

## **APPENDIX A**

### **INITIAL STUDY, SCOPING COMMENTS, AND NOTICE OF PREPARATION**

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## NOTICE OF PREPARATION

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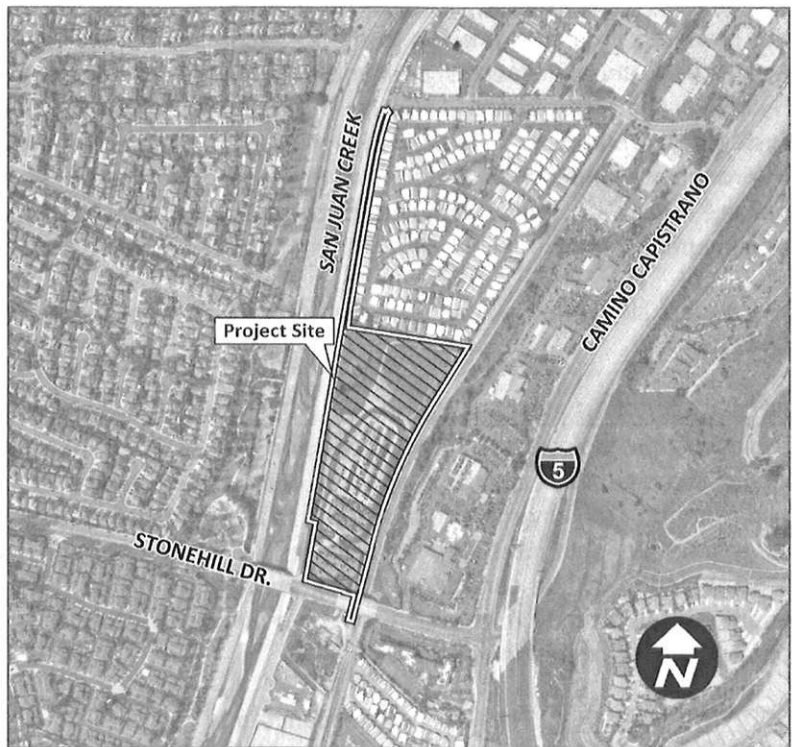
ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: \_\_\_\_\_ DEPUTY

## PUBLIC NOTICE/NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT

**Project:** Ganahl Lumber Project  
**Lead Agency:** City of San Juan Capistrano  
**Project Applicant:** Ganahl Lumber Company

**PROJECT DESCRIPTION:** The City of San Juan Capistrano (City) is the Lead Agency responsible for preparing an Environmental Impact Report (EIR) addressing potential environmental impacts associated with the Ganahl Lumber Project (proposed project). The proposed project is located at 25865 Stonehill Drive on an approximately 17-acre site comprised of the following Assessor's Parcel Numbers (APNs): 121-253-13 and -15, 121-240-39, -73, and -76, and generally bound by Stonehill Drive to the South and San Juan Creek to the west. Surrounding land uses include a mobile home park to the north; the San Juan Creek Channel and Trail, Creekside Park, and single-family residential uses to the west; the BNSF rail line and automobile dealerships to the east; and a hotel, a mobile home park, and commercial uses south of Stonehill Drive. According to the City's General Plan Land Use Element (1991), a majority of the project site has a land use designation of Quasi-Industrial, and the northernmost portion of the project site has a land use designation of Industrial Park. According to the City's Zoning Map, a majority of the project site is zoned as Commercial Manufacturing (CM), and the northernmost portion of the project site is zoned Mobile Home Park Senior Overlay (MHP-SO). No General Plan amendment or zoning changes would be required to implement the proposed project.



The proposed project involves the development of three separate development areas, described as Areas A, B, and C. Area A would include the future potential development of two drive-through restaurants. Area B would be developed with the Ganahl Lumber hardware store and lumber yard, which would be comprised of 15 structures, including 3 main buildings, a guard house, and 11 sheds. Area C would include a crushed-rock gravel area for long-term vehicle storage; the lot would include 399 parking spaces that would be used by local car dealerships to store excess vehicles. The project proposes a total building area of 166,385 square feet (sf) within Areas A, B, and C, with a majority of the development concentrated within Area B. In addition, the proposed project includes an easement for a two-lane access road extending from Area A to the properties immediately south of Stonehill Drive. A two-lane easement travelling north/south from the northwestern corner of Area C to Avenida Aeropuerto is also proposed; the easement would be located immediately west of the mobile home park adjacent to the project site to provide emergency access to and from the project site to the north.

Required discretionary actions associated with the project include the following: Certification of the EIR; Property Sale and development agreement(s); Amendment of Deed Restrictions/Easements Affecting the Property; Grading Plan Modification; Architectural Control; Floodplain Land Use Permit; Sign Permit Program; and Tentative Tract Map. The following future discretionary approvals would be required from both the Lead Agency and Responsible Agencies: Discretionary Use Permit (DUP)/Conditional Use Permit (CUP) to be approved by the City at a future date; General Construction Activities National Pollutant Discharge Elimination System (NPDES) Permit Order 2009-0009-DWQ as amended, Stormwater Pollution Prevention Plan, and Best Management Practices (BMPs), to be approved by the State

Water Resources Control Board (SWRCB); a Water Quality Management Plan (WQMP) and BMPs consistent with NPDES Permit Order 2013-0001 (including amendments R9-2015-0001 and R9-2015-0100) to meet post construction NPDES requirements; and a Conditional Letter of Map Revisions Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F), to be approved by the Federal Emergency Management Agency (FEMA).

**POTENTIAL ENVIRONMENTAL IMPACTS:** The Draft EIR (DEIR) will examine potential environmental impacts generated by the proposed project in relation to the following Environmental Analysis categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Mandatory Findings of Significance. A more complete description of the proposed project and potential environmental impacts are included in the Initial Study, which is available at the reviewing locations listed below and online at: <http://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning/Environmental-Documents>.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**PROJECT SCOPING PROCESS:** Circulation of this Notice of Preparation (NOP) starts a 30-day public review and comment period on the scope of the DEIR that begins on **May 23, 2019**, and ends on **June 21, 2019** at 5:00 p.m. All interested parties, including the public, responsible agencies, and trustee agencies, are invited to provide comments and input on the scope and content of the environmental analysis to be addressed in the DEIR. Responsible and trustee agencies should provide comments and input related to the agencies' respective areas of statutory responsibility. Comments received during the scoping period will be considered during preparation of the DEIR. Public agencies and interested parties will have an additional opportunity to comment on the proposed project during the 45-day public review period to be held after the publication and circulation of the DEIR.

**SCOPING MEETING:** The City will conduct a Public Scoping Meeting in order to present the proposed project and the EIR process and to receive public comments. The City invites interested parties to the following public scoping meeting for the proposed project in order to learn more about the project, ask questions, and submit comments:

**Date/Time:**

**June 6, 2019, 6:00 – 8:00 p.m.**

**Location:**

**Community Center Hall  
25925 Camino Del Avion  
San Juan Capistrano**

**POSTED**

**MAY 22 2019**

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: RP DEPUTY

5/21/19 (P:\JCA1803\CEQA\Initial Study\Distribution\NOP.docx)

**INITIAL STUDY REVIEWING LOCATIONS**

The Initial Study is available for public review from **May 23, 2019** and ending **June 21, 2019** at the following locations:

**City of San Juan Capistrano**  
Development Services Department  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675

**San Juan Capistrano Library**  
City of San Juan Capistrano Library  
31495 El Camino Real  
San Juan Capistrano, CA 92675

**Online**  
<http://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning/Environmental-Documents>

**Address Comments to:**  
City of San Juan Capistrano:  
Attn: Sergio Klotz, AICP, Assistant Development Services Director  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675  
Phone: (949) 443-6334  
Email: [SKlotz@sanjuancapistrano.org](mailto:SKlotz@sanjuancapistrano.org)

## INITIAL STUDY

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**DRAFT**

## **INITIAL STUDY**

**GANAHL LUMBER  
HARDWARE STORE AND LUMBER YARD PROJECT  
CITY OF SAN JUAN CAPISTRANO**



**LSA**

May 2019

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**DRAFT**

## **INITIAL STUDY**

**GANAHL LUMBER  
HARDWARE STORE AND LUMBER YARD PROJECT  
STONEHILL DRIVE**



Submitted to:

City of San Juan Capistrano  
Department of Planning and Zoning  
32400 Paseo Adelanto  
San Juan Capistrano, California 92675

Prepared by:

LSA Associates, Inc.  
20 Executive Park, Suite 200  
Irvine, California 92614  
(949) 553-0666

Project No. JCA1803

# **LSA**

May 2019

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- D: PHASE I ENVIRONMENTAL SITE ASSESSMENT

## LIST OF ABBREVIATIONS AND ACRONYMS

APN	Assessor's Parcel Numbers
AQMP	Air Quality Management Plan
BMPs	Best Management Practices
BNSF	Burlington Northern Santa Fe
CalGreen Code	California Green Building Standards Code
California Register	California Register of Historical Resources
Caltrans	California Department of Transportation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of San Juan Capistrano
CLOMR-F	Conditional Letter of Map Revisions Based on Fill
CM	Commercial Manufacturing
County	County of Orange
CRHR	California Register of Historical Resources
CUP	Conditional Use Permit
cy	cubic yards
DA	Development Agreement
DDA	Disposition and Development Agreement
DOC	Department of Conservation
DUP	Discretionary Use Permit
EIR	Environmental Impact Report
EZRIM	Earthquake Zones of Required Investigation

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FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
FP	Flood Plain Land Use Permit
ft	foot/feet
GHG	greenhouse gas
GPM	Grading Plan Modification
HVAC	heating, ventilation, and air conditioning
I-5	Interstate 5
IS	Initial Study
LOMR-F	Letter of Map Revision Based on Fill
NCCP/HCP	Natural Communities Conservation Plan/Habitat Conservation Plan
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
PCH	Pacific Coast Highway
proposed project	Ganahl Lumber Hardware Store and Lumber Yard Project
RTP/SCS	2016 Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Archaeological Information Center
sf	square foot/feet
SR-1	State Route 1

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SR-73	State Route 73
SR-74	State Route 74
SWRCB	State Water Resources Control Board
USFWS	United States Fish and Wildlife Service

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## 1.0 PROJECT INFORMATION

In accordance with the California Environmental Quality Act (CEQA) and the *State CEQA Guidelines*, this Initial Study (IS) has been prepared for the proposed Ganahl Lumber Hardware Store and Lumber Yard Project (proposed project) in the City of San Juan Capistrano (City). Consistent with *State CEQA Guidelines* Section 15071 in accordance with the City's *Local Guidelines for Implementing CEQA*, this IS includes a description of the proposed project, an evaluation of the potential environmental impacts, and findings from the environmental analysis.

This IS evaluates the potential environmental impacts that may result from development of the proposed project. The City is the Lead Agency under CEQA and is responsible for adoption of the IS and approval of the project.

### 1.1 CONTACT PERSON

Any questions or comments regarding the preparation of this IS, its assumptions, or its conclusions should be referred to:

Sergio Klotz, AICP, Assistant Development Services Director  
City of San Juan Capistrano Development Services, Planning Division  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675  
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Email: [sklotz@sanjuancapistrano.org](mailto:sklotz@sanjuancapistrano.org)

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## 2.0 PROJECT DESCRIPTION

This section describes the proposed Ganahl Lumber Yard Project (proposed project) that is evaluated in this Initial Study (IS). A description of the proposed project's location, project characteristics, and required discretionary approvals is provided below.

### 2.1 PROJECT OVERVIEW

Ganahl Lumber (the Project Applicant) proposes to construct the proposed project on an approximately 17-acre site located immediately north of Stonehill Drive between the San Juan Creek Channel/Trail and the Burlington Northern Santa Fe (BNSF) rail line in the City of San Juan Capistrano. The proposed project involves the development of three separate development areas, described as Areas A, B, and C. Area A would include the development of two drive-through restaurants. Area B would be developed with the Ganahl Lumber hardware store and lumber yard. Area C would include a crushed-rock gravel area for long-term vehicle storage. The project proposes a total building area of 166,385 square feet (sf) within Areas A, B, and C, with a majority of the development concentrated within Area B.

### 2.2 EXISTING CONDITIONS

#### 2.2.1 Regional Project Location

The proposed project is located on an approximately 17-acre site in the City of San Juan Capistrano (City), which itself is located in southern Orange County, California. The City encompasses approximately 14 square miles of land (approximately 8,960 acres) within the County. The City is bounded by the adjacent City of Mission Viejo to the north, the Cities of Laguna Niguel and Dana Point to the west, the City of San Clemente to the south, and unincorporated Orange County to the east.

As shown on Figure 2.1, Regional Project Location, regional access to the project site is provided by Interstate 5 (I-5), Pacific Coast Highway (PCH, also known as State Route 1), State Route 73 (SR-73), and State Route 74 (SR-74, also known as Ortega Highway). The I-5 freeway bisects the central portion of the City in a north-south direction and is located less than .25 mile east of the project site; PCH extends in a north-south direction and is approximately 0.7 mile south of the project site; SR-73 extends in an east-west direction in the northern portion of the City and is located approximately 5.0 miles north of the project site; and Ortega Highway extends in an east-west direction approximately 3.2 miles north of the project site.

#### 2.2.2 Project Vicinity and Surrounding Land Uses

The project site is comprised of five Assessor's Parcel Numbers (APNs), including 121-253-13 and -15, 121-240-39, -73, and -76. Surrounding land uses include a mobile home park to the north; the San Juan Creek Channel and Trail, Creekside Park, and single-family residential uses to the west; the BNSF rail line and automobile dealerships to the east; and a hotel, a mobile home park, and commercial uses south of Stonehill Drive. A detailed project vicinity map is shown on Figure 2.2, Project Vicinity.

### **2.2.3 Existing Project Site**

The project site is generally bounded to the south by Stonehill Drive, to the west by San Juan Creek Channel and Trail, to the east by the BNSF rail line, and to the north by the Capistrano Valley Mobile Estates mobile home park. Additionally, the project site includes two easements: one extends north from the northwestern portion of the property to Avenida Aeropuerto; the other extends south from the southeastern portion of the property and travels under the bridge at Stonehill Drive.

In its existing condition, the project site is undeveloped and the northern portion of the site is vacant. A vehicle storage area, located on the central and southern portions of the project site, is secured by a chain-link fence. The vehicle storage area consists of a crushed-rock gravel surface and is not paved. The project site is currently used as an illegal dump site for trash and construction debris, which contributes to the degraded nature of the project site. Refer to Figure 2.3, Site Photographs, for current photographs of the project site.

### **2.2.4 Existing General Plan and Zoning**

As shown on Figure 2.4, Existing General Plan Land Use Designations, the existing General Plan land use designation for the majority of the project site is Quasi-Industrial. According to the City's Land Use Element (1999, revised 2002), the Quasi-Industrial designation provides for a variety of light industrial and manufacturing uses, including limited regional commercial activities that are non-polluting and are compatible with surrounding land uses. The northernmost portion of the project site has a land use designation of Industrial Park, which allows light industrial and manufacturing uses. The existing General Plan land use designations are consistent with the proposed project. Existing land uses surrounding the project site include Industrial Park to the north, Quasi-Industrial to the south and east of the BNSF rail line, and General Open Space to the west.

As shown on Figure 2.5, Existing Zoning Designations, the majority of the project site is zoned Commercial Manufacturing (CM). The Commercial Manufacturing zone allows industrial and non-retail commercial uses, including wholesaling, limited manufacturing, eating establishments, and indoor recreational uses. The northernmost portion of the project site is zoned Mobile Home Park Senior Overlay, which allows mobile home uses for seniors 55 years of age and older. The existing zoning designations are consistent with the proposed project. Existing zoning designations surrounding the project site include a Mobile Home Park District to the north, Neighborhood Park District to the west, General Open Space directly to the east, and Commercial Manufacturing to the east of the BNSF rail line and south of Stonehill Drive.

No General Plan amendment or zoning changes would be required to implement the proposed project. The project site's land use designations and zoning classifications are discussed further in Section 4.10, Land Use and Planning, of this IS.

## **2.3 PROPOSED PROJECT**

### **2.3.1 Proposed Development Areas A, B, and C**

The project site encompasses approximately 17 acres and includes the development of three separate development areas, described as Areas A, B, and C. Figure 2.6, Conceptual Site Plan, shows the three development areas proposed within the project site.

Area A is approximately 2 acres and would include the development of two drive-through restaurants. Area B is approximately 10.6 acres and would be developed with the Ganahl Lumber hardware store and lumber yard. Area C is approximately 4.4 acres and would include a crushed-rock gravel area for long-term vehicle storage. Table 2.A includes a breakdown of building area proposed within Areas A and B. No structures are proposed within Area C.

**Table 2.A: Proposed Building Area**

Proposed Structures	Floor Area	Overhang Area	Total Building Area
<b>Area A</b>			
Drive-Through Restaurant 1	3,500 sf	-	3,500 sf
Drive-Through Restaurant 2	1,500 sf	-	1,500 sf
<b>Total Area A</b>	<b>5,000 sf</b>	-	<b>5,000 sf</b>
<b>Area B</b>			
Building 1 (Hardware Store)	50,898 sf	4,825 sf	55,723 sf
Building 2 (Drive-Through Shed and Marketing Room)	34,729 sf	9,641 sf	44,370 sf
Building 3 (Will-Call and Operations Office)	20,781 sf	1,732 sf	22,513 sf
Building 4 (Guard House)	74 sf	113 sf	187 sf
Building 5A (T-Shed)	2,856 sf	-	2,856 sf
Building 5B (T-Shed)	2,856 sf	-	2,856 sf
Building 5C (T-Shed)	2,856 sf	-	2,856 sf
Building 5D (T-Shed)	2,856 sf	-	2,856 sf
Building 5E (T-Shed)	2,856 sf	-	2,856 sf
Building 5F (T-Shed)	2,856 sf	-	2,856 sf
Building 6A (Pole Shed)	5,988 sf	-	5,988 sf
Building 6B (Pole Shed)	6,760 sf	-	6,760 sf
Building 6C (Pole Shed)	5,089 sf	-	5,089 sf
Building 7A (L-Shed)	1,731 sf	-	1,731 sf
Building 7B (L-Shed)	1,888 sf	-	1,888 sf
<b>Total Area B</b>	<b>145,074 sf</b>	<b>16,311 sf</b>	<b>161,385 sf</b>
<b>Area C</b>			
No structures proposed	-	-	-
<b>Total Area C</b>	-	-	-
<b>Total Proposed Area</b>	<b>150,074 sf</b>	<b>16,311 sf</b>	<b>166,385 sf</b>

Source: Revised Ganahl SJC SF Table (Withee Malcolm Architects, LLP, May 2019).

sf = square foot/feet

As shown in Table 2.A, the project proposes a total building area of 166,385 sf within Areas A and B. A majority of the development would be located within Area B. Out of the total building area, 16,311 sf is proposed as overhang area; overhang area is defined as the exterior floor area covered by projections that extend past the edge of the building, such as eaves. Consequently, the project proposes 150,074 sf of total floor area, which is defined as the total area inside the buildings. Project components specific to the individual development areas are described in greater detail below.

The proposed project includes an easement for a two-lane access road extending from Area A to the properties immediately south of Stonehill Drive. A two-lane easement travelling north/south from

the northwestern corner of Area C to Avenida Aeropuerto is also proposed; the easement would be located immediately west of the mobile home park adjacent to the project site to provide emergency access to and from the project site to the north.

#### 2.3.1.1 Area A – Drive-Through Restaurants

Proposed improvements to Area A would include the future potential development of two buildings (3,500 sf and 1,500 sf, respectively) on Parcels 1 and 2 for two drive-through restaurants totaling 5,000 sf. Figure 2.7a shows an enlarged site plan of Area A.

At approximately 2 acres, Area A is of sufficient size to accommodate the proposed drive-through restaurant uses. Tenants for the proposed restaurant uses have not yet been identified. As such, proposed hours of operation, number of employees, and other tenant-specific details are not known at this time. However, operational impacts related to the future potential development of restaurant uses on the project site would be considered through approval of the Discretionary Use Permit (DUP)/Conditional Use Permit (CUP). Approval of the DUP/CUP would require project-specific findings evaluating compliance with City standards and conditions aimed at minimizing adverse impacts. However, the Environmental Impact Report (EIR) prepared for the project will analyze impacts related to 5,000 sf of drive-through restaurant uses.

#### 2.3.1.2 Area B – Ganahl Lumber Hardware Store and Lumber Yard

Proposed improvements to Area B include the development of the Ganahl Lumber Hardware Store and Lumber Yard, which would be comprised of 15 structures, including 3 main buildings, a guard house, and 11 sheds. The development area would be contained on Parcel 3. Figure 2.7b shows an enlarged site plan of Area B. Project components within Area B are described in detail below.

**Building 1: Hardware Store.** Building 1 would function as the main retail store and would be approximately 50,898 sf in size. The ground floor would include a fully-stocked hardware store, a showroom displaying doors and windows, hardwood and molding display areas, sales and customer service areas, a control room for yard operations, and restrooms. On the second floor, the mezzanine would be reserved for employee use and would include conference rooms, offices, break room, a lounge, storage areas, and restrooms.

**Building 2: Drive-Through Shed.** Building 2 would be one-story in height and approximately 34,729 sf in size. Building 2 would be used for product storage. Building 2 would also include a marketing room, for use by employees, and a loading dock.

**Building 3: Will Call Office.** Building 3 would be approximately 20,781 sf in size and would be used for will call and distribution operations. Product delivery and receiving activity would be conducted in the will call office and customers would have access to a waiting area. Building 3 would also have an expansive storage area, a break room, an office, restrooms, and a loading dock. On the second floor, a mezzanine would include office area and restrooms for employees.

**Building 4: Guard House.** Building 4 would be a 74 sf guard house and would be located between the main retail customer parking area and the lumber yard behind a motorized gate.

**Buildings 5A through 5F: T-Sheds.** Buildings 5A through 5F are comprised of six T-sheds<sup>1</sup> that would each be approximately 2,856 sf in size, for a total of 17,136 sf. Buildings 5A through 5F would be located together on the northeastern portion of Area B and would be used to store lumber and wood products.

**Building 6A through 6C: Pole Sheds.** Buildings 6A through 6C are comprised of three pole sheds<sup>2</sup> ranging in size from approximately 5,089 sf to 6,760 sf, for a total of 17,837 sf. Buildings 6A, 6B, and 6C would be located on the western, northern, and eastern boundaries of Area B, respectively, and would be used for storage of lumber, plywood, panel products, and bagged concrete products. Buildings 6A and 6B would act as sound and visual barriers between the lumber yard and the residential development to the north, as well as the San Juan Creek Channel, Creekside Park, and residential uses to the west, respectively.

**Building 7A through 7B: L-Sheds.** Buildings 7A and 7B are two L-sheds<sup>3</sup> ranging in size from 1,731 sf to 1,888 sf, for a total area of 3,619 sf. Buildings 7A and 7B would be located on the northern and western boundaries of Area B, respectively.

### 2.3.1.3 Area C: Vehicle Storage

Area C would include the development of a vehicle storage lot composed from pervious crushed-rock gravel; the lot would include 399 parking spaces that would be used by local car dealerships to store excess vehicles. Area C would be comprised of Parcels 4 (located on the western portion of Area C) and 5 (located on the eastern portion of Area C). The northernmost portion of Area C would feature a landscaped berm to provide a buffer between the project site and the residential uses immediately north of the site. Figure 2.7c shows an enlarged site plan of Area C.

## 2.3.2 Ganahl Lumber Hardware Store and Lumber Yard

### 2.3.2.1 Hardware Store Operations

Retail products for sale at the hardware store would include lumber, lumber products milled on-site to customer specification, hardware, doors and windows, tools, paint, and other building materials.

The hardware store would be open to the public Monday through Saturday from 6:00 a.m. to 6:00 p.m. and would be closed on Sundays. Staff may arrive half an hour early prior to store opening to prepare the store for customers, and a night shift would be scheduled until 11:00 p.m. to restock inventory, clean, and prepare orders for the next day.

### 2.3.2.2 Lumber Yard Operations

The lumber yard would be equipped with an on-site fleet of 6 to 9 trucks for delivering products to customers. The vehicle fleet would consist of pick-up trucks, trailers, 10-wheel trucks, bobtails, and

<sup>1</sup> T-sheds include multi-level cantilever racks and are open on all sides. T-sheds are typically used for storing lumber and other long-length materials.

<sup>2</sup> Pole sheds are supported by vertical poles and are open on one side.

<sup>3</sup> L-sheds include multi-level cantilever racks and are open on three sides. L-sheds are typically used for storing lumber and other long-length materials.

box trucks. A 12,000 gallon above-ground diesel tank, designed with double walls and a containment vessel, would be located on-site and provide fuel for the vehicle fleet. Approximately 10 to 12 material handling vehicles would be used to stack, load, and unload product at the lumber yard. The lumber yard area would be staffed by a guard in Building 4, or the Guard House, whom would provide surveillance and security to the lumber yard. Customer traffic entering and exiting the lumber yard area would be controlled by a motorized metal gate located north of the main retail parking area. If authorized, the guard would be able to open the gate and allow customer access to the lumber yard area. The lumber yard also would include a trash compactor and baler (adjacent to Building 3) and a generator (along the western project site boundary).

The lumber yard would be open on Monday through Friday from 5:00 a.m. to 11:00 p.m. and would be closed on Saturdays and Sundays. Receiving would typically handle incoming vendor deliveries Monday through Friday from 6:00 a.m. to 11:00 p.m., which would involve shipments of material to restock the hardware store inventory.

#### 2.3.2.3 Employees and Shifts

The proposed Ganahl project, which includes the hardware store and lumber yard, would employ approximately 80 employees at full capacity. Initially, it is anticipated that approximately 60 people would be employed by the facility. Typically, 50 percent of the employees would work in the hardware store and employees would move around the facility as needed to fill customer orders and prepare orders for delivery. A typical daytime shift would require 75 percent of the employee count, or approximately 45 persons at project opening.

#### 2.3.2.4 Building Design

**Building 1** (Hardware Store) would be designed with timber framing, reclaimed wood and stone veneer accents, copper-colored metal roofing, and decorative concrete walls. The metal roof overhang would be supported by wooden trusses and posts. The entryway would feature expansive storefront glass and a landscaped patio area. Natural lighting would emanate from skylights, clerestory windows, and storefront windows. Heating, ventilation, and air conditioning (HVAC) equipment would be located on the roof and visually screened from view. The tallest point of the building would be a parapet with a height of approximately 33 ft.

**Building 2** (Drive-Through Shed) would be a prefabricated metal shed featuring vertical and reclaimed wood accents, contrasting light and dark grey paint, and a metal roll-up door. The tallest point of the building would be a parapet with a height of approximately 29.5 ft.

**Building 3** (Will Call Office) would be a concrete building featuring vertical wood accents and metal awnings. The tallest point of the building would be a parapet with a height of approximately 33 ft.

**Building 4** (Guard House) would feature a drive-up window and would be designed with concrete. An 8 ft high concrete wall featuring a steel picket fence and motorized metal gate would be situated between the guard house and the main customer parking area.

**Buildings 5A through 5F** (T-sheds) would feature steel-frame construction and would be a maximum height of 25 ft.

**Buildings 6A through 6C** (Pole Sheds) and **Buildings 7A through 7B** (L-Sheds) would also feature steel-frame construction and would be a maximum height of 23.5 ft.

### 2.3.3 Circulation and Access

Vehicular access to the project site would be provided by a proposed signalized intersection at the southwestern corner of the site and Stonehill Drive. A deceleration lane would be constructed westbound on Stonehill Drive to provide right-turn access to the project site.

Entry to the project site would be provided by a driveway on Stonehill Drive. Access to Area A would be located adjacent to the project driveway, thereby facilitating access to the proposed restaurants and minimizing the amount of traffic through the remainder of the project site. North of Area A, two customer parking areas would be provided immediately west and south of Building 1. Area A would also be accessible from the southern customer parking area. Metal gates would control access beyond both customer parking areas. Customer access to the lumber yard area would be provided via a motorized metal gate and secured by the guard house, both of which are located on the western portion of Area B. Along the western perimeter of Area B, access to Area C would be limited by a metal gate at the northwestern corner of Area B.

Two separate truck traffic routes would be provided along the western and eastern perimeters of Area B and would allow access to the lumber yard and an employee parking lot. Delivery trucks would typically circulate in a counter-clockwise direction around Building 1 to the lumber yard at the rear. From there, trucks would exit the lumber yard at the northwestern corner of Area B, travelling southbound to the project driveway. A fire access lane would provide access throughout the project site. Additionally, a KnoxBox<sup>4</sup> would be installed at all gates on the project site to ensure immediate access in the event of an emergency.

Pedestrian and bicycle access to the project site would be provided by sidewalks and a bicycle route on Stonehill Drive, respectively. Pedestrian circulation within the project site would be provided with sidewalks, which would travel from the project driveway to the parking areas adjacent to Building 1. A sidewalk would also be provided along the western truck route leading to the rear parking lot.

As part of the project, a two-lane easement travelling north/south from the northwestern corner of Area C to Avenida Aeropuerto is proposed; the easement would be located immediately west of the mobile home park adjacent to the project site and would be approximately 1,270 ft in length. The purpose of the northern easement is to provide emergency ingress/egress to and from the project site to the north in the event the main access driveway at Stonehill Drive is insufficient. Access to the easement would be provided for emergency use only and would be controlled with an 8 ft high gate at both the Area C boundary and at Avenida Aeropuerto. It would also serve as a utility easement for gas, storm drain, and sewer improvements to serve the project site.

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<sup>4</sup> A KnoxBox is a small, wall-mounted safe that holds keys for fire departments, emergency medical services, and/or police to retrieve in emergency situations.



A second two-lane easement travelling north/south is proposed at the southeastern corner of Area B; this easement would travel under the Stonehill Drive Bridge and connect the project site to neighboring parcels to the south.

### 2.3.4 Parking

Parking would be required within Development Areas A and B. Area C would provide 399 vehicle storage spaces to be used by local car dealerships; as such, these spaces would not function as parking for visitors to the project site. The project would be consistent with Section 9-3.535, Parking, of the City's Municipal Code.

Development on Area A would include two drive-through restaurants. For fast-food restaurant uses with a drive-through, the City's Municipal Code requires a minimum of 1 parking space per patron based on the restaurant's total capacity, plus 1 additional parking space per employee per shift. As stated previously, tenants for the proposed restaurant uses have not yet been identified, and therefore, proposed hours of operation, number of employees, and other tenant-specific details are not known at this time. The required number of parking spaces would be determined at the time a tenant is identified. Although the required and proposed number of parking spaces to be provided on Area A have not yet been determined, the proposed project would comply with the City's parking requirements. Additionally, operational impacts related to the future potential development of restaurant uses on the project site would be considered through approval of the DUP/CUP. Approval of the DUP/CUP would require project-specific findings evaluating compliance with City parking standards. Therefore, any future development within Area A would comply with the City's parking standards.

Development on Area B would include several buildings proposing a mix of uses within each building. The City's Municipal Code requires a minimum of 160 parking spaces for the development proposed on Area B.<sup>5</sup> As part of the project, two main customer parking lots would be located west and south of Building 1. Within the lumber yard, parking would be provided on the north side of Building 1, on the south side of Building 2, and at the northern boundary of Area B. Area B proposes a total of 165 parking spaces. As such, development within Area B would satisfy the City's parking requirements and would provide a surplus of 5 parking spaces on the project site.

### 2.3.5 Landscaping

In total, the proposed project includes approximately 2 acres of landscaping on the site. The proposed landscaping would include a variety of native and drought-tolerant trees, shrubs, groundcover, and vines. Landscaping features would be designed to support stormwater management and infiltration on the project site.

The proposed landscaping would include the use of several varieties of California native trees, including Big Leaf Maple (*acer macrophyllum*), Big Berry Manzanita (*arctostaphylo glauca*), Western Sycamore (*platanus racemose*), and Coast Live Oak (*quercus agrifolia*). Additionally, a variety of low and very-low water use shrubs, groundcover, and vines would be planted throughout the project

<sup>5</sup> Project Description for the Ganahl Lumber Hardware Store and Lumber Yard Project, San Juan Capistrano, California (ECORP, April 2019).



site. Decorative, permeable concrete pavers and cobble swale would be installed adjacent to Building 1 on Area B. The landscaped berm proposed at the rear of Area C would be seeded with a California coastal native wildflower mix, which also requires low water use.

### 2.3.6 Signage and Other Site Improvements

The project would include a monument sign adjacent to the project driveway along Stonehill Drive. Additionally, wayfinding signage would be located at the main customer parking lot near Building 1.

As part of the project, two flag poles, a decorative boulder, and a benches would be located at the store frontage of Building 1. As a decorative installation, a historic headsaw<sup>6</sup> would be located at the entry to the main customer parking lot. The proposed historic headsaw would be for decoration only and non-functional.

### 2.3.7 Outdoor Lighting

Outdoor lighting included as part of future development on the project site would be typical of industrial uses. The proposed project would include lighting with similar intensity and glare produced by street light fixtures within adjacent development. Lighting would be limited to on-site sources and be directed onto the site to minimize overspill and glare to adjacent properties. The proposed project would comply with the City's Lighting Standards (Section 9-3.529).

### 2.3.8 Utilities and Drainage

The following infrastructure improvements are anticipated as part of future development occurring as a result of project approval:

- **Natural Gas:** The Southern California Gas Company would provide natural gas service to the project site. A natural gas line would be installed within the proposed northern easement, beginning at Avenida Aeropuerto, traversing the project site, and terminating at Area A.
- **Electricity/Telecommunications:** Electrical and telecommunication utility lines would be connected to existing boxes located at the perimeter of the project site along Stonehill Drive. As proposed by the project, installation of the deceleration lane on Stonehill Drive would require relocation of the existing utility lines.
- **Water:** The project site receives domestic water service from the City of San Juan Capistrano Utilities Department. The proposed project would connect to an existing 12-inch water main within Stonehill Drive.
- **Sewer Service:** The City's Utility Department provides sewer service to the project site. A sewer line would be installed within the proposed northern easement, beginning on the adjacent mobile home park property, traversing the project site, and terminating at Area A. In addition, sewer improvements may require a pump system due to the length and lack of fall.

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<sup>6</sup> Headsaws are tools used for cutting lumber.

- **Stormwater:** Stormwater runoff from the project site currently outflows to San Juan Creek, which is immediately west of the site. Stormwater improvements would include installation of a storm drain line to allow for the continued conveyance of stormwater from the railroad property to the east of the project site to the existing on-site storm drain outfall, and ultimately conveyed into the San Juan Creek Channel. Because the City has indicated that this storm drain line should not be a public line, a private line easement would be required. As proposed by the project, installation of the deceleration lane on Stonehill Drive would require relocation of the existing catch basin along Stonehill Drive near the existing project driveway.

### 2.3.9 Conservation and Sustainability Features

The proposed project would be consistent with the California Green Building Standards Code (CalGreen Code) and would include the following sustainability features:

- Use of sun shading and natural day-lighting to diminish heat gain and decrease the need for artificial lighting during daylight hours
- Installation of a stormwater runoff system, permeable paving, and a swale to support stormwater management on the project site
- Installation of “purple pipes” to allow the use of recycled water for irrigation of common landscaped areas on the project site
- Installation of energy-efficient lighting technologies
- Installation of “smart” weather-based irrigation controllers
- Exclusion of landscape materials that are listed on the Invasive Plant Inventory of the California Invasive Plant Council
- Inclusion of California or Mediterranean Species requiring minimal watering
- Utilization of drip irrigation for all non-turf areas

### 2.3.10 Construction Duration, Phasing, and Grading

Construction activities of the proposed project would include the grading and excavation of the site; utility improvements; construction of the building area; and installation of landscaping on the project site. Construction of the proposed project is anticipated to commence in May 2020 and would be completed within approximately 24 months. Construction activities would include remedial grading and site preparation (9 months) and construction (15 months).

Construction of the proposed project would require a net import of approximately 18,000 cubic yards (cy) of material. The import would be required to raise the site elevation (and proposed structures) as required to comply with the currently published Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (Map Number 06059C0506J dated December 3, 2009). The proposed project includes a revision to the FEMA Map through the Conditional Letter of Map

Revisions Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F) process. Grading and building activities would involve the use of standard earthmoving equipment such as loaders, bulldozers, cranes, and other related equipment. All heavy-duty equipment and other construction equipment would be staged on the project site. Remedial geotechnical work includes: over excavation, stockpiling, measures to address settling, use of geotextile fabric, and soil characterization for possible soil contamination.

## 2.4 REQUIRED PERMITS, DISCRETIONARY ACTIONS, AND APPROVALS

### 2.4.1 Discretionary Actions

The discretionary approvals by the City of San Juan Capistrano, as the Lead Agency, would include the following:

- **CEQA:** Approval and certification of environmental documentation prepared for the project.
- **Property Sale and Development Agreement(s):** Agreement(s) between the City and project Applicant conveying the property from the City to the project Applicant and outlining the terms and conditions of the sale and future development of the property.
- **Amendment of Deed Restrictions/Easements Affecting the Property:** Existing use restrictions imposed on title to the property by Home Depot prior to conveyance to the City and easements granted to adjacent properties may be modified or vacated as part of the project approvals.
- **Grading Plan Modification (GPM):** The review of on-site grading and elevations to create building pads, parking areas, and pedestrian access.
- **Architectural Control:** The review of the site plan, architectural design of the structures, lighting, site amenities, and landscape.
- **Flood Plain Land Use Permit (FP):** The review and evaluation of any project impacts to San Juan Creek.
- **Sign Permit Program (SP):** The review of the sign program.
- **Tentative Tract Map:** The review of the Tentative Tract Map which would delineate Parcels 1 through 5 as discussed above.

### 2.4.2 Ministerial Approvals

The following ministerial approvals would be required by the City of San Juan Capistrano:

- **Tree Removal Permit:** The review and evaluation of any project impacts to the removal of mature trees within the City.
- **Final Grading Plan/Grading Permit:** A Final Grading Plan would be prepared to address the mass grading activities that are anticipated throughout the 17-acre site.

- **Sewer Connection Permit:** A sewer capacity and connection permit would be required for the project's connection to the trunk lines currently located on private property owned by CVME to the north of the project site.
- **Encroachment and Haul Route Permit:** A Encroachment and Haul Route Permit would be required to work in the public right-of-way.

### 2.4.3 Future Discretionary and Ministerial Approvals

Future discretionary and ministerial approvals would be required from both the Lead Agency and from Responsible agencies. Responsible agencies for the project include the South Coast Air Quality Management District (SCAQMD) and the San Diego Regional Water Quality Control Board (RWQCB). These include, but are not limited to, the following:

- **Discretionary Use Permit (DUP)/Conditional Use Permit (CUP):** The review and evaluation of any project impacts related to the potential future development of drive-through restaurants.
- **State Water Resources Control Board:** General Construction Activities NPDES Permit Order 2009-0009-DWQ as amended, Stormwater Pollution Prevention Plan, and Best Management Practices.
- **FEMA:** Conditional Letter of Map Revisions Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F).

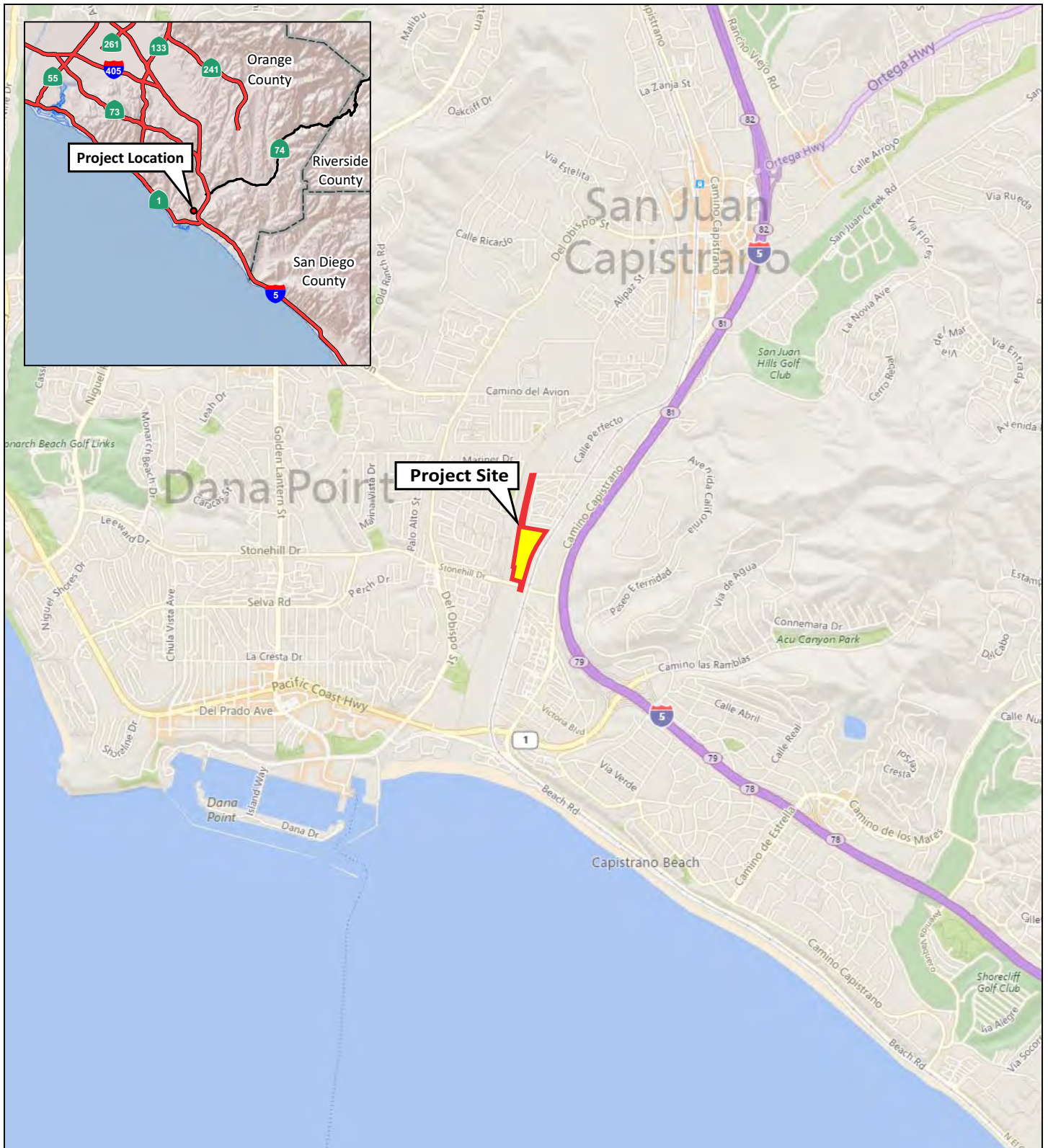
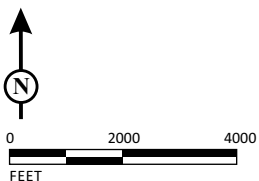


FIGURE 2.1

LSA



SOURCE: Bing Maps, 2019

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Ganahl Lumber Development Project  
Regional Project Location

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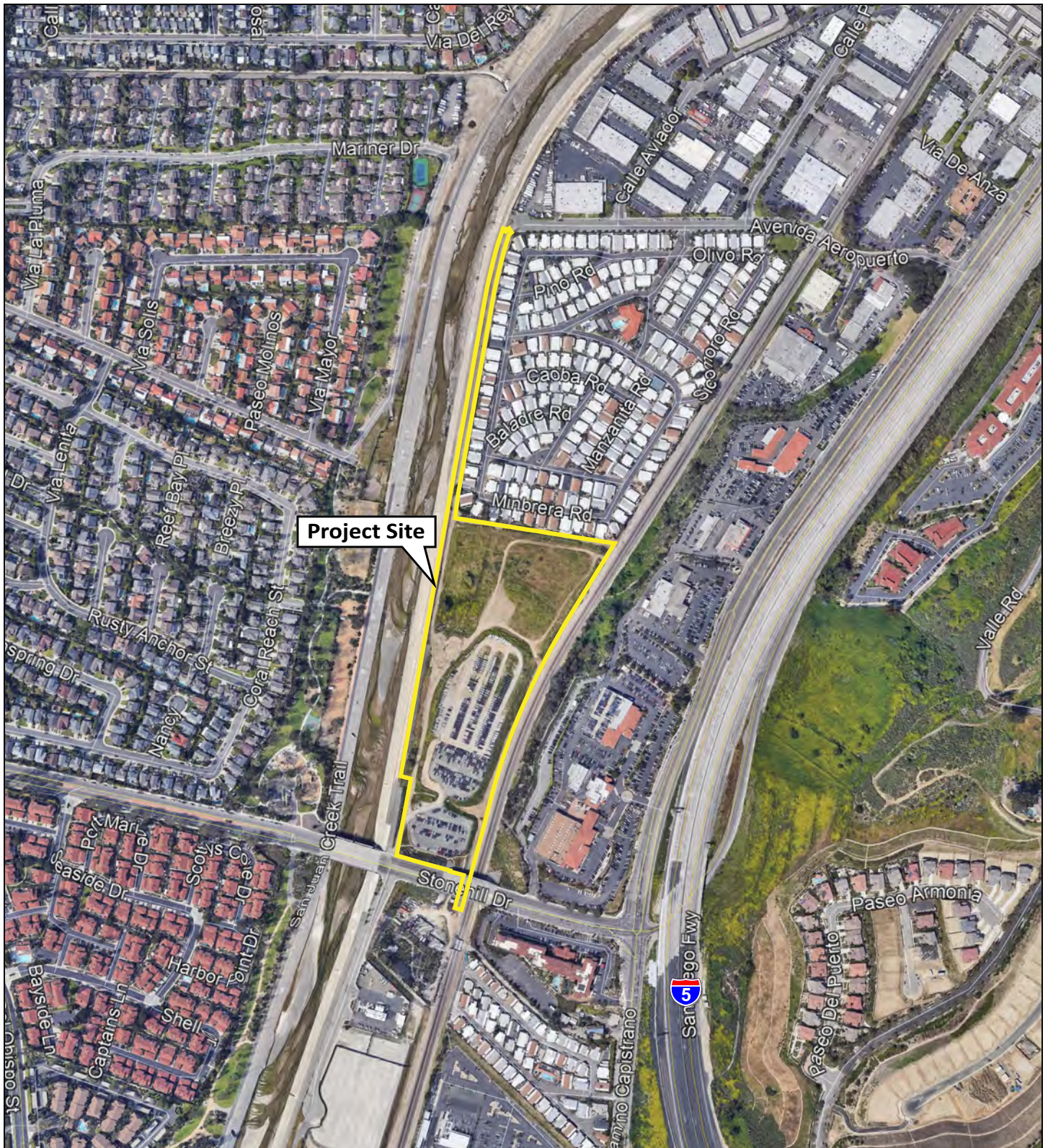
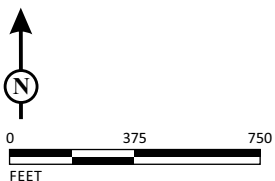


FIGURE 2.2

LSA



SOURCE: Google Earth, 2019

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Ganahl Lumber Development Project  
Project Vicinity



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Photo 1: View looking east from the project site.



Photo 2: View looking west from the project site



Photo 3: View looking north from the project site.



Photo 4: View looking southeast from the project site.

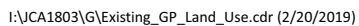
LSA

FIGURE 2.3

*Ganahl Lumber Development Project*  
Site Photographs

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*Ganahl Lumber Development Project*  
Existing General Plan Land Use Designations

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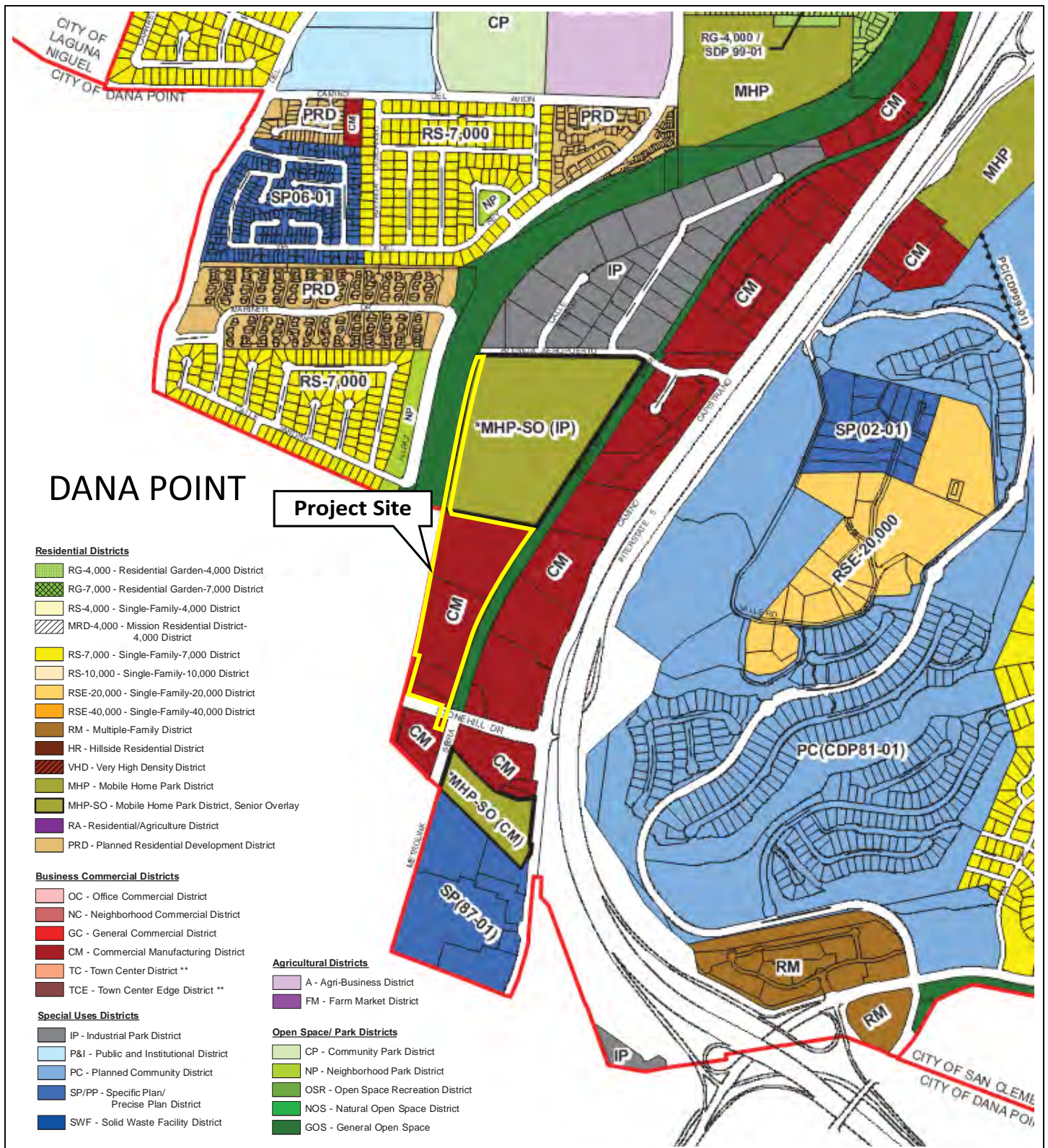
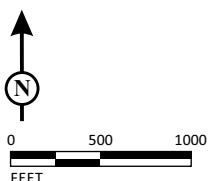


FIGURE 2.5

LSA



SOURCE: City of San Juan Capistrano

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Ganahl Lumber Development Project  
Existing Zoning Designations

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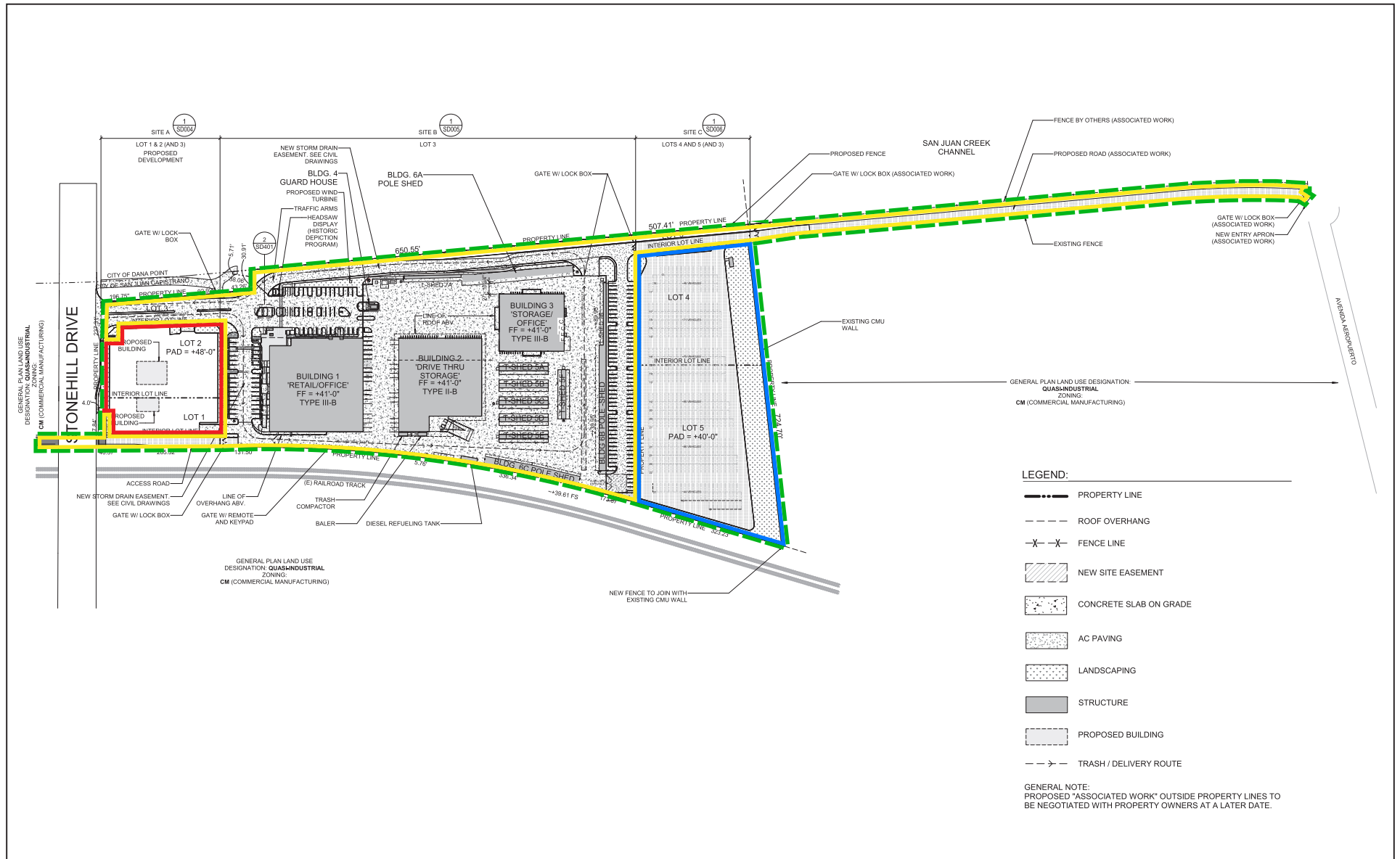


FIGURE 2.6

LSA



SOURCE: Withee Malcom Architects

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**LEGEND**

- [Green dashed line] Project Site Boundary
- [Red solid line] Area A Boundary
- [Yellow solid line] Area B Boundary
- [Blue solid line] Area C Boundary

Ganahl Lumber Development Project  
Conceptual Site Plan

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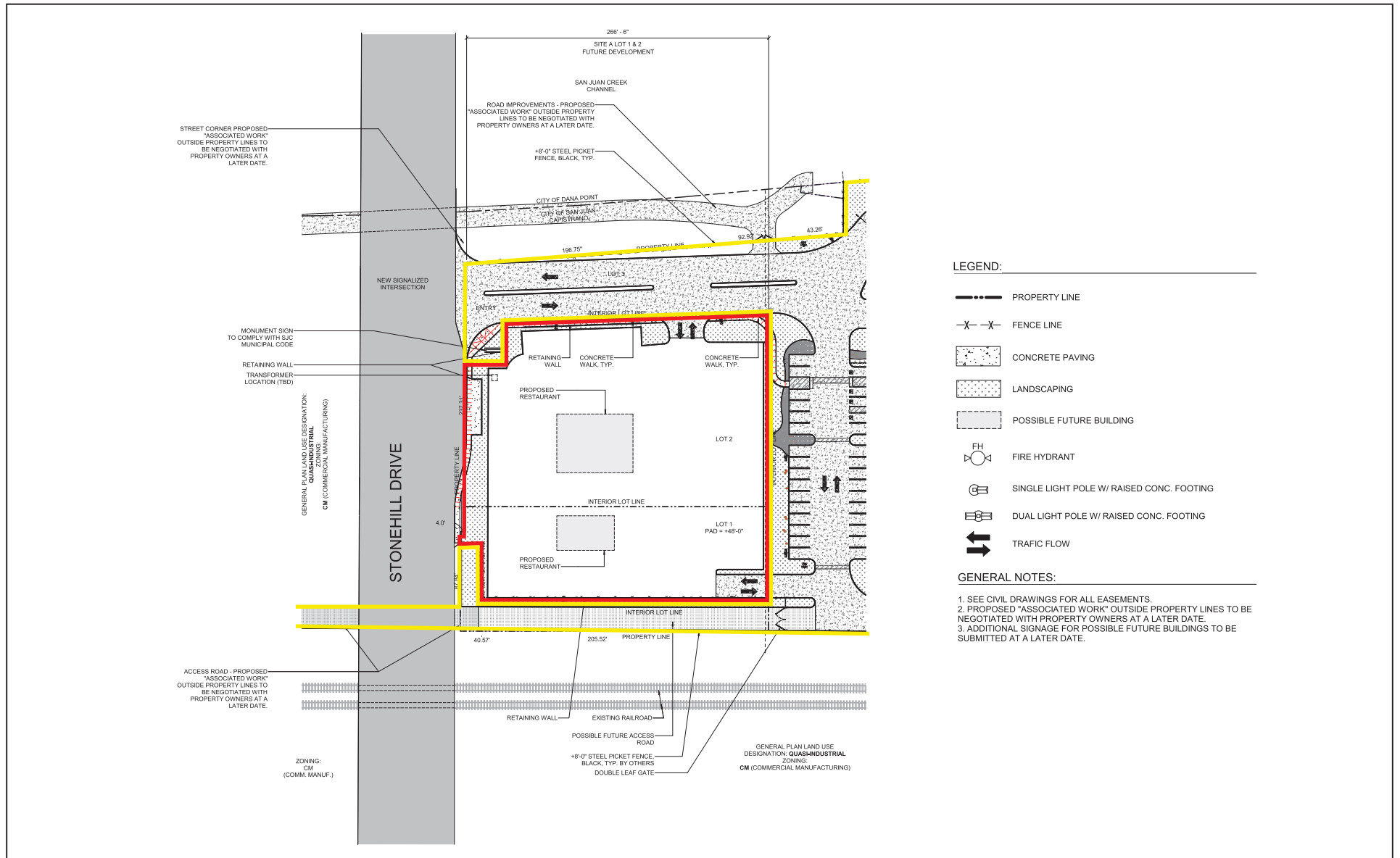


FIGURE 2.7a

LSA

LEGEND

- Area A Boundary
- Area B Boundary



0 60 120  
FEET

SOURCE: Withee Malcom Architects

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Ganahl Lumber Development Project  
Enlarged Area A Plan

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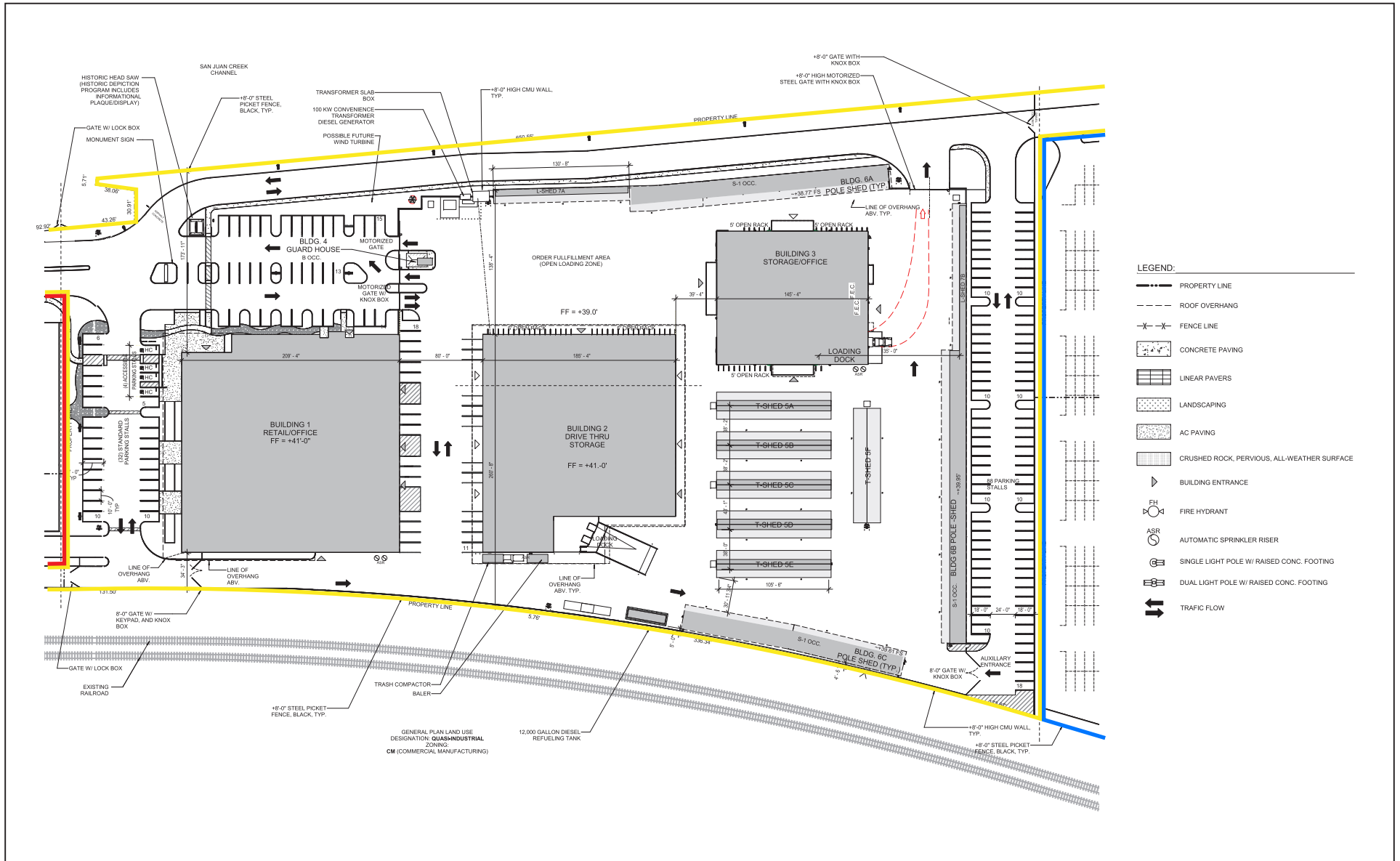


FIGURE 2.7b

LSA

LEGEND

- Area A Boundary
- Area B Boundary
- Area C Boundary



0 80 160

FEET

SOURCE: Withee Malcom Architects

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Ganahl Lumber Development Project

Enlarged Area B Plan

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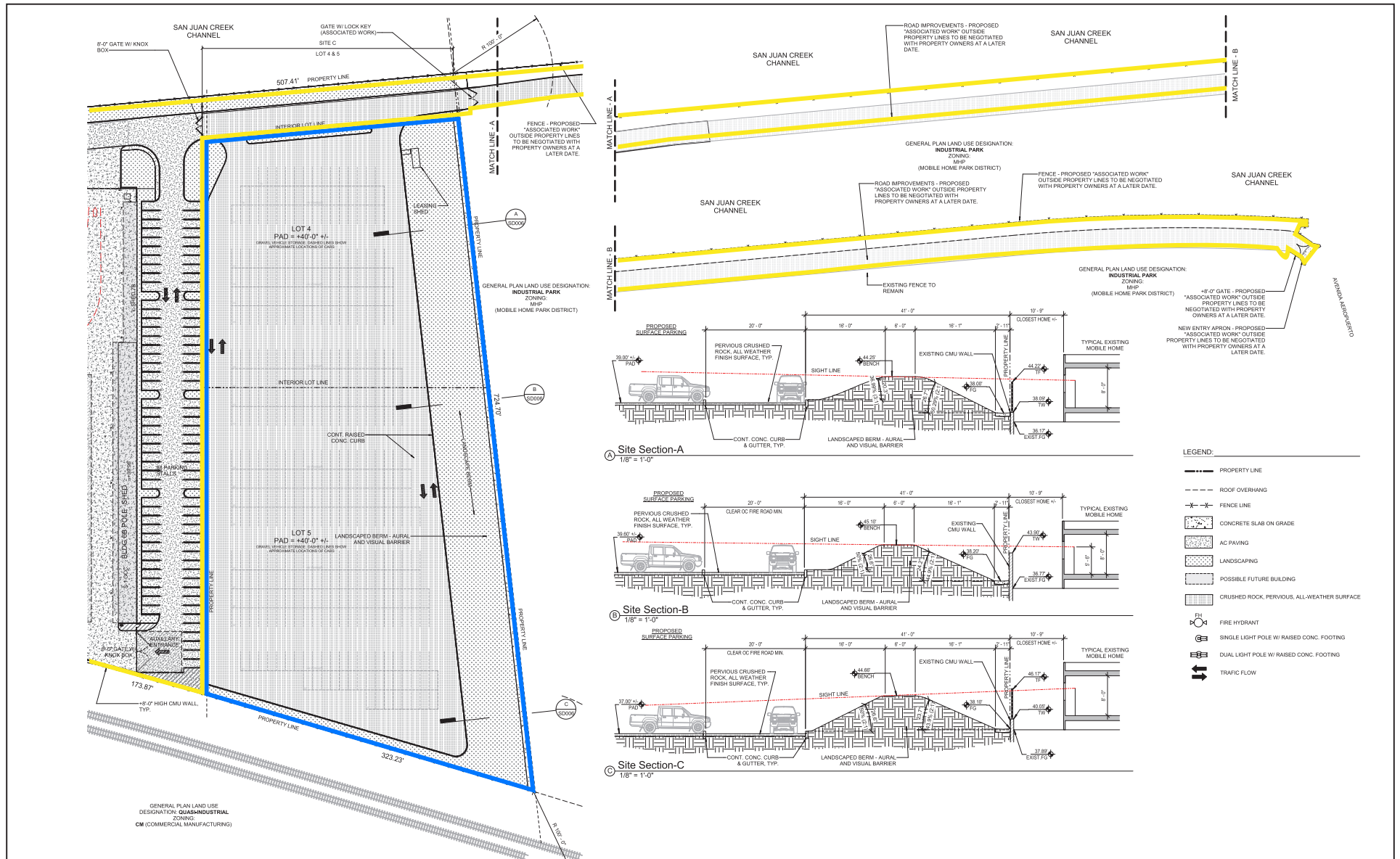


FIGURE 2.7c

LSA

LEGEND

- Area B Boundary
- Area C Boundary



0 80 160  
FEET

SOURCE: Withee Malcom Architects

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Ganahl Lumber Development Project  
Enlarged Area C Plan

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### 3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in Chapter 3.0.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture and Forestry Resources  | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources      | <input checked="" type="checkbox"/> Cultural Resources       | <input checked="" type="checkbox"/> Energy                             |
| <input checked="" type="checkbox"/> Geology/Soils             | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials      |
| <input checked="" type="checkbox"/> Hydrology/Water Quality   | <input checked="" type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                             |
| <input checked="" type="checkbox"/> Noise                     | <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Recreation                           | <input checked="" type="checkbox"/> Transportation/Traffic   | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                            | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

#### 3.1 DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

5.21.19

Date

SERGIO KLOTZ

Printed Name

CITY OF SAN JUAN CAPISTRANO

For

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## 4.0 CEQA ENVIRONMENTAL CHECKLIST

### 4.1 AESTHETICS

*Except as provided in Public Resources Code Section 21099, would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis

#### (a) Would the project have a substantial adverse effect on a scenic vista?

**Less Than Significant Impact.** California State Government Code Section 65560(b)(3) stipulates that city and county General Plans address "...Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historical and cultural value; areas particularly suited for park and recreation purposes, including access to lakes shores, beaches, and rivers, and streams; and areas which serve as links between major recreation and open space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors."

A scenic vista is the view of an area that is visually or aesthetically pleasing from a certain vantage point and is usually viewed from some distance away. Aesthetic components of a scenic vista include, (1) scenic quality, (2) sensitivity level, and (3) view access. A scenic vista can be impacted in two ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the view corridors or "vista" of the scenic resource. Important factors in determining whether a proposed project would block scenic vistas include the project's proposed height, mass, and location relative to surrounding land uses and travel corridors.

The project site is located in the City of San Juan Capistrano (City), on the western slope of the San Juan Creek floodplain. The project site is characterized by an undeveloped dirt parking lot and ruderal vegetation. While there are no locally designated scenic vistas in the City, distant views of the Santa Ana Mountains, Saddleback Mountain, and the Colinas Hills are visible from various vantage points throughout the City. The only regional visual resource that is visible from the project site is the Santa Ana Mountains.

**Construction.** Construction of the proposed project would require site preparation, grading, and construction activities. Construction activities would be visible to travelers along Stonehill Drive, the San Juan Creek Trail, the BNSF rail line, and adjacent roadways. Construction equipment is not of sufficient height or mass to substantially block views of distant scenic vistas. In addition, construction activities would be short-term in nature and would cease upon completion of project construction. Therefore, construction impacts related to adverse effects on a scenic vista would be less than significant, and no mitigation would be required.

**Operation.** The Community Design Element (1999) of the City's General Plan addresses the effect of future development projects on scenic corridors within the City. As described in the Community Design Element, major roadways and railways provide visual images of the quality of life in the City. As such, Stonehill Drive (located immediately south of the site) is a designated scenic corridor. The City's Community Design Element (1999) identifies design criteria to ensure that new development located within the scenic corridor is developed in a manner that preserves the City's aesthetic values. While no designated trails or vantage points currently exist on the project site, members of the public may access views of the surrounding hills from public roads and adjacent roadways and sidewalks surrounding the site, including the adjacent San Juan Creek Trail.

The proposed project may partially block views from the adjacent San Juan Creek Trail and Creekside Park beyond to the west. Creekside Park contains a substantial amount of trees and vegetation that act as a barrier to its surrounding visual setting, thus the proposed project would only be partially visible from the park. The San Juan Creek Trail is an approximately 1-mile long concrete multi-use trail that runs parallel to the San Juan Creek River. The project site is currently visible from the trail, and may impair some public views from persons accessing the trail. However, landscaping elements included throughout the project site would serve to enhance and frame views from both Creekside Park and San Juan Creek Trail. Therefore, impacts to views from both Creekside Park and San Juan Creek Trail would be less than significant.

Implementation of the proposed project would allow for the development of three sites including the restaurants on Site A, hardware store and associated uses on Site B, and automobile storage space on Site C. The buildings on each site vary in height ranging from 20 feet (ft) to a maximum of 35 ft for the hardware store and lumber yard (Building 1). Implementation of the proposed project would modify views to and from the project site by allowing for development of commercial and industrial uses on the existing, largely vacant site. However, because the buildings do not exceed 35 ft in height, and because the project site is at a lower elevation than the surrounding roadways, the project would not result in significant impacts on views of the surrounding hills from adjacent roadways and sidewalks. Motorists, bicyclists, and pedestrians would continue to enjoy these views following project implementation. The proposed project would not obstruct or block views of the surrounding hills from nearby roads, including a City-designated scenic corridor, Stonehill Drive. Furthermore, landscaping elements included throughout the project site would serve to enhance and frame views of these scenic corridors and would help to block views of the proposed commercial uses from within the project site. In addition to adhering to the Community Design Element (1999), the proposed project design has been refined to include

natural materials and planting to connect with the regional landscape. Therefore, potential impacts of the proposed project on scenic vistas would be less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?**

**No Impact.** The California Department of Transportation's (Caltrans) Landscape Architecture Program administers the Scenic Highway Program, contained in the Streets and Highways Code, Sections 260–263. State Highways are classified as either Officially Listed or Eligible. The proposed project is located approximately 0.1 mile west of Interstate 5 (I-5) and 0.8 mile north of Pacific Coast Highway (PCH, State Route 1 [SR-1]), both of which are classified as Eligible State Scenic Highways – Not Officially Designated.<sup>7</sup> Additionally, the portion of State Route 74 (SR-74) that converges with I-5, located approximately 2 miles north of the project site, is also identified as an Eligible State Scenic Highway.<sup>8</sup> There are no Officially-listed State Scenic Highways in the vicinity of the project site.

In its existing condition, no existing scenic resources such as protected trees, rock outcroppings, or historic buildings are located on the project site or in the surrounding vicinity. As stated previously, the project site is located within a developed area of the City primarily characterized by commercial and residential uses. As discussed further in Section 4.4, Biological Resources, the majority of the existing vegetation on the project site is ruderal and non-native. The proposed project would replace existing ruderal vegetation on the site with ornamental landscaping designed to reflect that of the surrounding environment. Therefore, the proposed project does not have the potential to damage resources within a State scenic highway, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(c) 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?**

**Potentially Significant Impact.** The project site is located within an urbanized portion of the City. In its existing condition, the project site is generally rectangular in shape and encompasses approximately 17 acres. The project site is characterized by an undeveloped dirt parking lot and ruderal vegetation. While the project site is currently undeveloped, a large portion of the site is being used for temporary storage of automobiles by nearby automobile dealerships. The existing elevation of the project site allows for much of the site to be visible from along San Juan Creek Trail by bicyclists and pedestrians as well as from passing vehicles along adjacent roadways. Surrounding land uses include a mobile home park to the north; the San Juan Creek Channel and Trail, Creekside Park, and single-family residential uses to the west; the BNSF rail

<sup>7</sup> California Department of Transportation (Caltrans). California Scenic Highway Mapping System (Orange County). Website: [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/) (accessed April 19, 2019).

<sup>8</sup> Ibid.

line and automobile dealerships to the east; and a hotel, a mobile home park, and commercial uses south of Stonehill Drive.

The project site currently has General Plan land use designations of Quasi-Industrial and Industrial Park. Additionally, the project site currently has zoning classifications of Commercial Manufacturing and Mobile Home Park Senior Overlay. The proposed project would be required to comply with applicable zoning and General Plan regulations governing scenic quality. However, due to anticipated public interest in project-related impacts with respect to aesthetic resources, a Consistency Analysis with the City's zoning and General Plan regulations governing scenic quality, as well as a key view analysis will be included in the EIR. **Therefore, this topic will be analyzed in the EIR, and mitigation will be proposed, if necessary.**

**(d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

**Potentially Significant Impact.** Spill light occurs when lighting standards, such as streetlights, parking lot lighting, exterior building lighting, and landscape lighting, are not properly aimed or shielded to direct light to the desired location and light escapes and partially illuminates a surrounding location. The spillover of light onto adjacent properties has the potential to interfere with certain activities, including vision, sleep, privacy, and general enjoyment of the natural nighttime condition. Light-sensitive uses include residential, some commercial and institutional uses, and, in some situations, natural areas. Changes in nighttime lighting may become significant if a proposed project substantially increases ambient lighting conditions beyond its property line and project lighting routinely spills over into adjacent light-sensitive land uses areas.

Reflective light (glare) is the result of sunlight or artificial light reflecting from finished surfaces (e.g., window glass) or other reflective materials. Glass and other materials can have many different reflectance characteristics. Buildings constructed of highly reflective materials from which the sun reflects at a low angle commonly cause adverse glare. Reflective light is common in urban areas. Glare generally does not result in the illumination of off-site locations but results in a visible source of light viewable from a distance.

Currently, there are no existing sources of light or glare emanating from the undeveloped project site. Existing sources of light in the project vicinity include headlights from vehicles on nearby roadways; lighting from the residential mobile home park to the north; and pole-mounted lighting in parking areas of adjacent developments.

**Construction.** Short-term construction activities would occur primarily during daylight hours; however, construction activities may require periodic nighttime lighting. Any construction-related illumination during evening or nighttime hours would be shielded to the extent feasible and would consist of the minimal lighting required for safety and security purposes and would only occur on a temporary and as-needed basis. Due to its limited scope and duration, light generated during project construction would not substantially alter the character of off-site areas surrounding the construction area, or interfere with the performance of an off-site

activity. Therefore, construction lighting impacts would be less than significant, and no mitigation would be required.

**Operation.** The proposed project would introduce new sources of light to the project site that are typical of commercial uses. Outdoor lighting proposed as part of the project would include wall-mounted lighting, pole-mounted street and parking lot lights, and security lighting along pathways. The proposed project would include lighting with similar intensity and glare produced by street light fixtures within adjacent development. Lighting would be limited to on-site sources and be directed downward onto the project site and shielded to minimize overspill and glare to adjacent properties in compliance with the City's Lighting Standards (Municipal Code Section 9-3.529). In addition, as part of the project, the Project Applicant would be required to prepare and submit a final lighting plan and photometric study to the City to review and approve as part of the site plan review process. Project compliance with a final lighting plan and photometric study would ensure that impacts associated with site lighting remain less than significant. However, because implementation of the project would introduce new sources of light and glare to the site, project-related impacts with respect to light and glare will be analyzed in the EIR. **This topic will be analyzed in the EIR, and mitigation will be proposed, if necessary.**

## 4.2 AGRICULTURE AND FOREST RESOURCES

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

*Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Impact Analysis

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

**No Impact.** Maps of designated farmlands are compiled by the California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP), pursuant to the provisions of Section 65570 of the California Government Code. These maps represent an inventory of agricultural resources within the State. Agricultural land is evaluated based on soil quality and irrigation status, and the best quality land is designated as Prime Farmland. Every 2 years, the

maps are updated with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance.<sup>9</sup>

The project site is located in an urbanized area predominantly developed with residential and commercial uses. The project site is characterized by an undeveloped gravel parking lot and ruderal vegetation. While the project site is currently undeveloped, a large portion of the site is being used for temporary storage of automobiles by nearby automobile dealerships. The site is currently zoned as Commercial Manufacturing and Mobile Home Park Senior Overlay on the City's Zoning Map; it is not zoned for agricultural uses. The project site currently has General Plan land use designations of Quasi-Industrial and Industrial Park.

The project site and surrounding area are currently mapped as Urban and Built Up Land by the FMMP.<sup>10</sup> There are no designated Prime Farmlands, Unique Farmlands, or Farmlands of Statewide Importance on the project site or in the project's immediate vicinity. Therefore, implementation of the proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?**

**No Impact.** The proposed project is located on a 17-acre undeveloped site that is currently used for vehicle storage by local automobile dealerships. According to the City's Zoning Map, the project site is zoned as Commercial Manufacturing and Mobile Home Park Senior Overlay. As such, the project site is not zoned for agricultural use and is not currently used for agricultural production.

The project site is not located within an area covered under a Williamson Act contract.<sup>11</sup> Therefore, no impacts related to an agricultural use or a Williamson Act contract would occur with implementation of the proposed project, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(c) Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

<sup>9</sup> California Department of Conservation. Farmland Mapping & Monitoring Program. Documenting Changes in Agricultural Land Use since 1984. Website: <https://www.conservation.ca.gov/dlrp/fmmp> (accessed April 19, 2019).

<sup>10</sup> California Department of Conservation. 2016. Orange County Important Farmland. Website: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/ora16.pdf> (accessed April 19, 2019).

<sup>11</sup> California Department of Conservation, Division of Land Resource Protection. 2017. Williamson Act Contract Land Map. Website: <ftp://ftp.consrv.ca.gov/pub/dlrp/wa/> (accessed April 19, 2019).

**No Impact.** As previously stated, the project site is zoned Commercial Manufacturing and Mobile Home Park Senior Overlay. Neither the project site nor the surrounding area is zoned as forest land, timberland, or timberland production. As a result, no significant impacts would occur, and no mitigation is required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

**(d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact.** As stated previously, the project site is characterized by an undeveloped gravel parking lot and ruderal vegetation. While the project site is currently undeveloped, a large portion of the site is being used for temporary storage of automobiles by nearby automobile dealerships. There are no forest or timberland resources on or in the vicinity of the project site. The proposed project would not convert forest land to a non-forest use. Likewise, the project site would not contribute to environmental changes that could result in conversion of forest land to non-forest use. Therefore, the project would not result in impacts related to the loss of forest land or the conversion of forest land to non-forest uses. No mitigation is required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

**(e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

**No Impact.** The project site is in an urban, built-out portion of San Juan Capistrano. While the project site is currently undeveloped, it is not used for agricultural purposes and is not designed or zoned for forest land. The proposed project would not convert farmland to a non-agricultural use or convert forest land to a non-forest use. Likewise, the proposed project would not contribute to environmental changes that could result in conversion of farmland to a non-agricultural use or conversion of forest land to a non-forest use. Therefore, no impacts to farmland or forest land would occur as a result of project implementation, and no mitigation is required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**



### 4.3 AIR QUALITY

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

*Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Impact Analysis:

- (a) **Would the project conflict with or obstruct implementation of the applicable air quality plan?**  
Or,
- (b) **Would the project result in a cumulatively considerable net increase of any criteria pollutant under an applicable federal or state ambient air quality standard?** Or,
- (c) **Would the project expose sensitive receptors to substantial pollutant concentrations?**

**Potentially Significant Impact.** The project site is located in the City of San Juan Capistrano, within the South Coast Air Basin (SCAB), which includes all of Orange County (County) and portions of Los Angeles, Riverside, and San Bernardino Counties. Air quality within the SCAB is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). SCAQMD and the Southern California Association of Governments (SCAG) are responsible for formulating and implementing the Air Quality Management Plan (AQMP) for SCAB. The latest plan is the 2016 AQMP, which incorporates the latest scientific and technological information and planning assumptions, including the 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and updated emission inventory methodologies for various source categories. The proposed project is subject to the air pollution thresholds established by SCAQMD, which are published in its *CEQA Air Quality Handbook* (1993, currently being revised). Consistency with these plans means that the project is consistent with the goals, objectives, and assumptions established to achieve the federal and State air quality standards.

The proposed project has the potential to result in significant short-term construction-related air quality impacts associated with grading and construction activity and long-term air quality impacts primarily related to vehicular traffic. A comprehensive air quality analysis will be completed as part of the EIR, analyzing the short-term (construction) and long-term (operational) impacts of the project, as well as potential impacts on sensitive receptors. The EIR will also identify appropriate and feasible mitigation measures, should there be significant air quality impacts. **Potential air quality impacts, including consistency with the AQMP, violation of air quality standards, the increase of criteria pollutants, and exposure of sensitive receptors**

to substantial pollutant concentrations will be analyzed further in the EIR, and mitigation proposed, if necessary.

**(d) Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?**

**Less than Significant Impact.** SCAQMD's *CEQA Air Quality Handbook* (1993) identifies various secondary significance criteria related to odorous air contaminants. Substantial odor-generating sources include land uses such as agricultural activities, feedlots, wastewater treatment facilities, landfills, or heavy manufacturing uses. The project does not propose any such uses or activities that would result in potentially significant odor impacts. Some objectionable odors may emanate from the operation of diesel-powered construction equipment during construction of the proposed project. However, these odors would be limited to the construction period and would disperse quickly; therefore, these odors would be considered less than significant and would not require mitigation.

The proposed project would allow for the implementation of a lumber yard development and two fast-food restaurants, which are not anticipated to produce objectionable odors. Potential sources of operational odors generated by the project would include disposal of miscellaneous refuse typical of commercial uses. SCAQMD Rule 402 acts to prevent occurrences of odor nuisances. Consistent with City requirements, all project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations. Therefore, no significant impacts related to objectionable odors would result from the proposed project, and no mitigation is required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

#### 4.4 BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Discussion:

The discussion and analysis provided in this section are based on the *Aquatic Resources Delineation Report* (February 2019) and the *Biological Technical Report* (January 2019) both prepared by ECORP Consulting Inc., and the *Existing Tree Inventory Report* (March 2018) prepared by Jim Borer, Certified Arborist #496. These technical reports are contained in Appendix A of this IS.

#### Impact Analysis:

- (a) **Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**Potentially Significant Impact.** The approximately 17-acre vacant project site is currently characterized by an undeveloped gravel parking lot and ruderal vegetation. The *Biological Technical Report* determined that three special-status plant species have a low potential to occur on the project site in the small patches of California sagebrush scrub (*Artemisia*

*Californica* Shrubland Alliance); however, none of these three species have been documented within 5 miles of the proposed project site. Additionally, six special-status wildlife species were determined to have a low-to-moderate potential to occur on the project site. As such, there is the potential for special-status species to occur on the site. The EIR will analyze short-term and long-term impacts of the project on biological resources. The EIR will also identify appropriate and feasible mitigation measures, if necessary. **Potential impacts to biological resources, including candidate, sensitive, or special-status species, will be analyzed further in the EIR.**

**(b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**Less than Significant Impact.** As stated previously, the approximately 17-acre vacant project site is currently characterized by an undeveloped gravel parking lot and ruderal vegetation. According to the National Wetlands Inventory managed by the United States Fish and Wildlife Service (USFWS), the project site does not contain riparian habitat.<sup>12</sup> There are no riparian habitat or other sensitive natural communities as identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or USFWS.

According to the *Biological Technical Report*, small areas of disturbed California sagebrush scrub were the only native vegetation community identified on project site. A small patch of mule fat (*Baccharis salicifolia*) was present in disturbed habitat, but was not of sufficient size or composition to qualify as a riparian vegetation community. The other vegetation community present on the project site was California annual grassland, which is not considered sensitive. As such, no sensitive vegetation communities were observed on the project site. In addition, two land cover types, disturbed areas and developed areas were observed on the project site. The plant species observed within these cover types consisted of non-native or invasive weedy species. Therefore, development of the proposed project is not anticipated to have a significant impact on any riparian habitat or other sensitive natural community. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**Potentially Significant Impact.** As stated previously, the approximately 17-acre vacant project site is currently characterized by an undeveloped gravel parking lot and ruderal vegetation. According to the National Wetlands Inventory managed by the USFWS, the project site does not contain federally protected wetlands; however, the San Juan Creek Channel, located immediately west of the project site, contains wetlands classified as Riverine and Freshwater Emergent Wetlands.<sup>13</sup> Due to the proximity of the San Juan Creek Channel, project construction

<sup>12</sup> United States Fish and Wildlife Service (USFWS). National Wetland Inventory. Website: <https://www.fws.gov/wetlands/Data/Mapper.html> (accessed April 24, 2019).

<sup>13</sup> United States Fish and Wildlife Service (USFWS). National Wetland Inventory. Website: <https://www.fws.gov/wetlands/Data/Mapper.html> (accessed April 24, 2019).

and operation could have potentially significant impacts on federally protected wetlands and waters of the United States as defined by Section 404 of the Clean Water Act. Therefore, the improvements associated with the project could potentially affect wetlands. **This topic will be analyzed in the EIR, and mitigation proposed, if necessary, to address potentially significant adverse impacts to federally protected wetlands.**

- (d) **Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

**Less than Significant Impact.** The *Biological Technical Report* determined that no migratory wildlife corridors or native wildlife nursery sites were identified within the project site. The San Juan Creek Channel, located immediately west of the project site, is unlikely to serve as a substantial corridor for local wildlife due to the lack of vegetative cover. Therefore, impacts would be less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- (e) **Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**Less Than Significant Impact.** As previously stated, the majority of the project site is characterized by an undeveloped gravel lot and ruderal vegetation. Currently, two existing red willow trees (*Salix laevigata*) are located on the project site, both of which would be removed as part of project implementation. According to the *Existing Tree Inventory Report*, the two existing trees would not be suitable for relocation due to their state of decay and structural decline.

Section 9-2.349 of the City's Municipal Code provides the policies on the removal of mature trees within the City. A tree removal permit is required for the removal of any mature trees associated with a development project that is subject to other discretionary land use approvals. Mature trees are considered to be trees with a diameter at breast height (3 ft above grade) greater than 6 inches. A tree removal permit for non-heritage trees may be approved administratively by the City Planning Director or designee.

Trees defined as "heritage trees" shall not be removed without review and approval of the City Planning Commission. A heritage tree is defined by the City's Municipal Code as having the following characteristics: (1) having a trunk diameter at breast height of 36 inches or greater; and (2) being a specimen of the following species: California pepper (*Schinus molle*); oak (*Quercus* spp.); cedar (*Cedar* spp.); blue gum eucalyptus (*Eucalyptus globulus*); walnut (*Juglans* spp.); olive (*Olea europaea*); sycamore (*Platanus* spp.); cottonwood (*Populus* spp.); or as otherwise designated by the Planning Commission based on the tree's unique and intrinsic value to the community because of its size, age, historic association or ecological value.

Based on the information provided in the *Existing Tree Inventory Report*, the two red willow trees located on the project site are not considered heritage trees and are considered diseased, structurally unsound, and unstable. Therefore, the Project Applicant would be required to apply for a tree removal permit as part of the discretionary actions to be considered by the City. As

part of this process, the City would specify conditions of approval for the replacement of trees and landscaping, in compliance with the City's tree preservation policy, specified in the City's Municipal Code (Section 9-2.349(c)(1), Tree Removal Permit for New Development Projects). Therefore, the proposed project would not result in adverse impacts related to local policies or ordinances protecting biological resources during construction, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**Less than Significant Impact.** The project site is located in the Southern Region of the Orange County Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP). One of the primary purposes of the NCCP/HCP is to serve as a conservation program that "shifts away from the focus on a project-by-project single species protection to conservation and management of many species and multiple habitats on a subregional level," thereby addressing long-term biological protection and management. Therefore, the Orange County NCCP/HCP essentially serves as a cumulative approach to conserving species and addressing biological impacts.

The project site is designated as developed area by the Orange County NCCP/HCP and is located outside of the boundaries of the Habitat Reserve System. Thus, the Orange County NCCP/HCP does not have any requirements that apply to the proposed project. Therefore, the proposed project would result in less than significant impacts related to potential conflicts with the goals and policies outlined in the Orange County NCCP/HCP. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

## 4.5 CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of CEQA?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion:

The discussion and analysis provided in this section are based on the *Cultural Resources Survey for the Ganahl Lumber Project* prepared by ECORP Consulting, Inc. (Revised January 2019) and contained in Appendix B of this IS.

### Impact Analysis:

#### (a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

**No Impact.** CEQA defines a “historical resource” as a resource that meets one or more of the following criteria:

1. Is listed in, or determined eligible for listing in, the California Register of Historical Resources (California Register);
2. Is listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k);
3. Is identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or
4. Is determined to be a historical resource by a project’s Lead Agency (PRC Section 21084.1 and *State CEQA Guidelines* Section 15064.5[a]).

Implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the *State CEQA Guidelines*, as there are no eligible resources or structures on site.

In its existing setting, the project site is undeveloped. On September 26, 2017, a cultural resources records search was conducted at the South Central Coastal Archaeological Information Center (SCCIC), located at California State University, Fullerton. The purpose of the records search was to determine the extent of previous cultural resources investigations within a 0.5-mile radius of the project area, and whether any previously recorded archaeological sites

or other historic resources exist within or near the project area. Materials reviewed included reports of previous cultural resources investigations, archaeological site records, historical maps, and listings of resources on the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Points of Historical Interest, California Landmarks, and National Historic Landmarks. The records search indicated 49 cultural resources investigations have been conducted within the 0.5-mile records search radius between 1978 and 2012. In addition, there is a list of "Indian Campsites" by John Romero from 1935. Approximately 75 percent of the area in the records search radius has been previously surveyed. One small area survey (OR-1506) extends into the southern part of the project area. The rest of the project area has not been previously surveyed. The records search results indicated that no previously recorded cultural resources have been recorded within the project site and 14 resources have been recorded within 0.5 mile of the project site.

According to the results from the records search, no previously recorded historic properties are within the project site. Furthermore, according to the City's map of historic buildings and structures,<sup>14</sup> there are no historic resources on or within the vicinity of the project site. As a result, the project will not cause a substantial change in the significance of a historical resource as defined in *State CEQA Guidelines* Section 15064.5. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- (b) **Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Or,**
- (c) **Would the project disturb any humans remains, including those interred outside of dedicated cemeteries?**

**Potentially Significant Impact.** As described in Response 4.5 (a), above, a records search to identify previously recorded prehistoric and historic cultural resources and cultural resource surveys within 0.5 mile of the project site was conducted at the SCCIC, located at California State University, Fullerton. The records search showed that no previously recorded cultural resources have been recorded within the project area and 14 resources have been recorded within 0.5 mile of the project area. However, new ground-disturbing activities associated with project construction activities could have the potential to unearth any previously unknown archaeological resources, as well as unknown human remains. As such, impacts to cultural resources will be evaluated as part of the EIR. The EIR will also identify appropriate and feasible mitigation measures, in the event that significant impacts to cultural resources are identified. **Potential impacts to cultural resources, including archaeological resources and the potential for human remains, will be analyzed further in the EIR.**

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<sup>14</sup> City of San Juan Capistrano. General Plan Cultural Resources Element. December 14, 1999.



## 4.6 ENERGY

*Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- (a) **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? Or,**
- (b) **Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**Potentially Significant Impact.** The proposed project has the potential to result in significant short-term construction-related energy impacts associated with wasteful, inefficient, or unnecessary consumption of energy resources. A consistency analysis will be conducted to determine if the project conflicts with or obstructs a state or local plan for renewable energy or energy efficiency. As such, impacts to energy resources will be evaluated as part of the EIR, analyzing short-term and long-term impacts of the project, as well as project consistency with state and local plans related to energy. The EIR will also identify appropriate and feasible mitigation measures if necessary. **Potential impacts to energy resources will be analyzed further in the EIR.**

## 4.7 GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion:

The discussion and analysis provided in this section are based on the *Updated Geotechnical Investigation Report and Response to Third Party Review* (Geotechnical Investigation) prepared by Willdan Engineering. (November 2018) contained in Appendix C of this IS.

### Impact Analysis:

- (a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
- (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?

**Less Than Significant Impact.** As with all of Southern California, the project site is located in an area that is subject to strong ground motion resulting from earthquakes on nearby faults. However, according to the Geotechnical Investigation prepared for the proposed project, the project site is not located within an established Alquist-Priolo Earthquake Fault Zone for surface

fault ruptures. In addition, there are no known active faults or fault traces with the potential for surface fault rupture crossing the project site. The nearest known earthquake fault to the project site is the Newport-Inglewood-Rose Canyon Fault Zone, which is located approximately 20 miles to the north of the project site. Therefore, impacts related to the rupture of a known earthquake fault as depicted on the most recent Alquist-Priolo Earthquake Fault Zoning Map are less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

**(ii) Strong seismic ground shaking?**

**Potentially Significant Impact.** As previously stated, the project site is located in an active seismic region and could be subject to strong ground motion resulting from earthquakes. There are several faults in the vicinity of the project site that are capable of producing strong ground motion. Ground shaking resulting from earthquakes associated with both nearby and more distant faults may result in the generation of moderate-to-strong shaking at the project site. The severity of the shaking would be influenced by the distance between the site and the seismic source, the soil conditions, and the depth to groundwater. As such, damage to development and infrastructure associated with the proposed project could be expected as a result of significant ground shaking during a strong seismic event in the region. **Impacts associated with strong seismic ground shaking will be evaluated as part of the EIR, and mitigation will be identified if necessary.**

**(a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

**(iii) Seismic-related ground failure, including liquefaction?**

**Potentially Significant Impact.** Liquefaction commonly occurs when three conditions are present simultaneously: (1) high groundwater; (2) relatively loose, cohesionless (sandy) soil; and (3) earthquake-generated seismic waves. Structures on or above potentially liquefiable soils may experience bearing capacity failures due to the temporary loss of foundation support, vertical settlements, and/or lateral spreading. Factors known to influence the potential for liquefaction include soil type, relative density, grain size, confining pressure, depth to groundwater, and the intensity and duration of the seismic ground shaking.

The project site is located within a liquefaction zone as defined as defined by the California Department of Conservation (DOC) Earthquake Zones of Required Investigation (EZRI) for the Dana Point Quadrangle.<sup>15</sup> According to the liquefaction analysis in the Geotechnical Investigation, the soils on the site could be subject to liquefaction during an earthquake. As such, damage to development and infrastructure associated with the proposed project could be expected as a result of liquefaction and construction would require specific measures to reduce

<sup>15</sup> Department of Conservation (DOC). Earthquake Zones of Required Investigation (EZRI) for the Dana Point Quadrangle.

potential liquefaction, impacts. **Impacts associated with liquefaction will be evaluated as part of the EIR, and mitigation will be identified, if necessary.**

- (a) **Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

(iv) **Landslides?**

**Less Than Significant Impact.** Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes in areas with significant ground slopes. The topography at the existing project site and within the surrounding area is relatively flat. According to the Geotechnical Investigation, the project site is not within an earthquake-induced landslide zone and is not located within an area subject to potential seismic slope instability. Therefore, seismically induced landslides are unlikely to occur at the site, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- (b) **Would the project result in substantial soil erosion or the loss of topsoil?**

**Potentially Significant Impact.** As previously stated, the project site is vacant and is characterized by scattered vegetation and exposed soil. Therefore, there is potential for project development to cause soil erosion during grading and construction. As such, impacts associated with substantial soil erosion or the loss of topsoil could be expected as a result of project implementation. **Potential impacts associated with soil erosion will be analyzed further in the EIR and mitigation will be identified, if necessary.**

- (c) **Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**Potentially Significant Impact.**

**Landslides.** Refer to the impact discussion in Response 4.6 (a)(iv), above. Both the existing project site and the surrounding area are relatively flat and are not subject to slope instability or landslides. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**Subsidence.** Subsidence is the sinking of the land surface where deep soils are present. Subsidence of deep soil deposits typically occurs as a result of oil, gas, and water production, which causes loss of pore pressure as the weight compacts the underlying sediments. As previously stated, it is estimated that the groundwater on the project site was encountered at depth of approximately 18 to 22 ft below ground surface. However, no pumping of petroleum reserves or groundwater would occur as a result of the proposed project. As such, subsidence is not expected to occur on the project site or to affect development of the proposed project. Therefore, impacts related to subsidence would be less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

***Lateral Spreading and Liquefaction.*** Refer to the impact discussion in Response 4.6 (a)(iii), above. According to the Geotechnical Investigation, lateral spreading at the project site is not a concern due to proposed final level ground surface and recently constructed sheet pile system along the San Juan Creek, penetrating below the lowest liquefiable layer identified within the site for protection of the creek levee. Therefore, the soils on the site are not subject to lateral spread but could be subject to liquefaction. **Potential impacts associated with liquefaction will be analyzed further in the EIR, and mitigation proposed if necessary.**

***Compressible/Collapsible Soils.*** Compressible soils are soils that consolidate when exposed to new loading, such as fill or foundation loads. Collapsible soils are soils that significantly decrease in volume with increased moisture content, with or without an increase in external loads.

The project site is underlain undocumented fill. Although the soils on the site would not be subject to collapse as a result of subsidence, the undocumented fill underlying the project site may be subject to collapse. As such, damage to development and infrastructure associated with the proposed project could occur as a result of compressible/collapsible soils. **Potential impacts associated with collapsible soils will be analyzed further in the EIR and mitigation proposed if necessary.**

**(d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

**Potentially Significant Impact.** Expansive soils contain types of clay minerals that occupy considerably more volume when they are wet or hydrated than when they are dry or dehydrated. Volume changes associated with changes in the moisture content of near-surface expansive soils can cause uplift or heave of the ground when they become wet or, less commonly, cause settlement when they dry out. Soils with an expansion index of greater than 20 are classified as expansive for building purposes and, therefore, have a potentially significant impact.

The results of the preliminary geotechnical investigation determined the presence of loose and disturbed fill soils and undocumented fill (approximately 60,000 cy) soils encountered at a depth of up to 10 ft. The undocumented fill would need to be characterized in the case of possible soil contamination. Remedial grading would consist of full depth removal and over-excavation of unsuitable soils (disturbed near surface soils and unconsolidated fill) and backfilling with approved compacted fill. The on-site soils are suitable for use as fill. Removal of the existing upper minimum 10 ft of undocumented fill and replacement with properly compacted fill soils will be necessary to provide more uniform support for the new fill placements and for satisfactory performance of the native materials prepared to receive new fill soils.

Although the risk of soil expansion on the project site is low, measures included in the final geotechnical report would serve to further reduce any potential soil expansion by incorporating building construction and design standards that would mitigate the impact of any soil expansion experienced on the project site. As such, damage to development and infrastructure associated with the proposed project could occur as a result of expansive soils. **Potential impacts**

associated with expansive soils will be analyzed further in the EIR, and mitigation proposed if necessary.

- (e) **Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

**No Impact.** The proposed project would include a sewer connection to the City's existing sewer infrastructure and would not include the installation of, or connections to, a septic system or alternative waste water disposal system. Therefore, the proposed project would not result in impacts related to the soils capability to adequately support the use of septic tanks or alternative wastewater disposal systems, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- (f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Potentially Significant Impact.** As described in Section 4.5, Cultural Resources, a records search to identify previously recorded prehistoric and historic cultural resources and cultural resource surveys within 0.5 mile of the project site was conducted at the SCCIC, located at California State University, Fullerton. The records search showed that no previously recorded cultural resources have been recorded within the project area and 14 resources have been recorded within 0.5 mile of the project area. However, new ground-disturbing activities associated with project construction activities could have the potential to unearth any previously unknown paleontological resources. **Potential impacts to cultural resources, including paleontological resources, will be analyzed further in the EIR and mitigation proposed if necessary.**

## 4.8 GREENHOUSE GAS EMISSIONS

*Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis:

- (a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Or,
- (b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

**Potentially Significant Impact.** During construction of the project, equipment and vehicles would be used that would generate some greenhouse gases (GHG). In addition, the project's use of energy during long-term operations would contribute to the emission of GHGs. A technical study analyzing GHG emissions associated with both the short-term construction and long-term operational impacts of the proposed project will be prepared and summarized in the EIR.

**Potential GHG impacts will be analyzed further in the EIR, and mitigation proposed if necessary.**

## 4.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion:

The discussion and analysis provided in this section are based on the *Phase I Environmental Site Assessment Report for the Lower Rosan Ranch Undeveloped Land* (Phase I ESA) (October 2016) prepared by DMG, Inc. (Appendix D of this IS).

### Impact Analysis:

#### (a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**Less Than Significant Impact.** Hazardous materials are chemicals that could potentially cause harm during an accidental release or mishap, and are defined as being toxic, corrosive, flammable, reactive, and irritant, or strong sensitizer.<sup>16</sup> Hazardous substances include all chemicals regulated under the United States Department of Transportation “hazardous materials” regulations and the United States Environmental Protection Agency (EPA) “hazardous waste” regulations. These hazardous wastes require special handling and disposal because of

<sup>16</sup> A “sensitizer” is a chemical that can cause a substantial proportion of people or animals to develop an allergic reaction in normal tissue after repeated exposure to a chemical (U.S. Department of Labor 2017).



their potential to damage public health and the environment. The probable frequency and severity of consequences from the routine transport, use, or disposal of hazardous materials is affected by the type of substance, the quantity used or managed, and the nature of the activities and operations.

*Construction.* During construction activities for the proposed project, there is a possibility of generating small quantities of hazardous materials. The construction phase of the proposed project may include the transport, storage, and short-term use of petroleum-based fuels, lubricants, pesticides, and other similar materials. The amount of hazardous chemicals present during construction is limited and would be in compliance with existing government regulations, such as the Hazardous Materials Transportation Act, the Resource Conservation and Recovery Act, and the California Code of Regulations (Title 22).

Any associated risk would be adequately reduced to a level that is less than significant through compliance with these standards and regulations; thus, the limited use and storage of hazardous materials during construction of the proposed project would not pose a significant hazard to the public or the environment. Accordingly, the potential for the release of hazardous materials during project construction would be low and, even if a release would occur, it would not result in a significant hazard to the public, surrounding land uses, or environment due to the small quantities of these materials associated with construction. No mitigation would be required.

*Operation.* The proposed project would allow for the development of a lumber yard and hardware store, drive-through restaurant uses, and a crushed-rock gravel area for long-term vehicle storage. Hazardous substances associated with retail, warehousing, and restaurant uses are typically limited in both amount and use, such that they can be contained without impacting the environment. Long-term operational activities typical of the proposed retail, lumber storage yard, and restaurant uses, such as landscape and building maintenance, would occur on the project site. Maintenance activities related to landscaping include the use of fertilizers and light equipment (such as lawn mowers and edgers). These types of activities do not involve the use of a large or substantial amount of hazardous materials. The proposed retail, lumber storage yard, and restaurant uses would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents and pesticides. However, such materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. As such, when utilized properly, hazardous materials used and stored on the project site would not result in a significant hazard to visitors or the environment.

A fueling area for delivery trucks will be included as part of the project. During operation of the proposed project, the diesel fueling station would be enclosed within integrated containment vessels, and would be required to be operated in compliance with all applicable State and federal regulations governing the handling of diesel fuels. As stated in Section 4.9, Hydrology and Water Quality, Best Management Practices (BMPs) will be implemented as part of the Water Quality Management Plan (WQMP) to ensure proper operation of the fueling area and avoid any hazardous wastes that could be generated as a result.

The project proposes vehicle parking and storage; however, there would be no vehicle cleaning or maintenance areas on the project site. As such, chemicals, oils, and grease, generated from such activities would not result in significant impacts related to the release of hazardous materials.

All transport, handling, use, and disposal of substances such as petroleum products, paints, and solvents related to the operation and maintenance of the proposed project would be required to comply with all federal, State, and local laws regulating the management and use of hazardous materials. Additionally, the Project Applicant has retained a Chemical Classification and High Pile Storage consultant to provide guidance on the handling of hazardous materials. Therefore, compliance with BMPs and adherence to the recommendations of the chemical classification consultant, the proposed project would result in a less than significant impact with regard to the routine transport, use, or disposal of hazardous material. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**Potentially Significant Impact.** The purpose of the *Phase I ESA* is to evaluate the project site for potential Recognized Environmental Concerns (RECs) that may be present and/or off-site conditions that may impact the project site. A REC can be defined as the presence or likely presence of any hazardous substances or petroleum products at the subject property under any of the following conditions: (1) due to a release into the environment; (2) under conditions indicative of a release into the environment; or (3) under conditions that pose a material threat of a future release to the environment.

The *Phase I ESA* prepared for the project site included the following: (1) a review of readily available topographic, geologic, and hydrogeologic information and historical land uses pertaining to the site and surrounding area; (2) site reconnaissance of the site for evidence of potential RECs; and (3) a review of federal, State, and local regulatory information records for reported potential environmental hazards on or in the vicinity of the site, including preparation of an Environmental Database Resources (EDR) Report.

According to the *Phase I ESA*, no RECs were observed on the project site under observed conditions. Historically, the project site and surrounding properties were undeveloped until as early as 1938. The project site has remained undeveloped. Review of aerial photography of the project site and surrounding area depict the following: in 1967, the channelization of the San Juan Creek immediately west of the project site; in 1977, the development of the mobile home park immediately north of the project site; in 1994, the construction of Stonehill Drive along the project site's southern boundary; and from 2005 to 2012, the development of multiple automobile dealerships east of the project site beyond the railroad. Based on this information, historic uses of the surrounding properties are not likely to have resulted in the potential for current adverse impacts to the project site's subsurface.

According to the EDR Report, the project site was not identified on any federal or State regulatory databases. Four Resource Conservation and Recovery Act – Small Quantity Generators (RCRA-SQG) sites<sup>17</sup> were identified within the American Society of Testing and Materials (ASTM) search radii,<sup>18</sup> but none of the four sites listed include violations. Other sites identified within the ASTM search radii include the following listings: one EnviroStor Database (ENVIROSTOR), three Underground Storage Tanks (UST), five Leaking Underground Storage Tanks (LUST), one Statewide Environmental Evaluation and Planning System (SWEEPS), one Facility Inventory Database (CA FID UST), one Historical UST, three Hazardous Waste and Substance Sites List (Historic CORTESE), seven Aboveground Storage Tanks (AST), and one Spills, Leaks, Investigations, and Cleanups (SLIC). The Phase I ESA concluded that the potential for environmental impact to the project site from any of the off-site facilities identified in the EDR Report appears to be low due to several factors: distance from the project site; status of the case; remedial efforts that are currently being directed by a regulatory agency; and/or the identification of responsible parties has occurred.

Based on site reconnaissance and the above research, no chemicals, solvents, or petroleum products were identified on the project site, and historic uses do not indicate the usage of such volatile organic compounds (VOCs). No off-site sources were identified that had the potential of impacting the project site. Therefore, for the reasons stated above, it was determined that the presence of VOCs is not likely.

*Construction.* Construction activities associated with the proposed project would include site preparation activities, building construction, paving, and the implementation of ornamental landscaping. In the unlikely event that unknown hazardous materials are discovered on site during project construction, the project contractor would be required to notify the OCFA, who would then determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations. In addition, Caltrans, the California Highway Patrol, and local police and fire departments are trained in emergency response procedures for safely responding to accidental spills of hazardous substances on public roads, further reducing potential impacts to a less than significant level.

The project site is currently used as an illegal dump site for trash and construction debris. As such, there is potential for uncovering hazardous materials in the soil during construction activities. Therefore, project construction has the potential to create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **Potential impacts related to the release of hazardous materials into the environment as a result of project construction will be analyzed further in the EIR and mitigation proposed if necessary.**

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<sup>17</sup> The Resource Conservation and Recovery Act – Small Quantity Generators (RCRA-SQG) database includes information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

<sup>18</sup> Radii distances vary by database and are in accordance with American Society of Testing and Materials (ASTM) standards.

*Operation.* As stated previously, hazardous substances associated with the proposed commercial uses would be limited in both amount and use such that they can be contained (stored or confined within a specific area) without impacting the environment. Project operation would involve the use of potentially hazardous materials typical of retail, warehousing, and restaurant uses (e.g., solvents, cleaning agents, paints, fertilizers, and pesticides) that, when used correctly and in compliance with existing laws and regulations, would not result in a significant hazard to visitors or workers in the vicinity of the proposed project. Although the project proposes vehicle parking, there would be no vehicle cleaning or maintenance areas on the project site. In addition, during operation of the proposed project, the diesel fueling station would be enclosed within integrated containment vessels, and would be required to be operated in compliance with all applicable State and federal regulations governing the handling of diesel fuels. BMPs as detailed in the WQMP will be implemented to ensure proper operation of the fueling area and avoid any hazardous wastes that could be generated as a result. Further, the applicant has obtained a chemical classification consultant to provide guidance on the handling of hazardous materials. Therefore, operation of the proposed project would not create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**Less Than Significant Impact.** West River Academy Private School located at 33721 Bluewater Lane, in the City of Dana Point, is the nearest school to the project site, located approximately 0.25 mile to the southwest. The closest public schools to the project site are Del Obispo Elementary School, located at 25591 Camino Del Avion, and Marco Forster Middle School, located at 25601 Camino Del Avion, both of which are approximately 0.6 mile north of the project site.

*Construction.* As stated previously, construction activities would involve the routine use of hazardous materials such as fuels, lubricants, paints, curing compounds, solvents, and sanitizers. Compliance as required with various federal, State, and local regulations related to hazardous materials use, storage, transportation, and disposal is expected to reduce the risk of a spill or accidental release of hazardous materials to a less than significant level.

Construction of the proposed project would also include the use of construction equipment that would generate dust and particulate matter during site preparation activities within 0.25 mile of an existing school. These fugitive dust emissions would occur during construction of the proposed project as a result of demolition, grading, and the exposure of soils to air and wind. However, in order to reduce fugitive dust emissions, the project would be required to comply with SCAQMD standard conditions and Rule 403. These required dust suppression techniques would reduce fugitive dust generation and would reduce construction impacts resulting from hazardous emissions within 0.25 mile of an existing or proposed school to a less than significant level during construction activities. No mitigation would be required.

*Operation.* Although the project site is located within 0.25 mile of West River Academy Private School, operation of the proposed commercial uses would not result in the production of hazardous emissions or handling of significant amounts of hazardous materials. Therefore, operation of the proposed retail, lumber storage yard, and restaurant uses would not emit hazardous emissions or involve handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school during operation. Therefore, impacts within 0.25 mile of an existing or proposed school are considered less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- (d) **Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**No Impact.** According to the Phase I ESA, which included a review of hazardous materials databases, the project site is not included on any hazardous materials site list pursuant to Government Code Section 65962.5 and would not result in a significant hazard to the public or the environment. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- (e) **Would the project be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

**No Impact.** There are no airports within 2 miles of the project site. The nearest public use airport to the project site is John Wayne Airport located at 18601 Airport Way, in the City of Santa Ana, approximately 17 miles northwest of the project site. Given the distance of the project site to the nearest airport, there would be no safety hazards for people residing or working at the project site or vicinity. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- (f) **Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**Less Than Significant Impact.** The City's General Plan Safety Element (2002) identifies and evaluates natural hazards associated with seismic activity, landslides, flooding and fire within the City. The General Plan Safety Element establishes goals for each of the City departments to provide responsible planning aimed at reducing impacts with respect to loss of life, injuries, damage to property and other losses associated with disasters, such as those resulting from

seismic activity, flooding, and fires. According to the City's map of evacuation routes, Stonehill Drive is listed as a potential evacuation routes in the event of an emergency.<sup>19</sup>

*Construction.* Construction of the proposed project, specifically construction of the proposed signal and deceleration lane on Stonehill Drive, may result in temporary lane closures adjacent to the project site. However, construction impacts would be temporary in nature and would cease upon project completion. As such, the project would not physically impair or otherwise conflict with the long-term implementation of the City's Emergency Preparedness Program. Therefore, construction of the proposed project would result in less than significant impacts related to the implementation of emergency response and evacuation plans, and no mitigation would be required.

*Operation.* The emergency management plans for the City, in conjunction with the emergency plan for the County, may be activated and directed by a number of individuals within the City or County, including, but not limited to, the City Manager, the Fire Chief, and the Police Chief. Roads that are used as response corridors/evacuation routes usually follow the most direct path to or from various parts of a community, although emergency response vehicles may choose to use a variety of routes to access surrounding areas. Stonehill Drive is identified as an evacuation route in the City. The proposed project would be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on site for emergency vehicles. Adherence to these codes and ordinances would ensure that operation of the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. In addition, the proposed project includes expanded access via an emergency access road extending to the north of the site, and a new access road extending under the Stonehill Drive bridge to parcels immediately south of the project site. Therefore, operation of the proposed project would result in less than significant impacts related to the implementation of emergency response and evacuation plans, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(g) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires?**

**No Impact.** The project site is located in an urbanized, developed portion of the City of San Juan Capistrano. Surrounding land uses include a mobile home park to the north; the San Juan Creek Channel and Trail, Creekside Park, and single-family residential uses to the west; the BNSF rail line and automobile dealerships to the east; and a hotel, a mobile home park, and commercial uses south of Stonehill Drive.

The project site is not adjacent to any wildland areas. The project site is not located within a High Fire Hazard Zone according to the Fire Hazards Area Map in the City's General Plan Public Safety Element (2002). According to the CAL FIRE and Resource Assessment Program, the

<sup>19</sup> City of San Juan Capistrano. Evacuation Routes. Website: <http://sanjuancapistrano.org/Portals/0/Evacuation%20Map%202017.pdf> (accessed on April 24, 2019).

project site is not within a Very High Fire Hazard Severity Zone (VHFHSZ).<sup>20</sup> As a result, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, no impacts are anticipated, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

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<sup>20</sup> CalFire. Very High Fire Hazard Severity Zones in LRA. San Juan Capistrano. October 2011. Website: [http://www.fire.ca.gov/fire\\_prevention/fhsz\\_maps/FHSZ/orange/c30\\_SanJuanCapistrano\\_vhfhsz.pdf](http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/orange/c30_SanJuanCapistrano_vhfhsz.pdf) (accessed April 24, 2019).



## 4.10 HYDROLOGY AND WATER QUALITY

*Would the project:*

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i.	result in substantial erosion or siltation on- or off-site;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii.	substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii.	create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv.	impede or redirect flood flows?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis:

#### (a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

##### Potentially Significant Impact.

**Construction.** The proposed project would allow for the development of a lumber yard and hardware store, drive-through restaurant uses, and a crushed-rock gravel area for long-term vehicle storage. Pollutants of concern during construction include, but are not limited to, sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked and have the potential to be transported via storm water runoff into receiving waters (i.e., San Juan Creek and ultimately the Pacific Ocean).

During construction, the disturbed soil area would be approximately 17 acres. Because construction of the proposed project would disturb greater than 1 acre of soil, the project is

subject to the requirements of the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System (NPDES) permit *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities* (Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Orders No. 2010-0014-DWQ and 2012-0006-DWQ) (Construction General Permit). Coverage under the Construction General Permit would be obtained for the proposed project. The Construction General Permit and City Municipal Code require preparation of a Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan and implementation of construction Best Management Practices (BMPs) during construction activities. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters. Compliance with the requirements of the Construction General Permit and incorporation of construction BMPs to target pollutants of concern would ensure construction impacts related to waste discharge requirements, water quality standards, and surface water quality would be less than significant, and no mitigation is required.

The project site lies within the southerly portion of the San Juan Groundwater Basin. As discussed in the Geotechnical Investigation, groundwater was encountered in all exploratory borings drilled to a depth of 18 to 22 ft below ground surface (bgs). Groundwater depth can fluctuate due to factors such as rainfall and presence of water near the project site. Because excavation is anticipated to reach a maximum depth of approximately 20 ft bgs, there is a potential for groundwater to be encountered during construction and for groundwater dewatering to be required. Release of dewatered groundwater to surface waters can introduce total dissolved solids and other constituents to surface waters. In the event that groundwater or perched groundwater is encountered during construction and groundwater dewatering is necessary, disposal of dewatered groundwater can introduce total dissolved solids and other constituents to surface waters. Any groundwater dewatering during excavation would be conducted in accordance with the San Diego Regional Water Quality Control Board's (RWQCB's) *General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region* (Order No R9-2015-0013, NPDES No. CAG919003) (Groundwater Discharge Permit). The Groundwater Discharge Permit would require testing and treatment (as necessary) of groundwater encountered during groundwater dewatering prior to release to surface waters to ensure that discharges do not exceed water quality limits specified in the permit. Compliance with the requirements of the Groundwater Discharge Permit would ensure impacts related to waste discharge requirements, water quality standards, and surface water quality would be less than significant during dewatering activities, and no mitigation would be required.

*Operation.* Based on the existing impairments and water quality condition of the receiving waters for runoff from the project site (San Juan Creek and the Pacific Ocean), the primary pollutants of concern from long-term operation of commercial and restaurant developments include are nutrients, bacteria/viruses/pathogens, pesticides, and dry weather runoff; other pollutants of concern include suspended solids, oil and grease, and trash and debris. The project would comply with the requirements of Title 8, Chapter 14 of the City's Municipal Code and the San Diego Regional Water Quality Control Board's (RWQCB) National Pollutant Discharge

Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from The Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (Order No. R9-2013-0001, NPDES No. CAS010266, as amended by Order No. R9-2015-0001) (South Orange County MS4 Permit). The City Municipal Code and the South Orange County MS4 Permits require that a Final Water Quality Management Plan (WQMP) be prepared for new development projects. WQMPs specify the site design, source control, low impact development (LID) BMPs that would be implemented to capture, treat, and reduce pollutants of concern in stormwater runoff. As such, the proposed project would be required to prepare a Final WQMP and implement BMPs designed to capture, treat, and reduce pollutants of concern in stormwater runoff.

When combined, the site design, source control, and LID BMPs would target and reduce pollutants of concern in stormwater runoff from the project site. Required compliance with the City Municipal Code and South Orange County MS4 Permit requirements, including preparation of a Final WQMP and incorporation of post-construction BMPs to target pollutants of concern, would reduce operation impacts related to WDRs, water quality standards, degradation of water quality, and beneficial uses. **This topic will be analyzed in the EIR, and mitigation will be developed and included in the EIR, if necessary, to address potentially significant adverse project impacts related to waste discharge requirements and surface and groundwater water quality.**

**(b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

**Less Than Significant Impact.** According to the Geotechnical Investigation prepared for the project, groundwater was encountered in all exploratory borings drilled to a depth of 18 to 22 ft bgs.

*Construction.* Because excavation is anticipated to reach a maximum depth of approximately 20 feet bgs, there is a potential for groundwater to be encountered during construction and for groundwater dewatering to be required. However, groundwater dewatering would be temporary, and the volume of groundwater removed would not be substantial. The project would also comply with the requirements of Groundwater Discharge Permit, including testing and treatment (if necessary) of dewatered groundwater prior to discharge to surface waters. Furthermore, neither groundwater extraction nor injection would occur during project construction. Therefore, impacts would be less than significant, and no mitigation would be required.

*Operation.* Currently, the project site is undeveloped and consists of primarily pervious surfaces. Due to the undeveloped nature of the site, development of the project would increase impervious surface area on the project site compared to existing conditions. The increase in impervious surface area as a result of project implementation would decrease on-site infiltration. However, any decrease in infiltration would be minimal in comparison to the size of the San Juan Groundwater Basin, which has a capacity of 41,375 acre-feet (af) of water per

year.<sup>21</sup> In addition, the project would include BMPs to increase infiltration of stormwater runoff on the project site to reduce impacts related to depletion or interference with groundwater recharge. For these reasons, impacts related to depletion of groundwater supplies or interference with groundwater recharge would be less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

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

**(i) Result in substantial erosion or siltation on- or off-site?**

**Potentially Significant Impact.** The project site is currently undeveloped and consists of primarily pervious surfaces. As such, development of the project would increase impervious surface area, which would increase stormwater runoff. However, impervious surface areas associated with development of the project site are not prone to erosion or siltation, which are minimal and stabilized by vegetation in landscaped areas.

The EIR will consider the project's potential to result in substantial erosion and siltation on- and off-site. The Hydrology Report and Final WQMP prepared for the project will evaluate the need for project mitigation measures and additional BMPs to ensure that the project would not increase stormwater runoff, resulting in downstream erosion and siltation. **This topic will be analyzed in the EIR, and mitigation will be developed and included in the EIR, if necessary, to address potentially significant adverse project effects related to erosion and siltation on- and off-site.**

**(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?**

**Potentially Significant Impact.** As stated in Response 4.9 (c)(i), above, the project would not substantially alter drainage patterns on the project site during either construction or operation. Currently, the project site is undeveloped and consists of primarily pervious surfaces.

Development of the project would increase impervious surface area, which would increase stormwater runoff and could potentially result in flooding on- or off-site. Using information from the project Hydrology Report and Final WQMP prepared for the project, the EIR will analyze project impacts related to changes in runoff and the potential for on- and off-site flooding. The hydrology report will include calculations of the existing and proposed runoff peak flows and volume. Taking into consideration the capacity of the existing storm drain systems, the hydrology report will consider any storm drain improvements or BMPs that may be required to mitigate any increase in runoff and to comply with flood control requirements. **This topic will be analyzed in the EIR, and mitigation will be developed and included in the EIR, if necessary, to**

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<sup>21</sup> Wildermuth Environmental Inc. 2015. *Analysis of Storage in the San Juan Groundwater Basin*. November 18, 2015.

**address potentially significant adverse project effects related to changes in drainage patterns and associated flooding.**

**(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**Potentially Significant Impact.** Refer to Response 4.10 (c)(ii), above. The EIR will consider the project's potential to contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The Hydrology Report will evaluate the need for project mitigation measures and additional BMPs to ensure adequate treatment and conveyance of storm flows. **This topic will be analyzed in the EIR, and mitigation will be developed and included in the EIR, if necessary, to address potentially significant adverse project effects related to storm water drainage and pollutants.**

**(iv) Impede or redirect flood flows?**

**Potentially Significant Impact.** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06059C0506J (December 3, 2009), the majority of the project site is located within 100-year floodplain Zone AO. Zone AO is defined by FEMA as areas subject to inundation by 1-percent-annual-chance (100-year) flood with shallow flooding (1 foot depth for the project site). A portion of the project site (along the western boundary) is located within Zone A, which is classified as an area subject to inundation by the 1-percent-annual-chance flood event. In addition, according to the City's General Plan Safety Element, the project site is located within the inundation area based on catastrophic failure of Trampas Canyon Dam. Therefore, in the event of flooding during a storm event or in the unlikely event of failure of Trampas Canyon Dam, there would be risk of flood hazard on the project site. Because the project site would place improvements and structures within a 100-year flood zone and dam inundation area, there is potential for the project to impede or redirect flood flows. **This topic will be analyzed in the EIR, and mitigation will be developed and included in the EIR, if necessary, to address potentially significant adverse project effects related to impairment or redirection of flood flows.**

**(d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?**

**Less than Significant Impact.**

*Tsunami.* Tsunamis are generated ocean wave trains generally caused by tectonic displacement of the sea floor associated with shallow earthquakes, sea floor landslides, rock falls, and exploding volcanic islands. According to the Department of Conservation (DOC) Tsunami Inundation Map for Emergency Planning, Dana Point Quadrangle/San Juan Capistrano Quadrangle, the project site is not located within a tsunami inundation area. Therefore, impacts related to tsunamis would be less than significant, and no mitigation is required.

*Seiche Zones.* Seiching occurs when seismic ground shaking induces standing waves (seiches) inside water retention facilities (e.g., reservoirs and lakes). Because there are no large lakes or reservoirs in the vicinity of the project site, the project site is not at risk of inundation from seiche. Therefore, impacts related to seiching would be less than significant, and no mitigation is required.

*Flood Hazard.* As discussed in Response 4.10 (c)(iv), the majority of the project site is located in Zone AO, which is defined by FEMA as areas subject to inundation by 1-percent annual chance (100-year) flood with shallow flooding (1 foot depth for the project site). A small portion of the project site is located in Zone A, which is classified as an area subject to inundation by the 1-percent-annual-chance flood event. In addition, according to the City's General Plan Safety Element, the project site is located within the inundation area based on catastrophic failure of Trampas Canyon Dam. Therefore, in the event of flooding during a storm event or in the unlikely event of failure of Trampas Canyon Dam, there would be risk of inundation and pollutant release on the project site. The project would introduce a new land uses (commercial, restaurant, and storage yard) on the project site, which would change the potential on-site pollutants compared to existing conditions. However, as discussed in Response 4.10 (a), BMPs would be implemented to target and reduce pollutants of concern on the project site. In addition, as discussed in Section 4.9, Hazards and Hazardous Materials, hazardous substances associated with commercial and restaurant uses would be limited in both amount and use. The materials used on-site would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Because BMPs would reduce introduction of pollutants on the site and any hazardous materials used on site would be properly stored and contained, impacts related to release of pollutants in the event of inundation from flooding would be less than significant. No mitigation is required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**Less than Significant Impact.** The project is within the jurisdiction of the San Diego Regional Water Quality Control Board. The San Diego RWQCB adopted a Water Quality Control Plan (i.e. Basin Plan) (September 1994, with amendments effective on or before May 2016) which designates beneficial uses for all surface and groundwater within their jurisdiction and establishes the water quality objectives and standards necessary to protect those beneficial uses. As summarized below, the project would comply with the applicable NPDES permits and implement construction and operational BMPs to reduce pollutants of concern in stormwater runoff.

*Construction.* As discussed in Response 4.10 (a), during construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked and have the potential to be transported via stormwater runoff into receiving waters. However, the proposed project would be required to comply with requirements set forth by the

Construction General Permit, which requires preparation of an SWPPP and Erosion Control Plan and implementation of construction BMPs to control stormwater runoff and discharge of pollutants. The project would also comply with the requirements of Groundwater Discharge Permit, including testing and treatment (if necessary) of dewatered groundwater prior to discharge to surface waters.

*Operation.* As discussed in Response 4.10 (a), the primary pollutants of concern during project operations are suspended solids, bacteria/virus/pathogens, and dry weather runoff. Other pollutants of concern are nutrients, heavy metals, pesticides, toxic organic compounds, and trash and debris. A Final WQMP would be prepared for the project in compliance with the South Orange County MS4 Permit and City Municipal Code. The Final WQMP will detail the Source Control, Site Design, and LID BMPs that would be implemented to treat stormwater runoff and reduce impacts to water quality during operation. The proposed LID BMPs include proprietary biofiltration BMPs. These BMPs would capture and treat stormwater runoff and reduce pollutants of concern in stormwater runoff.

The project would comply with the applicable NPDES permits, which requires preparation of a Final WQMP and implementation of construction and operational BMPs to reduce pollutants of concern in stormwater runoff so that the project would not degrade water quality, cause the receiving waters to exceed the water quality objectives, or impair the beneficial use of receiving waters. As such, the project would not result in water quality impacts that would conflict with the RWQCB's Water Quality Control Plan (Basin Plan). Impacts related to conflict with a water quality control plan would be less than significant and no mitigation is required.

The Sustainable Groundwater Management Act (SGMA) was enacted in September 2014. SGMA requires governments and water agencies of high and medium priority basins to halt overdraft of groundwater basins. SGMA requires the formation of local groundwater sustainability agencies (GSAs), who are required to adopt Groundwater Sustainability Plans to manage the sustainability of the groundwater basins. The project site is located within the San Juan Valley Groundwater Basin which is managed by the San Juan Basin Authority, which is comprised of the City of San Juan Capistrano, the Moulton Niguel Water District, the Santa Margarita Water District, and the South Coast Water District. The San Juan Valley Groundwater Basin is identified by the Department of Water Resources as a low priority basin; therefore, development of a Groundwater Sustainability Plan is not required. Because there is not an adopted Groundwater Sustainability Plan applicable to the groundwater basin within the project area, the project would not conflict with or obstruct the implementation of a sustainable groundwater management plan. Therefore, no impact would occur related to conflict or obstruction of water quality control plans or sustainable groundwater management plans and no mitigation is required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**



## 4.11 LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis:

#### (a) Would the project physically divide an established community?

**Less Than Significant Impact.** The project site consists of a vacant, undeveloped site that is comprised of Assessor's Parcel Numbers (APNs) 121-253-13, and 15; and 121-240-39, 73 and 76. The project site is located within a largely developed portion of the City of San Juan Capistrano. Surrounding land uses include a mobile home park to the north; the San Juan Creek Channel and Trail, Creekside Park, and single-family residential uses to the west; the BNSF rail line and automobile dealerships to the east; and a hotel, a mobile home park, and commercial uses south of Stonehill Drive. The proposed project would allow for the development of a lumber yard and hardware store, drive-through restaurant uses, and a crushed-rock gravel area for long-term vehicle storage. Vehicular access would be provided via Stonehill Drive.

Vehicular access to the project site would be provided via a proposed signalized intersection at Stonehill Drive and the southwestern corner of the project site. Two separate truck traffic routes would be provided on the project site along the western and eastern perimeters and would allow access to the lumber yard and an employee parking lot. A fire access lane would also provide access throughout the project site. Pedestrian and bicycle access to the project site would be provided by sidewalks and a bicycle route on Stonehill Drive, respectively. Pedestrian circulation within the project site would be provided with sidewalks, which would travel from the project driveway to the parking areas adjacent to Building 1. A sidewalk would also be provided along the western truck route leading to the rear parking lot.

As part of the project, a two-lane easement travelling north/south from the northwestern corner of the project site to Avenida Aeropuerto is proposed; the easement would be located immediately west of the mobile home park adjacent to the project site and would be approximately 1,270 ft in length. The purpose of the northern easement is to provide emergency ingress/egress to and from the project site to the north. A second two-lane easement travelling north/south is proposed at the southeastern corner of the project site; this easement would travel under the Stonehill Drive Bridge and connect the project site to neighboring parcels to the south.

Although implementation of the proposed project would change the existing parcel configuration within the site, it would not change the existing parcel configuration of adjacent parcels. The proposed site configuration (including truck routes, fire access lanes, easements, and sidewalks) would provide new internal routes traversing the project site and allow access

where none currently exists; however, the proposed development would not divide or separate any existing land uses or neighborhoods. In addition, access for properties adjacent to the project site would be improved due to incorporation of the easements as part of the project. Therefore, construction and implementation of the project would not result in the physical division of an established community, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- (b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

**Potentially Significant Impact.**

**General Plan.** The City's General Plan is the principal land use document guiding development within the City. The City's General Plan is a comprehensive plan that establishes goals, objectives, and policies intended to guide growth and development in the City. The General Plan also serves as a blueprint for development throughout the community and is the vehicle through which the community needs, desires, and aspirations are balanced. The San Juan Capistrano General Plan is the fundamental tool for influencing the quality of life in the City. At the heart of the General Plan is the Land Use Element (LUE), adopted in 1999 and revised in 2002. The LUE establishes land uses and develops a long-term land use vision for these land uses throughout the City.

The existing General Plan land use designation for the majority of the project site is Quasi-Industrial. According to the City's LUE, the Quasi-Industrial designation provides for a variety of light industrial and manufacturing uses, including limited regional commercial activities that are non-polluting and are compatible with surrounding land uses. The northernmost portion of the project site has a land use designation of Industrial Park, which allows light industrial and manufacturing uses. The existing land use designations are consistent with the proposed project. Existing land uses surrounding the project site include Industrial Park to the north, Quasi-Industrial to the south and east of the BNSF rail line, and General Open Space to the west. No General Plan Amendment would be required to implement the proposed project.

**Zoning Ordinance.** The City's Zoning Ordinance is the primary implementation tool for its General Plan Land Use Element and the goals and policies contained therein. For this reason, the Zoning Map must be consistent with the General Plan Land Use Map. The Land Use Map indicates the general location and extent of future land uses in the City. The Zoning Ordinance, which includes the Zoning Map, contains more detailed information about permitted land uses, building intensities, and required development standards.

According to the Zoning Map, the majority of the project site is zoned Commercial Manufacturing (CM). The Commercial Manufacturing zone allows industrial and non-retail commercial uses, including wholesaling, limited manufacturing, and indoor recreational uses. The northernmost portion of the project site is zoned Mobile Home Park Senior Overlay, which

allows mobile home uses for seniors 55 years of age and older. The existing zoning designations are consistent with the proposed project. Existing zoning classifications surrounding the project site include a Mobile Home Park District to the north, Neighborhood Park District to the west, General Open Space directly to the east, and Commercial Manufacturing to the east of the BNSF rail line and south of Stonehill Drive. The existing zoning classifications are consistent with the proposed project. No zone change would be required to implement the proposed project.

The proposed project includes the future potential development of 5,000 sf of fast-food restaurants on Site A. The development of a fast-food restaurant is subject to a Discretionary Use Permit (DUP)/Conditional Use Permit (CUP). According to Section 9-2.317 of the City's Municipal Code, land uses require approval of a CUP if they have characteristics that would require special regulation in order to avoid or minimize potential adverse impacts on surrounding land uses and properties, and generally occur when a proposed land use is not consistent with the City's General Plan or Zoning Ordinance. Each proposed conditional use is reviewed individually in order to determine whether the land use in question should be permitted at the proposed location, and to evaluate what special conditions should be placed on the establishment and operation of an approved CUP. The conditional use permit process is intended to provide an opportunity for public review and evaluation of site-specific requirements and characteristics; to provide adequate mitigation of any potentially adverse impacts; and to ensure that all site development regulations and performance standards are provided in accordance with the Land Use Code. Upon approval of the CUP by the San Juan Capistrano Planning Commission, the development of the fast-food restaurants would comply with the City's Municipal Code. **Land use impacts associated with the CUP will be addressed in the EIR and mitigation proposed if necessary.**

## 4.12 MINERAL RESOURCES

*Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Impact Analysis:

#### (a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

**No Impact.** In 1975, the California Legislature enacted the Surface Mining and Reclamation Act (SMARA) which provides guidelines for the classification and designation of mineral lands. Areas are classified on the basis of geologic factors without regard to existing land use and land ownership. The areas are categorized into four Mineral Resource Zones (MRZ):

**MRZ-1:** An area where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence

**MRZ-2:** An area where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence

**MRZ-3:** An area containing mineral deposits, the significance of which cannot be evaluated

**MRZ-4:** An area where available information is inadequate for assignment to any other MRZ zone

Lands classified as MRZ-2 are of the greatest importance. Such areas are underlain by demonstrated mineral resources or are located where geologic data indicate that significant measured or indicated resources are present. MRZ-2 areas are designated by the State Mining and Geology Board as being “regionally significant.” Such designations require that a Lead Agency’s land use decisions involving designated areas be made in accordance with its mineral resource management policies and that it consider the importance of the mineral resource to the region or the State as a whole, not just to the Lead Agency’s jurisdiction.

The project site has been classified by the California Department of Mines and Geology (CDMG) as MRZ-3, indicating that the project site is in an area where it is judged that little likelihood exists for their presence.<sup>22</sup>

<sup>22</sup> State of California Department of Conservation (DOC). 1994. California Division of Mines and Geology. Generalized Mineral Land Classification of Orange County. Open-File Report 94-15, Plate 1.

The project would not result in the loss of a known commercially valuable mineral resource that would be of value to the region and the residents of the State because no known mineral resources are present on the project site. Therefore, the proposed project would not result in impacts related to the loss of availability of a known mineral resource that would be of value to the region and residents of the State, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**No Impact.** As discussed previously in Response 4.11 (a), above, no known valuable mineral resources exist on or near the project site, and no mineral resource extraction activities occur on the site. Additionally, the project site is not located within an area known to contain locally important mineral resources and is not mapped in the City's General Plan or other land use maps for mineral resources. Therefore, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site as delineated on a local general plan, specific plan, or other land use plan as a result of project implementation. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

## 4.13 NOISE

*Would the project result in:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis:

**(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Potentially Significant Impact.** Two types of short-term noise impacts could occur during construction of the project. First, the construction crew commutes and the transport of construction equipment and materials to the project site associated with project construction would incrementally increase noise levels on roadways leading to the project site. The second type of short-term noise impact is related to noise generated during excavation, grading, and construction of the project, and is considered a stationary noise impact. Long-term noise impacts from the project would be primarily from project-related traffic on roadways adjacent to the project site. On-site noise-generating uses, including heating, ventilation, and air conditioning, could also cause long-term operational noise impacts.

The applicable noise standards governing the project site are the criteria in the City's General Plan Noise Element (1999) and Section 9-3.531, Noise Standards, of the City's Municipal Code. The area around the project site consists of a mix of land uses, including residential, commercial, institutional, and recreational. Noise-sensitive land uses in the project's vicinity include residential uses to the north and west.

A comprehensive Noise and Vibration Impact Assessment will be completed as part of the EIR, which will analyze short-term (construction) and long-term (operational) impacts of the project. The EIR will incorporate and address the results of a Noise and Vibration Impact Assessment, and would identify appropriate and feasible mitigation measures, if necessary. **Potential impacts related to noise exceeding established thresholds will be analyzed further in the EIR.**

**(b) Generation of excessive groundborne vibration or groundborne noise levels?**

**Potentially Significant Impact.** Vibration refers to ground-borne noise and perceptible motion. Typical sources of ground-borne vibration are construction activities (e.g., pavement breaking and operating heavy-duty earthmoving equipment) and occasional traffic on rough roads. Section 9-2.401, Nuisances, of the City's Municipal Code specifies that the generation of

vibration or a duration and intensity so as to be excessive, disturbing, or objectionable to persons of ordinary sensibility located off site, shall not be permitted. However, because the City's Municipal Code does not include standard criteria for assessing vibration impacts, vibration standards included in the Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment Manual* (September 2018) would be used to assess ground-borne vibration impacts as a result of project implementation.

A comprehensive Noise and Vibration Impact Assessment will be completed as part of the EIR, which will analyze short-term (construction) and long-term (operational) noise and vibration impacts of the project. The EIR will also identify appropriate and feasible mitigation measures, if necessary. **Potential vibration and ground-borne noise impacts will be analyzed further in the EIR.**



#### 4.14 POPULATION AND HOUSING

*Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Discussion:

#### Impact Analysis:

- (a) **Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

#### **Less Than Significant Impact.**

*Construction.* The project site encompasses an approximately 17-acre undeveloped lot. Construction of the proposed project would include the development of the Ganahl Lumber hardware store and lumber yard, two drive-through restaurants, and a crushed-rock gravel area for long-term vehicle storage.

Construction of the proposed project would provide short-term construction jobs over an approximately 24 month period. Many of the construction jobs would be temporary and would be specific to the variety of construction activities. The workforce would include a variety of craftspeople, such as cement finishers, ironworkers, welders, carpenters, electricians, painters, and laborers. Generally, construction workers are only at a job site for the timeframe in which their specific skills are need to complete that phase of construction. Although the proposed project would increase the number of employees at the project site during construction activities, it is expected that local and regional construction workers would be available to serve the proposed project's construction needs.

Project-related construction workers would not be expected to relocate their household's place of residence as a consequence of working on the proposed project; therefore, the proposed project would result in a less than significant impact associated with inducing substantial population growth or demand for housing through increased construction employment, and no mitigation would be required.

*Operation.* The proposed project would not cause or result in direct population growth because the proposed project would not provide or remove housing on the project site. The proposed Ganahl Lumber Yard development would employ approximately 60 to 80 people at full capacity.

The proposed fast-food restaurants and automobile storage would also result in increased employment at the project site; however, these uses are not anticipated to result in substantial population growth in the area. Further, since the proposed Ganahl Lumber hardware store and lumber yard would replace an existing Ganahl store approximately 0.50 mile south of the project site, it is anticipated that some of the employees of the current store would resume employment at the proposed location in San Juan Capistrano.

As of March 2019, the City had a labor force of 17,400, and the County had a labor force of 1,631,500, with approximately 500 and 52,700 people unemployed, respectively.<sup>23</sup> The March 2019 unemployment rate was 3.1 percent for the City and 3.2 percent for the County.<sup>24</sup> This suggests an available local and regional labor pool to serve the long-term employment opportunities offered by the proposed project. It is unlikely that a substantial number of employees would need to be relocated from outside the region to meet the need employees resulting from implementation of the proposed project. Furthermore, the proposed project would be located within a developed area of San Juan Capistrano that is already served by all utilities. The existing regional infrastructure and the established roadway network would be utilized by employees accessing the project site and would not indirectly or directly induce population or growth.

Operation of the proposed project would not induce substantial population growth or accelerate development in an underdeveloped area, and any impacts to population growth would be less than significant. No mitigation is required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

**Less Than Significant Impact.** As previously stated, the project proposes the development of a currently undeveloped site. Therefore, the project would not result in a loss of housing or persons, nor require or necessitate the development of replacement housing elsewhere. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

<sup>23</sup> State of California Employment Development Department. 2019. Monthly Labor Force Data for Cities and Census Designated Places, March 2019. April 19, 2019. Website: <http://www.labormarketinfo.ca.gov/file/lfmonth/lasub.xls> (accessed on April 24, 2019).

<sup>24</sup> Ibid.

## 4.15 PUBLIC SERVICES

*Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis:

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

#### Less Than Significant Impact.

Fire protection services would be provided to the project site by the Orange County Fire Authority (OCFA). OCFA provides fire protection, emergency medical and rescue services, hazardous materials inspection and response, and public education activities to its service area's approximately 1.8 million residents throughout 23 cities and unincorporated Orange County. Currently, OCFA has a total of 72 stations in Orange County and 1 station within San Juan Capistrano.<sup>25</sup>

OCFA Operations Division 3, which includes Battalions 6 and 7, serves the Cities of San Juan Capistrano, Dana Point, Mission Viejo, Rancho Santa Margarita, San Clemente, and the communities of Coto de Caza, Las Flores, and Ladera Ranch.<sup>26</sup> The City of San Juan Capistrano is within Battalion 6.

Fire station No. 7 is the only OCFA station located in the City. Located at 31865 Del Obispo Street (approximately 1.7 miles northeast of the project site), Fire Station No. 7 would be the first to respond to the project site in the event of an emergency, and would be the "first-in"

<sup>25</sup> Orange County Fire Authority (OCFA). Fiscal Year 2018-2019 Adopted Budget. Website: <https://www.ocfa.org/Uploads/Transparency/OCFA%202018-2019%20Adopted%20Budget.pdf> (accessed April 24, 2019).

<sup>26</sup> OCFA. Operations Division 3. Website: <https://www.ocfa.org/aboutus/Departments/OperationsDirectory/Division3.aspx> (accessed April 24, 2019).

station. Station No. 7 is staffed by three captains, three engineers, nine firefighters, and reserve firefighters.<sup>27</sup>

“Second call” stations are fire stations that support the “first-in” station. Fire Station No. 30 would be designated as the “second call” station to support Fire Station No. 7. Fire Station No. 30 is located at 23831 Stonehill Drive in the City of Dana Point, approximately 2.2 miles west of the project site. Station No. 30 is staffed by three captains, three engineers, six firefighters, and reserve firefighters.<sup>28</sup>

In Fiscal Year 2018/2019, OCFA had 1,412 full-time-equivalent uniformed and civilian personnel budgeted.<sup>29</sup> OCFA is divided into six primary departments: Business Services, Communications and Public Affairs, Community Risk Reduction, Human Resources, Operations, and Support Services. The Operations Department comprises seven divisions and nine battalions that provide regional emergency response to all fires, rescues, hazardous materials incidents, wildland fires, aircraft fire and rescue services to John Wayne Airport, and other miscellaneous emergencies.<sup>30</sup> The Support Service Department provides essential support functions to all departments of OCFA, including coordinating all facilities maintenance, repairs, and construction; automotive and fleet maintenance, repairs, and acquisitions; development, operation, maintenance, and security of OCFA’s computers and technical infrastructure; and operations of the Emergency Command Center.<sup>31</sup> The Community Risk Reduction Department’s responsibilities include adopting and enforcing codes and ordinances relative to fire and life safety issues; reviewing plans and conducting inspections of construction projects; coordinating annual life safety inspections of all existing commercial buildings; providing long-range analysis of impacts on resources associated with future land use and development; and investigating fires.<sup>32</sup> The Communications and Public Affairs Department is responsible for both internal and external communications for OCFA.<sup>33</sup> The Business Services Department provides budget, payroll, accounting, and administrative support to OCFA; monitors cash balances, makes investments, and coordinates the annual Tax and Revenue Anticipation Note (TRAN); and provides warehouse, purchasing, shipping and receiving, and mail operations.<sup>34</sup> Finally, the Human

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<sup>27</sup> OCFA. Fire Station 7. Website: <https://www.ocfa.org/aboutus/Departments/OperationsDirectory/Division3.aspx> (accessed April 24, 2019).

<sup>28</sup> OCFA. Fire Station 30. Website: <https://www.ocfa.org/aboutus/Departments/OperationsDirectory/Division3.aspx> (accessed April 24, 2019).

<sup>29</sup> OCFA. Fiscal Year 2018-2019 Adopted Budget. Website: [https://www.ocfa.org/Uploads/Transparency/OCFA %202018 -2019%20Adopted%20Budget.pdf](https://www.ocfa.org/Uploads/Transparency/OCFA%202018-2019%20Adopted%20Budget.pdf) (accessed April 24, 2019).

<sup>30</sup> OCFA. Operations. Website: <https://www.ocfa.org/AboutUs/Departments/Operations.aspx> (accessed April 24, 2019).

<sup>31</sup> OCFA. Support Services. Website: <https://www.ocfa.org/AboutUs/Departments/SupportServices.aspx> (accessed April 24, 2019).

<sup>32</sup> OCFA. Community Risk Reduction. Website: <https://www.ocfa.org/AboutUs/Departments/CommunityRiskReduction.aspx> (accessed April 24, 2019).

<sup>33</sup> OCFA. Communications and Public Affairs. Website: [https://www.ocfa.org/AboutUs/Departments/Communications AndPublicAffairs.aspx](https://www.ocfa.org/AboutUs/Departments/CommunicationsAndPublicAffairs.aspx) (accessed April 24, 2019).

<sup>34</sup> OCFA. Business Services. Website: <https://www.ocfa.org/AboutUs/Departments/BusinessServices.aspx> (accessed April 24, 2019).

Resources Department works with OCFA employees to administer employee benefits, uphold merit principles, and ensure compliance with legal and contractual obligations.<sup>35</sup>

According to the OCFA's 2017 Statistical Annual Report, OCFA responded to over 141,858 total calls for service; a total of 7,968 calls were responded to citywide. Approximately 108,347 responses were related to emergency medical services (EMS); citywide, EMS responses totaled 6,299. OCFA's average current response times are less than 7 minutes, ranging from 6 minutes, 58 seconds (80<sup>th</sup> percentile) to 9 minutes, 17 seconds (90<sup>th</sup> percentile).<sup>36</sup>

The project site is not located within a High Fire Hazard Zone according to the Fire Hazards Area Map in the City's General Plan Public Safety Element (2002). According to the CAL FIRE and Resource Assessment Program, the project site is not within a Very High Fire Hazard Severity Zone (VHFHSZ).<sup>37</sup>

*Construction.* Construction of the proposed project would include the development of the Ganahl Lumber hardware store and lumber yard, two drive-through restaurants, and a crushed-rock gravel area for long-term vehicle storage. As discussed in Section 4.8, Hazards and Hazardous Materials, the proposed project does not include any characteristics (e.g., permanent road closure or long-term blocking of road access) that would physically impair or otherwise conflict with the City's Emergency Preparedness Program. Emergency access to the project site would be provided via a proposed signalized intersection on Stonehill Drive, a new emergency access road along the northern boundary of the site, and a new access under Stonehill Drive to the properties directly south of the site. Thus, the proposed project would not impair emergency response vehicles or increase response times, and would not substantially increase calls for service, thereby triggering the need for new or altered facilities. Consequently, OCFA would be able to maintain current levels of service provided to the project site following project implementation. Therefore, construction impacts related to acceptable emergency response time plans and fire protection services associated with construction of the proposed project would be less than significant, and no mitigation would be required.

*Operation.* The proposed project would allow for the operation of a hardware store and lumber yard, two drive-through restaurant uses, and a vehicle storage area on the site, which would increase the number of on-site visitors, and potentially increase the demand for fire protection services. As discussed in Section 4.14, Population and Housing, the proposed project would not cause or result in direct population growth because the proposed project would not provide or remove housing on the project site. The proposed Ganahl Lumber Yard development would employ approximately 60 to 80 people at full capacity. The proposed restaurants and automobile storage would also result in increased employment at the project site; however,

<sup>35</sup> OCFA. Human Resources. Website: <https://www.ocfa.org/AboutUs/Departments/HumanResources.aspx> (accessed April 24, 2019).

<sup>36</sup> OCFA. 2017 Statistical Annual Report. Website: <https://www.ocfa.org/Uploads/Transparency/OCFA%20Annual%20Report%202017.pdf> (accessed April 24, 2019).

<sup>37</sup> California Department of Forestry and Fire Protection (CalFire). 2011. *Very High Fire Hazard Severity Zones in LRA. San Juan Capistrano*. October 2011. Website: [http://www.fire.ca.gov/fire\\_prevention/fhsz\\_maps/FHSZ/orange/c30\\_SanJuanCapistrano\\_vhfhsz.pdf](http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/orange/c30_SanJuanCapistrano_vhfhsz.pdf) (accessed April 24, 2019).

these uses are not anticipated to result in substantial population growth in the area. As of March 2019, the City had a labor force of 17,400, and the County had a labor force of 1,631,500, with approximately 500 and 52,700 people unemployed, respectively.<sup>38</sup> The March 2019 unemployment rate was 3.1 percent for the City and 3.2 percent for the County.<sup>39</sup> This suggests an available local and regional labor pool to serve the long-term employment opportunities offered by the proposed project. It is unlikely that a substantial number of employees would need to be relocated from outside the region to meet the need employees resulting from implementation of the proposed project. As such, the operation of the proposed project would result in a small increase in demand for fire protection services but would not trigger the need for new or altered facilities. No new facilities would be required to be constructed to accommodate the proposed project.

The proposed project would be required to comply with all applicable building code requirements requiring fire protection devices, such as sprinklers, alarms per the California Fire Code (Municipal Code Section 8-10.01 [Adoption of the 2016 California Fire Code]), adequately spaced fire hydrants, fire access lanes, and adequate emergency access. In order to meet the California Fire Code requirements, the project would include the addition of six on-site fire hydrants, fire lanes throughout the site, and emergency access at all entry points to the property. In addition, buildings proposed on the southwestern portion of the site would include automatic sprinkler systems to further minimize impacts related to fires. As such, the proposed project would be designed to comply with all OCFA access requirements and California Fire Code requirements. Therefore, operation of the proposed project would not impair emergency response vehicles or increase response times, and would not substantially increase calls for service, thereby triggering the need for new or altered facilities. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

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

**Less Than Significant Impact.** The City contracts with the Orange County Sheriff's Department (OCSD) for police protection services. OCSD provides 24-hour contract law enforcement services to the City. The OCSD Police Services Station, located at 32506 Paseo Adelanto in San Juan Capistrano, approximately 1 mile north of the project site, serves the City. OCSD's Aliso Viejo Station, located at 11 Journey in the City of Aliso Viejo, approximately 4 miles northwest of the project site, also serves the City.

<sup>38</sup> State of California Employment Development Department. 2019. Monthly Labor Force Data for Cities and Census Designated Places, March 2019. April 19, 2019. Website: <http://www.labormarketinfo.ca.gov/file/lfmonth/lasub.xls> (accessed on April 24, 2019).

<sup>39</sup> Ibid.

In total, 28 OCSD personnel are assigned to the City, including one lieutenant, four sergeants, two investigators, and 21 sheriff's deputies.<sup>40</sup> The City's staffing level is based on response times and crime rates. At the present time, OCSD maintains a staffing ratio of approximately one sworn officer for every 1,300 residents in the City.<sup>41</sup>

Police protection services are expanded in the City consistent with community needs. The ongoing-operations of OCSD in the City are primarily funded from the City's General Fund, which receives revenue from property taxes, transit taxes, and other sources. The City utilizes part of this revenue to increase police staffing on an as-needed basis.

*Construction.* Construction of the proposed project is not expected to have any substantial adverse impacts on existing police protection services, as the construction workers would occupy a temporary position and would only incrementally increase the demand for police protection services. Construction of the proposed project would be temporary in nature and would not result in the need for new or physically altered governmental facilities related to police protection and would not result in an increased demand for police services. Therefore, impacts related to the provision of police protection for the construction of the proposed project would be less than significant, and no mitigation would be required.

*Operation.* As previously stated, substantial population growth is not anticipated as a result of the implementation of the proposed project. The proposed Ganahl Lumber Yard development would employ approximately 60 to 80 people at full capacity. The proposed fast-food restaurants and automobile storage would also result in increased employment at the project site; however, these uses are not anticipated to result in substantial population growth in the area. Further, since the proposed Ganahl Lumber hardware store and lumber yard would replace an existing Ganahl store approximately 0.50 mile south of the project site, it is anticipated that some of the employees of the current store would resume employment at the proposed location in San Juan Capistrano. When considered with the existing population, the project-related population increase would have a negligible impact on OCSD's ratio of one police officer for every 1,300 residents. Although the project would incrementally contribute to the demand to additional police protection services, impacts to police services would be less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

<sup>40</sup> City of San Juan Capistrano. *Mitigated Negative Declaration and Initial Study for the Church of Jesus Christ Latter Day Saints Meetinghouse Project*. September 2017.

<sup>41</sup> 28 officers / 35,948 (2017 population) = approximately 1 officer per 1,300 persons. Source: United States Census Bureau. American Fact Finder 2013-2017 American Community Survey 5-Year Estimates. San Juan Capistrano city, California. Website: [https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml?src=bkmk](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk) (accessed April 24, 2019).



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

**Less Than Significant Impact.** The provision of education and school facilities in the City is the responsibility of the Capistrano Unified School District (CUSD). The CUSD currently serves approximately 54,000 students in kindergarten through 12th grade.<sup>42</sup> The CUSD's boundaries encompass all or part of the Cities of San Juan Capistrano, San Clemente, Dana Point, Laguna Niguel, Aliso Viejo, Mission Viejo and Rancho Santa Margarita, and the unincorporated communities of Las Flores, Coto de Caza, Dove Canyon, Ladera Ranch, Sendero/Rancho Mission Viejo, and Wagon Wheel.<sup>43</sup>

The CUSD operates 63 campuses; the closest CUSD schools to the project site are Del Obispo Elementary School, located at 25591 Camino Del Avion, and Marco Forster Middle School, located at 25601 Camino Del Avion, both approximately 0.6 mile north of the project site.

*Construction.* Construction of the proposed project, specifically construction of the proposed signal and deceleration lane on Stonehill Drive, may result in temporary lane closures adjacent to the site, which may result in adverse impacts on existing CUSD operation. However, the City would notify CUSD regarding any temporary lane closures prior to their occurrence. Further, construction impacts would be temporary in nature and would cease upon project completion. Therefore, there would be no project construction impacts related to public school services, and no mitigation would be required.

*Operation.* The proposed project would allow for the operation of a hardware store and lumber yard, two drive-through restaurant uses, and a vehicle storage area on the site. The proposed project does not include any residential uses that would increase population growth, generate an increased demand for school facilities, or require the construction of school facilities. Although the project is anticipated to increase employment by 60 to 80 positions (in addition to employment generated by the restaurant uses and the vehicle storage area), this amount is nominal and not expected to significantly impact public school services within the CUSD. In addition, because the proposed Ganahl Lumber store would replace an existing Ganahl store approximately 0.50 mile south of the project site, it is anticipated that some of the employees of the current store would resume employment at the proposed location in San Juan Capistrano and not relocate. Furthermore, pursuant to California Education Code Section 17620(a)(1), the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of school facilities. The Project Applicant would be required to pay such fees to reduce any impacts of new development on school services as provided in Section 65995 of the California Government Code. Pursuant to the provisions of

<sup>42</sup> Capistrano Unified School District. District Facts. Website: [http://capousd.ca.schoolloop.com/cms/page\\_view?d=x&piid=&vpid=1232963501986](http://capousd.ca.schoolloop.com/cms/page_view?d=x&piid=&vpid=1232963501986) (accessed April 24, 2019).

<sup>43</sup> Ibid.

Government Code Section 65996, a project's impact on school facilities is fully mitigated through payment of the requisite school facility development fees current at the time a building permit is issued. The current Development Impact Fee for commercial projects within the CUSD's jurisdictional boundaries is \$0.61 per square foot.<sup>44</sup> Therefore, with payment of the required fees, potential impacts to school services and facilities associated with implementation of the proposed project would be less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

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

**Less Than Significant Impact.** As discussed in Section 4.15, Recreation, the City maintains approximately 162.6 acres of parks and recreational uses. Currently, the City has an established standard of 5 acres of park space per 1,000 residents. The closest park to the project site is Creekside Park, which is located approximately 200 ft west of the project site.

Although the project is anticipated to increase employment in the City by 60 to 80 positions (in addition to employment generated by the restaurant uses and the vehicle storage area), this amount is negligible compared to the amount of parks and recreational space within the City. While it is possible that employees may visit parks and use facilities during breaks or after work hours, such visitation would not significantly affect park performance. Additionally, the use of other parks in the City by on-site residents would not increase to a level that would result in the need for new or physically altered facilities. Therefore, the impact would be less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

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

**Less Than Significant Impact.** The Orange County Public Library (OCPL) system provides library services to the County, including the City, and includes 33 branches.<sup>45</sup> The San Juan Capistrano Library is the City's only library and is located at 31495 El Camino Real. The San Juan Capistrano Library consists of a 12,000 sf building that holds over 45,789 volumes, CDs, and videos, and provides 23 public computers and 3 additional resource/catalogue computers.<sup>46</sup>

As discussed previously, development of the proposed project would result in an increase of an

<sup>44</sup> Capistrano Unified School District, Residential and Commercial/Industrial Fee Study. 2017–2018.

<sup>45</sup> Orange County Public Libraries. About OCPL. Website: <http://ocpl.org/services/about> (accessed April 24, 2019).

<sup>46</sup> City of San Juan Capistrano, Public Services & Utilities Element (1999).

estimated 60 to 80 employees (in addition to employment generated by the restaurant uses and the vehicle storage area). While it is possible that employees may visit library facilities during breaks or after work hours, the impact would not significantly affect OCPL system performance, and would not require the expansion of libraries within the City. Thus, it is unlikely that the implementation of the proposed project would increase demand for library facilities. In addition, authorized by Government Code Section 66001(e), the Orange County Board of Supervisors adopted Resolution No. 13- 062 with respect to the Development Fee program for Branch Libraries, stating that those facilities have been constructed and the fee program is no longer needed. As such, the proposed project's increase in demand on library services is incremental and would not necessitate the need for expanded library facilities, the development of which could cause a physical adverse environmental impact with respect to libraries. Therefore, the project would have less than significant impacts related to public libraries, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

## 4.16 RECREATION

*Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Impact Analysis:

**(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**Less Than Significant Impact.** According to the Parks and Recreation Element of the City's General Plan (2002), the City currently maintains approximately 162.6 acres of parks and recreational facilities within its boundaries. The City has an established standard of 5 acres of park space per 1,000 residents. The closest park to the project site is Creekside Park, which is located approximately 200 ft west of the project site. Additionally, the San Juan Creek Trail, a multi-use pedestrian and bicycle route which begins in San Juan Capistrano and terminates at Doheny Beach in the City of Dana Point, is located immediately west of the project site.

The project does not propose any residential uses and, therefore, would not increase the population or demand related to parks. Although the project is anticipated to increase employment by 60 to 80 positions (in addition to employment generated by the restaurant uses and the vehicle storage area), the number of employees is minor compared to the amount of parks and recreational space within the City. While it is possible that employees may visit parks and recreational facilities in the City during lunch breaks or after-work hours, it is unlikely that the use of parks by project employees would increase the use of those parks to a level that would contribute to substantial physical deterioration of those facilities. Therefore, the impact is less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**No Impact.** The project site encompasses an approximately 17-acre undeveloped gravel lot which is currently used for vehicle storage. Construction of the proposed project would include the development of the Ganahl Lumber hardware store and lumber yard, two drive-through restaurants, and a crushed-rock gravel area for long-term vehicle storage.

The proposed project would not include recreational facilities nor develop residential uses that would require the construction or expansion of recreational facilities that might have an adverse effect on the environment. The project does not propose any recreational uses which might have an adverse physical effect on the environment. Therefore, there would be no impacts related to the construction or expansion of recreational facilities, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

## 4.17 TRANSPORTATION

*Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 or will conflict 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis:

#### (a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?

**Potentially Significant Impact.** In its existing condition, the project site is undeveloped and the northern portion of the site is vacant. A vehicle storage area, located on the central and southern portions of the project site, consists of a crushed-rock gravel surface and is not paved. The proposed project would allow for the development of a lumber yard and hardware store, drive-through restaurant uses, and a crushed-rock gravel area for long-term vehicle storage. Vehicular access would be provided via a proposed signalized intersection at Stonehill Drive and the southwestern corner of the project site and Stonehill Drive. The project would include internal circulation routes, including truck traffic routes and a fire access lane. Pedestrian and bicycle access to the project site would be provided by sidewalks and a bicycle route on Stonehill Drive, respectively.

Due to the intensification in land use from vacant to commercial, the project would result in an increase in traffic trips within the project vicinity. Therefore, a Traffic Impact Analysis (TIA) will be prepared for the EIR to analyze short-term (construction) and long-term (operational) traffic impacts of the project. The TIA will examine four development scenarios: existing conditions, existing plus project conditions, existing plus project plus cumulative conditions (future near-term year, corresponding to project opening), and year 2040 buildout conditions including the proposed project, corresponding to build out of the City's General Plan. **Potential traffic impacts related to the project's compliance with program plans, ordinances, and policies addressing the circulation system will be analyzed further in the EIR, and mitigation will be proposed if necessary.**

- (b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3<sup>47</sup> or will conflict 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?**

**Potentially Significant Impact.** Section 15064.3 of the *State CEQA Guidelines* codifies that project-related transportation impacts are typically best measured by evaluating the project's vehicle miles travelled (VMT). Specifically, subdivision (b) focuses on specific criteria related to transportation analysis and is divided into four subdivisions: (1) land use projects, (2) transportation projects, (3), qualitative analysis, and (4) methodology. Subdivision (b)(1) provides guidance on determining the significance of transportation impacts of land use projects using VMT; projects located within 0.5 mile of transit should be considered to have a less than significant impact. Subdivision (b)(2) addresses VMT associated with transportation projects and states that projects that reduce VMT, such as pedestrian, bicycle, and transit projects, should be presumed to have a less than significant impact. Subdivision (b)(3) acknowledges that Lead Agencies may not be able to quantitatively estimate VMT for every project type; in these cases, a qualitative analysis may be used. Subdivision (b)(4) stipulates that Lead Agencies have the discretion to formulate a methodology that would appropriately analyze a project's VMT.

The proposed project is considered a land use project and is not within 0.5 mile of transit. As such, analysis of project impacts related to VMT is required per Section 15064.3 of the *State CEQA Guidelines*. In addition, levels of service (LOS) on street segments and at street intersections adjacent to and in the vicinity of the site may be impacted as a result of project implementation. As discussed in Response 4.16 (a), a TIA will be prepared for the EIR to analyze traffic impacts as a result of the project. The TIA would be prepared consistent with the objectives and requirements of the Orange County Congestion Management Program (CMP) (November 2015) and will also qualitatively analyze impacts related to VMT. **Potential traffic impacts with respect to the exceedance of adopted LOS standards and VMT impacts will be analyzed further in the EIR, and mitigation will be proposed if necessary.**

- (c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**No Impact.** As stated previously, access to the project site would be provided via Stonehill Drive. Vehicular access to the project site would be provided via a proposed signalized intersection at Stonehill Drive and the southwestern corner of the project site and Stonehill Drive. The project would include internal circulation routes, including truck traffic routes and a fire access lane. Pedestrian and bicycle access to the project site would be provided by sidewalks and a bicycle route on Stonehill Drive, respectively. Vehicular traffic to and from the project site would utilize the existing network of regional and local roadways that currently serve the project site area. The proposed project would not introduce any new roadways or introduce a land use that

<sup>47</sup> *State CEQA Guidelines* Section 15064.3(c) provides that a lead agency "may elect to be governed by the provisions" of the section immediately; otherwise, the section's provisions apply July 1, 2020. Here, the City has not elected to be governed by Section 15064.3. Accordingly, an analysis of vehicle miles traveled (VMT) is not necessary to determine whether a proposed project will have a significant transportation impact.



would conflict with existing urban land uses in the surrounding area. Design of the proposed project, including the internal private roadways, ingress, egress, and other streetscape changes, would be subject to review by the City's Department of Public Works for compliance with City regulations. Therefore, the proposed project would not impact traffic safety due to a design feature (e.g., substandard roadway and/or roadway design), and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(d) Result in inadequate emergency access?**

**Less Than Significant Impact.** As stated previously, access to the project site would be provided via Stonehill Drive. Vehicular access to the project site would be provided via a proposed signalized intersection at Stonehill Drive and the southwestern corner of the project site and Stonehill Drive. The project would include internal circulation routes, including truck traffic routes and a fire access lane. Pedestrian and bicycle access to the project site would be provided by sidewalks and a bicycle route on Stonehill Drive, respectively. According to the City's map of evacuation routes, Stonehill Drive is identified as potential evacuation route in the event of an emergency.

As part of the project, a two-lane easement travelling north/south from the northwestern corner of the project site to Avenida Aeropuerto is proposed; the easement would be located immediately west of the mobile home park adjacent to the project site and would be approximately 1,270 ft in length. The purpose of the northern easement is to provide emergency ingress/egress to and from the project site to the north. A second two-lane easement travelling north/south is proposed at the southeastern corner of the project site; this easement would travel under the Stonehill Drive Bridge and connect the project site to neighboring parcels to the south.

Project features discussed above would improve emergency access to and from the project site. Access to/from the project site must be designed to City standards and would be subject to review by the Orange County Fire Authority (OCFA) and the Orange County Sheriff Department (OCSO) for compliance with fire and emergency access standards and requirements. Therefore, approval of the project plans would ensure that the proposed project's impact related to emergency access would be less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

#### 4.18 TRIBAL CULTURAL RESOURCES

<p><i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i></p>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Discussion:

The discussion and analysis provided in this section are based on the *Cultural Resources Survey for the Ganahl Lumber Project* prepared by ECORP Consulting, Inc. (Revised January 2019) and contained in Appendix B.

#### Impact Analysis:

##### (a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)

**No Impact.** As discussed in Section 2.5, Cultural Resources, implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource, as there are no eligible resources or structures on site.

In its existing setting, the project site is undeveloped. On September 26, 2017, a cultural resources records search was conducted at the South Central Coastal Archaeological Information Center (SCCIC), located at California State University, Fullerton. The purpose of the records search was to determine the extent of previous cultural resources investigations within a 0.5-mile radius of the project area, and whether any previously recorded historic resources exist within or near the project area. Materials reviewed included reports of previous cultural resources investigations, archaeological site records, historical maps, and listings of resources on the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Points of Historical Interest, California Landmarks, and National Historic Landmarks.

According to the results from the records search, no previously recorded historic properties are within the project site. Furthermore, according to the City's map of historic buildings and

structures, there are no historic resources on or within the vicinity of the project site. As a result, the project will not cause a substantial change in the significance of a historical resource as defined in Public Resources Code section 5020.1(k). No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- (b) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

**Potentially Significant Impact.** Chapter 532, Statutes of 2014 (i.e., Assembly Bill [AB] 52), requires that Lead Agencies evaluate a project's potential to impact "tribal cultural resources." Such resources include "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources." AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource qualifies as a "tribal cultural resource."

Also per AB 52 (specifically Public Resources Code [PRC] 21080.3.1), Native American consultation is required for any California Native American tribe that has previously requested that the City provide it with notice of such projects.

In compliance with AB 52, on May 1, 2019, letters were distributed to Tribal Councils who have previously requested to be notified of future projects proposed by the City. The City currently maintains the following list of Tribal Councils that have requested formal notification of proposed projects pursuant to AB 52:

- Juaneño Band of Mission Indians Acjachemen Nation, Joyce Stanfield Perry, Tribal Manager. Requested to be added to the City's list of Tribal Councils on August 15, 2015.
- Torres Martinez Desert Cahuilla Indians, Michael Martinez Mirelez, Cultural Resource Coordinator. Requested to be added to the City's list of Tribal Councils on May 12, 2015.
- Soboba Band of Luiseno Indians, Joseph Ontiveros, Director. Requested to be added to the City's list of Tribal Councils on June 12, 2015.

The letters provide each Tribal Council the opportunity to request consultation with the City regarding the project. In compliance with AB 52, tribes have 30 days from the date of receipt of notification to request consultation on the project. Information provided through tribal consultation will be incorporated in the EIR analysis and will assist in identifying whether tribal cultural resources are present, and the significance of any potential impacts to such resources. **Potential impacts to tribal cultural resources and the results of Native American consultation will be analyzed further in the EIR, and mitigation proposed if necessary.**

#### 4.19 UTILITIES AND SERVICE SYSTEM

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Impact Analysis:

- (a) **Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

**Potentially Significant Impact.** The proposed project would allow for the development of a lumber yard and hardware store, drive-through restaurant uses, and a crushed-rock gravel area for long-term vehicle storage. As part of the project, water, wastewater, storm drain, electricity, natural gas, and telecommunications improvements would be implemented at the project site and immediate vicinity. As such, the proposed project may create the need for new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Therefore, potential project-related impacts to water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities will be assessed in the EIR. **Potential impacts related to water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities will be analyzed further in the EIR, and mitigation proposed if necessary.**

- (b) **Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

**Potentially Significant Impact.** As stated previously, the proposed project would allow for the development of a lumber yard and hardware store, drive-through restaurant uses, and a crushed-rock gravel area for long-term vehicle storage. As such, implementation of the

proposed project would increase the demand for water. Potential project-related impacts to available water supplies will be assessed in the EIR. **Potential impacts related to available water supplies will be analyzed further in the EIR, and mitigation proposed if necessary.**

**(c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**Less Than Significant Impact.** Local governments and water districts are responsible for complying with federal regulations, both for wastewater plant operation and the collection systems (e.g., sanitary sewers) that convey wastewater to the wastewater treatment facility. Proper operation and maintenance is critical for sewage collection and treatment because impacts from these processes can degrade water resources and affect human health. For these reasons, publicly owned treatment works (POTWs) receive Waste Discharge Requirements (WDRs) to ensure that such wastewater facilities operate in compliance with the water quality regulations set forth by the State. WDRs, issued by the State, establish effluent limits on the kinds and quantities of pollutants that POTWs can discharge. These permits also contain pollutant monitoring, record-keeping, and reporting requirements. Each POTW that intends to discharge into the nation's waters must obtain a WDR prior to initiating its discharge.

*Construction.* Implementation of the proposed project would allow for the development of a lumber yard and hardware store, drive-through restaurant uses, and a crushed-rock gravel area for long-term vehicle storage on a currently undeveloped site. Short-term generation of wastewater may occur during construction activities on site. Wastewater generated from soil watering (fugitive dust control), cleanup, masonry, painting, and other activities would be temporary and would cease once construction is completed. Overall, construction activities generate minimal wastewater and are not expected to adversely impact the wastewater treatment provider which serves the project. Therefore, potential project impacts associated with short-term construction activities would be less than significant, and no mitigation would be required.

*Operation.* The proposed project would have similar wastewater service needs as the existing Ganahl Lumber store located at 34162 Doheny Park Road. Wastewater from the proposed project would be directed to the City's sanitary sewer system, which connects to trunk sewers operated by the South Orange County Wastewater Authority (SOCWA). SOCWA is a Joint Powers Authority with ten member agencies, consisting of local retail water agencies and cities providing their residents. SOCWA operates three treatment plants and two ocean outfalls, as well as multiple programs to meet the needs of its member agencies and the requirements of the Clean Water Act and applicable NPDES permits.<sup>48</sup> SOCWA's three primary treatment facilities have a treatment capacity of 26 million gallons of wastewater per day (mgd). Historically, approximately half of this wastewater is treated for recycled water use, while the other half is treated and discharged through the two ocean outfalls.<sup>49</sup>

<sup>48</sup> South Orange County Wastewater Authority. About SOCWA. Website: <https://www.socwa.com/about-socwa/> (accessed April 25, 2019).

<sup>49</sup> SOCWA. Infrastructure. Website: <https://www.socwa.com/infrastructure/> (accessed April 25, 2019).

Wastewater entering the SOCWA trunk sewer lines from the City is delivered to the J.B. Latham Regional Treatment Plant (J.B. Latham Plant) for collection, treatment, and disposal. This facility is responsible for the treatment and disposal of wastewater.<sup>50</sup> Because the reclamation plant is considered POTWs, operational discharge flows treated at the plant would be required to comply with applicable WDRs issued by the San Diego RWQCB. Compliance with conditions or permit requirements established by the San Diego RWQCB WDRs would ensure that wastewater discharges from the project site and treated by the wastewater treatment facility system would not exceed applicable San Diego RWQCB wastewater treatment requirements. Further, wastewater generated from the proposed project would be typical of commercial wastewater flows in the City. Therefore, the wastewater treatment providers that serve the project would determine that there is adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- (d) **Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

**Less Than Significant Impact.**

*Construction.* The project site is currently vacant and undeveloped, and therefore, no solid waste is generated under existing conditions. As previously described, the proposed project would allow for the development of a lumber yard and hardware store, drive-through restaurant uses, and a crushed-rock gravel area for long-term vehicle storage. Construction of the proposed project would generate minimal amount of demolition waste because the site is currently vacant, and no demolition of structures would be required. In compliance with Municipal Code Section 6-3.08.01, Minimum Construction and Demolition Debris Diversion Requirements, the project would divert at least 65 percent of the construction waste materials generated during the project. Therefore, the proposed project would not have the potential to cause significant impacts related to solid waste generation during construction, and no mitigation measures regarding construction debris are required.

*Operation.* The City contracts with CR&R Waste and Recycling Services (CR&R), a private solid waste hauler, to collect and dispose of the solid waste/refuse generated by the City. Solid waste generated by the proposed project would be collected by CR&R and hauled to the Prima Deshecha Landfill, which currently processes an average of approximately 1,400 tons per day (tpd), with a maximum capacity of 4,000 tpd.<sup>51</sup> Therefore, the Prima Deshecha Landfill is currently operating at approximately 35 percent of its daily design capacity.<sup>52</sup> Based on this

<sup>50</sup> SOCWA. JB Latham Treatment Plant. Website: <https://www.socwa.com/infrastructure/jb-latham-treatment-plant/> (accessed April 25, 2019).

<sup>51</sup> OC Landfills Prima Deshecha Landfill. Website: <http://www.oclandfills.com/landfill/active/deshecha>. (accessed April 25, 2019).

<sup>52</sup> CalRecycle. Facility/Site Summary Details: Prima Deshecha Sanitary Landfill. Website: <https://www2.calrecycle.ca.gov/swfacilities/Directory/30-AB-0019> (accessed April 25, 2019).

information, it is unlikely that the proposed project would generate enough total solid waste at project build out to significantly impact the total capacity of the Prima Deshecha Landfill.

The Prima Deshecha Landfill is scheduled to close in approximately 2067. The proposed project is estimated to be completed by 2024; the Prima Deshecha Landfill is, therefore, anticipated to be closed 43 years after the completion of project build out. Further, the existing General Plan land use designations and zoning classifications are consistent with the proposed project (refer to discussion in Section 4.11, Land Use and Planning, Response 4.11 (b), for discussion on the project's consistency with the General Plan and Zoning requirements). As such, the proposed project would not alter the planned land uses as projected by the City. Therefore, impacts related to solid waste generation are considered less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(e) Would the project comply with federal, state, and local statutes and regulations related to solid waste?**

**Less Than Significant Impact.** The California Integrated Waste Management Act (Assembly Bill [AB] 939) changed the focus of solid waste management from landfill to diversion strategies, such as source reduction, recycling, and composting. The purpose of the diversion strategies is to reduce dependence on landfills for solid waste disposal. AB 939 established mandatory diversion goals of 25 percent by 1995, 50 percent by 2000, and 75 percent by 2020.

*Construction.* As stated in Response 4.19 (d), above, construction of the proposed project would generate minimal amount of demolition waste because the site is currently vacant, and no demolition of structures would be required. Further, in compliance with Municipal Code Section 6-3.08.01, Minimum Construction and Demolition Debris Diversion Requirements, the project would divert at least 65 percent of the construction waste materials generated during the project. Construction of the proposed project would comply with existing or future statutes and regulations, including waste diversion programs mandated by City, State, or federal law. Therefore, impacts would be less than significant, and no mitigation would be required.

*Operation.* Operation of the proposed project would comply with existing or future statutes and regulations, including waste diversion programs mandated by City, State, or federal law. As discussed in Response 4.19 (d), the proposed project would not result in an excessive production of solid waste that would exceed the capacity of the existing landfills serving the project site. Therefore, the proposed project would result in a less than significant impact related to federal, State, and local statutes and regulations related to solid wastes, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**



## 4.20 WILDFIRE

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### (a) Impair an adopted emergency response plan or emergency evacuation plan?

**No Impact.** The project site is not located within a High Fire Hazard Zone according to the Fire Hazards Area Map in the City's General Plan Public Safety Element (2002). According to the CAL FIRE and Resource Assessment Program, the project site is not within a Very High Fire Hazard Severity Zone (VHFHSZ).<sup>53</sup>

The City's General Plan Safety Element (2002) identifies and evaluates natural hazards associated with seismic activity, landslides, flooding, and fire within the City. The General Plan Safety Element establishes goals for each of the City departments to provide responsible planning aimed at reducing impacts with respect to loss of life, injuries, damage to property and other losses associated with disasters, such as those resulting from seismic activity, flooding, and fires. According to the City's map of evacuation routes, Stonehill Drive is identified as potential evacuation route in the event of an emergency.

**Construction.** The proposed project does not include any characteristics (e.g., permanent road closure or long-term blocking of road access) that would physically impair or otherwise conflict with the City's Emergency Preparedness Program. Further, all infrastructure improvements included as part of the project would occur within the boundaries of the existing site and would not require or result in any long term or permanent lane closures on roadways adjacent to the site. Therefore, construction impacts related to emergency response and evacuation plans associated with construction of the proposed project would be less than significant, and no mitigation would be required.

<sup>53</sup> CalFire. Very High Fire Hazard Severity Zones in LRA. San Juan Capistrano. October 2011. Website: [http://www.fire.ca.gov/fire\\_prevention/fhsz\\_maps/FHSZ/orange/c30\\_SanJuanCapistrano\\_vhfhsz.pdf](http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/orange/c30_SanJuanCapistrano_vhfhsz.pdf) (accessed April 24, 2019).

*Operation.* The emergency management plans for the City, in conjunction with the emergency plan for the County, may be activated and directed by a number of individuals within the City or County, including, but not limited to, the City Manager, the Fire Chief, and the Police Chief. Roads that are used as response corridors/evacuation routes usually follow the most direct path to or from various parts of a community, although emergency response vehicles may choose to use a variety of routes to access surrounding areas. Stonehill Drive is identified as an evacuation route in the City. The proposed project would be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on site for emergency vehicles. Adherence to these codes and ordinances would ensure that operation of the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. In fact, the addition of the northern emergency access road and the access easement under Stonehill Drive Bridge would improve site access. Further, the project site is not located in or near state responsibility areas or lands classified as VHFHSZ. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

**No Impact.** The project site is located in a developed portion of the City. In its existing condition, the project site is relatively flat and there are no significant slopes adjacent to the site. The project site is not currently developed with structures; the vehicle storage area consists of a crushed-rock gravel surface, and as such, the site lacks the combustible materials and vegetation necessary for the uncontrolled spread of a wildfire. Further, the project site is not located in or near state responsibility areas or lands classified as VHFHSZ. Therefore, due to slope, prevailing winds, location, and other factors, the proposed project would not exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

**No Impact.** The project does not require the installation or maintenance of associated infrastructure (including roads, fuel breaks, emergency water sources, power lines, or other utilities) that would exacerbate fire risk or that would result in impacts to the environment. Although the project includes proposed internal circulation routes within the development, the project does not include any changes to public or private roadways that would exacerbate fire risk or that would result in impacts to the environment. Although utility improvements, including natural gas, electricity/telecommunications, domestic water, sanitary sewer, and storm drain lines, proposed as part of the project would be extended throughout the project site, these utility improvements would be underground and would not exacerbate fire risk. Project design and implementation of utility improvements would be reviewed and

approved by the City's Public Works Department as part of the project approval process to ensure the proposed project is compliant with all applicable design standards and regulations. Further, the project site is not located in or near state responsibility areas or lands classified as VHFHSZ. Therefore, the proposed project would not include infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities), that would exacerbate fire risk or that would result in impacts to the environment. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

**(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

**Less than Significant Impact.** In its existing condition, the project site is relatively flat with no slopes present on the site. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is within the AO Zone, which includes areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) at a depth of 1 ft. Although the project site is located in an area that could be prone to flooding, the project site is not located in or near state responsibility areas or lands classified as VHFHSZ. The nearest land classified as a VHFHSZ is located approximately 0.5 mile southeast of the project site. Overall, due to the project site's distance from the nearest VHFHSZ, risks associated with wildfires are considered less than significant. Further, as established in Section 4.7, Geology and Soils, the project site is not within an earthquake-induced landslide zone and is not located within an area subject to potential seismic slope instability. Therefore, downslope flooding as a result of runoff, post-fire slope instability, or drainage changes are unlikely to occur at the site, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

## 4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis:

- (a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

**Potentially Significant Impact.** Based on the discussion in Sections 4.4, Biological Resources, and 4.5, Cultural Resources, the proposed project could have a potentially significant impact on biological resources and unknown cultural resources. Therefore, the EIR will assess impacts to Biological and Cultural Resources resulting from project implementation, and mitigation will be proposed if necessary. **Potential impacts to biological and cultural resources will be analyzed further in the EIR.**

- (b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)

**Potentially Significant Impact.** The proposed project, when considered in conjunction with other approved or pending projects within the City, could potentially result in cumulatively considerable impacts related to aesthetics, air quality, biological resources, cultural resources, energy resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, transportation, tribal cultural resources, and utilities and service systems. As such, the EIR will assess the potential for the proposed

project to contribute to cumulative impacts for each of these environmental topics, and mitigation will be proposed if necessary. **Potential cumulative impacts associated with the proposed project will be analyzed further in the EIR.**

**(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

**Potentially Significant Impact.** The potential for the proposed project to have substantial adverse effects on human beings, either directly or indirectly, will be evaluated in the EIR. Relevant topics include aesthetics, air quality, biological resources, cultural resources, energy resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, transportation, tribal cultural resources, and utilities and service systems. **Potential adverse environmental impacts associated with the proposed project will be analyzed further in the EIR.**

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## SCOPING COMMENTS

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**DEPARTMENT OF TRANSPORTATION**

DISTRICT 12

1750 EAST FOURTH STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6267

FAX (657) 328-6510

TTY 711

[www.dot.ca.gov](http://www.dot.ca.gov)*Making Conservation  
a California Way of Life.*

June 20, 2019

Mr. Sergio Klotz  
City of San Juan Capistrano  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675

File: IGR/CEQA  
SCH#: 2019049084  
12-ORA-2019-01107  
I-5, PM 7:38

Dear Mr. Klotz:

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for the Ganahl Lumber project in the City of San Juan Capistrano. The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability.

The project proposes to construct an approximately 17-acre site located immediately north of Stonehill Drive between the San Juan Creek Channel/Trail and the Burlington Northern Santa Fe (BNSF) rail line in the City of San Juan Capistrano. Freeway access to the project site is provided by Interstate 5 (I-5) Freeway. Caltrans is a responsible agency on this project and upon review, we have the following comments:

**Traffic Operations**

1. The project appears it will have a significant impact on the operations of the Northbound I-5 On-Ramp from Camino Capistrano. Caltrans would request a traffic impact analysis to determine the extent of the impacts and what mitigation measures would need to be addressed to operate the facility at an acceptable level of service.
2. The EIR should include a Traffic Impact Study (TIS) that analyzes potential short-term and long-term impacts to the State Highway System (SHS) including on-ramps, off-ramps, and freeway mainline specifically for the I-5, based on criteria and methodologies established in the Caltrans Traffic Impact Study Guide:  
[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

**Stormwater Compliance**

3. Section 4.10 Hydrology and Water Quality of the Draft Initial Study (page 4-32) has items which are checked as Potentially Significant Impact even though Construction General Permit (CGP) coverage and Water Quality Management Plan (WQMP) requirements including Hydromodification is listed for the measures being proposed for the project.

Mr. Klotz  
6/20/2019  
Page 2


4. All items checked as potentially significant (sections a, c i, c ii, c iii, and c iv) should have measures in place to protect water quality by addressing impact analysis. The impact analysis should be developed further if given measures are not protective of water quality.
5. Section c ii references Section 4.9 ci which is not relevant to water quality. If section 4.10 ci is what was meant to be referenced, there is no discussion in the project that would not substantially alter drainage patterns on the project site during either construction or operation.

**Encroachment Permit**

6. Please be advised that any project work proposed in the vicinity of the State Highway System (SHS) will require an Encroachment Permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans' requirements, additional documentation would be required before the approval of the Encroachment Permit. For specific details for Encroachment Permits procedure, please refer to the Caltrans' Encroachment Permits Manual. The latest edition of the Manual is available on the web site:  
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to keep us informed of this project and any future developments which could potentially impact the SHS. If you have any questions, please do not hesitate to contact Joseph Jamoralin, at (657) 328-6276 or [Joseph.Jamoralin@dot.ca.gov](mailto:Joseph.Jamoralin@dot.ca.gov).

Sincerely,



Scott Shelley  
Branch Chief, Regional-IGR-Transit Planning  
District 12





# CITY OF DANA POINT

PUBLIC WORKS – ENGINEERING SERVICES  
33282 Golden Lantern, Suite 212  
Dana Point, Ca 92629  
949.248.3575  
([www.danapoint.org](http://www.danapoint.org))

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**DATE:** June 27, 2019

**TO:** Sergio Klotz, AICP  
Assistant Development Services Director  
City of San Juan Capistrano Development Services  
Planning Division  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675

**FROM:** City of Dana Point  
Public Works Department

**SUBJECT:** DRAFT INITIAL STUDY  
GANAHL LUMBER  
HARDWARE STORE AND LUMBER YARD PROJECT  
STONEHILL DRIVE

---

Sergio,

Thank you for including the City of Dana Point in your outreach of the Draft Initial Study for the Ganahl Lumber Development Project (Project) at Stonehill Drive. Generally, the City is interested in assuring that the following areas of concern are adequately addressed:

1. Air quality
2. Geology and Soils
3. Hazards and Hazardous Materials
4. Hydrology and Water Quality
5. Land Use and Planning
6. Noise
7. Traffic Impacts/Transportation
8. Utilities and Utility Systems

We have completed our review of the Initial Study and wanted to provide some preliminary input for your consideration. In addition, the City would like to spend some time with City of San Juan Capistrano staff to discuss the technical studies that are in progress.

### **GENERAL COMMENTS**

1. This Project, proposed at the City boundary line between the City of Dana Point (Dana Point) and the City of San Juan Capistrano (SJC), has the potential to impact Dana Point residents and visitors. Dana Point would like to be an active stakeholder in the entire EIR process rather than simply a reviewer of the technical studies upon completion. With our close proximity to the Project, Dana Point would like to meet often with SJC staff to participate in the process of developing the technical studies and scoping meetings regarding the potential impacts to Dana Point residences and visitors.
2. With this type of use, day laborers and associated nuisance issues can result. The City requests that adequate mitigation measures are provided to require the applicant to address loitering, trash and debris, sanitation, and other issues. Further comments in this regard will be provided when working with SJC staff and during the EIR review.
3. Economic vitality of any City is important. Please note that the relocation of Ganahl Lumber from Dana Point to SJC removes a large sales tax base. Mitigation in that regard may be required as the process moves forward.

### **4.3 AIR QUALITY**

4. The residents of Dana Point near the Project, along with visitors to Creekside Park and the County Bike Trail in this section of Dana Point, may be affected by any Air Quality impacts caused by the Project. Dana Point would like to review the comprehensive air quality analysis as a part of the EIR and requests that all mitigation measures to address any impacts include the visitors and residents across San Juan Creek. Please note that Dana Point will likely have comments in this area once the technical study is reviewed.

### **4.7 GEOLOGY AND SOILS**

5. Liquefaction and Lateral Spreading are potential hazards that exist along San Juan Creek and have been analyzed and mitigated in similar projects in the Dana Point. Dana Point is concerned about any possible impacts to the Stonehill Bridge (owned and maintained by the City of Dana Point) and the San Juan Creek Levee due to potential liquefaction and lateral spreading. Dana Point would like to review the technical

study regarding liquefaction and lateral spreading and requests mitigation measures that include the levee and Stonehill Bridge. Therefore, please note that Dana Point will likely have comments in this area once the technical study is reviewed.

6. Page 4-21 states: "recently constructed sheet pile system along the San Juan Creek, penetrating below the lowest liquefiable layer identified within the site for protection of the creek levee. Therefore, the soils on the site are not subject to lateral spread but could be subject to liquefaction." It is the understanding of Dana Point staff that the sheet pile system was solely designed for flood management and did not include any lateral spreading analysis. Please investigate further within the EIR, and note additional comments in this area are expected once the technical study is reviewed in detail.

#### **4.9 HAZARDS AND HAZARDOUS MATERIALS**

7. Page 4-25 states, "A fueling area for delivery trucks will be included as part of the project." The fueling area is not discussed in other sections of the Initial Study and is not shown on the site plans. Please clarify and note additional comments in this area are expected once the technical study is reviewed in detail.

#### **4.10 HYDROLOGY AND WATER QUALITY**

8. The area of San Juan Creek from the project site to the ocean outfall is under review currently by the County of Orange Flood Control District and the City of Dana Point. With multiple studies and projects on-going it is likely a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) will be required. The proposed Letter of Map Change required for FEMA should include the latest studies and hydrology from the County of Orange and/or Dana Point. Please note that Dana Point will likely have comments in this area once the technical study is reviewed.
9. The hydrology and flood analysis of the site should analyze any impacts to flood elevations on neighboring properties, including Dana Point. The hydrology and flood analysis of the project should demonstrate no impact the portions of Dana Point across San Juan Creek or downstream of the property. Any mitigation measures should clearly state that project development shall have no impacts to neighboring properties, including portions of Dana Point. Please note that Dana Point will likely have comments in this area once the technical study is reviewed.
10. The proposed fill described in the project description, *net import of approximately 18,000 cubic yards (cy) of material*, appears to potentially impact the flood elevations along the San Juan Creek. The described CLOMR-F and LOMR-F, hydrology and flood analysis, should include a

post-project analysis. The post-project analysis should include all proposed fill and proposed elevations to analyze the impact to neighboring properties in Dana Point or impact to San Juan Creek.

#### **4.11 LAND USE AND PLANNING**

11. See the City of Dana Point concerns related to this section in the transportation comments.

#### **4.13 NOISE**

12. The residents of Dana Point near the Project along with visitors to Creekside Park and the County Bike Trail in this section of Dana Point may be affected by Noise impacts. Dana Point would like to review the comprehensive Noise and Vibration Impact Assessment as a part of the EIR and requests all mitigation measures include the visitors and residents across San Juan Creek. Please note that Dana Point will likely have comments in this area once the technical study is reviewed.

#### **4.17 TRANSPORTATION**

13. Stonehill Drive is a primary arterial roadway in the City of Dana Point. A traffic signal on an arterial roadway, serving a single development, with a signalized intersection approximately 1,000 ft away does not appear to comply with Dana Point or the SJC circulation standards. Dana Point requests to be an active participant in the preparation of the TIA. Dana Point requests to meet with the SJC prior to the consultant selection and contract scope. Further, please note that Dana Point will likely have comments in this area once the technical study is discussed and eventually reviewed.
14. The City of Dana Point General Plan, Circulation Element states: Policy 2.4: Work with adjacent cities to ensure that the traffic impacts of development projects in these cities do not adversely impact the City of Dana Point. (Coastal Act/30253) This project, proposed at the City limit, has the potential to impact Dana Point residents and visitors. Dana Point requests to be involved in all technical studies and scoping meetings regarding the traffic and circulation related to the Project.
15. The City of Dana Point General Plan, Circulation Element, still references the Level of Service analysis. The City of Dana Point requests that the TIA also include a Level of Service (LOS) analysis of the proposed and impacted intersections. Using VMT exclusively will not meet Dana Point Standards.
16. The proposed access road under Stonehill Drive connecting to properties south of the Project should be included as a part of the TIA and project entitlements. Any future traffic impacts or trips should be included in

the TIA and EIR. Further, all environmental impacts of the proposed off site access road should be evaluated with the Project.

#### **4.15 UTILITIES & SERVICE SYSTEMS**

17. As stated on Page 4-63: *the proposed project may create the need for new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.* Any proposed utility improvements should be evaluated as the temporary impacts on Stonehill Drive and/or any required impacts to the Stonehill Bridge will require additional permitting from the City of Dana Point. Dana Point would like to review the technical studies as a part of the EIR and requests all mitigation measures include minimizing all impacts to Stonehill Drive. Please note that Dana Point will likely have comments in this area once the technical study is reviewed.

Sincerely,



Matthew Sinacori, P.E.  
Director of Public Works/City Engineer  
City of Dana Point  
Public Works and Engineering Department



**PUBLIC SCOPING MEETING  
GANAHL LUMBER PROJECT**

Thursday, June 6, 2019

NAME: Tom & Jeannie Stonewald

ADDRESS: 26000 Ave. Aeropuerto, #45 CITY: San Juan Capistrano ZIP: 92675

EMAIL ADDRESS: tom9584@aatt.net

REPRESENTING: Capistrano Valley Mobile Estates

Do you wish to be added to the project mailing list?

☒ YES

☐ NO

**Please drop comments in the Comment Box or mail them to:**

City of San Juan Capistrano

Attn: Sergio Klotz, AICP, Assistant Development Services Director

32400 Paseo Adelanto

San Juan Capistrano, CA 92675

Phone: (949) 443-6334

Email: SKlotz@sanjuancapistrano.org

The purpose of this comment card is to solicit input regarding the scope and content of the Environmental Impact Report (EIR). Please submit comments for the record that pertain to the **environmental issues** to be addressed in the EIR (please print).

1. Fences abutment to Cap Valley Mobile Property  
to keep vagrancy traverse to minimum  
both sides
2. Lighting - Down Lighting / Non-blue  
less obtrusive at night - No sports  
Park type lighting, please!
3. Trees - We request Pepper Trees @ our  
Property Line to assist w/ losing  
our ocean breeze due to development  
berms/buildings - please remember  
we are lowland next to this property
4. Dust Control for Car Lot - Ground improved,  
not just dirt, please.

**Please comment by June 21, 2019**

Patrick,

Thank you for your kind consideration of us  
as your neighbors. We are asking for Pepper Trees  
at the property line between us to keep the breeze -  
the dropping of leaves is minimal, they are more  
indigenous to this area & so much better than staring  
@ a parking lot of cars. Thanks for your help in  
this. (We sent a letter to you & the City regarding this  
before.) Thank you so much. Sincerely,

949-443-1518 Tom & Jeannie Cronewald  
26000 Ave. Aeropuerto, #45  
San Juan  
San Juan Capistrano, CA 92675  
San Juan: Sergio Ruiz  
32400 Paseo Adelanto



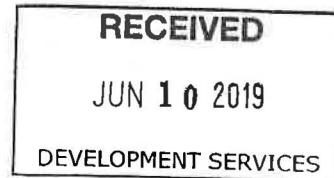
**NATIVE AMERICAN HERITAGE COMMISSION**  
Cultural and Environmental Department

1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691 Phone (916) 373-3710  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



June 7, 2019

Sergio Klotz  
City of San Juan Capistrano  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675



RE: SCH# 2019050015 Ganahl Lumber Project, Orange County

Dear Mr. Klotz:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my  
email address: Steven.Quinn@nahc.ca.gov.

Sincerely,



for  
Steven Quinn  
Associate Governmental Program Analyst

cc: State Clearinghouse



June 20, 2019

NCL-19-018

Sergio Klotz, Assistant Development Services Director  
City of San Juan Capistrano  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675

**Subject:** Notice of Preparation of Draft Environmental Impact Report for the Ganahl Lumber Project.

Dear Mr. Sergio Klotz:

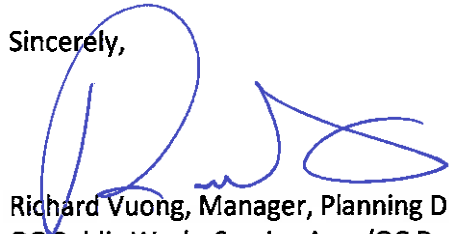
Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Ganahl Lumber Project. The County of Orange offers the following comments for your consideration.

**OC Infrastructure Programs /Flood Programs/Hydrology**

1. Hydrologic and hydraulic analyses should evaluate and compare quantitatively the runoff volumes, peak flow rate increases, and adequacy and capacity of existing drainage facilities. All appropriate studies must conform to the current guidelines and criteria as specified in the Orange County Hydrology Manual (OCHM), Addendum No. 1 to the OCHM, and the OCFCD Design Manual.
2. Since the City of San Juan Capistrano is responsible for land use planning and development within its municipal limits, the City should review and approve all local hydrology and hydraulic analyses. The project proponent should ensure that the proposed development is adequately protected from flooding in a 100-year storm event.
3. The City, as floodplain administrator, should ensure that floodplains are properly identified and that structures are located outside the FEMA 100-year floodplain, or designed in conformance with local floodplain ordinances, and Federal Emergency Management Agency (FEMA) regulations.
4. All work within or adjacent to any OCFCD right-of-way or flood control facilities shall be conducted so as not to adversely impact channel's structural integrity, hydrology, hydraulic flow conditions, access and maintainability. Furthermore, all proposed projects within OCFCD right-of-way should be reviewed and approved by OC Public Works, and the work should be conducted only after an encroachment permit has been obtained. For information regarding the permit application process and other details please refer to the Encroachment Permits Section link on the OC Public Works website: [http://www.ocpublicworks.com/ds/permits/encroachment\\_permits](http://www.ocpublicworks.com/ds/permits/encroachment_permits). Technical reviews and approvals for the proposed work will be accomplished within the permit process.

If you have any questions regarding these comments, please contact Sahar Parsi at (714) 647-3988 or Penny Lew at (714) 647-3990 in OC Infrastructure Programs or Cindy Salazar at (714) 667-8870 in OC Development Services.

Sincerely,



Richard Vuong, Manager, Planning Division  
OC Public Works Service Area/OC Development Services  
300 North Flower Street  
Santa Ana, California 92702-4048  
[Richard.Vuong@ocpw.ocgov.com](mailto:Richard.Vuong@ocpw.ocgov.com)

cc: Sahar Parsi, OC Flood Programs/Hydrology & Floodplain Management  
Penny Lew, OC Flood Programs/Hydrology & Floodplain Management





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July 2, 2019

Mr. Sergio Klotz

AICP, Assistant Development Services Director

City of San Juan Capistrano

32400 Paseo Adelanto

San Juan Capistrano, CA 92675

Subject: **Notice of Preparation of a Draft Environmental Impact Report  
for the Ganahl Lumber Project**

Dear Mr. Klotz:

We understand the City of San Juan Capistrano (City) released a Notice of Preparation (NOP) on the scope of the Draft Environmental Impact Report for the Ganahl Lumber Project (Project) between May 23rd and June 21st, 2019. The Orange County Transportation Authority (OCTA) had previously met with the City and the applicant (Ganahl Lumber Company) several times in the past to clarify ownership of the railroad property. Unfortunately, OCTA was not included in the distribution of the NOP. OCTA was only made aware of the NOP through the Southern California Regional Rail Authority. OCTA has reviewed the NOP and Draft Initial Study (IS) and have the following comments:

- Please include OCTA in the distribution list for all future notifications for the Project.
- The Draft IS referenced Burlington Northern Santa Fe (BNSF) as the underlying owner of the railroad rights-of-way. Please revise the text to refer to OCTA, as OCTA owns the railroad rights-of-way throughout Orange County (County).
- Figure 2.6 Conceptual Site Plan:
  - The site plan includes a diesel refueling tank adjacent to the property line. Please ensure there are sufficient barriers to protect against accidental spillage as well as any potential impacts to the rail rights-of-way during the operation of the refueling tank.
  - Please ensure that all storm drains do not drain into the OCTA rail rights-of-way.
  - The City must obtain prior written authorization if there is going to be any access needed during construction that occurs within the OCTA rail rights-of-way.

Mr. Sergio Klotz  
July 2, 2019  
Page 2

- Figure 2.7a Enlarged Area A Plan:
  - It is not clear who the property owners are for the access road proposed under "Associated Work." Please clarify.
- The project should include sufficient security barriers to prevent trespassing into the rail rights-of-way.
- As previously discussed, OCTA owns the adjacent railroad rights-of-way. This rail line is actively used for both freight and passenger rail service, and there may be plans for future expansion of the passenger rail service that is operated by the Southern California Regional Rail Authority. The City should ensure that the applicant is aware of the existing adjacent uses and disclosure should be made to all parties, as appropriate.
- The previous property owner of the Project site, Home Depot, conveyed access easements to the Harrison and Cassady parties to facilitate with vehicular and pedestrian access to the Harrison Property and Cassady Property (see attachment recorded easement). Please clarify how the Project would continue to accommodate access for said parties.
- In addition, the City and County were to meet certain conditions pursuant to the previous California Public Utilities Commission (CPUC) decision 90-10-069, dated October 24, 1990 (see attached CPUC order for details). Please comply with provisions of the CPUC order as appropriate.

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at [dphu@octa.net](mailto:dphu@octa.net).

Sincerely,



Dan Phu  
Manager, Environmental Programs

Enclosures



RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Home Depot U.S.A., Inc.  
3800 West Chapman  
Orange, California 92868  
Attn: Senior Corporate Counsel -  
Real Estate

9-10-99

Access  
Easement

## ACCESS EASEMENT

THIS ACCESS EASEMENT ("**Agreement**") is made this 29<sup>th</sup> day of April, 1999, by and among HOME DEPOT U.S.A., INC., a Delaware corporation ("**Home Depot**"), in favor of CECILIA G. HARRISON, as Trustee of the HARRISON FAMILY TRUST ("**Harrison**"), and JAMES P. CASSADY and VIRGINIA I. CASSADY, husband and wife as joint tenants, subject to proceedings pending in the Bankruptcy Court of the Central District of the U.S. District Court, California, entitled in re: Virginia Irene Cassady, Debtor, Case No. 9516059, wherein a Petition for Relief was filed on the date of June 14, 1995, as to an undivided 50% interest; and KENNETH R. CASSADY and ROSA V. CASSADY, husband and wife as joint tenants, subject to proceedings pending in the Bankruptcy Court of the Central District of the U.S. District Court, California, entitled in re: Kenneth Robert Cassady, Debtor, Case No. 9621661, wherein a Petition for Relief was filed on the date of October 2, 1996, as to an undivided 50% interest (collectively "**Cassady**").

## RECITALS

WHEREAS, Home Depot owns or will own fee title to certain real property located in the City of San Juan Capistrano, County of Orange, State of California, more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference ("**Home Depot Property**");

WHEREAS, Harrison owns fee title to certain real property located in the City of San Juan Capistrano, County of Orange, State of California, more particularly described in **Exhibit "B"** attached hereto and incorporated herein by this reference ("**Harrison Property**");

WHEREAS, Cassady owns fee title to certain real property located in the City of San Juan Capistrano, County of Orange, State of California, more particularly described in **Exhibit "C"** attached hereto and incorporated herein by this reference ("**Cassady Property**");

WHEREAS, the Cassady Property is adjacent to the Harrison Property, the Harrison Property is adjacent to the Home Depot Property; and

WHEREAS, Home Depot desires to create an easement over certain areas within the Home Depot Property to facilitate the vehicular and pedestrian access to the Harrison Property and Cassady Property for the benefit of both the Harrison Property and the Cassady Property, and the other present and future owners of all, or any portion, of the Harrison Property and Cassady Property.

NOW THEREFORE, for valuable consideration, the tender, receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:



## TERMS

1. **Grant of Easements.** Home Depot hereby grants to Harrison, Cassady and their respective successors and assigns, non-exclusive easements on, over and through the portions of the Home Depot Property labeled "20' Wide Road Easement" ("**Easement**") on the Site Plan attached hereto as **Exhibit "D"** and incorporated herein by this reference. Home Depot hereby retains and reserves for itself, and for others to whom it may grant similar easements, easements on, over and through the portions of the Home Depot Property improved from time to time as a parking lot for vehicular and pedestrian ingress, egress and parking.

2. **Character of Easement.** The Easement shall each be appurtenant to, and shall run with title to the Harrison Property, the Cassady Property, and each portion and/or parcel thereof.

3. **Location.** The initial location of the Easement is depicted on the Site Plan and legally described on **Exhibit "E"** attached hereto and incorporated herein by this reference. At such time, if any, as the owner of the Home Depot Property shall acquire the necessary property adjacent northerly to the Home Depot Property, upon thirty (30) days prior written notice to both Harrison and Cassady, such owner shall have the right to relocate the Easement to the location shown and described on **Exhibit "F"** attached hereto and incorporated herein by this reference, or to such other location within the property owned and designated by such owner and reasonably approved by Harrison, which approval shall not be unreasonably withheld, delayed or conditioned.

4. **Use by Harrison and Cassady.** The Easement shall be used solely for the ingress to, egress from, and access between the Harrison Property, the Cassady Property and Stone Hill Drive by pedestrians and vehicles owned or operated by the owners and tenants of the Harrison Property, the Cassady Property and their respective employees, agents, customer, patrons, licensees and invitees.

5. **Construction of Improvement.** The improvements to the Home Depot Easement Area shall be performed by Home Depot, specifically including but not limited to paving, striping and landscaping in accordance with the Site Plan.

6. **Insurance.** Home Depot shall procure and maintain in full force and effect public liability and property damage insurance for the Easement and the improvements constructed thereon. Harrison and Cassady shall be named as additional insureds on such policy of insurance.

7. **Maintenance.** The cost of the maintenance and upkeep of the Easement shall be borne and paid by Home Depot.

8. **Entire Agreement.** This instrument contains the entire agreement between the parties relating to the Easement and the obligations herein assumed. Any prior oral and written representations or modifications concerning this instrument shall be of no force and effect and are entirely superseded hereby. No written or oral amendment hereto shall bind the parties, excepting a subsequent modification in writing signed by all parties.

9. **Attorneys Fees.** In the event any party shall bring legal action to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees and costs as part of its judgment.

10. **Binding Effect.** This instrument shall bind and inure to the benefit of the respective heirs, personal representatives, successors and assigns of the parties.



**11. Not a Public Dedication.** Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Easement to the general public or for the general public or for any public purposes whatsoever, it being the intention of the parties that this Agreement shall be strictly limited to and for the purposes herein expressed.

**12. Breach Shall Not Permit Termination.** It is expressly agreed that no breach of this Agreement shall entitle any owner to cancel, rescind or otherwise to terminate this Agreement, or the Easement, but such limitation shall not affect in any manner, any other rights or remedies which such owner may have hereunder by reason of any breach of this Agreement. Any breach of any of the Easement, covenants or restrictions, however, shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value but such Easement, covenants and restrictions shall be binding upon and effective against such owner of any of said property or any portion thereof whose title thereto is acquired by foreclosure, trustee's sale, or otherwise.

**13. Validity and Severance.** If any clause, sentence or other portion of this Easement shall become illegal, null or void for any reason, or shall be held by any court of competent jurisdiction to be so, the remaining portion hereof shall remain in full force and effect.

**14. Term.** This Agreement and the Easement granted herein to Harrison shall run until such time as fully improved reasonably equivalent vehicular and pedestrian access to the Harrison Property is constructed off Stone Hill Avenue, at which time the Easement shall automatically terminate as to the Harrison Property. This Agreement and the Easement granted herein to Cassady shall run until such time as fully improved reasonably equivalent vehicular and pedestrian ingress, egress and access to the Cassady Property is constructed off Stone Hill Avenue, at which time the Easement shall automatically terminate as to the Cassady Property. Upon such termination of the Easement, upon the written request of the owner of the Home Depot Property, the owner(s) of the Harrison Property and/or the Cassady Property, and each part and parcel thereof shall execute and deliver a recordable quitclaim deed relinquishing all right, title and interest in and to the Easement granted hereunder over the Home Depot Property in favor of the owner of the Home Depot Property. The parties acknowledge that the pending South Coast Water District (formerly Capistrano Beach Water District) easement for access commonly known as Capistrano Beach Water District Road (Orange County Superior Court Case # 793612) that may encumber the Harrison Property will not satisfy the requirement for termination of the Easement set forth in this Section 14 until and unless fully improved and reasonably equivalent vehicular and pedestrian ingress, egress and access is provided.

**15. Notices.** Notices and demands required or permitted to be given hereunder shall be given by registered or certified mail and shall be addressed as follows:

If to Harrison: c/o Daniel W. Reising, Esq.  
Reising, Kennedy & Associates  
32072 Camino Capistrano, Suite B  
San Juan Capistrano, CA 92675

If to Home Depot Home Depot U.S.A., Inc.  
3800 West Chapman Avenue  
Orange, California 92868  
Attention: Senior Corporate Counsel

With a copy to:

William D. Buckner  
Buckner, Alani & Young  
3146 Redhill, Suite 200  
Costa Mesa, California 92626

or at such other address as any party shall designate by written notice to the other. Notices and demands shall be deemed to have been given seventy-two (72) hours after depositing same into the United States Mail, postage prepaid.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

"Home Depot"

HOME DEPOT U.S.A., INC.,  
a Delaware corporation

BY:

*Jeannette McClain*  
~~Daniel R. Hatch~~  
~~Senior Corporate Counsel~~  
~~Western Division~~

*Jeannette McClain*  
*Assistant Secretary*

## ACKNOWLEDGEMENTS

STATE OF CALIFORNIA

COUNTY OF ORANGE

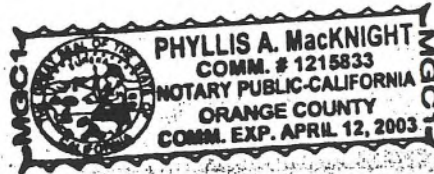
)  
) ss.  
)

*Jeannette McClain*

On April 29, 1999, before me, a notary public in and for said state, personally appeared DANIEL R. HATCH, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) (is) (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

*Phyllis A. MacKnight*  
Signature



(This area for official notarial seal)



EXHIBIT "A"

LEGAL DESCRIPTION:

ALL THAT CERTAIN LAND LYING OVER A PORTION OF THE PRYOR HOMESTEAD TRACT, IN THE RANCHO BOCA DE LA PLAY IN THE CITY OF JUAN CAPISTRANO, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP OF PARTITION OF SAID TRACT IN THE DECREE OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF ORANGE IN CASE NO. 1210 AS SAID LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF DEL OBISPO STREET AND THE CENTERLINE OF STONEHILL DRIVE AS SHOWN IN TRACT NO. 11074, RECORDED IN BOOK 474, PAGES 35 THROUGH 38 OF MISCELLANEOUS MAPS IN THE OFFICE OF SAID ORANGE COUNTY RECORDER; THENCE S76°42'02"E, 1418.74 FEET ALONG SAID CENTERLINE OF STONEHILL DRIVE TO A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 2000.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°48'24" AN ARC DISTANCE OF 132.88 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE S72°53'38"E, 792.83 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY RIGHT-OF-WAY, 100.00 FEET WIDE; THENCE ALONG SAID WEST LINE N16°47'36"E, 48.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH LINE OF SAID STONEHILL DRIVE; THENCE ALONG SAID NORTH LINE N72°53'38"W, 87.84 FEET; THENCE N17°06'22"E, 4.00 FEET; THENCE CONTINUING ALONG SAID NORTH LINE N72°53'38"W, 237.65 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WEST AND HAVING A RADIUS OF 4170.00 FEET, SAID CURVE ALSO BEING THE EASTERLY LINE OF THE LANDS OF THE COUNTY OF ORANGE AS DESCRIBED IN PARCEL NO. 125.3 OF THAT CERTAIN FINAL ORDER OF CONDEMNATION, SUPERIOR COURT CASE NO. 62-69-53, A CERTIFIED COPY OF WHICH WAS RECORDED OCTOBER 5, 1994 AS INSTRUMENT NO. 94-0596655 OF OFFICIAL RECORDS, A RADIAL LINE THROUGH SAID POINT BEARS N75°41'07"W; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°42'09" AN ARC DISTANCE OF 196.69 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE N11°36'44"E, 92.90 FEET TO THE SOUTHERLY LINE OF THAT CERTAIN LAND DESCRIBED PER DEED RECORDED MARCH 4, 1905 IN BOOK 111, PAGE 202 OF DEEDS, RECORDS OF ORANGE COUNTY; THENCE ALONG SAID LINE S65°15'41"E, 350.35 FEET TO THE WEST LINE OF SAID ATCHISON, TOPEKA AND SANTA FE RAILROAD RIGHT-OF-WAY; THENCE ALONG SAID LINE S16°47'36"W, 246.09 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING: 88,955.8 SQUARE FEET OR  
2.042 ACRES



HARRISON REMAINDER NORTH OF STONEHILL  
EXHIBIT "B"

LEGAL DESCRIPTION:

ALL THAT CERTAIN LAND LYING OVER A PORTION OF THE PRYOR HOMESTEAD TRACT, IN THE RANCHO BOCA DE LA PLAY IN THE CITY OF JUAN CAPISTRANO, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP OF PARTITION OF SAID TRACT IN THE DECREE OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF ORANGE IN CASE NO. 1210 AS SAID LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF DEL OBISPO STREET AND THE CENTERLINE OF STONEHILL DRIVE AS SHOWN IN TRACT NO. 11074, RECORDED IN BOOK 474, PAGES 35 THROUGH 38 OF MISCELLANEOUS MAPS IN THE OFFICE OF SAID ORANGE COUNTY RECORDER; THENCE S76°42'02"E, 1418.74 FEET ALONG SAID CENTERLINE OF STONEHILL DRIVE TO A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 2000.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°48'24" AN ARC DISTANCE OF 132.88 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE S72°53'38"E, 792.83 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY RIGHT-OF-WAY, 100.00 FEET WIDE; THENCE ALONG SAID WEST LINE N16°47'36"E, 48.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID STONEHILL DRIVE; THENCE ALONG SAID NORTH LINE N72°53'38"W, 87.84 FEET; THENCE N17°06'22"E, 4.00 FEET; THENCE CONTINUING ALONG SAID NORTH LINE OF STONEHILL DRIVE N72°53'38"W, 237.65 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WEST AND HAVING A RADIUS OF 4170.00 FEET, SAID CURVE ALSO BEING THE EASTERLY LINE OF THE LANDS OF THE COUNTY OF ORANGE AS DESCRIBED IN PARCEL 125.3 OF THAT CERTAIN FINAL ORDER OF CONDEMNATION, SUPERIOR COURT CASE NO. 62-69-53, A CERTIFIED COPY OF WHICH WAS RECORDED OCTOBER 5, 1994 AS INSTRUMENT NO. 94-0596655 OF OFFICIAL RECORDS, A RADIAL LINE THROUGH SAID POINT BEARS N75°41'07"W; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°30'49" AN ARC DISTANCE OF 110.16 FEET TO A POINT ON A NON-TANGENT LINE, A RADIAL THROUGH SAID POINT BEARS N77°11'56"W; THENCE ALONG SAID LINE S60°26'03"E, 340.10 FEET TO THE WESTERLY LINE OF SAID ATCHISON, TOPEKA AND SANTA FE RAILROAD RIGHT OF WAY; THENCE ALONG SAID LINE S16°47'36"W, 40.57 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING: 24,284.4 SQUARE FEET OR  
0.557 ACRES

JAMES P. CASSADY PROPERTY  
A.P.N. 121-253-07  
EXHIBIT "C"

LEGAL DESCRIPTION:

ALL THAT CERTAIN LAND LYING OVER A PORTION OF THE PRYOR HOMESTEAD TRACT, IN THE RANCHO BOCA DE LA PLAY IN THE CITY OF SAN JUAN CAPISTRANO, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP OF PARTITION OF SAID TRACT IN THE DECREE OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF ORANGE IN CASE NO. 1210 AS SAID LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF DEL OBISPO STREET AND THE CENTERLINE OF STONEHILL DRIVE AS SHOWN IN TRACT NO. 11074, RECORDED IN BOOK 474, PAGES 35 THROUGH 38 OF MISCELLANEOUS MAPS IN THE OFFICE OF SAID ORANGE COUNTY RECORDER, THENCE S76°42'02"E, 1418.74 FEET ALONG SAID CENTERLINE OF STONEHILL DRIVE TO A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 2000.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°48'24" AN ARC DISTANCE OF 132.88 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE S72°53'38"E, 792.83 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY RIGHT-OF-WAY, 100.00 FEET WIDE; THENCE ALONG SAID WEST LINE S16°47'36"W, 322.72 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE S16°47'36"W, 205.64 FEET; THENCE LEAVING SAID WEST LINE, N45°24'27"W, 370.63 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WEST AND HAVING A RADIUS OF 4170.00 FEET, SAID CURVE ALSO BEING THE EASTERLY LINE OF THE LANDS OF THE COUNTY OF ORANGE AS DESCRIBED IN PARCEL NO. 129-3 OF THAT CERTAIN FINAL ORDER OF CONDEMNATION, SUPERIOR COURT CASE NO. 62-69-53, A CERTIFIED COPY OF WHICH WAS RECORDED OCTOBER 5, 1994 AS INSTRUMENT NO. 94-0596655 OF OFFICIAL RECORDS, A RADIAL LINE THROUGH SAID POINT BEARS N70°03'34"W; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°19'17" AN ARC DISTANCE OF 168.95 FEET TO A POINT ON A NON-TANGENT LINE, A RADIAL LINE THROUGH SAID POINT BEARS N72°22'51"W; THENCE ALONG SAID NON-TANGENT LINE S50°18'12"E, 349.56 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING: 61193.13 SQUARE FEET OR  
1.4047 ACRES

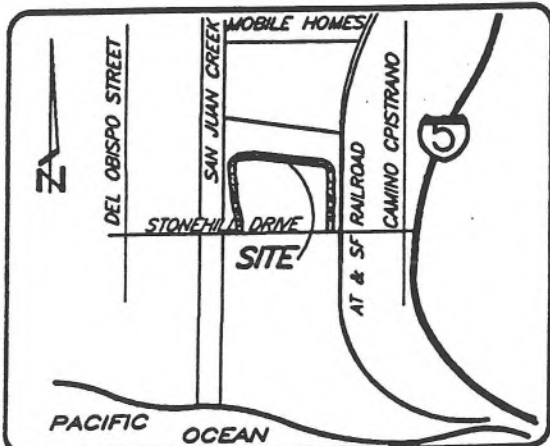
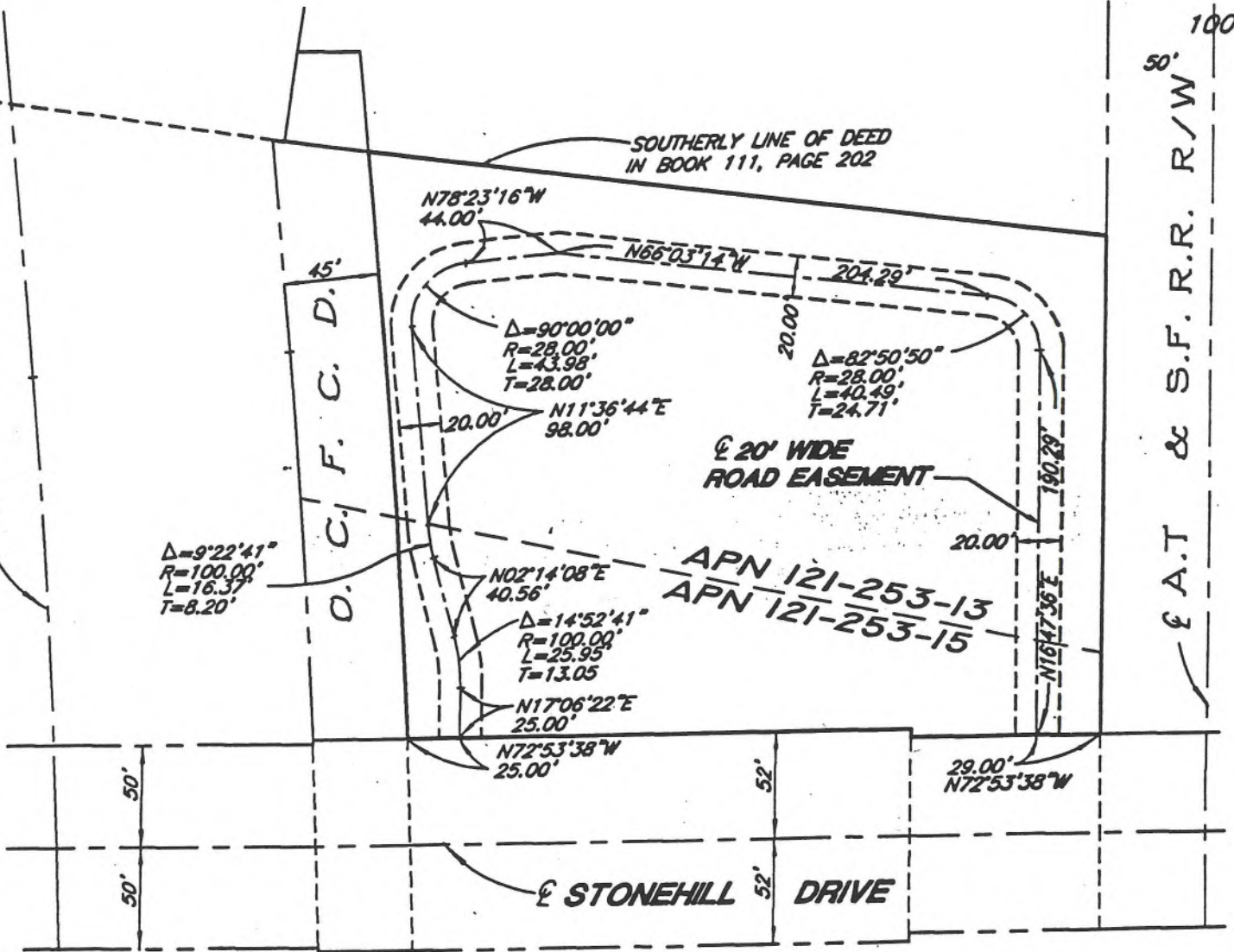
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EXHIBIT C

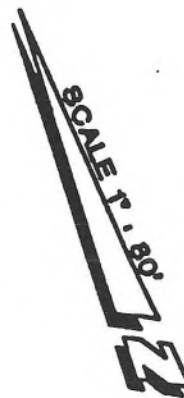


EL SAN JUAN CREEK CHANNEL

80' 100' E.A.T. & S.F. R.R. R/W



VICINITY MAP  
NOT TO SCALE



**SP2, INC.**  
18185 MC DERMOTT EAST - SUITE "C"  
IRVINE, CALIFORNIA 92614  
PHONE: (949) 660-8822  
FAX: (949) 660-0920

**EXHIBIT "D"**  
**CITY OF SAN JUAN CAPISTRANO**  
**20' WIDE ROAD EASEMENT**  
**ON**  
**APN 121-253-13 & APN 121-253-15**

SCALE:  
1" = 80'  
MARCH, 99  
SHEET  
1 OF 1

# EXHIBIT E

## TWENTY FOOT WIDE ROAD EASEMENT OVER HARRISON/YORBA

### LEGAL DESCRIPTION:

A 20.00 FOOT WIDE EASEMENT FOR ROAD AND INCIDENTAL PURPOSES LYING OVER A PORTION OF THE PRYOR HOMESTEAD TRACT, IN THE RANCHO BOCA DE LA PLAYA IN THE CITY OF SAN JUAN CAPISTRANO, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP OF PARTITION OF SAID TRACT IN THE DECREE OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF ORANGE IN CASE NO. 1210. THE CENTERLINE OF SAID 20.00 FEET IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

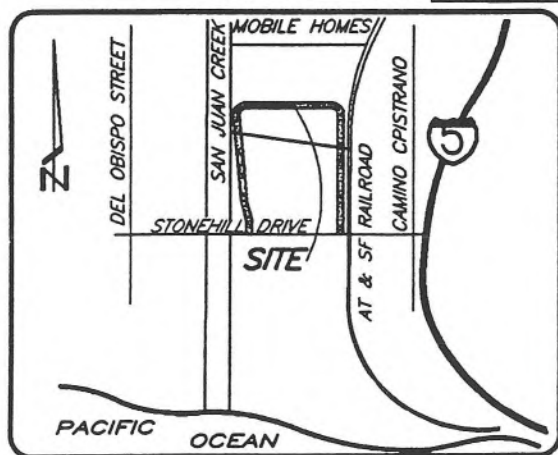
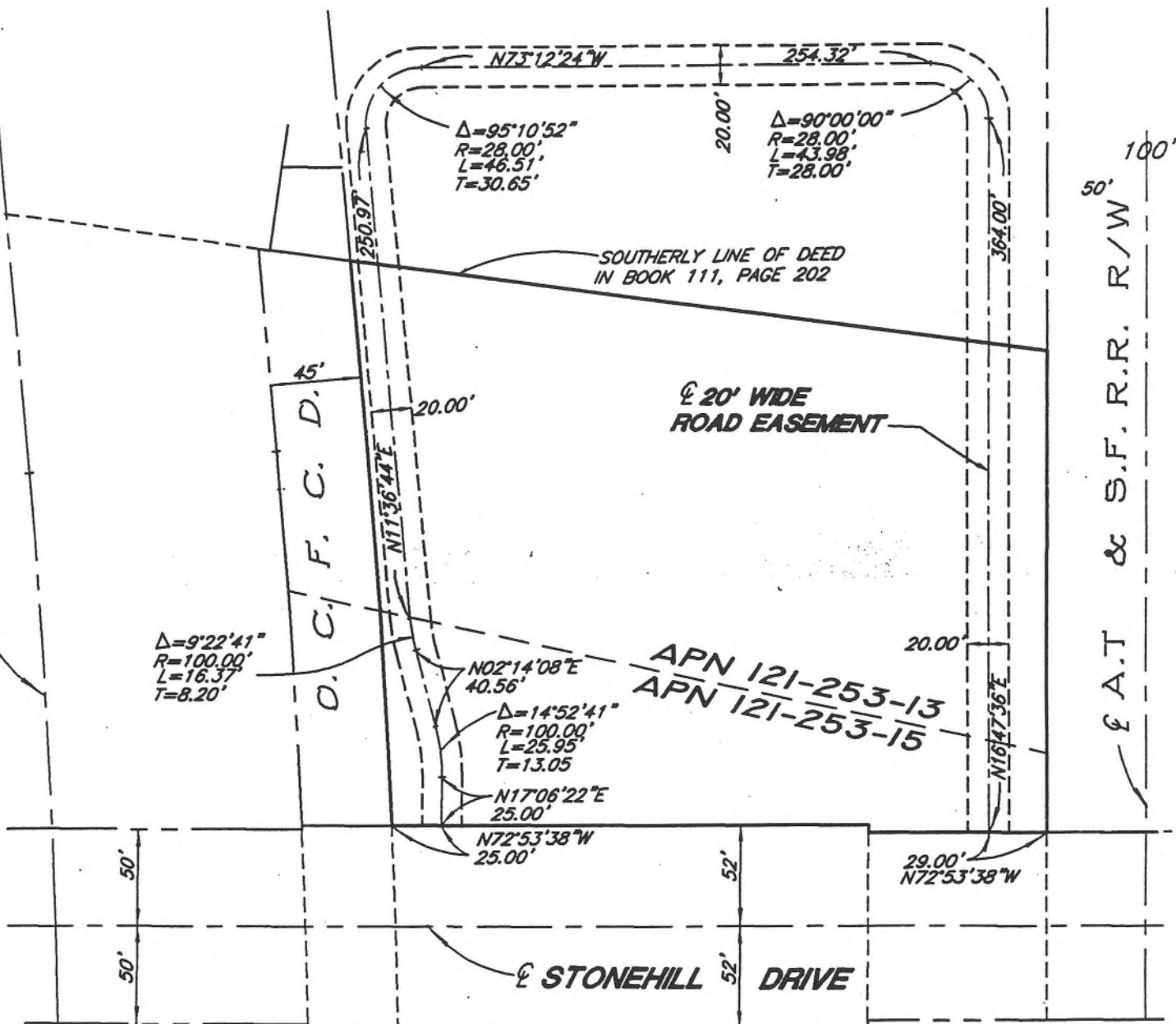
BEGINNING AT A POINT ON THE NORTH LINE OF STONEHILL DRIVE (96.00 FEET WIDE), DISTANCE THEREOF ALONG SAID NORTH LINE  $N72^{\circ}53'38''W$ , 29.00 FEET FROM THE WEST LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY RIGHT-OF-WAY, 100.00 FEET WIDE; THENCE PARALLEL TO SAID WEST LINE  $N16^{\circ}47'36''E$ , 190.29 FEET TO A TANGENT CURVE CONCAVE SOUTHWEST AND HAVING A RADIUS OF 28.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $82^{\circ}50'50''$  AN ARC DISTANCE OF 40.49 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE  $N66^{\circ}03'14''W$ , 204.29 FEET; THENCE  $N78^{\circ}23'16''W$ , 44.00 FEET TO A TANGENT CURVE CONCAVE SOUTHEAST AND HAVING A RADIUS OF 28.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $90^{\circ}00'00''$  AN ARC DISTANCE OF 43.98 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE  $S11^{\circ}36'44''W$ , 98.00 FEET TO A TANGENT CURVE CONCAVE EAST AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $13^{\circ}50'52''$  AN ARC DISTANCE OF 24.17 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE  $S02^{\circ}14'08''W$ , 40.56 FEET TO A TANGENT CURVE CONCAVE WEST AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $14^{\circ}52'14''$  AN ARC DISTANCE OF 25.95 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE  $S17^{\circ}06'22''W$ , 25.00 FEET TO A POINT ON THE NORTH LINE OF STONEHILL DRIVE, 104.00 FEET WIDE, AND THE POINT OF TERMINUS OF THIS EASEMENT.

THE SIDE LINES OF SAID 20.00 FOOT EASEMENT ARE SHORTENED OR EXTENDED TO BEGIN AND END AT THE NORTH LINE OF STONEHILL DRIVE.

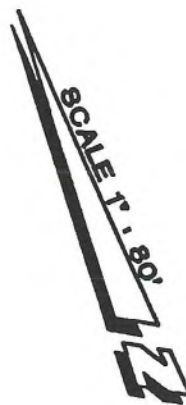


☞ SAN JUAN CREEK CHANNEL

☞ A.T. & S.F. R.R. R/W 100'



**VICINITY MAP**  
NOT TO SCALE



# EXHIBIT F



**SP2 INC.**  
18195 MC DERMOTT EAST - SUITE "C"  
IRVINE, CALIFORNIA 92614  
PHONE: (949) 660-8822  
FAX: (949) 660-0920

**CITY OF SAN JUAN CAPISTRANO**  
**20' WIDE ROAD EASEMENT**  
ON  
**APN 121-253-13 & APN 121-253-15**  
**DEED BK. 111 PG. 202**

SCALE:  
1" = 80'

MARCH, 99

SHEET  
1 OF 2

# EXHIBIT F

## EXPANDED TWENTY FOOT WIDE ROAD EASEMENT OVER HARRISON/YORBA/HOME DEPOT

### LEGAL DESCRIPTION:

A 20.00 FOOT WIDE EASEMENT FOR ROAD AND INCIDENTAL PURPOSES LYING OVER A PORTION OF THE PRYOR HOMESTEAD TRACT, IN THE RANCHO BOCA DE LA PLAYA IN THE CITY OF SAN JUAN CAPISTRANO, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP OF PARTITION OF SAID TRACT IN THE DECREE OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF ORANGE IN CASE NO. 1210. THE CENTERLINE OF SAID 20.00 FEET IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF STONEHILL DRIVE (96.00 FEET WIDE), DISTANCE THEREOF ALONG SAID NORTH LINE N72°53'38"W, 29.00 FEET FROM THE WEST LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY RIGHT-OF-WAY, 100.00 FEET WIDE; THENCE PARALLEL TO SAID WEST LINE N16°47'36"E, 364.00 FEET TO A TANGENT CURVE CONCAVE SOUTHWEST AND HAVING A RADIUS OF 28.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC DISTANCE OF 43.98 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE N73°12'24"W, 254.32 FEET TO A TANGENT CURVE CONCAVE SOUTHEAST AND HAVING A RADIUS OF 28.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 95°10'52" AN ARC DISTANCE OF 46.51 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE S11°36'44"W, 250.97 FEET TO A TANGENT CURVE CONCAVE EAST AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°50'52" AN ARC DISTANCE OF 24.17 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE S02°14'08"W, 40.56 FEET TO A TANGENT CURVE CONCAVE WEST AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°52'14" AN ARC DISTANCE OF 25.95 FEET TO A TANGENT LINE; THENCE ALONG SAID LINE S17°06'22"W, 25.00 FEET TO A POINT ON THE NORTH LINE OF STONEHILL DRIVE, 104.00 FEET WIDE, AND THE POINT OF TERMINUS OF THIS EASEMENT.

THE SIDE LINES OF SAID 20.00 FOOT EASEMENT ARE SHORTENED OR EXTENDED TO BEGIN AND END AT THE NORTH LINE OF STONEHILL DRIVE.





9-10-92

MEMBERS OF THE CITY COUNCIL  
KENNETH E. FRIESS  
JERRY HARRIS  
GARY L. HAUSDORFER  
GIL JONES  
JEFF VASQUEZ

CITY MANAGER  
GEORGE SCARBOROUGH

December 22, 1992

Mr. Raymond R. Toshey  
Public Utilities Commission  
Traffic Engineering Section  
107 South Broadway, Room 5109  
Los Angeles, CA 90012

Re: Stonehill Drive Extension  
Stonehill Drive Access Road (PM 90-403/Lower Rosan)  
Private Rail Crossing MP 199.46

Dear Mr. Toshey:

As a follow up to your letter of December 2, 1992 to Orange County EMA, the City of San Juan Capistrano is, pursuant to the cooperative agreement with the County, responsible for fulfillment of condition to close the private crossing. The City will provide compliance with PUC decision 90-10-069, Order No. 7.

Currently, the City is under design for an access to the property, served by the private crossing, from Stonehill Drive. Please consider this as the progress report toward closure of the subject crossing.

Should you have any further questions, please contact me.

Very truly yours,

William M. Huber  
Director of Engineering & Building

WMH:ssg

cc: Douglas Dumhart  
Ted Simon  
Brian Perry  
J. W. Williams, OCEMA  
T. H. Shalin, AT&SF Railway

DEC 23 1992



ENVIRONMENTAL MANAGEMENT AGENCY  
PUBLIC WORKS

DIRECTOR, EMA

WILLIAM L. ZAUN  
DIRECTOR OF PUBLIC WORKS

LOCATION  
12 CIVIC CENTER PLAZA  
SANTA ANA, CALIFORNIA

MAILING ADDRESS  
P.O. BOX 4041  
SANTA ANA, CA 92702-4041

TELEPHONE  
(714) 834-2301  
FAX # 834-2871

MAY 6 1991

Mr. T.H. Shalin, Regional Manager  
AT&SF Railway Co.  
740 East Carnegie Dr.  
San Bernardino, CA 92408

FILE

Subject: Stonehill Drive Overhead, San Juan Capistrano

Dear Mr. Shalin:

This is in response to your letter of April 8, 1991 (copy enclosed). Your letter suggests that the County is obligated to provide access to the land-locked parcels prior to completion of construction of Stonehill so that AT&SF may remove the crossing upon completion of the overhead. For your information, PUC order is restated below:

7. One year after completion of construction County shall file a report with the Commission's Safety Division on progress towards closure of the private crossing.

Several provisions have been included in the Stonehill Drive project to facilitate closure of the access. The bridge over the AT&SF was constructed 50-ft. longer than required to span the access easement parallel to the AT&SF right-of-way. In addition, the bridges over AT&SF and over nearby San Juan Creek were constructed wider than the standard arterial highway bridge section in order to provide the width needed for a turn-pocket onto the properties between the San Juan Creek and the AT&SF. These design provisions, included in the project at substantial additional cost, provide the physical means for alternative access to the properties.

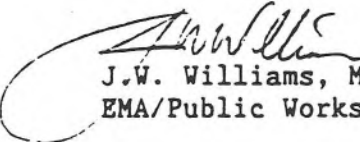
The County is constructing the Stonehill Drive project under cooperative agreements with the City of Dana Point and the City of San Juan Capistrano. Upon completion of construction, the facility will be turned over to the cities. At that time, the City will be responsible for owning and maintaining the overhead structure crossing the AT&SF and will be responsible for complying with the PUC order. The design and construction of access to the properties will be under the jurisdiction of the City.

By copy of this letter and its enclosures to Mr. Bill Huber, Director of Public Works for the City of San Juan Capistrano, I am requesting that Mr. Huber respond to your inquiry.

Mr. T.H. Shalin, Regional Manager, AT&SF Railway Co.  
Stonehill Drive Overhead, San Juan Capistrano  
Page 2

Should you have any questions, please contact Richard Hart at 541-7583.

Very truly yours,

  
J.W. Williams, Manager  
EMA/Public Works/Design Division

JWW:RH:jc:cg (A-1)2696

Encl. Letter of April 8, 1991  
PUC Decision 90-10-069 of October 24, 1990

cc: ✓ W. Huber, City of San Juan Capistrano (w/encl.)  
R. Toohey, PUC, Transportation Division





740 East Carnegie Drive  
San Bernardino, California 92408-3571

April 8, 1991  
File: 05000013-43

Mr. J. W. Williams, Manager  
EMA/Design Division  
County of Orange  
P.O. Box 4048  
Santa Ana, CA 92702-4048

9-10-99

RE: Construction of the Stonehill Drive Overpass, San Juan Capistrano

Dear Mr. Williams:

Attached please find a copy of P.U.C. Decision No. 9010069 covering the above. Please furnish information reflecting how you will provide access to land-locked parcels west of our trackage which will allow closure of the existing private grade crossing--see Page 5, Paragraph 7 of the Decision.

This information is required so that I may remove the crossing upon completion of the overhead.

If you have any questions or need further assistance involving this subject matter, please contact Bob Schultz of this office at (714) 386-4032, citing the file number indicated above.

Very truly yours,

T. H. Shalin  
Regional Manager

Attachment

cc: Mr. Raymond R. Toohey  
Senior Transportation Engineer  
State of California, Public Utilities Commission  
Transportation Division  
107 South Broadway, Room 5109  
Los Angeles, CA 990012

4-08 002

RECEIVE  
APR 11 1991  
EMA

Decision 90 10 069 OCT 24 1990

9-10-99

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of )  
the County of Orange to: 1) construct )  
Stonehill Drive, a public street, )  
across the railroad tracks of The )  
Atchison, Topeka and Santa Fe Railway )  
Company, by constructing a 96-foot wide )  
by 237-foot long prestressed concrete )  
overhead crossing, and 2) place a )  
temporary at-grade crossing within )  
the limits of the project site to )  
facilitate a simpler method of )  
construction; in the City of San Juan )  
Capistrano, County of Orange. )

Application 90-06-043  
(Filed June 19, 1990)

O P I N I O N

The County of Orange (County) requests authority to construct a grade separation of Stonehill Drive over the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) San Diego subdivision mainline, in the City of San Juan Capistrano, Orange County.

The overhead would connect with a proposed new bridge over San Juan Creek 1/6 mile west of the tracks. The Stonehill Drive overhead and bridge would provide alternate access between Dana Point and the San Diego Freeway (I-5), now provided by Pacific Coast Highway to the south and Del Obispo Street through downtown San Juan Capistrano to the north. The alternate access will improve traffic circulation and reduce traffic impacts on residential streets adjacent to existing freeway access routes.

County requested authority to use an existing private grade crossing during construction of the overhead, as it is the sole access into the area between the creek and the railroad. County already has a license to use the crossing in its construction and maintenance agreement with AT&SF.

Under its agreement with County AT&SF will provide flagging as crossing protection during the hours of



construction. The Commission can order protection of a hazardous private railroad crossing even though the crossing is used by local landowners, their families, employees, and those having business on the property, rather than the general public (18 CPUC 2nd 526).

The private crossing has been inspected by the Commission's Safety Division Traffic Engineering Section staff. It does not have automatic protection. The crossing is on a dirt lane into a nursery and a landscaping business. Vehicles can only reach the crossing through a private residential driveway marked with "No Trespassing" signs. It appears to have little vehicular use. However, there is significant use by the public of the railroad over the crossing. The AT&SF San Diego subdivision tracks are the route of Amtrak's San Diegans, the 16 intercity passenger trains per day operated by the National Passenger Railroad Corporation.

The Stonehill Drive overhead project retains one option for elimination of this crossing, and creates a second. At an estimated incremental construction cost of \$100,000 the overhead as finally designed spans 51 feet between its west abutment and pier. This retains the option of constructing a road underneath, parallel and west of the tracks, which could connect an established arterial street with the area reached by the private crossing. Stonehill Drive was also designed with an elevated roadway embankment between the overhead and its San Juan Creek bridge. This creates the option of accessing this area from Stonehill Drive itself, should the area be filled and developed.

The staff believes, and we concur, that closure of the private crossing at a time following completion of the construction project would best serve public safety. Because of the increased use of the crossing during construction of the overhead its protection by flagging will be made a requirement of this authority.

After Stonehill Drive is complete this crossing could be made unnecessary with the construction of alternate access as described above. We urge all concerned parties to work together on closing this crossing, and we will require County to report of progress towards this goal.



County is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. County's Environmental Management Agency issued a Negative Declaration and on October 25, 1988, filed a Notice of Determination with the County Clerk which found that "the project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Negative Declaration and Notice of Determination.

The site of the proposed project has been inspected by Safety Division Traffic Engineering Section staff. The staff examined the need for and the safety of the proposed overhead. The staff recommends that the new overhead be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure which relates to the construction of public highways across railroads. Drawings of the overhead are shown in the appendix.

Notice of the application was published in the Commission's Daily calendar on June 25, 1990. No protests have been received. A public hearing is not necessary.

#### Findings of Fact

1. County requests authority under Public Utilities Code Sections 1201-1205 to construct Stonehill Drive grade separation over the tracks of AT&SF's San Diego subdivision, City of San Juan Capistrano, Orange County.

2. The Stonehill Drive grade separation will, with its bridge over San Juan Creek, will improve traffic circulation and reduce traffic impacts on residential streets adjacent to existing access routes between Dana Point and I-5.

3. Public convenience, necessity and safety require construction of the proposed grade separation.

4. During construction a private grade crossing will be used by construction forces working on the overhead to access the area between the tracks and San Juan Creek.

5. Public safety requires that the private crossing be protected by a flagman during the hours of construction.

6. Closure of the private crossing at a time following completion of construction would best serve public safety. ✓

7. County is the lead agency for this project under CEQA, as amended.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Negative Declaration and Notice of Determination.

9. This project will not have a significant effect on the environment.

#### Conclusions of Law

1. The Commission can order protection of a private crossing.
2. The application should be granted as set forth in the following order.

#### ORDER

##### IT IS ORDERED:

1. The County of Orange (County), is authorized to construct the Stonehill Drive grade separation over the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) San Diego subdivision mainline, City of San Juan Capistrano, Orange County, at the location and substantially as shown by plans attached to the application and Appendix A of this order, to be identified as Crossing 2-199.3-A.

2. Clearances shall be in accordance with General Order (GO) 26-D.

3. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.



4. During the hours of construction the existing protection of two Standard No 1-C (GO 75-C) private crossing signs for the private crossing at milepost 199.46 shall be augmented by flagging.

5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans approved by AT&SF, shall be filed with the Commission's Safety Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Within 30 days after completion of the work under this order, County shall notify the Commission's Safety Division staff in writing that the authorized work has been completed.

7. One year after completion of construction County shall file a report with the Commission's Safety Division on progress towards closure of the private crossing. ✓

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

9. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated OCT 24 1990 at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
PATRICIA M. ECKERT  
Commissioners

Commissioner John B. Ohanian,  
being necessarily absent, did  
not participate.

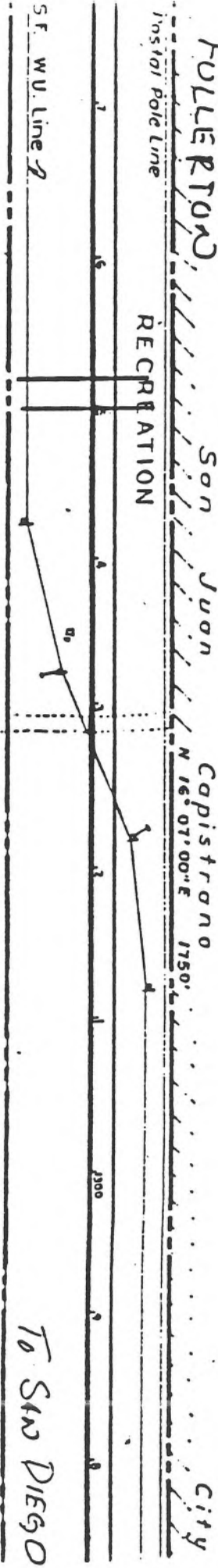
## City

E 16' put. Rd x.  
 M.P. 199+2214 F.  
 E.S. 1305+08,6

1302 + 18

1301 + i8.0

AT SERRA  
SAN DIEGO SUB.



to Face 1304 + 95.0

$$e = 38.6^\circ \text{L} \quad 1304 + 26.0$$

2t.Box 10 L 1303 + 45.4  
10.5" 1303 - 42.7

10.5" L	1303	42.7
12.0" L	1303	31.0

$$e = 17.0^\circ \text{L} \quad 1303 + 21.0$$

9 1307 - 93.5

7 13.7 L 1302 + 82.8



**METROLINK.**

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY  
900 Wilshire Blvd. Suite 1500 Los Angeles, CA 90017

[metrolinktrains.com](http://metrolinktrains.com)

June 21, 2019

City of San Juan Capistrano  
Attn: Sergio Klotz  
Assistant Development Services Director  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675

**RE: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)  
for Ganahl Lumber Company Project**

Dear Mr. Klotz:

The Southern California Regional Rail Authority (SCRRA) has received the NOP for the DEIR for the Ganahl Lumber Company Project. Thank you for the opportunity to comment on key issues relative to SCRRA and operations of the railroad adjacent to the project site. As background information, SCRRA is a five-county Joint Powers Authority (JPA) that operates the regional commuter rail system known as Metrolink. Additionally, SCRRA provides rail engineering, construction, operations and maintenance services to its five JPA member agencies. The JPA consists of the Los Angeles County Metropolitan Transportation Authority (Metro), San Bernardino Associated Governments (SANBAG), Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC) and Ventura County Transportation Commission (VCTC).

The railroad right of way adjacent to the proposed project is operated and maintained by SCRRA and owned by OCTA. There are currently 12 Metrolink trains, 28 Amtrak and 5 BNSF freight trains that operate daily through this corridor Monday through Friday and reduced number of trains on the weekends.

SCRRA is especially interested in the full development of analysis and mitigation measures in the following topic areas:

Transportation impacts

Considerations should be made for improved access from Stonehill Drive down an access road to the site. Due to expected truck traffic this could involve adding a traffic signal at the intersection of Stonehill Drive and the access road paralleling San Juan Creek. The improved access road should also be designed and constructed to allow adjacent property owners (like the Cassidy Bros. Nursery) to utilize the same roadway, which would could potentially eliminate the need for an at-grade crossing of the tracks.

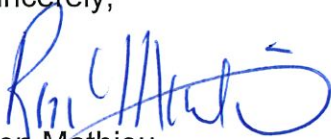


Safety and Security impacts

The project is being built along a very active rail line and should include adequate fencing, walls and protections to preclude trespassing into the rail corridor. SCRRA has right of way encroachment approval procedures, including a Right of Entry process that can be found on our website at [www.metrolinktrains.com](http://www.metrolinktrains.com).

Thanks again for providing us with a copy of this NOP for a DEIR for review. If you have any questions, please me at (213) 452-0456 or via e-mail at [mathieur@scrra.net](mailto:mathieur@scrra.net).

Sincerely,



Ron Mathieu  
Planning Manager II

Cc: Roderick Diaz, SCRRA  
Anh Truong, SCRRA  
Dinah Minter, OCTA



SENT VIA USPS AND E-MAIL:

June 4, 2019

[SKlotz@sanjuancapistrano.org](mailto:SKlotz@sanjuancapistrano.org)

Sergio Klotz, AICP, Assistant Director  
City of San Juan Capistrano, Development Services Department  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675

**Notice of Preparation of a Draft Environmental Impact Report for the Proposed  
Ganahl Lumber Project**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. South Coast AQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send South Coast AQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to South Coast AQMD. Please forward a copy of the Draft EIR directly to South Coast AQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files<sup>1</sup>. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, South Coast AQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

**Air Quality Analysis**

South Coast AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. South Coast AQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from South Coast AQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on South Coast AQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). South Coast AQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

South Coast AQMD has also developed both regional and localized significance thresholds. South Coast AQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results

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<sup>1</sup> Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

to South Coast AQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts. South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found here at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, South Coast AQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by South Coast AQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis.

In the event that the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Guidance<sup>2</sup> on strategies to reduce air pollution exposure near high-volume roadways can be found at: [https://www.arb.ca.gov/ch/rd\\_technical\\_advisory\\_final.PDF](https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF).

### **Mitigation Measures**

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are

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<sup>2</sup> In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's Air Quality and Land Use Handbook: A Community Health Perspective. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 “Mitigating the Impact of a Project” of South Coast AQMD’s *CEQA Air Quality Handbook* South Coast AQMD’s CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- South Coast AQMD’s Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- South Coast AQMD’s Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

### **Alternatives**

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

### **Permits**

If implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. For more information on permits, please visit South Coast AQMD’s webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385.

### **Data Sources**

South Coast AQMD rules and relevant air quality reports and data are available by calling South Coast AQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available at South Coast AQMD’s webpage at: <http://www.aqmd.gov>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that project’s air quality and health risk impacts are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov).

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

# SOUTH COAST WATER DISTRICT

*Partnering With The Community*



## Board of Directors

June 20, 2019

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Mr. Sergio Klotz, AICP  
Asst. Development Services Director  
City of San Juan Capistrano  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675  
Hardcopy by mail and Email to: [SKlotz@sanjuancapistrano.org](mailto:SKlotz@sanjuancapistrano.org)

Subject: Response to Notice of Preparation of Draft Environmental Impact  
Report for Ganahl Lumber Project, City of San Juan Capistrano, CA

Dear Mr. Klotz:

The South Coast Water District (SCWD) appreciates the notification and commends the City of San Juan Capistrano for their efforts with this project. The following consists of SCWD's response to the Public Notice/Notice of Preparation of Draft EIR for the subject Ganahl Lumber Project at 25865 Stonehill Drive, San Juan Capistrano, CA.

SCWD understands that, with this subject project, the City of San Juan Capistrano will install a traffic signalized intersection with left turn lanes, and acceleration/deceleration lanes associated with the proposed entrance to the new Ganahl Lumber site on the north side of Stonehill Drive, on the opposite side of Stonehill Drive from where the existing SCWD access road is located today, east of and running parallel to the San Juan Creek (SJC) channel.

To maximize the overall community benefit, SCWD requests that the entrance to the Ganahl Lumber site be constructed to properly accommodate both the north bound traffic going into the Ganahl Lumber site, as well as the south bound traffic going southerly into the SCWD access road and the SJC 30-acre site. It is further requested that the City of San Juan Capistrano coordinate and work with both SCWD and the City of Dana Point in the layout, design, construction and implementation of a safe, well-coordinated traffic signalization plan for this future signalized intersection on Stonehill Drive associated with this project.

The Initial Study for the project states that the proposed project includes an easement for a two-lane access road extending from southeast side of Area A to the properties immediately south of Stonehill Drive. SCWD requests that the City of San Juan Capistrano arrange for a non-exclusive road, access and utility easement at least 24 feet wide to be granted to SCWD.



and westerly of the existing Orange County Transportation Authority (OCTA) railroad tracks, be built within the existing 50 foot wide easement that is described and set forth in an instrument recorded March 18, 1960 in Book 5151, Page 591 of Official Records, and as described and set forth in an instrument recorded March 18, 1960 in Book 5152, Page 512 of Official Records. It is important to have this proposed access road be an all-weather road, planned and coordinated in conjunction with the existing at-grade, non-controlled railroad crossing that currently exists south of the Stonehill Drive bridge for the benefit of the two private property owners, Harrison property and Cassady property, immediately south of Stonehill Drive.

In addition, SCWD requests that secondary access through the Ganahl Lumber property be granted to SCWD for ingress/egress from/to Stonehill Drive for SCWD. See attached conceptual site plan exhibit prepared by LSA which shows the proposed SCWD access road easement highlighted in green.

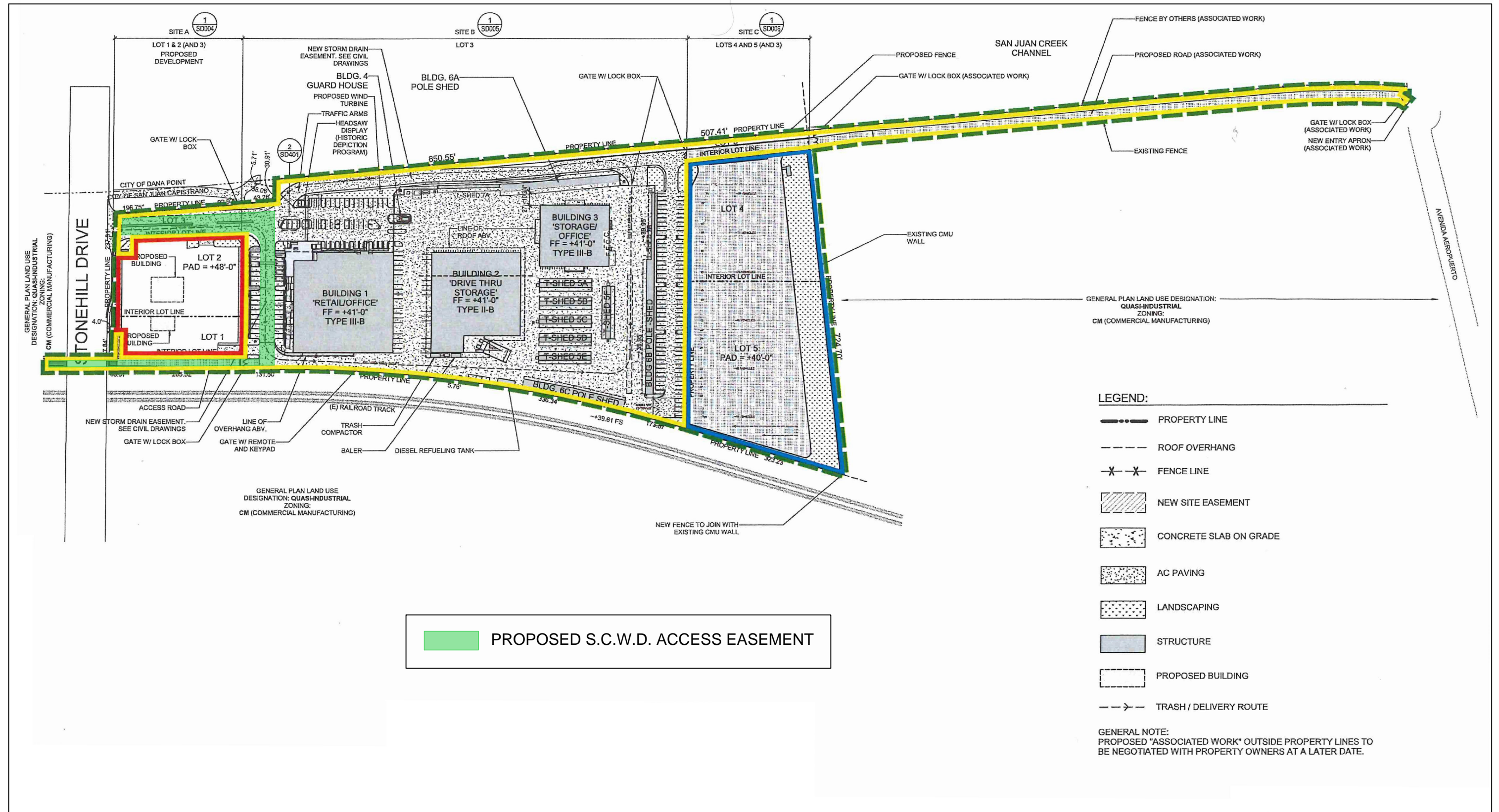
SCWD would also like to know if the City of San Juan Capistrano has any plans for the Ganahl Lumber site property to receive either SCWD potable water service connections or SCWD sanitary sewer connections to service the Ganahl Lumber site. If so, any of these types of utility connections from SCWD to service the Ganahl Lumber site, will require permits from and coordination with SCWD to authorize, build and inspect the appropriate utility connections, if needed.

Sincerely,



Rick Shintaku  
General Manager







TORRES MARTINEZ DESERT CAHUILLA INDIANS

P.O. Box 1160

Thermal, CA 92274

(760) 397-0300 – FAX (760) 397-8146

Date: June 10, 2019

Attn: Sergio Klotz

**Re: Ganahl Lumber Project (APN's 121-253-13 and 15, 121-240-39, -73 and -76)**

Thank you for providing the Torres Martinez Desert Cahuilla Indians with the notification of your project. However after having reviewed the information you have provided and the location of your project it is apparent that you are out of our traditional use area. Therefore we wish to defer to other tribes closer to the project area.

Respectfully,

Michael Mirelez

Cultural Resource Coordinator

Torres-Martinez DCI

Office: 760-397-0300 Ext: 1213

Cell: 760-399-0022

Email: [mmirelez@tmdci.org](mailto:mmirelez@tmdci.org)





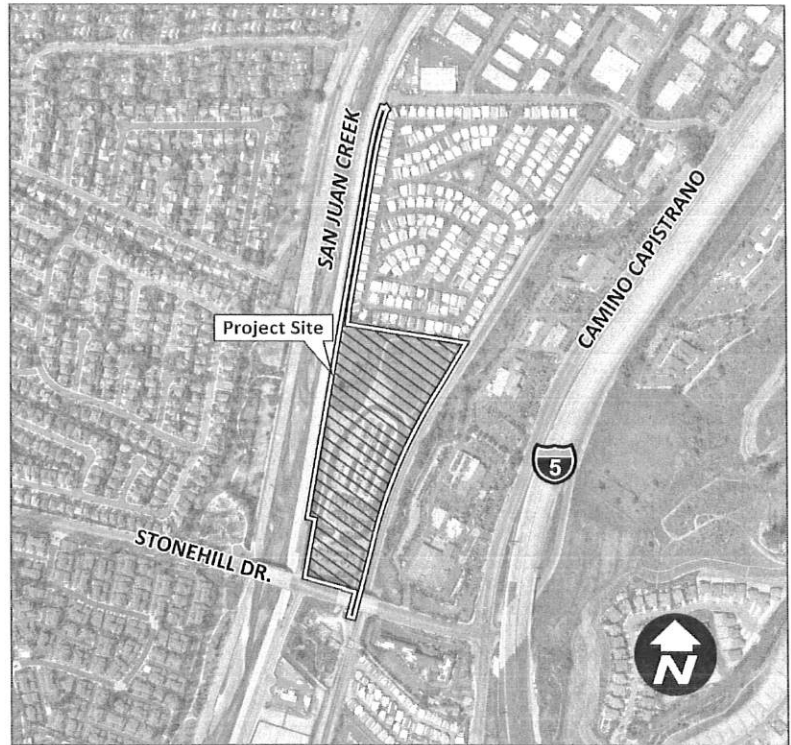
## PUBLIC NOTICE/NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT

**Project:** Ganahl Lumber Project

**Lead Agency:** City of San Juan Capistrano

**Project Applicant:** Ganahl Lumber Company

**PROJECT DESCRIPTION:** The City of San Juan Capistrano (City) is the Lead Agency responsible for preparing an Environmental Impact Report (EIR) addressing potential environmental impacts associated with the Ganahl Lumber Project (proposed project). The proposed project is located at 25865 Stonehill Drive on an approximately 17-acre site comprised of the following Assessor's Parcel Numbers (APNs): 121-253-13 and -15, 121-240-39, -73, and -76, and generally bound by Stonehill Drive to the South and San Juan Creek to the west. Surrounding land uses include a mobile home park to the north; the San Juan Creek Channel and Trail, Creekside Park, and single-family residential uses to the west; the BNSF rail line and automobile dealerships to the east; and a hotel, a mobile home park, and commercial uses south of Stonehill Drive. According to the City's General Plan Land Use Element (1991), a majority of the project site has a land use designation of Quasi-Industrial, and the northernmost portion of the project site has a land use designation of Industrial Park. According to the City's Zoning Map, a majority of the project site is zoned as Commercial Manufacturing (CM), and the northernmost portion of the project site is zoned Mobile Home Park Senior Overlay (MHP-SO). No General Plan amendment or zoning changes would be required to implement the proposed project.



The proposed project involves the development of three separate development areas, described as Areas A, B, and C. Area A would include the future potential development of two drive-through restaurants. Area B would be developed with the Ganahl Lumber hardware store and lumber yard, which would be comprised of 15 structures, including 3 main buildings, a guard house, and 11 sheds. Area C would include a crushed-rock gravel area for long-term vehicle storage; the lot would include 399 parking spaces that would be used by local car dealerships to store excess vehicles. The project proposes a total building area of 166,385 square feet (sf) within Areas A, B, and C, with a majority of the development concentrated within Area B. In addition, the proposed project includes an easement for a two-lane access road extending from Area A to the properties immediately south of Stonehill Drive. A two-lane easement travelling north/south from the northwestern corner of Area C to Avenida Aeropuerto is also proposed; the easement would be located immediately west of the mobile home park adjacent to the project site to provide emergency access to and from the project site to the north.

Required discretionary actions associated with the project include the following: Certification of the EIR; Property Sale and development agreement(s); Amendment of Deed Restrictions/Easements Affecting the Property; Grading Plan Modification; Architectural Control; Floodplain Land Use Permit; Sign Permit Program; and Tentative Tract Map. The following future discretionary approvals would be required from both the Lead Agency and Responsible Agencies: Discretionary Use Permit (DUP)/Conditional Use Permit (CUP) to be approved by the City at a future date; General Construction Activities National Pollutant Discharge Elimination System (NPDES) Permit Order 2009-0009-DWQ as amended, Stormwater Pollution Prevention Plan, and Best Management Practices (BMPs), to be approved by the State