Final Environmental Impact Report for the San Juan Capistrano Skatepark and Trail Project

Prepared for:

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Prepared by:



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1.1 Purpose

This Final Environmental Impact Report (EIR) has been prepared by the City of San Juan Capistrano (City) for the San Juan Capistrano Skatepark and Trail Project ("proposed project" or "project") and in conformance with the California Environmental Quality Act of 1970 (CEQA) statutes (Public Resources Code, Section 21000 et. seq., as amended) and implementing guidelines (California Code of Regulations, Title 14, Section 15000 et. seq.).

Before approving a project, CEQA requires the lead agency to prepare and certify a Final EIR. The City has the principal responsibility for approval of the proposed project and is therefore considered the lead agency under CEQA Section 21067. According to the CEQA Guidelines, Section 15132, the Final EIR shall consist of:

- The Draft EIR or a revision of the Draft EIR
- Comments and recommendations received on the Draft EIR either verbatim or in summary
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- The responses of the lead agency to significant environmental points raised in the review and consultation process
- Any other information added by the lead agency

1.2 Format of the Final EIR

This Final EIR consists of the August 2023 Draft EIR and the following three chapters:

1 Preface. This chapter summarizes the contents of the Final EIR and the environmental review process for this project.

2 Responses to Comments. During the 45-day public review period for the Draft EIR, 19 comment letters were received. This chapter contains these comment letters, which have been bracketed to organize the responses, and the City's responses to the comments.

3 Mitigation Monitoring and Reporting Program. This chapter of the Final EIR provides the mitigation monitoring and reporting program (MMRP) for the proposed project. The MMRP is presented in table format and identifies mitigation measures for the proposed project, the implementation period for each measure, the implementing party, and the enforcing agency. The MMRP also provides a section for recordation of mitigation reporting.

1.3 Environmental Review Process

1.3.1 Notice of Preparation

CEQA requires preparation of an EIR when there is substantial evidence supporting a fair argument that a proposed project may have a significant effect on the environment. The purpose of an EIR is to provide decision makers, public agencies, and the general public with an objective and informational document that fully discloses the environmental effects of the proposed project. The EIR process is intended to facilitate the objective evaluation of potentially significant direct, indirect, and cumulative impacts of the proposed project, and to identify feasible

mitigation measures and alternatives that would reduce or avoid the proposed project's significant effects. In addition, CEQA requires that an EIR identify adverse impacts determined to be significant after mitigation.

In accordance with the CEQA Guidelines, a Notice of Preparation (NOP) for this project was circulated for a 30-day public review starting on February 2, 2023, to public agencies, organizations, and interested individuals. The purpose of the NOP was to provide notification that the City plans to prepare an EIR and to solicit input on the scope and content of the EIR. Copies of the NOP were made available at the City of San Juan Capistrano City Hall, located at 30448 Rancho Viejo Road, San Juan Capistrano, California 92675; the San Juan Capistrano Community Center located at 25925 Camino Del Avion, San Juan Capistrano, California 92675; and for electronic download on the City's website at http://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning/Environmental-Documents.

A scoping meeting was held on February 23, 2023, at 6:00 p.m. in the San Juan Capistrano Community Center. The purpose of this meeting was to seek input from public agencies and the general public regarding the potential environmental impacts of the project. Key environmental issues and concerns raised at the scoping meeting or in response to the NOP are summarized in Section 2.3, Public Review Process, of the Draft EIR.

1.3.2 Noticing and Availability of the Draft EIR

The Draft EIR was made available for public review and comment pursuant to CEQA Guidelines Section 15087. The 45-day public review period for the Draft EIR started on August 17, 2023, and ended on October 2, 2023. Electronic copies of the Draft EIR, the Notice of Completion, and the Notice of Availability (NOA) were submitted to the State Clearinghouse. Relevant State agencies received an electronic copy of the NOA. In addition, an NOA was distributed to responsible and trustee agencies, interested parties, and properties within a 1,000-foot radius of the project site. The NOA was also filed with the Orange County Clerk. The NOA described where the document was available and how to submit comments on the Draft EIR. A hardcopy of the Draft EIR was made available at: the City of San Juan Capistrano Development Services Department located at 30448 Rancho Viejo Road #110, San Juan Capistrano, California 92675; and the San Juan Capistrano Regional Library located at 31495 El Camino Real, San Juan Capistrano, California 92675. Additionally, the NOA and the Draft EIR were available to be viewed on the City website at http://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning/Environmental-Documents.

The 45-day public review period provided interested public agencies, groups, and individuals the opportunity to comment on the contents of the Draft EIR. Agency, organization, and individual comment letters were received and are included in Chapter 2, Responses to Comments, of this Final EIR. Attachments to comment letter O2 are included as Appendix A in this Final EIR.

1.3.3 Final EIR

Responses to each of the comments received on the Draft EIR are provided in this document as part of Final EIR. None of the comments received require the need for clarifications and/or modifications to the text of the Draft EIR. Therefore, there are no changes that constitute "significant new information," which would require recirculation of the Draft EIR. Significant new information is defined in Section 15088.5(a) of the State CEQA Guidelines as follows:

- 1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented
- 2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance

- 3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it
- 4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded

None of these circumstances has arisen from comments on the Draft EIR; therefore, recirculation is not required.

This Final EIR will be presented to City decision makers for potential certification as the environmental document for the project. All agencies who commented on the Draft EIR will be provided with a copy of the Final EIR, pursuant to CEQA Guidelines Section 15088(b). The Final EIR will also be posted on the City's website at https://sanjuancapistrano.org/221/Environmental-Documents. Pursuant to CEQA Guidelines Section 15091, the City shall make findings for each of the significant effects identified in this EIR and shall support the findings with substantial evidence in the record. After considering the Final EIR in conjunction with making findings under Section 15091, the lead agency may decide whether or how to approve or carry out the project. When a lead agency approves a project that will result in the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the agency is required by CEQA to state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. Because the project would result in significant and unavoidable impacts, if the City approves the project, a "statement of overriding considerations" will be necessary pursuant to CEQA Guidelines Section 15093.

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2 Responses to Comments

2.1 Introduction

A draft version of the Environmental Impact Report (Draft EIR) for the proposed San Juan Capistrano Skatepark and Trail Project ("proposed project" or "project") was circulated for a 45-day public review from August 17, 2023, to October 2, 2023. This chapter includes a copy of each comment letter provided during the 45-day public review period for the Draft EIR. The City of San Juan Capistrano (City) has prepared responses to each comment, which are included in this chapter. The comments are ordered numerically, and the individual issues within each comment letter are bracketed and numbered. The City's responses to comments on the Draft EIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the California Environmental Quality Act (CEQA) Guidelines, the lead agency is required to evaluate and provide written responses to comments received on the Draft EIR (CEQA Guidelines, Section 15088).

As shown in Table 2-1, the City received comment letters from 1 agency, 2 organizations, and 16 community members. An attachment that was provided with Comment Letter O2 is included as Appendix A to this document. To finalize the EIR for the proposed project, responses have been prepared for comments that were received during the public review period. In accordance with the requirements of CEQA Guidelines Section 15088(b), the City will provide a written response on comments submitted by public agencies to each respective public agency at least 10 days prior to certifying the Final EIR.

Comment Letter	Name	Date Received						
Agencies								
A1	OC Parks	September 19, 2023						
Organizations								
01	San Juan Capistrano Youth Advisory Board	September 19, 2023						
02	Skatepark Coalition	October 11, 2023						
(attachments included as Appendix A in this Final EIR)								
Individuals								
l1	Anna Braun	August 17, 2023						
12	J. Keith Byland	September 20, 2023						
13	Peter Carey	September 19, 2023						
14	John Gravois	October 2, 2023						
15	Eric Groos	September 17, 2023						
16	Susan Grulkowski	September 22, 2023						
17	Jake Jeffery	September 20, 2023						
18	Scott Jones	September 19, 2023						
19	Joanne Marquez	September 18, 2023						
110	Gerald Muir	September 19, 2023						
l11	Deborah Newland	September 8, 2023						
112	Cathy Pechstedt	September 30, 2023						
113	Carol Tuch	September 29, 2023						
114	Grant Wheeler	September 20, 2023						
115	Casey Yadon	September 30, 2023						
116	Eric Zimmerman	September 20, 2023						

Table 2-1. Comment Letters Received

2.2 Comment Summaries and Responses

OC Parks September 19, 2023

A1-1 The commenter confirmed receipt of the Notice of Availability.

Response The City thanks you for your comment.

- A1-2 The commenter would like to ensure that OC Parks-owned and managed resources will not be affected by the project.
- **Response** This project would be owned and operated by the City of San Juan Capistrano (City) and would not be anticipated to affect OC Parks-owned facilities in the region. Please see Chapter 6, Other CEQA Considerations, of the Draft EIR for an analysis of recreational facilities, which was determined to result in no impact to neighborhood parks and regional parks or other recreational facilities.

San Juan Capistrano Youth Advisory Board September 19, 2023

- **01-1** This comment voices support for the project and recommends that City Council approve the EIR.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

Skatepark Coalition October 11, 2023

- **02-1** This comment is an assemblage of 51 form letters in support of the project and recommending that City Council approve the EIR, each signed by individual members of the organization known as the Skatepark Coalition (first page of comment summarized above and remaining pages included as Appendix A of this document).
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

Anna Braun August 17, 2023

- **11-1** The comment asks why the City wants to build a skatepark and expresses concern it will not be used by kids. The comment expresses an opinion that the City would be better served by addressing electric bicycle safety.
- **Response** The City thanks you for your comment. As described in Chapter 3, Project Description, of the Draft EIR, the need for a skatepark facility has been expressed by the citizens of San Juan Capistrano for more than a decade. Please refer to Sections 3.3 and 3.4 of the Draft EIR for a description of the purpose, need, and objectives of the project. The comment does not raise any issues with the analysis or the adequacy of the Draft EIR. The topic of electric bicycle safety is unrelated to the environmental impacts of the project, but the comment is included in the record for consideration by decision makers.

J. Keith Byland September 20, 2023

I2-1 This comment is an introductory statement.

Response This comment is noted.

- **I2-2** This comment voices support for the project.
- **Response** The City thanks you for your comment.
- **12-3** This comment requests the City approve the project.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

Peter Carey September 19, 2023

- **I3-1** This comment voices support for the project and recommends that City Council approve the EIR.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

John Gravois October 2, 2023

- **I4-1** This comment voices support for the project and indicates no inaccuracies or missing elements of concern were found in the EIR.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

Eric Groos September 17, 2023

- **I5-1** This comment voices support for the project and recommends that City Council approve the EIR.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

Susan Grulkowski September 22, 2023

I6-1 This comment is an introductory statement.

Response This comment is noted.

- **I6-2** This comment expresses the desire to preserve the unique agricultural space at the Ecology Center and expresses the opinion that the property signifies a dramatic link to the past and opportunities for community support related to home grown and sustainable farming.
- Response The City thanks you for your comment. As discussed in Section 4.1, Agriculture Resources, of the Draft EIR, the project would remove 1.75 acres of active farmland from the Ecology Center. The project site currently represents approximately 1.4 percent of all Prime or Unique Farmland, or Farmland of Statewide Importance in the City, and less than 1 percent in Orange County (see p. 4.1-4 of the Draft EIR). Although the project site represents a small fraction of farmland in Orange County, the Draft EIR determined direct loss of Prime Farmland to a non-agricultural use would be considered a significant impact to agricultural resources. To reduce the significant impact, the City shall implement mitigation measure MM-AG-1, which requires the City to mitigate the loss of agricultural land through a contribution to the City's Agricultural Preservation Fund and in accordance with Section 3-3.104, Schedule C, and Section 3-3.109(b) of the City's Municipal Code. However, the Draft EIR concluded MM-AG-1 would not replace or result in a net increase in agricultural land; therefore, the impact would be considered a significant and unavoidable impact pursuant to CEQA. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per Section 15093 of the State CEQA Guidelines. As discussed in Section 4.3, Cultural Resources, of the Draft EIR, there are no historical resources located at the project site or in the immediate vicinity; therefore, the project would have a less-than-significant impact on historical resources. In addition, implementation of the project would not prevent the continued operation of surrounding active agricultural farmland at the Ecology Center. The comment does not address the analysis or adequacy of the Draft EIR; therefore, no further response is necessary. The comment is included in the record for consideration by decision makers.
- **16-3** This comment suggests other citizens are in favor of preserving the land for agricultural purposes and asks if it can be replaced once it is lost to another use. The comment states they will watch for City Council consideration of alternatives to the proposed project.
- **Response** The City thanks you for your comment. Impacts to agricultural resources were addressed in Section 4.1, Agriculture Resources, of the Draft EIR. As described in the response to comment I6-2 above, the Draft EIR determined implementation of MM-AG-1 would not replace or result in a net increase in agricultural land; therefore, the impact would be considered a significant and unavoidable impact pursuant to CEQA. The potential effects of this and the proposed mitigation to reduce environmental impacts are discussed in Section 4.1, Agriculture Resources.

Alternatives are analyzed in Chapter 7, Alternatives, of the Draft EIR and pursuant to Section 15126.6(a) of the State CEQA Guidelines. The Draft EIR analyzed two alternative locations for the project: (1) a 500-foot setback from Camino Del Avion located north of the proposed project site

and (2) the San Juan Capistrano Community Gardens located west of the Ecology Center property. As described in the Draft EIR, the City also considered but ultimately rejected a third location, Descanso Park. See Chapter 7 of the Draft EIR for further discussion of the alternatives. The comment is included in the record for consideration by decision makers.

Jake Jeffery September 20, 2023

- **I7-1** This comment voices support for the project and recommends City Council approval of the EIR.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

Scott Jones September 19, 2023

- **18-1** This comment voices support for the project and recommends City Council approval of the EIR.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

Joanne Marquez September 18, 2023

- **I9-1** This comment voices support for the project.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

Gerald Muir September 19, 2023

- **110-1** This comment voices support for the project and recommends City Council approval of the EIR.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

Deborah Newland September 8, 2023

- **111-1** This comment expresses opposition to the project and opines that the project is a "done deal." The comment also expresses concern with placing the park in an "ecological area."
- **Response** The City thanks you for your comment. The City Council has not yet considered whether to approve or deny the project. Moreover, the City's ownership of the project site would not change with project implementation. The comment expresses concern with placing the project in an "ecological area." Project impacts related to biological resources are addressed in Section 4.2, Biological Resources, of the Draft EIR.

The comment does not address the analysis or adequacy of the Draft EIR; therefore. no further response is necessary. The comment is included in the record for consideration by decision makers.

Cathy Pechstedt September 30, 2023

- **112-1** The comment states that citizens voted to tax themselves to buy the Kinoshita Farm and not to have it rezoned and broken up into commercial uses.
- **Response** The City thanks you for your comment. It is assumed the comment is referring to Measure D and the City's Agricultural Preservation Fund (Ordinance 316). As described in Section 4.5, Land Use and Planning, of the Draft EIR, Measure D was approved by the City's voters in a special election held in April of 1990. Measure D authorized the City to "incur bond indebtedness in the principal amount of up to \$21,000,000 to acquire lands for park, agriculture, open space and related uses, in order to save these lands from potential residential and commercial development and to develop youth, senior and other community facilities" in accordance with the City's "Save Open Space" program. The project is consistent with Measure D, as it does not propose potential residential or commercial development; to the contrary, and consistent with Measure D, the project will result in the development of a community skatepark facility and associated walking trail. Therefore, the Draft EIR concluded that the project would not be in conflict with Measure D and would result in a less-than-significant impact.

The comment does not address the analysis or adequacy of the Draft EIR; therefore, no further response is necessary. The comment is included in the record for consideration by decision makers.

- **112-2** This comment recommends other locations for the development of the skatepark facility.
- **Response** The City thanks you for your comment. Alternative locations for the project were analyzed in Chapter 7, Alternatives, of the Draft EIR. The City considered alternative locations owned or leased by the City, including Descanso Park. As described in Section 7.3 of the Draft EIR, alternatives to the project were developed by identifying other locations in the City where a skatepark facility could feasibly be developed. The parameters for identifying potential alternative sites included property that was owned or leased by the City, was vacant or underused, and was large enough to accommodate a state-of-the-art skatepark facility that includes a restroom and playground amenities. No other City properties were identified that meet all of these criteria. A Descanso Park alternative was considered but rejected due to ownership conditions and lack of vehicular and pedestrian accessibility to the site from any major streets and/or sidewalks due to the adjacent concrete channels and lack of vehicular parking options (see p. 7-4 of the Draft EIR).

Marco Foster Middle School and the Rancho Mission Viejo (RMV) Riding Park properties are owned by the City; however, these properties do not contain any vacant or underused land that could accommodate a skatepark. Please also refer to the response to comment I6-3 above for a summary of alternative locations discussed in Chapter 7 of the Draft EIR.

- **112-3** This comment states the opinion that perhaps a skatepark is not the best idea for the community given push-back on project location proposals.
- **Response** The City thanks you for your comment. This comment does not express any environmental comments or concerns and does not address the analysis or adequacy of the Draft EIR; therefore, no further response is necessary. The comment is included in the record for consideration by decision makers.

Carol Tuch September 29, 2023

- **113-1** This comment expresses opposition to the proposed project. The commenter indicates they voted for the City to purchase the Farm and that the Ecology Center is an inappropriate place for a skatepark.
- **Response** The City thanks you for your comment. It is assumed the comment is referring to Measure D and the City's Agricultural Preservation Fund (Ordinance 316). In regard to whether the project would be consistent with the intent of Measure D or the project site would be an appropriate location for a skatepark, refer to the response to comments I12-1 and I12-2. The comment is included in the record for consideration by decision makers.
- **113-2** This comment describes the commenter's positive experience volunteering at the Ecology Center.
- **Response** The City thanks you for your comment. This comment does not express any environmental comments or concerns related to the environmental analysis in the Draft EIR. The comment will be provided to the decision makers for their review and consideration as part of this Final EIR.
- **113-3** This comment expresses opposition to the proposed location of the project and requests the City honor why the residents voted for the Ecology Center.
- **Response** The City thanks you for your comment. It is assumed the comment is referring to Measure D and the City's Agricultural Preservation Fund (Ordinance 316); please refer to the response to comment I12-1 regarding the project's consistency with the intent of Measure D. Also, please note that implementation of the project would not prevent the continued operation of surrounding active agricultural farmland at the Ecology Center. The comment will be provided to the decision makers for their review and consideration as part of this Final EIR.

Grant Wheeler September 20, 2023

- **114-1** This comment voices support for the project and recommends City Council approval of the EIR.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

Casey Yadon September 30, 2023

- **115-1** This comment voices opposition to the project and suggests rezoning the property would open the door to more commercialization of the City.
- **Response** Please refer to the response to comment I12-1.
- **115-2** This comment states that voters voted to tax themselves and purchase the Kinoshita Farm so that it would remain a farm and retain the City's heritage.
- **Response** The City thanks you for your comment. It is assumed the comment is referring to Measure D and the City's Agricultural Preservation Fund (Ordinance 316). Please see the response to comment I12-1 regarding project consistency with the intent of Measure D. Moreover, implementation of the project would not prevent the continued operation of surrounding active agricultural farmland at the Ecology Center.
- **115-3** This comment recommends City Council look elsewhere for a skatepark and refers to nearby park locations for the development of the skatepark facility.
- **Response** The City thanks you for your comment. Alternative locations for the project were analyzed in Chapter 7, Alternatives, of the Draft EIR. Please refer to the response to comment 112-2 for a summary of how alternative locations were selected for consideration by the City in the Draft EIR. The commenter suggests the corner of San Juan Creek Road and La Novia, adjacent to Cook Cordova Park, or Descanso Park. The following paragraphs discuss the feasibility of each suggested alternative location.

San Juan Creek Road and La Novia Avenue

The comment refers to open space land west/northwest of the intersection of San Juan Creek Road and La Novia Avenue. In June 2023, the City Council approved an agreement with the San Juan Hills Golf Club that allows expansion of the golf course operations onto City property in return for the Golf Club constructing a passive park at the northwest corner of La Novia Avenue and San Juan Creek Road. Grading is currently underway in preparation for the installation of park improvements. It would be infeasible to construct a skatepark at this location given the active construction of another community amenity.

Adjacent to Cook Cordova Park

The comment refers to areas adjacent to Cook Cordova Park that contain makeshift dirt bike ramps. This area containing makeshift dirt bike ramps is actually located adjacent to Cook Park del Campo, which is southwest of Cook Park Cordova along Calle Arroyo. Cook Park del Campo is currently developed with local-serving passive recreational features including open fields, playground equipment, and trails. Property adjacent to the existing park would be narrow and limited by steep grade to the south, which would present significant challenges to the design of functional skatepark features. Several natural features or infrastructure would have to be relocated or removed in order to develop in this area, which would likely inhibit development. This includes relocation of the existing

retention wall; removal of more than 20 mature trees; and potential removal, relocation, or development around an existing storm drain swale and a Santa Margarita Water District potable water sample station.

Further, this alternative site would not meet Project Objectives 3 and 4 because the location would not be visible and easily accessible for the public. Additionally, there is no existing parking lot or designated parking area, so future users of a skatepark would have to utilize street parking in the adjacent residential neighborhood, potential resulting in parking conflicts with, or noise impacts to, the nearby community.

Given these limiting physical features of this proposed alternative location, it would not be a feasible location for a skatepark facility.

Descanso Park

Descanso Park was considered by the City but ultimately rejected as a potential alternative to the project due to ownership conditions and identified circulation issues. The Descanso Park property is owned by the County of Orange and leased by the City. Per the lease agreement, the County of Orange must approve any improvements proposed for the site, and if approved for construction, any improvements become the property of the County. The current lease agreement also allows the County to terminate the agreement with 60-day notice to the City. As such, before Descanso Park could be considered as a potential location for a skatepark, substantial negotiation regarding amendments to the lease agreement would have to occur to ensure the substantial financial investment of a skatepark property would remain in perpetuity on the site.

Further, the location of Descanso Park is accessible for pedestrians and bicyclists from San Juan Creek Trail and Trabuco Creek Trail, but otherwise it is not accessible from any major streets and/or sidewalks. Given the single point of entry/exit and the site's unique location, the City identified concerns related to circulation and vehicular parking options for the site. Also due to its location, a skatepark at Descanso Park would not meet Objectives 3, 4, and 5 stated in the Draft EIR. Therefore, this alternative location would not be feasible for the location of a proposed skatepark.

Eric Zimmerman September 20, 2023

- **116-1** This comment voices support for the project and recommends City Council approval of the EIR.
- **Response** The City thanks you for your comment. The comment is included in the record for consideration by decision makers.

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3 Mitigation Monitoring and Reporting Program

California Public Resources Code Section 21081.6 requires that, upon certification of an Environmental Impact Report (EIR), "the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation."

This chapter contains the mitigation monitoring and reporting program (MMRP) that has been developed for San Juan Capistrano Skatepark and Trail Project ("proposed project" or "project"). This MMRP has been developed in compliance with Public Resources Code Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The mitigation measures in the table are coded by alphanumeric identification consistent with the EIR. The following items are identified for each mitigation measure:

- **Mitigation Monitoring.** This section of the MMRP lists the stage of the proposed project during which the mitigation measure would be implemented. It also lists the party that is responsible for implementing the mitigation measure, and the agency responsible for monitoring implementation to ensure that the mitigation measure is implemented properly.
- Verification of Compliance. This section of the MMRP provides a location for the implementing party and/or enforcing agency to make notes and to record their initials and the compliance date for each mitigation measure.

The City of San Juan Capistrano (City) must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

Table 3-1. Mitigation Monitoring and Reporting Program

	Mitigation Monitoring			Verification of Compliance		
Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation	Initial	Date	Comments
Agricultural Resources						
MM-AG-1.: Contribution to Agricultural Preservation Fund. Prior to issuance of a grading permit, the City shall mitigate for the loss of Prime Agricultural Land by depositing payment of fees into the City's Agricultural Preservation Fund and in accordance with Section 3- 3.104, Schedule C, and Section 3-3.109(b) of the City's Municipal Code. The fee payment shall be equivalent to cost of acquisition of Prime Farmland in the region at a ratio of 1:1 (i.e., 1.75 acres) or comparable open space land that could be converted to Prime Farmland. The fee payment shall be used for agricultural mitigation purposes, including but not limited to farmland acquisition, agricultural conservation easements, and/or farmland deed restrictions, with priority given to prime agricultural farmlands.	Prior to issuance of a grading permit	City of San Juan Capistrano Development Services	City of San Juan Capistrano Development Services Director, or designee			
Biological Resources						
MM-BIO-1: Nesting Bird Survey. In conformance with the requirements of the Migratory Bird Treaty Act and Section 3503.5 of the California Fish and Game Code, should vegetation clearing, cutting, or removal activities be required during the nesting season (i.e., February 1 through August 31), a qualified biologist shall conduct a nesting bird survey no more than 7 calendar days before such activities take place. The survey shall consist of full coverage of the project footprint and an appropriate buffer, as determined by the qualified biologist. If no occupied nests are found, no additional steps shall be required. If nests are found that are being used for breeding or rearing young by a native	Prior to demolition activities	City to retain and approve qualified biologist to implement mitigation	City of San Juan Capistrano Development Services Director, or designee			

	Mitigation Monitor	Mitigation Monitoring			ion of C	ompliance
Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation	Initial	Date	Comments
bird, the qualified biologist shall recommend further avoidance measures, including establishing an appropriate buffer around the occupied nest. Appropriate buffers may be 300 feet for passerine species and 500 feet for raptor species; however, the buffer shall be determined by the qualified biologist based on the species present, surrounding habitat, and existing environmental setting/level of disturbance. No construction or ground-disturbing activities shall be conducted within the buffer until the biologist has determined that the nest is no longer being used for breeding or rearing.						
Cultural Resources					<u> </u>	
MM-CUL-1: Workers Environmental Awareness Program Training. All construction personnel and monitors who are not trained archaeologists shall be briefed regarding inadvertent discoveries prior to the start of construction-related excavation activities. A basic presentation and handout or pamphlet shall be prepared in order to ensure proper identification and treatment of inadvertent discoveries. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of archaeological materials and tribal cultural resources that may be identified during construction of the project and explain the importance of and legal basis for the protection of archaeological resources and tribal cultural resources. Each worker shall also learn the proper procedures to follow in the event that archaeological resources and tribal cultural resources or human remains are uncovered during ground-	Prior to the start of construction- related excavation activities	City to retain and approve qualified archaeologist to implement mitigation	City of San Juan Capistrano Development Services Director, or designee			

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disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.						
MM-CUL-2: Cultural and Tribal Cultural Resources Monitoring and Inadvertent Discovery of Archaeological Resources. An archaeological monitor must be present during all initial ground-disturbing activities with the potential to encounter cultural resources. A monitoring plan must be prepared by the archaeologist and implemented upon approval by the City. An inadvertent discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground- disturbing activities. An archaeological monitor shall be present on the project site during initial ground- disturbing activities to monitor rough and finish grading, excavation, and other ground-disturbing activities in the native soils.	During all initial ground-disturbing activities; Upon discovery of any archeological resources; Upon completion of project	City to retain and approve qualified archaeologist to implement mitigation in coordination with construction contractor	City of San Juan Capistrano Development Services Director, or designee			
In the event that yet unknown and unanticipated archaeological resources (sites, features, or artifacts) are inadvertently exposed during ground disturbing activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the unanticipated resource.						
If a resource is deemed significant by the qualified archaeologist, preservation in place or avoidance of the resource shall be the preferred method of preservation consistent with Public Resources Code section 21083.2(b). If preservation in place or avoidance is not feasible, treatment may include implementation of						

	Mitigation Monitor	Mitigation Monitoring				ompliance
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archaeological data recovery excavations to remove the resource. This mitigation will reduce any potential significant impacts to a level of less than significant by ensuring that any significant resource discovered is either avoided, preserved in place, or removed so that there will be no substantial adverse change in the significance of the resource.						
The methods and results of the data recovery excavation shall be included in a monitoring report, to be completed by the qualified archaeologist after completion of the project. The monitoring report shall include a description of resources recovered, treatment of the resources, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the City Development Services Director and the South Central Coastal Information Center (SCCIC).						
MM-CUL-3: Inadvertent Discovery of Human Remains. In the event that yet unknown and unrecorded human remains are inadvertently encountered during construction activities, the remains and associated funerary objects shall be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be	Upon discovery of any human remains; Upon completion of project	City to retain and approve qualified archaeologist to implement mitigation	City of San Juan Capistrano Development Services Director, or designee			

San Juan Capistrano Skatepark and Trail Project Final EIR

	Mitigation Monitoring				ion of C	ompliance
Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation	Initial	Date	Comments
immediately notified of the discovery. No further excavation or disturbance of the Project site or any nearby (no less than 100 feet) area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to immediately notify the Native American Heritage Commission (NAHC). The NAHC will notify the person/s it believes to be the most likely descendant (MLD) from the deceased individual. The MLD must then complete their inspection and determine, in consultation with the property owner, the treatment and potential disposition of the human remains.						
All resulting documentation shall be submitted to the City Development Services Director, or designee, for their review and work shall not continue within the area of the discovery without authorization from the City. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the SCCIC.						
Geology and Soils						
MM-GEO-1: Retention of a Qualified Paleontologist. If excavations below a depth of five feet below the original ground surface are planned for the proposed project a qualified Orange County certified paleontologist meeting the Society of Vertebrate Paleontology's 2010 standards must be retained to oversee the implementation of all paleontological resources	Prior to submittal of construction plans	City of San Juan Capistrano Development	City of San Juan Capistrano Development Services Director, or designee			

	Mitigation Monitor	Mitigation Monitoring				ompliance
Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation	Initial	Date	Comments
mitigation requirements for the project. The qualified paleontologist shall prepare an inadvertent discovery clause to be added to all construction plans associated with ground disturbing activities.						
MM-GEO-2: Paleontological Resources Sensitivity Training. Prior to the start of excavations, the Qualified Paleontologist, or their designee, shall conduct paleontological resources awareness training for onsite personnel. The training session shall focus on how to identify paleontological resources that may be encountered during excavations and the procedures to be followed in the event of their discovery. The City shall ensure onsite personnel are made available for and attend the training and retain documentation demonstrating attendance.	Prior to the start of excavation	City to retain and approve qualified paleontologist to implement mitigation	City of San Juan Capistrano Development Services Director, or designee			
MM-GEO-3: Paleontological Resources Monitoring. If excavations below a depth of five feet below the original ground surface are planned for the proposed project, the qualified paleontologist shall determine when and where paleontological monitoring is warranted based on the paleontologists understanding of the construction plan and the lithologic character and age of the sediments that could be exposed during excavation. The qualified paleontologist or a qualified paleontological monitor meeting the Society of Vertebrate Paleontology's 2010 standards under the direction of the qualified paleontologist must conduct the paleontological monitoring. If the sediments are determined by the qualified paleontologist to be too young or too coarse-grained to likely preserve paleontological resources, the qualified paleontologist	During construction activities; After construction activities	City to retain and approve qualified paleontologist to implement mitigation	City of San Juan Capistrano Development Services Director, or designee			

	Mitigation Monitoring				ion of C	ompliance
Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation	Initial	Date	Comments
can reduce or terminate monitoring per the Society of Vertebrate Paleontology's 2010 guidelines and based on the excavations remaining for the proposed project. The paleontological monitor should complete daily monitoring logs for each day monitoring is conducted documenting construction activities and geological and paleontological observations. The qualified paleontologist must produce a final paleontological monitoring report that discusses the paleontological monitoring program, any paleontological discoveries, and the preparation, curation, and accessioning of the fossils into a suitable paleontological repository with retrievable storage. The report shall be submitted to the City to signify the satisfactory completion of required paleontological mitigation measures. If significant fossils are discovered, the report shall also be submitted to the appropriate repositories.						
MM-GEO-4: Paleontological Resource Treatment and Disposition. If paleontological resources are discovered, significant fossils shall be prepared to the point of identification and cataloged. Significant fossils shall be curated at a public, non-profit institution with a research interest in the material and with retrievable storage, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, then the fossils may be donated to a local museum, historical society, school, or other institution for educational purposes. Accompanying notes, reports, maps, and photographs shall also be filed with the final repository.	Upon discovery of paleontological resources	City to retain and approve qualified paleontologist to implement mitigation measure	City of San Juan Capistrano Development Services Director, or designee			

	Mitigation Monitor	Mitigation Monitoring			ion of C	ompliance
Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation	Initial	Date	Comments
Noise						
MM-NOI-1: Construction Noise Reduction. In addition to adherence to the City of San Juan Capistrano's policies found in the City's General Plan Noise and Safety Element and Municipal Code limiting the construction hours of operation, the following measures shall be implemented to reduce construction noise emanating from the project:	Prior to construction activities; During construction	City to require construction contractor to comply with mitigation measure	City of San Juan Capistrano Development Services Director, or designee			
 i. The project contractor shall, to the extent feasible, schedule construction activities to avoid concurrent operation of several pieces of construction equipment proximate to an offsite noise-sensitive receiver. ii. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained engine exhaust mufflers. iii. Based on feasibility and/or practicality, the project contractor shall apply the following onsite equipment noise control and sound abatement methods: a. shutting off idling engines of vehicles and stationary engine-driven equipment when not in use; b. orient operating stationary equipment so that audibly or measurably louder cabinet surfaces or penetrations (e.g., air intake or discharge vents) are facing away from nearest offsite noise-sensitive receptors; and 						

		Mitigation Monitor	Mitigation Monitoring			tion of C	ompliance
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	c. apply factory-approved enclosures, vent shrouds, and other equipment-mounted features to attenuate (via dissipative acoustical absorption, south path occlusion or redirection, etc.) noise emission.						
iv.	During the site preparation and excavation phases of the Project, the project contractor shall install a minimum 7-foot-tall temporary noise barrier (e.g., vertical installation of adjoining plywood sheeting [minimum ½-thick], a frame-suspended outdoor acoustical blanket, or other materials/assembly that demonstrates a minimum of sound transmission class [STC] 20) along the full southern extent of the project boundary.						
v.	Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at construction entrances to allow surrounding property owners to contact the job superintendent if necessary. In the event the City receives a complaint, appropriate corrective actions shall be implemented, and a report of the action provided to the reporting party.						

Appendix A

Attachments to Comment Letter O2

Dear Ashley Melchor,

Steve Caballero L

support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

Thank You,

Dear Ashley Melchor,

DArren Navarrettu

support the development of the Skate Park in San Juan l Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

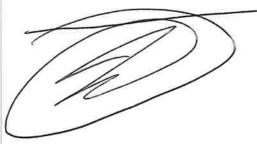
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Dear Ashley Melchor,

Support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.







Dear Ashley Melchor,

I ADAM COLRIMM support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

Thank You,

ENCENT P. KEATING

CORINA Cline

Harley Villa

Dear Ashley Melchor,

I Anthony Pivera support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

Thank Your

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Dear Ashley Melchor,

I Jess Robled 6 support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

Thank You, 10/1/23

Dear Ashley Melchor,

I STEVE BUCTSMA support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

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I MIKE Kigh support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

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Dear Ashley Melchor,

Pathia Merk. support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

Dear Ashley Melchor,

, Adam Richards

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Thank You, OUM

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I Tuston Van Dyon support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

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Thank You, May HUND

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I Mark Henderson support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

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I JAIME GETIN support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

Thank You, 42Ca-

Dear Ashley Melchor,

, Jacob Fernovauz

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STEVE Schumpettor

Dear Ashley Melchor,

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11th

Dear Ashley Melchor,

I, Cari Leslie, support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

Thank You,

Dear, Ashley Melchor,

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Dear Ashley Melchor,

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Ryan Amendari Z

Dear Ashley Melchor,

support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

Joanna Armendariz

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Dear Ashley Melchor,

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Dear Ashley Melchor,

JON SINKO

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Thank You,

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Dear Ashley Melchor,

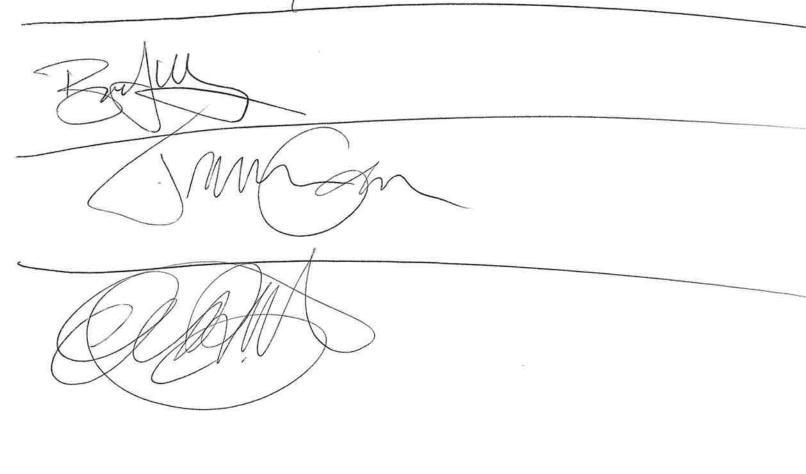
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Dear Ashley Melchor, Robert Gutienez 1 Admr Amità support the development support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

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Dear Ashley Melchor,

support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

Thank You,

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Dear Ashley Melchor,

I STEVE ZANCO support the development of the Skate Park in San Juan Capistrano, and recommend the City Council approve the Environmental Impact Report (EIR) with the current proposed project location.

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