigation measures for the following environmental issue areas:

- Aesthetics
- Land Use
- Transportation

After a more detailed evaluation of environmental issues associated with the Proposed Project, the EIR determined that significant and unavoidable impacts would occur for the following environmental issue area:

- Air Quality
- Cultural Resources

5.2 IRREVERSIBLE ENVIRONMENTAL CHANGES

According to the *CEQA Guidelines*, “[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.” Therefore, the purpose of this analysis is to identify any significant irreversible environmental effects of project implementation that cannot be avoided.

Implementation of the Proposed Project will allow construction activities that will entail the commitment of non-renewable and/or slowly renewable energy resources (including fossil fuel), human resources, and natural resources such as lumber and other forest products, sand and gravel, asphalt, steel, copper, lead, other metals, and water. The commitment of resources will be long-term obligations and resulting construction may result in permanent alteration of land once developed.

Similarly, operation of the Proposed Project will result in the commitment of limited, nonrenewable resources and slowly renewable resources such as natural gas, electricity, petroleum-based fuels, fossil fuels, and water. Natural gas and electricity will be used for lighting, heating, and cooling of buildings and operation of project facilities. The Proposed Project will not result in a significant impact related to the provision of natural gas or electricity. In addition, Title 24 of the California Code of Regulations requires conservation practices that will limit the amount of energy consumed by the proposed Project.

Notwithstanding the energy conservation features of Title 24, and the type and location of proposed land uses being of a nature that supports reductions in VMT, implementation of the Proposed Project will result in increased demands for energy and other resources that represent a long-term commitment of nonrenewable resources. The commitment of limited, slowly renewable, and nonrenewable resources required for construction and operation of the Proposed Project will limit the availability of these resources for future generations or for other uses during the life of the project. However, continued use of such resources is consistent with regional and local plans and projected growth in the area. No other significant irreversible changes are expected to occur as a result of project implementation.

5.3 GROWTH-INDUCING IMPACTS

Pursuant to the *CEQA Guidelines*: an EIR must address whether a project will directly or indirectly foster growth as follows:

An EIR shall discuss the ways in which the Proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of wastewater treatment plant, might, for example, allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also, discuss the characteristic of some projects, which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Growth-inducing effects are not to be construed as necessarily beneficial, detrimental, or of little significance to the environment (CEQA Guidelines Section 15126.2 (d)). This issue is presented to provide additional information on ways in which the Proposed Project could contribute to significant changes in the environment, beyond the direct consequences of developing the land use concept examined in the preceding sections of this EIR. It should also be noted that while implementation of the Proposed Project would result in the establishment of new businesses within the Project area, the associated increases in development and employment are not considered to be the result of growth inducement, but rather reflects the accommodation of growth anticipated to occur within the region. Therefore, implementation of the Proposed Project would not result in direct or indirect growth inducing impacts.

5.4 SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACT

The potentially adverse effects of the Proposed Project are discussed in Chapter 3.0 of this EIR. Although mitigation measures have been recommended for air quality impacts, future development within the Project area would still have the potential to result in significant unavoidable impacts. In addition, although Project mitigation measures have been recommended for cultural and more specifically historic resources, the potential impacts of three-story hotel buildings of up to 45-feet in height on historic structures in the HTC area would remain significant and unavoidable.

CHAPTER 6.0 – ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
Cal EPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CMP	Congestion Management Program
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
GPA	General Plan Amendment
HCM	Highway Capacity Manual
ICU	Intersection Capacity Manual
IS	Initial Study
LOS	Level of Service
mph	miles per hour
NOP	Notice of Preparation
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
USGS	U.S. Geological Survey
V/C	Volume-to-Capacity
VMT	Vehicle miles traveled

CHAPTER 7.0 – REFERENCES

The following is a list of references used in the preparation of this document.

City of San Juan Capistrano (City)

- 1999 City of San Juan Capistrano General Plan. Available Online at:
<http://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning/General-Plan>
- 2011 Historic Town Center Master Plan Environmental Impact Report. Available Online at:
<http://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning/Environmental-Documents/Historic-Town-Center>
- 2012a Historic Town Center Master Plan.
- 2012b Chapter 9-3.316 Title 9, Land Use Code San Juan Capistrano Municipal Code Historic Town Center Form-Based Code. Available Online at:
<http://sanjuancapistrano.org/Portals/0/Documents/Development%20Services/Historic%20Towne%20Center%20Form%20Base%20Code.pdf>
- 2018 Inventory of Historical and Cultural Landmarks. Available Online at:
<http://sanjuancapistrano.org/Portals/0/Documents/Development%20Services/Historic%20Preservation/IHCL-2018%20October-Final.pdf>
- 2020 City of San Juan Capistrano Trolley Service. Available online at:
<https://sanjuancapistrano.org/Visitor-Information/Trolley-Service>

LSA

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CHAPTER 8.0 – REPORT PREPARATION

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