
APPENDIX A

INITIAL STUDY/NOTICE OF PREPARATION

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INITIAL STUDY

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TIRADOR RESIDENTIAL DEVELOPMENT PROJECT CITY OF SAN JUAN CAPISTRANO



LSA

November 2019

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INITIAL STUDY

TIRADOR RESIDENTIAL DEVELOPMENT PROJECT CITY OF SAN JUAN CAPISTRANO



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LIST OF ABBREVIATIONS AND ACRONYMS

AB	Assembly Bill
ADA	American with Disabilities Act
af	acre foot/acre feet
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
Basin	South Coast Air Basin
bgs	below ground surface
BMPs	Best Management Practices
Cal Green Code	2016 California Green Building Standards Code
CalEEMod	California Emissions Estimator Model
CalFire	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CBC	California Building Code
CCR	California Code of Regulations
CDP	Comprehensive Development Plan
CEQA	California Environmental Quality Act
cfs	cubic feet per second
City	City of San Juan Capistrano
CLOMR-F	Conditional Letter of Map Revision Based on Fill
CMP	Congestion Management Program
County	Orange County
CR&R	CR&R Waste and Recycling Services
CUSD	Capistrano Unified School District
cy	cubic yard
DDE	dichlorodiphenyldichloroethylene
du/ac	dwelling units per acre
EIR	Environmental Impact Report
EV	electric vehicle
FEMA	Federal Emergency Management Agency

FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
ft	foot/feet
GHG	greenhouse gas
GPA	General Plan Amendment
gpd	gallons per day
HOA	Homeowner's Association
HRECs	Historical Recognized Environmental Concerns
HVAC	heating, ventilation, and air conditioning
I-5	Interstate 5
J.B. Latham Plant	J.B. Latham Regional Treatment Plant
lbs	pounds
LID	low impact development
LOMR-F	Letter of Map Revision Based on Fill
LOS	level of service
mgd	million gallons per day
MND	Mitigated Negative Declaration
MRZ	Mineral Resource Zones
MS4s	Municipal Separate Storm Sewer Systems
MWD	Metropolitan Water District of Southern California
NCCP/HCP	Natural Communities Conservation Plan/Habitat Conservation Plan
NPDES	National Pollutant Discharge Elimination System
OCFA	Orange County Fire Authority
OCPL	Orange County Public Library
OCSD	Orange County Sherriff Department
OCTA	Orange County Transportation Authority
PC	Planned Community
PCH	Pacific Coast Highway, also known as State Route 1
POTWs	publicly owned treatment works
PRC	Public Resources Code
proposed project	Tirador Residential Development project

PWQMP	Preliminary Water Quality Management Plan
RCP	reinforced concrete pipe
RECS	Recognized Environmental Concerns
RHNA	Regional Housing Needs Assessment
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SDG&E	San Diego Gas and Electric Company
sf	square foot/square feet
SFHA	Special Flood Hazard Area
SOCWA	South Orange County Wastewater Authority
SR-73	State Route 73
SR-74	State Route 74
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TIA	Traffic Impact Analysis
TMDL	Total Maximum Daily Load
tpd	tons per day
TPH	total petroleum hydrocarbons
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
UWMP	Urban Water Management Plan
VHFHSZ	Very High Fire Hazard Severity Zone
VOCs	volatile organic compounds
WDRs	Waste Discharge Requirements
WQMP	Water Quality Management Plan

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1.0 INTRODUCTION

1.1 PURPOSE OF THIS INITIAL STUDY

In accordance with the California Environmental Quality Act (CEQA) and the *State CEQA Guidelines*, this Initial Study has been prepared for the Tirador Residential Development project (hereafter referred to as the “proposed project”) in San Juan Capistrano, California.

This Initial Study has been prepared pursuant to CEQA, as amended (*Public Resources Code* [PRC] Section 21000 et seq.) and in accordance with the *State CEQA Guidelines (California Code of Regulations* [CCR] Section 15000 et seq.). Consistent with *State CEQA Guidelines* Section 15063, this Initial Study includes a description of the proposed project, an evaluation of the potential environmental impacts associated with implementation of the proposed project, and findings from the environmental analysis.

Pursuant to Section 15367 of the *State CEQA Guidelines*, the City of San Juan Capistrano (City) is the Lead Agency for the project. The Lead Agency is the public agency with the principal responsibility for carrying out or approving a project that may have a significant effect on the environment. The City, as the Lead Agency, has the authority for project approval and adoption or certification of the accompanying environmental documentation.

1.2 SUMMARY OF FINDINGS

Based on the Environmental Checklist Form prepared for the project (Chapter 3.0) and supporting environmental analysis (Chapter 4.0), the proposed project would have no impact or less than significant impacts in the following environmental areas: agriculture and forest land resources, mineral resources, population and housing, public services, recreation, and utilities and services. The proposed project has the potential to have significant impacts on the following topics: aesthetics, biological resources, cultural resources, energy, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, land use, noise, traffic, and tribal cultural resources.

According to the *State CEQA Guidelines*, it is appropriate to prepare an Environmental Impact Report (EIR) for the proposed project because there is substantial evidence that the proposed project may result in a significant impact on the environment.

1.3 ORGANIZATION OF THE INITIAL STUDY

The Initial Study organized into sections, as described below.

- **Chapter 1.0: Introduction.** This chapter provides an introduction and overview of the conclusions in the Initial Study.
- **Chapter 2.0: Environmental Setting and Project Description.** This chapter provides a brief description of the project location, relevant background information, and a description of the

existing conditions of the project site and vicinity. This chapter also provides a description of the proposed project and necessary discretionary approvals.

- **Chapter 3.0: Environmental Factors Potentially Affected.** This chapter provides a list of the environmental factors that would be potentially affected by this project and a determination by the City as to the appropriate environmental document.
- **Chapter 4.0: Environmental Checklist and Discussion of Environmental Checklist Questions.** This chapter contains an analysis of environmental impacts identified in the environmental checklist and identifies mitigation measures that have been recommended to eliminate any potentially significant effects or to reduce them to a level considered less than significant.
- **Chapter 5.0: References.** This chapter identifies the references used to prepare the Initial Study.

1.4 CONTACT PERSON

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

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2.0 ENVIRONMENTAL SETTING AND PROJECT DESCRIPTION

2.1 INTRODUCTION

The proposed project includes the construction of a 132-unit residential development consisting of 43 two-story detached single-family units and 89 three-story attached townhome units. Amenities provided throughout the residential development would include a gathering area with barbeques, seating, a shade structure, an open play turf area, play equipment, a dog waste station, trash receptacles, and a multi-purpose pedestrian, bicycle, and equestrian trail.

2.2 EXISTING CONDITIONS

2.2.1 Project Location and Site Description

The proposed project is located on an approximately 16.1-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 Cities of Mission Viejo and Laguna Niguel to the north, the Cities of Laguna Niguel and Dana Point to the west, and the City of San Clemente to the south, as well as unincorporated County land to the east.

As shown on Figure 2.1, Regional Project Location (all figures follow at the end of this chapter), regional access to the project site is provided by Interstate 5 (I-5), State Route 73 (SR-73), State Route 74 (SR-74, also known as Ortega Highway), and Pacific Coast Highway (PCH, also known as State Route 1). The I-5 freeway bisects the central portion of the City in a north-south direction and is directly adjacent to the west of the project site; SR-73 extends in an east-west direction in the northern portion of the City and is located approximately 3.2 miles northwest of the project site; Ortega Highway extends in an east-west direction approximately 0.2 mile north of the project site; and PCH extends in a north-south direction and is approximately 2.8 miles south of the project site.

2.2.2 Project Vicinity and Surrounding Land Uses

The project site is comprised of the following Assessor's Parcel Numbers (APNs): 666-131-07, -08,¹ -09, -13, -14, -15, and -16. The project site is bordered on the north by Calle Arroyo, with commercial and institutional uses located beyond. El Horno Creek (a tributary of San Juan Creek) and San Juan Creek are adjacent to the south of the project site; a portion of the San Juan Creek Trail is located along the southern portion of the project site. The San Juan Hills Golf Club and multi-family residential developments are located further south of the project site. Paseo Tirador is located along a portion of the eastern boundary of the project site with the Ortega Equestrian Center located further east. The I-5 freeway forms the western boundary of the project site with the Del Obispo Shopping Center located beyond. A detailed project vicinity map is shown on Figure 2.2, Project Vicinity.

¹ APN 666-131-08 is owned by the City of San Juan Capistrano.

2.2.3 Existing Project Site

The project site is located on the south side of Calle Arroyo, adjacent to a 24 Hour Fitness facility located directly northwest of the site. The project site is irregular in shape and is currently undeveloped and vacant. As such, the existing project site is primarily characterized by dirt and scattered ruderal vegetation and is relatively flat with a slight slope to the east/southeast. The eastern portion of the project site, which is the lowest topographic area on site, is adjacent to San Juan Creek and El Horno Creek and associated trails and vegetation. In addition, there are two existing wells located on the project site. The City-owned parcel, APN 666-131-08, contains an active well that will remain in use upon project implementation. The City-owned well includes a parking area that is typically used by visitors to the creek area. A privately owned, inactive well is located on APN 666-131-13 and will remain inactive upon project implementation.

In its existing condition, access to the northwestern portion of the site is restricted due to the presence of a chain-link fence along the perimeter. However, the San Juan Creek Trail is publicly accessible; the trail begins at the intersection of Calle Arroyo and Paseo Tirador, traverses the project site in a southwest direction, and terminates at the Pacific Ocean in the City of Dana Point. Refer to Figure 2.3, Existing Site Photos, for current photographs of the project site.

2.2.4 Existing General Plan and Zoning

As shown on Figure 2.4, Existing Land Use Map, the project site has a General Plan land use designation of Planned Community. According to the City's General Plan Land Use Element (1991), the Planned Community land use designation denotes large areas of land under common ownership for the detailed planning and development of residential, commercial, industrial, institutional, recreational, or open space uses.

Existing land uses surrounding the project site include office, commercial, and religious uses in the Ventanas Business Center to the north; Assisted Care Facilities and the Ortega Equestrian Center to the northeast and east; General Open Space and Open Space Recreational to the south and southeast; and General Commercial to the west (across I-5).

As shown on Figure 2.5, Existing Zoning Map, the project site is zoned as a Planned Community District associated with the adopted Ortega Planned Community Comprehensive Development Plan (CDP 78-01). The purpose of the Planned Community zone is to encourage the use of modern land planning and design techniques to create developments integrating a mixture of different types of land uses.

Existing zoning classifications surrounding the project site include Planned Community District (CDP 78-01) to the north and northeast (same zoning classification as the project site), Public and Institutional District and Office Commercial District to the south, General Open Space and Open Space Recreational to the south and southeast, and General Commercial to the west (across I-5).

2.2.5 Project History and Background

On May 6, 2008, the San Juan Capistrano City Council adopted a resolution that certified the Final EIR and approved preliminary development plans for the proposed Ventanas Business Center for a

19.43-acre property that included the subject project site. The Ventanas Business Center project consisted of 11 proposed buildings totaling 225,000 gross square feet (sf). Following the approval of the Ventanas Business Center project, the City identified the subject property site as being suitable for high-density housing, and for inclusion in the City's 2014–2021 Housing Element as a site that could accommodate affordable housing (230 very-low-income units).

In January 2014, the City adopted a Mitigated Negative Declaration (MND) and approved a General Plan Amendment (GPA), a Code Amendment to the Ortega Planned Community Comprehensive Development Plan (CDP) 78-01, and a Rezone to change the zoning of the subject property to allow for Very High Density residential development (18.1-30.0 dwelling units per acre [du/ac]) as part of Planning Sector B-3 of CDP 78-01. In conjunction with the GPA, the site was identified in the City's Housing Element as a site that could accommodate 230 very-low-income housing units.

In September 2016, the City Planning Commission approved an Addendum to the Final EIR for the Ventanas Business Center and approved a health club facility (24 Hour Fitness) on a 2.65-acre portion of the previous Ventanas Business Center project site. The health club facility project consisted of a two-story building totaling 38,000 sf of floor area and associated parking. The 24 Hour Fitness was constructed and is currently operating.

2.3 PROPOSED PROJECT

As shown on Figure 2.6, Conceptual Site Plan, the proposed project includes the construction of a 132-unit residential development consisting of 43 two-story detached single-family units (ranging from 1,720 to 1,890 sf) and 89 three-story attached townhome units (ranging from 1,250 to 1,850 sf). Each unit would include a private driveway and a two-car garage. Figure 2.7, Floor Plans: Single Family Homes, and Figure 2.8, Floor Plans: Townhomes, show the proposed floor plan details for each type of residence.

As shown in Table 2.A, below, a total of 229,591 sf of residential building area is proposed on the project site.

The project site would be divided by unit type, with single-family units and townhomes constructed on the eastern and western portions of the site, respectively. The residential density of the proposed project would total 8.2 du/ac, which is substantially lower than the maximum density of 30.0 du/ac allowed on the site under CDP 78-01. In addition, the proposed lot coverage would total 13 percent of the site, which is substantially lower than the maximum lot coverage of 35 percent allowed under CDP 78-01.

In total, 14 of the townhomes, or approximately 10.6 percent of the total units, would be considered affordable. Affordable units would be 1,250 sf in size and would contain 2 bedrooms, a den, and 2.5 bathrooms.

Amenities provided throughout the residential development include a gathering area with barbeques, seating, and a shade structure, an open play turf area, play equipment, a dog waste station, and trash receptacles.

Table 2.A: Proposed Residential Uses

Floor Plan	Description	Gross Area per Unit	Proposed Number of Units	Total Gross Area
Single-Family Units				
Floor Plan P1	3 bd/2.5 bath	1,720 sf per unit	7 units	12,040 sf
Floor Plan P1-CAL	3 bd/2.5 bath	1,745 sf per unit	8 units	13,960 sf
Floor Plan P2	4 bd/2.5 bath	1,751 sf per unit	7 units	12,257 sf
Floor Plan P2-CAL	4 bd/2.5 bath	1,757 sf per unit	7 units	12,299 sf
Floor Plan P3	4 bd/2.5 bath	1,890 sf per unit	7 units	13,230 sf
Floor Plan P3-CAL	4 bd/2.5 bath	1,850 sf per unit	7 units	12,950 sf
Total Single-Family Units			43 units	76,736 sf
Townhomes				
Floor Plan 1 ¹	2 bd & den/2.5 bath	1,250 sf per unit	14 units	17,500 sf
Floor Plan 2	3 bd & den/3.5 bath	1,755 sf per unit	33 units	57,915 sf
Floor Plan 3	3 bd & den/3.5 bath	1,830 sf per unit	13 units	23,790 sf
Floor Plan 3E	3 bd & den/3.5 bath	1,850 sf per unit	29 units	53,650 sf
Total Townhomes			89 units	152,855 sf
Total Proposed Residential			132 units	229,591 sf

Source: Project Information (Withee Malcolm Architects, LLP, November 13, 2018).

¹ Floor Plan 1 townhome units would be affordable units.

bd = bedrooms

sf = square footage, square feet

As part of the project, a 20-foot (ft)-wide multi-purpose pedestrian, bicycle, and equestrian trail would be constructed along the project site's southern boundary; the pedestrian/bicycle and equestrian portions of the trail would each be approximately 10 ft wide and separated by wooden fencing. Amenities proposed along the multi-purpose trail include a gathering area with barbecues, seating, a shade structure, a climbing boulder, a wishing well, an open play turf area with benches, an equestrian hitching post, exercise stations, bicycle racks, drinking fountains, and trash receptacles.

2.3.1 Building Design

As stated above, the project would involve construction of a 132-unit residential development consisting of 43 two-story detached single-family units and 89 three-story attached townhome units, parking, a multi-purpose trail, and amenities. Figure 2.9, Building Elevations: Single Family Homes, and Figure 2.10, Building Elevations: Townhomes, show the details of the proposed building elevations for both types of residences. The project would be designed with Spanish- and Farmhouse-style architectural influences. However, both designs would feature contemporary architectural elements, multi-level rooflines, and a complementary color scheme.

As shown, the Spanish-style and Farmhouse-style single-family units would be a maximum of 25 ft and 28.5 ft in height, respectively. The Spanish-style units would feature tile roofs and accents, wrought-iron window planters, painted exteriors, steel garage doors, and a cement plaster exterior finish. The Farmhouse-style units would feature asphalt shingle roofing, wooden window planters and trim, horizontal siding, steel garage doors, and a cement plaster exterior finish.

The townhomes would incorporate similar design features as those described above. As shown on Figure 2.10, the proposed townhomes would be designed with contemporary architectural elements, multi-level rooflines, and a complementary color scheme. The Spanish-style and Farmhouse-style townhomes would be a maximum of 35 ft and 40 ft in height, respectively, and would be situated in rows of three, four, five, and six units. Heating, ventilation, and air conditioning (HVAC) equipment would be installed on the roofs of the buildings and would be screened or shielded from view. Distances between buildings would range from 15 to 29 ft.

2.3.2 Landscaping and Fencing

As illustrated on Figure 2.11, Conceptual Landscape Plan, the project would incorporate ornamental landscaping along Calle Arroyo and Paseo Tirador, along the site's boundary shared with 24 Hour Fitness, and along the site's southern boundary. The project would also include decorative landscaping and monument signage near the three access points to demarcate these areas as entrance points to the property. A variety of 24- and 36-inch box trees, shrubbery, and groundcover would be provided throughout the project site. Additionally, the project would include two open play turf areas. Landscaping proposed along the internal access roads, the perimeter of the site, at entry monuments, and along the multi-purpose trail would serve to establish the character of the project site.

Section 9-3.301, Residential Districts, of the City's Municipal Code, stipulates that residential developments include a minimum of 200 sf of common open space per unit. The project would provide 44,131 sf of common recreational open space, which is substantially greater than the 26,400 sf of open space required by the Municipal Code.

Currently, recycled water service is unavailable at the project site; however, in conjunction with project implementation, off-site public recycled water improvements would allow recycled water service to be extended to the project site. As part of the project, private recycled water lines would be installed on the site and would provide irrigation to common landscaped areas.

Water conservation features would include the use of smart controllers (including solar and rain sensors to turn off irrigation in instances of rain and flow sensors and master valves to turn off irrigation in instances of line failure), a drip irrigation system, and a 3-inch layer of mulch to regulate soil temperature.

Figure 2.12, Conceptual Wall and Fence Plan, shows the details of these project features. The project would include a block wall that would be 5.5 ft in height to separate the residential development from the 24 Hour Fitness facility and to visually screen the private rear yards from Calle Arroyo and Paseo Tirador. Single-family units in the interior of the site would include vinyl privacy fences (also 5.5 ft in height) around the perimeter of rear private yards. Townhomes would include courtyard walls 3.5 ft in height around the perimeter of rear yards. As stated above, a 3.5 ft wooden two-rail fence would separate the pedestrian/bicycle and equestrian portions of the multi-purpose trail. A soundwall ranging from approximately 8.5 to 21 ft in height would be located along the project site's western boundary in order to screen the residential development from the I-5 freeway noise.

2.3.3 Access and Parking

Access to the project site would be provided via three driveways on Calle Arroyo. One fire department access point would connect to the 24 Hour Fitness parking lot; this access point would be used for emergency access only and secured with a gate. Paseo Tirador, an existing street within the project site, would be extended to the southwesternmost portion of the site and would be utilized as the main street serving the development. The City has vacated Paseo Tirador, and it will become a private road as part of the proposed development. Multiple roads providing access to individual units would connect to Paseo Tirador and, in some cases, Calle Arroyo.

As part of the project, a multi-purpose pedestrian, equestrian, and bicycle trail would be constructed along the project site's southern boundary. The multi-purpose trail would connect to the existing sidewalk along Calle Arroyo directly east of the project site, traverse along the site's southern boundary, and connect to the existing San Juan Creek Trail southwest of the site.

As shown in Table 2.B, the proposed project would be consistent with the City's parking requirements (refer to Section 9-3.535, Parking, in the City's Municipal Code).

Table 2.B: Project Parking

Use	Size	City's Minimum Parking Requirements	Required Number of Parking Spaces	Proposed Number of Parking Spaces	Surplus/ (deficit)
Single-Family Residential	43 units	2 covered spaces per unit (43 units x 2 spaces)	86	86	0
		0.8 guest space per unit (43 units x 0.8 space)	34	53	19
Single-Family Residential Parking			120	139	19
Multi-Family Residential	89 units	2 covered spaces per unit (89 units x 2 spaces)	178	178	0
		0.8 guest space per unit (89 units x 0.8 space)	71	72	1
Multi-Family Residential Parking			249	250	1
Total Residential Parking			369	389	20

Sources: Parking Summary Exhibit (IBI Group, March 2018) and Section 9-3.535, Parking (City of San Juan Capistrano Municipal Code).

The proposed project would require a minimum of 369 parking spaces, including 120 single-family unit spaces and 249 townhome spaces. As shown in Table 2.B, the project would provide a total of 389 on-site parking spaces, including 139 single-family unit spaces and 250 townhome spaces. Five guest spaces would be Americans with Disabilities Act (ADA) accessible, including one van-accessible space and four standard spaces. To comply with the 2019 California Green Building Standards Code (CalGreen Code), 8 of the 72 multi-family guest stalls would be capable of supporting future electric vehicle (EV) connections. The project would satisfy the City's parking requirements and would provide a surplus of 20 parking spaces on the project site. Therefore, adequate parking would be provided for the project site.

Project approval will be subject to a Lot Line Adjustment. As a result, visitor parking spaces near the well would become part of the project site. The well would remain on the City-owned parcel.

2.3.4 Public Transit

Transit service is provided within the project vicinity by the Orange County Transportation Authority (OCTA). Specifically, OCTA runs Route 91 within the project vicinity, originating in Laguna Hills at the Laguna Hills Mall and ending in San Clemente at the Metrolink Station. Within the project vicinity, Route 91 runs along Del Obispo Street, which is approximately 0.4 mile west of the project site.

In addition, Amtrak and Metrolink provide service in close proximity to the project site. Specifically, Amtrak's Pacific Surfliner and Metrolink's Inland Empire-Orange County and Orange County lines run along railroad tracks, with a station located approximately 0.4 mile west of the project site at 26701 Verdugo Street.

2.3.5 Lighting

Currently, there is no existing lighting on the project site. Existing lighting adjacent to the project site is limited to one streetlight at the end of Calle Arroyo and parking lot lighting associated with the 24 Hour Fitness facility. Outdoor lighting included as part of future development on the project site would be typical of residential uses (e.g., wall-mounted lighting, pole-mounted streetlights, and security lighting along pathways). Accent lights would also be incorporated to highlight landscape focal points and directional monument signs. All outdoor lighting would be directed downward and shielded to minimize off-site spill. Additionally, the location of all exterior lighting would comply with lighting standards established in Section 9-3-529 of the City's Municipal Code. Figure 2.13, Photometric Plan, shows the details of the project's lighting plan.

2.3.6 Proposed General Plan and Zoning

As stated previously, the project site has a General Plan land use designation of Planned Community. The proposed project would not require a General Plan Amendment.

The project site is identified in the City's General Plan 2014–2021 Housing Element (January 2014) as accommodating 230 very-low-income units. The proposed project includes 118 market-rate units and 14 moderate-income affordable units on the site. As such, the project would result in 216 fewer units by income category for the site than identified in the City's Housing Element. Senate Bill (SB) 166, which went into effect on January 1, 2018, requires a local jurisdiction to ensure that its Housing Element inventory can accommodate at all times its remaining unmet Regional Housing Needs Assessment (RHNA). At no time during the 2014–2021 Housing Element planning period shall a local jurisdiction permit or cause its inventory of sites to be insufficient to meet its remaining unmet share of the RHNA for lower- or moderate-income households. Therefore, to ensure compliance with SB 166, the Applicant and the City will identify a separate site within the City to accommodate the "net loss" of affordable housing units that would result from the proposed development of the site.

As mentioned previously, the project site is governed by CDP 78-01. Based on the provision of affordable housing units, and as allowed under the City's affordable housing bonus program, the Applicant may request concessions and/or variances to the CDP 78-01 Development Standards for the items below. Alternatively, the Applicant may pursue a Specific Plan for the property with development standards that allow the following items:

1. Allow zero ft setbacks for structures from City parcel lines where the existing water well is located;
2. Allow the maximum 2nd floor/1st floor ratio to exceed 80 percent;
3. Allow the minimum distance between buildings to be less than 20 ft (10 ft); and
4. Exempt the project from providing recreational vehicle parking spaces.

2.3.7 Construction Duration, Phasing, and Grading

Figure 2.14, Conceptual Grading Plan, shows the details of project grading. Construction activities of the proposed project would include the grading and excavation of the site; construction of the building area; and installation of landscaping on the project site. Construction of the proposed project is anticipated to be completed within a period of approximately 20 months. Land development, which would include grading, utility relocation and installation, construction of retaining walls, and street improvements, would occur in approximately 195 days. Building production would occur in approximately 280 days and would consist of four phases (model construction would occur during the first phase). The first phase of single-family units has an anticipated completion date of March 2022, while the first phase of townhomes has an anticipated completion date of May 2022.

Construction of the proposed project would require a net import of approximately 17,950 cubic yards (cy) of material. 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.

2.3.8 Infrastructure Improvements

The project site receives domestic water service, sewer service, and storm drain service from the City of San Juan Capistrano Utilities Department. Figure 2.15, Conceptual Utility Plan, shows the details of the infrastructure plan. The following infrastructure improvements are proposed as part of the project:

- **Water:** The project site receives domestic water service from the City of San Juan Capistrano Utilities Department. The project would include the installation of a new 4-inch private water line along Paseo Tirador and other internal roads, which would connect to an existing 16-inch public water line on Calle Arroyo north of the project site. In addition, the project would replace an existing 12-inch public water line with a new 16-inch public water line adjacent to the I-5 freeway at the project site's western boundary. The proposed 4-inch private water line would

connect to the proposed 16-inch public water line. Existing water lines are transmission lines and must be relocated or protected in place, allowing access for future repair and replacement by the City. Private water lines proposed as part of the project would connect to main lines using a meter and backflow device.

- **Recycled Water:** The project site is not currently served by recycled water. However, in conjunction with project implementation, a public recycled water line would be installed off site in the roadway along Calle Arroyo alongside existing water and sanitary sewer lines. The 6-inch recycled water line would connect to an existing 6-inch line at the intersection of Calle Arroyo and Rancho Viejo Road and connect to the project site at the intersection of Calle Arroyo and Paseo Tirador. As part of the project, recycled water lines would be installed on site and connect to the proposed 6-inch line at Calle Arroyo and Paseo Tirador. Recycled water would irrigate common landscaped areas on the project site.
- **Well Water:** The City owns a private well directly adjacent to the project site. As part of the project, a new 8-inch well line would be installed between the residential development and the creek area; it would begin at the existing 8-inch well line at the water well and connect to an existing 8-inch well line adjacent to the I-5 freeway at the project site's western boundary.
- **Sewer Service:** As part of the project, a 6-inch sanitary sewer line would be installed within all internal roads serving the residential uses and connect to an existing 15- to 18-inch sanitary sewer line within Paseo Tirador. In addition, the project would involve upsizing an existing 15-inch public sanitary sewer line to an 18-inch line adjacent to the I-5 freeway at the project site's western boundary. All proposed sewer connections would require a drop manhole.
- **Storm Drains:** Stormwater runoff from the project site currently outflows to San Juan Creek via an existing 27-inch stormdrain pipe at the southwestern corner of the project site, and the Horno Creek Channel at the southeastern side of the project site. As part of the project, storm drains would be installed throughout the center of the project site. All on-site runoff from the westerly portions of the project site would flow from catch basins to a subsurface water quality detention facility, located adjacent to I-5 within an open space area, to the existing 27-inch stormdrain pipe. Additionally, an existing swale running along the I-5 freeway would convey runoff from the westerly portions of the project site to the existing 27-inch stormdrain pipe, which would eventually be conveyed into San Juan Creek. All on-site runoff from the easterly portions of the proposed development would be conveyed to a Modular Wetlands System, which is a stormwater biofiltration system proposed at various locations on the project site, prior to converging into Horno Creek Channel.

2.3.9 Conservation and Sustainability Features

Future development facilitated by project approval would be consistent with the CalGreen Code and would include the following sustainability features:

- 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

2.4 DISCRETIONARY PERMITS, APPROVALS, OR ACTIONS REQUIRED

In accordance with Sections 15050 and 15367 of the *State CEQA Guidelines*, the City is the designated Lead Agency for the proposed project and has principal authority and jurisdiction for CEQA actions. Responsible Agencies are those agencies that have jurisdiction or authority over one or more aspects associated with the development of a proposed project and/or mitigation. Trustee Agencies are State agencies that have jurisdiction by law over natural resources affected by a proposed project.

The project will require a number of discretionary actions for full implementation. Required discretionary actions include the following: Certification of the EIR, Code Amendment to create a Specific Plan, Affordable Housing Concessions and/or Variances, Architectural Control, Grading Plan Modification, Floodplain Land Use Permit, and Tentative Tract Map. Furthermore, a Development Agreement will be executed between the City and the Applicant. Discretionary actions associated with the proposed project are described in further detail below.

2.4.1 Certification of the Environmental Impact Report

The City would be required to certify the EIR to comply with CEQA and the *State CEQA Guidelines*.

2.4.2 Code Amendment to Adopt a Project Specific Plan

The Applicant may pursue the adoption of a Specific Plan that encompasses the project area. The Specific Plan would contain development standards consistent with the proposed project.

2.4.3 Affordable Housing Concessions and/or Variances

Under the State Density Bonus Law and the San Juan Capistrano Municipal Code Section 9-3.505, the provision of at least 10 percent of the units for moderate income households allows the City to grant one concession to the site development standards, zoning code requirements, or architectural design requirements that exceed the minimum building standards. Variances may be applicable to sites which demonstrate that there are special circumstances applicable to the property such that strict application of the Municipal Code would deprive the property of privileges enjoyed by other properties in the vicinity, and that granting a variance will not constitute a special privilege inconsistent with the limitations on other properties in the vicinity.

2.4.4 Architectural Control

Preliminary review of the site plan, architectural design, lighting, site amenities, and landscaping was conducted by the City's Design Review Committee on March 8, 2018. The City's Design Review Committee directed the Applicant to revise the project's architecture to include additional details, movement, and design features in order to justify the project's three-story height and overall maximum height (e.g., the proposed maximum height of 40 ft rather than the allowable maximum building height of 35 ft). The revised site plan, the structural architectural design, the lighting plans, site amenities, and landscaping plan were subsequently reviewed by the Design Review Committee on July 19, 2018. The Design Review Committee conceptually approved the design of the revised plans. The site plan is required to undergo the Architectural Control review process.

2.4.5 Grading Plan Modification

The proposed project would require approval of a Final Grading Plan and proposed elevations. The Final Grading Plan would address mass grading activities that are anticipated throughout the site. The grading modification application is a process to ensure that grading modifications on a previously graded site are consistent with the City's General Plan, Municipal Code, and other adopted governing documents. In addition, the grading modification application process ensures that the proposed grading would be compatible with adjacent lots and would not result in adverse impacts following implementation.

2.4.6 Floodplain Land Use Permit

According to Federal Emergency Management Agency (FEMA) Flood Maps, the southeastern portion of the project site falls within the flood Zone AE, which is identified as a Special Flood Hazard Area.² The proposed project would require review and evaluation of any potential impacts related to identified floodplains and both San Juan Creek and El Horno Creek through review of a Floodplain Land Use Permit.

The project will also require a Conditional Letter of Map Revision Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F) from FEMA to revise the FEMA Flood Insurance Rate Map (FIRM) maps to reflect the proposed condition.

2.4.7 Tentative Tract Map

The proposed project would require review of the proposed subdivision of the property to accommodate the planned single-family homes and townhome units.

2.4.8 Development Agreement

The proposed project would require a Development Agreement between the City and the Applicant to establish the terms, conditions, and regulations for development of the property.

² Federal Emergency Management Agency (FEMA). Flood Maps 06059C0506J and 06059C0507J (effective December 3, 2009). Website: <https://msc.fema.gov/portal/home> (accessed November 2, 2018).

2.5 PROBABLE FUTURE ACTIONS BY RESPONSIBLE AGENCIES

Because the proposed project also involves approvals, permits, or authorization from other public agencies, these public agencies are “Responsible Agencies” under CEQA. Section 15381 of the *State CEQA Guidelines* defines Responsible Agencies as public agencies other than the Lead Agency that will have discretionary approval power over the proposed project or some component of the project, including mitigation. These public agencies include, but are not limited to, the public agencies identified in Table 2.C, below.

Table 2.C: Probable Future Actions by Responsible Agencies

Responsible Agency	Action
Orange County Fire Authority (OCFA)	Fire Master Plan
Federal Emergency Management Agency (FEMA)	The project will require a Conditional Letter of Map Revision Based on Fill (CLOMR-F) and a Letter of Map Revision Based on Fill (LOMR-F) from FEMA to revise the FEMA FIRM maps to reflect the proposed condition.
San Diego Regional Water Quality Control Board (RWQCB)	The Applicant must obtain coverage under the San Diego RWQCB’s <i>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</i> (Order No. R9-2013-0001, NPDES No. CAS010266, as amended by Order No. R9-2015-0001) (South Orange County MS4 Permit).

FIRM = Flood Insurance Rate Map

2.6 OTHER MINISTERIAL CITY ACTIONS

Ministerial permits/approvals (e.g., lot line adjustment, grading permits, curb cuts, and building permits) would be issued by the City or other appropriate agency.

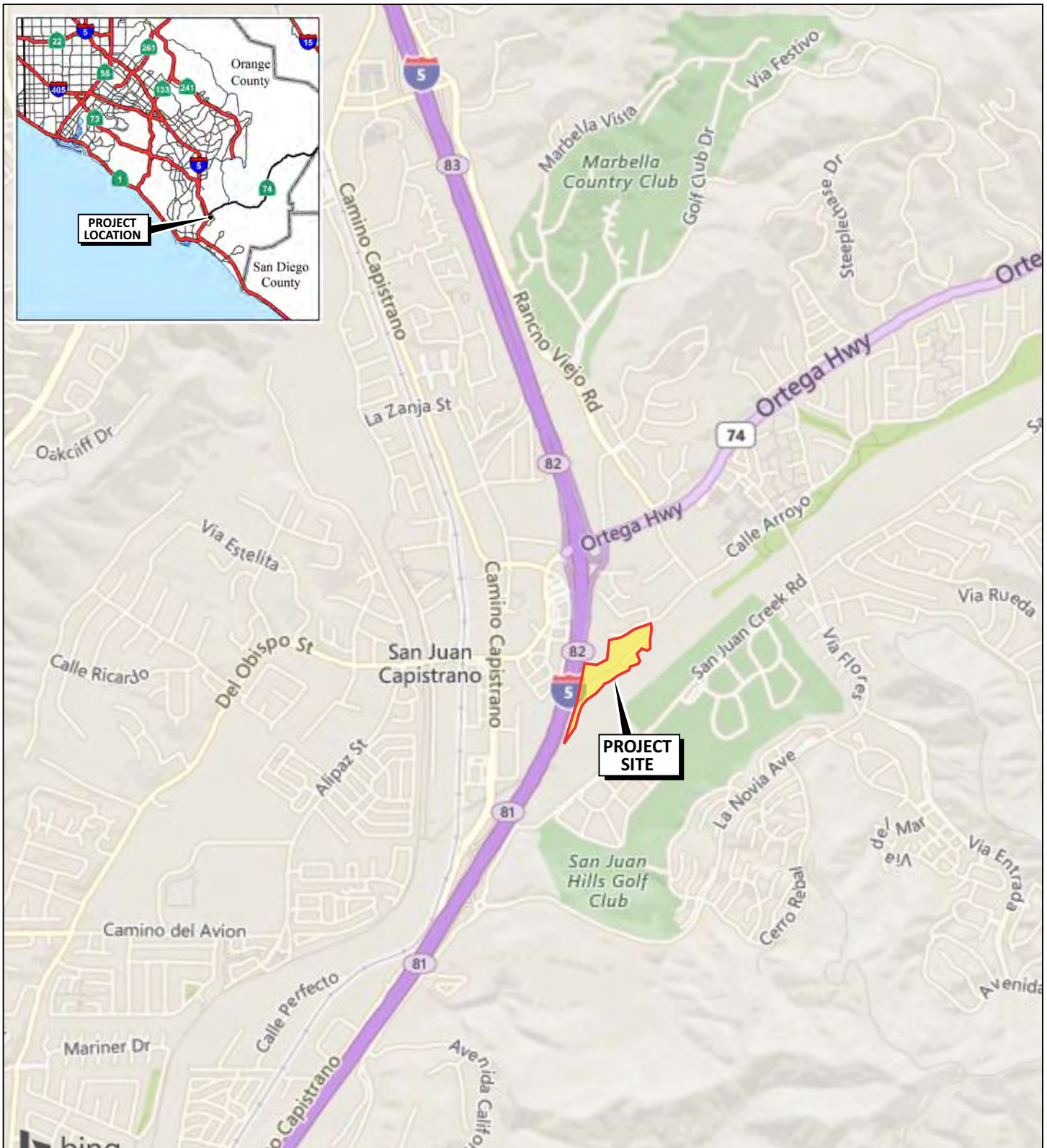
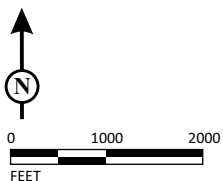


FIGURE 2.1

LSA



SOURCE: Bing Maps

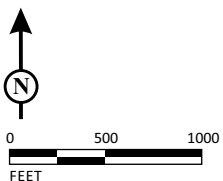
Tirador Residential Development Project
Regional Project Location

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FIGURE 2.2

LSA



SOURCE: Bing Maps, ESRI

I:\JCA1802\G\Project Vicinity.cdr (12/11/2018)

Tirador Residential Development Project
Project Vicinity

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View looking southeast from Calle Arroyo.



View looking southwest from Calle Arroyo.



View looking west from Calle Arroyo.



View looking west from intersection of Paseo Tirador and Calle Arroyo.

LSA

FIGURE 2.3

Tirador Residential Development Project
Existing Site Photos

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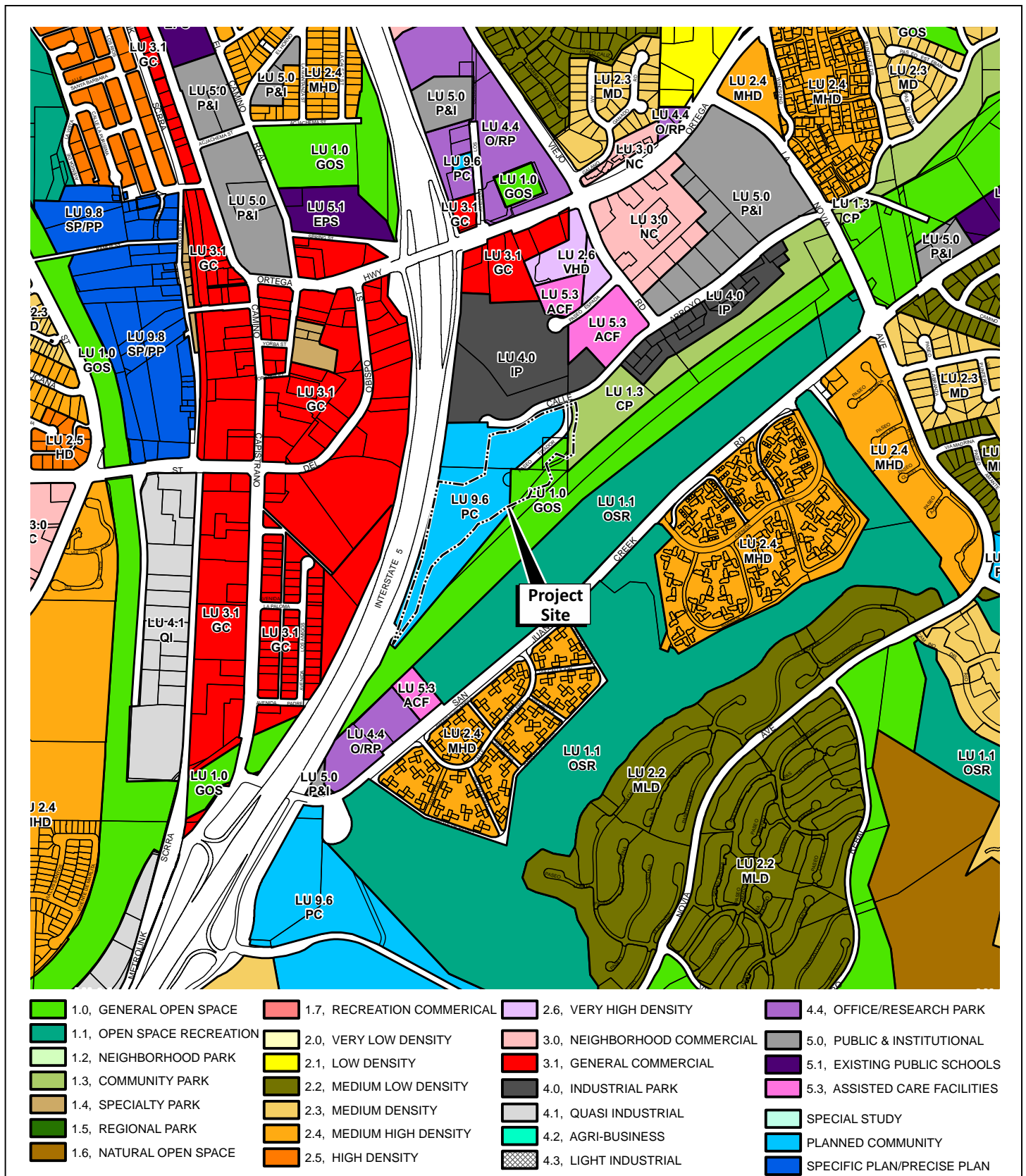
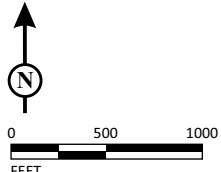


FIGURE 2.4

LSA



SOURCE: City of San Juan Capistrano
I:\CA1802\G\Existing Land Use.cdr (1/9/2019)

Tirador Residential Development Project
Existing Land Use Map

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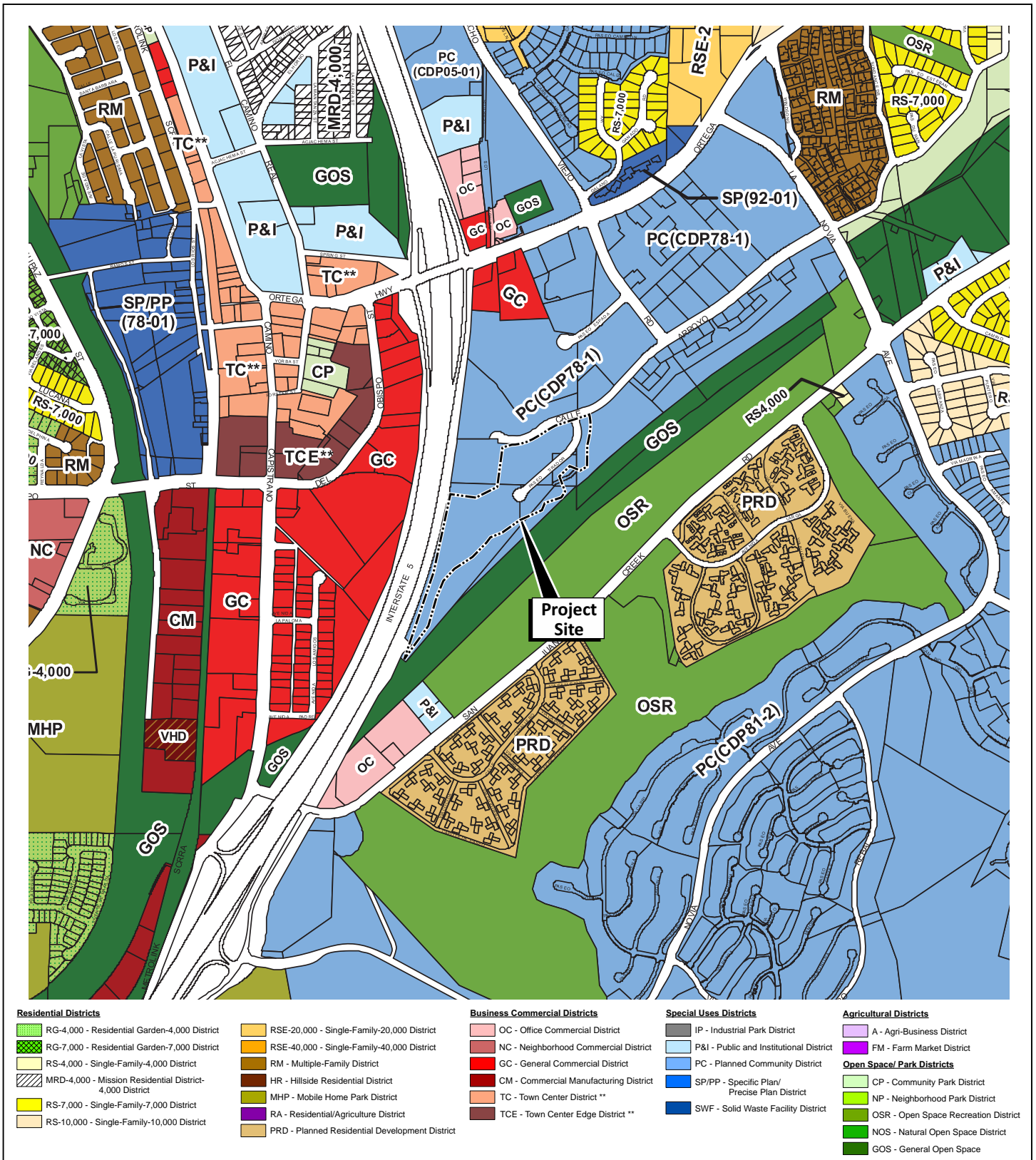


FIGURE 2.5

LSA



0 500 1000
FEET

SOURCE: City of San Juan Capistrano

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Tirador Residential Development Project
Existing Zoning Map

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FIGURE 2.6

LSA



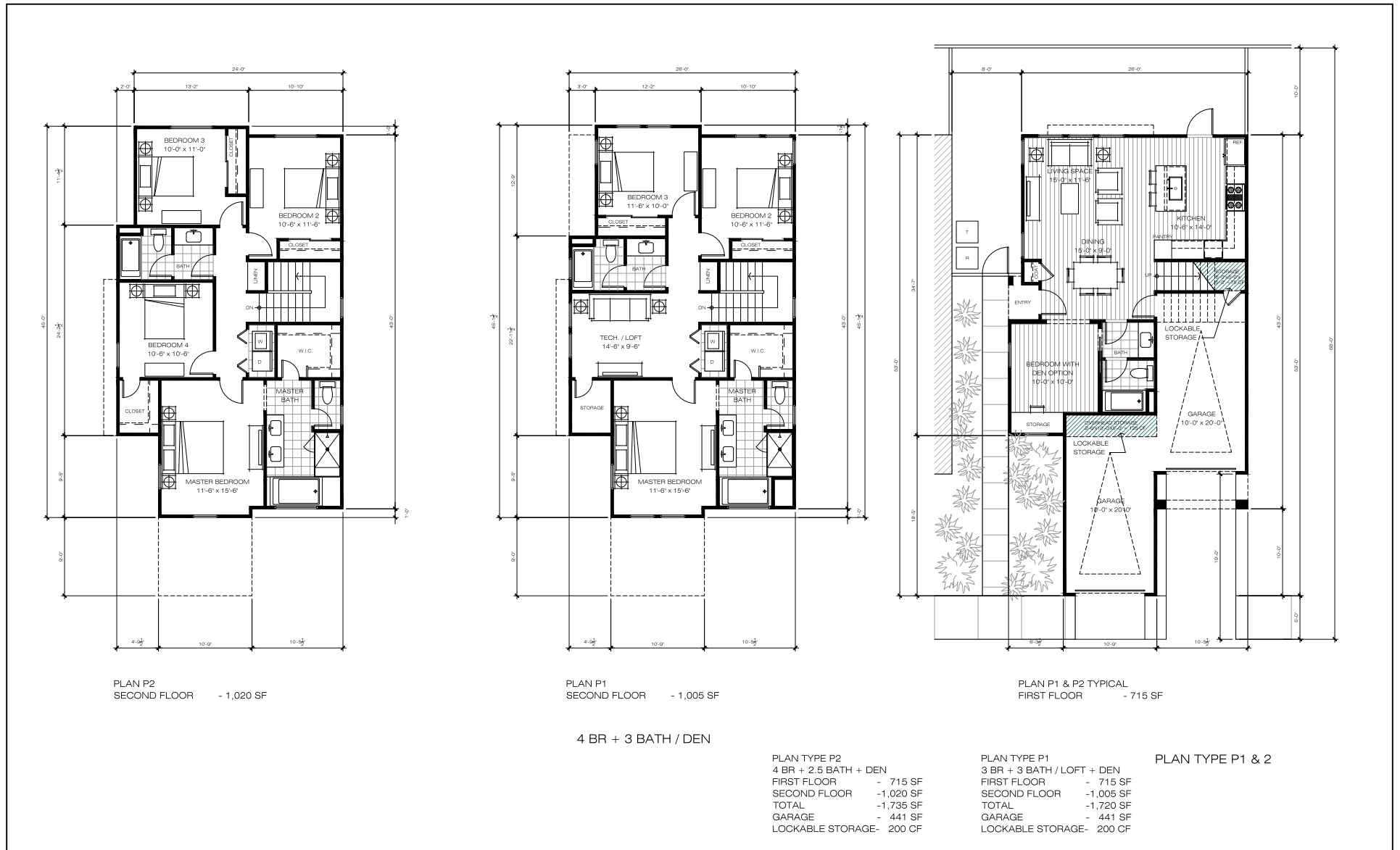
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SOURCE: Withee Malcolm Architects, LLP

I:\JCA1802\G\Site Plan.cdr (2/8/2019)

Tirador Residential Development Project
Conceptual Site Plan

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LSA

FIGURE 2.7
Page 1 of 4

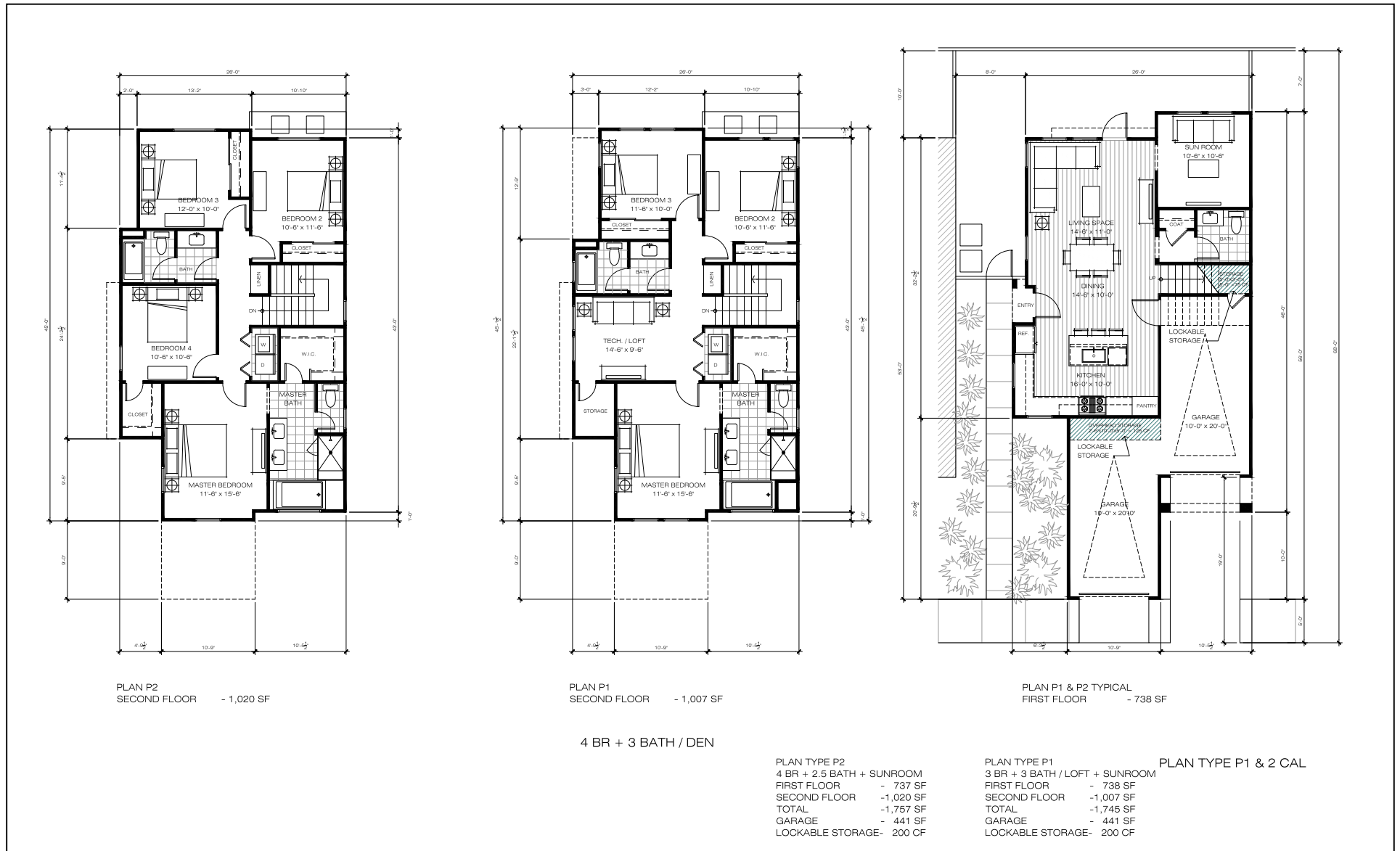


SOURCE: Withee Malcolm Architects, LLP

I:\JCA1802\G\Floor Plans-Single-Family.cdr (12/11/2018)

Tirador Residential Development Project
Floor Plans: Single-Family Homes

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LSA

FIGURE 2.7
Page 2 of 4

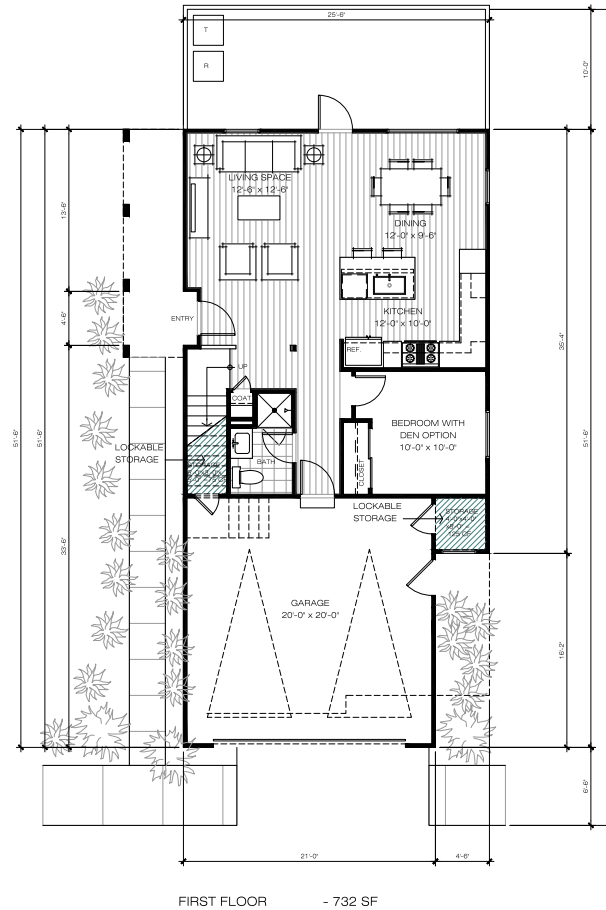
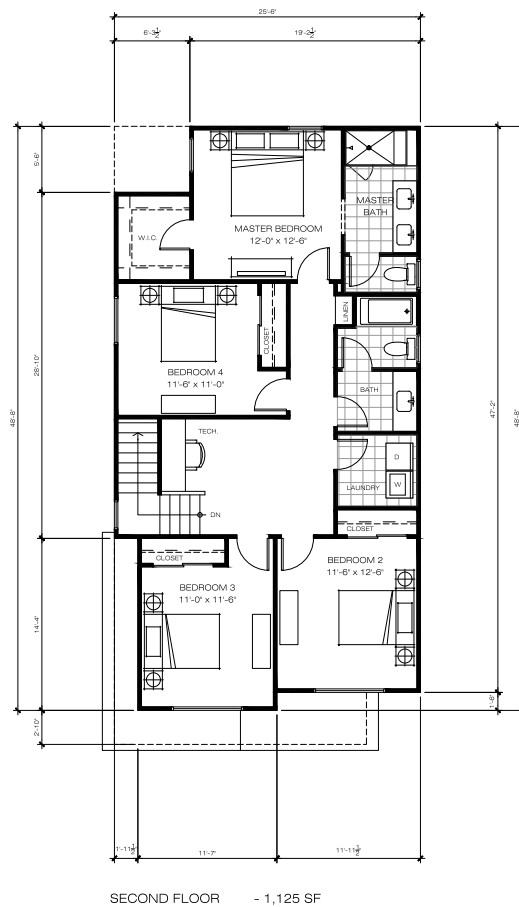


SOURCE: Withee Malcolm Architects, LLP

I:\JCA1802\G\Floor Plans-Single-Family.cdr (12/11/2018)

Tirador Residential Development Project
Floor Plans: Single-Family Homes

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PLAN TYPE P3
 4 BR + 3 BATH / DEN
 FIRST FLOOR - 732 SF
 SECOND FLOOR - 1,125 SF
 TOTAL - 1,857 SF
 GARAGE - 455 SF
 LOCKABLE STORAGE - 200 CF

PLAN TYPE P3

LSA

FIGURE 2.7
 Page 3 of 4

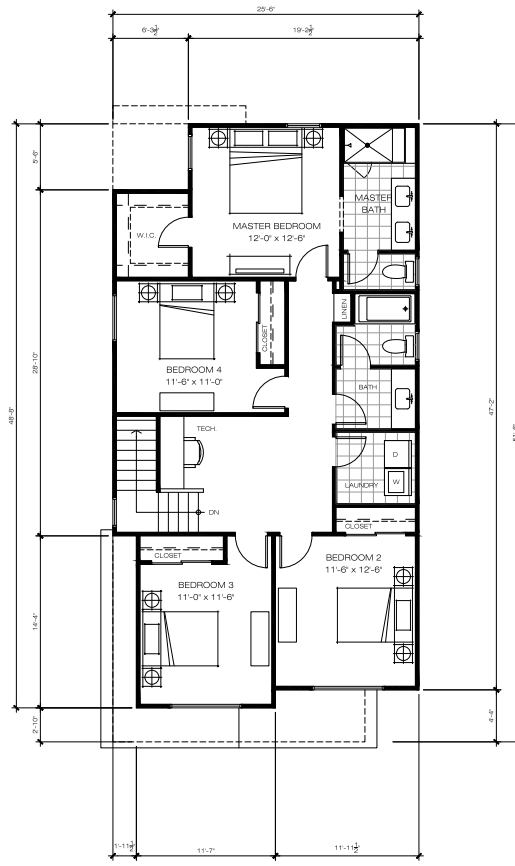


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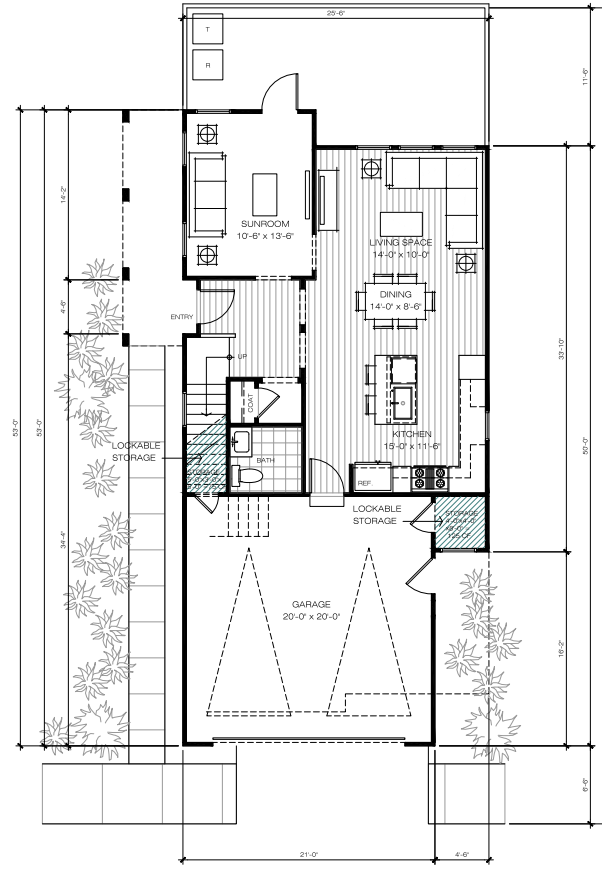
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Tirador Residential Development Project
 Floor Plans: Single-Family Homes

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SECOND FLOOR - 1,125 SF



FIRST FLOOR - 725 SF

PLAN TYPE P3
 4 BR + 3 BATH - SUNROOM
 FIRST FLOOR - 725 SF
 SECOND FLOOR - 1,125 SF
 TOTAL - 1,850 SF
 GARAGE - 455 SF
 LOCKABLE STORAGE - 200 CF

PLAN TYPE P3 CAL

LSA

FIGURE 2.7
 Page 4 of 4

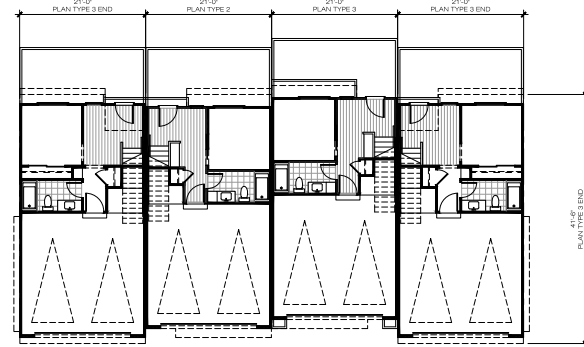
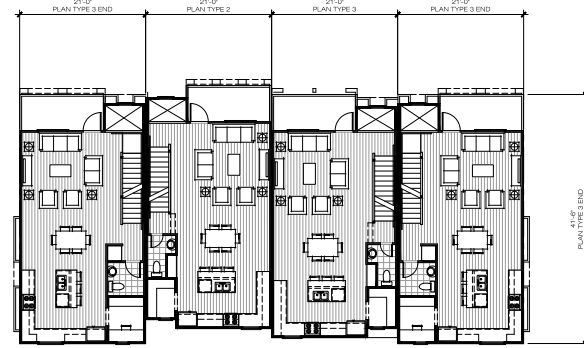
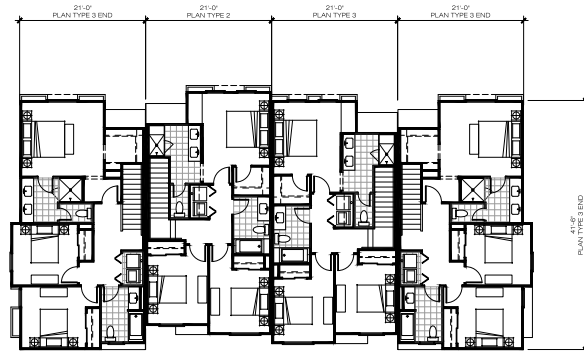


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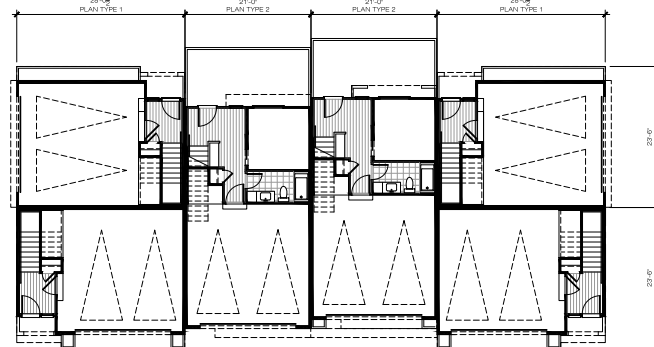
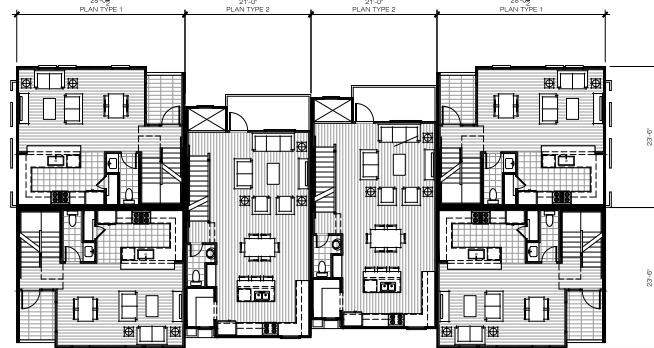
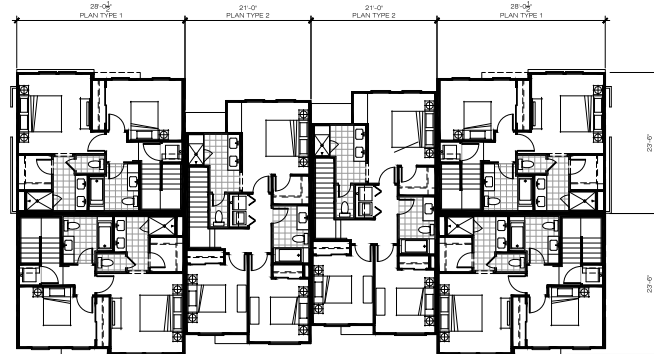
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Tirador Residential Development Project
 Floor Plans: Single-Family Homes

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TYPICAL 4PLEX PLANS



TYPICAL 6PLEX PLANS

TYPICAL BUILDING PLANS

LSA

FIGURE 2.8
Page 1 of 4

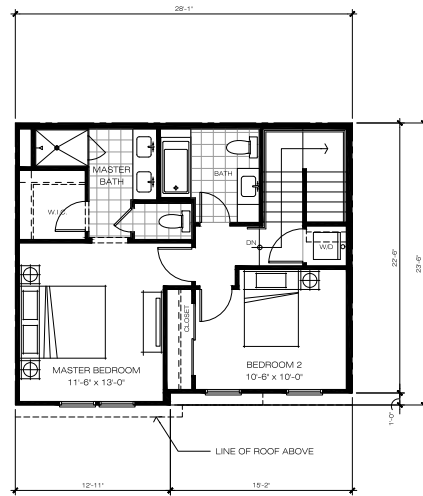


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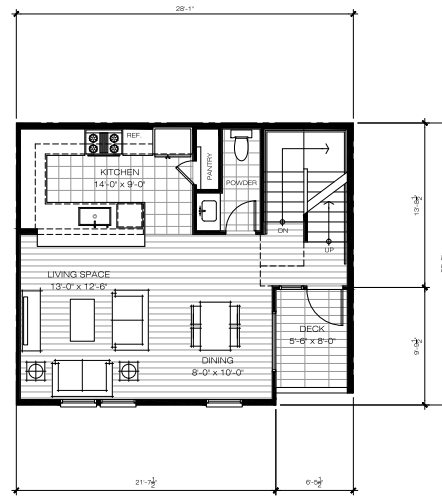
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Tirador Residential Development Project
Floor Plans: Townhomes

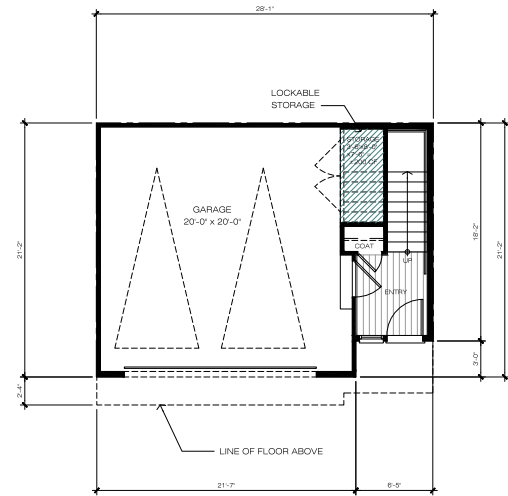
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THIRD FLOOR - 582 SF



SECOND FLOOR - 535 SF



FIRST FLOOR - 133 SF

FIRST FLOOR	- 133 SF	PLAN TYPE 1
SECOND FLOOR	- 535 SF	2 BR + 2.5 BATH
THIRD FLOOR	- 582 SF	
TOTAL	- 1,250 SF	
GARAGE	- 438 SF	
LOCKABLE STORAGE	- 200 CF	

LSA

FIGURE 2.8
Page 2 of 4

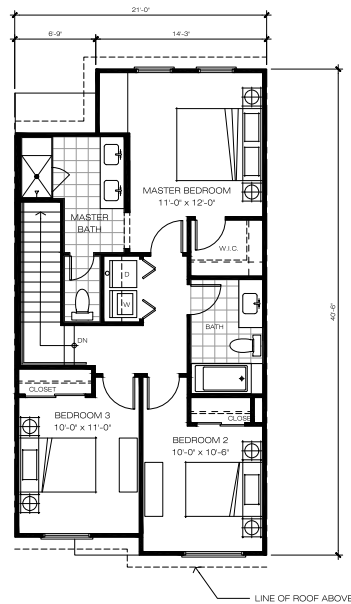


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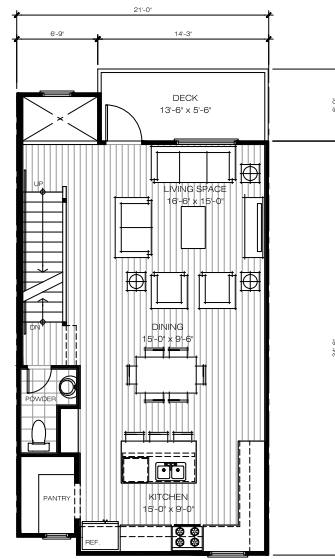
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Tirador Residential Development Project
Floor Plans: Townhomes

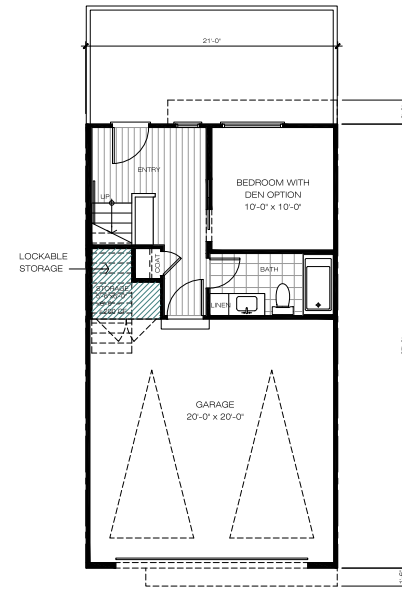
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THIRD FLOOR - 760 SF



SECOND FLOOR - 675 SF



FIRST FLOOR - 320 SF

FIRST FLOOR	- 320 SF	PLAN TYPE 2
SECOND FLOOR	- 675 SF	3 BR + 3 & 1/2 BATH / DEN
THIRD FLOOR	- 760 SF	
TOTAL	-1,755 SF	
GARAGE	- 453 SF	
LOCKABLE STORAGE	- 200 CF	

LSA

FIGURE 2.8
Page 3 of 4

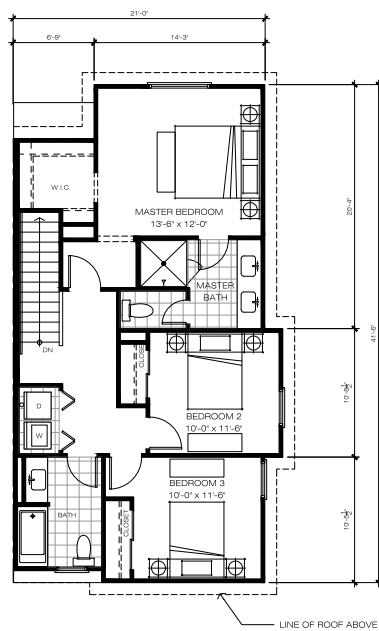


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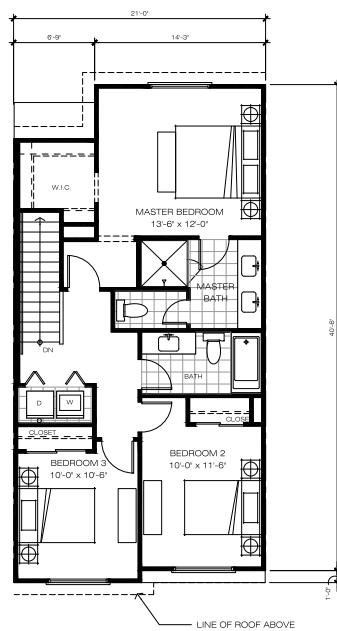
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Tirador Residential Development Project
Floor Plans: Townhomes

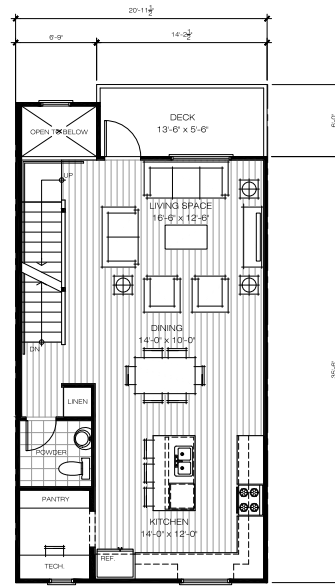
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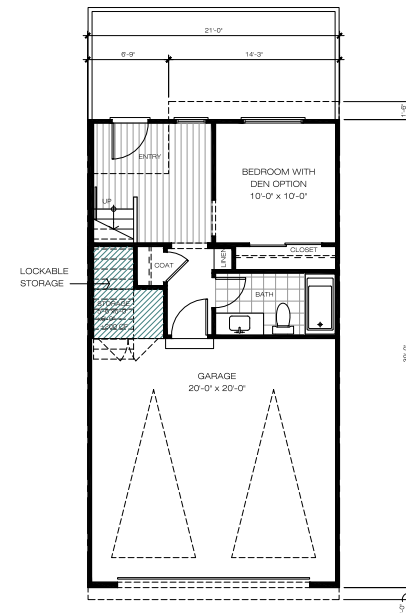
THIRD FLOOR (END) - 806 SF



THIRD FLOOR - 788 SF



SECOND FLOOR - 686 SF



FIRST FLOOR - 356 SF

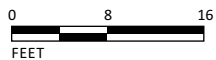
PLAN TYPE 3 - END
 FIRST FLOOR - 356 SF
 SECOND FLOOR - 686 SF
 THIRD FLOOR - 808 SF
 TOTAL - 1,850 SF
 GARAGE - 460 SF
 LOCKABLE STORAGE - 200 CF

PLAN TYPE 3 - TYPICAL
 FIRST FLOOR - 356 SF
 SECOND FLOOR - 686 SF
 THIRD FLOOR - 788 SF
 TOTAL - 1,830 SF
 GARAGE - 460 SF
 LOCKABLE STORAGE - 200 CF

PLAN TYPE 3
 3 BR + 3 & 1/2 BATH / DEN

LSA

FIGURE 2.8
 Page 4 of 4



SOURCE: Withee Malcolm Architects, LLP

I:\JCA1802\G\Floor Plans-Townhomes.cdr (12/11/2018)

Tirador Residential Development Project
 Floor Plans: Townhomes

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PASEO TIRADOR ELEVATION / SECTION - 1

LSA

FIGURE 2.9
Page 1 of 2



SOURCE: Withee Malcolm Architects, LLP

I:\JCA1802\G\Elevations-Single-Family.cdr (12/11/2018)

Tirador Residential Development Project
Building Elevations: Single-Family Homes

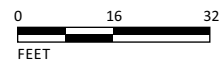
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CALLE ARROYO ELEVATION / SECTION - 1

LSA

FIGURE 2.9
Page 2 of 2



SOURCE: Withee Malcolm Architects, LLP

I:\JCA1802\G\Elevations-Single-Family.cdr (12/11/2018)

Tirador Residential Development Project
Building Elevations: Single-Family Homes

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PASEO TIRADOR ELEVATION / SITE SECTION -1

LSA

FIGURE 2.10
Page 1 of 2



SOURCE: Withee Malcolm Architects, LLP

I:\JCA1802\G\Elevations-Townhomes.cdr (12/11/2018)

Tirador Residential Development Project
Building Elevations: Townhomes

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SAN JUAN CREEK TRAIL ELEVATION / SITE SECTION -1

LSA

FIGURE 2.10
Page 2 of 2



SOURCE: Withee Malcolm Architects, LLP

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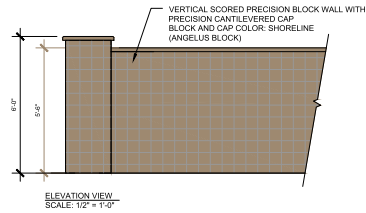
Tirador Residential Development Project
Building Elevations: Townhomes

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PRELIMINARY WALL AND FENCE LEGEND

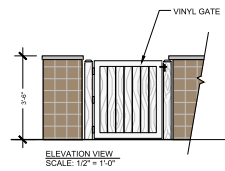
- VARYING HEIGHT SLUMP BLOCK SOUND WALL - PER ENGINEER'S PLANS
- 5'-6" HIGH BLOCK WALL - 2 SIDED PRECISION SCORED W/ PRECISION CAP
- 5'-6" HIGH PRIVACY FENCE - VINYL
- 3'-6" COURTYARD WALL
- 3'-6" EQUESTRIAN WOOD RAIL FENCE
- PRIVACY FENCE AND GATE - VINYL
- COURTYARD GATE
- FARMHOUSE ARCHITECTURE - WOOD
- SPANISH ARCHITECTURE - IRON



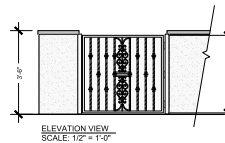
5'-6" HIGH BLOCK WALL -
2 SIDED PRECISION SCORED W/ PRECISION CAP



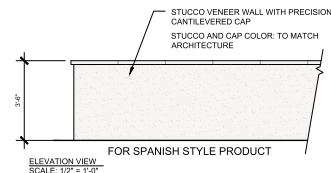
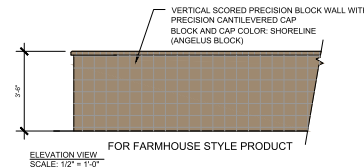
WALL EXAMPLE
VERTICAL SCORED PRECISION WALL



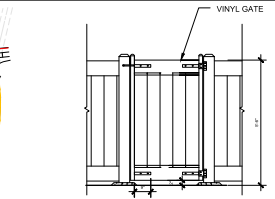
HOMEOWNER GATE
FARMHOUSE ARCHITECTURE - VINYL



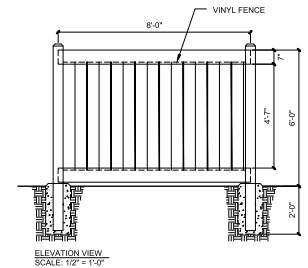
HOMEOWNER GATE
SPANISH ARCHITECTURE - IRON



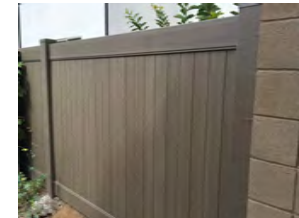
3'-6" COURTYARD WALL



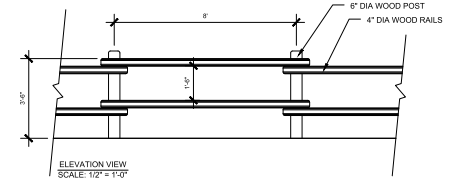
5'-6" PRIVACY FENCE GATE - VINYL
KROY VINYL WEATHERED CEDAR COLOR-BY FENCEWORKS.US



5'-6" HIGH PRIVACY FENCE - VINYL
KROY VINYL WEATHERED CEDAR COLOR-BY FENCEWORKS.US



VINYL FENCE EXAMPLE
5'-6" HIGH PRIVACY FENCE



3'-6" EQUESTRIAN WOOD RAIL FENCE

SAN JUAN CREEK

LSA



0 100 200
FEET

SOURCE: SMP

I:\JCA1802\G\Wall&Fence Plan.cdr (12/11/2018)

FIGURE 2.12

Tirador Residential Development Project
Conceptual Wall and Fence Plan

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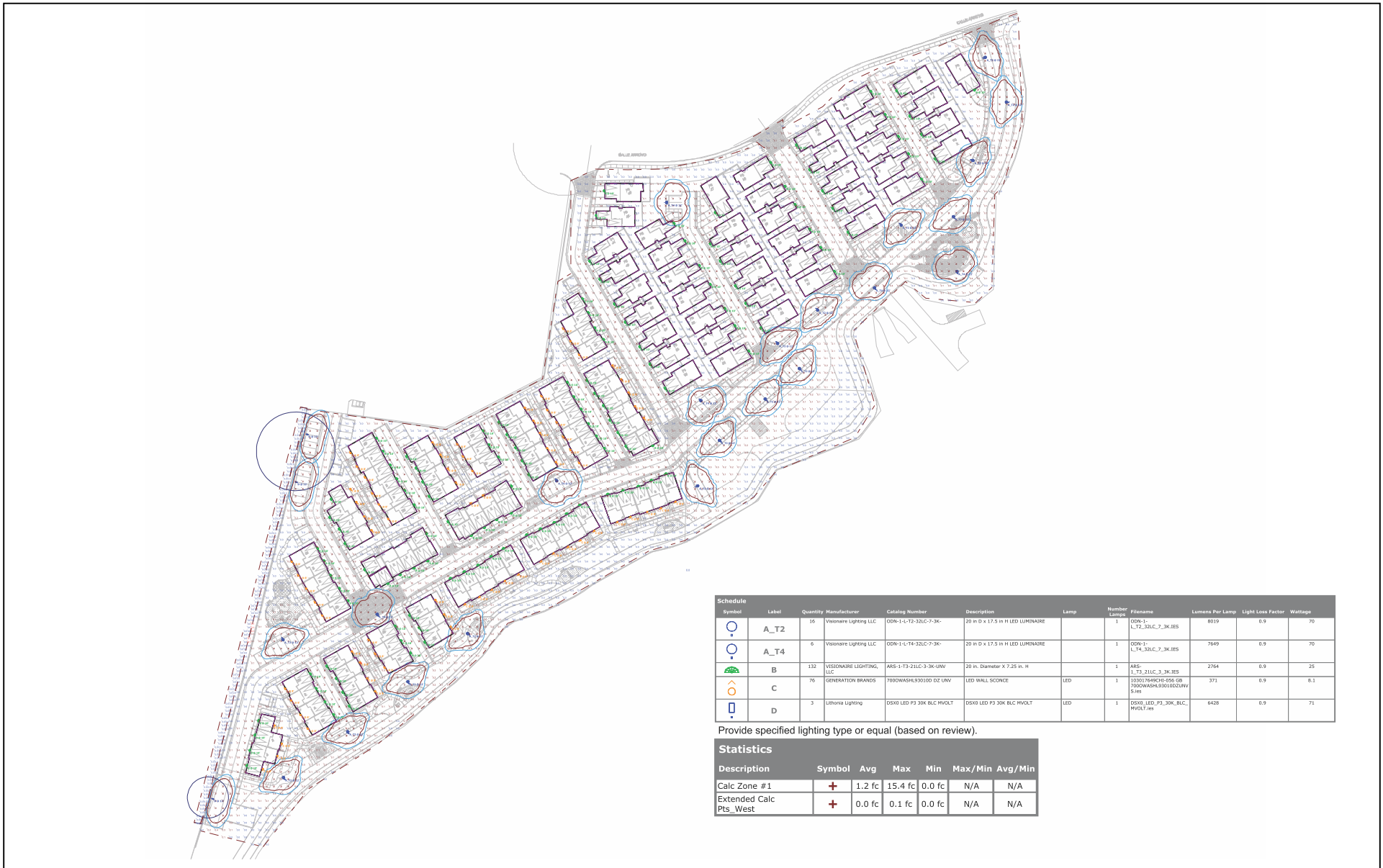


FIGURE 2.13

LSA



0 100 200

FEET

SOURCE: mor Engineers

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Tirador Residential Development Project
Photometric Plan

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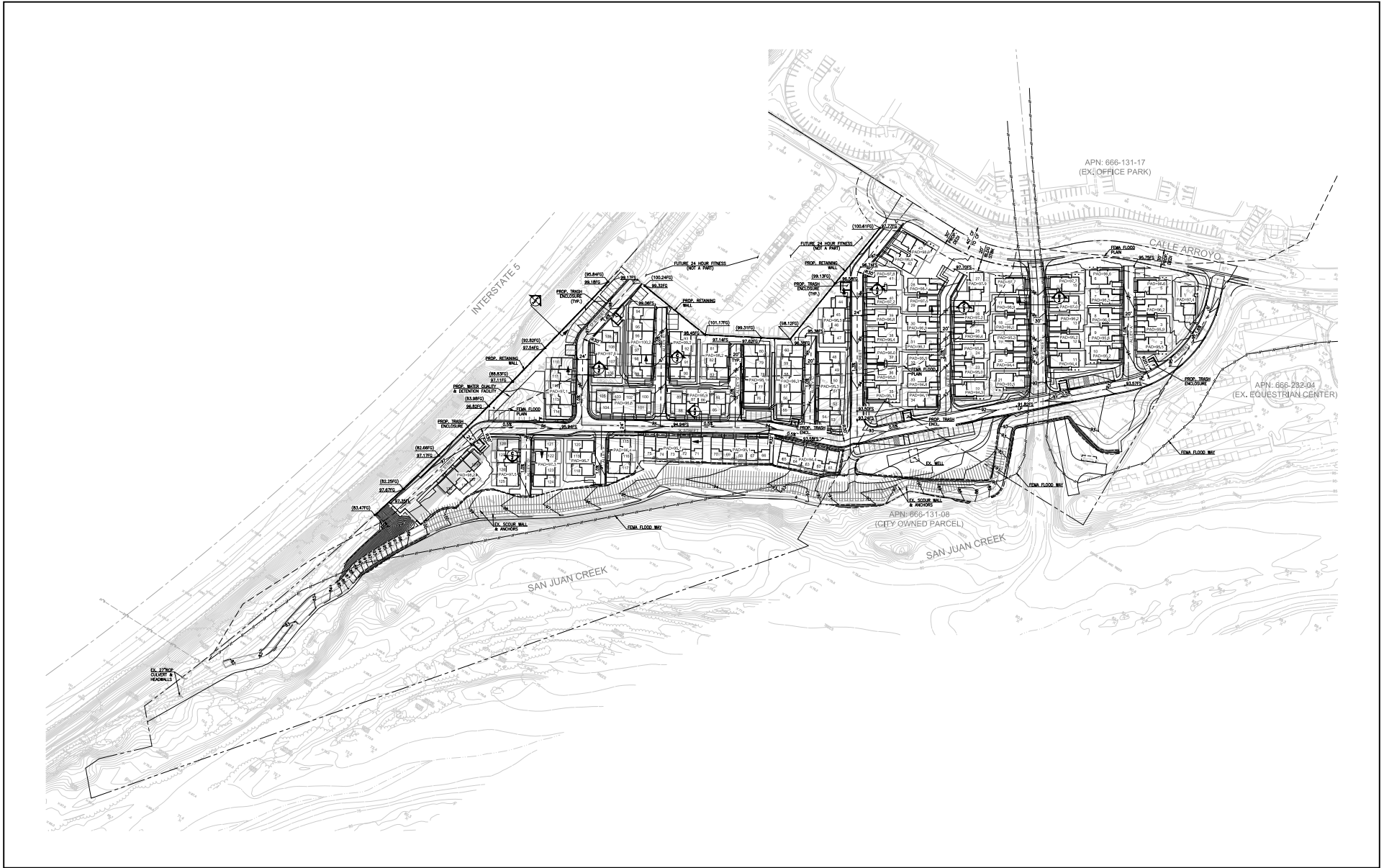
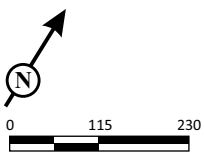


FIGURE 2.14

LSA

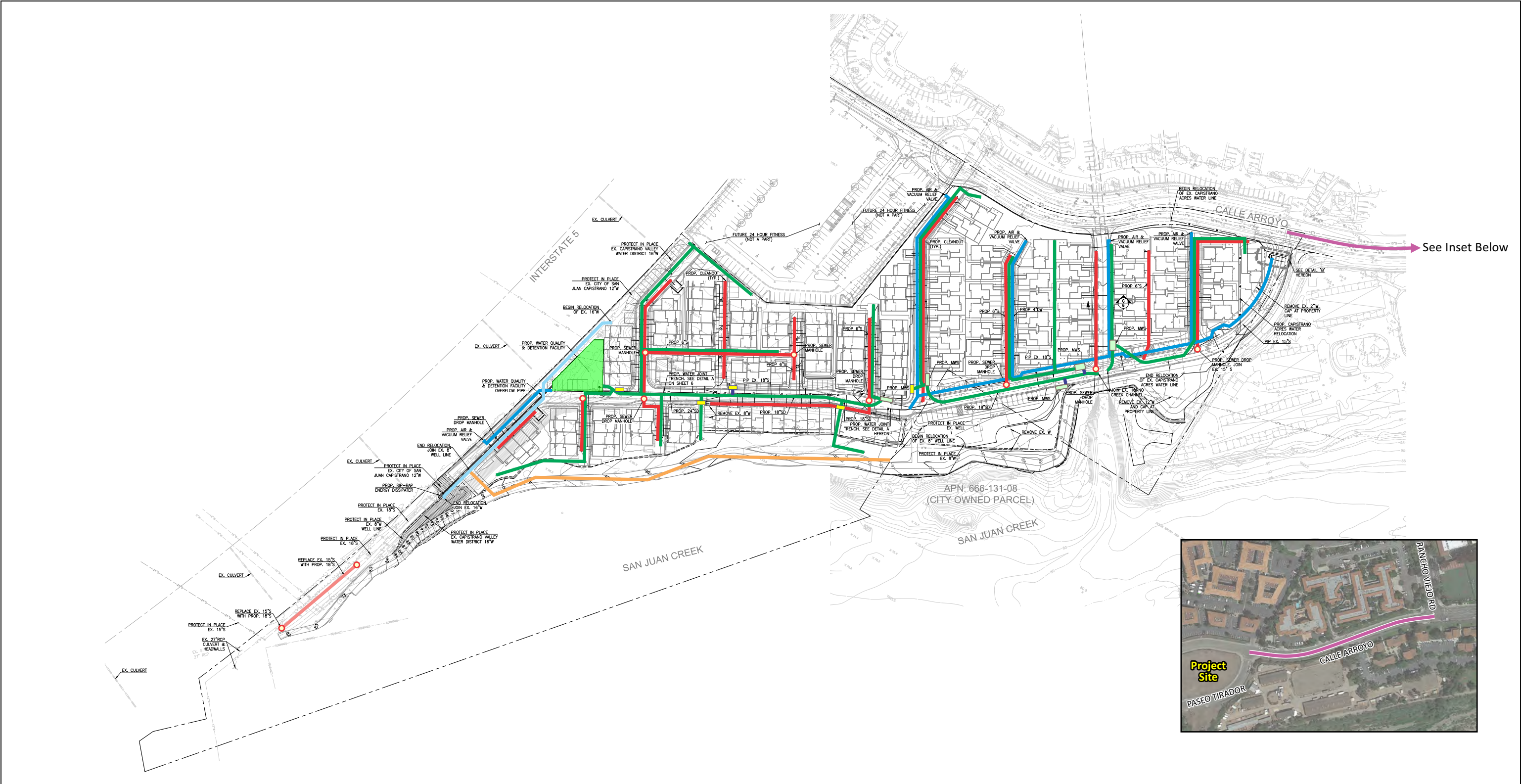


SOURCE: City of San Juan Capistrano, Department of Public Works & Utilities

I:\JCA1802\G\Grading Plan.cdr (1/18/2019)

Tirador Residential Development Project
Conceptual Grading Plan

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LSA



0 80 160
FEET

SOURCE: City of San Juan Capistrano, Department of Public Works & Utilities

- LEGEND**
- Public Water Improvements
 - Private Domestic Water Improvements
 - Storm Drain Improvements
 - Sewer System Improvements
 - Upsize Sewer System (15 to 18-Inch)
 - Well Line Improvements
 - Public Recycled Water Off-Site Improvements (6-Inch)
 - Sewer Drop Manhole
 - Water Quality Detention Facility
 - Modular Wetlands System
 - Catch Basin

FIGURE 2.15

Tirador Residential Development Project
Conceptual Utility 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" without the incorporation of mitigation. As indicated by the checklist on the following pages, all project-related potentially significant impacts would be reduced to a level below significance with the incorporation of mitigation measures and adherence to applicable standard conditions.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forest 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 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 | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Wildfire | <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION. On the basis of this initial evaluation:

1. I find that the project **could not** have a significant effect on the environment, and a ☐ **NEGATIVE DECLARATION** will be prepared.
2. 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. ☐
3. I find the proposed project **may have a significant effect** on the environment, and an ☒ **ENVIRONMENTAL IMPACT REPORT** is required.
4. 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. ☐
5. I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐


Project Planner

11/4/19
Date

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4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced, as discussed below).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063 (c)(3)(D)). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated”, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

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 non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. It 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, east of I-5, west of El Horno Creek, and northwest of San Juan Creek. The project site is currently characterized by an undeveloped dirt 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. Regional visual resources that are visible from the project site include the Santa Ana Mountains and the Colinas Hills.

Construction of the proposed project would require site preparation, grading, and construction activities. Construction activities would be visible to travelers along I-5, Calle Arroyo, and other

adjacent roadways. Any partial obstruction of scenic views of the Colinas Hills, Saddleback Mountain, and Santa Ana Mountains as a result of construction activities would be short-term in nature and would cease upon project completion. In addition, construction equipment is not of sufficient height or mass to substantially block views of distant scenic vistas. Therefore, construction impacts related to adverse effects on a scenic vista would be less than significant, and no mitigation would be required.

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, San Juan Creek Road and La Novia Avenue (both of which are located south of the site) are designated scenic corridors. The City's Urban 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.

The project site is considered to be within a portion of a public scenic corridor due to the proximity of San Juan Creek Road and La Novia Avenue to the site. 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 sidewalks surrounding the site.

Implementation of the proposed project would allow for the development of up to 132 single-family residential units on the project site. On-site residential uses would be a maximum of three stories in height (or approximately 40 ft), which could result in the partial obstruction of scenic views of surrounding hills. While the partial obstruction of views of surrounding hills would occur, the overall views of surrounding hillsides would not be substantially affected by development of the site due to the prominence of the hillsides. Further, the project would include landscaping elements throughout the project site and along the site's perimeter, which would serve to enhance and frame views of these scenic corridors and would block views of the proposed residential uses from adjacent roadways.

While implementation of the proposed project would modify views of and from the project site by allowing for development of a residential community on the site, 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. Additionally, the project would include a 20 ft wide multi-use trail along the southern boundary of the site, which would connect recreational amenities on the site (i.e., gathering areas, a climbing boulder, play areas, an equestrian hitching post, and exercise stations) to off-site amenities (e.g., the Ortega Equestrian Center and Cook La Novia Park). This trail would provide additional public access to distant views of the surrounding hills. 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 Streets and Highways Code Sections 260–263. State highways are classified as either Officially Listed or Eligible. The portion of SR-74 located approximately 0.5 mile north of the project site is identified as an Eligible State Scenic Highway, but is not officially designated as a scenic highway by Caltrans.³

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, 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. Therefore, the proposed project does not have the potential to damage resources within a State-designated 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) **In non-urbanized areas, would the project 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?**

Potentially Significant Impact. The project site is located within an urbanized portion of San Juan Capistrano predominantly developed with residential, commercial, and recreation uses. In its existing condition, the project site is relatively flat with a slight slope to the east/southeast. The project site is currently undeveloped and is characterized by dry soils and ruderal vegetation. In addition, the eastern portion of the project site is adjacent to El Horno Creek (a tributary of San Juan Creek), San Juan Creek, and associated trails and vegetation.

The undeveloped nature of the site allows for much of the site to be visible from vehicles, bicyclists, and pedestrians along Calle Arroyo. However, an existing chain-link fence currently surrounds the perimeter of the site, which restricts access to the property.

Construction of the proposed project would require excavation, grading, and construction activities. Construction activities would be visible to travelers along I-5 and Calle Arroyo, as well as visitors traveling along the San Juan Creek Trail. Construction activities would be short-term in nature, and all construction vehicles and equipment would be staged on the project site throughout the duration of the construction period. Visual impacts associated with construction would be temporary and would cease upon project completion. Therefore, construction impacts related to the degradation of the existing visual character of the project site would be less than significant, and no mitigation would be required.

³ California Department of Transportation (Caltrans). California Scenic Highway Mapping System (Los Angeles County). Website: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm (accessed December 7, 2017).

The proposed project would allow for the development of the currently vacant project site with a residential community. All structures developed on the project site would be of either California Spanish or Farmhouse architectural styles. The architectural style and design of the proposed residences would be consistent with the visual character of the surrounding area, including the nearby 24 Hour Fitness facility, office uses, and senior apartments, which all have Spanish design elements such as red tile roofs.

The proposed project would incorporate ornamental landscaping along Calle Arroyo and Paseo Tirador, along the site's boundary with the shared 24 Hour Fitness, and along the southern boundary of the site. The project would also include decorative landscaping and a monument sign near the three proposed access points to the property. A variety of 24- and 36-inch box trees, shrubbery, and groundcover would be scattered throughout the site. The project would also include the installation of privacy walls to visually screen the project site from surrounding roadways and uses, including the adjacent 24 Hour Fitness facility. Privacy walls would also be installed within the interior of the site to visually screen private rear yards associated with on-site residences from Calle Arroyo and Paso Tirador as well as other on-site residences and open areas. The proposed project would be visible to pedestrians travelling along Calle Arroyo, the San Juan Creek Trail, the adjacent 24 Hour Fitness facility, and other nearby accessible areas. However, the installation of landscaping and privacy walls would help to partially screen the residential development from pedestrians in the project vicinity. Overall, the architectural design features and landscaping proposed as part of the project would ensure that the site's visual character would not be degraded and impacts would be less than significant.

As discussed in detail below, project implementation would not conflict with applicable zoning and General Plan regulations governing scenic quality.

Zoning. The project site is currently zoned as a Planned Community District associated with the adopted Ortega Planned Community Comprehensive Development Plan (CDP 78-01). This zoning classification allows for the use of modern land planning and design techniques to create developments integrating a mixture of different types of land uses. The CDP 78-01 zone allows for Very High Density residential development (18.1–30.0 du/ac). The residential density of the proposed project would total 8.2 du/ac, which is substantially lower than the maximum of 30.0 du/ac allowed on the site under CDP 78-01. As such, implementation of the proposed project would not necessitate a zone change.

Based on the provision of affordable housing units, and as allowed under the City's affordable housing bonus program, the Applicant may request concessions and/or variances to the CDP 78-01 Development Standards for the items below. Alternatively, the Applicant may pursue a Specific Plan for the property with development standards that allow the following items:

- 1) Allow zero ft setbacks for structures from City parcel lines where the existing water well is located;
- 2) Allow the maximum 2nd floor/1st floor ratio to exceed 80 percent;

- 3) Allow the minimum distance between buildings to be less than 20 ft (10 ft); and
- 4) Exempt the project from providing recreational vehicle parking spaces.

Section 9-3.301 of the Municipal Code outlines permitted uses and minimum development standards allowed in residential zones. One purpose of these regulations is to ensure compliance with appropriate standards related to aesthetics and scenic quality. According to CDP 78-01, design standards for the project site are governed by Planning Sectors B-3 and C. Table 4.1.A shows the proposed project's consistency with development standards outlined in CDP 78-01.

Table 4.1.A: Ortega Planned Community Development Standards Consistency Analysis

Development Standards	Proposed Project Consistency
CDP 78-01 Planning Sector B-3	
Maximum Density: 30 du/ac	Consistent. The project proposes a density of 8.2 du/ac, which would not exceed the maximum allowable density of 30 du/ac. Therefore, the proposed project is consistent with the maximum density requirement in CDP 78-01 Planning Sector B-3.
Minimum Lot Area: 1 acre	Consistent. The project site is 16.09 acres in size, which exceeds the minimum required lot area of 1 acre. Therefore, the proposed project is consistent with the minimum lot area requirement in CDP 78-01 Planning Sector B-3.
Minimum Street Frontage: 150 ft	Consistent. The project proposes a street frontage of approximately 635 ft. Therefore, the proposed project would be consistent with the minimum street frontage requirement in CDP 78-01 Planning Sector B-3.
Two-Story Minimum Front Yard: 20 ft	Consistent. The proposed residential development would include a minimum of 20 ft front yard setbacks. Therefore, the proposed project is consistent with the minimum front yard requirement in CDP 78-01 Planning Sector B-3.
Two-Story Minimum Side Yard: 20 ft	Consistent. The proposed residential development would include a minimum of 20-ft side yard setbacks. Therefore, the proposed project is consistent with the minimum side yard requirement in CDP 78-01 Planning Sector B-3.
Two-Story Minimum Rear Yard: 20 ft	Consistent. The proposed residential development would include a minimum of 20 ft rear yard setbacks. Therefore, the proposed project is consistent with the minimum rear yard requirement in CDP 78-01 Planning Sector B-3.
Two-Story Maximum Lot Coverage Ratio: 35%	Consistent. The proposed residential development would cover 13% of the lot, which does not exceed the maximum lot coverage ratio of 35%. Therefore, the proposed project is consistent with the maximum lot coverage requirement in CDP 78-01 Planning Sector B-3.
Two-Story Maximum Second-Floor/First-Floor Ratio: 80%	Consistent. The proposed project would include a maximum 2 nd floor/1 st floor ratio greater than 80%. However, upon approval of a concession, variance, or Specific Plan requested as part of the project, the increased ratio would be allowed. Therefore, upon project approval, the proposed project would be consistent with the maximum 2 nd floor/1 st floor ratio in CDP 78-01 Planning Sector B-3.
Maximum Building Height: 35 ft	Consistent. The project proposes to build three-story townhomes with a maximum height of approximately 40 ft, which exceeds the maximum building height requirement of 35 ft. However, the areas that exceed the 35 ft height limit consist of roof gables and non-living attic space, which are solely included as articulation of the roofline. The City's Municipal Code permits architectural projections to encroach into the height limit, and the encroachment of roof gables 5 ft above the height limit is approvable, with 40 ft maximum building heights allowed. Therefore, the proposed project is consistent with the maximum building height requirements in CDP 78-01 Planning Sector B-3.

Table 4.1.A: Ortega Planned Community Development Standards Consistency Analysis

Development Standards	Proposed Project Consistency
CDP 78-01 Planning Sector C	
Minimum Lot Size: 15,000 sf	Consistent. The project site is approximately 16.09 acres, or 700,880 sf, which exceeds the minimum lot size requirement of 15,000 sf. Therefore, the proposed project is consistent with the minimum lot size requirements in CDP 78-01 Planning Sector C.

Sources: City of San Juan Capistrano, Ortega Planned Community (CDP) 78-01, Planning Sectors B-3 and C
City of San Juan Capistrano Municipal Code Sections 9-3.301 and 9-3.535

CDP = Comprehensive Development Plan

du/ac = dwelling units per acre

ft = foot/feet

sf = square foot/feet

As shown in Table 4.1.A, the proposed project would be consistent with development standards required by CDP 78-01 following approval of the affordable housing concessions and variances discussed above.

General Plan. According to the General Plan Land Use Element (1999), the project site currently has a General Plan land use designation of Planned Community. The Planned Community designation allows for flexibility in the design of a development and for the mixing of uses such as residential, commercial, industrial, public/institutional, recreation, and open space. A General Plan Amendment would not be required for the proposed residential development.

The City's General Plan includes goals and policies related to urban design. As shown in Table 4.1.B, below, the project would be consistent with applicable General Plan goals and policies related to aesthetics and scenic quality.

Table 4.1.B: General Plan Consistency Analysis

Goals and Policies	Proposed Project Consistency
Community Design Element	
Community Design Policy 1.2: Encourage high-quality and human scale design in development to maintain the character of the City.	Consistent. The proposed residential development would be constructed using high-quality building materials. By incorporating both farmhouse style and a California Spanish architectural design, the project would be visually consistent with surrounding development and the general character of San Juan Capistrano. Further, the multi-use trail and associated recreation amenities proposed as part of the project would incorporate human-scale features, such as gathering areas, a climbing boulder, play areas, an equestrian hitching post, and exercise stations. Therefore, the proposed project would be consistent with Policy 1.2 in the Community Design Element.
Community Design Policy 2.1: Encourage the development which complements the City's traditional, historic character through site design, architecture, and landscaping.	Consistent. The proposed residential development would be designed with California Spanish- and Farmhouse- style elevations for both the single-family residential units and townhomes. Incorporation of this architectural style would ensure the project would be visually and historically consistent with San Juan Capistrano's character. Additionally, proposed improvements to the San Juan Creek Trail would include a multi-use trail and associated recreation amenities. Recreation amenities and landscaping improvements proposed as part of the project would enhance the existing natural features of the adjacent San Juan Creek. Further, the multi-use trail would allow equestrian use and would complement the City's equestrian heritage. Therefore, the proposed project would be consistent with Community Design Policy 2.1.
Community Design Policy 3.1: Limit development of important natural characteristics such as ridgelines, unique hillside features and creeks.	Consistent. The existing project site is primarily characterized by dirt and scattered ruderal vegetation and is relatively flat with a slight slope to the east/southeast. Although the project site is located adjacent to San Juan Creek, the proposed residential development is located in a developed portion of San Juan Capistrano and would not infringe on the natural characteristics of the creek. As part of the project, proposed improvements to the San Juan Creek Trail would improve pedestrian, cyclist, and equestrian access and use of the trail. Further, proposed recreation amenities and landscaping improvements would enhance the existing natural features of San Juan Creek. Therefore, the proposed project would be consistent with Community Design Policy 3.1.
Community Design Policy 3.3: Preserve and enhance scenic transportation corridors, including Interstate 5 and the railroad.	Consistent. The project site is visible from I-5. Currently, views of the project site from I-5 consist of a vacant lot, as well as views of adjacent commercial uses and the Ortega Equestrian Center. Following project implementation, views of adjacent development across the site would be obstructed compared to existing conditions, but views of the Santa Ana Mountains beyond would be preserved. All structures developed on the project site would be of either California Spanish or Farmhouse architectural styles. As such, the architectural style and design of the proposed residences would be consistent with the visual character of the surrounding area, including the nearby 24 Hour Fitness facility and senior apartments. Further, improvements associated with the proposed project are anticipated to enhance views of the project site from I-5 and would serve to provide increased visual cohesion between the project site and the surrounding area. Therefore, the proposed project would be consistent with Community Design Policy 3.3.
Community Design Policy 3.4: Preserve important viewsheds.	Consistent. The project site contains scenic views of the Colinas Hills, Saddleback Mountain, and the Santa Ana Mountains, and is near public scenic corridors associated with San Juan Creek Road and La Novia Avenue. Implementation of the proposed project would not substantially affect viewsheds in the vicinity of the project due to the prominence of the surrounding hillsides. Further, landscaping proposed throughout the project site would enhance and frame important viewsheds. Therefore, the proposed project is consistent with Community Design Policy 3.4.

Table 4.1.B: General Plan Consistency Analysis

Goals and Policies	Proposed Project Consistency
Conservation & Open Space Element	
Conservation & Open Space Policy 5.1: Encourage high-quality design in new development and redevelopment to maintain the low-density character of the City.	Consistent. The proposed residential development would be constructed using high-quality building materials. The project would be designed with California Spanish- and Farmhouse-style architectural influences, and both designs would feature contemporary architectural elements, multi-level rooflines, and a complementary color scheme. The California Spanish-style units would feature tile roofs and accents, wrought-iron window planters, painted exteriors, steel garage doors, and a cement plaster exterior finish. The Farmhouse-style units would feature asphalt shingle roofing, wooden window planters and trim, horizontal siding, steel garage doors, and a cement plaster exterior finish. Further, the proposed project includes open space and recreation amenities, such as a multi-use trail, gathering areas, a climbing boulder, play areas, an equestrian hitching post, and exercise stations, which are representative of the low-density character of San Juan Capistrano. Therefore, the proposed project would be consistent with Conservation & Open Space Policy 5.1.
Conservation & Open Space Policy 5.3: Ensure that no buildings will encroach upon any ridgeline designated for preservation.	Consistent. According to Figure COS-2, Major Ridgelines, in the Conservation & Open Space Element, there are no major ridgelines in the vicinity of the project site. Therefore, the proposed project would be consistent with Conservation & Open Space Policy 5.3.
Land Use Element	
Land Use Policy 2.2: Assure that new development is consistent and compatible with the existing character of the City.	Consistent. The proposed residential development would be designed with California Spanish- and Farmhouse- style designs, which would be visually consistent with existing character of San Juan Capistrano. Further, the styles are cohesive and would provide for consistent design throughout the project site. Therefore, the proposed project would be consistent with Land Use Policy 2.2.
Land Use Policy 7.1: Preserve and enhance the quality of San Juan Capistrano neighborhoods by avoiding or abating the intrusion of non-conforming buildings and uses.	Consistent. The proposed project is surrounded by a variety of residential, commercial, recreational, and open space land uses. The proposed project would allow for the development of up to 132 residential units and recreational amenities on the project site. Additionally, the project would include a 20 ft wide multi-use trail along the southern boundary of the site, which would connect recreational amenities on the site (i.e., the gathering areas, climbing boulder, play areas, equestrian hitching post, and exercise stations) to off-site amenities (e.g., the Ortega Equestrian Center and Cook La Novia Park). Further, the proposed project would be consistent with the site's General Plan land use designation, and would also be consistent with development standards required by CDP 78-01 following approval of several affordable housing concessions and variances. As discussed in Table 4.1.A, above, the proposed concessions and variances would ensure the project's consistency with development standards required by CDP 78-01. The concessions and variances would not result in the intrusion of non-conforming buildings and uses. For the reasons stated above, the development of the proposed project would preserve and enhance the quality of the City's neighborhoods because it would not introduce incompatible land uses. Therefore, the proposed project would be consistent with Land Use Policy 7.1.

Sources: San Juan Capistrano General Plan Community Design Element (1999), Conservation and Open Space Element (1999), and Land Use Element (1999).

CDP = Comprehensive Development Plan

ft = foot/feet

I-5 = Interstate 5

As shown in Table 4.1.B, the project would be consistent with the General Plan goals and policies related to aesthetics and scenic quality.

Summary. The proposed project would not degrade the character or quality of the project site, nor would the proposed project contribute to an overall degradation of the visual character or quality of the surrounding area. Further, the proposed residential development is consistent with all applicable General Plan goals and policies governing aesthetics and scenic quality.

Upon approval of the affordable housing concessions and variances requested as part of the project, the proposed residential development would be consistent with all applicable zoning regulations governing aesthetics and scenic quality on the property. However, because the project requires approval of these concessions and variances, there is the potential for inconsistencies with development standards required by CDP 78-01. Therefore, this topic will be addressed in the EIR to determine whether the proposed project would conflict with applicable zoning regulations governing scenic quality. **Potential impacts related to the project's consistency with applicable zoning regulations, and the requested affordable housing concessions and variances, will be analyzed further in the EIR.**

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

Less Than 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.

The City's Municipal Code Section 9-3.529 requires that spill light generated from a residential development not exceed one footcandle on the adjacent property.⁴

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 on nearby roadways including the I-5 freeway, building façades and interior lighting from adjacent development, and pole-mounted lighting in parking areas of adjacent developments. Adjacent

⁴ A "footcandle" is a unit of measurement related to illumination. One footcandle is equivalent to the illumination produced by a source of one candle at a distance of one foot.

commercial uses currently emit light and glare in the area. Lighting from existing distant development within the City also contributes light to the area.

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.

The proposed project would introduce new sources of light to the project site that are typical of residential uses. Outdoor lighting proposed as part of the project would include wall-mounted lighting, pole-mounted streetlights, and security lighting along pathways. Accent lights would also be incorporated to highlight landscape focal points and directional monument signs. All outdoor lighting would be directed downward and shielded to minimize off-site spill. Additionally, the location of all exterior lighting would comply with lighting standards established in Section 9-3-529 of the City's Municipal Code.

As illustrated by Figure 2.13, Photometric Plan, the proposed project would not incorporate design features that would result in excessive lighting or the generation of glare on the site. All lighting could be contained within the boundaries of the site and would not exceed the City's threshold of light spillage in excess of one footcandle on adjacent properties. In addition, lighting included as part of the project would be limited to that necessary for security, and would be shielded to reduce glare and spill lighting effects on adjacent sensitive uses. Further, the Applicant would be required to submit a final lighting plan and photometric study to the City to review and approve as part of the site plan review process. Therefore, implementation of these standard conditions would ensure that impacts associated with new lighting would remain 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.**

4.2 AGRICULTURE & 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 depicted 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 designed 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 depicted 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 two years, the maps are updated with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance.⁵

⁵ 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 December 4, 2018).

The project site is currently mapped as Other Land by the FMMP.⁶ As defined by the FMMP, common examples of Other Land include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines; borrow pits; and water bodies smaller than 40 acres. Due to the project site's proximity to El Horno Creek and San Juan Creek, the site is likely classified as Other Land because it contains wetland and riparian area not suitable for livestock grazing. In addition, the land surrounding the project site is classified as Urban and Built Up Land. 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 to a non-agricultural use, 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 an approximately 16.1-acre vacant site. According to the City's Zoning Map, the project site is zoned as Planned Community District associated with the adopted Ortega Planned Community Comprehensive Development Plan (CDP 78-01). The purpose of the Planned Community zone is to encourage the use of modern land planning and design techniques to create developments integrating a mixture of different types of land uses. 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.⁷ 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) Conflict with existing zoning for, or cause rezoning of, forest land (as designed in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. As previously stated, the project site is zoned Planned Community District associated with the adopted Ortega Planned Community Comprehensive Development Plan (CDP 78-01). 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

⁶ California Department of Conservation. 2016. Orange County Important Farmland. Website: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/ora16.pdf> (accessed December 4, 2018).

⁷ California Department of Conservation, Division of Land Resource Protection. 2017. Williamson Act Contract Land Map.

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) 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 lot and ruderal vegetation. 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. As stated in Responses 4.2 (a) through 4.2 (d), no land on or in the vicinity of the project site is zoned for agricultural or forest uses. The proposed project is located on an approximately 16.1-acre vacant site and would involve the construction of a 132-unit residential development. Currently, the project site is not zoned for agricultural or forest use and is not used for agricultural production or designated forest land. The proposed project would not include other changes in the existing environment that would result in conversion of farmland to non-agricultural uses or conversion of forest land to non-forest use. Therefore, no impacts would occur, 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.**

4.3 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;
- (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;

OR

- (c) 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.**

(d) 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 residential development, which is not anticipated to produce emissions that could lead to objectionable odors. Potential sources of operational odors generated by the project would include disposal of miscellaneous refuse typical of residential 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. Furthermore, as required by Section 9-4.505, Bicycle and Equestrian Trails, of the City's Municipal Code, the Homeowner's Association (HOA) (or equivalent body) for future development on the site would be required to provide regular maintenance of the proposed trail, including the removal of horse manure, pet waste, and debris. 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, 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"/>
(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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 Wildlife or U.S. Fish and Wildlife Service;
- (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 Wildlife or U.S. Fish and Wildlife Service;
- (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;

OR

- (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?**

Potentially Significant Impact. The approximately 16.1-acre vacant project site is currently characterized by an undeveloped dirt lot, ruderal vegetation, and limited ornamental landscaping. Due to the presence of the San Juan Creek adjacent to the eastern boundary of the property, there is the potential for sensitive species, migratory species, riparian habitat, and jurisdictional waters to occur on the site. As such, a comprehensive biological resources assessment will be conducted as part of the EIR, analyzing short-term and long-term impacts of the project on biological resources. The EIR will also identify appropriate and feasible mitigation measures, should there be significant impacts to biological resources. **Potential impacts to biological resources, including candidate, sensitive, or special-status species, riparian habitat, wetlands, and migratory species will be analyzed further in the EIR.**

- (e) **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 dirt lot, ruderal vegetation, and limited ornamental landscaping. In addition, there are several trees along the boundary of the project site with the adjacent San Juan Creek. In order to determine whether or not project implementation would require the removal of trees along the site's boundary adjacent to the San Juan Creek, a Tree Survey was prepared for the proposed project.⁸ Results of this tree survey indicate that the proposed project would not require or result in the removal of any on-site trees, including those located adjacent to the San Juan Creek Channel. However, in the unlikely event that project implementation would require the removal of trees, the 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?**

⁸ The analysis is based on the *Plant Material on Property Between Calle Arroyo and I-5 Easement Memorandum* (Tree Survey) (Monarch Environmental.; February 23, 2018) (provided in Appendix A).

Potentially Significant Impact. The project site is located in the Southern Region of the Orange County Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP).⁹ 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.

Portions of the project site are located within vegetation areas identified as developed, grassland, and riparian. However, the project site is located outside of designated habitat reserve. Due to the project’s proximity to San Juan Creek, development of the proposed project could result in the removal of sensitive habitat species identified in the Orange County NCCP/HCP. Therefore, the proposed project could result in potentially significant impacts related to potential conflicts with the goals and policies outlined in the Orange County NCCP/HCP. 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 consistency with the Orange County NCCP/HCP. **Potential impacts related to conflicts with the Orange County NCCP/HCP will be analyzed further in the EIR.**

⁹ County of Orange Environmental Management Agency. 1996. Natural Community Conservation Plan & Habitat Conservation Plan & EIR & EIS. County of Orange Central & Coastal Subregion. Map Section (Figures 1 through 76). May.

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 of CEQA?	<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 formal cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis:

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

No Impact. In its existing setting, the project site is vacant and undeveloped. According to the Office of Historic Preservation¹⁰ and the City's Inventory of Historic and Cultural Landmarks, there are no historic resources on the project site. Therefore, the proposed project would not result in any impacts related to historical resources, 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 cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of CEQA;

OR

- (c) Would the project disturb any human remains, including those interred outside of formal cemeteries?

Potentially Significant Impact. New ground-disturbing activities associated with project construction activities could have the potential to unearth any previously unknown archaeological resources or unknown human remains. As such, impacts to cultural resources will be evaluated as part of the EIR, analyzing short-term and long-term impacts of the project. The EIR will also identify appropriate and feasible mitigation measures, should there be significant impacts to cultural resources. **Potential impacts to cultural resources, including archaeological resources and the potential for human remains, will be analyzed further in the EIR.**

¹⁰ City of San Juan Capistrano. Cultural Resources Element. 1999. Figure CR-1, Locations of Historic Buildings and Structures. December.

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"/>

Impact Analysis:

(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 the project's 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"/>
(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 by the California Building Code (CBC), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 following section is based on the *Geotechnical Engineering Investigation Proposed Residential Housing, San Juan Mixed Use Intersection of Calle Arroyo and Paseo Tirador, City of San Juan Capistrano, California* (Draft Geotechnical Engineering Investigation) (GeoSoils Consultants Inc.; July 10, 2017) and the Response to City of San Juan Capistrano Review Letter, dated May 29, 2018, *Proposed Residential Housing, San Juan Mixed Use, Intersection of Calle Arroyo and Paseo Tirador, San Juan Capistrano California* (GeoSoils Consultants Inc.; October 29, 2018) (both provided in Appendix B).

Impact Analysis:

- (a) Would the project directly or indirectly cause people or structures to 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 Draft Geotechnical Engineering Investigation (2017) 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 active fault to the project site is the Newport-Inglewood Fault; the southern terminus of this fault zone is 22 miles to the north. The Wildomar Fault, south of Lake Elsinore, is 22 miles to the east, and the Mount Soledad Fault is 50 miles to the south in La Jolla. Therefore, direct and indirect project impacts related to the rupture of a known earthquake fault as depicted on the most recent Alquist-Priolo Earthquake Fault Zoning Map 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) (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. Direct and indirect project impacts associated with strong seismic ground shaking will be evaluated as part of the EIR, and appropriate and feasible mitigation measures will be identified should there be significant impacts. **Potential impacts associated with strong seismic ground shaking will be analyzed further in the EIR.**

(a) (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.

According to the liquefaction analysis in the Draft Geotechnical Engineering Investigation (2017), the thin layers of soils on the site could be subject to liquefaction. 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 potential liquefaction impacts. Direct and indirect project impacts associated with liquefaction will be evaluated as part of the EIR, and appropriate and feasible mitigation measures will be identified

should there be significant impacts. **Potential impacts associated with liquefaction will be analyzed further in the EIR.**

(a) (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 Draft Geotechnical Engineering Investigation (2017), the project 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. Impacts will be evaluated as part of the EIR, and appropriate and feasible mitigation measures will be identified should there be significant impacts. **Potential impacts associated with soil erosion will be analyzed further in the EIR.**

(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 level on the project site is located approximately 17 ft below ground surface. 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 Draft Geotechnical Engineering Investigation (2017), 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.**

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 by young alluvial sediments and Artificial Fill. Although the soils on the site would not be subject to collapse as a result of subsidence, the alluvial deposits underlying the project site are unconsolidated, reflective of a depositional history without substantial loading, and therefore 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. Impacts associated will be evaluated as part of the EIR, and appropriate and feasible mitigation measures will be identified should there be significant impacts. **Potential impacts associated with collapsible soils will be analyzed further in the EIR.**

Corrosive Soils and Soluble Sulfate Content. Corrosive soils have constituents or physical characteristics that attack concrete (water-soluble sulfates) and/or ferrous metals (chlorides, ammonia, nitrates, low pH levels, and low electrical resistivity). Corrosive soils could potentially create a significant hazard to the project by weakening the structural integrity of the concrete and metal used to construct the buildings and could potentially lead to structural instability. Structural damage and foundation instability caused by corrosive soils is a potentially significant impact.

Laboratory testing conducted as part of the Draft Geotechnical Engineering Investigation indicated that on-site soils may potentially be corrosive (more than 200 parts per million of sulfate). As such, damage to development and infrastructure associated with the proposed project could occur as a result of corrosive soils. Impacts associated will be evaluated as part of the EIR, and appropriate and feasible mitigation measures will be identified should there be significant impacts. **Potential impacts associated with corrosive soils will be analyzed further in the EIR.**

(d) Would the project be located on expansive soil, as defined in the California Building Code (CBC), creating substantial direct or indirect risks to life or property?

Less Than 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.

Based on laboratory testing in the Draft Geotechnical Engineering Investigation (2017), soils on the project site were classified to have a low expansion potential. Therefore, impacts related to expansive soils and a potential for direct or indirect risks to life or property 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 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?**

No Impact. The project would connect to the existing City sewer system and does not include construction of, or connections to, septic tanks or alternative wastewater disposal systems. 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) **Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Potentially Significant Impact. New ground-disturbing activities associated with project construction activities could have the potential to unearth previously unknown paleontological resources. As such, potential impacts to paleontological resources will be evaluated as part of the EIR. The EIR will also identify appropriate and feasible mitigation measures should there be significant impacts to paleontological resources. **Potential impacts to paleontological resources will be analyzed further in the EIR.**

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

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

The discussion and analysis provided in this section are based on the *Phase I Environmental Site Assessment (Phase I ESA) Report, SWC of Calle Arroyo and Paseo Tirador, City of San Juan Capistrano, California 92675* (Phase I ESA; Stantec Consulting Services, Inc. [Stantec], May 16, 2017) and the *Phase II Environmental Site Assessment (Phase II ESA) Report, SWC of Calle Arroyo and Paseo Tirador, City of San Juan Capistrano, California 92675* (Phase II ESA; Stantec, June 29, 2017) (both provided in Appendix C).

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 an irritant or strong sensitizer.¹¹ Hazardous substances include all chemicals regulated under the United States Department of Transportation (USDOT) “hazardous materials” regulations and the United States Environmental Protection Agency (USEPA) “hazardous waste” regulations. Hazardous wastes require special handling and disposal because of 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.

Potentially hazardous materials that could be used during construction activities would include a limited amount of hazardous and flammable substances/oils (e.g., fuels, lubricants, and solvents) typical during heavy equipment operation for site grading and construction. 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). The potential for the release of hazardous materials during project construction is 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 vehicles. Furthermore, the results of the Phase I ESA and the Phase II indicate that it is unlikely that hazardous materials would be encountered during construction. Therefore, impacts with respect to hazardous materials use and storage during construction would be less than significant, and no mitigation would be required.

Project operation associated with residential uses would involve the use and storage of small quantities of potentially hazardous materials typical of residential uses (e.g., cleaning solvents, fertilizers, and pesticides). For example, landscaping and maintenance activities could include the use of fertilizers and light equipment (e.g., edgers) that may require fuel. These types of activities do not involve the use of a large or substantial amount of hazardous materials. In addition, such materials would be contained, stored, and used in accordance with manufacturers’ instructions and handled in compliance with applicable standards and regulations. Any associated risk would be adequately reduced to a less than significant level through compliance with these standards and regulations. Further, operation of the proposed project as a residential development would not require the storage, transportation, generation, or disposal of large quantities of hazardous substances. As such, when utilized properly, hazardous materials used and stored on the project site would not result in a significant hazard to the residents or visitors. Furthermore, the City has adopted a Household Hazardous Waste Program, which helps residents identify potentially hazardous materials in the home, and also includes information on Household Hazardous Waste Collection Centers.¹² Therefore, the proposed residential uses would result in a less than significant hazard to the public or the

¹¹ 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).

¹² City of San Juan Capistrano. Household Hazardous Waste. Website: <http://sanjuancapistrano.org/Portals/0/Documents/Utilities/Use%20of%20Haz%20Waste%20Collection%20Ctrs.pdf> (accessed December 3, 2018).

environment associated with the routine transport, use, disposal, or reasonably foreseeable accident conditions related to hazardous waste during operation.

The Orange County Fire Authority (OCFA) is the administering agency for the chemical inventory and business emergency plan regulations for the City. OCFA's disclosure activities are coordinated with the Orange County Health Care Agency. The Health Care Agency is a Certified Unified Program Agency for local implementation of the disclosure program and several other hazardous materials and hazardous waste programs. The OCFA's Hazardous Materials Services Department is staffed with technical and administrative personnel who are assigned with the implementation and management of the disclosure program. All facilities are encouraged to work closely with OCFA in order to eliminate any unnecessary efforts or costs in complying with the disclosure program. The Orange County Waste and Recycling Department manages four hazardous material and hazardous waste collection centers designed to prevent damage to the environment and reduce risk of accidental poisoning by removing household hazardous materials and medicines from the home.¹³ The closest collection center to the project site is located approximately 2 miles east of the site, at 32250 La Pata Avenue (Prima Deshecha Landfill). Because these resources are available to anyone in the County, it is reasonable to conclude that the residences would use such programs to properly dispose of household hazardous waste. Therefore, impacts associated with the disposal of hazardous materials and/or the potential release of hazardous materials that could occur with the implementation of the proposed project 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.**

(b) Would the project 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?

Less Than Significant Impact. The purpose of the Phase I and Phase II analyses was 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. The Phase I analysis prepared included (1) site reconnaissance of the project site and the surrounding area; (2) a review of regulatory agency reports, aerial photographs, and other historic record sources, (3) interviews with the property owner; (4) and preparation of a soil sampling analysis.

An REC can be defined as the presence or likely presence of any hazardous substances or petroleum products in, or at a property due to a release to the environment, under conditions indicative of a release to the environment, or under conditions that pose a material threat of a future release to the environment.

According to the Phase I ESA, no RECs were identified on the site during the site visit (with the exception of undocumented fill). However, a review of the applicable agency reports,

¹³ OC Landfills. Household Hazardous Waste. Website: <http://www.oclandfills.com/hazardous/> (accessed December 26, 2017).

photographs, and historic records conducted identified evidence of RECs and several Historical RECs (HRECs) adjacent to the site.

According to the Phase I ESA, historic use of the project site for cultivation of agricultural crops may result in unknown pesticides and/or metals-based herbicide residues in shallow soils. In addition, the Phase I ESA determined that contaminants and/or volatile organic compounds (VOCs) may be present in undocumented fill on the property due to the presence of the San Juan Landfill at or near the project site and the prior dumping of 50,000 cy of “clean” soil on the site.¹⁴ The Phase I ESA also determined that asbestos may be present in the pavement utilized for the paved portion of Paseo Tirador that extends onto the project site. As such, the Phase I ESA recommended soil sampling to ascertain that no asbestos is present on the paved portion of the site.

In accordance with the recommendations of the Phase I ESA, the Phase II ESA conducted a soil sampling analysis to determine if on-site soils had been impacted by use of agricultural chemicals. A total of four samples were obtained from below fill material on the site to determine the presence of heavy metals, arsenic, lead, and pesticides. Results of the soil sampling analysis found that measurable amounts of heavy metals, arsenic, lead, and pesticides were all below established regulatory thresholds for residential development.

Soil samples were also collected to determine the presence of total petroleum hydrocarbons (TPH), VOCs, and metals in undocumented soils on the project site. In total, 16 samples were collected. All samples reported VOCs and pesticides at levels below established regulatory standards for VOCs and pesticides. With the exception of two samples, all samples reported concentrations of TPH at levels below established regulatory standards. The Phase II ESA determined that these two samples were not indicative of a site-wide issue. Soil samples also reported arsenic concentrations at levels greater than risk-based regulatory thresholds; however, the Phase II ESA determined that the reported arsenic concentrations were within and consistent with typical background concentrations for the area, which have been determined to occur naturally. Further, although soil sampling was originally recommended to ascertain that asbestos was not present on the paved portion of the site, the Phase II ESA determined that no stress absorbing fabrics were observed in the asphalt on Paseo Tirador. As such, no samples were collected for analysis of asbestos. Based on the results of soil sampling on the site, the Phase II ESA determined that no further investigation or action was required.

In addition to soil sampling, a soil vapor analysis was conducted on the project site. In total, seven soil vapor samples were collected and analyzed for VOCs associated with undocumented fills on the site. Results of the analysis determined that all VOCs were below the most conservative applicable regulatory residential thresholds. The soil vapor analysis also screened concentrations for methane; however, none of the samples showed evidence of any methane. Therefore, no further investigation or action was determined to be required.

¹⁴ According to the Phase I ESA, 50,000 cy of soil were used for creekside/habitat improvements.

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. Therefore, adherence to applicable rules and regulations as required during construction regarding hazardous materials would reduce potential risks associated with the release of hazardous materials to the public or to the environment to a less than significant level.

As stated previously, hazardous substances associated with the proposed residential 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 residential 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, residents, or workers in the vicinity of the proposed project. 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. The nearest school to the project site is St. Margaret's Episcopal School, which is located 0.19 mile northeast of the project site.

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.

Although the project site is located within 0.25 mile of St. Margaret's Episcopal School, operation of the proposed residential uses would not result in the production of hazardous emissions or handling of significant amounts of hazardous materials. Therefore, operation of the proposed residential 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, and impacts are considered less than significant. 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 and 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) **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?**

No Impact. The nearest airport to the project site is John Wayne Airport, located approximately 16 miles northwest of the project site. Additionally, the Helicopter Outlying Landing Field associated with the United States Marine Corps Base at Camp Pendleton is located approximately 9 miles southeast of the project site. Therefore, due to the distance of these airports from the project site, the proposed project would not cause a safety hazard or excessive noise for people residing or working in the project area. 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, San Juan Creek Road and La Novia Avenue are identified as potential evacuation routes in the event of an emergency.

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 temporary 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.

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. San Juan Creek Road and La Novia Avenue are identified as evacuation routes 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. **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, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less Than Significant Impact. According to the City's General Plan Safety Element, the project site is not located in an area identified as a Wildland Fire Area that may contain substantial fire risk or a Very High Fire Hazard Severity Zone (VHFHSZ). In addition, according to the California Department of Forestry and Fire Protection (CalFire), the project site is not located in a fire hazard area.¹⁵ However, because the project site is adjacent to vegetation associated with San Juan Creek, the eastern portion of the site is located within a fuel modification zone. As such, the project would be required to prepare and submit a final Fuel Modification Plan for the proposed project. According to the conceptual Fuel Modification Plan, the project includes the use of drought-tolerant landscaping, rock, and hardscape within the fuel modification zone, as well as non-combustible building materials for structures on the site. As a result, the proposed project would not directly or indirectly 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.**

¹⁵ CalFire. Orange County Fire Hazard Severity Zones. October 2011. Website: http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/orange/c30_SanJuanCapistrano_vhfhsz.pdf (accessed December 4, 2018).

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 ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 off- site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Discussion:

The following section is based on the Preliminary Hydrology Report for Paseo Tirador TTM 18148, San Juan Capistrano, CA (Preliminary Hydrology Report) (IBI Group, March 2018) and the Preliminary Water Quality Management Plan for Paseo Tirador, San Juan Capistrano, CA (PWQMP) (IBI Group, July 2018) (prepared November 2017, revised March 2018 and July 2018) (provided in Appendix D).

Impact Analysis:

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

Less Than Significant Impact. The proposed project involves construction of a residential development on the project site. Pollutants of concern during construction include 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 stormwater runoff into receiving waters (San Juan Creek and the Pacific Ocean).

During construction, approximately 10.45 acres of the 16.1-acre project site will be developed for residential use. Approximately 5.55 acres of the 16.1-acre project site consist of San Juan Creek and jurisdictional areas, which will be dedicated for conservation. Project construction would disturb approximately 10.45 acres of soil. 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) General Permit for Storm Water Discharges 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). Therefore, coverage under the Construction General Permit would be obtained for the proposed project. The Construction General Permit requires preparation of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of construction Best Management Practices (BMPs) detailed in the SWPPP 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, including incorporation of construction BMPs to target pollutants of concern would reduce construction impacts related to Waste Discharge Requirements (WDRs), water quality standards, and degradation of water quality to less than significant, and no mitigation would be required.

According to the Geotechnical Engineering Investigation prepared for the project, groundwater could be encountered at depths of 17 ft below the existing grade. Depth of excavation could extend to 20 ft below the existing grade. Therefore, based on the depth of groundwater and depth of excavation, groundwater dewatering could be required during construction. Groundwater may contain high levels of total dissolved solids, selenium, or other constituents that could be introduced to surface waters when dewatered groundwater is discharged to surface waters. Groundwater dewatering activities during excavation would be conducted in accordance with the *General Waste Discharge Requirements for Discharges from Groundwater Extraction and Similar Discharges to Surface Waters within the San Diego Region Except for San Diego Bay (WDR)* (Order No. R9-2008-0002, Permit No. CAG919002) (Groundwater Discharge Permit), which would require testing and treatment (as necessary) of groundwater encountered during groundwater dewatering prior to release to surface waters. As a result, groundwater dewatering would not introduce pollutants to receiving that would violate water quality standards or waste discharge requirements.

Although groundwater dewatering would occur, dewatered groundwater would be discharged to surface waters rather than back into groundwater resources and would therefore not introduce pollutants to groundwater. Infiltration of stormwater has the potential to affect groundwater quality in areas of shallow groundwater. As discussed above, groundwater could occur at depths in the range of 17 ft below ground surface (bgs). Pollutants in stormwater are generally removed by soil through absorption as water infiltrates. In areas of deep groundwater, there is more absorption potential and, as a result, less potential for pollutants to reach groundwater. As such, due to the depth to groundwater, it is not expected that any stormwater

that may infiltrate during construction would affect groundwater quality. Therefore, project construction would not substantially degrade groundwater quality.

Potential pollutants of concern from long-term operations of residential developments include suspended solids/sediments, nutrients, pathogens (bacteria/virus), pesticides, oil and grease, trash and debris, and dry weather runoff. The project would comply with the requirements of Title 8, Chapter 14 of the Municipal Code and 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 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. A Preliminary Water Quality Management Plan (PWQMP; IBI Group, prepared November 2017, updated March 2018 and July 2018) has been prepared for the project. The PWQMP will be refined during final design based on the final site plan.

According to the PWQMP, proposed site design BMPs include:

- Minimize impervious area
- Maximize natural infiltration capacity
- Preserve existing drainage patterns and time of concentration
- Disconnect impervious area
- Protect existing vegetation and sensitive areas
- Revegetate disturbed areas
- Soil stockpiling and site-generated organics
- Water-efficient landscaping
- Slopes and channel buffers

Proposed non-structural source control BMPs include:

- Education for property owners, tenants, and occupants
- Activity restrictions
- Common area landscape management
- BMP maintenance
- California Title 22 Compliance
- Spill contingency plan
- Hazardous materials disclosure compliance
- Uniform Fire Code implementation
- Common area litter control
- Employee training

- Common area catch basin inspection
- Street sweeping private streets and parking lots

Proposed structural source control BMPs include:

- Provide storm drain system stenciling and signage
- Design and construct trash and waste storage areas to reduce pollution introduction
- Use efficient irrigation systems and landscape design, water conservation, smart controllers, and source control
- Protect slopes and channels and provide energy dissipation
- Incorporate requirements allocable to individual priority categories (from San Diego RWQCB NPDES Permit)

Proposed LID BMPs include a subsurface water quality detention facility, located adjacent to I-5 within an open space area, and a subsurface Modular Wetland System, located at various locations on the project site. Stormwater runoff from the western portion of the project site will be conveyed to the subsurface water quality detention facility where it will be detained and infiltrated. Stormwater runoff from the eastern portion of the project site will be conveyed to the Modular Wetland System and then discharged into Horno Creek. Biofiltration areas may also be incorporated into the project during final design, if feasible. 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 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 to a less than significant level, and no mitigation would be required.

As discussed previously, infiltration of stormwater could have the potential to affect groundwater quality in areas of shallow groundwater. However, in areas of deep groundwater, there is more absorption potential and, as a result, less potential for pollutants to reach groundwater. Due to the depth to groundwater (17 ft bgs), it is not expected that any stormwater would affect groundwater quality because there is not a direct path for pollutants to reach groundwater. In addition, the project would be required to implement LID features to treat stormwater before it could reach groundwater. Therefore, project operation would not substantially degrade groundwater quality. **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 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 Engineering Investigation prepared for the project, groundwater could be encountered at depths of 17 ft below the existing grade.

Depth of excavation could extend to 20 ft below the existing grade. Therefore, based on the depth of groundwater and depth of excavation, groundwater dewatering could be required during construction. In the event groundwater dewatering activities are required, the Applicant would be required to obtain all applicable permits with respect to dewatering. However, groundwater dewatering would be temporary, and the volume of groundwater removed would not be substantial. In addition, any volume of water removed during groundwater dewatering would be minimal when compared to the size of the San Juan Groundwater Basin, which has a capacity of 41,375 acre-feet (af) of water per year,¹⁶ and would not interfere with the sustainable management of the groundwater basin. Therefore, impacts related to a decrease in groundwater supplies or interference with groundwater recharge in a manner that may impede sustainable groundwater management would be less than significant and no mitigation is required.

Currently, the project site is undeveloped and consists of primarily pervious surfaces. According to the PWQMP, development of the project would increase impervious surface area by approximately 6.86 acres, which 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 af of water per year.¹⁷ 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. Furthermore, neither groundwater extraction nor injection would occur during operation. For these reasons, impacts related to depletion of groundwater supplies or interference with groundwater recharge in a manner that may impede sustainable groundwater management 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 a substantial erosion or siltation on- or off-site?**

Less Than Significant Impact.

During construction activities, soil would be exposed and disturbed, drainage patterns would be temporarily altered during grading and other construction activities, and there would be an increased potential for soil erosion and siltation compared to existing conditions. Additionally, during a storm event, soil erosion and siltation could occur at an accelerated rate. As discussed above in Response 4.9 (a), the Construction General Permit requires preparation of a SWPPP to identify construction BMPs to be implemented as part of the proposed project to reduce impacts to water quality during construction, including those impacts associated with soil erosion and siltation. With compliance with the requirements of the Construction General

¹⁶ Wildermuth Environmental Inc. 2015. *Analysis of Storage in the San Juan Groundwater Basin*. November 18, 2015.

¹⁷ Ibid.

Permit and implementation of the construction BMPs, construction impacts related to on- or off-site erosion or siltation would be less than significant and no mitigation is required.

The project would not substantially alter drainage patterns on the project site. According to the Preliminary Hydrology Report prepared for the project (IBI Group, November 2017, updated March 2018), in the proposed condition, the overall site drainage patterns would generally remain the same as existing drainage patterns. Storm flows would continue to reach San Juan Creek via an existing 27-inch reinforced concrete pipe (RCP) in the southwest corner of the project site and via Horno Creek.

Currently, the project site is undeveloped and consists of primarily pervious surfaces (the project site currently contains 0.9 acre of impervious surface area). Development of the project would increase impervious surface area by approximately 6.86 acres, which would increase stormwater runoff. However, impervious surface areas associated with development of the project site are not prone to erosion or siltation, and landscaping, where erosion and siltation are minimal.

The increased impervious surface area could increase stormwater discharge from the site, which could increase downstream erosion or siltation. The existing 27-inch RCP and Horno Creek are both concrete and not subject to erosion or siltation. Downstream of the project site, San Juan Creek is a concrete-lined earthen channel with a soft bottom. In addition, a portion of San Juan Creek adjacent to the project site is an unimproved natural watercourse. Therefore, San Juan Creek is subject to erosion and siltation impacts. The project would comply with the requirements of Title 8, Chapter 14 of the Municipal Code and the South Orange County MS4 Permit, both of which require preparation of a WQMP and implementation of BMPs. As specified in the PWQMP prepared for the project, proposed BMPs would include site design, source control, and LID BMPs. LID BMPs include a subsurface water quality detention facility and a subsurface Modular Wetland System. As detailed in Response 4.9 (a), these BMPs would reduce stormwater runoff from the project site to San Juan Creek to below existing conditions so the proposed project would not contribute to downstream erosion or siltation. Finally, the proposed project would not alter the course of a stream or river. As such, operational impacts related to on-site or off-site erosion or siltation 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) (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less Than Significant Impact. As 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 (the project site currently contains 0.9 acre of impervious surface area). As detailed in the Preliminary Hydrology Report prepared for the project (IBI Group, March 2018), stormwater runoff from the project site is 23.5 cubic feet per second (cfs) during a 25-year storm and 30.6 cfs during a 100-year storm.

Development of the project would increase impervious surface area by approximately 6.86 acres, which would increase stormwater runoff and could potentially result in flooding. The increase in impervious surface waters would increase stormwater runoff from the project site by 8.4 cfs (to 31.9 cfs) during a 25-year storm and by 10.6 cfs (to 41.2 cfs) during a 100-year storm. However, the proposed LID BMPs (a subsurface water quality detention facility and subsurface Modular Wetland System) would capture and reduce stormwater runoff.

According to the Preliminary Hydrology Report, the total peak discharge flow rate to the existing 27-inch RCP would be below existing conditions after implementation of LID BMPs (peak flow would decrease by 1.4 cfs during a 25-year storm and by 2.3 cfs during a 100-year storm). Discharge to El Horno Creek would increase by 5.6 cfs during a 25-year storm event and by 7.1 cfs during a 100-year storm event. However, according to the Preliminary Hydrology Report, El Horno Creek should have sufficient capacity to accommodate the small increase in runoff due to the small time of concentration of discharge from the project site compared to the longer time of concentration for the approximately 4.3-square-mile El Horno Creek watershed. El Horno Creek has a design capacity of 3,100 cfs and is nearly empty during storm flows; therefore, it can accommodate the increased stormwater runoff from the project site. Finally, the project would decrease stormwater runoff to San Juan Creek by 23.5 cfs during a 25-year storm event and by 5.3 cfs during a 100-year storm event. For these reasons, the project would not exceed the capacity of the existing 27-inch RCP, El Horno Creek, or San Juan Creek, and off-site flooding would not occur.

In addition, the proposed drainage facilities needed to accommodate stormwater runoff would be appropriately sized during the final design phase so that on-site flooding would not occur. Finally, the proposed project would not alter the course of a stream or river. Therefore, with implementation of LID BMPs, impacts related to on-site or off-site flooding would be less than significant 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.**

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

Less Than Significant Impact. Refer to the responses to Thresholds 4.10(a) and 4.10(c)(i). The project would comply with NPDES requirements, and BMPs would be implemented during construction and operation to reduce pollutants in stormwater runoff. Additionally, the receiving waters have sufficient capacity to accommodate the small increase in runoff. Therefore, the project would not exceed the capacity of stormwater drainage systems or provide substantial sources of polluted runoff. Impacts would be less than significant 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.**

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

Potentially Significant Impact. According to the FEMA FIRM Nos. 06059C0506J and 06059C0507J (December 3, 2009), the project site is located within 100-year floodplain Zone AE and Zone X. Zone AE is defined by FEMA as areas subject to inundation by a 1-percent-annual-chance (100-year) flood for which base flood elevations have been determined. Zone X is defined by FEMA as areas of minimal flood hazard, which are the areas outside of the Special Flood Hazard Area and higher than the elevation of the 0.2 percent annual chance flood. A portion of the project site contains a Zone AE Regulatory Floodway associated with El Horno Creek and San Juan Creek. Regulatory floodways are the channel of a river, and adjacent land must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. 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 a 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.

Placement of structures within a flood hazard area can also increase the 100-year floodplain water surface elevation. Changes to the floodplain could result in increased flooding to adjacent development. The project will require a CLOMR-F and LOMR-F from FEMA to revise the FEMA FIRM maps to reflect the proposed condition. **Potential impacts related to flood flows will be analyzed further in the EIR.**

(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 ocean waves generated by tectonic displacement of the sea floor associated with shallow earthquakes, sea floor landslides, rock falls, and exploding volcanic islands. Tsunamis can have wavelengths of up to 120 miles and travel as fast as 500 miles per hour across hundreds of miles of deep ocean. Upon reaching shallow coastal waters, the waves can reach up to 50 ft in height, causing great devastation to near-shore structures. The project site is approximately 2.8 miles from the Pacific Ocean shoreline and is not within a tsunami inundation area. According to the Geotechnical Engineering Investigation (provided in Appendix B) prepared for the project, because the project site is not located near the ocean shoreline or within 50 ft of sea level, the tsunami hazard is considered low. Therefore, inundation from tsunamis is not expected. Therefore, there is no risk of release of pollutants due to inundation from tsunami.

Seiche Zones. Seiching is a phenomenon that occurs when seismic ground shaking induces standing waves (seiches) inside water retention facilities (e.g., reservoirs and lakes). Such waves can cause retention structures to fail and flood downstream properties. There are no water retention facilities, such as large lakes or reservoirs, in close proximity to the project site.

Therefore, inundation from seiche waves is not expected. Therefore, there is no risk of release of pollutants due to inundation from seiche.

Flood Hazard. The project site is located adjacent to San Juan Creek and 5 miles downstream of the Trampas Canyon Reservoir. As discussed previously, the project site is within a 100-year floodplain of San Juan Creek. According to the FEMA FIRM maps and the City's General Plan Safety Element (December 1999), the project site is also within the inundation area 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 a risk of inundation and pollutant release on the project site. The project would introduce a new land use (residential) 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 residential uses would be limited in both amount and use.

Because BMPs would reduce the potential for pollutants to occur on the site, and because 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, tsunami, or seiche 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 RWQCB. 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 its 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.

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 the requirements set forth by the Construction General Permit, which requires preparation of a 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 the Groundwater Discharge Permit, including testing and treatment (if necessary) of dewatered groundwater prior to discharge to surface waters.

As discussed in Response 4.10 (a), the primary pollutants of concern during project operations are suspended solids, bacteria/viruses/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 the City's 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 require preparation of a SWPPP, preparation of a Final WQMP, implementation of construction and operational BMPs to reduce pollutants of concern in stormwater runoff, and compliance with the Groundwater Discharge Permit 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, which are required to adopt Groundwater Sustainability Plans to manage the sustainability of the groundwater basins.¹⁸ The project site is located within the San Juan Valley Groundwater Basin, which is managed by the San Juan Basin Authority, which consists 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 California Department of Water Resources as a very low-priority basin¹⁹; 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 with 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.**

¹⁸ California Department of Water Resources, SGMA Groundwater Management. Website: <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management> (accessed May 23, 2019).

¹⁹ California Department of Water Resources, SGMA Basin Prioritization Dashboard, Groundwater Basins 2016. Website: <https://gis.water.ca.gov/app/bp-dashboard/p2/> (accessed May 24, 2019).

4.11 LAND USE/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 type="checkbox"/>	<input checked="" 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?

No Impact. The project site consists of a vacant, undeveloped site that is comprised of Assessor's Parcel Numbers (APNs) 666-131-07, -08, -09, -13, -14, -15, and -16. In its existing condition, the project site is primarily characterized by dirt and scattered ruderal vegetation, is irregular in shape, and is relatively flat with a slight slope to the east/southeast. The project site is bordered on the north by Calle Arroyo, with commercial and institutional uses located beyond. El Horno Creek (a tributary of San Juan Creek) and San Juan Creek are located adjacent to the southern portion of the property; portions of the San Juan Creek Trail are located along the southern portion of the project site. The San Juan Hills Golf Club and multi-family residential developments are located further south of the project site. Paseo Tirador is located along a portion of the eastern boundary of the project site with the Ortega Equestrian Center located further east. The I-5 freeway forms the western boundary of the project site with the Del Obispo Shopping Center located beyond (refer to Figure 2.2, Project Vicinity, in Chapter 2.0, Environmental Setting and Project Description).

The project site is located on an approximately 16.1-acre site within a largely developed portion of the City. The project involves the construction of a 132-unit residential development, consisting of 43 single-family units and 89 townhome units, on the currently vacant project site. Vehicular access to the proposed project would be provided by via three driveways on Calle Arroyo. Paseo Tirador, an existing street within the project site, would be extended to the southwesternmost portion of the site and would be utilized as the main street serving the development. The City has vacated Paseo Tirador, and it will become a private road as part of the proposed development. Multiple roads providing access to individual units would connect to Paseo Tirador and, in some cases, Calle Arroyo. All improvements proposed as part of the project would be restricted to within the boundaries of the site. 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 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?

Potentially Significant Impact. The main documents regulating land use on the project site are the City of San Juan Capistrano General Plan and the Zoning Ordinance. The project's relationship with these documents is described in further detail below.

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.

The project site is designated Planned Community on the City's General Plan Land Use Map. According to the City's General Plan Land Use Element (1991), the Planned Community land use designation denotes large areas of land under common ownership for the detailed planning and development of residential, commercial, industrial, institutional, recreational, or open space uses. Additionally, the project site is identified in the City's General Plan 2014–2021 Housing Element as accommodating 230 very-low-income units.

The proposed project includes 118 market-rate units and 14 moderate-income affordable units on the site. As such, the project would result in fewer units by income category for the site than identified in the City's Housing Element. Senate Bill (SB) 166, which went into effect on January 1, 2018, requires a local jurisdiction to ensure that its Housing Element inventory can accommodate at all times its remaining unmet Regional Housing Needs Assessment (RHNA). At no time during the 2014–2012 Housing Element planning period shall a local jurisdiction permit or cause its inventory of sites to be insufficient to meet its remaining unmet share of the RHNA for lower or moderate income households. To ensure compliance with SB 166, the Applicant and the City have identified a separate site to accommodate the "net loss" of 216 affordable housing units that would result from development of the site. The identification of a new site for the affordable housing units would ensure that there is no conflict with the City's RHNA or with SB 166. However, there is a potential for inconsistency with the existing Housing Element.

Potential impacts related to the project's consistency with the General Plan will be analyzed further in the EIR.

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.

The project site is zoned as a Planned Community District associated with the adopted Ortega Planned Community Comprehensive Development Plan (CDP 78-01). The purpose of the Planned Community zone is to encourage the use of modern land planning and design techniques to create developments integrating a mixture of different types of land uses. If the Applicant opts to create a Specific Plan for the project, the zoning of the property would have to be changed from Planned Community to Specific Plan.

Based on the provision of affordable housing units, and as allowed under the City's affordable housing bonus program, the Applicant may request concessions and/or variances to the CDP 78-01 Development Standards for the items below. Alternatively, the Applicant may pursue a Specific Plan for the property with development standards that allow the following items:

- Allow zero ft setbacks for structures from City parcel lines where the existing water well is located;
- Allow the maximum 2nd floor/1st floor ratio to exceed 80 percent;
- Allow the minimum distance between buildings to be less than 20 ft (10 ft); and
- Exempt the project from providing recreational vehicle parking spaces.

Approval of the proposed project would include the affordable housing concessions and variances discussed above. Following approval of the requested concessions and variances, the project would be consistent with the City's Zoning Ordinance. However, because the project requires approval of these concessions and variances, there is the potential for inconsistency between the project and the development standards required by CDP 78-01, and potentially significant impacts could occur. **Potential impacts related to the project's consistency with the development standards required by CDP 78-01 will be analyzed further in the EIR.**

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 checked="" type="checkbox"/>	<input 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?

Less Than Significant Impact. In 1975, the California Legislature enacted the Surface Mining and Reclamation Act which, among other things, provided 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 mineral land areas are categorized into the following 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.

The project site has been classified by the California Department of Mines and Geology as being located within MRZ-2.²⁰ Of the four categories, 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 of California 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.

²⁰ 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 site and surrounding area are classified as MRZ-2 due to proximity to the San Juan Creek. Alluvial material in the San Juan Creek deposit is Holocene to Pleistocene in age (the most current geological epochs) and consists of about 20 percent coarse aggregate composed of metavolcanic rock, granodiorite, and sedimentary rocks derived from the Santa Ana Mountains; the remaining 80 percent of the deposit is composed of sand and finer material.²¹ Historically, the Conrock Company has mined aggregate material from the San Juan Capistrano Quarry and San Juan Creek,²² located at 31507 Ortega Highway approximately 4.5 miles east of the project site. Currently, Greenstone Materials operates aggregate mining from this location, and they specialize in the production of construction materials such as concrete and asphalt.²³

Construction of the proposed project would involve grading and earthwork activities that would result in disturbances to on-site soils, including any aggregate material that may be present on the site. However, project construction would not involve the export of any on-site soils or materials that would result in the permanent loss of on-site aggregate material. Therefore, implementation of the project would not remove on-site aggregate material, resulting in the permanent loss of such materials.

As previously stated, the closest mining operations to the project site are located 4.5 miles east of the property. Although the project site is designated as MRZ-2, the site has not historically or is currently utilized for mineral resource extraction. Further, the City's General Plan Open Space and Conservation Element (2002) does not elaborate on significant mineral resources within the City and does not identify the site as a property targeted for the conservation of mineral resources. 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. Required elements of a General Plan are regulated by Section 65302 of the Government Code. As defined in Section 65302(d) of the Government Code, a City's General Plan Conservation Element must contain goals and policies to protect and maintain natural resources, including minerals. As discussed in Response 4.11 (a), the City's General Plan Open Space and Conservation Element (2002) does not discuss mineral resources within the City.

²¹ California Division of Mines and Geology. 1981. Special Report 143. Mineral Land Classification of the Greater Los Angeles Area. Part III Classification of Sand and Gravel Resource Areas, Orange County-Temescal Valley Productions-Consumption Region. Website: ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_143/PartIII/SR_143_partIII_Text.pdf (accessed December 5, 2018).

²² California Division of Mines and Geology. 1979. Special Report 139. Aggregates in the Greater Los Angeles Area, California. Website: ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_139/SR_139.pdf (accessed December 5, 2018).

²³ Greenstone Materials. About. Website: <http://www.greenstonematerials.com/> (accessed December 5, 2018).

Although the project site is classified by the California Department of Mines and Geology as MRZ-2, no mineral resource extraction activities have historically or presently occur on the site. The nearest aggregate mining operation is located approximately 4.5 miles upstream from the project site. Therefore, the 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. 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.**

4.13 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 ground-borne vibration or ground-borne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis:

- (a) **Would the project result in the 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 (temporary) 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 Calle Arroyo 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 (permanent) 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 commercial, institutional, open space, recreational, and residential. Noise-sensitive land uses in the project's vicinity include institutional uses (e.g., St. Margaret's Episcopal School) to the north, the Ortega Equestrian Center to the east, and residential uses to the northeast and south.

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, should there be significant noise impacts. **Potential impacts related to noise exceeding established thresholds will be analyzed further in the EIR.**

(b) Would the project result in the generation of excessive ground-borne vibration or ground-borne 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, should there be significant vibration or ground-borne noise impacts. **Potential vibration and ground-borne noise impacts will be analyzed further in the EIR.**

(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project site is not located within the vicinity of a private airstrip. The project is approximately 16 miles southeast of John Wayne Airport and does not fall within the John Wayne Airport Planning Area. Due to the distance of the airport from the project site, there would be no noise-related impacts due to airport activities following project implementation, 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.**

4.14 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 type="checkbox"/>	<input checked="" type="checkbox"/>

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. The proposed project includes the development of a residential community consisting of 132 residential units, which would result in additional residential growth within the City. According to the California Department of Finance City/Population and Housing Estimates (January 2018), the average number of persons per dwelling unit in the City in 2018 was 3.10 persons.²⁴ Based on the City's average occupancy rate, the addition of 132 units would result in approximately 410 additional residents. The addition of 410 residents would be approximately 1.14 percent of the City's 2017 population of 36,064,²⁵ and an increase of 1.08 percent of the City's projected population of 38,100 for the year 2020.²⁶ Therefore, the proposed project would not result in significant unplanned population growth as a result of project implementation.

In addition, the Regional Housing Needs Assessment Allocation Plan (RHNA), has quantified a range of housing needs by income groups for each jurisdiction during specific planning periods. According to the City's 2014–2021 General Plan Housing Element, Southern California Association of Governments (SCAG) has established an RHNA goal for the City to develop 638 new housing units by the year 2021. Of these 638 units, 147 would be set aside for Extremely Low/Very Low Income groups, 104 units for Low Income Groups, 120 for Moderate Income Groups, and 267 for Above Moderate Groups. In order to meet these requirements, the City's Housing Element identifies the project site as accommodating 230 very-low income units. The proposed project would allow for the development of 118 new market-rate housing units and 14 new moderate-income housing units on the project site, which would result in fewer units by

²⁴ California Department of Finance City/Population and Housing Estimates (January 2018) (132 dwelling units * 3.10 person per unit = 409.2)

²⁵ United States Census Bureau. Quick Facts Finder. 2017. Website: <https://www.census.gov/quickfacts/fact/table/sanjuancapistranocitycalifornia,ca/PST045217> (accessed December 5, 2018).

²⁶ Southern California Association of Governments. Regional Transportation Plan 2012-2035. Growth Forecast Appendix. Table 18.

income category for the site than identified in the City's Housing Element. Nonetheless, implementation of the project, which includes construction of 14 moderate-income units, would contribute to the City's realization of RHNA goals. To comply with SB 166, the Applicant and the City have identified a separate site to accommodate the "net loss" of 216 affordable housing units that would result from development of the site. The identification of a new site for the affordable housing units would ensure that there is no conflict with the City's RHNA or with SB 166 and that adequate sites to accommodate the RHNA designated affordable housing units have been identified.

The project does not propose to expand any surrounding utility infrastructure in the project vicinity. Therefore, the proposed project would not directly or indirectly induce unplanned population growth through the extension of roads or other infrastructure. Therefore, potential impacts related to substantial inducement of unplanned population growth, either directly or indirectly, 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 displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. As previously stated, the project proposes the development of a currently vacant site. Project implementation would not displace any existing people and would not necessitate the construction of replacement housing elsewhere. As stated previously, the proposed project would allow for the development of 118 new market-rate housing units and 14 new moderate-income housing units on the project site, which would result in fewer units by income category for the site than identified in the City's Housing Element. Nonetheless, implementation of the project, which includes construction of 14 moderate-income units, would contribute to the City's realization of RHNA goals. To comply with SB 166, the Applicant and the City will identify a separate site within the City to accommodate the "net loss" of affordable housing units that would result from development of the site. The identification of a new site for the affordable housing units would ensure that there is no conflict with the City's RHNA or with SB 166 and that adequate sites to accommodate the RHNA designated affordable housing units have been identified. Additionally, the project would not result in a loss of housing 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.**

4.15 PUBLIC SERVICES

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection?	<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 and paramedic services for the project area and project vicinity are provided to the City under contract to the Orange County Fire authority (OCFA). The City is located in Division III, which includes Battalions 6 and 7.

Fire Station No. 7 is the only OCFA station located in the City. Located at 31865 Del Obispo Street, San Juan Capistrano (approximately 0.19 mile west of the project site), Fire Station No. 7 would be the first to the project site in the event of an emergency, and would be the “first-in” station. Station No. 7 is staffed by three captains, three engineers, nine firefighters, and reserve firefighters. “Second call” stations are fire stations that support the “first-in” station. Fire Station No. 49 would be designated as the “second call” station to support Fire Station No. 7. Fire Station No. 49 is located at 31461 Golden Lantern Street, Laguna Niguel, approximately 4.9 miles west of the project site. Station No. 49 is staffed by three captains, three engineers, and six firefighters.²⁷

²⁷ OCFA. Operations Division 5. Website: <https://www.ocfa.org/aboutus/departments/operationsdirectory/Division5.aspx> (accessed December 7, 2018)

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).²⁸ In addition, the California Department of Forestry and Fire Protection (CalFire) does not designate the project site as being located in a fire hazard area.²⁹ However, development of the proposed project would result in an increased number of individuals on the site, which could increase the demand for OCFA services.

As discussed in Section 4.9, 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. In addition, construction of the project would not result in the need for new or physically altered governmental facilities related to fire protection. 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 temporary lane closures on roadways adjacent to the site. 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.

The proposed project would allow for the development of a residential community on the site, which would increase the number of on-site residents and visitors, and potentially increase the demand for fire protection services. 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 (which are closer to areas near San Juan Creek that could be subject to wildfires) would include automatic sprinkler systems and would comply with Section R337 of the California Code of Regulations to further minimize impacts related to fires. As such, the proposed project would be designed to comply with all Fire Department access requirements and California Fire Code requirements. Therefore, 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.**

²⁸ CalFire. Orange County Fire Hazard Severity Zones. October 2011. Website: http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/orange/c30_SanJuanCapistrano_vhfhsz.pdf (accessed December 5, 2018).

²⁹ CalFire. Orange County Fire Hazard Severity Zones. October 2011. Website: http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/orange/c30_SanJuanCapistrano_vhfhsz.pdf (accessed December 4, 2018).

- (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 1.7 miles west of the project site, serves the City. OCSD's Aliso Viejo Station, located at 11 Journey in Aliso Viejo, approximately 9 miles northwest of the project site, also serves the City.

In total, 28 OCSD personnel are assigned to the City, including one lieutenant, four sergeants, two investigators, and 21 sheriff's deputies.³⁰ 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.³¹

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 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.

As previously stated in Section 4.13, Population and Housing, the proposed project would increase the City's population up to 410 residents. When considered with the existing population, the project-related population increase would have a negligible impact on the OCSD's ratio of police officers per 1,300 residents.³² Additional property tax revenue generated by implementation of the proposed project would also contribute to the City's General Fund, which could be allocated to fund additional police services. Therefore, the increase in population associated with the proposed project would be minimal compared to the number of police officers currently employed by the City, and would not trigger the need for new or physically altered police facilities. Although the project would incrementally contribute to the demand for additional police protection services, the project would not result in the need for new or physically altered governmental 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.**

³⁰ City of San Juan Capistrano. 2017. *Mitigated Negative Declaration and Initial Study for the Church of Jesus Christ Latter Day Saints Meetinghouse Project*. September 2017.

³¹ 28 officers / 36,064 (2017 population) = approximately 1 officer per 1,300 persons.

³² 2018 population of 36,759 + 410 persons = 31,759. 31,759/1,300 = 28.6 officers.

- (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 grades kindergarten through 12.³³

Construction of the proposed project would not require or result in any temporary lane closures on roadways adjacent to the site that would have any adverse impacts on the existing CUSD operation. Therefore, there would be no project construction impacts related to public schools, and no mitigation would be required.

The CUSD elementary, middle, and high schools assigned to the project site are Ambuehl Elementary (0.9 mile northeast), Marco Forster Middle (2.8 miles southwest), and San Juan Hills High (4.8 miles east of the site). The current student capacity for the schools serving the project site is shown in Table 4.15.A, below.

Table 4.15.A: Current School Capacities and Enrollment (2017–2018)

School	Grade	Current Enrollment	Current Capacity	Available Capacity
Ambuehl Elementary School	K–5	377	576	199
Marco Forster Middle School	6–8	1,383	1,547	164
San Juan Hills High School	9–12	2,556	3,265	709

Sources: Education Data Partnership. Website: <http://www.ed-data.org/district/Orange/Capistrano-Unified> (accessed December 5, 2018).

CUSD student generation rates for single-family residential units were used to analyze the estimated students generated as a result of project implementation. Based on these generation factors, it is assumed that the proposed 43 single-family detached units would generate approximately 7 elementary school children, 4 middle school children, and 6 high school students. The 89 multi-family attached units would generate approximately 14 elementary school children, 8 middle school children, and 9 high school students. As shown in Table 4.15.B, below, the total number of students generated by the proposed development would be approximately 48 new students.

³³ Capistrano Unified School District. District Facts. Website: http://capousd.ca.schoolloop.com/cms/page_view?d=x&piid=&vpid=1232963501986 (accessed December 5, 2018).

Table 4.15.B: Projected School Enrollment

Grade Levels	Student Generation Factor – Single Family Detached Units	Student Generation Factor – Multi-family Attached Units	Projected Enrollment
Elementary School	0.14 student/unit	0.15 student/unit	21 students
Middle School	0.09 student/unit	0.08 student/unit	12 students
High School	0.13 student/unit	0.1 student/unit	15 students
Total	-		48 students

Source: Capistrano Unified School District, Residential and Commercial/Industrial Fee Study 2017–2018.

Projected Enrollment is based on the development of 43 single-family detached units and 89 multi-family attached units.

The increase in students projected as a result of project implementation would incrementally increase the demand for school facilities. However, the project-related increase in school children would not result in the need for new or expanded school facilities given the current capacities at schools serving the project area (refer to Table 4.15.A, above). 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 Applicant would be required to pay such fees to reduce any impacts of new residential development on school services as provided in Section 65995 of the California Government Code. Pursuant to the provisions of 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 residential projects within the CUSD's jurisdictional boundaries is \$3.79 per square foot.³⁴ 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 193 acres of parks and recreational uses. Currently, the City provides 5 acres of park space per 1,000 residents. The closest park to the project site is Cook La Novia Park, which is located 0.5 mile northeast of the project site. Although it is possible that residents of the project might use City parks for recreational activities, it is likely that the recreational facilities included as part of the project would meet the project-related demand for parks and passive

³⁴ Capistrano Unified School District, Residential and Commercial/Industrial Fee Study. 2017–2018.

recreational facilities. 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.

Although the proposed project would include the development of housing, which would create an additional demand for park facilities, the proposed project also includes the development of recreation areas along the multi-purpose trail that would satisfy a portion of the total required parkland dedication that, in combination with in-lieu park fees, would satisfy the requirements for provision of parks. Therefore, the dedicated recreation areas in combination with payment of in lieu fees provided by the proposed project would meet any increase in parks required by the proposed project's increase in population and would ensure that existing parks would not be physically altered or degraded as a result of project implementation.

Therefore, implementation of the proposed project would result in a less than significant impact related to the provision of park space, 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 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 other facilities?**

Less Than Significant Impact. The Orange County Public Library (OCPL) system provides library services to the County, including the City. The only OCPL system branch in the City is the San Juan Capistrano Regional Library located at 31495 El Camino Real, across the street from the Basilica Mission. The San Juan Capistrano Regional 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.³⁵

Short-term construction activities would be temporary in nature and would cease upon project completion. Temporary workers on the site during construction are not expected to create an increased demand for library services. Therefore, impacts related to the provision of public libraries from construction of the proposed project would be less than significant, and no mitigation would be required.

Demand for library services is typically determined based on the size of the resident population. The City's General Plan determines the adequacy of library services according to a ratio of the resident population to the total library floor area and collection size, using the standards of 0.2 sf of library space per capita and 1.5 books per capita.³⁶ As discussed further in Section 4.13, Population and Housing, the increase in population associated with up to 132 residential units would be approximately 410 persons. Using this standard and the estimated project-related increase in 410 persons, the San Juan Capistrano Regional Library would need to be 7,434 sf in

³⁵ City of San Juan Capistrano, Public Services & Utilities Element (1999).

³⁶ Ibid.

size with 55,753 books. Although the San Juan Capistrano Regional Library exceeds the standard for size with a 12,000 sf facility, the library would need an additional 9,056 books to meet the projected demand for library books. The San Juan Capistrano Library reduced the total amount of hardcopy library materials from 80,000 to 45,789 between 2014 and 2017 in an effort to eliminate outdated materials and replace select volumes with electronic copies. Due to the accessibility of online materials via the 23 public computers at the library, the replacement of the hardcopy materials with electronic copies is not considered a loss of library volumes. 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

	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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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?

No Impact. The City of San Juan Capistrano currently maintains 27 public parks, consisting of approximately 193 acres of parks and recreational uses throughout the City.³⁷ According to the Parks and Recreation Element of the City's General Plan (2002), the City has an established standard of 5 acres of park space per 1,000 residents. For comparison, the National Park standard is 3 acres of parkland per 1,000 residents.³⁸

The proposed project would include a 20 ft wide multi-purpose pedestrian, bicycle, and equestrian trail along the project site's southern boundary. This trail would serve to provide increased connectivity between off-site recreational uses (e.g., Ortega Equestrian Center) and on-site amenities provided as part of the project. Specifically, recreational amenities provided as part of the project would consist of a gathering area with barbeques, seating, a shade structure, a climbing boulder, and a wishing well; an open play turf area with benches; an equestrian hitching post; and exercise stations. Although a portion of the San Juan Creek Trail may be inaccessible during project construction, short-term construction activities would be temporary in nature and would cease upon project completion. Further, project operation would encourage access to the multi-use trail and promote new opportunities for recreation due to the amenities proposed as part of the project.

Section 9.4-159, Parkland, of the City's Municipal Code was adopted to implement the provisions of the Quimby Act (State of California Planning and Zoning Law, Section 66477), which allows the legislative body of a city to require the dedication of land for park facilities

³⁷ City of San Juan Capistrano. Parks and Recreation Element. May 7, 2002.

³⁸ This national standard established by the National Recreation and Parks Association (NRPA) dates to 1983 and only includes traditional parklands. The NRPA has recently suggested a broader-based definition of Parks and Open Space and has subsequently revised its standard to approximately 10 acres per 1,000 residents, but suggests that each city look critically at its own resources and needs and open space definitions in establishing a local standard.

and/or the payment of in lieu fees for park and recreational purposes as a condition to the approval for a final tract map or parcel map for certain subdivisions.³⁹ The proposed 132-unit project would increase the City's population by approximately 410 residents⁴⁰ and would be subject to the dedication of land for park facilities and/or the payment of in-lieu fees for park and recreational purposes. Section 9.4-159, Parkland, states that the subdivider shall dedicate land or pay a fee in lieu of, or a combination of both, as a condition of approval for the purpose of providing parks and recreation facilities. Based on the City's parkland requirement of 5 acres per 1,000 residents, the proposed project would increase the demand for parkland in the City by 2.05 acres. As such, the Applicant would be required to pay fees in compliance with Section 9.4-159, Parkland, of the City's Municipal Code. Therefore, with the provision of the on-site recreation areas and the payment of in-lieu park fees, impacts to recreation requirements would be less than significant. In addition, the proposed project would not increase the use of existing neighborhood and regional parks or other recreation facilities such that substantial deterioration of the facilities would occur or be accelerated. **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?

Less Than Significant Impact. There is no identifiable physical impact to the environment that is unique to recreation resources. Potential impacts relate to separate environmental topics that will be analyzed further in the EIR, such as impacts associated with construction air quality and greenhouse gas emissions. The construction or expansion of off-site recreational facilities would not occur as the project is providing on-site recreational amenities including a multi-use trail; a gathering area with barbeques, seating, a shade structure, a climbing boulder, and a wishing well; an open play turf area with benches; an equestrian hitching post; and exercise stations. Therefore, implementation of new recreational areas proposed as part of the project would result in less than significant environmental impacts, 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.**

³⁹ City of San Juan Capistrano. Parks and Recreation Element. May 7, 2002.

⁴⁰ According to the California Department of Finance City/Population and Housing Estimates (January 2018) the average number of persons per dwelling unit in San Juan Capistrano is 3.10 persons per unit. 132 dwelling units * 3.10 person per unit = 409.2

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, roadway, bicycle and pedestrian facilities?

Potentially Significant Impact. In its existing condition, the 16.1-acre project site is undeveloped and vacant. The proposed project would allow for the development of 132 single-family residential units, a multi-purpose trail, and various recreational amenities on the project site. Vehicular access to the site would be provided at two entrance points along Calle Arroyo. The primary vehicle entrance would be located at the northeast corner of the project site, at the intersection of Calle Arroyo and Paseo Tirador. Paseo Tirador would provide primary internal vehicular circulation. Pedestrian access to/from the project site would be available via public sidewalks adjacent to the site on Calle Arroyo. Bicycle access to/from the project site would be available via the adjacent local streets (i.e., Calle Arroyo, Rancho Viejo Road, Ortega Highway, and La Novia Avenue) and the San Juan Creek Trail. As part of the project, a 20 ft wide multi-purpose pedestrian, bicycle, and equestrian trail would be constructed along the project site's southern boundary and connect to the San Juan Creek Trail; the pedestrian/bicycle and equestrian portions of the trail would each be approximately 10 ft wide and separated by wooden fencing.

The OCTA currently operates bus Route 91 along Camino Capistrano in the vicinity of the project site, with the nearest stop being a 0.9-mile walk from the project site. The project site is also within walking distance of the San Juan Capistrano Train Depot, Amtrak's Pacific Surfliner, and Metrolink's Inland Empire-Orange County and Orange County lines, all of which are a 1.0-mile walk from the project site.

Due to the intensification in land use from vacant to residential, 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 build out conditions including the proposed project, (corresponding to build out of the City's General Plan). The EIR will evaluate the potential effects of the project related to access to/from the site for pedestrians, bicyclists, and transit patrons and will describe project features such as pedestrian paths across/through the site, bicycle racks that support pedestrian and bicycle travel modes, and amenities proposed along the San Juan Creek Trail improvements. **Potential 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) **Conflict or be inconsistent with CEQA Guidelines section 15064.3⁴¹ 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 traveled (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 within 0.5 mile of a major transit stop/high-quality transit corridor 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 provisions of *State CEQA Guidelines* Section 15064.3 become applicable statewide beginning July 1, 2020.

The proposed project is a residential project, and only the northwestern portion of the site is located within 0.5 mile of a major transit stop/high-quality transit corridor. 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 4.17 (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). Further, using the average daily trips established in the TIA, the California Emissions Estimator Model (CalEEMod)

⁴¹ *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 VMT is not necessary to determine whether a proposed project would have a significant transportation impact.

will be used to determine existing and post-project VMT. However, since the City does not currently have adopted thresholds or standards in place for analyzing VMT impacts, the VMT analysis provided in the EIR will be for disclosure purposes only. **Potential traffic impacts with respect to the exceedance of adopted LOS standards and VMT will be analyzed further in the EIR.**

(c) Would the project 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. Access to the project site would be provided via three driveways on Calle Arroyo. Paseo Tirador, an existing street within the project site, would be extended to the southwesternmost portion of the site and would be utilized as the main street serving the development. The City has vacated Paseo Tirador, and it will become a private road as part of the proposed development. Multiple roads providing access to individual units would connect to Paseo Tirador and, in some cases, Calle Arroyo. 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 would conflict with existing urban land uses in the surrounding area. The proposed project includes internal private roadways that would provide resident access to residential units. 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. Therefore, the proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment), 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 result in inadequate emergency access?

Less Than Significant Impact. As stated previously, access to the project site would be provided via three driveways on Calle Arroyo. One fire department access point would connect to the 24 Hour Fitness parking lot; this access point would be used for emergency access only and secured with a gate. 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 (OCSA) 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

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

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

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

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

Potentially Significant Impact. The following responses address the thresholds in both Sections 4.17 (a) and 4.17 (b).

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, letters will be 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 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 will 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.**

4.19 UTILITIES/SERVICE SYSTEMS

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 storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact.

Water. The City's Utilities Department provides water services to the project site. The Utilities Department receives its domestic water supply from the following three sources: (1) water purchased from the Metropolitan Water District of Southern California (MWD); (2) the City's Groundwater Recovery Plant; and (3) local groundwater wells within the City. The largest source of water for the City is purchased water from MWD, which accounts for approximately 64 percent of the City's water supply portfolio.⁴²

The City's water supply system provides reliable service to a population of nearly 39,047 within the service area. According to the City's Final 2015 Urban Water Management Plan (UWMP), the total projected water demand for the retail customers served by the City was approximately 8,531 af in 2015. The City's projected water demand for 2020 and 2040 is 8,618 and 8,688 af per year, respectively, which would be equal to the City's projected water supply for 2020 and 2040 (8,618 and 8,688 af per year, respectively). According to the 2015 UWMP, the City's available supply will meet the future projected demand because the City has entitlements to receive

⁴² City of San Juan Capistrano. 2015 Urban Water Management Plan. July 2016.

imported water from the MWD and also has significant water reserves from local groundwater supplies. In addition, the 2015 UWMP water demand forecast for South Orange County (which includes the City of San Juan Capistrano) is based on projected demographics (U.S. Census Bureau data) provided by the Center for Demographic Research to each water agency in Orange County. Based on these projections, along with the City's access to imported water and local groundwater, the City would have adequate water supplies to meet full service demands.

Short-term demand for water may occur during construction activities on site. Water demand for soil watering (fugitive dust control), cleanup, masonry, painting, and other activities would be temporary and would cease once construction is completed. Overall, construction activities require minimal water and are not expected to have any adverse impacts on the existing water system or available water supplies. Therefore, potential project impacts associated with short-term construction activities would be less than significant, and no mitigation would be required.

As shown in Table 4.19.A, below, the proposed project would develop the currently vacant project site with up to 132 single-family residences, which would result in a projected water demand of 36,295 gallons per day (gpd) (0.11 af/day or approximately 41 af annually). Therefore, the estimated increase in water demand associated with the proposed project would represent approximately 0.5 percent of the City's current and projected annual water demand (based on the City's consumption of 8,531 af in 2015 and projected water demands of 8,618 af in 2020 and 8,688 af in 2040).

Table 4.19.A: Project-Related Water Demand

Land Use Type	Generation Rate	Proposed Project	Total Per Day
Single-Family Residential	397 gallons of water per day/unit	43 units	17,071 gallons
Multi-Family Residential	216 gallons of water per day/unit	89 units	19,224 gallons
Total	-	132	36,295 gallons

Source: City of San Juan Capistrano. 2015 Urban Water Management Plan (July 2016).

As is required for all new development in California, the proposed project would comply with California State law regarding water conservation measures, including pertinent provisions of Title 24 of the California Government Code (Title 24) regarding the use of water-efficient appliances and low-flow plumbing fixtures. The Applicant would also be required to pay the proposed project's fair share of Domestic Water Fees in accordance with City Resolution No. 04-05-18-04. Moreover, the proposed project is consistent with the General Plan designation of Planned Community for the site, and consequently, water use anticipated with the proposed development was already considered and planned for in the City's current UWMP. As such, the proposed project would not necessitate new or expanded water entitlements, and the City would be able to accommodate the increased demand for potable water. Therefore, project impacts associated with an increase in potable water demand are considered less than significant, and no mitigation would be required.

Water Distribution. As discussed in Chapter 2.0, Environmental Setting and Project Description, the proposed project includes the installation of a new 4-inch private water line along Paseo Tirador and other internal roads, which would connect to an existing 16-inch public water line on Calle Arroyo north of the site. The project would also replace an existing 12-inch public water line with a new 16-inch water line adjacent to the I-5 freeway near the western boundary of the site. The proposed 4-inch private water line would connect to the existing 16-inch water line.

The project site is not currently served by recycled water. However, in conjunction with project implementation, a public recycled water line would be installed off site in the roadway along Calle Arroyo alongside existing water and sanitary sewer lines. The 6-inch recycled water line would connect to an existing 6-inch line at the intersection of Calle Arroyo and Rancho Viejo Road and connect to the project site at the intersection of Calle Arroyo and Paseo Tirador. As part of the project, recycled water lines would be installed on the site and connect to the proposed 6-inch line at Calle Arroyo and Paseo Tirador. Recycled water would irrigate common landscaped areas on the project site.

The project also includes a new 8-inch well line between the residential uses and the San Juan Creek Area. This new well line would connect to an existing 8-inch well line adjacent to the I-5 freeway at the western boundary of the site. Therefore, implementation of the proposed water infrastructure improvements on the site would ensure that there is sufficient water distribution infrastructure to accommodate the project's domestic and recycled water needs. If a deficiency or service problem were found during the permitting process, the Applicant would be required by existing regulations to fund the required upgrades to adequately serve the project. Therefore, the project's impacts related to water conveyance and distribution would be less than significant, and no mitigation would be required.

Wastewater. As previously stated, wastewater generated in the City is collected and treated at the J.B. Latham Regional Treatment Plant (J.B. Latham Plant), located at 34156 Del Obispo Street in the City of Dana Point, approximately 2 miles south of the project site. The City is one of 10 member agencies that own treatment capacity in the South Orange County Wastewater Authority (SOCWA) wastewater treatment facilities. The City owns 4 million gallons per day (mgd) of the liquids treatment capacity (30.8 percent) of the J.B. Latham Plant.⁴³

The J.B. Latham Plant has a total design capacity of 13 mgd and currently treats an average wastewater flow of 6.7 mgd.⁴⁴ Therefore, the J.B. Latham Plant is currently operating at approximately 52 percent of its daily design capacity.

⁴³ City of San Juan Capistrano. *2015 Urban Water Management Plan*. July 2016.

⁴⁴ SOCWA. J.B. Latham Treatment Plant. Website: <https://www.socwa.com/infrastructure/jb-latham-treatment-plant> (accessed December 4, 2018).

The City operates and maintains a sanitary sewer collection and conveyance system that includes approximately 120 miles of sewer lines in sizes up to 27 inches in diameter. In addition, the City also operates and maintains two lift stations—the Rosenbaum Lift Station and the Avenida De La Vista List Station.⁴⁵

As part of the proposed project, a 6-inch sewer line would be installed within all internal roads serving the residential uses and would connect to an existing 15- to 18-inch sanitary sewer line within Paseo Tirador. In addition, the project would involve upsizing an existing 15-inch public sanitary sewer line to an 18-inch line adjacent to the I-5 freeway at the project site's western boundary. All proposed sewer connections would require a drop manhole.

As shown in Table 4.19.B, the proposed project would develop the currently vacant project site with up to 132 residences at a medium density, and would generate approximately 21,239 gpd (0.02 mgd) of wastewater. Therefore, the estimated increase in wastewater generated as a result of project implementation would represent approximately 0.3 percent of the available daily treatment capacity at the J.B. Latham Plant.⁴⁶

Table 4.19.B: Project-Related Wastewater Generation

Land Use Type	Generation Rate	Proposed Project	Total Per Day
Medium Density Residential (Single and Multi-Family)	1,320 gpd per acre for Medium-Density Residences	16.09 acres	21,239 gpd

Source: City of San Juan Capistrano, Municipal Code, Section 9-4.523.
gpd = gallons per day

The J.B. Latham Plant is in compliance with the San Diego RWQCB's treatment requirements and has the capacity to accommodate the increased wastewater flows from the proposed project. Therefore, development of the project would not require or result in the construction of new wastewater treatment facilities or the expansion of existing facilities, which would cause significant environmental impacts. Furthermore, the Applicant would be required to pay a Sewer Connection Fee in compliance with City Resolution No. 04-11-16-05, which would further reduce project impacts related to wastewater treatment facilities. Project impacts related to construction or expansion of wastewater treatment facilities would, therefore, be less than significant, and no mitigation would be required.

Storm Water Drainage. The project would comply with the requirements of Title 8, Chapter 14, of the Municipal Code and the San Diego RWQCB's South Orange County MS4 Permit. The South Orange County MS4 Permit regulates urban stormwater runoff, surface runoff, and drainage that flow into the MS4 system.

⁴⁵ SOCWA. J.B. Latham Treatment Plant. Website: <https://www.socwa.com/infrastructure/jb-latham-treatment-plant> (accessed December 4, 2018).

⁴⁶ Remaining capacity of 6.3 mgd/0.2 mgd of wastewater generated by the project = 0.3 percent.

As part of the project, storm drains would be installed throughout the center of the project site. An existing swale running along I-5 would convey runoff from the westerly portions of the project site to the existing 27-inch stormdrain pipe, which would eventually be conveyed into San Juan Creek. All on-site runoff from the easterly portions of the proposed development would be conveyed to a Modular Wetlands System (a stormwater biofiltration system proposed at various locations on the project site) prior to converging into the El Horno Creek Channel. As discussed further in Section 4.10, Hydrology and Water Quality, receiving waters have sufficient capacity to accommodate the project's increase in runoff, and the project would not exceed the capacity of downstream storm drain lines. Therefore, project impacts related to the construction or expansion of storm water drainage facilities would be less than significant, and no mitigation would be required.

Electric Power and Natural Gas. The San Diego Gas and Electric Company (SDG&E) would supply electricity and natural gas to the project site. As discussed in Section 4.6, Energy, construction and operation of the proposed project has the potential to result in significant impacts associated with wasteful, inefficient, or unnecessary consumption of energy resources, including electricity and natural gas. Although impacts with respect to energy resources will be evaluated as part of the EIR, implementation of the proposed project is not anticipated to result in impacts related to the construction or relocation of existing electric power or natural gas facilities. Specifically, because the project-related demand for electricity and natural gas is anticipated to be typical of existing residential users in SDG&E's territory, the project itself is not anticipated to result in an increased demand for electric power or natural gas that would require new electric facilities to serve the site. Moreover, the environmental impacts associated with the construction and operation of project-related infrastructure improvements (such as utility connections to existing electric and natural gas lines) would be analyzed throughout the EIR. Therefore, impacts with respect to the construction or expansion of electric and natural gas facilities would be less than significant, and no mitigation would be required.

Telecommunications. The primary cable and telephone service providers available to residents within the project's vicinity (and, more generally, within San Juan Capistrano) are AT&T and Cox Communications. Construction activities associated with the proposed project would not increase the demand for telecommunications facilities. As stated previously, project implementation is anticipated to result in a population increase of approximately 410 people, which comprises 1.08 percent of the total projected 2020 population of San Juan Capistrano. The project-related increase of 410 people would not generate a significant increase in the demand for telecommunication services such that the project would necessitate the need for new telecommunications facilities. As such, any project-related impacts to telecommunications facilities would be negligible and would not cause significant environmental impacts. Therefore, implementation of the proposed project would not result in impacts related to the construction or relocation of existing telecommunications facilities, and no mitigation would be required.

Summary. The proposed project would require the construction of new or expanded facilities for water, wastewater, storm water drainage, electricity, and telecommunications lines. However, for the reasons discussed above, the relocation and construction of these facilities would not result in significant environmental impacts. Therefore, impacts to these utility

facilities 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 have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. As stated previously, the proposed project would result in the development of 132 residential units and approximately 410 additional residents in San Juan Capistrano. As discussed in Response 4.19(a), above, implementation of the proposed project would result in an increased demand for water, which would represent approximately 0.5 percent of the City's current and projected annual water demand.

The proposed project would use approximately 36,295 gpd (41 af per year) of potable water. According to the City of San Juan Capistrano's Final UWMP (2015), citywide supply and demand for potable water was 8,531 af in 2015 and is expected to increase to 8,618 af by 2020 and 8,688 af by 2040 under a normal-year scenario. The 2015 UWMP projections include population increases of approximately 1 percent per year, as well as anticipated water conservation strategies. Moreover, the proposed project is consistent with the General Plan designation of Planned Community for the site. As such, water use anticipated with the proposed development was already considered and planned for in the City's current UWMP. Overall, the City's per-capita water use is projected to continue to decrease into the future, thereby keeping demand relatively constant over the next 25 years.

The proposed project's projected water demand would represent approximately 0.5 percent of the projected water supply and demand in 2020 and 2040. As described further in the City's Final 2015 UWMP, the City has sufficient entitlements to receive imported water from the Metropolitan Water District and also has significant water reserves from local groundwater supplies. Based on the Final UWMP, the City would be able to purchase additional water to supply the project-related increase in demand for potable water. As such, the City would have adequate water supplies to serve existing and projected water demands through the year 2040 under normal, single-dry-year, and multiple-dry-year scenarios. The incremental water demand generated by the proposed project would be within the current and projected water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, impacts related to water supplies 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 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. Although the project is located within Orange County, it falls within the jurisdiction of the San Diego RWQCB.

Implementation of the proposed project would allow for the development of 132 residential units and various outdoor amenities 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 that serves the project. Therefore, potential project impacts associated with short-term construction activities would be less than significant, and no mitigation would be required.

Wastewater from the proposed project would be directed to the City's sanitary sewer system, which connects to trunk sewers operated by SOCWA. SOCWA is a Joint Powers Authority with 10 member agencies, consisting of local retail water agencies and cities providing water to 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.⁴⁷ SOCWA's three primary treatment facilities have a treatment capacity of 26 million gallons of wastewater per day. 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.⁴⁸

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.⁴⁹ Wastewater generated from the proposed project would be typical of commercial wastewater flows in the City. As previously stated, operation of the proposed project would generate approximately 21,239 gpd (0.02 mgd) of wastewater, which would represent approximately 0.3 percent of the available daily treatment capacity at the J.B. Latham Plant. The J.B. Latham Plant has the capacity to accommodate the increased wastewater flows from the proposed project in addition to existing commitments. Therefore, impacts related to wastewater 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.**

- (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?**

⁴⁷ South Orange County Wastewater Authority. About SOCWA. Website: <https://www.socwa.com/about-socwa/> (accessed May 23, 2019).

⁴⁸ SOCWA. Infrastructure. Website: <https://www.socwa.com/infrastructure/> (accessed May 23, 2019).

⁴⁹ SOCWA. JB Latham Treatment Plant. Website: <https://www.socwa.com/infrastructure/jb-latham-treatment-plant/> (accessed May 23, 2019).

Less Than Significant Impact.

The project site is currently vacant and undeveloped; therefore, no solid waste is generated under existing conditions. Construction of the proposed project would generate a 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 construction of 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.

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.⁵⁰ The Prima Deshecha Landfill is currently operating at 35 percent of its daily design capacity.⁵¹

Build out of the proposed project would generate approximately 894 pounds (lbs) of solid waste per day (0.45 tpd).^{52,53} Therefore, the total solid waste generated at project build out would represent approximately 0.2 percent⁵⁴ of the Prima Deshecha Landfill's current permitted daily capacity and would not significantly impact the daily 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 2021; the Prima Deshecha Landfill is therefore anticipated to be closed 46 years after the completion of project build out. The proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Moreover, the project would not otherwise impair the attainment of solid waste reduction goals. Therefore, the project would result in a less than significant impact to solid waste and landfill 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.**

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

⁵⁰ OC Landfills. Prima Deshecha Landfill. Website: <http://www.oclandfills.com/landfill/active/deshecha> (accessed May 20, 2019).

⁵¹ CalRecycle. Facility/Site Summary Details: Prima Deshecha Sanitary Landfill. Website: <https://www2.calrecycle.ca.gov/swfacilities/Directory/30-AB-0019> (accessed May 20, 2019).

⁵² (43 single-family residences * 9.8 lbs per unit per day = 421.4 lbs per day) + (89 multi-family residences * 5.31 lbs per day) = 472.6 lbs per day. *Total of 894 lbs per day.*

⁵³ CalRecycle. Estimated Solid Waste Generation Rates. Website: <https://www2.calrecycle.ca.gov/Waste/Characterization/General/Rates> (accessed December 4, 2018).

⁵⁴ 0.45 tpd/2,600 tpd = 0.02 percent.

Less Than Significant Impact. The California Integrated Waste Management Act (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.

The proposed project would comply with existing and future statutes and regulations, including waste diversion programs mandated by City, State, or federal law. As discussed above, 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. In addition, the project would comply with Municipal Code Section 6-3.08.01, Minimum Construction and Demolition Debris Diversion Requirements, to divert at least 65 percent of the construction waste materials generated during construction of the project. Therefore, the proposed project would result in a less than significant impact related to federal, State, and local management and reduction 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) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>

Introduction

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). In addition, according to the CalFire Fire and Resource Assessment Program, the project site is not located within or near a Very High Fire Hazard Severity Zone (VHFHSZ) of a State or Local Responsibility Area.⁵⁵

Impact Analysis:

(a) Would the project substantially impair 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 and establishes goals for each of the City's departments to provide responsible planning aimed at reducing impacts with respect to loss of life, injury, damage to property, and other losses associated with disasters, such as those resulting from seismic activity, flooding, and fire. According to the City's map of evacuation routes, Rancho Viejo Road, Ortega Highway, San Juan Creek Road, and La Novia Avenue are identified as potential evacuation routes in the event of an emergency.

⁵⁵ 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 (accessed May 17, 2019).

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 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.

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. As stated previously, Rancho Viejo Road, Ortega Highway, San Juan Creek Road, and La Novia Avenue are identified as evacuation routes in San Juan Capistrano. 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. Further, the project site is not located in or near State responsibility areas or lands classified as VHFHSZ. 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) Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

Less Than Significant Impact. The project site is located in a developed portion of the City. According to the California Department of Forestry and Fire Protection (CalFire), the project site is not located in a fire hazard area.⁵⁶ In its existing condition, the project site is relatively flat and there are no significant slopes adjacent to the site. However, because the project site is adjacent to vegetation associated with San Juan Creek, the eastern portion of the site is located within a fuel modification zone. As such, the project would be required to prepare and submit a final Fuel Modification Plan to the OCFA for the proposed project. According to the conceptual Fuel Modification Plan, the project includes the use of drought-tolerant landscaping, rock, and hardscape within the fuel modification zone, as well as non-combustible building materials for structures on the site.

The proposed project involves the development of the currently vacant site with a 132-unit residential development, which would reduce the amount of vegetation/combustible materials on site. In addition, the project vicinity is characterized by existing residential and commercial

⁵⁶ CalFire. Orange County Fire Hazard Severity Zones. October 2011. Website: http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/orange/c30_SanJuanCapistrano_vhfhsz.pdf (accessed December 4, 2018).

uses. As such, the project itself would not exacerbate wildfire risks due to slope, prevailing winds, location, and other factors, and would not be expected to 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) **Would the project 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 result in impacts to the environment. Although the project includes a proposed internal roadway within the residential development, the project is not located in a fire hazard area and does not include any changes to public or private roadways that would exacerbate fire risk or result in impacts to the environment. Although utility improvements (including domestic water, recycled water, sanitary sewer, and storm drain lines) proposed as part of the project would be extended throughout the project site, these 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 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. As previously discussed in Section 4.10, Hydrology and Water Quality, the project site is within an inundation area of a 100-year flood. According to the FEMA FIRM, a majority of the project site is located within Zone AE of the San Juan Creek 100-year floodplain. Zone AE includes areas subject to inundation by the 1 percent annual chance flood with base flood elevations determined. A portion of the project site is located within the Zone AE regulatory floodways associated with San Juan Creek and El Horno Creek. Regulatory floodways are the channel of a river and adjacent land that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. In addition, according to the FEMA FIRM, the project site is located within a 1 percent annual chance (100-year) floodplain and a regulatory floodway.⁵⁷

⁵⁷ A 100-year flood is a storm event that statistically has a 1 percent chance of occurring in any given year.

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. 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 is 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

Would the project:

	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 as 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 and County, could potentially result in cumulatively considerable air quality, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, land use, noise, traffic, and tribal cultural resources impacts. 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 as 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, geologic, greenhouse gas emissions, hydrology and water quality, land use, noise, transportation, and tribal cultural resources. Mitigation measures will be incorporated where possible to reduce potential environmentally adverse impacts to humans. **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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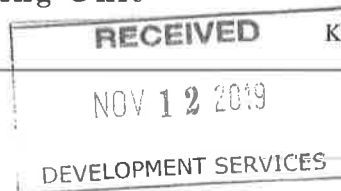


Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director



Notice of Preparation

November 7, 2019

To: Reviewing Agencies

Re: Tirador Residential Development
SCH# 2019110154

Attached for your review and comment is the Notice of Preparation (NOP) for the Tirador Residential Development draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Laura Stokes
San Juan Capistrano, City of
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

with a copy to the State Clearinghouse in the Office of Planning and Research at state.clearinghouse@opr.ca.gov. Please refer to the SCH number noted above in all correspondence concerning this project on our website: <https://ceqanet.opr.ca.gov/2019110154/2>.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

2019110154

Project Title: Tirador Residential DevelopmentLead Agency: City of San Juan CapistranoContact Person: Laura Stokes, Housing Supervisor/Associate PlannerMailing Address: 32400 Paseo AdelantoPhone: (949) 443-6313City: San Juan CapistranoZip: 92675County: Orange**Project Location:** County: OrangeCity/Nearest Community: San Juan CapistranoCross Streets: Calle Arroyo and Paseo TiradorZip Code: 92675Longitude/Latitude (degrees, minutes and seconds): 33 ° 29 ' 57.06 " N / 117 ° 39 ' 18.19 " W Total Acres: 16.1Assessor's Parcel No.: 666-131-07, -08, -09, -13, -14, -15, -16Section: see attachment Twp.: see attachment Range: see attachment Base: San Bern.Within 2 Miles: State Hwy #: I-5, SR-74Waterways: Homo Creek, Trabuco Creek, San Juan CreekAirports: N/ARailways: Amtrak/Metrolink Rail Schools: see attachment**Document Type:**CEQA: ☒ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.)

Governor's Office of Planning & Research
FONSI☐ Mit Neg DecOther: Initial Study**Local Action Type:**☐ General Plan Update☒ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☒ Use Permit☐ Coastal Permit☐ Community Plan☒ Site Plan☒ Land Division (Subdivision, etc.)☒ Other: See attachment**Development Type:**☒ Residential: Units 132 Acres 16.1☐ Office: Sq.ft. _____ Acres _____ Employees _____☐ Transportation: Type _____☐ Commercial: Sq.ft. _____ Acres _____ Employees _____☐ Mining: Mineral _____☐ Industrial: Sq.ft. _____ Acres _____ Employees _____☐ Power: Type _____ MW _____☐ Educational: _____☐ Waste Treatment: Type _____ MGD _____☐ Recreational: _____☐ Hazardous Waste: Type _____☐ Water Facilities: Type _____ MGD _____☐ Other: _____**Project Issues Discussed in Document:**☒ Aesthetic/Visual☐ Fiscal☒ Recreation/Parks☒ Vegetation☒ Agricultural Land☒ Flood Plain/Flooding☒ Schools/Universities☒ Water Quality☒ Air Quality☒ Forest Land/Fire Hazard☒ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☒ Sewer Capacity☒ Wetland/Riparian☒ Biological Resources☒ Minerals☒ Soil Erosion/Compaction/Grading☒ Growth Inducement☐ Coastal Zone☒ Noise☒ Solid Waste☒ Land Use☒ Drainage/Absorption☒ Population/Housing Balance☒ Toxic/Hazardous☒ Cumulative Effects☒ Economic/Jobs☒ Public Services/Facilities☒ Traffic/Circulation☐ Other: _____**Present Land Use/Zoning/General Plan Designation:**Zoning: Planned Community District (Ortega Planned Community Comprehensive Development Plan) PC 78-01; GPLU: Planned CommunityProject Description: (please use a separate page if necessary)

See attachment.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

NOP Distribution List

County: *Orange*

SCH#

2019110154

Resources Agency

- ☒ Resources Agency
Nadell Gayou
- ☐ Dept. of Boating & Waterways
Denise Peterson
- ☐ California Coastal Commission
Allyson Hitt
- ☐ Colorado River Board
Elsa Contreras
- ☐ Dept. of Conservation
China Chan
- ☒ Cal Fire
Dan Foster
- ☐ Central Valley Flood Protection Board
James Herota
- ☒ Office of Historic Preservation
Ron Parsons
- ☒ Dept of Parks & Recreation
Environmental Stewardship Section
- ☐ S.F. Bay Conservation & Dev't Comm.
Steve Goldbeck
- ☒ Dept. of Water Resources
Resources Agency
Nadell Gayou
- Fish and Wildlife
 - ☐ Depart. of Fish & Wildlife
Scott Flint
Environmental Services Division
 - ☐ Fish & Wildlife Region 1
Curt Babcock
 - ☐ Fish & Wildlife Region 1E
Laurie Harnsberger
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Craig Weightman
- ☐ Fish & Wildlife Region 4
Julie Vance
- ☒ Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program
- ☐ Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program
- ☐ Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program
- ☐ Dept. of Fish & Wildlife M
William Paznokas
Marine Region

Other Departments

- ☐ California Department of Education
Lesley Taylor
- ☒ OES (Office of Emergency Services)
Monique Wilber
- ☐ Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture
- ☐ Dept. of General Services
Cathy Buck
Environmental Services Section
- ☒ Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division
- Independent Commissions, Boards
 - ☐ Delta Protection Commission
Erik Vink
 - ☐ Delta Stewardship Council
Anthony Navasero
 - ☐ California Energy Commission
Eric Knight

Cal EPA

Air Resources Board

- ☐ Airport & Freight
Jack Wursten
- ☒ Transportation Projects
Nesamani Kalandiyur
- ☐ Industrial/Energy Projects
Mike Tollstrup

Cal State Transportation Agency CalSTA

- ☐ Caltrans - Division of Aeronautics
Philip Crimmins
- ☐ Caltrans - Planning
HQ LD-IGR
Christian Bushong
- ☒ California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

Dept. of Transportation

- ☐ Caltrans, District 1
Rex Jackman
- ☐ Caltrans, District 2
Marcelino Gonzalez
- ☐ Caltrans, District 3
Susan Zanchi
- ☐ Caltrans, District 4
Patricia Maurice
- ☐ Caltrans, District 5
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- ☐ Caltrans, District 6
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- ☐ Caltrans, District 8
Mark Roberts

- ☐ Caltrans, District 9
Gayle Rosander
- ☐ Caltrans, District 10
Tom Dumas
- ☐ Caltrans, District 11
Jacob Armstrong
- ☒ Caltrans, District 12
Maureen El Harake

Regional Water Quality Control Board (RWQCB)

- ☐ RWQCB 1
Cathleen Hudson
North Coast Region (1)
- ☐ RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- ☐ RWQCB 3
Central Coast Region (3)
- ☐ RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- ☐ RWQCB 5S
Central Valley Region (5)
- ☐ RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- ☐ RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- ☐ RWQCB 6
Lahontan Region (6)
- ☐ RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- ☐ RWQCB 7
Colorado River Basin Region (7)
- ☐ RWQCB 8
Santa Ana Region (8)
- ☒ RWQCB 9
San Diego Region (9)

☐ Other _____

☐ _____
Conservancy

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
Website: <http://www.nahc.ca.gov>



November 14, 2019

Laura Stokes
San Juan Capistrano, City of
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

RECEIVED

NOV - 8 2019

DEVELOPMENT SERVICES

RE: SCH# 2019110154, Tirador Residential Development Project, Orange County

Dear Ms. Stokes:

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, subds. (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

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

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) 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:

Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Staff Services Analyst

cc: State Clearinghouse

SENT VIA USPS AND E-MAIL:

December 3, 2019

LStokes@sanjuancapistrano.org

Laura Stokes, Housing Supervisor/Associate Planner
City of San Juan Capistrano, Community Development Department
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

**Notice of Preparation of a Draft Environmental Impact Report for
Tirador Residential Development Project**

The 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 and public release. 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 files¹. 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.

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 to South Coast AQMD's CEQA regional pollutant emissions significance thresholds to determine air quality

¹ 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.

impacts. South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found here: <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.

Mobile Source Health Risk Assessment

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways and other sources of air pollution, South Coast AQMD staff recommends that, prior to approving the project, Lead Agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

When specific development is reasonably foreseeable as result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse health risk impacts using its best efforts to find out and a good-faith effort at full disclosure in the CEQA document. Based on a review of aerial photographs, South Coast AQMD staff found that the Proposed Project will be located in proximity to Interstate 5 (I-5). Because of the proximity to the existing freeway and a potential source of air pollution, residents at the Proposed Project² would be exposed to diesel particulate matter (DPM), which is a toxic air contaminant and a carcinogen. Diesel particulate matter emitted from diesel powered engines (such as trucks) has been classified by the state as a toxic air contaminant and a carcinogen. Since future residences at the Proposed Project would be exposed to toxic emissions from the nearby sources of air pollution (e.g., diesel fueled highway trucks), South Coast AQMD staff recommends that the Lead Agency conduct a health risk assessment (HRA)³ to disclose the potential health risks to the residents in the Draft EIR⁴.

²According to the Project Description in the Notice of Preparation, the Proposed Project would include construction of 132 residential units totaling 229,591 square feet on 16.1 acres.

³South Coast AQMD. "Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis." Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁴South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

Guidance Regarding Residences Sited Near a High-Volume Freeway or Other Sources of Air Pollution

South Coast AQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and the South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the South Coast AQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005. This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. South Coast AQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. This Guidance Document is available on South Coast AQMD's website at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources) can be found in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. Guidance⁵ 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.

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

- Chapter 11 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>
- California Air Pollution Control Officers Association (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>

Health Risk Reduction Strategies

As stated above, the Proposed Project is located in proximity to I-5. Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

⁵ 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>.

Enhanced filtration systems have limitations. South Coast AQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that South Coast AQMD conducted to investigate filters⁶, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Furthermore, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to toxic emissions.

Because of the limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance and monitoring of filters in the Draft EIR. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to I-5, the Lead Agency should include the following information in the Draft EIR, at a minimum:

- Disclosure on potential health impacts to prospective residents from living and/or working in proximity to freeways, and the reduced effectiveness of air filtration system when windows are open and when tenants are outdoor;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency for ensuring that enhanced filters are installed on-site at the Proposed Project before a permit of occupancy is issued;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency's building and safety inspection unit to provide periodic, regular inspection on filters;
- Provide information and guidance to the Project developer or proponent on the importance of filter installation and ongoing monitoring and maintenance;
- Provide information to residents about where the MERV filters can be purchased;
- Disclosure on increased costs for purchasing enhanced filtration systems to prospective residents;
- Disclosure on increased energy costs for running the HVAC system with MERV filters to prospective residents;
- Disclosure on recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;
- Identification of the responsible entity such as residents, tenants, Homeowner's Association (HOA) or property management to ensure filters are replaced on time, if appropriate and feasible;
- Develop ongoing cost sharing strategies between the HOA and residents/tenants, if available, for replacing the enhanced filtration units;
- Set up criteria for assessing progress in installing, replacing, and maintaining the enhanced filtration units; and
- Set up process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

⁶ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.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 Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

In the event that the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit South Coast AQMD 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) 396-2001. 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 air quality impacts are accurately evaluated and any significant impacts are mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

ORC191106-05

Control Number

December 4, 2019

NCL-19-038

Laura Stokes, Housing Supervisor/Associate Planner
City of San Juan Capistrano
Development Services Department
32400 Paseo Adelanto
San Juan Capistrano, California 92675

Subject: Notice of Preparation of the Draft Environmental Impact Report for the Tirador Residential Development Project

Dear Mrs. Stokes,

Thank you for the opportunity to comment on the Notice of Preparation of the Draft Environmental Impact Report for the Tirador Residential Development Project.

The County of Orange offers the following comments for your consideration.

OC Infrastructure Programs/Flood Programs/Hydrology

1. The proposed project directly drains into the local drainage (City of San Juan Capistrano) system that ultimately drains to a natural section of San Juan Creek (OCFCD Facility No. L01, where Orange County Flood Control District (OCFD) has an easement over APN 666-011-28). In addition, the project proposes to fill in an existing Federal Emergency Management Agency (FEMA) floodplain and within the FEMA floodway. Therefore, that section of San Juan Creek may not be capable of conveying the OCFD's approved design discharges for the 100-year storm event. The project should ensure that the property is protected from flooding during the 100-year storm event.
2. As stated in the Hydrology results and conclusions in Appendix D of the Initial Study, the proposed condition runoff does not exceed the overall existing condition since the proposed development will include an onsite detention system. However, since the City of San Juan Capistrano (City) is responsible for land use planning and development within its municipal limits, the City should review and approve all local hydrology and hydraulic analyses to ensure that the proposed development does not worsen the existing conditions or shift flooding problems upstream or downstream of the proposed development.
3. The City, as floodplain administrator, should ensure that the impacted FEMA 100-year floodplain and/or floodway are revised per FEMA regulations in accordance with the City's floodplain ordinances.

Specifically, that the encroachment shall not result in any increase in flood levels within the floodway during the occurrence of the base flood discharge.

If you have any questions regarding these comments, please contact Alison Camara at (714) 647-3961 or Penny Lew at (714) 647-3990 in our Flood Programs Division or Cindy Salazar at (714) 667-8870 in our Development Services team.

A handwritten signature in black ink, appearing to read 'Richard Vuong', with a stylized flourish at the end.

Richard Vuong, Manager, Planning Division
OC Public Works Service Area/OC Development Services
601 N. Ross Street
Santa Ana, California 92701
Richard.Vuong@ocpw.ocgov.com

cc:

Alison Camara, OC Flood Programs/Hydrology & Floodplain Management
Penny Lew, OC Flood Programs/Hydrology & Floodplain Management



ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115

1 Fire Authority Way, Irvine, CA 92602

Brian Fennessy, Fire Chief • www.ocfa.org • (714) 573-6000 / Fax (714) 368-8843

December 4, 2019

City of San Juan Capistrano

Attn: Laura Stokes, Housing Supervisor/Associate Planner

LStokes@sanjuancapistrano.org

32400 Paseo Adelanto

San Juan Capistrano, CA 92675

Ref: Notice of Preparation of a Draft Environmental Impact Report Tirador Residential Development Project

Dear Laura Stokes:

Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to the project area. Services include: structural fire protection, emergency medical and rescue services, education and hazardous material response. OCFA also participates in disaster planning as it relates to emergency operations, which includes high occupant areas and schools sites and may participate in community disaster drills planned by others. Resources are deployed based upon a regional service delivery system, assigning personnel and equipment to emergency incidents without regard to jurisdictional boundaries. The equipment used by the department has the versatility to respond to both urban and wildland emergency conditions. The following are our comments:

Page 4-56: from the project description and map provided, our calculations for the project to Fire Station 7 is 1.2 miles. Fire Station 56 (56 Sendero Way, Rancho Mission Viejo) is the second closest fire station at 3.4 miles from the project area. Fire Station 56 is staffed with three captains, three engineers, and six firefighters.

We believe that with the following measures this project should be less than significant impact:

- This project would require a secured fire protection agreement to specify a developer's pro-rata, fair-share funding for capital improvements necessary to establish and maintain adequate fire protection facilities, equipment, and personnel.
- The project is subject to review by the City and the OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The project will be subject to the current editions of the CBC, CFC and related codes.
- Structures of this size and occupancy are required to have automatic fire sprinkler systems designed per NFPA 13 as required in the current CBC, CFC.
- A water supply system to supply fire hydrants and automatic fire sprinkler systems is required. Fire flow and hydrant spacing shall meet the minimums identified in the codes. Please refer to

Serving the Cities of: • Aliso Viejo • Buena Park • Cypress • Dana Point • Irvine • Laguna Hills • Laguna Niguel • Laguna Woods • Lake Forest • La Palma • Los Alamitos • Mission Viejo • Placentia • Rancho Santa Margarita • San Clemente • San Juan Capistrano • Seal Beach • Santa Ana • Stanton • Tustin • Villa Park • Westminster • Yorba Linda • and Unincorporated Areas of Orange County

RESIDENTIAL SPRINKLERS AND SMOKE DETECTORS SAVE LIVES

the California Fire Code Appendix section. These tables are also located in OCFA Guideline B09, Attachment 23.

- Fire apparatus and personnel access to and around structures shall meet the minimum development standards of the OCFA and California Fire Code requirements. Please reference Section 2 of the OCFA's Guideline B-09 at www.ocfa.org.
- If the project scope includes or requires the installation of traffic signals on public access ways, these improvements shall include the installation of optical preemption devices.
- Attic spaces shall be fully sprinklered.
- Currently a Conceptual Fuel Modification Plan has been approved, a Precise Fuel Modification Plan and a Fire Protection Plan with construction features is still required.

In addition, we would like to point out that all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal. Thank you for providing us with this information. Please contact me at 714-573-6199 if you have any questions.

Sincerely,



Tamera Rivers

Management Analyst
Strategic Services Section
tamyrrivers@ocfa.org
714-573-6199

From: [Joyce Perry](#)
To: [Laura Stokes](#)
Subject: Triador Residential Development Project
Date: Thursday, December 5, 2019 11:41:31 AM

Good Morning Laura,

On behalf of the Juaneno Band of Mission Indians Acjachemen Nation-Belardes, we are responding to your Public Notice/ Notice of Preparation of Draft Environmental Impact Report. We concur with the recommendations regarding the potential significant impacts this project will have on our Ancestral homeland. We want to continue to be kept informed on the process of this project. We would ask that a treatment plan be prepared before any development would occur. This treatment plan shall include the Conditions of Approval, how grading and native/archaeo monitoring shall be preformed, and the procedures for how any inadvertent discoveries shall be addressed.

Húu'uni 'óomaqati yáamaqati.

Teach peace

Joyce Stanfield Perry

Payomkawichum Kaamalam - President

Juaneño Band of Mission Indians, Acjachemen Nation

Tribal Manager, Cultural Resource Director

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*Making Conservation
a California Way of Life.*

December 6, 2019

Laura Stokes
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

File: IGR/CEQA
SCH#: 2019110083
12-ORA-2019-01262
I-5, PM 9.223
SR 74, PM 0.274

Dear Ms. Stokes,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for the proposed Tirador Residential Development 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 proposed project includes the construction of a 132-unit residential development consisting of 43 two-story detached units and 89 three-story attached townhome units, a 20 ft wide multi-purpose pedestrian, bicycle, and equestrian trail, and various recreational amenities throughout the development. Regional access to the plan area is provided by State Route 74 (SR 74) and Interstate 5 (I-5). Caltrans is a commenting agency for this project and upon review, we have the following comments:

Traffic Operations

1. In the next environmental document, please include a Traffic Impact Study (TIS) that analyzes short-term and long-term impacts to the State Highway System (SHS) including on-ramps, off-ramps, and freeway mainline specifically for I-5 and SR 74.
2. Any impact to the SHS should not be deemed "Significant and Unavoidable" without consultation with Caltrans to mitigate these impacts in the early development stages of the environmental document.

Environmental

3. In the Tirador Initial Study document, Section 4.4 Biological Resources (page 4-18), is missing impact analysis for questions (a), (b), and (c) which

have been identified to have potentially significant impacts. Please clarify if the questions will be analyzed in the Environmental Impact Report (EIR).

Stormwater Compliance

4. The Water Quality Management Plan (WQMP) should be further developed and submitted for review of calculations to assure project will attenuate flows to maintain them at pre-project levels.
5. Caltrans is adjacent property owner and project should not affect State flows and allow them to continue to flow in the historical pattern into San Juan Creek.
6. If this project should affect Caltrans Right of Way (R/W), an Encroachment Permit will be required and should be routed to NPDES (National Pollutant Discharge Elimination System) for review at that time. Caltrans will review the WQMP and expect to be able to review the Stormwater Pollution Prevention Plan (SWPPP) for those portions entering/affecting state R/W.

Encroachment Permits

7. Any project work proposed in the vicinity of the State Right-of-Way (ROW) would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at:

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Joseph Jamoralin at (657) 328-6276 or Joseph.Jamoralin@dot.ca.gov

Sincerely,



SCOTT SHELLEY
Branch Chief, Regional-IGR-Transit Planning
District 12



AFFILIATED AGENCIES

Orange County
Transit District

Local Transportation
Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management
Agency

December 6, 2019

Ms. Laura Stokes
Housing Supervisor/Associate Planner
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

**Subject: Notice of Preparation of Draft Environmental Impact Report
(EIR) for the Tirador Residential Development Project**

Dear Ms Stokes:

The Orange County Transportation Authority (OCTA) appreciates the opportunity to provide input on the City of San Juan Capistrano's (City) Tirador Residential Project (Project). The following comments are provided for your consideration:

- As the regional transportation planning agency that provides funding and services to Orange County cities and the County of Orange, please include OCTA on the distribution list for future projects. The notices can be addressed to the following:
Orange County Transportation Authority
Division of Planning
600 S. Main St.
Orange, CA 92868
- Section 4.17 Transportation, Subsection B states that "the TIA would be prepared consistent with the objectives and requirements of the Orange County Congestion Management Program (CMP) (November 2015)." Please reference the latest Orange County CMP report (November 2019) available on the OCTA website here: <http://www.octa.net/Projects-and-Programs/Plans-and-Studies/Congestion-Management-Program/Overview/>

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.

Sincerely,


Dan Phu

Manager, Environmental Programs

TENTATIVE TRACT NO. 18148

CITY OF SAN JUAN CAPISTRANO,
IN THE COUNTY OF ORANGE,
STATE OF CALIFORNIA

ABBREVIATIONS

BLDG	BUILDING	IW	IRRIGATION WATER
BW	BACK OF WALK	JT	JOINT TRENCH
CF	CURB FACE	LL	LOT LINE
C&G	CURB & GUTTER	MWS	MODULAR WETLAND SYSTEM
DEDI	DEDICATION	PKWY	PARKWAY
DW	DOMESTIC WATER	PL	PROPERTY LINE
CL	CENTERLINE	PIP	PROTECT IN PLACE
ENCL.	ENCLOSURE	RG	ROUGH GRADE
ESMT	EASEMENT	R/W	RIGHT OF WAY
EX	EXISTING	S	SANITARY SEWER
FF	FINISHED FLOOR	SD	STORM DRAIN
FG	FINISHED GRADE	SWLK	SIDEWALK
FL	FLOWLINE	TC	TOP OF CURB
FS	FINISHED SURFACE		

LEGEND

---	EXISTING PROPERTY LINE
---	PROPOSED STREET CENTERLINE
---	PROPOSED RIGHT OF WAY
---	PROPOSED LOT LINE
---	EASEMENT LINE
---	FEMA FLOODWAY BOUNDARY
---	FEMA FLOODPLAIN BOUNDARY
---	PROPOSED RETAINING WALL
DW	PROPOSED PRIVATE DOMESTIC WATER
FW	PROPOSED PRIVATE FIRE WATER
S	PROPOSED PRIVATE SANITARY SEWER
S	PROPOSED PRIVATE STORM DRAIN
S	EXISTING PUBLIC SANITARY SEWER
S	EXISTING PUBLIC STORM DRAIN
W	EXISTING PUBLIC WATER
100	PROPOSED PRIVATE FIRE HYDRANT
(100)	PROPOSED ELEVATION
(100)	EXISTING ELEVATION

PRELIMINARY EARTHWORK QUANTITIES

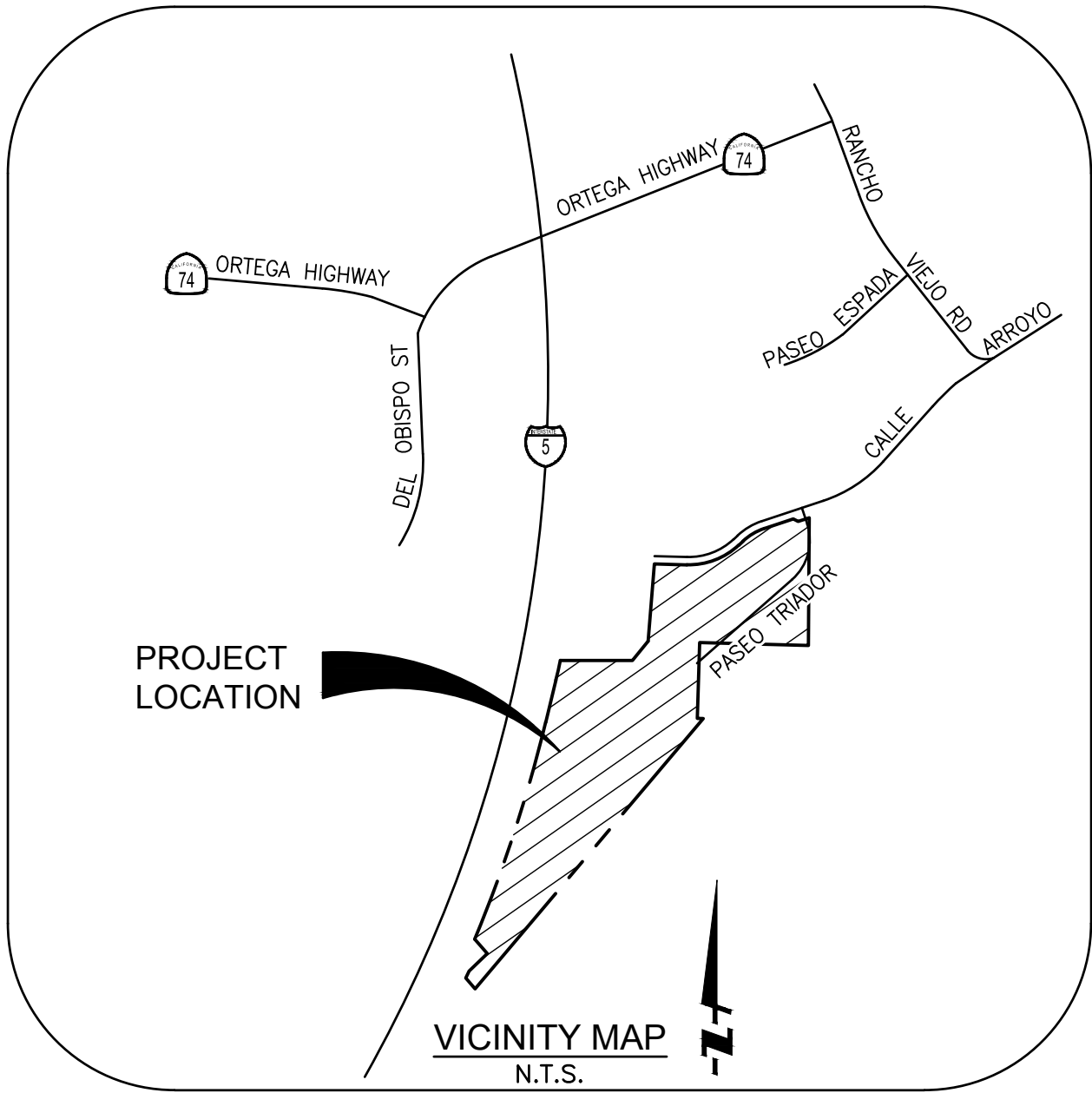
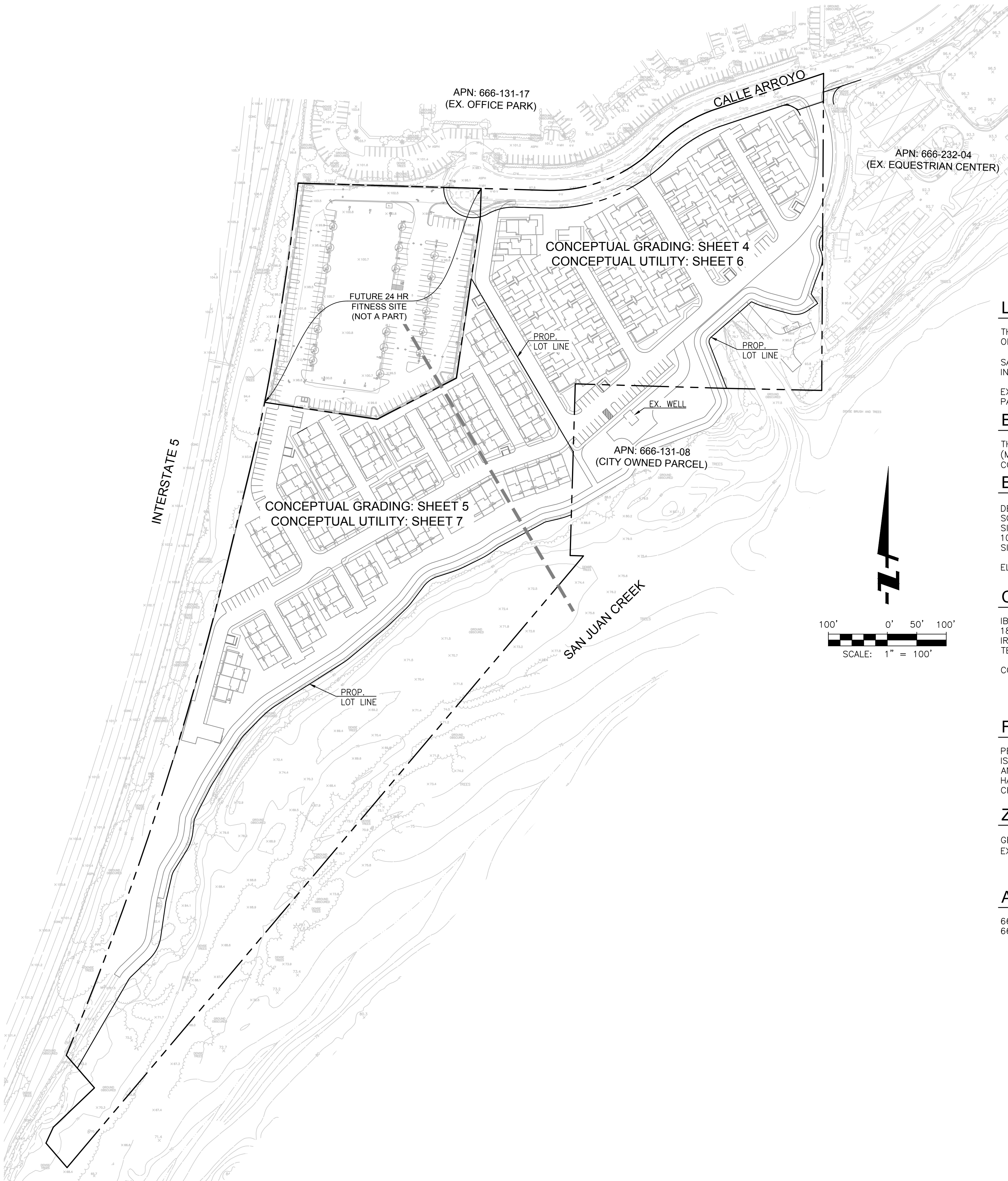
THE PROPOSED GRADING FOR THIS PROJECT AS DESCRIBED IN THIS PLAN, EXCLUDING ALL SPOILS, RESULTS IN THE FOLLOWING EARTHWORK NUMBERS.

	CUT (CY)	FILL (CY)
ARTIFICIAL FILL REMOVE & REPLACE	157,540	157,540
SHRINKAGE (7.5%)		11,816
SUBSIDENCE (0.1')		1,734
RAW	12,100	16,100
TOTALS	169,640	187,190
NET	17,950 CY IMPORT	

GRADING QUANTITIES SHOWN ABOVE ARE FOR PLAN CHECK PURPOSES ONLY. SITE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES PRIOR TO BIDDING AND CONSTRUCTION.

UTILITY PURVEYORS

WATER:	CITY OF SAN JUAN CAPISTRANO UTILITY DEPARTMENT 32450 PASEO ADELANTO SAN JUAN CAPISTRANO, CA 92675 TEL: 949.487.4305
SEWER:	CITY OF SAN JUAN CAPISTRANO PUBLIC WORKS DEPARTMENT 32400 PASEO ADELANTO SAN JUAN CAPISTRANO, CA 92675 TEL: 949.443.6354
GAS:	SOUTHERN CALIFORNIA GAS COMPANY #1 LIBERTY ALISO VIEJO, CA 92656 TEL: 949.425.4763
ELECTRICITY:	SAN DIEGO GAS & ELECTRIC COMPANY 862 CAMINO DE LOS MARES SAN CLEMENTE, CA 92672 TEL: 949.361.8040



LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JUAN CAPISTRANO, COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

SAID LAND IS SHOWN AS PARCEL 1 OF LOT LINE ADJUSTMENT LLA 14-003 RECORDED DECEMBER 21, 2016 AS INSTRUMENT NO. 2016000649365 OF OFFICIAL RECORDS.

EXCEPT FROM THAT PORTION OF SAID LAND DESCRIBED IN THE DEED RECORDED FEBRUARY 15, 1955, IN BOOK 2959, PAGE 307 OF OFFICIAL RECORDS

BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING BETWEEN O.C.S. HORIZONTAL CONTROL STATION GPS NO. 4370 (M35) AND STATION GPS NO. 4398 (M34), BEING "N00°53'47"W" PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

BENCHMARK

DESCRIBED BY OCS 2003- FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "3W-52-79", SET IN THE SOUTHWESTERLY CORNER OF A 4 FT. BY 8 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED ALONG THE NORTHERLY SIDE OF ORTEGA HIGHWAY, 0.65 MILES EASTERLY ALONG ORTEGA HIGHWAY FROM THE CENTERLINE OF INTERSTATE 5 AND 107 FT. WESTERLY OF THE NORTHERLY PROLONGATION OF WINDSONG FROM THE SOUTH. MONUMENT IS SET LEVEL WITH THE SIDEWALK.

ELEVATION: 117.162 NAVD 88, 1995 O.C.S. ADJUSTMENT

CIVIL ENGINEER

IBI GROUP
18401 VON KARMAN AVE., SUITE 110
IRVINE, CA 92612
TEL: 949.833.5588

CONTACT: PUNEET COMAR, PE



GEOTECHNICAL ENGINEER

GEOSOILS CONSULTANTS, INC.
6634 VALJEAN AVE.
VAN NUYS, CA 91406
TEL: 818.785.2158

CONTACT: KAREN MILLER, GE

OWNER

SAN JUAN TIRADOR, LCC
520 NEWPORT CENTER DR., SUITE 780
NEWPORT BEACH, CA 92660
TEL: 949.723.8989

CONTACT: EFREM JOELSON

DEVELOPER

WATT COMMUNITIES, LCC
2716 OCEAN PARK BLVD., SUITE 2025
SANTA MONICA, CA 90405
TEL: 310.314.5074

CONTACT: EFREM JOELSON

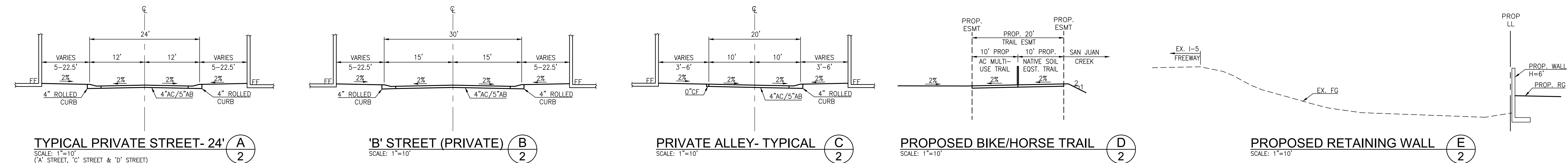
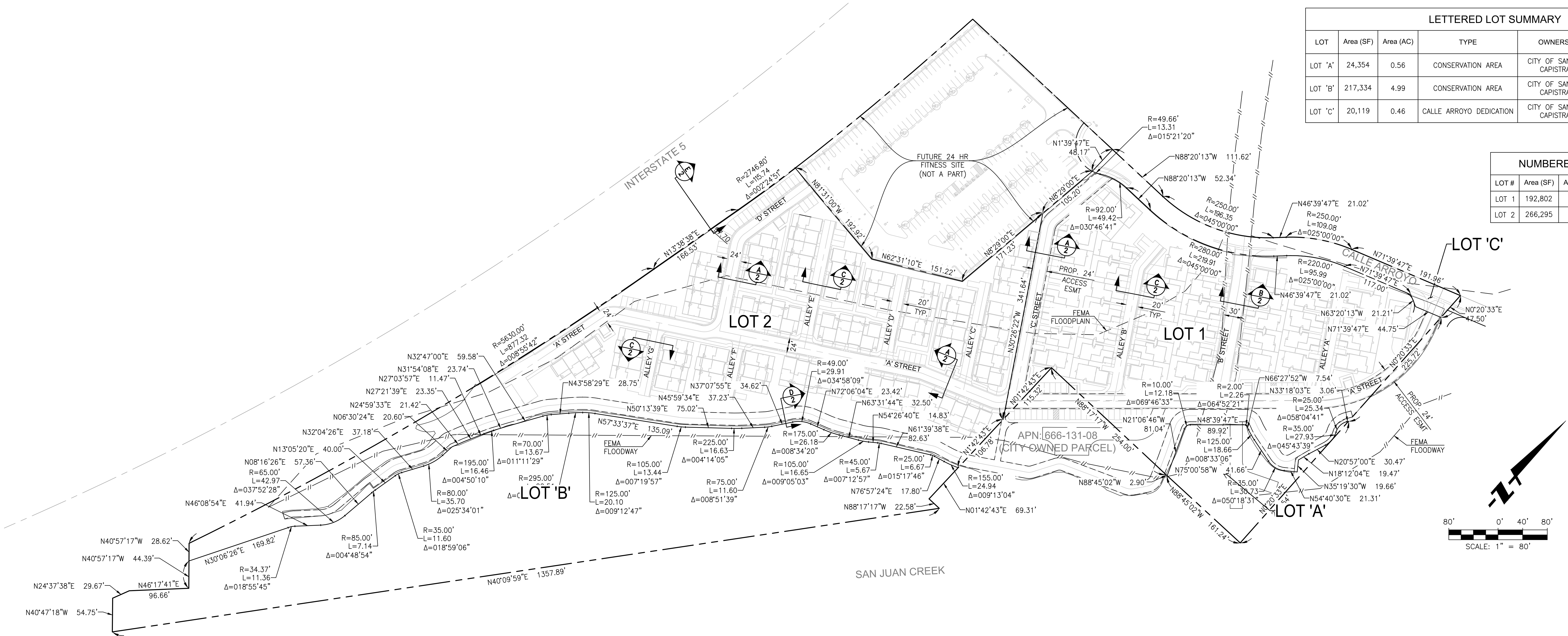
SHEET INDEX

TITLE SHEET	1
TRACT MAP	2
EXISTING EASEMENT INFORMATION	3
CONCEPTUAL GRADING PLAN	4-5
CONCEPTUAL UTILITY PLAN	6-7

CITY OF SAN JUAN CAPISTRANO DEPARTMENT OF PUBLIC WORKS & UTILITIES			
TITLE SHEET TIRADOR TENTATIVE TRACT MAP 18148			
PREPARED BY: IBI GROUP 18401 Von Karman Avenue - Suite 110 Irvine CA 92612 USA tel 949 833 5588 fax 949 833 5511 ibigroup.com			
DRAWN BY: NS	DESIGN BY: NS	SHEET 1 OF 7	
CHECKED BY: PC	CHECKED BY: PC		
GEORGE ALVAREZ CITY ENGINEER		R.C.E. 25161	DATE EXP. 12/31/2017

LETTERED LOT SUMMARY					
LOT	Area (SF)	Area (AC)	TYPE	OWNERSHIP	MAINTENANCE RESPONSIBILITY
LOT 'A'	24,354	0.56	CONSERVATION AREA	CITY OF SAN JUAN CAPISTRANO	CITY OF SAN JUAN CAPISTRANO
LOT 'B'	217,334	4.99	CONSERVATION AREA	CITY OF SAN JUAN CAPISTRANO	CITY OF SAN JUAN CAPISTRANO
LOT 'C'	20,119	0.46	CALLE ARROYO DEDICATION	CITY OF SAN JUAN CAPISTRANO	CITY OF SAN JUAN CAPISTRANO

NUMBERED LOT SUMMARY			
LOT #	Area (SF)	Area (AC)	TYPE
LOT 1	192,802	4.43	DETACHED RESIDENTIAL
LOT 2	266,295	6.11	ATTACHED RESIDENTIAL



LEGEND	
---	EXISTING PROPERTY LINE
---	PROPOSED STREET CENTERLINE
---	PROPOSED RIGHT OF WAY
---	PROPOSED LOT LINE
---	EASEMENT LINE
---	FEMA FLOODWAY BOUNDARY
---	FEMA FLOODPLAIN BOUNDARY
---	PROPOSED RETAINING WALL
---	PROPOSED PRIVATE DOMESTIC WATER
---	PROPOSED PRIVATE FIRE WATER
---	PROPOSED PRIVATE SANITARY SEWER
---	PROPOSED PRIVATE STORM DRAIN
---	EXISTING PUBLIC SANITARY SEWER
---	EXISTING PUBLIC STORM DRAIN
---	EXISTING PUBLIC WATER
---	PROPOSED PRIVATE FIRE HYDRANT
---	PROPOSED ELEVATION
---	EXISTING ELEVATION

ABBREVIATIONS			
BLDG	BUILDING	IW	IRRIGATION WATER
BW	BACK OF WALK	JT	JOINT TRENCH
CF	CURB FACE	LL	LOT LINE
C&G	CURB & GUTTER	MWS	MODULAR WETLAND SYSTEM
DEDI	DEDICATION	PKWY	PARKWAY
DW	DOMESTIC WATER	PL	PROPERTY LINE
CL	CENTERLINE	PIP	PROTECT IN PLACE
ENCL.	ENCLOSURE	RG	ROUGH GRADE
ESMT	EASEMENT	R/W	RIGHT OF WAY
EX	EXISTING	S	SANITARY SEWER
FF	FINISHED FLOOR	SD	STORM DRAIN
FG	FINISHED GRADE	SWLK	SIDEWALK
FL	FLOWLINE	TC	TOP OF CURB
FS	FINISHED SURFACE		

BUILDING MATRIX					
ATTACHED UNIT SUMMARY					
PLAN NO.	NO. OF UNITS	NO. OF BDRMS	TOTAL BDRMS	GROSS AREA (SF)	
1	14	2	28	1,275	
2	33	3	99	1,775	
3	13	3	39	1,833	
3E	29	3	87	1,839	
TOTALS	89		166		
DETACHED UNIT SUMMARY					
PLAN NO.	NO. OF UNITS	NO. OF BDRMS	TOTAL BDRMS	GROSS AREA (SF)	
1	14	3	42	1,719	
2	15	4	60	1,751	
3	14	4	56	1,890	
TOTALS	43		158		

NOTE: ALL DETACHED BUILDINGS ARE 2 STORIES. ALL ATTACHED BUILDINGS ARE 3 STORIES

PARKING SUMMARY					
ATTACHED UNIT SUMMARY					
	REQUIRED		TOTAL	PROVIDED	
	UNITS	SPACES/UNIT			
OFF STREET	89	2	178	178	
GUEST	89	0.8	71	72	
TOTALS			249	250	
DETACHED UNIT SUMMARY					
	REQUIRED		TOTAL	PROVIDED	
	UNITS	SPACES/UNIT			
OFF STREET	43	2	86	86	
GUEST	43	0.8	34	53	
TOTALS			120	139	

CITY OF SAN JUAN CAPISTRANO
DEPARTMENT OF PUBLIC WORKS & UTILITIES

TRACT MAP
TIRADOR
TENTATIVE TRACT MAP 18148

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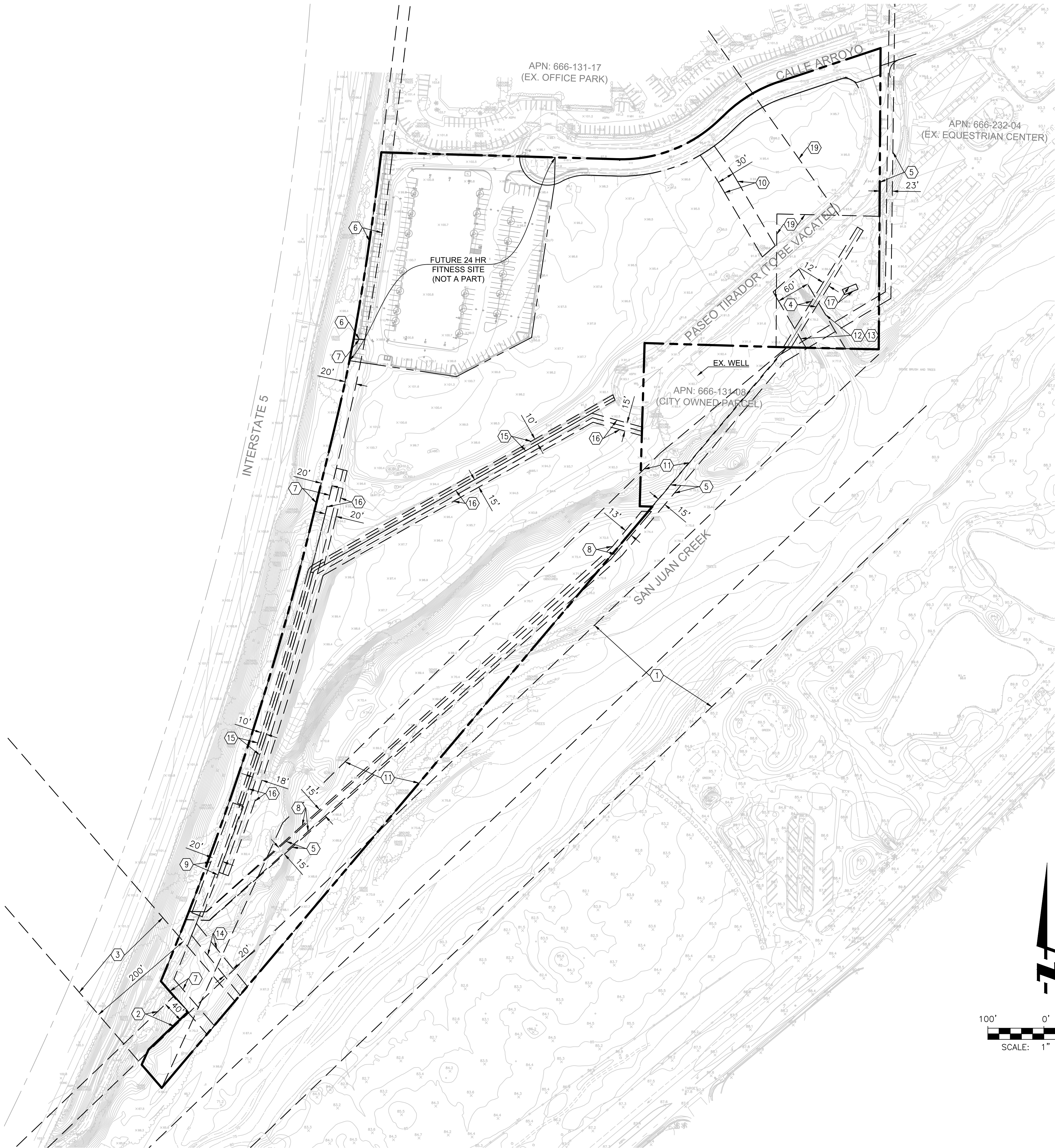
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GEORGE ALVAREZ
CITY ENGINEER

R.C.E. 25161

DATE
EXP. 12/31/2017

SHEET
2 OF 7



EXISTING EASEMENT SUMMARY

- 1 EASEMENT IN FAVOR OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT BY DEED RECORDED JANUARY 18, 1938, IN BOOK 924, PAGE 178, OFFICIAL RECORDS.
- 2 EASEMENT IN FAVOR OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT BY DEED RECORDED JULY 12, 1954, IN BOOK 2768, PAGE 564, OFFICIAL RECORDS.
- 3 EASEMENT IN FAVOR OF THE SAN DIEGO GAS & ELECTRIC COMPANY, RECORDED OCTOBER 11, 1946, IN BOOK 1467, PAGE 219, OFFICIAL RECORDS.
- 4 EASEMENT IN FAVOR OF THE SAN DIEGO GAS & ELECTRIC COMPANY, RECORDED JANUARY 7, 1957, IN BOOK 3762, PAGE 58, OFFICIAL RECORDS.
- 5 EASEMENT IN FAVOR OF THE CITY OF SAN JUAN CAPISTRANO, RECORDED AUGUST 11, 1964, IN BOOK 7627, PAGE 831, OFFICIAL RECORDS.
- 6 EASEMENT IN FAVOR OF ORANGE COUNTY, IN BOOK 8133, PAGE 8, OFFICIAL RECORDS.
- 7 EASEMENT IN FAVOR OF THE ORANGE COUNTY WATER DISTRICT NO. 4, BY DEED RECORDED JANUARY 27, 1969, IN BOOK 8870, PAGE 894, OFFICIAL RECORDS.
- 8 EASEMENT IN FAVOR OF THE STATE OF CALIFORNIA, BY DEED RECORDED SEPTEMBER 17, 1974, IN BOOK 11244, PAGE 1165, OFFICIAL RECORDS.
- 9 EASEMENT IN FAVOR OF THE CITY OF SAN JUAN CAPISTRANO, BY DEED RECORDED FEBRUARY 22, 1983, INSTRUMENT NUMBER 83-079765, OFFICIAL RECORDS. A PORTION OF THIS EASEMENT WAS QUITCLAIMED BY INSTRUMENT NUMBER 2003001324145, RECORDED OCTOBER 2, 2003, OFFICIAL RECORDS.
- 10 EASEMENT IN FAVOR OF THE CITY OF SAN JUAN CAPISTRANO, RECORDED FEBRUARY 22, 1983, INSTRUMENT NUMBER 83-079767, OFFICIAL RECORDS.
- 11 EASEMENT IN FAVOR OF THE CITY OF SAN JUAN CAPISTRANO, RECORDED FEBRUARY 22, 1983, INSTRUMENT NUMBER 83-079768, OFFICIAL RECORDS.
- 12 EASEMENT IN FAVOR OF THE CITY OF SAN JUAN CAPISTRANO, RECORDED AUGUST 12, 1986M INSTRUMENT NUMBER 86-357929, OFFICIAL RECORDS.
- 13 EASEMENT IN FAVOR OF THE CITY OF SAN JUAN CAPISTRANO, RECORDED AUGUST 12, 1986, INSTRUMENT NUMBER 86-357930, OFFICIAL RECORDS.
- 14 EASEMENT IN FAVOR OF THE CAPISTRANO VALLEY WATER DISTRICT, A PUBLIC CORPORATION, RECORDED MAY 8, 1995, INSTRUMENT NUMBER 95-0196400, OFFICIAL RECORDS. A DOCUMENT ENTITLED "QUITCLAIM OF TEMPORARY CONSTRUCTION EASEMENT PARCEL 'B' OF DOCUMENT NO. 95-0196400", RECORDED OCTOBER 28, 2003, INSTRUMENT NO. 2003001324143, OFFICIAL RECORDS.
- 15 EASEMENT IN FAVOR OF THE CITY OF SAN JUAN CAPISTRANO, RECORDED MAY 9, 1995, INSTRUMENT NUMBER 95-0198568, OFFICIAL RECORDS.
- 16 EASEMENT IN FAVOR OF THE CAPISTRANO VALLEY WATER DISTRICT, A PUBLIC CORPORATION, RECORDED OCTOBER 28, 2003, INSTRUMENT NUMBER 2003001324146, OFFICIAL RECORDS
- 17 EASEMENTS, COVENANTS & CONDITIONS CONTAINED IN THE DEED FROM CAPISTRANO ACRES MUTUAL WATER COMPANY, A CALIFORNIA CORPORATION, AS GRANTOR, TO ORTEGA LAND COMPANY LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS GRANTEE, RECORDED MAY 4, 2006, INSTRUMENT NO. 2006000303186, OFFICIAL RECORDS.
- 18 EASEMENT IN FAVOR OF ST. MARTINS EPISCOPAL SCHOOL, A CALIFORNIA PUBLIC BENEFIT CORPORATION, RECORDED MARCH 3, 2009, INSTRUMENT NO. 2009000099648, OFFICIAL RECORDS.
- 19 EASEMENT IN FAVOR OF CAPISTRANO ACRES MUTUAL WATER COMPANY, A CALIFORNIA CORPORATION, BY DEED RECORDED AUGUST 17, 1938, IN BOOK 959, PAGE 146 OF OFFICIAL RECORDS. (APPROXIMATE LOCATION. ACTUAL LOCATION INDETERMINATE FROM RECORD)

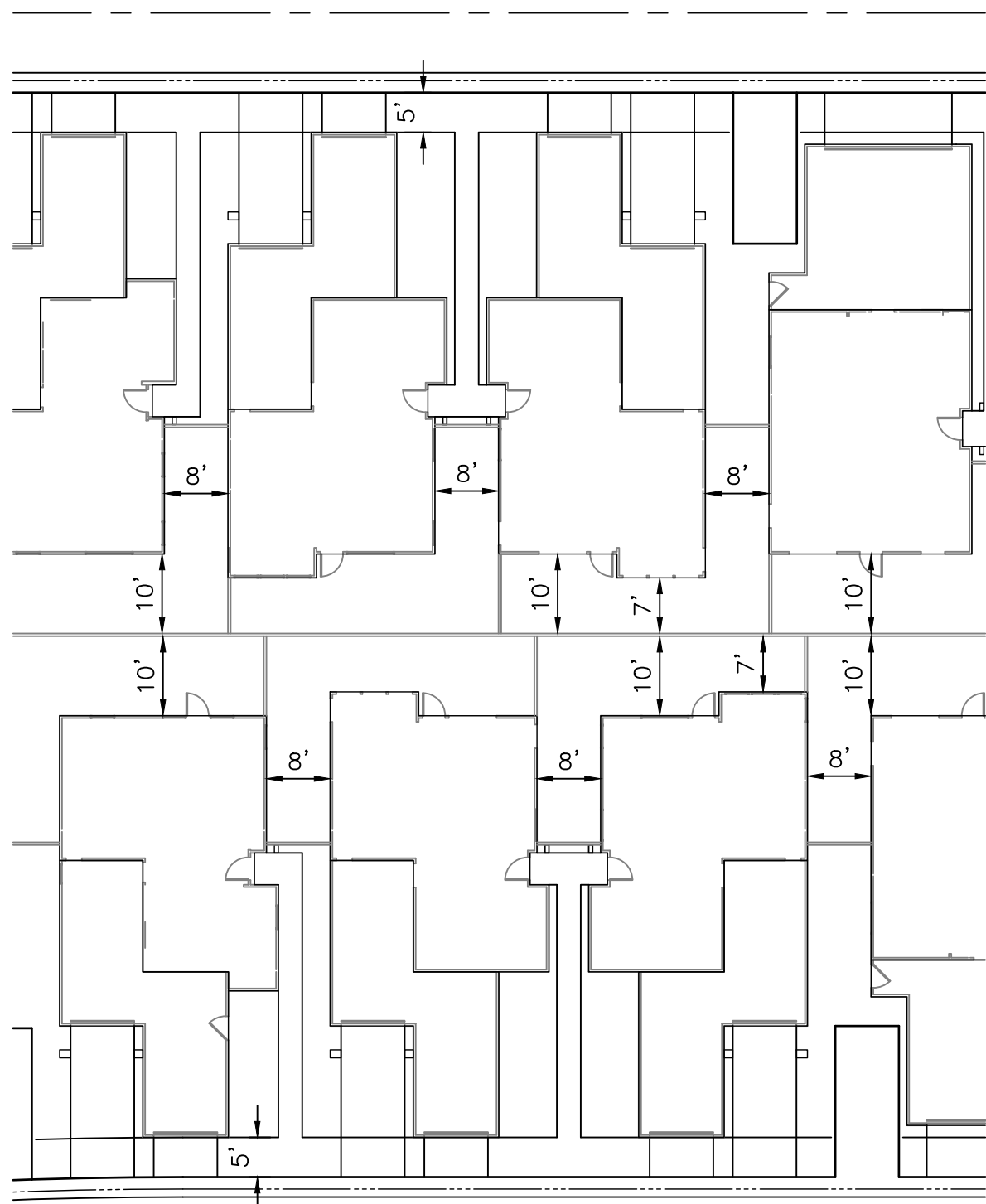
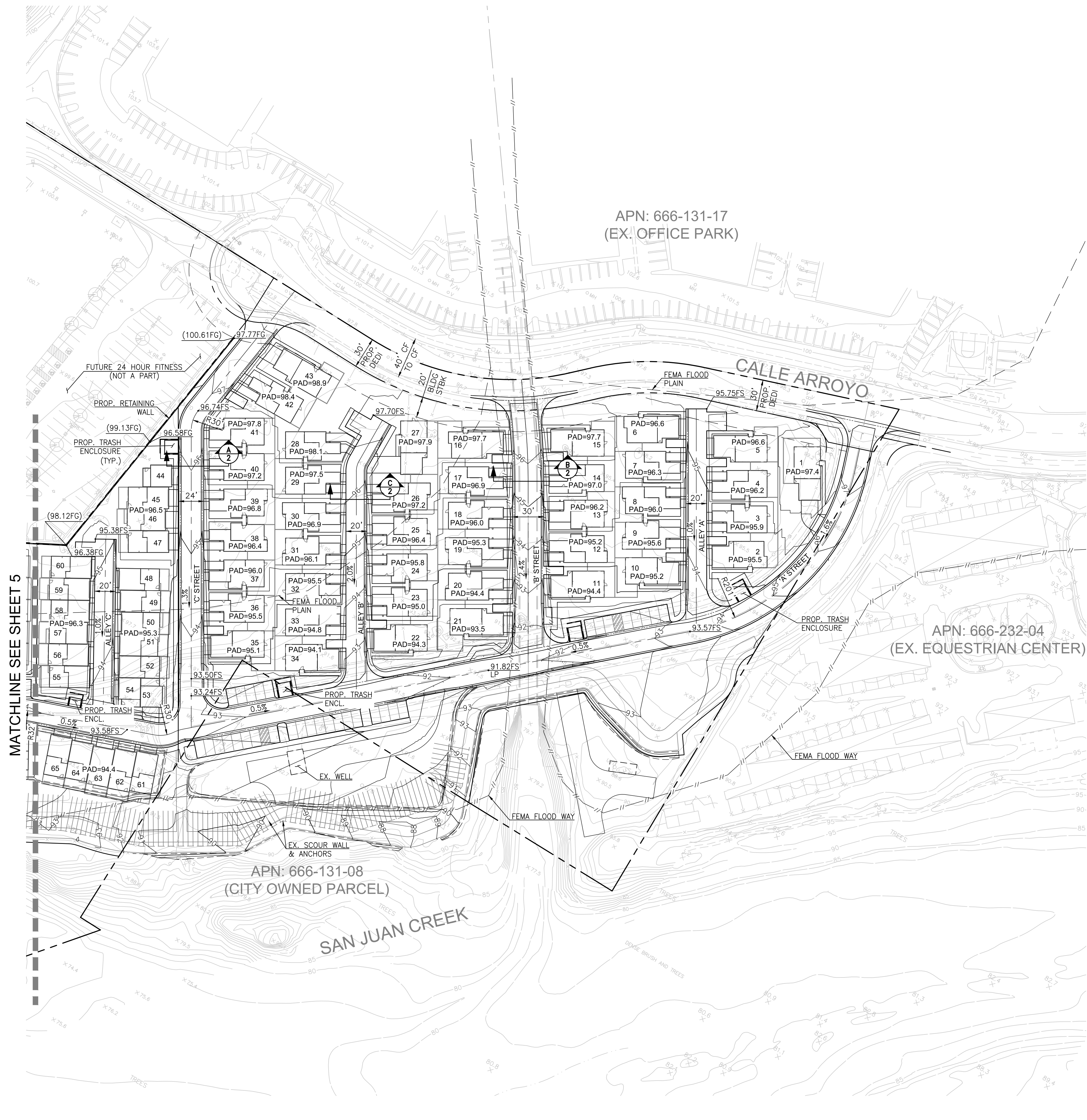
LEGEND

- EXISTING PROPERTY LINE
- PROPOSED STREET CENTERLINE
- PROPOSED RIGHT OF WAY
- PROPOSED LOT LINE
- EASEMENT LINE
- FEMA FLOODWAY BOUNDARY
- FEMA FLOODPLAIN BOUNDARY
- PROPOSED RETAINING WALL
- PROPOSED PRIVATE DOMESTIC WATER
- PROPOSED PRIVATE FIRE WATER
- PROPOSED PRIVATE SANITARY SEWER
- PROPOSED PRIVATE STORM DRAIN
- EXISTING PUBLIC SANITARY SEWER
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- EXISTING PUBLIC WATER
- PROPOSED PRIVATE FIRE HYDRANT
- PROPOSED ELEVATION
- EXISTING ELEVATION

ABBREVIATIONS

BLDG	BUILDING	IW	IRRIGATION WATER
BW	BACK OF WALK	JT	JOINT TRENCH
CF	CURB FACE	LL	LOT LINE
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FL	FLOWLINE	TC	TOP OF CURB
FS	FINISHED SURFACE		

		APPL		CITY OF SAN JUAN CAPISTRANO DEPARTMENT OF PUBLIC WORKS & UTILITIES EXISTING EASEMENT INFORMATION TIRADOR TENTATIVE TRACT MAP 18148	
		REVISIONS			
		NO. INITIAL		DESCRIPTION	
				PREPARED BY: IBI GROUP 18401 Von Karman Avenue – Suite 110 Irvine CA 92612 USA tel 949 833 5588 fax 949 833 5511 ibigroup.com	
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CHECKED BY: PC		CHECKED BY: PC			
		GEORGE ALVAREZ CITY ENGINEER		R.C.E. 25161 DATE EXP. 12/31/2017	



TYPICAL DETACHED BUILDING LAYOUT

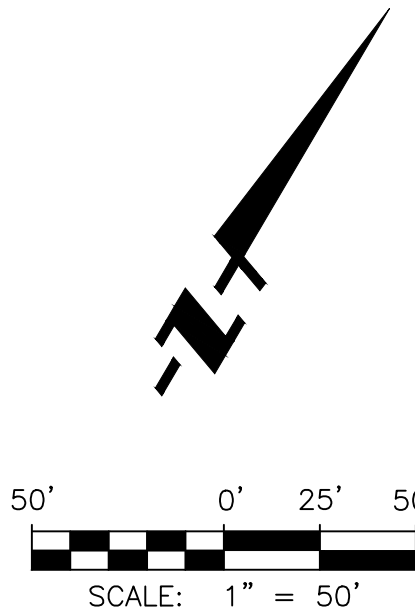
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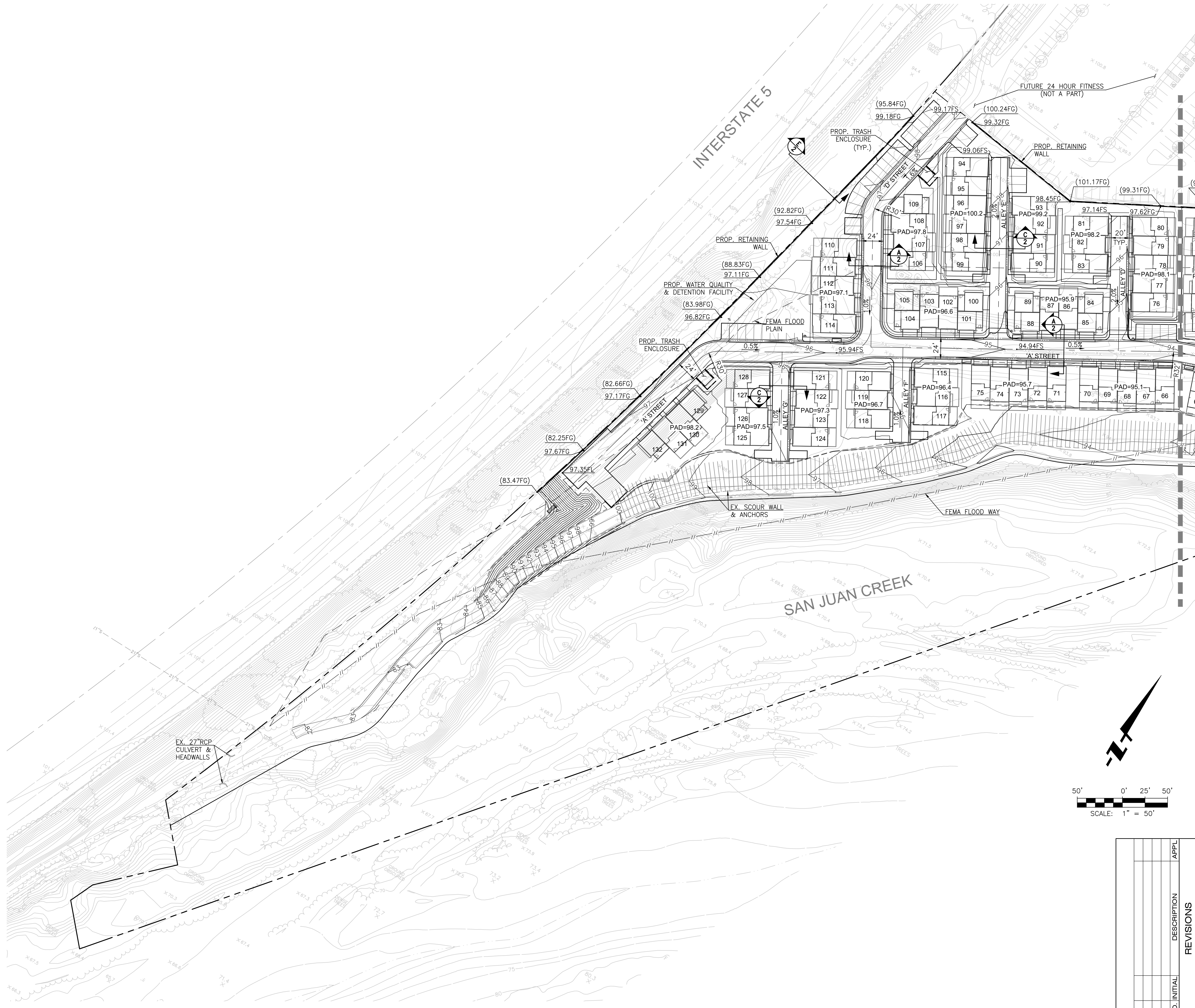
- EXISTING PROPERTY LINE
- PROPOSED STREET CENTERLINE
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- PROPOSED LOT LINE
- EASEMENT LINE
- FEMA FLOODWAY BOUNDARY
- FEMA FLOODPLAIN BOUNDARY
- PROPOSED RETAINING WALL
- DW - DW PROPOSED PRIVATE DOMESTIC WATER
- FW - FW PROPOSED PRIVATE FIRE WATER
- S - S PROPOSED PRIVATE SANITARY SEWER
- SD - SD PROPOSED PRIVATE STORM DRAIN
- S - S EXISTING PUBLIC SANITARY SEWER
- SD - SD EXISTING PUBLIC STORM DRAIN
- W - W EXISTING PUBLIC WATER
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ABBREVIATIONS

- | | | | |
|------|------------------|------|------------------------|
| BLDG | BUILDING | IW | IRRIGATION WATER |
| BW | BACK OF WALK | JT | JOINT TRENCH |
| CF | CURB FACE | LL | LOT LINE |
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| ESMT | EASEMENT | R/W | RIGHT OF WAY |
| EX | EXISTING | S | SANITARY SEWER |
| FF | FINISHED FLOOR | SD | STORM DRAIN |
| FG | FINISHED GRADE | SWLK | SIDEWALK |
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CITY OF SAN JUAN CAPISTRANO			
DEPARTMENT OF PUBLIC WORKS & UTILITIES			
CONCEPTUAL GRADING PLAN			
TIRADOR			
TENTATIVE TRACT MAP 18148			
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SHEET			4 OF 7



MATCHLINE SEE SHEET 4

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED STREET CENTERLINE
- PROPOSED RIGHT OF WAY
- PROPOSED LOT LINE
- EASEMENT LINE
- FEMA FLOODWAY BOUNDARY
- FEMA FLOODPLAIN BOUNDARY
- PROPOSED RETAINING WALL
- PROPOSED PRIVATE DOMESTIC WATER
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- | | | | |
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CITY OF SAN JUAN CAPISTRANO
DEPARTMENT OF PUBLIC WORKS & UTILITIES

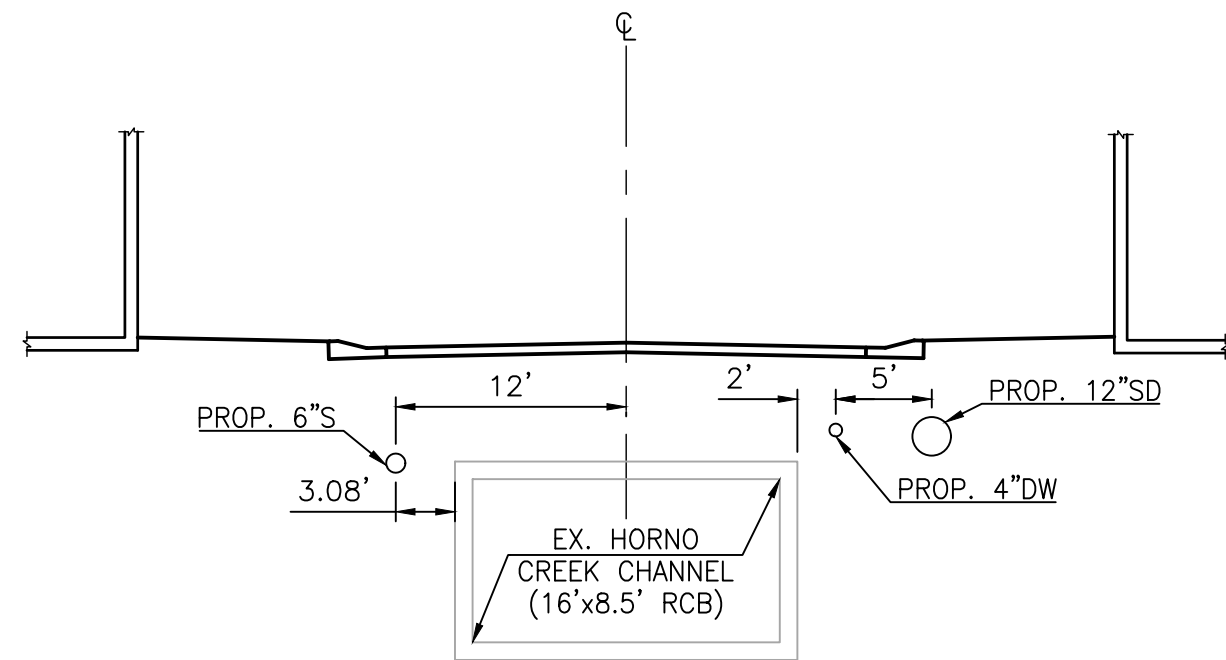
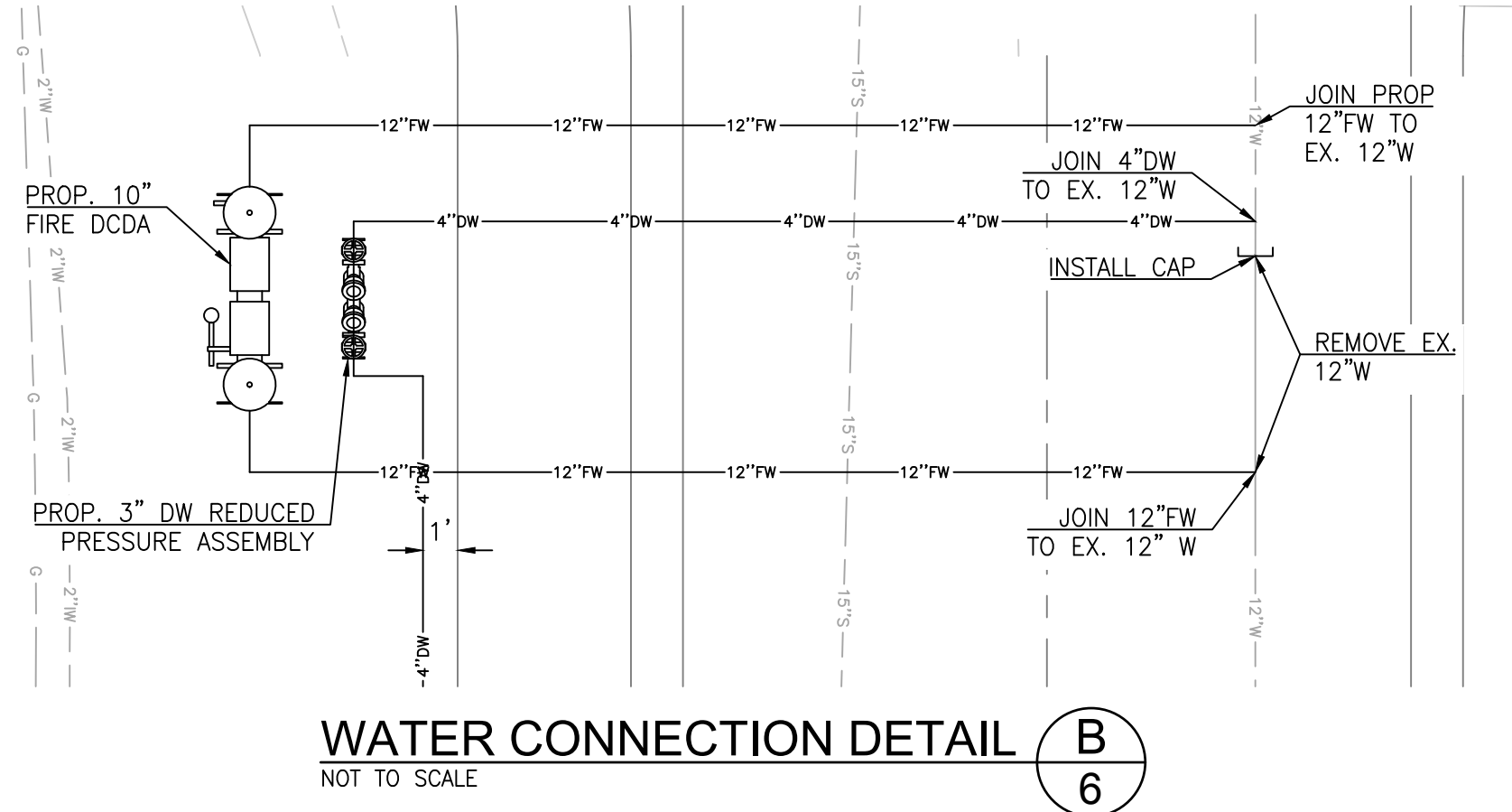
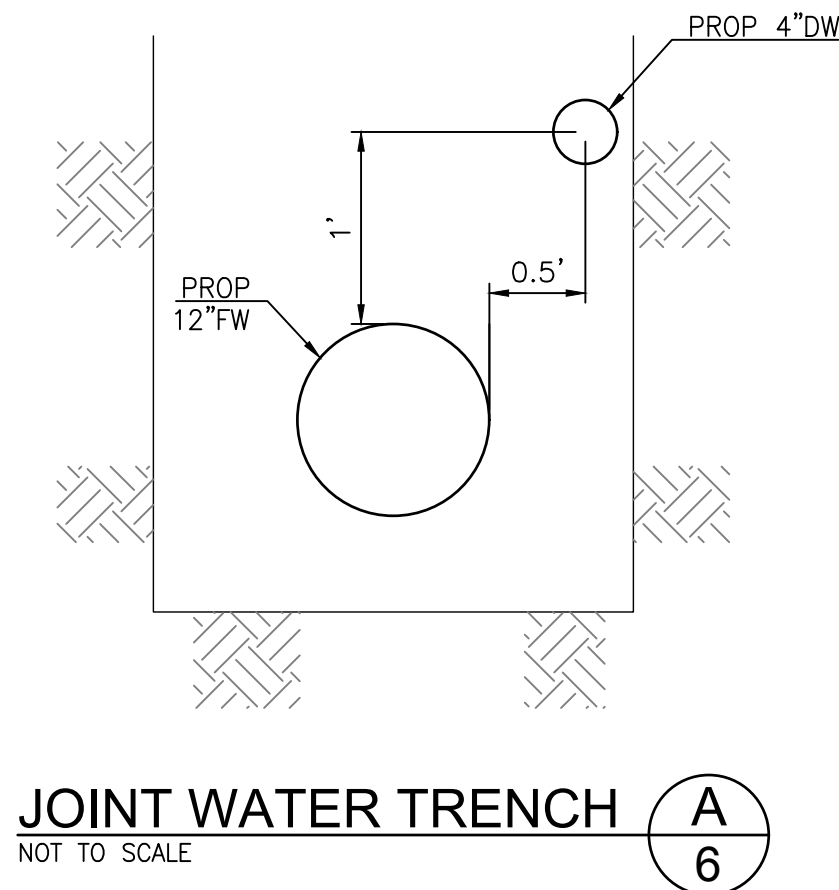
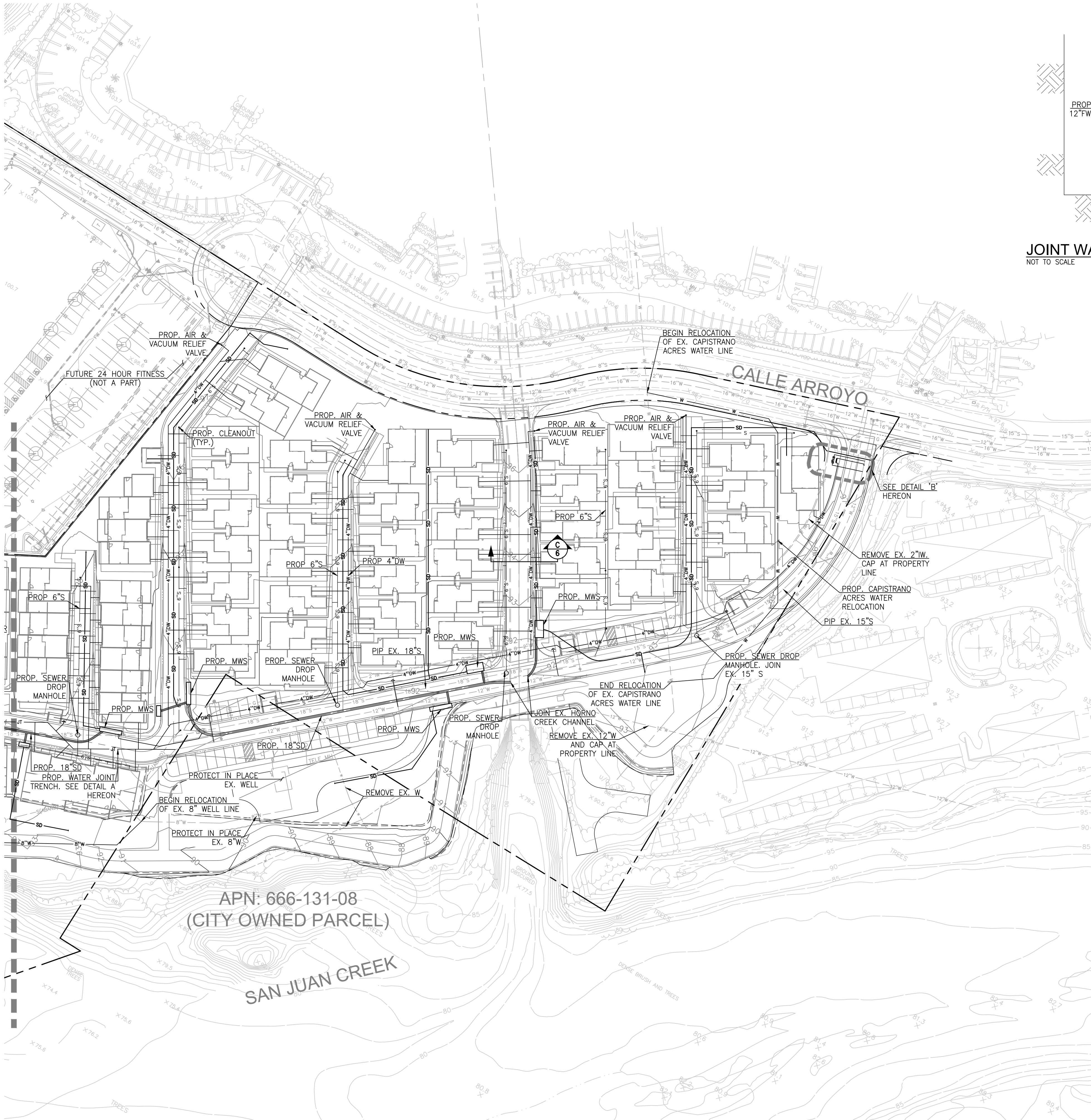
CONCEPTUAL GRADING PLAN
TIRADOR
TENTATIVE TRACT MAP 18148

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SHEET
5 OF 7

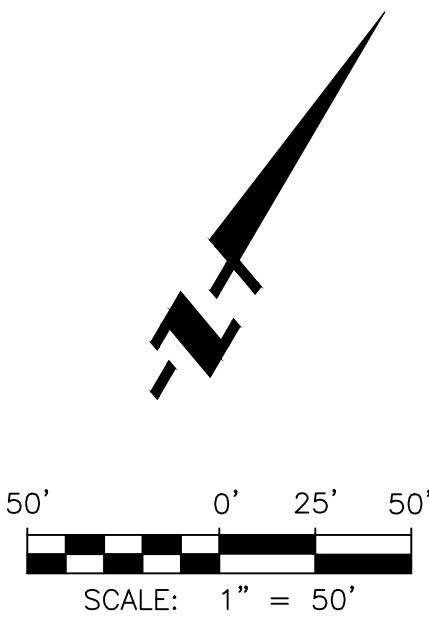
MATCHLINE SEE SHEET 7



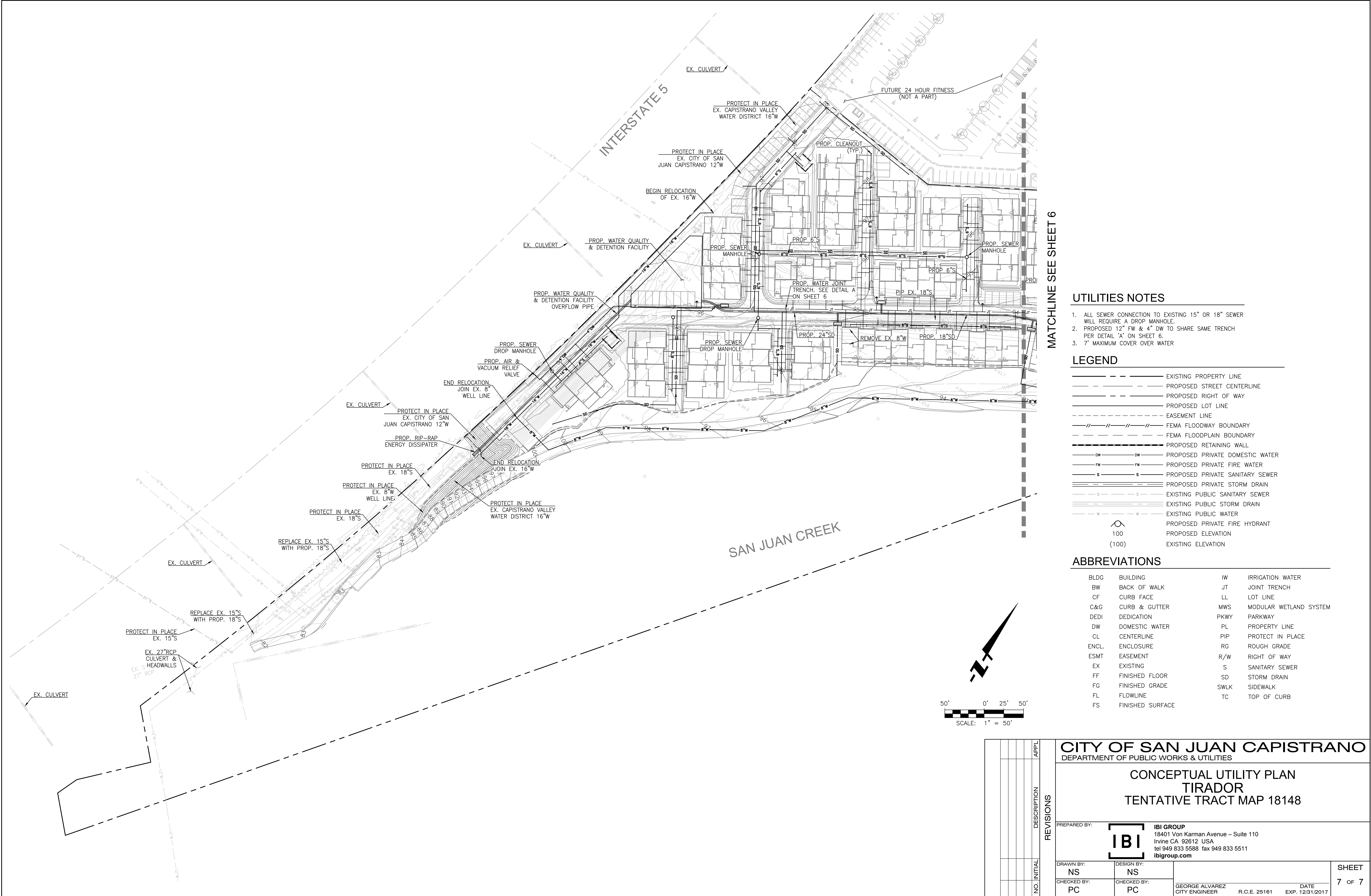
- UTILITIES NOTES**
1. ALL SEWER CONNECTION TO EXISTING 15" OR 18" SEWER WILL REQUIRE A DROP MANHOLE.
 2. PROPOSED 12" FW & 4" DW TO SHARE SAME TRENCH PER DETAIL 'A' HEREON.
 3. 7' MAXIMUM COVER OVER WATER

LEGEND	
---	EXISTING PROPERTY LINE
---	PROPOSED STREET CENTERLINE
---	PROPOSED RIGHT OF WAY
---	PROPOSED LOT LINE
---	EASEMENT LINE
---	FEMA FLOODWAY BOUNDARY
---	FEMA FLOODPLAIN BOUNDARY
---	PROPOSED RETAINING WALL
DW	PROPOSED PRIVATE DOMESTIC WATER
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S	PROPOSED PRIVATE SANITARY SEWER
S	PROPOSED PRIVATE STORM DRAIN
S	EXISTING PUBLIC SANITARY SEWER
S	EXISTING PUBLIC STORM DRAIN
W	EXISTING PUBLIC WATER
100	PROPOSED PRIVATE FIRE HYDRANT
(100)	PROPOSED ELEVATION
(100)	EXISTING ELEVATION

ABBREVIATIONS			
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CITY OF SAN JUAN CAPISTRANO			
DEPARTMENT OF PUBLIC WORKS & UTILITIES			
CONCEPTUAL UTILITY PLAN			
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TENTATIVE TRACT MAP 18148			
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SHEET		6 OF 7	



UTILITIES NOTES

1. ALL SEWER CONNECTION TO EXISTING 15" OR 18" SEWER WILL REQUIRE A DROP MANHOLE.
2. PROPOSED 12" FW & 4" DW TO SHARE SAME TRENCH PER DETAIL 'A' ON SHEET 6.
3. 7' MAXIMUM COVER OVER WATER

LEGEND

---	EXISTING PROPERTY LINE
- - - -	PROPOSED STREET CENTERLINE
- . - .	PROPOSED RIGHT OF WAY
- - - -	PROPOSED LOT LINE
- - - -	EASEMENT LINE
- / - / - / - /	FEMA FLOODWAY BOUNDARY
- - - -	FEMA FLOODPLAIN BOUNDARY
- - - -	PROPOSED RETAINING WALL
- DW - DW -	PROPOSED PRIVATE DOMESTIC WATER
- FW - FW -	PROPOSED PRIVATE FIRE WATER
- S - S -	PROPOSED PRIVATE SANITARY SEWER
- - - -	PROPOSED PRIVATE STORM DRAIN
- S - S -	EXISTING PUBLIC SANITARY SEWER
- - - -	EXISTING PUBLIC STORM DRAIN
- W - W -	EXISTING PUBLIC WATER
⊙	PROPOSED PRIVATE FIRE HYDRANT
100	PROPOSED ELEVATION
(100)	EXISTING ELEVATION

ABBREVIATIONS

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CITY OF SAN JUAN CAPISTRANO
DEPARTMENT OF PUBLIC WORKS & UTILITIES

CONCEPTUAL UTILITY PLAN
TIRADOR
TENTATIVE TRACT MAP 18148

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Capistrano Acres Mutual Water Company

1200 Quail Street, Suite 280

Newport Beach, CA 92660

949.387.2713

December 9, 2019

Laura Stokes

City of San Juan Capistrano Planning Department

32400 Paseo Adelanto

San Juan Capistrano, CA 922675

Re: Tirador Project

Dear Ms. Stokes:

Thank you so much for providing us timely notifications and meeting with us today on such short notice regarding the EIR for Watt's Tirador project. Capistrano Acres Mutual Water Co. ("CAMWC") has an extremely important and valuable ownership interest within the boundaries of this project due to our existing wellsite, easements, pipeline, and pipeline easements that connect to our network of easements and pipelines that covers over 400 acres of the City and provides a valuable and irreplaceable resource to the residents of the city. The water company has been in existence for over 50 years.

To assemble and purchase easements for well sites, pipelines and reservoirs to furnish water for a service area the size of CAMWC today would cost tens of millions of dollars today, and require years of litigation, if it could be possible at all. Not only is the system valuable to CAMWC, but as local water resources are developed, these easements, located in accessible areas can be connected to other water systems, even the city's current system and pipelines to enhance coverage and capacity, or access to gray water, fire water, or agricultural water that needs to be separated from drinking water.

It was surprising that the original plan provided us two years ago had not been modified in light of CAMWC existing water pipeline and wells site easement and the pipeline easement reference were inaccurate and misleading, especially since we provided Watt and the city legal descriptions and plotted maps of the well site and pipeline easement that our engineer prepared after hearing that both Watt's and the city's title companies had not found the pipeline easement. Representatives of CAMWC meet over 4 times with Watt or their engineers to discuss the uses for that would be allowed for the 1 acre well easement area until the location of a new well site can be determined, and rerouting a 15 ft wide pipeline easement through the projects in a manner that would provide less impact on their development plan.

In communications with Efrem at Watt after receiving the pipeline easements our engineer had generated, he stated he was turning over the situation to his title company, which would be liable if there were any serious mistakes in the title report. The city should also have alerted their title company as the liability to the city would be huge for such an oversight, which also should have

been passed on to their title company. Through our dealings over the years with the city, there has usually been great care to assure that all easements are located and any issues be resolved prior to any approvals given.

Our meeting today with you indicates the City had not received or kept any of the documents we presented to the city. The submitted plan by Watt and the EIR show that the easements held by CAMWC are not identified properly on the site plan and the improvements shown within the easement areas are infeasible given the rights of the easements and cannot be constructed as proposed.

I've attached other items that we would like to go on record to have further investigation. Please keep us informed of the procedures, progress and outcomes affecting CAMWC, and feel free to work with our representative, who can provide timely response to questions or issues that may come up. Thank you.

Sincerely,

R. Stewart Honeyman, Jr.

CEQA Initial Study

Notes and Comments to the Initial Study dated November, 2019,
prepared by Robert S. Honeyman, Capistrano Acres Mutual Water Company

- Reference to our well site is found on 2.2.3. It is described as “privately owned, inactive well located on APN No. 666-131-13 and will remain inactive upon project implementation”. No mention is made of the existing well site and separate existing pipeline easement that runs from the well head through the Project site. The well infrastructure and equipment and water rights are in place for well operation. The developer is well aware of the easements.
- The easement across the property to well head does not contain a width. Engineers have advised we must maintain a 15’ easement width for truck and equipment access for repairs, as needed.
- Some of the original pipeline has been inspected and was made with asbestos.
- The study indicates the grading may go as deep as 20 feet. Any grading would damage our existing pipeline. No additional fill should be placed on top of the easement.
- The well site easement covers approximately one acre.
- The pipeline easement contains the ability to relocate and re-drill the well onto a portion of the residential site. Until well is re-drilled and relocated, no other uses should be allowed because re-drilling will require use of the entire well site.
- 4.9 Ground Water – significant construction will include use of heavy equipment, trucks, etc., and will impact underlying ground water.
- Hydrology – significant water hydrology impact. Open site currently allows water to penetrate the ground water table.
- Question adequate storm water cleaning before going into creek to maintain water quality.

- There are two industrial developments adjacent to the site; one of which was mentioned in the study, 24-Hour Fitness, the other being an industrial business park. Industrial use seems most appropriate use of the site.
- The 100-year flood risk from San Juan Creek should be further studied.

GRANT DEED

MARGARET KERESSEY and MARIE KERESSEY in consideration of Ten and no/100ths Dollars to them in hand paid, the receipt of which is hereby acknowledged, do hereby GRANT to CAPISTRANO ACRES MUTUAL WATER COMPANY, a California corporation, all that real property situated in the County of Orange, State of California, described as follows:

Beginning at the Northeast corner of Lot 32, Tract No. 103, running thence North 0° 29' West 237.46 feet; thence North 89° 30' West 183.46 feet; thence South 0° 29' East 237.46 feet; thence South 89° 30' East 183.46 feet to the point of beginning, containing one acre, more or less.

Together with an easement for a pipe line from said above land described as follows: Beginning at a point which bears North 0° 29' West 237.46 feet; thence North 89° 30' West 69.37 feet; running thence in a northwesterly direction from the point of beginning to an intersection with the center line of San Juan Capistrano Hot Springs Road, now known as the Ortega Highway, distant thereon 113 feet Easterly from the intersection of the Westerly line of Township 8 South, with the San Juan Capistrano Hot Springs Road to a point in the South boundary of the Capistrano Acres Mutual Water Company District, with right of ingress and egress to and from said pipe line for the purpose of construction, repairing and maintaining said pipe line. WITNESS our hands this 14 day of July, 1938.

Margaret Keressey by
H. W. O'Melveny, her Atty. in fact.
Marie Keressey by
H. W. O'Melveny, her Atty. in fact.

STATE OF CALIFORNIA,)
County of Los Angeles)

ss. On this 14th day of July, A.D., 1938, before me, Adelia Hawkins, a Notary Public in and for the said County and State, personally appeared H. W. O'Melveny, known to me to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of Margaret Keressey and Marie Keressey and acknowledged to me that he subscribed the name of Margaret Keressey and Marie Keressey thereto as principal and his own name as Attorney-in-Fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

((SEAL))

Adelia Hawkins Notary Public
in and for said County and State.

23051 Recorded at Request of L. A. West, at 52 Min. past 3 P.M. Aug. 17, 1938, in Book 959, Page 146, Official Records of Orange County, California. J. F. Sidebottom, County Recorder.

Janet LeBar

COMPARED

Ruth Baker

- - o o o - -

I HEREBY CERTIFY THAT IF IMPRESSED WITH THE SEAL OF ORANGE COUNTY RECORDER,
THIS IS A TRUE COPY OF THE PERMANENT RECORD FILED OR RECORDED IN THIS OFFICE
DATE Sep. 25, 1959 FEE \$1.75 *Patricia M. Farland* COUNTY RECORDER
ORANGE COUNTY, STATE OF CALIFORNIA

SHEET 1 OF 1 SHEET

R.S.T. 9427

PARCEL MAP

BLUE BORDER AREA
23.21 ACRES

IN THE CITY OF SAN JUAN CAPISTRANO, COUNTY OF ORANGE, STATE OF CALIFORNIA

NUMBER 7 PARCELS 3

BEING A DIVISION OF PARCEL 3, IN THE CITY OF SAN JUAN CAPISTRANO, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 43, PAGE 12 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

31130
130 27
FILED AT 11:00 AM BOOK 43 PAGE 12
OF PARCEL MAPS, COUNTY OF ORANGE, CALIFORNIA
AT REQUEST OF COUNTY SURVEYOR
L.S. A. BRANCH, County Recorder

INDEXED \$5.00

T. F. RATTRAY L.S. 3200

DATE OF SURVEY OCTOBER, 1978

SCALE 1" = 100'

THIS MAP CONFORMS WITH THE REQUIREMENT OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AND THE MAP IS TECHNICALLY CORRECT IN ALL RESPECTS AS CERTIFIED TO BY THE COUNTY SURVEYOR. I ALSO CERTIFY THAT THE CITY HAS APPROVED THIS MAP AS FURNISHING TO THE PROVISIONS OF THE SUBDIVISION MAP ACT.

DATED THIS 20th DAY OF February, 1979
T. F. RATTRAY, R.C.E. NO. 17629, CITY ENGINEER
CITY OF SAN JUAN CAPISTRANO

THIS MAP CONFORMS WITH THE MAPPING PROVISIONS OF THE SUBDIVISION MAP ACT AND I AM SATISFIED SAID MAP IS TECHNICALLY CORRECT RELATIVE TO THE PARCEL MAP BOUNDARY.

DATED THIS 20th DAY OF Feb, 1979
C. J. NELSON, COUNTY SURVEYOR
BY Robert Ullrich, DEPUTY

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF DAVID SWEENEY ON OCT. 1978. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

T. F. RATTRAY L.S. 3200

I, THE UNDERSIGNED BEING THE SUBDIVIDER OF THE LAND COVERED BY THIS MAP, THE RECORD OWNERS OF WHICH ARE LISTED HEREIN, DO HEREBY CERTIFY THAT SAID RECORD OWNERS CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP, AS SHOWN WITHIN THE COLORED BORDERLINE.

STATE OF CALIFORNIA S.S.
COUNTY OF ORANGE

ON THIS 15th DAY OF February, 1979, BEFORE ME, DAVID SWEENEY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAVID SWEENEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN, AND WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND HE ACKNOWLEDGED TO ME THAT HEY EXECUTED THE SAME.

MY COMMISSION EXPIRES May 23, 1980

WITNESS MY HAND AND OFFICIAL SEAL
Ruth E. Mangard
NOTARY PUBLIC IN AND FOR
SAID STATE.

RECORD OWNER-CAPISTRANO 23, A CALIFORNIA LIMITED PARTNERSHIP

TITLE INSURANCE AND TRUST COMPANY AS TRUSTEE UNDER DEED OF TRUST RECORDED IN BK. 11813, PG. 1724, O.R.

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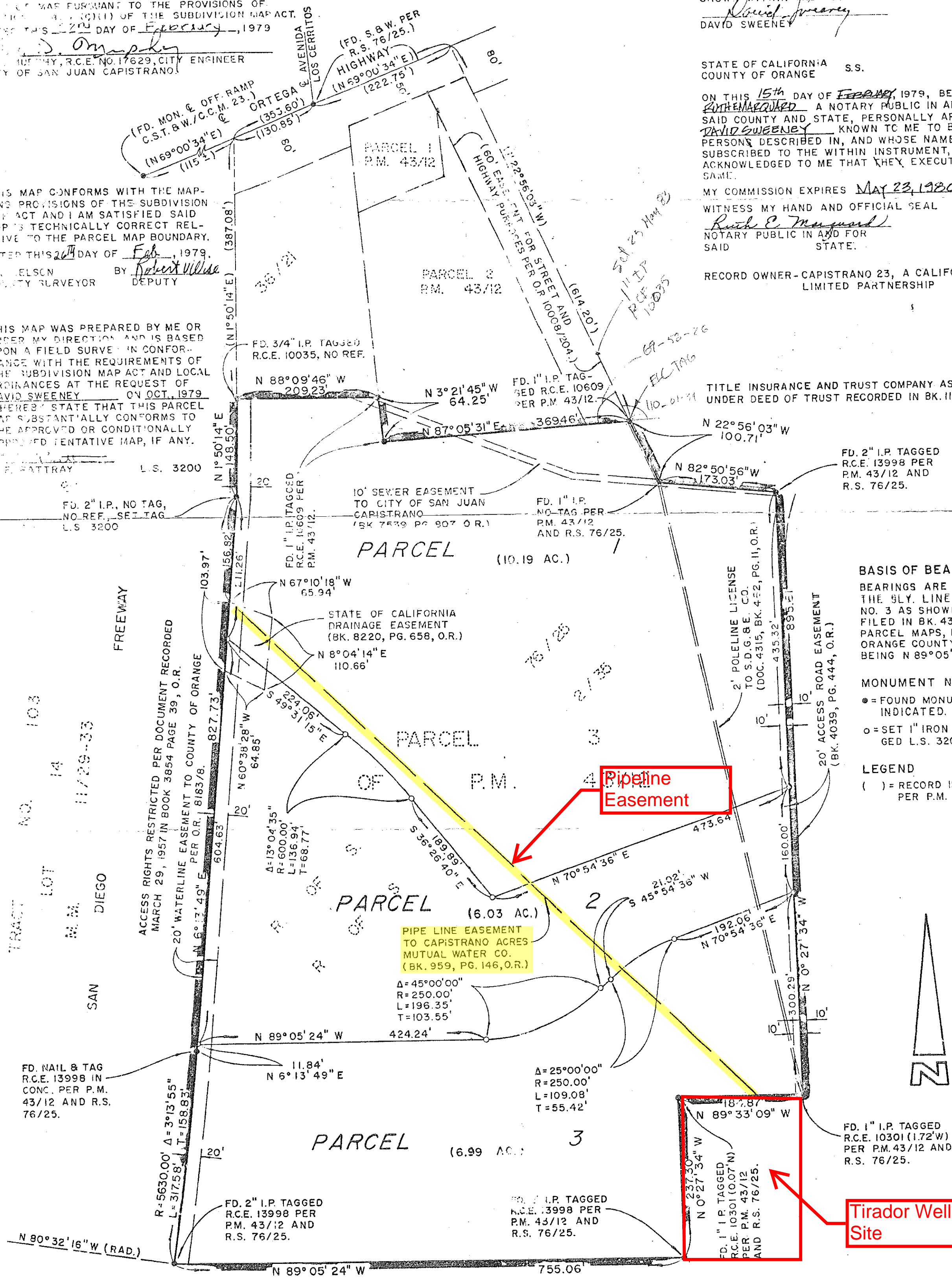
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P.M. 130-27

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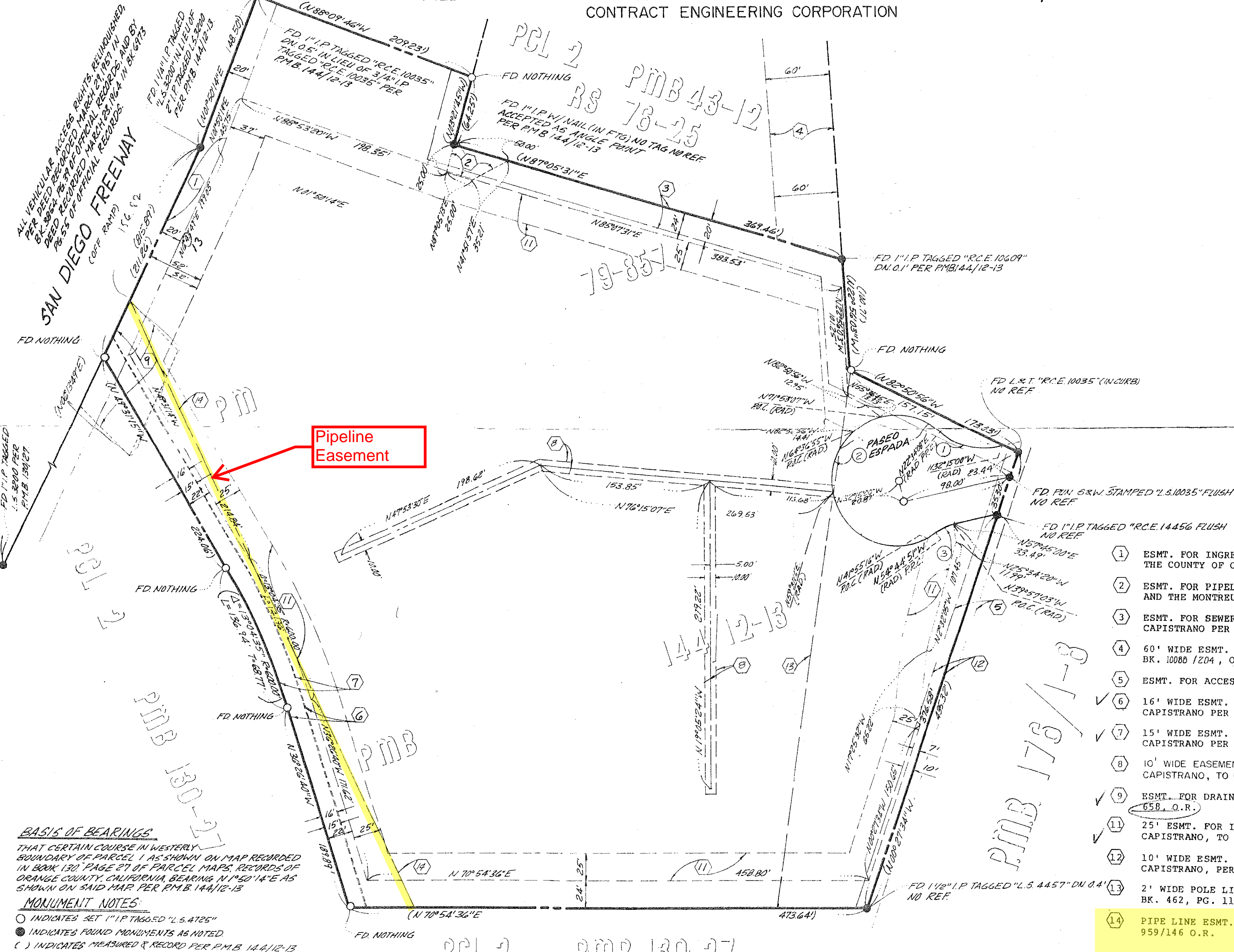
SHEET 2 OF 2 SHEETS
NET AREA = 9.864
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1 PARCEL

PARCEL MAP NO. 87-476

IN THE CITY OF SAN JUAN CAPISTRANO, COUNTY OF ORANGE, STATE OF CALIFORNIA.
WILLIAM E. SNOW L.S. 4725 DATE OF SURVEY: APRIL, 1987
CONTRACT ENGINEERING CORPORATION

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- PIPE LINE ESMT. TO CAPISTRANO ACRES MUTUAL WATER CO., PER 959/146 O.R.

7625



January 7, 2015

Stewart Honeyman
Capistrano Acres Mutual Water Company

Subject: Chronology and Reference Report

Dear Stewart:

We have compiled what we believe to be the timeline on which the twelve inch Capistrano Acres Mutual Water Company (CAMWC) pipeline was built near or under what is now Ortega Highway.

- The pipeline was constructed, sometime prior to 1935, in the location indicated in green and red on the attached Record of Survey 12-6. The Grant Deed recorded in book 788, page 466 includes a reservation referencing the pipe.
- A portion of the pipeline was agreed to be relocated in 1956. Book 4886 page 105 includes a Right of Entry giving consent to relocate the existing CAMWC pipeline to cross the property of Maria Keresey in order to grant right of entry to the new freeway, relocating the pipeline from the alignment shown in green, to the alignment shown in brown on the Record of Survey. In addition, the 1956 letter from O'Melveny to the State Highway Department indicates an agreement between CAMWC and the State to relocate the pipe the location in which it is currently located, to facilitate the construction of Interstate 5. The letter indicates a further agreement to record an easement around the new pipe after construction.

Please call me at (657) 622-2158 if you have any questions.

Sincerely,

Incledon Consulting Group

Michael Incledon, P.E., P.L.S., LEED AP

Enclosure

Recording Requested By and
When Recorded Mail To:

15143

7745 572

Gibson, Dunn & Crutcher
1010 North Main Street
Santa Ana, California 92701
Attn: Raymond L. Curran

\$3.60
C5

RECORDED AT REQUEST OF
Gibson, Dunn & Crutcher
IN OFFICIAL RECORDS OF
ORANGE COUNTY, CALIF.
NOV 18 1965
L. WYLIE CARLILE, County Recorder

CORPORATION GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, RANCHO LOS CERRITOS, INC., a corporation, hereby sells, conveys, grants, assigns and transfers to CAPISTRANO ACRES MUTUAL WATER CO., a California corporation, the following described real property in the County of Orange, State of California:

Parcel 1. Beginning at a point in the Northwesterly line of that certain parcel of land described in Paragraph B in the deed to Howard L. Krum and wife recorded September 19th, 1940 in Book 1064, page 62 of Official Records, which said point of beginning bears South 70° 15' West 16.71 feet and South 60° 16' 30" West 428.18 feet from the most northerly corner of Lot 1 as shown on a Licensed Surveyor's Map filed in Book 4, page 15 of Record of Surveys in the office of the County Recorder of Orange County, California, running thence from said point of beginning South 60° 16' 30" West 100 feet; thence North 29° 43' 30" West 100 feet; thence North 60° 16' 30" East 200 feet; thence South 29° 43' 30" East 100 feet; thence South 60° 16' 30" West 100 feet to the point of beginning.

Parcel 2. An easement for an underground pipe line, power line, and the right of ingress and egress with proper equipment over, upon and across said easement, at all times for the purpose of laying, maintaining, renewing and replacing said pipe line and power line, together with ingress and egress with proper equipment or facilities, said easement to be 15 feet wide, being 7.5 feet on each side of a centerline described as follows:

Beginning at a point in the Northwesterly line of Parcel 1 as described in deed to Robert B. Honeyman and Marian S. Honeyman, husband and wife, as joint tenants, recorded April 30, 1953, in Book 2495, Page 186 of Official Records of Orange County, California, which said point of beginning bears South 70° 15' 00" West, 16.71 feet; South 60° 16' 30" West, 373.86 feet; and North 29° 43' 30" West, 100.00 feet from the most Northeasterly corner of Lot 1, as shown on a Record of Survey Map recorded in Book 4, Page 15 of Record of Surveys filed in the office of the County Recorder of Orange County, California; running thence from said point of beginning North 5° 03' 47" West, 227.05 feet; thence North 11° 56' West, 1039.02 feet; thence North

Mail Tax
Statements

To: Capistrano Acres Mutual Water Co.
P.O. Box 607, San Juan Capistrano, Calif. 92675

0° 56' 00" West, 131.93 feet to a point on the Westerly boundary of that certain parcel of land containing 10.427 acres more or less, as described, in deed recorded in Book 1301, Page 296 of Official Records of Orange County, California, said point being distant along said Westerly boundary South 11° 12' East, 21.23 feet from the most Northwesterly corner of said parcel of land; thence North 0° 56' 00" West, 34.91 feet; thence North 44° 24' West, 23.08 feet to an intersection with the centerline of the San Juan Hot Springs Road (Ortega Highway) distant thereon South 31° 50' West, 308.45 feet from Station No. 7 as per survey made by J. L. McBride and shown in Book 2, Page 34 of Record of Surveys filed in the office of the County Recorder of Orange County, California; thence North 31° 50' East along said centerline of San Juan Hot Springs Road, 10.47 feet; thence North 59° 11' 45" West, 62.30 feet; thence North 2° 34' 50" West, 494.04 feet; thence North 39° 58' 15" West, 162.35 feet; thence North 7° 36' 15" West to an intersection with the North line of the Southeast quarter of the Northwest quarter of Section 6, Township 8 South, Range 7 West, S. B. B. & M.; thence North 21° 48' 45" West, 366.22 feet; thence North 2° 41' 15" West, 951.93 feet; thence South 86° 16' 15" East, 47.84 feet to the center of an existing concrete reservoir.

EXCEPTING therefrom that portion of the above described easement lying within Echenique Road (Orange County Road) as described in deed recorded June 24, 1936, in Book 829, Page 258 of Official Records of Orange County, California.

IN WITNESS WHEREOF, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its Vice President and Secretary thereunto duly authorized.

Dated: March 30, 1964.

RANCHO LOS CERRITOS, INC.

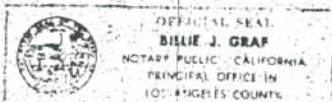
By George D. McGrath
George D. McGrath,
Vice President

By Ann Popov
Ann Popov,
Secretary

STATE OF CALIFORNIA)
 LOS ANGELES) SS.
 COUNTY OF ~~LOS ANGELES~~

On April 1, 1964, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE D. McGRATH, known to me to be the Vice President of the Corporation that executed the within Instrument, known to me to be the person who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



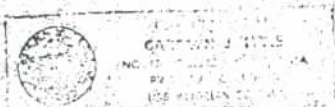
Billie J. Graf
 Notary Public in and for said
 County and State

BILLIE J. GRAF
 My Commission Expires May 1, 1967

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES) SS.

On April 7, 1964, before me, the undersigned, a Notary Public in and for said State, personally appeared ANN POPOV, known to me to be the Secretary of the Corporation that executed the within Instrument, known to me to be the person who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



Carolyn J. Lytle
 Notary Public in and for said
 County and State

CAROLYN J. LYTLE
 MY COMMISSION EXPIRES SEPT. 11, 1964

-3-

Capistrano Acres Mutual Water Company

1200 Quail Street, Suite 280

Newport Beach, CA 92660

949.387.2713

December 9, 2019

Laura Stokes

City of San Juan Capistrano Planning Department

32400 Paseo Adelanto

San Juan Capistrano, CA 92675

Re: Tirador Project

Dear Laura:

Thank you so much for providing us timely notifications and meeting with us today on such short notice regarding the EIR for Watt's Tirador project. Earlier today we sent you a letter with comments about Watt's submitted plan and EIR and copies of the exhibits showing legal descriptions and plotting of the easements, and hopefully this expands other issues with the EIR.

Responding to the information that you need at this time to go on record, CAMWC the submitted plan by Watt and the EIR show that the easements held by CAMWC are not identified properly on the site plan and the improvements shown within the easement areas are infeasible given the rights of the easements and cannot be constructed as proposed.

Please keep us informed about the progress and status going forward with the EIR that may affect our property interests. Look forward to working with you.

Sincerely,

R. Stewart Honeyman, Jr.

CEQA Initial Study

Notes and Comments to the Initial Study dated November, 2019,
prepared by Robert S. Honeyman, Capistrano Acres Mutual Water Company

- Reference to our well site is found on 2.2.3. It is described as “privately owned, inactive well located on APN No. 666-131-13 and will remain inactive upon project implementation”. No mention is made of the existing well site and separate existing pipeline easement that runs from the well head through the Project site. The well infrastructure and equipment and water rights are in place for well operation. The developer is well aware of the easements.
- The easement across the property to well head does not contain a width. Engineers have advised we must maintain a 15’ easement width for truck and equipment access for repairs, as needed.
- Some of the original pipeline has been inspected and was made with asbestos.
- The study indicates the grading may go as deep as 20 feet. Any grading would damage our existing pipeline. No additional fill should be placed on top of the easement.
- The well site easement covers approximately one acre.
- The pipeline easement contains the ability to relocate and re-drill the well onto a portion of the residential site. Until well is re-drilled and relocated, no other uses should be allowed because re-drilling will require use of the entire well site.
- 4.9 Ground Water – significant construction will include use of heavy equipment, trucks, etc., and will impact underlying ground water.
- Hydrology – significant water hydrology impact. Open site currently allows water to penetrate the ground water table.
- Question adequate storm water cleaning before going into creek to maintain water quality.

- There are two industrial developments adjacent to the site; one of which was mentioned in the study, 24-Hour Fitness, the other being an industrial business park. Industrial use seems most appropriate use of the site.
- The 100-year flood risk from San Juan Creek should be further studied.

GRANT DEED

MARGARET KERESSEY and MARIE KERESSEY in consideration of Ten and no/100ths Dollars to them in hand paid, the receipt of which is hereby acknowledged, do hereby GRANT to CAPISTRANO ACRES MUTUAL WATER COMPANY, a California corporation, all that real property situated in the County of Orange, State of California, described as follows:

Beginning at the Northeast corner of Lot 32, Tract No. 103, running thence North 0° 29' West 237.46 feet; thence North 89° 30' West 183.46 feet; thence South 0° 29' East 237.46 feet; thence South 89° 30' East 183.46 feet to the point of beginning, containing one acre, more or less.

Together with an easement for a pipe line from said above land described as follows: Beginning at a point which bears North 0° 29' West 237.46 feet; thence North 89° 30' West 69.37 feet; running thence in a northwesterly direction from the point of beginning to an intersection with the center line of San Juan Capistrano Hot Springs Road, now known as the Ortega Highway, distant thereon 113 feet Easterly from the intersection of the Westerly line of Township 8 South, with the San Juan Capistrano Hot Springs Road to a point in the South boundary of the Capistrano Acres Mutual Water Company District, with right of ingress and egress to and from said pipe line for the purpose of construction, repairing and maintaining said pipe line. WITNESS our hands this 14 day of July, 1938.

Margaret Keressey by
H. W. O'Melveny, her Atty. in fact.
Marie Keressey by
H. W. O'Melveny, her Atty. in fact.

STATE OF CALIFORNIA,)
County of Los Angeles)

ss. On this 14th day of July, A.D., 1938, before me, Adelia Hawkins, a Notary Public in and for the said County and State, personally appeared H. W. O'Melveny, known to me to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of Margaret Keressey and Marie Keressey and acknowledged to me that he subscribed the name of Margaret Keressey and Marie Keressey thereto as principal and his own name as Attorney-in-Fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

((SEAL))

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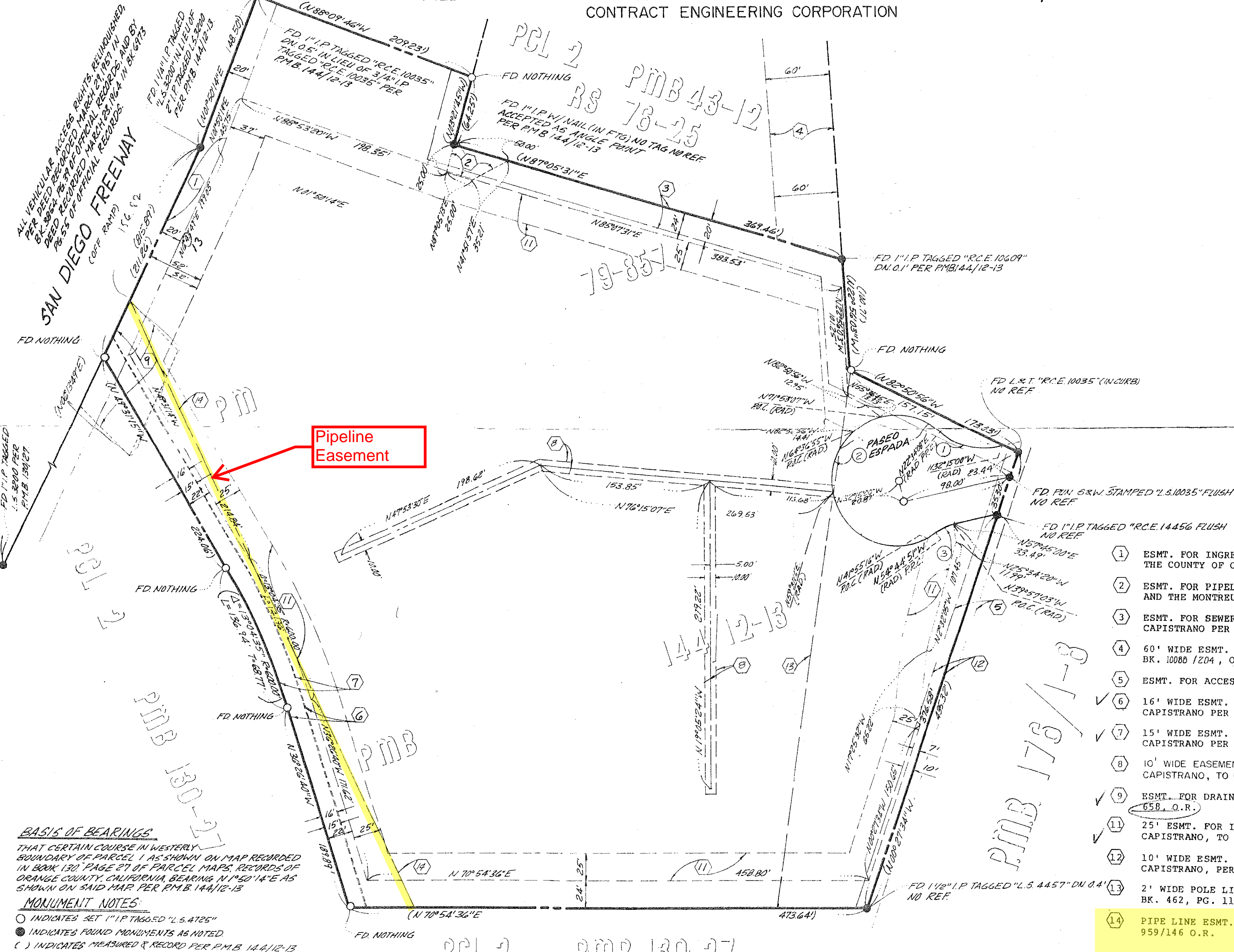
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- PIPE LINE ESMT. TO CAPISTRANO ACRES MUTUAL WATER CO., PER 959/146 O.R.

BASIS OF BEARINGS

THAT CERTAIN COURSE IN WESTERLY BOUNDARY OF PARCEL 1 AS SHOWN ON MAP RECORDED IN BOOK 130, PAGE 27 OF PARCEL MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, BEARING N 1°50'14"E AS SHOWN ON SAID MAP PER PMB 144/12-13

MONUMENT NOTES:

- INDICATES SET 1" I.P. TAGGED "L.S. 4725"
- INDICATES FOUND MONUMENTS AS NOTED
- () INDICATES MEASURED & RECORDED PER P.M.B. 144/12-13

WST 4194

14783

OCT 15 1954

FILED FOR RECORD THIS DAY OF
 AT 2:45 P. M. IN BOOK 76 PAGE 25
 OF RECORDS OF SURVEYS COUNTY OF ORANGE
 CALIFORNIA.
 AT REQUEST OF COUNTY SURVEYOR
 J. WYLLIE CARLIER, County Recorder
 85 00

THIS MAP CORRECTLY REPRESENTS A
SURVEY MADE UNDER MY DIRECTION
IN CONFORMANCE WITH THE REQUIRE-
MENTS OF THE "LAND SURVEYORS ACT
IN AFRICA ACT" AT THE REQUEST OF
LILLIAN ZAENGLEIN.

THOMAS C. HARDWICK
THOMAS C. HARDWICK BCE 13998

THIS MAP HAS BEEN EXAMINED FOR
CONFORMANCE WITH THE REQUIREMENTS
OF THE LAND SURVEYORS ACT
THIS 15TH DAY OF OCTOBER, 1964

Robert Williams
DEPUTY ORANGE COUNTY SURVEYOR

BEARINGS ARE BASED ON THE CENTERLINE
OF ORTEGA HIGHWAY (N69°00'34") AS
SHOWN ON MAP #3219, ORTEGA HIGHWAY R/W,
RECORDS OF ORANGE COUNTY, CALIFORNIA.

ALL PIPES SET ARE TAGGED "RCE13.998"
DATE OF SURVEY JULY 2, 1964

TRANSITE WATER MAIN LOCATED FOR
CAPISTRANO ACRES MUTUAL WATER
COMPANY ON JUNE 7, 1974

SOUTH COAST ENGINEERING SERVICE
101 SOUTH EL CAMINO REAL
SAN CLEMENTE, CALIF. 92672

EUGENE H. AYER
REG. CIVIL ENGINEER NO. 10035

SCALE: 1" = 100'

Tirador Well Site

Ne Tag
Fd 34 I PATTES: 995 NE
TO CENTER OF 4" I P OF RET
WALL; 615' ENE TO CENTER
OF 4" I P OF RET WALL; 704'
SE TO CENTER OF 4" I P OF
RET WALL. ACCESSED AS
N.E. COR. SAN JUAN CAPISTRAN
TOWNSHIP, MARICOPA CO. 3-120
PER. 6-16-1960.

7625



January 7, 2015

Stewart Honeyman
Capistrano Acres Mutual Water Company

Subject: Chronology and Reference Report

Dear Stewart:

We have compiled what we believe to be the timeline on which the twelve inch Capistrano Acres Mutual Water Company (CAMWC) pipeline was built near or under what is now Ortega Highway.

- The pipeline was constructed, sometime prior to 1935, in the location indicated in green and red on the attached Record of Survey 12-6. The Grant Deed recorded in book 788, page 466 includes a reservation referencing the pipe.
- A portion of the pipeline was agreed to be relocated in 1956. Book 4886 page 105 includes a Right of Entry giving consent to relocate the existing CAMWC pipeline to cross the property of Maria Keresey in order to grant right of entry to the new freeway, relocating the pipeline from the alignment shown in green, to the alignment shown in brown on the Record of Survey. In addition, the 1956 letter from O'Melveny to the State Highway Department indicates an agreement between CAMWC and the State to relocate the pipe the location in which it is currently located, to facilitate the construction of Interstate 5. The letter indicates a further agreement to record an easement around the new pipe after construction.

Please call me at (657) 622-2158 if you have any questions.

Sincerely,

Incledon Consulting Group

Michael Incledon, P.E., P.L.S., LEED AP

Enclosure

Recording Requested By and
When Recorded Mail To:

15143

7745 572

Gibson, Dunn & Crutcher
1010 North Main Street
Santa Ana, California 92701
Attn: Raymond L. Curran

\$3.60
C5

RECORDED AT REQUEST OF
Gibson, Dunn & Crutcher
IN OFFICIAL RECORDS OF
ORANGE COUNTY, CALIF.
NOV 18 1965
L. WYLIE CARLILE, County Recorder

CORPORATION GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, RANCHO LOS CERRITOS, INC., a corporation, hereby sells, conveys, grants, assigns and transfers to CAPISTRANO ACRES MUTUAL WATER CO., a California corporation, the following described real property in the County of Orange, State of California:

Parcel 1. Beginning at a point in the Northwesterly line of that certain parcel of land described in Paragraph B in the deed to Howard L. Krum and wife recorded September 19th, 1940 in Book 1064, page 62 of Official Records, which said point of beginning bears South 70° 15' West 16.71 feet and South 60° 16' 30" West 428.18 feet from the most northerly corner of Lot 1 as shown on a Licensed Surveyor's Map filed in Book 4, page 15 of Record of Surveys in the office of the County Recorder of Orange County, California, running thence from said point of beginning South 60° 16' 30" West 100 feet; thence North 29° 43' 30" West 100 feet; thence North 60° 16' 30" East 200 feet; thence South 29° 43' 30" East 100 feet; thence South 60° 16' 30" West 100 feet to the point of beginning.

Parcel 2. An easement for an underground pipe line, power line, and the right of ingress and egress with proper equipment over, upon and across said easement, at all times for the purpose of laying, maintaining, renewing and replacing said pipe line and power line, together with ingress and egress with proper equipment or facilities, said easement to be 15 feet wide, being 7.5 feet on each side of a centerline described as follows:

Beginning at a point in the Northwesterly line of Parcel 1 as described in deed to Robert B. Honeyman and Marian S. Honeyman, husband and wife, as joint tenants, recorded April 30, 1953, in Book 2495, Page 186 of Official Records of Orange County, California, which said point of beginning bears South 70° 15' 00" West, 16.71 feet; South 60° 16' 30" West, 373.86 feet; and North 29° 43' 30" West, 100.00 feet from the most Northeasterly corner of Lot 1, as shown on a Record of Survey Map recorded in Book 4, Page 15 of Record of Surveys filed in the office of the County Recorder of Orange County, California; running thence from said point of beginning North 5° 03' 47" West, 227.05 feet; thence North 11° 56' West, 1039.02 feet; thence North

Mail Tax
Statements

To: Capistrano Acres Mutual Water Co.
P.O. Box 607, San Juan Capistrano, Calif. 92675

0° 56' 00" West, 131.93 feet to a point on the Westerly boundary of that certain parcel of land containing 10.427 acres more or less, as described, in deed recorded in Book 1301, Page 296 of Official Records of Orange County, California, said point being distant along said Westerly boundary South 11° 12' East, 21.23 feet from the most Northwestern corner of said parcel of land; thence North 0° 56' 00" West, 34.91 feet; thence North 44° 24' West, 23.08 feet to an intersection with the centerline of the San Juan Hot Springs Road (Ortega Highway) distant thereon South 31° 50' West, 308.45 feet from Station No. 7 as per survey made by J. L. McBride and shown in Book 2, Page 34 of Record of Surveys filed in the office of the County Recorder of Orange County, California; thence North 31° 50' East along said centerline of San Juan Hot Springs Road, 10.47 feet; thence North 59° 11' 45" West, 62.30 feet; thence North 2° 34' 50" West, 494.04 feet; thence North 39° 58' 15" West, 162.35 feet; thence North 7° 36' 15" West to an intersection with the North line of the Southeast quarter of the Northwest quarter of Section 6, Township 8 South, Range 7 West, S. B. B. & M.; thence North 21° 48' 45" West, 366.22 feet; thence North 2° 41' 15" West, 951.93 feet; thence South 86° 16' 15" East, 47.84 feet to the center of an existing concrete reservoir.

EXCEPTING therefrom that portion of the above described easement lying within Echenique Road (Orange County Road) as described in deed recorded June 24, 1936, in Book 829, Page 258 of Official Records of Orange County, California.

IN WITNESS WHEREOF, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its Vice President and Secretary thereunto duly authorized.

Dated: March 30, 1964.

RANCHO LOS CERRITOS, INC.

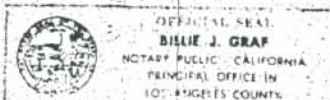
By George D. McGrath
George D. McGrath,
Vice President

By Ann Popov
Ann Popov,
Secretary

STATE OF CALIFORNIA)
 LOS ANGELES) SS.
 COUNTY OF ~~LOS ANGELES~~

On April 1, 1964, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE D. McGRATH, known to me to be the Vice President of the Corporation that executed the within Instrument, known to me to be the person who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



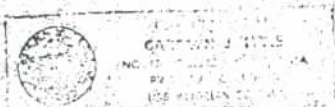
Billie J. Graf
 Notary Public in and for said
 County and State

BILLIE J. GRAF
 My Commission Expires May 1, 1967

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES) SS.

On April 7, 1964, before me, the undersigned, a Notary Public in and for said State, personally appeared ANN POPOV, known to me to be the Secretary of the Corporation that executed the within Instrument, known to me to be the person who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



Carolyn J. Lytle
 Notary Public in and for said
 County and State

CAROLYN J. LYTLE
 MY COMMISSION EXPIRES SEPT. 11, 1964

-3-

Capistrano Acres Mutual Water Company

1200 Quail Street, Suite 280

Newport Beach, CA 92660

949.387.2713

December 12, 2019



Laura Stokes

City of San Juan Capistrano Planning Department

32400 Paseo Adelanto

San Juan Capistrano, CA 92675

Re: Capistrano Acres Mutual Water Company Deed to Water Well Site
Adjoining Paseo Tirador with Preserved Easements

Dear Ms. Stokes:

As a follow up to my letter dated December 9, 2019, please find enclosed a copy of the Deed given to Ortega Land with the easement and areas reserved over the property for the Water Well Site pipelines and water transmission facilities described in clauses (I), (ii) and (iii). Further, please note the rights that both Grantor and Grantee have to relocate the Water Well Site, including the well and related facilities and improvements.

Sincerely,

A handwritten signature in cursive script, reading "Robert S. Honeyman, Jr.".

Robert S. Honeyman, Jr.
President

Capistrano Acres Mutual Water Company

Enclosure

RECORDING REQUESTED BY
FIRST AMERICAN TITLE COMPANY
SUBDIVISION DEPARTMENT

1454857 EL

RECORDING REQUESTED BY:
First American Title Company

This Document was electronically recorded by
First American Title_B

Recorded in Official Records, Orange County
Tom Daly, Clerk-Recorder



56.00

2006000303186 04:02pm 05/04/06

117 48 G02 11

0.00 0.00 20.00 0.00 30.00 0.00 0.00 0.00

WHEN RECORDED, MAIL TO:

Ortega Land Company LLC
c/o Buie Stoddard Properties LLC
28281 Crown Valley Parkway, Suite 200
Laguna Niguel, CA 92677
Attn: Jeffry Stoddard

MAIL TAX STATEMENTS TO:

(Space Above For Recorder's Use)

Ortega Land Company LLC
c/o Buie Stoddard Properties LLC
11260 El Camino Real, Suite 200
San Diego, California 92130

GRANT DEED (WATER WELL #1)

In accordance with Section 11932 of the California Revenue and Taxation Code, Grantor has declared the amount of transfer tax which is due by a separate statement which is not being recorded with this Grant Deed.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, CAPISTRANO ACRES MUTUAL WATER COMPANY, a California corporation ("Grantor") hereby grants to ORTEGA LAND COMPANY LLC, a California limited liability company ("Grantee"), the real property ("Property") in the City of San Juan Capistrano, Orange County ("County"), California, described on Exhibit A hereto.

RESERVING AND EXCEPTING THEREFROM UNTO GRANTOR and its successors and assigns, together with the right (without the consent of Grantee or any other owner of any interest in the Property) to grant and transfer all or a portion of the same, and to permit its officers, employees, invitees, contractors and agents to use the same:

All water, water rights or interests therein appurtenant or relating to the Property, whether such water, water rights or interest therein shall be riparian, overlying, appropriative, littoral, percolating, prescriptive, adjudicated, statutory or contractual, together with (a) the right and power to explore, drill, redrill and remove the same from or in the Property or to divert or otherwise utilize such water, water rights or interests therein; and (b) the right to enter upon the surface of the Property in the exercise of such rights pursuant and subject to the following easements:

(i) Easements over that portion of the Property described as the Water Well Site on the attached Exhibit B ("Water Well Site") to construct, install, maintain, operate, remove, replace, repair and/or abandon an existing or new water well and related pumps and facilities thereon (except that if abandoned, all pumps and other pumping

facilities above the surface of the Property, but not any other facilities, structures or improvements) must be removed by the party then holding these reserved rights, at its cost and expense); and

(ii) Easements over those portions of the Property used as of the date of the recordation of this Grant Deed for pipes, utilities, electric power facilities and other improvements to operate and draw and transport water from any water well located on the Water Well Site and to maintain, operate, remove, replace and repair such pipes, electric power facilities and other improvements; and

(iii) Easements for ingress and egress over those portions of the Property not improved with buildings as reasonably required to exercise the rights reserved and excepted in the preceding items "(i)" and "(ii)."

Grantor and Grantee each shall have the right to relocate the Water Well Site, including the well and related facilities and improvements, subject to the other party's prior written approval, not to be unreasonably withheld, conditioned or delayed. The party wishing to relocate the Water Well Site and related facilities and improvements must do so at no cost or expense to the other party and in such a manner as to minimize disruption of the other party's activities. The site to which the Water Well Site and related facilities and improvements may be relocated shall not exceed 150 square feet and shall become the Water Well Site for the purpose of the above-described easements, except that (aa) Grantor shall quitclaim the previous Water Well Site and the easements described in items "(ii)" and "(iii)" above that serve the previous Water Well Site; and (bb) Grantee shall grant the easements described in item "(i)" above for the new Water Well Site and the easements described in items "(ii)" and "(iii)" above to serve the new Water Well Site.

The party wishing to relocate the Water Well Site and related facilities and improvements ("Relocating Party") shall cause a description of the new Water Well Site and the new easements to which item "(bb)" above refers to be prepared by a civil engineer licensed in California and shall deliver the same to the other party for review and approval ("Reviewing Party"). If the Reviewing Party has not responded to the Relocating Party within 30 days after the descriptions were delivered for review, the Relocating Party shall send the Reviewing Party a written notice stating that if the Reviewing Party does not respond within 15 days, the Reviewing Party shall be deemed to have approved the descriptions of the new Water Well Site and the new easements. If the Reviewing Party does not respond to the Relocating Party within 15 days after delivery of such notice, the Reviewing Party shall be deemed to have approved the descriptions of the new Water Well Site and the new easements.

The parties shall cooperate in good faith to record concurrently (AA) Grantor's quitclaim of the previous Water Well Site and the easements described in item "(ii)" above that serve the previous Water Well Site; and (BB) Grantee's grant of the easements described in item "(i)" above for the new Water Well Site and the easements described in item "(ii)" above to serve the new Water Well Site.

Grantor understands and acknowledges that the use of the easements and rights reserved and excepted in this Deed are subject to compliance with all applicable governmental regulations and, without limiting the generality of the foregoing, expressly acknowledges that the Water Well Site may be located in riparian habitat or other habitat that under applicable law may require Grantor to obtain one or more permits from governmental authorities before entering onto the Water Well Site or the easements that lead to the Water Well Site.

Grantor agrees to indemnify, defend, protect and hold Grantee and its members, managers, officers, employees, agents and contractors harmless from and against any and all claims, losses, damages,

liabilities, costs and expenses (including attorney fees and costs) arising from, out of or in connection with Grantor's exercising the rights reserved pursuant to this deed, including damaging or harming any riparian habitat or other habitat.

SUBJECT TO:

1. Taxes and Assessments. General and special real property taxes and assessments and supplemental assessments, if any, for the current fiscal year; provided, however, Grantor (or any other party then holding the water rights) shall use its commercially reasonable efforts to arrange for any general or special real property taxes or assessments levied on or with respect to the water rights to be separately assessed and billed to the party then holding the water rights; and provided further, if for any fiscal year taxes or assessments levied on or with respect to the water rights are not separately assessed and billed to the party then holding the water rights, then:

(a) Grantee may notify the party then holding the water rights of the portion of the tax bill attributable to the water rights for the entire fiscal year (based either on a segregation stated on the tax bill or a determination made by the County Assessor). The party then holding the water rights shall pay such amount to Grantee not less than 10 days before delinquency of the first installment, and Grantee shall remit such amount to the County Tax Collector before delinquency of the first installment; and

(b) Grantee may arrange for any general or special real property taxes or assessments levied on or with respect to the water rights to be separately assessed and billed to the party then holding the water rights.

2. Other Restrictions. All other covenants, conditions, restrictions, reservations, rights, rights-of-way, dedications, offers of dedication and easements of record or apparent; and the rights reserved by Grantor are subject to such covenants, conditions, restrictions, reservations, rights, rights-of-way, dedications, offers of dedication and easements of record or apparent.

GRANTOR:

CAPISTRANO ACRES MUTUAL WATER COMPANY,
a California corporation

By: [Signature]
Name: PRESIDENT
Title: _____

By: [Signature]
Name: VIGNACIO SOTO
Title: SECRETARY

NOTARY ACKNOWLEDGEMENTS ATTACHED

**NOTARY ACKNOWLEDGEMENTS TO
GRANT DEED
(WATER WELL #1)**

STATE OF CALIFORNIA

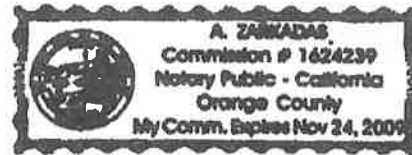
COUNTY OF Orange

On May 3, 2006 before me, A. Zarkadas
(here insert name and title of the officer)

personally appeared Ygnacio Soto
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature: _____



(SEAL)

STATE OF CALIFORNIA

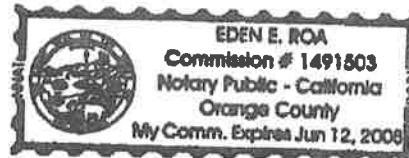
COUNTY OF Los Angeles

On May 3, 2006, before me, Eden E. Roa
(here insert name and title of the officer)

personally appeared R. Stewart Honeyman Jr.
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature: _____



(SEAL)

Government Code 27361.7

I certify under the penalty of perjury that the notary seal on this document read as follows:

Name of Notary:	A. Zarkadas
Commission No.:	1624239
County where Bond is Filed:	ORANGE
Date Commission Expires:	Nov 24, 2009
Manufacturer/Vendor No.:	NNA1

Place of execution – Santa Ana

Date – May 4, 2006



Christina Moreno
First American Title Company

Government Code 27361.7

I certify under the penalty of perjury that the notary seal on this document reads as follows:

Name of Notary:	Eden E. Roa
Commission No.:	1491503
County where Bond is Filed:	ORANGE
Date Commission Expires:	Jun 12, 2008
Manufacturer/Vendor No.:	NNA1

Place of execution – Santa Ana

Date – May 4, 2006



Christina Moreno
First American Title Company

**ADDITIONAL SIGNATURES
TO
GRANT DEED
(WATER WELL #1)**

ACCEPTANCE BY GRANTEE

Grantee, by acceptance and recordation of this Grant Deed, expressly agrees for itself and its successors and assigns to be bound by the provisions set forth in this Grant Deed, which provisions and requirements are acknowledged to be reasonable and incorporated herein by this reference thereto. The provisions in this Grant Deed shall run with the Property and be binding upon and burden Grantee and all persons having or acquiring any interest in the Property (during the period of their ownership of such interest), and their successors and assigns.

ACCEPTED AND AGREED on 5/31, 2006

GRANTEE:

ORTEGA LAND COMPANY LLC,
a California limited liability company

By: BUIE STODDARD PROPERTIES LLC,
a California limited liability company
its Manager

By:

Name:

Title:

Robert M. Irish
ROBERT M IRISH

By:

Name:

Title:

Robert A. Wyatt
ROBERT A WYATT
Sec

NOTARY ACKNOWLEDGEMENTS ATTACHED

NOTARY ACKNOWLEDGEMENTS TO
GRANT DEED
(WATER WELL #1)

STATE OF CALIFORNIA

COUNTY OF San Diego

On May 3rd, 2006, before me, Fay Adamson, Notary Public
(here insert name and title of the officer)

personally appeared Robert A. Wyatt

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature: Fay Adamson



(SEAL)

STATE OF CALIFORNIA

COUNTY OF San Diego

On May 3rd, 2006, before me, Fay Adamson, Notary Public
(here insert name and title of the officer)

personally appeared Robert M. Irish

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature: Fay Adamson



(SEAL)



GOVERNMENT CODE 27361.7

I CERTIFY UNDER PENALTY OF PERJURY THAT THE NOTARY SEAL ON THE DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED READS AS FOLLOWS:

NAME OF NOTARY: Fay Adamson
DATE COMMISSION EXPIRES: June 26, 2006
COUNTY WHERE BOND IS FILED: San Diego
COMMISSION NUMBER: 1361253
MANUFACTURER/VENDOR NUMBER: VSI1

PLACE OF EXECUTION: Santa Ana, CA
DATED: May 4, 2006

SIGNATURE: Chanel

**EXHIBIT B
TO
GRANT DEED
(WATER WELL #1)**


DESCRIPTION OF WATER WELL SITE

In the City of San Juan Capistrano, County of Orange, State of California, being that portion of the west half of the southwest quarter of Section 6, Township 8 South, Range 7 West, San Bernardino Meridian, according to the Official Plat of said land, described as follows:

A strip of land 10.00 feet wide over said west half lying southeasterly of the following described line:

Commencing at a point on the southerly boundary of Parcel 3 of Parcel Map as per map filed in Book 130, Page 27 of Parcel Maps in the office of the County Recorder of said County, distant thereon South 89°33'09" East 121.23 feet from the westerly terminus of that certain course along said southerly boundary shown on said parcel map as "N89°33'09"W 184.87"; thence leaving said southerly boundary South 00°26'51" West 132.13 feet to the True Point of Beginning; thence North 66°54'14" East 26.00 feet to the terminus of said strip.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.


Larry Elton Rush, L.S. No. 4356
License Expires: June 30, 2007
Date: 4/17/06



Recorded _____

STATEMENT OF TAX DUE AND REQUEST THAT TAX DECLARATION
NOT BE MADE A PART OF THE PERMANENT RECORD IN THE OFFICE
OF THE COUNTY RECORDER (PURSUANT TO SECTION 11932 OF THE
CALIFORNIA REVENUE AND TAXATION CODE)

TO: Recorder
County of Orange

Request is made in accordance with the provisions of the Documentary Transfer
Act that the amount of the tax due not be shown on the original document which names:

Grantor: Capistrano Acres Mutual Water Company, a California corporation

Grantee: Ortega Land Company LLC, a California limited liability company

The property described in the accompanying document is

XX Computed on full value of property conveyed.

_____ Or computed on full value, less liens and encumbrances remaining at the
time of sale.

CITY OF SAN JUAN CAPISTRANO

The amount of tax due on the property described in the accompanying document
is \$220.00


(Signature of Declarant or Agent)

First American Title
(Firm Name)

Note: After the permanent record is made, this form will be affixed to the conveying
document and returned with it.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 10, 2019

Ms. Laura Stokes
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
Lstokes@sanjuancapistrano.org

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Tirador Residential Development Project, San Juan Capistrano, CA (SCH# 2019110154)

Dear Ms. Stokes:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the Tirador Residential Development Draft Environmental Impact Report (DEIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program.

The project proposes development of 132 residences, consisting of 43 single-family units and 89 townhomes on 16.1 acres. A 20-foot wide multi-purpose (pedestrian, bicycle, and equestrian) trail is also proposed along the southern boundary of the project. Located within the City of San Juan Capistrano (City), the project area is bounded by the I-5 freeway to the west, San Juan Creek to the south, Calle Arroyo to the north, and Paseo Tirador to the east; the project is also located within Department-designated Fishing District 4, in the County of Orange. Currently, the project area is characterized by an undeveloped dirt lot, disturbed grassland, and limited ornamental landscaping.

The Department offers the following comments and recommendations to assist the City in avoiding or minimizing potential project impacts on biological resources.

Specific Comments

1. Currently, San Juan Creek is passable for the United States Endangered Species Act (ESA)-listed endangered Southern California steelhead (steelhead; *Onocorhynchus mykiss*) from the Pacific Ocean continuing upstream nine miles to the Cow Camp Road Crossing, from Highway 74 to Rancho Mission Viejo. The Department requests that the EIR analyze impacts of the project on steelhead and other sensitive aquatic species, such as tidewater goby (*Eucyclogobius newberryi*; ESA-listed endangered), Pacific lamprey (*Lampetra tridentata*; ESA-listed; California Species of Special Concern), prickly sculpin (*Cottus asper*), and three-spined stickleback (*Gasterosteus aculeatus*). This discussion should include

analysis of the indirect impacts, including but not limited to water quality, on aquatic species; specifically, we request that the City elaborate upon possible equine fecal contamination within San Juan Creek.

2. Equestrian use is known to attract brown-headed cowbirds (*Molothrus ater*, Borgmann and Morrison 2010). Since the project proposes a 20-foot-wide equestrian easement immediately adjacent to occupied least Bell's vireo habitat (CNDDB, 2005), it may have direct impacts to least Bell's vireo, indirect impacts to their habitat, and may also increase brown-headed cowbird parasitism to this species. The EIR should address the potential impacts to least Bell's vireo and incorporate appropriate mitigation measures including but not limited to a manure management receptacle/maintenance plan and a cowbird trapping plan. All mitigation measure(s) should identify the entity that will be responsible for incorporating this guidance into any applicable homeowner's association Declaration of Covenants, Conditions, and Restrictions.
3. The Department is concerned about increased flow to San Juan Creek from urban runoff and stormwater impacts, as increased flow can cause scouring and incising of banks. In order to minimize this impact, the Department recommends that the EIR analyze the efficacy of Low Impact Development (LID) options to minimize storm water impacts, including:
 - a. site layout with regard to sensitive resources, including off-site native habitat;
 - b. the use of pervious surfaces (crushed aggregate, turf block, unit pavers, pervious concrete and asphalt) as alternatives to impervious surfaces; and,
 - c. structure roof spouts emptying over pervious surfaces.

If it is anticipated that runoff cannot be dispersed through LIDs, the EIR should consider directing runoff to facilities designed to detain and treat runoff, such as detention or bioretention basins. Storm water impacts should be explored throughout the project footprint as well as to off-site native habitat.

4. The Department recommends that the EIR analyze how changes in land use would be implemented. The analysis should include specific maintenance standards for the open space to avoid, minimize, or mitigate the new potential changes in extent, severity, and duration of adjacent land-use as well as habitat maintenance of the property (e.g., edge effects). Edge effects are defined as anthropogenic disturbances beyond urban boundaries into habitat and have negative impacts on sensitive biological resources in Southern California. To avoid or minimize project-related edge effects on open-space habitat, we recommend the project include a biological buffer, protective barriers (e.g. fencing), public notification (signage), and a project design that prevents open space fragmentation. We also recommend that all structures are placed as far away from the riparian corridor as possible.
5. The Department considers all fuel modification zones to be part of a project's impacts, and as such, fuel modification zones should be included in the calculation of a project's impacts to habitats and species. In the EIR, all fuel modification zones should be analyzed as part of the project area and an assessment of biological resources within the fuel modification zones and potential impacts thereto should be analyzed.

General Comments

6. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the EIR and must compensate for the loss of function and value of a wildlife corridor.
- a) The project area supports or is adjacent to aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the EIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by the Department.¹ Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers;
 - b) The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSAA²; and,

¹ Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

² A notification package may be obtained by accessing the Department's web site at <http://www.wildlife.ca.gov/Conservation/LSA>

- c) if wetland mitigation is to be considered on site in San Juan Creek, the Department recommends avoidance of bank armoring. We also recommend that redundant or non-functional structures, such as broken gabion structures, be removed from the Creek in alignment with the Steelhead Restoration and Management Plan (McEwan and Jackson 1996).
7. The Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the project, project construction, or any project-related activity during the life of the project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
8. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the EIR:
- a) the document should contain a complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas; and,
 - b) a range of feasible alternatives should be included to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

Biological Resources within the Project's Area of Potential Effect

9. The document should provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete floral and faunal species compendium of the entire project site, undertaken at the appropriate time of year. The EIR should include the following information:
- a) CEQA Guidelines, section 15125(c), specifies that knowledge on the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region;

- b) a thorough, recent floristic-based assessment of special status plants and natural communities, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants/Info>). The Department recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted at the project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008³). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- c) a current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at www.wildlife.ca.gov/biogeodata/ to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code; and,
- d) an inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

Analyses of the Potential Project-Related Impacts on the Biological Resources

10. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the EIR:

- a) a discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included;

3 Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.

- b) discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR;
- c) the zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document; and,
- d) a cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Mitigation for the Project-related Biological Impacts

- 11. The EIR should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
- 12. The EIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
- 13. For proposed preservation and/or restoration, the EIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
- 14. The Department recommends that measures be taken to avoid project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503.5 and 3513 of the California Fish and Game Code prohibit take of all raptors and other migratory nongame birds and section 3503 prohibits take of the nests and eggs of all birds. Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1-September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to

detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

15. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
16. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.
17. The Polyphagous and Kuroshio shot hole borers (ISHBs) are invasive ambrosia beetles that introduce fungi and other pathogens into host trees. The adult female (1.8-2.5 mm long) tunnels galleries into the cambium of a wide variety of host trees, where it lays its eggs and propagates the *Fusarium* fungi species for the express purpose of feeding its young. These fungi cause *Fusarium* dieback disease, which interrupts the transport of water and nutrients in at least 58 reproductive host tree species, with impacts to other host tree species as well. With documented occurrences throughout Southern California, the spread of invasive shot hole borers (ISHBs) could have significant impacts in local ecosystems. Therefore, with regard to ISHBs, we recommend the EIR include the following:
 - a. a thorough discussion of the direct, indirect, and cumulative impacts that could occur from the potential spread of ISHBs as a result of proposed activities in the EIR;
 - b. an analysis of the likelihood of the spread of ISHBs as a result of the invasive species' proximity to above referenced activities;
 - c. figures that depict potentially sensitive or susceptible vegetation communities within the project area, the known occurrences of ISHB within the project area (if any), and ISHB's proximity to above referenced activities; and
 - d. a mitigation measure or measure(s) within the EIR that describe Best Management Practices (BMPs) that bring impacts of the project on the spread of ISHB below a level of significance. Examples of such BMPs include:
 - i. education of on-site workers regarding ISHB and its spread;
 - ii. reporting sign of ISHB infestation, including sugary exudate ("weeping") on trunks or branches and ISHB entry/exit-holes (about the size of the tip of a ballpoint pen), to the Department and UCR's Eskalen Lab;

- iii. equipment disinfection;
- iv. pruning infected limbs in infested areas where project activities may occur;
- v. avoidance and minimization of transport of potential host tree materials;
- vi. chipping potential host materials to less than 1 inch and solarization, prior to delivering to a landfill;
- vii. chipping potential host materials to less than 1 inch, and solarization, prior to composting on-site;
- viii. solarization of cut logs; and/or
- ix. burning of potential host tree materials.

Please refer to UCR's Eskalen lab website for more information regarding ISHBs:
<http://eskalenlab.ucr.edu/pshb.html>.

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Jennifer Turner at (858) 467-2717 or via email at jennifer.turner@wildlife.ca.gov.

Sincerely,



Gail K. Sevrems
Environmental Program Manager
South Coast Region

cc: Christine Medak (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)

References

Borgmann, Kathi L. and Michael L. Morrison. 2010. Factors influencing the frequency of nest parasitism by brown-headed cowbirds in the northern Sierra Nevada. *Western North American Naturalist* 70 (2):137-143.

California Department of Fish and Wildlife. 2005. Least Bell's Vireo [ds85]. California Department of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Retrieved November 25, 2019 from <http://bios.dfg.ca.gov>.

McEwan, Dennis and Terry A. Jackson. 1996. Steelhead Restoration and Management Plan for California. California Department of Fish and Game, Sacramento.

NOTICE OF PREPARATION

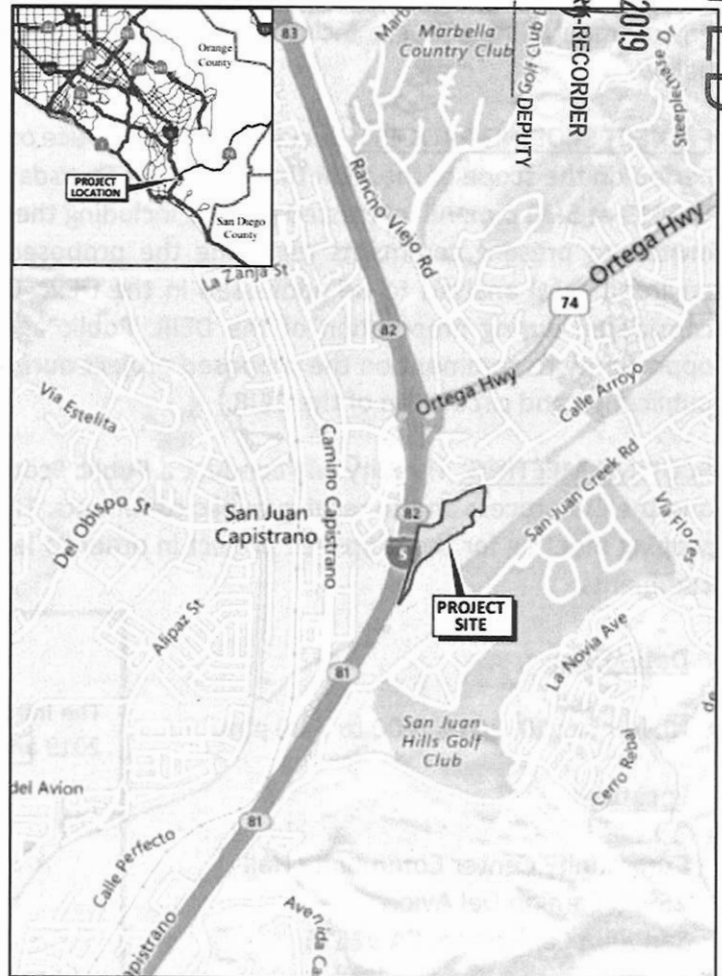
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PUBLIC NOTICE/NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT

Project: Tirador Residential Development Project
Lead Agency: City of San Juan Capistrano
Project Applicant: Watt Companies

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 Tirador Residential Development Project (proposed project). The proposed project is located on an approximately 16.1-acre site comprised of the following Assessor's Parcel Numbers (APNs): 666-131-07, -08, -09, -13, -14, -15, and -16. The San Juan Creek and associated trails are located along the southern portion of the project site; the San Juan Hills Golf Club and multiple-family residential developments are located further south of the project site. Paseo Tirador is located along a portion of the eastern boundary of the project site with the Ortega Equestrian Center located further east. The I-5 freeway forms the western boundary of the project site with the Del Obispo Shopping Center located beyond. According to the City's General Plan Land Use Element (1991), the project site has a land use designation of Planned Community. According to the City's Zoning Map, the project site is zoned as a Planned Community District associated with the adopted Ortega Planned Community Comprehensive Development Plan (PC 78-01).



The proposed project includes the construction of a 132-unit residential development consisting of 43 two-story detached single-family units (ranging from 1,720 to 1,890 square feet [sf]) and 89 three-story attached townhome units (ranging from 1,250 to 1,850 sf). The project would include a total of 389 parking spaces, and each unit would include a private driveway and a two-car garage. In total, 14 of the townhomes, or approximately 10.6 percent of the total units, would be considered affordable. As part of the project, a 20-foot (ft)-wide multi-purpose pedestrian, bicycle, and equestrian trail would be constructed along the project site's southern boundary. Amenities proposed throughout the residential development and along the multi-purpose trail include a gathering area with barbeques, seating, a shade structure, play equipment, a dog waste station, a climbing boulder, a wishing well, an open play turf area with benches, an equestrian hitching post, exercise stations, bicycle racks, drinking fountains, and trash receptacles.

Required discretionary actions associated with the project may include the following: Certification of the EIR, Code Amendment to Adopt a Project Specific Plan, Affordable Housing Concessions and/or Variances, Architectural Control, Grading Plan Modification, Floodplain Land Use Permit, and Tentative Tract Map. Furthermore, a Development Agreement will be executed between the City and the Project Applicant.

BY: HUGH NGUYEN, CLERK-RECORDER
NOV 07 2019

POSTED

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, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation, Tribal Cultural Resources 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.

PROJECT SCOPING PROCESS: Circulation of this Notice of Preparation (NOP) opens a public review and comment period on the scope of the DEIR that begins on Thursday, **November 7, 2019**, and ends on Monday, **December 9, 2019** at 5:30 p.m. All interested parties, including the public, responsible agencies, and trustee agencies, are invited to present comments regarding the proposed project and to provide input on the scope of the environmental analysis to be addressed in the DEIR. 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:

November 20, 2019, 5:00 to 7:00 p.m.

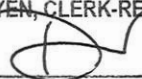
Location:

Community Center Community Hall
25925 Camino Del Avion
San Juan Capistrano, CA 92675

POSTED

NOV 07 2019

HUGH NGUYEN, CLERK-RECORDER

BY:  DEPUTY

INITIAL STUDY REVIEWING LOCATIONS

The Initial Study is available for public review from November 7, 2019 and ending December 9, 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: Laura Stokes, Housing Supervisor/Associate Planner
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
Phone: (949) 443-6313
Email: LStokes@sanjuancapistrano.org