



Draft Environmental Impact Report

SCH No. 2023100025

El Camino Specific Plan Amendment

City of San Juan Capistrano, California

Lead Agency:

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

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32400 Paseo Adelanto
San Juan Capistrano, CA 92675

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Lead Agency Discretionary Permits

General Plan Amendment
Rezone
Code Amendment
Architectural Control 23-001& 23-004
Grading Plan Modification 23-013 & 23-012
Sign Program 23-006
Tentative Tract Map 23-001
Tree Removal Permit 23-012 & 23-015
Historical & Cultural Landmark Site Plan Review 23-002

April 2025



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S.0 EXECUTIVE SUMMARY

S.1 INTRODUCTION

As stated by California Environmental Quality Act (CEQA) Guidelines §15002, the basic purposes of CEQA are to:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities involving discretionary government actions (including the approval of development projects);
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

An Environmental Impact Report (EIR) is an informational document prepared in compliance with CEQA that informs government decision-makers and the public in general about potentially significant environmental impacts that could result from a project. This EIR represents the independent judgment of the City of San Juan Capistrano (as the CEQA Lead Agency) and presents an objective evaluation of the physical environmental effects that could result from constructing and operating the proposed El Camino Specific Plan Amendment Project (the “Project”).

Hereafter when the term “Project” is used in this EIR with the initial letter capitalized, the term shall mean all aspects of the El Camino Specific Plan Amendment Project’s planning, construction, and operation; and all associated legislative, discretionary, and administrative approvals and permits required by law of public agencies. When the term “Project Applicant” is used with the initial letters capitalized, the term shall mean Camino Capistrano OZ, LLC, which is the entity that submitted applications to the City of San Juan Capistrano to entitle the Project site as proposed and as evaluated in this EIR.

Governmental approvals requested from the City of San Juan Capistrano by the Project Applicant to implement the Project include a General Plan Amendment, Rezone, Code Amendment, Architectural Control (AC) 23-003 and 23-004, Grading Plan Modification (GPM) 23-013 and 23-012, Sign Program (SP) 23-006, Tentative Tract Map (TTM) 23-001, Tree Removal Permit (TRP) 23-012 and 23-015, and Historical & Cultural Landmark Site Plan Review (SPR) 23-002. All other related discretionary and administrative actions that are required of the City of San Juan Capistrano and other public agencies and entities to construct and operate the Project described in this EIR also are considered part



of the Project evaluated herein. Approvals and permits required of other agencies that are currently known to be needed in order to implement the Project are listed in Section 3.0, *Project Description*.

The City of San Juan Capistrano has determined that an EIR is required for this Project. Pursuant to CEQA Guidelines § 15063(a), when a lead agency can determine that an EIR will be required for a project, an Initial Study is not required. An Initial Study was not prepared for this Project, however, the City of San Juan Capistrano has determined that implementation of the Project has the potential to result in significant environmental effects, and a Project EIR, as defined by CEQA Guidelines §15161, is required. As stated in CEQA Guidelines §15161, a Project EIR should “...focus primarily on the changes in the environment that would result from the development project,” and “...examine all phases of the project including planning, construction, and operation.”

Accordingly, and in conformance with CEQA Guidelines §15121(a), the purposes of this EIR are to: (1) disclose information by informing public agency decision makers and the public generally of the significant environmental effects associated with all phases of the Project, (2) identify possible ways to minimize or avoid those significant effects, and (3) to describe a reasonable range of alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects.

S.2 PROPOSED PROJECT

S.2.1 LOCATION AND REGIONAL SETTING

The approximately 5.61-acre Project site is located in the City of San Juan Capistrano. The City of San Juan Capistrano is located in the southern portion of Orange County and is bounded by the City of Mission Viejo to the north, unincorporated Orange County to the east, the City of San Clemente to the south, and the Cities of Laguna Niguel and Dana Point to the west. Orange County is bounded by Los Angeles County to the north, San Bernardino County and Riverside County to the east, and San Diego County to the south.

The Project site is generally bounded by Approved 1.68-acre El Camino Specific Plan Area to the north, commercial uses that front onto Del Obispo Street to the east, the Mercado Village Property to the south, and El Camino Real and Camino Capistrano to the west. Regional access to the Project site is via Interstate 5 and Old Mission Road (I-5 and SR-74). Local access is provided primarily from Forster Street and El Camino Real.

Refer to EIR Section 3.0, *Project Description*, for more information related to the regional and local setting of the Project site.

S.2.2 PROJECT OBJECTIVES

The primary goal of the El Camino Specific Plan is the redevelopment of the Project site with a complementary mix of residential, commercial, restaurant, office, and specialty park facilities in



support of the greater downtown area. The following objectives have guided the design layout, and configuration of the El Camino Specific Plan.

1. Create a mixed-use community consistent with Southern California Association of Governments' Connect SoCal (2025-2050 Regional Transportation Plan/Sustainable Communities Strategy) that reduces vehicle miles traveled in the region by placing development within a Transit Priority Area;
2. Encourage alternative modes of travel through enhancement of bicycle and pedestrian connectivity, and increasing the number of residents and employees within a quarter mile of the San Juan Capistrano Metrolink Station;
3. Enhance the visual quality of the project area and the greater downtown by creating development visually and culturally compatible with the City's historic downtown area;
4. Implement employment-generating and residential land uses that would create new jobs to improve and maximize the jobs to housing balance within the City and reduces the need for members of the existing local workforce to commute long distances;
5. Implement a project that seeks to balance several state and local policies such as developing needed residential adjacent to transit while striving to be complimentary to historically significant resources;
6. Deliver new housing opportunities consistent with the City's Housing Element to allow for downtown living that is complementary of the existing adjoining downtown uses; and
7. Build upon the City's culture by providing a new theatre in support of performing arts and entertainment.

S.2.3 PROJECT DESCRIPTION SUMMARY

The Project Applicant, Camino Capistrano OZ, LLC, is seeking to expand the boundaries of the previously approved El Camino Corridor Specific Plan ("Specific Plan"). The Specific Plan was adopted in October 2022 and planned for the development of 27,457 square feet (sf) of commercial uses and a four-story parking structure with a 2,607 sf retail space on a 1.68-acre site. The proposed El Camino Specific Plan Specific Plan Amendment ("Specific Plan Amendment") would expand the Specific Plan Area to a total of approximately 7.3 acres for the development of mixed-use community and performing arts center. The Project consists of two proposed developments: 1) the Forster & El Camino Mixed-Use Project at the intersection of Forster Street and El Camino Real on a 3.17-acre vacant site (Assessor's Parcel Numbers [APNs]: 124-160-37, 124-160-52, and 124-160-51); and 2) the Performing Arts Center on a 1.88-acre site (APNs: 124-160-011 and 124-160-12) located at the eastern portion of the City-owned Historic Town Center Park. No development will occur on the 0.56-acre Blas Aguilar Adobe Museum property.



The General Plan Amendment (GPA 23-002), Code Amendment (CA 23-001), and Rezone (RZ 23-001) are required allow for the adoption of the Specific Plan Amendment. The General Plan Amendment would allow for the proposed residential uses to be developed onsite by changing the land use designation of three privately-owned parcels (APNs 124-160-37, -51, -52) from General Commercial to Specific Plan/Precise Plan. The land use designation of a City-owned parcel that is part of Historic Town Center Park (APN124-160-12) would also change from General Commercial to Specialty Park, consistent with the Specialty Park land use designation of the other Historic Town Center Park parcels. Additional discretionary approvals are required to approve the two projects covered by the Specific Plan, described in further detail below.

The Forster & El Camino Mixed Use Project consists of a mixed-use community on approximately 3.17 acres, incorporating both commercial and residential uses, and will require Architectural Control (AC) 23-003, Grading Plan Modification (GPM) 23-013, Sign Program (SP) 23-006, Tentative Tract Map (TTM) 23-001, and Tree Removal Permit (TRP) 23-012. The Forster & El Camino Mixed Use Project will include a free-standing 4,294 square foot restaurant, a 3,100 square foot fitness center attached to the residential building, and 95 apartments with a gross area of 107,499 square feet surrounding a resort-style pool and recreational facility. A 3,271 square foot clubhouse building will be located at the entrance to the residences and will serve as a central focal point for the community.

The Performing Arts Center will require Architectural Control (AC) 23-004, Grading Plan Modification (GPM) 23-012, Historical & Cultural Landmark Site Plan Review (SPR) 23-002, and Tree Removal Permit (TRP) 23-015. The Performing Arts Center will be approximately 48,235 sf with a total of 450 seats (350 seats in the main theater and 100 seats in the studio theater). The Performing Arts Center will also include a box office, restrooms, offices, storage area, and dressing rooms. The Performing Arts Center would be used for both professional rentals and school performances. The Main Auditorium would host performances for approximately 120 days throughout the year and the studio theater would host performances for approximately 156 days of the year. There will also be a summer children's theater program every day in the studio "Black Box" theater. Performances would typically be held in the evenings (e.g., after 6:00 PM) with rehearsals during the morning and afternoon. Refer to EIR Section 3.0, *Project Description*, for a detailed description of the Project.

S.3 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

CEQA Guidelines Section 15123(b)(2) requires that areas of controversy known to the Lead Agency (City of San Juan Capistrano) be identified in the Executive Summary. The City has not identified any areas of controversy associated with the Project after considering all comments received in response to the NOP.

Regarding issues to be resolved, this EIR addresses the environmental issues associated with the Project that are known by the City, that are identified in the comment letters that the City of San Juan Capistrano received on this EIR's NOP which was circulated for a 30-day public review period from October 3, 2023 to November 2, 2023 (refer to *Technical Appendix A*). Environmental topics raised in



written comments to the NOP are summarized in Section 1.0, *Introduction*, Table 1-1, *Summary of NOP*, and include but are not limited to the topics of Air Quality, Cultural Resources, Transportation, and Tribal Cultural Resources.

S.3.1 PUBLIC SCOPING MEETING

A NOP for the Project was released for public review on October 3, 2023, and an EIR Scoping Meeting was held on October 12, 2023, at the San Juan Capistrano City Council Chambers at the Nydegger Building, located at 31421 La Matanza Street, San Juan Capistrano.

S.4 ALTERNATIVES TO THE PROPOSED PROJECT

In compliance with CEQA Guidelines Section 15126.6, an EIR must describe a range of reasonable alternatives to the Project or to the location of the Project. Each alternative must be able to feasibly attain most of the Project's objectives and avoid or substantially lessen the Project's significant effects on the environment. A detailed description of each alternative evaluated in this EIR, as well as an analysis of the potential environmental impacts associated with each alternative, is provided in EIR Section 6.0, *Alternatives*. Also described in Section 6.0 is a list of three (3) alternatives that were considered but rejected from further analysis. The alternatives considered by this EIR include those listed below.

S.4.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

CEQA Guidelines Section 15126.6(e) requires that an alternative be included that describes what would reasonably be expected to occur on the property in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., the "no project" alternative). For development projects that would occur on an identifiable property (such as the proposed Project site), the "no project" alternative is considered to be a circumstance under which the proposed project does not proceed (CEQA Guidelines §15126.6(e)(3)(A-B)).

The No Project/No Development Alternative assumes that no development or improvements would occur on the Project site and the previously anticipated and abandoned development would remain on the 5.61-acre site. No changes would be made to the existing Historic Town Center Park. No vehicle trips would be associated with this alternative. Under this Alternative, no improvements would be made to the Project site. This alternative is required by CEQA Guidelines Section 15126.6(e)(3)(B) to compare the environmental effects of the Project with an alternative that would leave the Project site in its existing condition (as described in EIR Section 2.0).

S.4.2 NO PROJECT/EXISTING GENERAL PLAN AND ZONING ALTERNATIVE

The No Project/Existing General Plan and Zoning Alternative would consider the development of the Project site with a use that conforms to the existing land use and zoning standards for the Project site, specifically Town Center District (TC) and Community Park District (CP). Under this alternative, two



two-story buildings, totaling 35,000 square feet of professional and medical offices would be constructed. Additionally, no Performing Arts Center would be constructed and the Historic Town Center Park would remain in its existing condition. This alternative would generate an estimated 380 daily trips. Access to the site would be the same as the Project. Buildout of this alternative would result in an estimated 140 employees.

S.4.3 REDUCED DEVELOPMENT AREA ALTERNATIVE

The Reduced Development Area Alternative would consider the development of only the Forster & El Camino Mixed-Use Project at the intersection of Forster Street and El Camino Real on the 3.17-acre vacant site. The Performing Arts Center would not be constructed and no changes would be made to the existing Historic Town Center Park. Access to the site would be the same as the Project. This alternative is estimated to generate a total of 628 daily trips with 41 trips (14 inbound, 27 outbound) in the AM peak hour and 68 trips (43 inbound, 25 outbound) in the PM peak hour on a “typical” weekday. Buildout of this alternative would result in an estimated 275 new residents and 15 employees.

S.5 SUMMARY OF IMPACT, MITIGATION, AND LEVELS OF IMPACT

Table S-1, *Summary of Impact, Mitigation, and Levels of Impact*, presents a summary of the environmental impacts resulting from the Project, including each of the environmental topics identified in the NOP as having potentially significant impacts. Section 5.0, *Other CEQA Considerations*, of this EIR discusses the environmental topics for which it was determined that no further analysis is required. The environmental topics identified for further study in this EIR include: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas (GHG) Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Utilities and Service Systems. The potential direct and indirect impacts and cumulative impacts for these topical issues are addressed in Sections 4.1 through 4.17 of this EIR. Growth-inducing impacts and significant irreversible environmental changes are addressed in Section 5.0, *Other CEQA Considerations*.

For each environmental topic, Table S-1 identifies mitigation measures that are applicable to the Project. Project-specific mitigation measures are required to reduce potentially significant impacts for the following topical issues: Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. All feasible mitigation measures have been incorporated to reduce these potentially significant impacts. However, the following impacts would remain significant and unavoidable following implementation of mitigation measures:

- Cultural Resources: The Project would result in significant cultural resources impacts due to the high sensitivity of the Project site for buried archaeological materials and known presence of archaeological sites; the potential exists for Project-related ground-disturbing activities to result in a direct impact to unique archeological or historical resource should such resources be discovered during Project-related ground-disturbing activities. Implementation of



Mitigation Measure MM 4.4-1 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. However, due to the high sensitivity of resources on site and the potential for those resources to be historically significant, disturbance of those resources would be significant and unavoidable.

- Tribal Cultural Resources: The Project would result in significant tribal cultural resources impacts due to the high sensitivity of the Project area for buried historic archaeological materials and tribal cultural resources, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried in native soils at the Project site. Implementation of Mitigation Measure MM 4.4-1 would ensure that grading and other ground-disturbing activities during construction are monitored by a qualified archaeologist as well as tribal monitors. The mitigation measures require the proper treatment of any resources that may be uncovered, and the avoidance of disturbance in areas where potential resources are uncovered. However, due to the high sensitivity of resources on site and the potential for those resources to be historically significant, disturbance of those resources would be significant and unavoidable.

S.6 MITIGATION MONITORING

State law requires the preparation of a mitigation monitoring and reporting program (MMRP) to ensure that measures that would avoid or lessen significant environmental effects of the project are adopted as conditions of approval for the project. The mitigation measures identified in this EIR have been described in sufficient detail to provide the necessary information to identify the party or parties responsible for carrying out the mitigation, when the mitigation will be implemented, and why the mitigation has been required. An MMRP would be adopted by the City at the time of Project approval.



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Table S-1 Summary of Impact, Mitigation, and Levels of Impact

Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
4.1 AESTHETICS			
Threshold a: Would the Project have a substantial adverse effect on a scenic vista?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold 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	No mitigation is required.	No Impact
Threshold c: Would the Project 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 points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.2 AIR QUALITY			
Threshold a: Would the Project conflict with or obstruct implementation of the applicable air quality plan?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: Would the Project expose sensitive receptors to substantial pollutant concentrations	Less than Significant Impact	No mitigation is required.	Less than Significant Impact



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Threshold d: Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.3 BIOLOGICAL RESOURCES			
Threshold a: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	No Impact	No mitigation is required.	No Impact
Threshold b: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	No Impact	No mitigation is required.	No Impact
Threshold c: Would the Project have 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?	No Impact	No mitigation is required.	No Impact
Threshold 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	MM 4.3-1 If vegetation clearing is conducted during the nesting season (September 16 through January 31), then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can	Less than Significant Impact



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		survive independently from the nests. If vegetation clearing is conducted outside of the nesting season (February 1 through September 15), then no pre-disturbance nesting bird survey is necessary.	
Threshold e: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold 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?	No Impact	No mitigation is required.	No Impact
4.4 CULTURAL RESOURCES			
Threshold a: Would the Project cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5?	Potentially Significant Indirect Impact	From Subsection 4.11, <i>Noise</i> , and repeated below: MM 4.11-1 A 25-foot buffer setback shall be required which would prohibit the use of loaded trucks and heavy mobile equipment greater than 80,000 pounds, jack hammers and vibratory rollers within 25-feet of receiver locations R4, R5 and R7. Instead, small rubber-tired or alternative equipment, as well as soil compaction equipment shall be used during Project construction to reduce vibration effects on nearby structures and their occupants.	Less than Significant Impact
Threshold b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	Potentially Significant Impact	MM 4.4-1 Prior to issuance of any permits allowing ground-disturbing activities for the Project, the City of San Juan Capistrano shall ensure that an archeologist who meets the Secretary of the Interior's Standards for professional archaeology has been retained for the Project and will monitor	Significant and Unavoidable



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>all grading and other significant ground-disturbing activities. The Qualified Archaeologist shall ensure that the following measures are followed for the Project:</p> <ul style="list-style-type: none">• Prior to any ground disturbance, the Qualified Archaeologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should unanticipated discovery of cultural resources (tribal cultural resources or archaeological artifacts) be made during construction. Workers will be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the Project.• Prior to any ground disturbance, the applicant shall submit a written Project	



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>Monitoring Plan (PMP) to the City's Development Services Director for review and approval. The monitoring plan shall include monitor contact information, specific procedures for field observation, diverting and grading to protect cultural resources, and procedures to be followed in the event of cultural resources using professional archaeological methods and processed and curated according to the current professional repository standards.</p> <ul style="list-style-type: none">• During grading or trenching activities, a Native American monitor provided by the Juaneño Band of Mission Indians–Acjachemen Nation shall observe all grading and trenching activities below the original ground surface. The Native American monitor shall consult with the archaeological monitor regarding objects and remains encountered during grading or trenching activities that may be considered sacred or important.• In the event that unanticipated cultural material is encountered during any phase of Project construction, all construction work within 50 feet (15 meters) of the cultural resources shall cease and the Qualified Archaeologist shall assess the cultural resources to determine whether it	



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>is a historical resource pursuant to CEQA Guidelines 15064.5(a) and/or a unique archaeological resource pursuant to Public Resources Code 21083.2(g). Construction activities may continue in other areas. If the discovery is determined to not be either a unique archeological or historical resource or is clearly non-significant (i.e. isolates) by the Qualified Archaeologist and the Native American monitor, work will be permitted to continue in the area.</p> <ul style="list-style-type: none">○ If a cultural resources is determined to be a unique archeological resource, additional investigation may be warranted, or the cultural resources can be preserved in place and construction may be allowed to proceed.○ Additional investigation work can include scientific recording and excavation of the significant portion of the cultural resources.○ If excavation of a cultural resource occurs, the Qualified Archaeologist shall draft a report within 60 days of conclusion of	



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>excavation that identifies the cultural resources and summarizes the analysis conducted. The completed report shall be approved by the City's Development Services Director and filed with the County and with the South Central Coastal Information Center at California State University, Fullerton.</p> <ul style="list-style-type: none">○ Excavated cultural resources shall be curated at a repository determined by the Qualified Archaeologist in consultation with the Native American monitor and approved by the City.• In the event that cultural resources are discovered and determined to be historically significant pursuant to CEQA Guidelines Section 15064.5(a), preservation in place shall first be considered. Preservation in place may include but is not limited to: avoidance; incorporation within parks, greenspace, or open space; covering the site with a layer of chemically stable soil prior to development; and/or deeding the site into	



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		a permanent conservation easement. If preservation in place is demonstrated to be infeasible, then data recovery through excavation shall occur following preparation and approval of a data recovery plan. The data recovery plan shall make provisions for adequately recovering and documenting the scientifically consequential information from and about the historical resource. Documentation shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may occur.	
Threshold c: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.5 ENERGY			
Threshold a: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.6 GEOLOGY AND SOILS			



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Threshold a: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; landslides?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project result in substantial soil erosion or the loss of topsoil?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold 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?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold e: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact	No mitigation is required.	No Impact
Threshold f: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant Impact	MM 4.6-1 Prior to issuance of grading permits, the Project Applicant shall submit a Paleontological Resource Impact Mitigation Program (PRIMP) for review and approval by the Development Services Director. The PRIMP shall require full-	Less than Significant Impact



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		time monitoring by a qualified paleontologist when disturbing native deposits with a Potential Fossil Yield Classification ranking of 3 or greater (i.e., all sediments of the Late Pleistocene to Holocene Quaternary alluvial sediments). If unanticipated fossils are unearthed during construction, work shall be halted in that area until a qualified paleontologist can assess the significance of the find. Sediment samples shall be collected in the deposits and processed to determine the small-fossil potential in the Project area, and any fossils recovered during mitigation shall be deposited in an accredited and permanent scientific institution by a qualified paleontologist. Work may resume immediately a minimum of 25 feet away from the find.	
4.7 GREENHOUSE GAS EMISSIONS			
Threshold a: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.8 HAZARDS AND HAZARDOUS MATERIALS			
Threshold a: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Potentially Significant Impact	MM 4.8-1 Performing Arts Center. Prior to the issuance of a grading permit, the Project Applicant shall prepare a Soil Management Plan (SMP) including the elements identified in subsections (a) through (i) below. The SMP shall include explicit instructions for the appropriate handling, storage, and disposal of any known or potentially impacted	Less than Significant Impact



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>soil during soil moving activities at the Performing Arts Center. The general contractor will be required to follow the requirements of the SMP and stop work to make notification to the environmental team in the event that heating oils and/or carbide/acetylene contaminated soils are detected at any time the environmental team is not already on-site. The SMP also requires air monitoring activities to monitor the air downwind of the Project site and appropriate Health and Safety Plans that will be employed by site workers.. The SMP shall include:</p> <p>a. Health and Safety Plan (HASP): A HASP will be prepared and in effect for all grading activities associated with the Performing Arts Center. Contractors working onsite are expected to be operating under their own health and safety plans.</p> <p>b. Environmental Monitoring: In accordance with SCAQMD Rules 403 and 1466, air monitoring will be necessary in areas where potential heating oils and/or carbide/acetylene contaminated soil are to be disturbed. Air monitoring for dust may also be required in other areas. An air monitoring/health and safety professional will be present during relevant activities and responsibilities will include recording monitoring data on field</p>	



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>sheets, which will be kept as part of Project documentation.</p> <p>c. Soil Monitoring: Soils impacted by heating oils and/or carbide/acetylene that are encountered during site redevelopment will be characterized and documented. The monitoring and sampling activities to be performed include:</p> <ul style="list-style-type: none">• Visual observation performed to detect areas of soil that may be impacted by heating oils and/or carbide/acetylene or other non-VOC hazardous materials, if encountered.• Screening for heating oils and/or carbide/acetylene using field instruments to document new or previously undetected sources of heating oil.• Soil sampling and chemical testing shall be performed to evaluate concentrations of heating oils and/or carbide/acetylene. <p>d. Proper Soil Handling: If impacted soil is encountered, the area will be delineated as necessary with cones, caution tape, stakes, chalk, or flagging, and the area will not be disturbed further until an environmental professional is onsite for observation and</p>	



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>determination of whether testing and/or excavation work is required. Stockpile staging areas will be delineated prior to the start of excavation. All excavations will conform to applicable regulations, including Cal/OSHA Construction Safety Orders. The specific equipment, means, and methods to be utilized for soil removal, handling, and disposition will be selected based on the nature of the work to be conducted and its location on the site. If excavation is conducted during the rainy season (October through April), provisions will need to be made to prevent offsite migration of sediment in runoff.</p> <p>e. Fugitive Dust and Vapor Control: In accordance with SCAQMD Rule 403, appropriate procedures will be implemented to control the generation of airborne dust by soil removal activities, including, but not limited to, the use of water as a dust suppressant or stopping activities that have the potential to generate fugitive dust in the event wind conditions change creating an uncontrollable condition.</p> <p>f. Excavation and Stockpiling: Impacted soil that is excavated and not immediately removed from the site will be stockpiled onsite and covered with plastic sheeting to</p>	



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>control dust and minimize exposure to precipitation and wind. If a stockpile remains onsite during the rainy season, a perimeter sediment barrier, constructed of material, such as straw bales or fiber roll, will also be installed. The stockpiles will be inspected biweekly at a minimum. During stockpile removal, only the working face of the stockpile will be uncovered. If the stockpiled impacted soil is to be transported offsite for disposal or recycling, the soil will be profiled for waste characteristics. Soil samples will be analyzed for parameters required by the disposal/recycling facility.</p> <p>g. Responding to Unknown Conditions: If previously unknown impacted soil is suspected (based on visual staining, odors, photo ionization detector readings, or other observations), the area will be delineated and construction activity will cease in this area, and sampling of the unknown material will occur using USEPA methodology. Analytical results will be compared to applicable regulatory screening levels. Based on this comparison, a determination will be made regarding soil disposition (reuse on-site, off-site transport, and disposal/recycling, etc.). Additionally, if any UST or other subsurface features are encountered, a similar approach will be</p>	



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>taken, and appropriate permitting, as necessary, will be obtained for the removal of the feature(s). Any permitted removals will be conducted with appropriate regulatory oversight, documentation, and reporting.</p> <p>h. Imported fill: As appropriate, offsite soils brought to the site for use as backfill (import fill), if necessary, will be tested in general conformance with the DTSC Information Advisory Clean Imported Fill Material document.</p> <p>i. Post-construction Requirements: If contaminated soil is left in place, the location of this soil will be surveyed or recorded by use of geographic positioning system equipment. Following the completion of construction, excavation, and disposition activities, a summary report will be prepared. The report will include a summary of activities, locations of soil sources and final disposition of contaminated soil, and estimated quantities of materials. Additionally, removal of any USTs or other subsurface features, if encountered, will be conducted under appropriate permits (if any) and documented in applicable reports for submittal to the</p>	



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		Orange County Fire Department, or other regulatory agency, as appropriate.	
Threshold b: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Potentially Significant Impact	MM 4.8-1 would apply.	Less than Significant Impact
Threshold 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?	Potentially Significant Impact	MM 4.8-1 would apply.	Less than Significant Impact
Threshold 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?	Potentially Significant Impact	MM 4.8-1 would apply.	Less than Significant Impact
Threshold 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	No mitigation is required.	No Impact
Threshold f: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold g: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No Impact	No mitigation is required.	No Impact
4.9 HYDROLOGY AND WATER QUALITY			



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Threshold a: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold 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	No mitigation is required.	Less than Significant Impact
Threshold 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: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impeded or redirect flood flows?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact	No mitigation is required.	No Impact
Threshold e: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	No Impact	No mitigation is required.	No Impact
4.10 LAND USE AND PLANNING			
Threshold a: Would the Project physically divide an established community	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project cause a significant environmental impact due to a conflict with any land use	Less than Significant Impact	No mitigation is required.	Less than Significant Impact



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			
4.11 NOISE			
Threshold a: Would the Project generate 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	MM 4.11-1 Prior to the issuance of a grading permit, the Project Applicant shall show on grading plans a minimum 8-foot-high temporary noise barrier at the limits of construction activities. The temporary noise barrier shall be installed prior to any grading activities.	Less than Significant Impact
Threshold b: Would the Project generate excessive groundborne vibration or groundborne noise levels?	Potentially Significant Impact	MM 4.11-2 A 25-foot buffer setback shall be required which would prohibit the use of loaded trucks and heavy mobile equipment greater than 80,000 pounds, jack hammers and vibratory rollers within 25-feet of receiver locations R4, R5 and R7. Instead, small rubber-tired or alternative equipment, as well as soil compaction equipment shall be used during Project construction to reduce vibration effects on nearby structures and their occupants.	Less than Significant Impact
Threshold 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?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.12 POPULATION AND HOUSING			
Threshold 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	No mitigation is required.	Less than Significant Impact



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Threshold b: Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact	No mitigation is required.	No Impact
4.13 PUBLIC SERVICES			
Threshold a: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the 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: fire; sheriff; school; parks; or other public facilities?	Less than Significant impact	No mitigation is required.	Less than Significant Impact
4.14 RECREATION			
Threshold a: Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold 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	No mitigation is required.	Less than Significant Impact
4.15 TRANSPORTATION			
Threshold a: Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Threshold b: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold 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)?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project result in inadequate emergency access?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.16 TRIBAL CULTURAL RESOURCES			
Threshold 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: 1) 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 2) 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 Resources	Potentially Significant Impact	MM 4.4-1 would apply	Significant and Unavoidable



Potential Impacts	Level of Significant Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			
4.17 UTILITIES AND SERVICE SYSTEMS			
Threshold 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	No mitigation is required.	Less than Significant Impact
Threshold 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	No mitigation is required.	Less than Significant Impact
Threshold 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	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold e: Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact



1.0 INTRODUCTION

This Draft Environmental Impact Report (“Draft EIR” or “EIR”) is an informational document that represents the independent judgment of the City of San Juan Capistrano, acting as the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and evaluates the physical environmental effects that could result from constructing and operating the proposed El Camino Specific Plan Amendment Project (hereafter, the “Project”). Discretionary actions and other related ministerial actions that are required to construct and operate the Project also are described in this EIR.

When the term “Project” is used in this EIR with the initial letter capitalized, the term shall mean all aspects of the planning, construction, and operation of the Project, including all discretionary and administrative approvals and permits required for its implementation.

1.1 PURPOSES OF CEQA AND LEGAL AUTHORITY FOR THIS DRAFT EIR

This Draft EIR has been prepared in compliance with the California Environmental Quality Act (Public Resources Code § 21000 et. seq. (“CEQA”), as amended, and the CEQA State Guidelines (Title 14 California Code of Regulations § 15000 et. seq.) (“CEQA Guidelines”), as amended. As stated by CEQA Guidelines § 15002(a), the basic purposes of CEQA are to:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed government actions (including the discretionary approval of land entitlement applications submitted by private parties);
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if a project will be approved involving significant environmental effects.

Following preliminary review of the Project’s application materials, the City of San Juan Capistrano concluded that the Project and its associated implementing actions have the potential to result in significant environmental effects; as such, the City proceeded with preparation of this EIR pursuant to CEQA Guidelines Section 15060(d). The City determined that a Project EIR, as described in CEQA Guidelines Section 15161, would be required. Accordingly, this document serves as a Project EIR. As required by CEQA Guidelines Section 15161, this Project EIR shall “...focus primarily on the changes in the environment that would result from the development project,” and “...examine all phases of the project including planning, construction, and operation.” Also, in conformance with CEQA Guidelines Section 15121(a), the purposes of this EIR are to: (1) disclose information by informing public agency decision makers and the public generally of the significant environmental effects associated with all



phases of the Project, (2) identify possible ways to minimize or avoid those significant effects, and (3) to describe a reasonable range of alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects.

1.2 SUMMARY OF THE PROJECT EVALUATED BY THIS EIR

The Project Applicant, Camino Capistrano OZ, LLC is seeking to expand the boundaries of the previously approved El Camino Corridor Specific Plan (“Specific Plan”). The Specific Plan was adopted in October 2022 and planned for the development of 27,457 square feet (sf) of commercial uses and a four-story parking structure with a 2,607 sf retail space on a 1.68-acre site. The proposed El Camino Specific Plan Specific Plan Amendment (“Specific Plan Amendment”) would expand the Specific Plan Area to a total of approximately 7.3 acres for the development of mixed-use community and performing arts center. The Project consists of two proposed developments: 1) the Forster & El Camino Mixed-Use Project at the intersection of Forster Street and El Camino Real on a 3.17-acre vacant site (Assessor’s Parcel Numbers [APNs]: 124-160-37, 124-160-52, and 124-160-51); and 2) the Performing Arts Center on a 1.88-acre site (APNs: 124-160-011 and 124-160-12) located at the eastern portion of the City-owned Historic Town Center Park. No development will occur on the 0.56-acre Blas Aguilar Adobe Museum property. Discretionary approvals include a General Plan Amendment (GPA 23-002), Code Amendment (CA 23-001), and Rezone (RZ 23-001) to allow for the adoption of the Specific Plan Amendment. The General Plan Amendment would allow for the proposed residential uses to be developed onsite by changing the land use designation of three privately-owned parcels (APNs 124-160-37, -51, -52) from General Commercial to Specific Plan/Precise Plan. The land use designation of a City-owned parcel that is part of Historic Town Center Park (APN124-160-12) would also change from General Commercial to Specialty Park, consistent with the Specialty Park land use designation of the other Historic Town Center Park parcels. Additional discretionary approvals are required to approve the two projects covered by the Specific Plan, described in further detail below.

The Forster & El Camino Mixed Use Project consists of a mixed-use community on approximately 3.17 acres, incorporating both commercial and residential uses, and will require Architectural Control (AC) 23-003, Grading Plan Modification (GPM) 23-013, Sign Program (SP) 23-006, Tentative Tract Map (TTM) 23-001, and Tree Removal Permit (TRP) 23-012. The Forster & El Camino Mixed Use Project will include a free-standing 4,294 square foot restaurant, a 3,100 square foot fitness center attached to the residential building, and 95 apartments with a gross area of 107,499 square feet surrounding a resort-style pool and recreational facility. A 3,271 square foot clubhouse building will be located at the entrance to the residences and will serve as a central focal point for the community.

The Performing Arts Center will require Architectural Control (AC) 23-004, Grading Plan Modification (GPM) 23-012, Historical & Cultural Landmark Site Plan Review (SPR) 23-002, and Tree Removal Permit (TRP) 23-015. The Performing Arts Center will be approximately 48,235 sf with a total of 450 seats (350 seats in the main theater and 100 seats in the studio theater). The Performing Arts Center will also include a box office, restrooms, offices, storage area, and dressing rooms. The Performing Arts Center would be used for both professional rentals and school performances. The



Main Auditorium would host performances for approximately 120 days throughout the year and the studio theater would host performances for approximately 156 days of the year. There will also be a summer children's theater program every day in the studio "Black Box" theater. Performances would typically be held in the evenings (e.g., after 6:00 PM) with rehearsals during the morning and afternoon.

1.3 CEQA PROCESS OVERVIEW

The California Environmental Quality Act (CEQA) (Public Resources Code, §§ 21000- 21177) requires that all public agencies within the State of California, having land use approval over project activities that have the potential to affect the quality of the environment, shall regulate such activities so that impacts to the environment can be prevented to the extent feasible. Such activity is reviewed and monitored through the CEQA process, as provided in the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387). CEQA distinguishes varied levels of documentation and public review based on a project's anticipated level of effect on the environment.

When it is determined through preliminary review that a project may likely have one or more significant effects upon the environment, then an EIR must be prepared. The "scope" of the EIR may be determined through preparation of an Initial Study and a public scoping process. The EIR should consider both the potential project-specific (direct and indirect) and cumulative environmental impacts that could result from the implementation of the proposed project.

Pursuant to CEQA Guidelines § 15121, the EIR is primarily an informational document intended to inform the public agency decision-makers and the general public of the potentially significant effects of a proposed project. The EIR should disclose all known potentially significant impacts; identify feasible means to minimize or mitigate those effects; and consider a number of feasible alternatives to the project that might further reduce significant impacts while still attaining the project objectives. The decision-makers must consider the information in an EIR before taking action on the proposed project. The EIR may constitute substantial evidence in the record to support the agency's action on the project.

The EIR is prepared by or under the direction of the Lead Agency, the City of San Juan Capistrano. The City of San Juan Capistrano ("City") is the public agency that has the primary responsibility for approving or carrying out the Project. Further, Responsible and Trustee Agencies, which are public agencies that have a level of discretionary approval over some component of the proposed Project, may rely upon the EIR prepared by the City.

An EIR is prepared in two key stages. First, a Draft EIR is prepared and distributed for public and agency review. Once comments on the Draft EIR are received, responses to those comments and any additional relevant project information are prepared and compiled in a Final EIR. Both of these documents (i.e., the Draft EIR and the Final EIR), along with any related technical appendices, represent the complete record of the EIR. Throughout this document, the terms Final EIR or Draft EIR may be used interchangeable since both are part of the ultimate EIR record; however, "Draft EIR" may



be used specifically when referring to information provided in the volume made available for the CEQA-required 45-day public review period.

In accordance with CEQA Guidelines § 15087, this Draft EIR will be made available for review by the public and public agencies for a period of 45 days to provide comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (CEQA Guidelines § 152049(a)). Responses to written comments received during the public review period will be included in the Final EIR (“FEIR”). During the decision-making process, the Project and its design features, objectives, merits, environmental consequences, and socioeconomic factors, among other information contained in the Project’s administrative record will be considered by City of San Juan Capistrano decision-makers. If the FEIR is certified and the Project approved, City of San Juan Capistrano and other public agencies with permitting authority over all or portions of the Project would be able to rely on the FEIR as part of their permitting processes to evaluate the environmental effects of the Project as they pertain to the approval or denial of applicable permits.

1.4 DRAFT EIR SCOPE, FORMAT, AND CONTENT

1.4.1 DRAFT EIR SCOPE

The City has determined that an EIR is required to comply with the CEQA. CEQA Guidelines Section 10563 states that when the lead agency can determine that an EIR will clearly be required for the Project, an initial study is not required. Accordingly, an Initial Study was not prepared for the Project, and the Lead Agency filed a Notice of Preparation (NOP) with the California Office of Planning and Research, State Clearinghouse to indicate that an EIR would be prepared to evaluate the Project’s potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to Responsible Agencies, Trustee Agencies, and other interested parties on October 3, 2023, for a 30-day public review period that ended on November 2, 2023. The NOP was distributed for public review to solicit responses to help the City of San Juan Capistrano identify the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR.

In consideration of all comments received by the Lead Agency on the NOP, Section 4.0 of this EIR evaluates the Project’s potential to cause adverse effects to the following environmental issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation



- Transportation
- Tribal Cultural Resources
- Utilities/Service Systems

The Project's potential to result in growth-inducing impacts are discussed in Section 5.0, *Other CEQA Considerations*, of this Draft EIR. The NOP, public review distribution list, and written comments received by the City of San Juan Capistrano during the NOP public review period are provided in *Technical Appendix A* to this EIR. A total of four (4) agencies provided comments on the NOP. Please refer to Table 1-1, *Summary of NOP Comments*, for comments received during NOP public review period.

Table 1-1 Summary of NOP Comments

Agency/ Organization/ Individual	Date	Comment(s)	Location in EIR Where Comment(s) Addressed
Native American Heritage Commission (NAHC)	October 4, 2023	<ul style="list-style-type: none">• Summarizes requirements for Native American consultation pursuant to Senate Bill (SB) 18 and Assembly Bill (AB) 52 and provides standard guidance on the scope of the analysis of potential impacts to Native American resources and recommendations for mitigation.	Subsection 4.4, <i>Cultural Resources</i> , and Subsection 4.16, <i>Tribal Cultural Resources</i>
California Department of Transportation (Caltrans)	November 2, 2023	<ul style="list-style-type: none">• Request to maintain bicycle and pedestrian access during construction.• Requests to provide bike and pedestrian detours during construction of the project.• Recommend encouraging the use of bus and rail transit to employees and residents during construction and after the completion of the Project.• Encourages the design of Complete Streets that include high-quality pedestrian and bicycle facilities that are safe and comfortable for users of all ages and abilities.• Request that Traffic Operations Southwest review the Traffic Impact Study in order to determine the impact to Interstate 5 (I-5) ramps.• Request that coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts prior to construction.	Subsection 4.15, <i>Transportation</i>



Agency/ Organization/ Individual	Date	Comment(s)	Location in EIR Where Comment(s) Addressed
California Highway Patrol (CHP)	November 2, 2023	<ul style="list-style-type: none">Expresses concern on the increase of traffic due the Project on to the I-5 and State Route 74 (SR-74).Suggests that efforts to mitigate the potential increase in congestion, crashes, and response times could include optimally timing events for off-peak periods and/or additional traffic control measures.	Subsection 4.15, <i>Transportation</i>
South Coast Air Quality Management District (South Coast AQMD)	November 2, 2023	<ul style="list-style-type: none">Requests to be included in the distribution of the EIR with all appendices and technical documents related to air quality, health risk, and greenhouse gases.Requests that the EIR use South Coast AQMD's CEQA Air Quality Handbook and website as guidance.Requests that the EIR identify any potential adverse air quality impacts that could occur from all phases of the proposed Project.Requests that the emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA operational thresholds to determine the level of significance.Provides mitigation measures that the Lead Agency should consider in reducing potential impacts to air quality.	Subsection 4.2, <i>Air Quality</i>

1.4.2 USE OF THIS EIR

This EIR will be made available for review by the public and public agencies for a period of 45 days to provide comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (CEQA Guidelines § 152049(a)). During the decision-making process, the Project and its design features, objectives, merits, environmental consequences, and socioeconomic factors, among other information contained in the Project’s administrative record, will be considered by City of San Juan Capistrano decision-makers.



1.4.3 CONTENT AND ORGANIZATION OF THIS DRAFT EIR

This Draft EIR contains all of the information required to be included in an EIR as specified by the CEQA Statutes and Guidelines (California Public Resources Code, Section 21000 et. seq. and California Code of Regulations, Title 14, Chapter 5). Table 1-2, *Location of CEQA Required Topics*, provides a quick reference guide for locating the CEQA-required sections within this EIR.

Table 1-2 Location of CEQA Required Topics

CEQA Required Topic	CEQA Guidelines Reference	Location in this EIR
Table of Contents	§ 15122	Table of Contents
Summary	§ 15123	Section S.0
Project Description	§ 15124	Section 3.0
Environmental Setting	§ 15125	Section 2.0
Consideration and Discussion of Environmental Impacts	§ 15126	Section 4.0
Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented	§ 15126.2(c)	Section 4.0 & Subsection 5.1
Significant Irreversible Environmental Impacts Which Would be Involved in the Proposed Action Should it be Implemented	§ 15126.2(d)	Subsection 5.2
Growth-Inducing Impacts of the Proposed Project	§ 15126.2(e)	Subsection 5.3
Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects	§ 15126.4	Section 4.0 & Table S-1
Consideration and Discussion of Alternatives to the Proposed Project	§ 15126.6	Section 6.0
Effects Not Found to be Significant	§ 15128	Subsection 5.4
Organizations and Persons Consulted and References	§ 15129	Section 7.0 & Appendices
Discussion of Cumulative Impacts	§ 15130	Section 4.0
Energy Conservation	§ 15126.2(b) & Appendix F	Subsection 4.4

In summary, this Draft EIR is organized in the following manner:

- **Section S.0, Executive Summary**, provides an overview of the EIR document and CEQA process. The Project, including its objectives, is described, and the location and regional setting of the Project site is documented. In addition, the Executive Summary discloses potential areas of controversy related to the Project, including those issues identified by other agencies and the public, and identifies potential alternatives to the proposed Project that would reduce or avoid significant impacts, as required by CEQA. Finally, the Executive Summary provides a summary of the Project's impacts, mitigation measures, and conclusions, in a table that forms the basis of the EIR's Mitigation, Monitoring, and Reporting Program.



- **Section 1.0, Introduction**, provides introductory information about the CEQA process and the responsibilities of the City of San Juan Capistrano, serving as the Lead Agency for this EIR; a brief description of the Project; the purpose of this EIR; applications proposed by the Project Applicant that would require discretionary City approvals; permits and approvals required by other agencies; and an overview of the EIR format.
- **Section 2.0, Environmental Setting**, describes the environmental setting, including an overview of the regional and local setting, as well as descriptions of the Project site's physical conditions and surrounding context. The existing setting is defined as the condition of the Project site and surrounding area at the approximate date this EIR's NOP was released for public review. The setting discussion also addresses the relevant regional planning documents that apply to the Project site and vicinity.
- **Section 3.0, Project Description**, serves as the EIR's Project Description for purposes of CEQA and contains a level of specificity commensurate with the level of detail proposed by the Project, including the summary requirements pursuant to CEQA Guidelines § 15123. This section provides a detailed description of the Project, including its purpose and main objectives; design features; landscaping; site drainage; utilities; grading and construction characteristics; and operational characteristics expected over the Project's lifetime. In addition, the discretionary actions required of the City of San Juan Capistrano and other government agencies to implement the Project are discussed.
- **Section 4.0, Environmental Analysis**, provides an analysis of the potential direct, indirect, and cumulative impacts that may occur from implementing the proposed Project. The topics analyzed in this section include the topics summarized above under subsection 1.4.1. Topics that were found to have no potential of being significantly impacted are discussed in Section 5.0, *Other CEQA Considerations*. A conclusion concerning significance is reached for each discussion, and mitigation measures are presented as warranted. The environmental changes identified in Section 4.0 and throughout this EIR are referred to as "effects" or "impacts" interchangeably. The CEQA Guidelines also describe the terms "effects" and "impacts" as being synonymous (CEQA Guidelines § 15358).

In the environmental analysis subsections of Section 4.0, the existing conditions are disclosed that are pertinent to the subject area being analyzed, accompanied by a specific analysis of physical impacts that may be caused by implementing the proposed Project. Impacts are evaluated on a direct, indirect, and cumulative basis. Direct impacts are those that would occur directly as a result of the proposed Project. Indirect impacts represent secondary effects that would result from Project implementation. Cumulative effects are defined in CEQA Guidelines § 15355 as "...two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."



The analyses in Section 4.0 are based in part upon technical reports that are appended to this EIR. Information also is drawn from other sources of analytical materials that directly or indirectly relate to the proposed Project and are cited in Section 7.0, *References*. Where the analysis demonstrates that a physical adverse environmental effect may or would occur without undue speculation, feasible mitigation measures are recommended to reduce or avoid the significant effect. Mitigation measures must be fully enforceable, have an essential nexus to a legitimate governmental interest, and be “roughly proportional” to the impacts of the Project. The discussion then indicates whether the identified mitigation measures would reduce impacts to below a level of significance. In most cases, implementation of the mitigation measures would reduce the adverse environmental impacts to below a level of significance. If mitigation measures are not available or feasible to reduce an identified impact to below a level of significance, the environmental effect is identified as a significant and unavoidable adverse impact, for which a Statement of Overriding Considerations (SOC) would need to be adopted by the City of San Juan Capistrano pursuant to CEQA Guidelines § 15093.

- **Section 5.0, Other CEQA Considerations**, includes specific topics that are required by CEQA. These include a summary of the Project’s significant and unavoidable environmental effects, a discussion of the significant and irreversible environmental changes that would occur should the Project be implemented, as well as potential growth-inducing impacts of the proposed Project. Section 5.0 also includes a discussion of the potential environmental effects that were found not to be significant during the preparation of this EIR.
- **Section 6.0, Project Alternatives**, describes and evaluates alternatives to the proposed Project that could reduce or avoid the Project’s adverse environmental effects. CEQA does not require an EIR to consider every conceivable alternative to the Project but rather to consider a reasonable range of alternatives that will foster informed decision making and public participation. Three (3) alternatives, including two (2) no project alternatives are presented in Section 6.0.
- **Section 7.0, References**, cites all reference sources used in preparing this EIR and lists the agencies and persons that were consulted during preparation of this EIR. Section 7.0 also lists the persons who authored or participated in preparing this EIR.

CEQA requires that an EIR contain, at a minimum, certain specified content. Table 1-2, *Location of CEQA Required Topics*, provides a quick reference in locating the CEQA-required sections within this document.

1.4.4 INCORPORATION BY REFERENCE

CEQA Guidelines Section 15147 states that the “information contained in an EIR shall include summarized...information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public,” and that the “[p]lacement of highly technical and



specialized analysis and data in the body of an EIR shall be avoided through the inclusion of supporting information and analyses as appendices to the main body of the EIR.” CEQA Guidelines Section 15150 allows for the incorporation “by reference all or portions of another document... [and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand.” The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of this EIR. Where this EIR incorporates a document by reference, the document is identified in the body of this EIR, citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this EIR. All references cited in this EIR are available at the City of San Juan Capistrano, Development Services Department, 32400 Paseo Adelanto, San Juan Capistrano, CA 92675.

The following documents are incorporated by reference and cited in this EIR as appropriate:

- City of San Juan Capistrano General Plan. A complete rewrite of the City’s General Plan was last adopted in December 1999. In May 2002, the City Council approved a variety of changes to several elements of the General Plan. In February 2022, a new Environmental Justice Element was added to the General Plan. The General Plan’s Housing Element is updated every eight years with the latest update adopted in August 2022.
- City of San Juan Capistrano General Plan Draft Environmental Impact Report, December 1999. The City of San Juan Capistrano General Plan Draft Environmental Impact Report addressed environmental impacts associated with the implementation of the City’s General Plan.
- City of San Juan Capistrano Municipal Code (Various Chapters), December 2024. The purpose of the City’s Municipal Code is to establish regulations and ordinances and to set forth and coordinate City regulations governing the development and use of land in accordance with the City’s General Plan.
- El Camino Specific Plan, Amendment #1, Hearing Draft – April 2025. The El Camino Specific Plan provides a vision for and guides development of the project area by defining land uses and development standards, circulation, and infrastructure for the future residential, commercial, restaurant, office, and park use.

1.4.5 TECHNICAL REPORTS

This EIR relies on a number of Project-specific technical appendices that are bound separately as *Technical Appendices*. The *Technical Appendices* are available for review at the City of San Juan Capistrano, Development Services Department, 32400 Paseo Adelanto, San Juan Capistrano, CA 92675, during the City’s regular business hours or can be requested in electronic form on the City’s website at <https://sanjuancapistrano.org/221/Environmental-Documents> or by contacting the City’s



Development Services Department – Planning Division. The individual technical studies, reports, and supporting documentation that comprise the *Technical Appendices* are as follows:

- Appendix A: Notice of Preparation (NOP) and Written Comments on the NOP.
- Appendix B1: Air Quality Analysis
- Appendix B2: Health Risk Assessment
- Appendix C: Biological Technical Report
- Appendix D1: Cultural and Paleontological Resources Assessment
- Appendix D2: Historical Resource Analysis
- Appendix E: Energy Analysis
- Appendix F1: Geotechnical Engineering Investigation Proposed Apartment and Retail Development
- Appendix F2: Limited Geotechnical Engineering Evaluation Proposed Performing Arts Center
- Appendix G: Greenhouse Gas Analysis
- Appendix H1: Phase I Environmental Site Assessment Report San Juan Capistrano Performing Arts Center
- Appendix H2: Phase I Environmental Site Assessment Report Forster Mixed Use Site
- Appendix I1: Preliminary Drainage Study for the Forster Mixed Use Project
- Appendix I2: Preliminary Water Quality Management Plan for the Forster Mixed Use Project
- Appendix I3: Preliminary Drainage Study for the Performing Arts Center
- Appendix I4: Preliminary Water Quality Management Plan for the Performing Arts Center
- Appendix J: Noise and Vibration Analysis
- Appendix K1: Traffic Impact Analysis Report
- Appendix K2: Vehicle Miles Traveled (VMT) Screening Assessment
- Appendix L: Sewer Analysis

Other reference sources that are incorporated into this EIR by reference are listed in Section 7.0, *References*, of this EIR. In most cases, documents or websites not included in this EIR's *Technical Appendices* are cited by a link to the online location where the document/website can be reviewed. References relied upon by this EIR will be available for public review upon request at the City of San Juan Capistrano, Development Services Department, 32400 Paseo Adelanto, San Juan Capistrano, CA 92675

1.5 RESPONSIBLE AND TRUSTEE AGENCIES

California Public Resource Code Section 21104 requires that all EIRs be reviewed by responsible and trustee agencies (see also CEQA Guidelines Section 15082 and Section 15086(a)). As defined by CEQA Guidelines Section 15381, “the term ‘Responsible Agency’ includes all public agencies other than the Lead Agency that have discretionary approval over the project.” A “Trustee Agency” is defined in CEQA Guidelines Section 15386 as a “State agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.”



Agencies with discretionary and ministerial approval authority over the Project and its components are provided in Table 3-7, *Matrix of Project Approvals/Permits*. Regardless, this EIR can be used by any Trustee Agency or Responsible Agency, whether identified in this EIR or not, as part of their decision-making processes in relation to the Project.



2.0 ENVIRONMENTAL SETTING

This Section 2.0 is provided pursuant to CEQA Guidelines § 15125(a) and includes a description of the physical environmental conditions in the vicinity of the Project site and its off-site improvement areas from both a local and regional perspective as it existed at the time the Notice of Preparation (NOP) was published for this Draft EIR. This section provides a brief overview of resources on and surrounding the Project site; additional detail regarding existing conditions for individual issue areas is provided within the appropriate subsection headings within Section 4.0, *Environmental Analysis*, of this Draft EIR.

2.1 REGIONAL SETTING AND LOCATION

The approximately 5.61-acre Project site (“Project site”) is in the downtown area of the City of San Juan Capistrano. Figure 3-1, *Regional Map*, depicts the Project site’s location within the regional vicinity. As shown, the City of San Juan Capistrano is in the southern portion of Orange County and is bound by the City of Mission Viejo to the north, unincorporated Orange County to the east, the City of San Clemente to the south, and the Cities of Laguna Niguel and Dana Point to the west. Orange County is bound by Los Angeles County to the north, San Bernardino County and Riverside County to the east, and San Diego County to the south.

2.2 LOCAL SETTING AND LOCATION

As shown in Figure 3-4, *Specific Plan Boundary Map*, the El Camino Specific Plan (“Specific Plan Area”) consists of the Originally Adopted Specific Plan area and Specific Plan Amendment #1 area, (hereinafter referred to as “Project site”). As depicted on Figure 3-2, *Vicinity Map*, the Project site that is the subject of this EIR is located at the existing addresses of 31878 Camino Capistrano and includes the Blas Aguilar Adobe Museum and Historic Town Center Park. Assessor Parcel Numbers (APNs) include 124-160-011, 124-160-12, 124-160-37, 124-160-52, and 124-160-51.

Under existing conditions, the northern area of the Project site is developed with the Blas Aguilar Adobe Museum and Historic Town Center Park. The southern area of the Project site is vacant and disturbed, wherein development was anticipated but abandoned, and includes landscaping and parking areas. The Project consists of two proposed developments: 1) the Forster & El Camino Mixed-Use Project at the intersection of Forster Street and El Camino Real on the 3.17-acre vacant site (“Forster & El Camino site”; Assessor’s Parcel Numbers [APNs]: 124-160-37, 124-160-52, and 124-160-51); and 2) a performing arts center on a 1.88-acre site (“Performing Arts Center site”; APNs: 124-160-011 and 124-160-12) located at eastern portion of the City-owned Historic Town Center Park.

2.3 SURROUNDING LAND USES AND DEVELOPMENT

The site vicinity and surrounding area is entirely developed with the Mission San Juan Capistrano Spanish and historical museum and the Inn at Mission San Juan Capistrano the north, and commercial



uses to the south, east, and west. Land uses in the immediate vicinity of the Project site are shown on Figure 3-3, *Aerial Photograph*, and described below.

- North: To the north of the Project site is the approved 1.68-acre El Camino Specific Plan Area to the north, currently consisting of the Camino Real Playhouse and surface parking. This area was approved for commercial uses and a four-story parking structure in the adopted El Camino Specific Plan. Ortega Highway and Old Mission Road is located further north with the Inn at Mission San Juan Capistrano and the San Juan Elementary School, and Mission San Juan Capistrano (Spanish mission and historical museum) to the northwest.
- East: To the east of the Project site is surface parking, fast-food restaurants, commercial retail (O'Reilly Auto Parts) and Orange County Fire Station No. 7, and Del Obispo Street with the Interstate 5 (I-5) Freeway further east.
- South: To the south of the Project site are various commercial retail and office buildings, including Mercado Village (shops, offices, and restaurants) with Del Obispo Street further south.
- West: El Camino Real, Camino Capistrano, Veterans Park, and The Egan House are located immediately west of the Project site. Additionally, various restaurant and commercial uses associated with the historic area of Downtown San Juan Capistrano are located along Camino Capistrano. The Amtrak/Metrolink Railroad and Trabuco Creek are located further west (within walking distance) with residential and commercial uses along Los Rios Street.

2.4 LOCAL PLANNING CONTEXT

CEQA Guidelines § 15125(d) requires that EIRs identify the general plans and regional plans that are applicable to the project under evaluation and recognize potential inconsistencies. Plans that are applicable to the Project evaluated herein are summarized below, with additional information provided in the applicable resource discussions in Section 4.0, *Environmental Analysis*.

2.4.1 CITY OF SAN JUAN CAPISTRANO GENERAL PLAN

The prevailing planning document for the Project site and its surrounding area is the City of San Juan Capistrano General Plan. As depicted on Figure 2-1, *Existing General Plan Land Use Designations*, the Project site is designated as General Commercial (GC) and Specialty Park (SP) in the City's General Plan. The General Commercial (GC) land use is intended to provide areas within the City suitable for retail, office, and service-oriented business activities serving a community-wide area and population or broader market. The Specialty Park (SP) land use is intended to provide space for unique or specialized forms of recreational activity.



2.4.2 ZONING

As depicted on Figure 2-2, *Existing Zoning Map Designations*, the Project site is zoned as Town Center District (TC) and Community Park District (CP). The Town Center District (TC) is intended to provide for retail and service uses within the City's downtown area which would serve tourists and local residents. It is intended to serve as the cultural, shopping, entertainment, and civic core of the City. The Community Park District (CP) is intended to provide for major active recreation sites in accordance with the General Plan.

2.5 EXISTING PHYSICAL SITE CONDITIONS

Pursuant to CEQA Guidelines § 15125, the physical environmental condition for purposes of establishing the setting of an EIR is the environment as it existed at the time the EIR's NOP was released for public review. The NOP for this EIR was released for public review on October 3, 2023. The following subsections provide a description of the Project site's physical environmental condition ("existing conditions") as of that approximate date. The site's current physical conditions and surrounding areas are shown on Figure 3-3, *Aerial Photograph*. More detailed information regarding the Project's site's environmental setting as it relates to a specific environmental issue area is provided in the various subsections of EIR Section 4.0, *Environmental Analysis*.

2.5.1 LAND USE

Under existing conditions, the northern area of the Project site includes the Blas Aguilar Adobe Museum and Historic Town Center Park. The southern area of the Project site consists of a disturbed portion of land wherein development was anticipated but abandoned, associated landscaping, and associated parking areas. Most of the concrete slabs, footings, pavements and all hardscapes from the previous development have remained on-site. Pursuant to CEQA Guidelines Section 15125(d), the environmental setting should identify any inconsistencies between a proposed project and applicable general, specific, or regional plans. The principal discretionary actions required of the City to implement the Project are described in detail in Section 3.0, *Project Description*, and are listed in Table 3-7, *Matrix of Project Approvals/Permits*.

Refer to EIR Subsection 4.10, *Land Use and Planning*, for a more detailed discussion of the Project's consistency with the City's General Plan and Zoning designation.

2.5.2 AESTHETICS AND TOPOGRAPHIC FEATURES

The Forster & El Camino site was previously occupied by 3 commercial buildings with parking and landscaping. The upper structures of the former buildings have been demolished. Most of the concrete slabs, footings, pavements and all hardscapes from the previous development have remained on-site. Weeds have been growing within the site. Miscellaneous debris is also present around the site. An abandoned water fountain was located in the northwestern-most portion of the site and has been removed. Modular "Mobile Mini" storage units that were utilized during demolition are located in the northeastern most portion of the Forster & El Camino site. The southern and southeastern portions of



the site are graded lower than the rest of the site and are connected to the upper portions of the site by stairs, retaining walls, slopes and driveways. The elevations of the site range from 100 feet in the southeast to 115 feet in the northwest portion of the site. (Salem, 2020)

The Performing Arts Center site is currently a community park with grass, trees and limited amenities such as restrooms and walking trails, picnic tables, and small stage area. The site is relatively flat with no significant changes in grade. The average elevation of the site is approximately 112 feet above mean sea level (AMSL). (Salem, 2022) There are no rock outcroppings or unique topographic features present on the property.

Refer to EIR Subsection 4.1, *Aesthetics*, for a more detailed discussion of the Project site and surrounding area's aesthetic setting.

2.5.3 AIR QUALITY AND CLIMATE

The Project site is in the South Coast Air Basin (SCAB) within the jurisdiction of South Coast Air Quality Management District (South Coast AQMD). The SCAB encompasses a 6,745-square mile subregion of the South Coast AQMD, which includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, and the San Diego Air Basin to the south.

The regional climate has a substantial influence on air quality in the SCAB. In addition, the temperature, wind, humidity, precipitation, and amount of sunshine influence the air quality. The annual average temperatures throughout the SCAB vary from the low to middle 60s degrees Fahrenheit (°F). Due to a decreased marine influence, the eastern portion of the SCAB shows greater variability in average annual minimum and maximum temperatures. January is the coldest month throughout the SCAB, with average minimum temperatures of 47°F in downtown Los Angeles and 36°F in San Bernardino. All portions of the SCAB have recorded maximum temperatures above 100°F.

Although the climate of the SCAB can be characterized as semi-arid, the air near the land surface is quite moist on most days because of the presence of a marine layer. This shallow layer of sea air is an important modifier of SCAB climate. Humidity restricts visibility in the SCAB, and the conversion of sulfur dioxide (SO₂) to sulfates (SO₄) is heightened in air with high relative humidity. The marine layer provides an environment for that conversion process, especially during the spring and summer months. The annual average relative humidity within the SCAB is 71% along the coast and 59% inland. Since the ocean effect is dominant, periods of heavy early morning fog are frequent and low stratus clouds are a characteristic feature. These effects decrease with distance from the coast.

Refer to EIR Subsection 4.2, *Air Quality*, and 4.7, *Greenhouse Gas Emissions*, for a more detailed discussion of the existing air quality and climate setting in the Project area.



2.5.4 CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

The Project site is situated south of the confluence of Oso Creek and Trabuco Creek; Trabuco Creek merges into San Juan Creek south of the Project site. It is likely that creeks were more abundant during the prehistoric period, offering a flowing and year-round water source for human occupation and supporting a variety of wildlife. Modern vegetation in the Project site consists mostly of non-native species.

The earliest known development within the Project site includes the Blas Aguilar Adobe which was built in 1794. Based on USDA aerial photographs from 2016 and 2018, all structures within the southern half of the Project site were demolished in this period of time. Only the concrete foundations and asphalted parking areas remain.

Refer to EIR Subsection 4.4, *Cultural Resources*, for a more detailed discussion of the existing cultural setting in the Project area.

2.5.5 GEOLOGY AND SOILS

Based on the proximity of several dominant active faults and seismogenic structures, as well as the historic seismic record, the Project site is subject to relatively high seismicity. Historically, moderate to large earthquakes have affected the area. The Project site is not within a currently established State of California Earthquake Fault Zone for surface fault rupture hazards. No active faults with the potential for surface fault rupture are known to pass directly beneath the Project site. Therefore, the potential for surface rupture due to faulting occurring beneath the site is considered low (Salem, 2022, Geotek 2023).

Undocumented fill soils were encountered in the southern portion of the Project site ranging in depth from approximately 2 feet to more than 7 feet, with an average fill depth of about 4 feet. The fill materials are associated with the previous commercial land uses. The fill encountered consists of silty sand, sandy clay, and clayey sand with various amounts of gravel which was brown in color, slightly moist, and in a medium dense/stiff state. The fill was noted to contain trace debris and organics in some locations. Below the undocumented fill, alluvial deposits were encountered in all the explorations and extended to about the maximum depth explored of 60 feet. The alluvium is composed of interbedded layers of lean-to fat clay, sandy clay and clayey sand with gravel, and clean to silty gravel. Fine-grained alluvial soils are predominant near the southeastern portion of the property. More gravelly, coarse-grained soils were present across the remainder of the property where all site explorations experienced early refusal. Based on field observations, the alluvial soils are grey brown to brown, moist, and medium dense/stiff in the upper portions becoming slightly denser/stiffer with depth. (GeoTek, 2023)

Based on the geotechnical reports of the adjacent sites, the soils that underlay the Performing Arts Center site may consist of fill soils underlain by alluvium consisting of loose to very dense clayey sand with various amounts of gravel, and silty gravel with sand; and firm to hard sandy clay, clay with sand, clayey silt with sand, and silt with sand (Salem, 2022).



Refer to EIR Subsection 4.6, *Geology and Soils*, for a more detailed discussion of the existing geological setting.

2.5.6 HAZARDS AND HAZARDOUS MATERIALS

Based on a review of regulatory databases and a site reconnaissance, the Project site is listed in the Hazardous Waste Tracking System (HWTS), HAZNET, and Underground Storage Tank (UST) databases. The Hazardous Waste Tracking System (HWTS) is the California Department of Toxic Substances Control's (DTSC) data repository for hazardous waste manifest and ID Number information. DTSC relies on HWTS for issuing and tracking ID numbers, registering transporters, and providing information to analyze hazardous waste activities for policy purposes and enforcement. The system generates reports from 1993 to the present on hazardous waste shipments for generators, transporters, and treatment, storage and disposal facilities. HAZNET is a DTSC database that records annual hazardous waste shipments, as required by RCRA. All businesses that use and dispose of hazardous materials are entered into the database. The listing under the Forster & El Camino site is not expected to represent a significant environmental concern. However, the listing associated with the Performing Arts Center site is considered a potential environmental concern due to impacted soils. The Project site is not located within an airport influence area. Additionally, the Project site is not located within a fire hazard area.

Refer to EIR Subsection 4.8, *Hazards and Hazardous Materials*, for a more detailed discussion of the Project's existing hazards and hazardous materials setting.

2.5.7 HYDROLOGY

The Project site is located within the San Juan Creek Watershed, which covers approximately 176 square miles and includes portions of the Cities of Dana Point, Laguna Hills, Laguna Niguel, Mission Viejo, Rancho Santa Margarita, and San Juan Capistrano.

The Project site is located in the San Diego Regional Water Control Board (SDRWQCB). The SDRWQCB divides the surface waters into hydrologic units (HUs), areas, and subareas. As designated by the SDRWQCB, the Project site is located in the San Juan HU, which is further divided into Hydrologic Areas (HAs) and Hydrologic Subareas (HSAs). The Project site is in the San Juan HU, Mission Viejo HA, and the San Juan HSA.

The existing Forster & El Camino site drains in two general locations. The northwestern corner of the property sheet flows to the west to Camino Capistrano, where it is carried south in the street's curb and gutter. The remainder of the site is sloped towards two inlets at the southern corner of the site where it is collected in a catch basin and piped southwest in a 15" pipe to a public storm drain system in Del Obispo.

The Performing Arts Center site drains to two general locations. The area that includes the majority of the existing park from El Camino Real to the outdoor stage sheet flows from east to west where it



discharges into the right-of-way in El Camino Real. Runoff is conveyed in the curb and gutter to the south. Ultimately, runoff from El Camino Real is conveyed to Camino Capistrano further south where it is collected in a public catch basin at the intersection of Camino Capistrano and Del Obispo Street. The area that includes the eastern portion of the park and part of the outdoor stage sheet flows from west to east and is captured in a concrete valet gutter along a portion of the northern and most of the eastern property lines. This v-gutter conveys runoff to the southeast corner of the site, where it is captured by a storm drain inlet on the adjacent property. This inlet conveys runoff with an underground pipe to the east to a storm drain system in Del Obispo Street. The storm drain main in Del Obispo Street slopes south to the intersection of Camino Capistrano and Del Obispo.

The Project site is located in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06059C0443J and the southern portion of the site is located in FIRM No. 07059C0506J. Both zones are designated within “Zone X (unshaded),” which are areas with a 0.2% chance of annual flood (FEMA, 2009). The Zone X (unshaded) designation is considered to be an area of minimal flood hazard and is not considered a special flood hazard area. According to the City of San Juan Capistrano General Plan, the Project site is not located within a creek flooding inundation area. (City of San Juan Capistrano, 2002)

Refer to EIR Subsection 4.9, *Hydrology and Water Quality*, for a more detailed discussion of the Project site’s existing hydrology and water quality setting.

2.5.8 NOISE

The background ambient noise levels in the Project area are dominated by urban uses and transportation-related noise associated with the arterial roadway network. Ambient noise levels are generated by the nearby community facility land uses, including but not limited to Camino Real Playhouse building to the north and commercial uses located adjacent to the northern, eastern, southern, and western Project site boundaries.

Refer to EIR Subsection 4.11, *Noise*, for a more detailed discussion of the Project site’s existing noise setting.

2.5.9 TRANSPORTATION

Regional access to the Project site is provided via the San Diego Freeway (I-5) and the Ortega Highway (SR-74). The I-5 Freeway, located east of the Project site, is a major highway that extends throughout Orange County, Los Angeles County and San Diego County. Direct access from the I-5 Freeway is provided via the I-5 Freeway/SR-74 Interchange. The principal local network of streets serving the Project site are Ortega Highway, Del Obispo Street, and Camino Capistrano.

The Orange County Transportation Authority (OCTA), Metrolink, and Amtrak provide public transit services in the vicinity of the Project. In the vicinity of the Project, the OCTA Route 91 currently serves Camino Capistrano. The nearest bus stop location currently exists along the west side of Camino



Capistrano between Ortega Highway and Del Obispo Street. The Metrolink Orange County Line, Inland Empire OC Line, and Amtrak Pacific Surfliner line currently connect to the San Juan Capistrano Station, located east of Los Rios Street and north of Del Obispo Street, walking distance to the Project site.

The City of San Juan Capistrano promotes bicycling as a means of mobility and a way in which to improve the quality of life within its community. In the vicinity of the Project, Class III Bicycle routes currently exist along Camino Capistrano. (LLC, 2025)

Refer to EIR Subsection 4.15, *Transportation*, for a more detailed discussion of the Project site's existing transportation setting.

2.5.10 PUBLIC SERVICES

The City of San Juan Capistrano partners with the Orange County Fire Authority (OCFA) to provide fire protection and emergency medical services to the City. The City is located within Operations Division 3 which also serves the cities of Dana Point, Mission Viejo, Rancho Santa Margarita, and San Clemente (OCFA, 2023a).

The Orange County Sheriff's Department (OCSO) provides police protection services to the City of San Juan Capistrano. The City is located within the Southwest Operations Division, which covers approximately 72.6 square miles and includes the cities of Aliso Viejo, Dana Point, Laguna Hills, Laguna Niguel, Laguna Woods, and San Clemente.

The Project site is within the attendance boundaries of Capistrano Unified School District (CUSD). Currently, CUSD encompasses 200 square miles in seven cities and a portion of the unincorporated area of Orange County. CUSD operates 64 schools/programs including 33 elementary schools, 3 K-8 school, 10 middle schools, 6 comprehensive high school, 5 charter schools, 8 alternative schools/programs (Adult Education Program, Adult Transition Program, Bridges Community Day School, California Preparatory Academy, Capistrano Home/Virtual Academy, Fresh Start, and RH Dana Exceptional Needs Facility). (CUSD, 2023a)

The City currently has 27 developed public parks, totaling 241.8 acres. Additionally, a future park, Las Ramblas Park, is planned within the City's limits. The City's trail system comprised of an extensive network of riding, hiking and equestrian trails, including General Plan trails, Feeder trails, and bicycle routes.

San Juan Capistrano is part of the Orange County Public Library community library network, which has 32 branches throughout Orange County. The San Juan Capistrano Library is located at 31495 El Camino Rea, approximately 0.24 mile to the northwest of the Project site.

Refer to EIR Subsections 4.13, *Public Services*, and 4.14, *Recreation*, for a more detailed discussion of the Project site's existing public services, parks and recreational facilities.



2.5.11 UTILITIES AND SERVICE SYSTEMS

The Project site is located in the service area of the Santa Margarita Water District (SMWD). The SMWD is the second largest retail water agency in Orange County. The service area covers portions of the Cities of Mission Viejo, Rancho Santa Margarita, San Clemente, San Juan Capistrano, and the communities of Coto de Caza, Esencia, Ladera Ranch, Las Flores, Trabuco Canyon, Sendero, and Wagon Wheel. Utilizing updated United States Census data from Cal State Fullerton's Center for Demographic Research, its estimated that the District serves approximately 161,000 residents. Information on the SMWD is provided in the 2020 Urban Water Management Plan prepared for the SMWD. (SMWD, 2021)

CR&R Environmental Services (CR&R) provides waste and recycling collections services to the Project site. CR&R is the only legal company authorized to provide these services under a franchise agreement with the City. (City of San Juan Capistrano, n.d.) CR&R serves more than 3 million people and over 25,000 businesses throughout Orange, Los Angeles, San Bernardino, Imperial, and Riverside counties. Non-hazardous solid waste generated in the Project site is currently deposited in the Prima Deshecha Landfill which currently accepts public and commercial solid waste. This landfill is located at 32250 Avenida La Pata in the City of San Juan Capistrano. The Prima Deshecha Landfill property area is approximately 1,530 acres in total, with about 691 acres allocated to waste disposal. The Prima Deshecha site has a projected capacity to serve residents and businesses until approximately 2102. The landfill has a permitted disposal capacity of 4,000 tons per day. (OCWaste, 2018) As of September 1, 2023, the Prima Deshecha Landfill has a remaining capacity of 128,800,000 cubic yards (CalRecycle, 2023a).

San Diego Gas & Electric (SDG&E) provides electricity services to the Project site. SDG&E is a regulated public utility that provides energy service to 3.7 million people through 1.49 million electric meters and 905,000 natural gas meters in San Diego and southern Orange counties. (SDG&E, 2023) SoCalGas provides natural gas services to the Project site.

Refer to EIR Subsection 4.17, *Utilities and Service Systems*, for a more detailed discussion of the Project site's existing utility providers and existing utility infrastructure.

2.5.12 VEGETATION COMMUNITIES

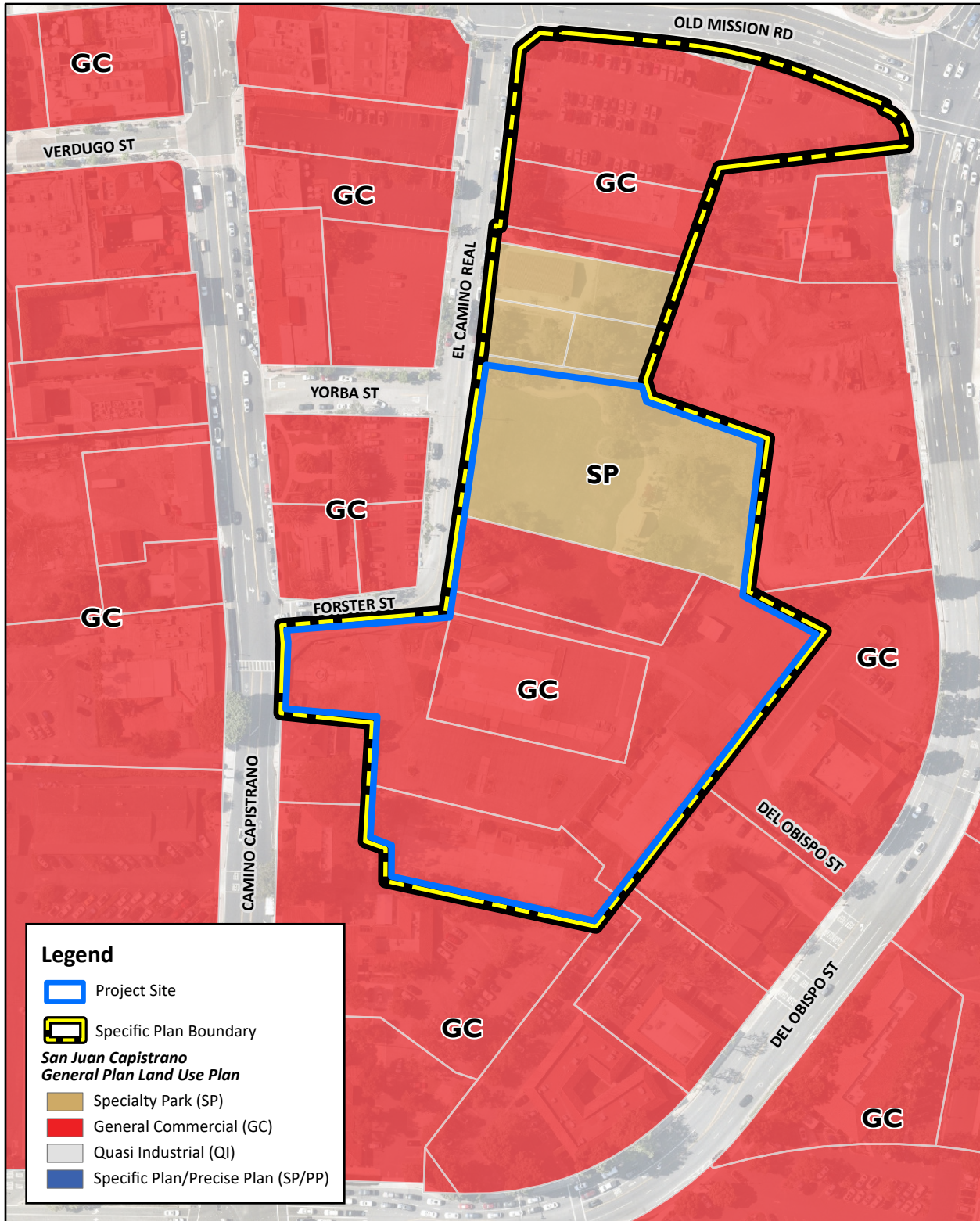
As shown in Figure 4.3-1, *Existing Vegetation Map*, the Project site and adjacent areas are comprised of disturbed/developed and Park (ornamental & turf). None of the observed vegetation communities within the Project site are classified as a sensitive natural vegetation community or special-status vegetation community.

Refer to EIR Subsection 4.3, *Biological Resources*, for a more detailed discussion of the Project site's existing biological setting.



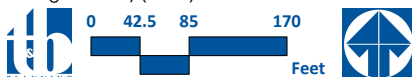
2.5.13 RARE AND UNIQUE RESOURCES

As required by CEQA Guidelines Section 15125(c), the environmental setting should place special emphasis on resources that are rare or unique to that region and would be affected by the Project. Based on the existing conditions of the Project site and surrounding area described above and discussed in more detail in Section 4.0, *Environmental Analysis*, the Project would not affect any resources that are rare or unique to the region.

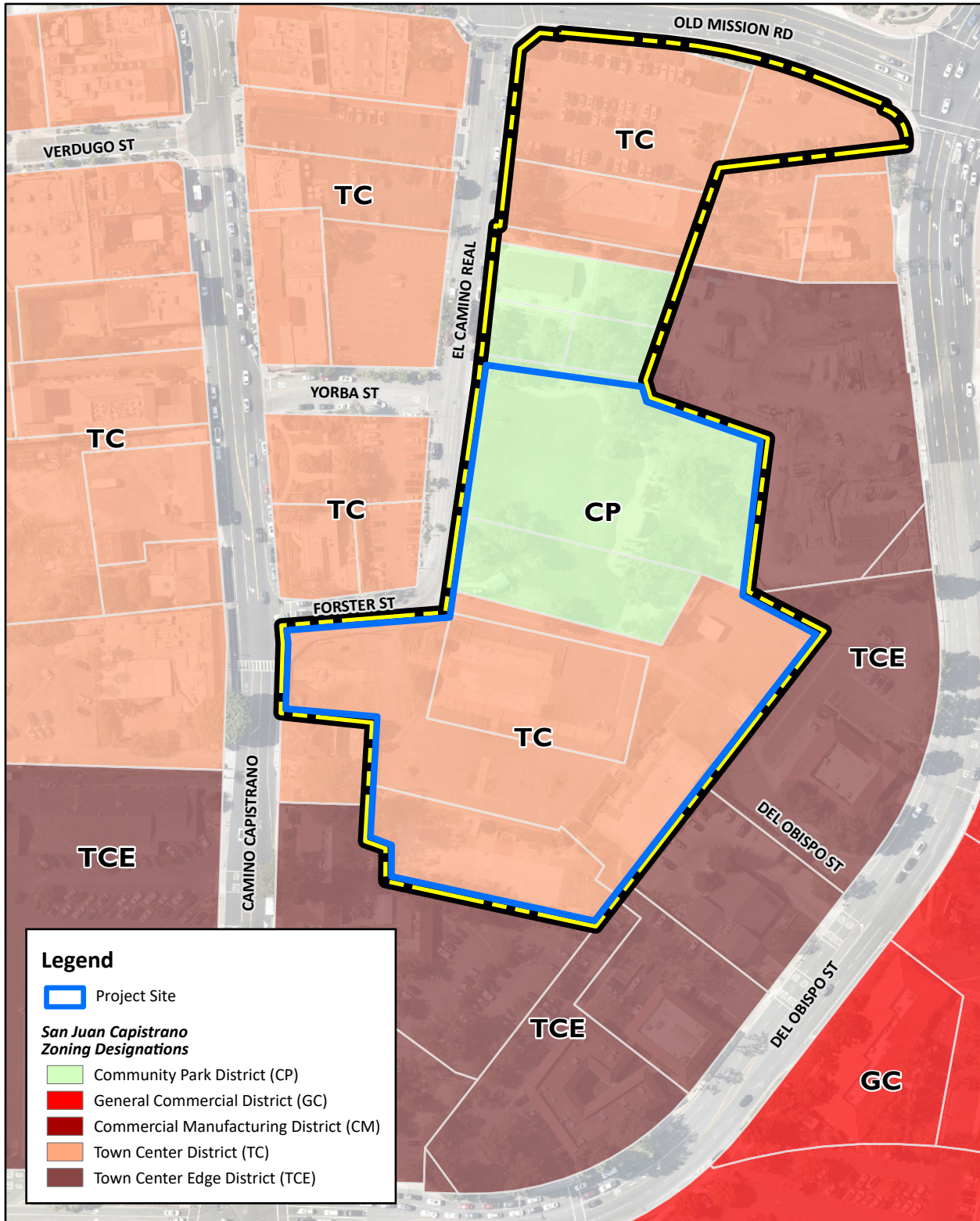


Source(s): City of San Juan Capistrano (2019), Esri, Nearmap Imagery (June 2023), Orange County (2023)

Figure 2-1

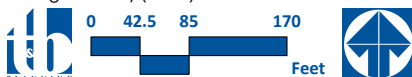


Existing General Plan Land Use Designations



Source(s): City of San Juan Capistrano (2019), Esri, Nearmap Imagery (June 2023), Orange County (2023)

Figure 2-2



Existing Zoning Map Designations



3.0 PROJECT DESCRIPTION

This section provides all of the information required of an Environmental Impact Report (EIR) Project Description pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15124, including a description of the Project's precise location and boundaries; a statement of the Project's objectives; a general description of the Project's technical, economic, and environmental characteristics; and a description of the intended uses of this EIR, including a list of the government agencies that are expected to use this EIR in their decision-making processes; a list of the permits and approvals that are required to implement the Project; and a list of related environmental review and consultation requirements.

3.1 PROJECT LOCATION AND ACCESS

The approximately 5.61-acre Project site is located in the City of San Juan Capistrano. Figure 3-1, *Regional Map*, shows the Project site in the regional context of Orange County. The City of San Juan Capistrano is located in the southern portion of Orange County and is bounded by the City of Mission Viejo to the north, unincorporated Orange County to the east, the City of San Clemente to the south, and the Cities of Laguna Niguel and Dana Point to the west. Orange County is bounded by Los Angeles County to the north, San Bernardino County and Riverside County to the east, and San Diego County to the south.

As shown in Figure 3-2, *Vicinity Map*, and Figure 3-3, *Aerial Photograph*, the Project site is generally bounded by Approved 1.68-acre El Camino Specific Plan Area to the north, commercial uses that front onto Del Obispo Street to the east, the Mercado Village Property to the south, and El Camino Real and Camino Capistrano to the west. Regional access to the Project site is via Interstate 5 and Old Mission Road (I-5 and SR-74). Local access is provided primarily from Forster Street and El Camino Real.

3.2 STATEMENT OF OBJECTIVES

The primary goal of the El Camino Specific Plan is the redevelopment of the Project site with a complementary mix of residential, commercial, restaurant, office, and specialty park facilities in support of the greater downtown area. The following objectives have guided the design layout, and configuration of the El Camino Specific Plan.

1. Create a mixed-use community consistent with Southern California Association of Governments' Connect SoCal (2025-2050 Regional Transportation Plan/Sustainable Communities Strategy) that reduces vehicle miles traveled in the region by placing development within a Transit Priority Area;
2. Encourage alternative modes of travel through enhancement of bicycle and pedestrian connectivity, and increasing the number of residents and employees within a quarter mile of the San Juan Capistrano Metrolink Station;



3. Enhance the visual quality of the project area and the greater downtown by creating development visually and culturally compatible with the City's historic downtown area;
4. Implement employment-generating and residential land uses that would create new jobs to improve and maximize the jobs to housing balance within the City and reduces the need for members of the existing local workforce to commute long distances;
5. Implement a project that seeks to balance several state and local policies such as developing needed residential adjacent to transit while striving to be complimentary to historically significant resources;
6. Deliver new housing opportunities consistent with the City's Housing Element to allow for downtown living that is complementary of the existing adjoining downtown uses; and
7. Build upon the City's culture by providing a new theatre in support of performing arts and entertainment.

3.3 PROJECT CHARACTERISTICS

The Project Applicant (Camino Capistrano OZ, LLC) is seeking to expand the previously approved El Camino Specific Plan, which was adopted in October 2022. The El Camino Specific Plan allowed for the development of a 4-story parking structure and 27,457 square feet (sf) of commercial uses, including 2,607 sf of retail space, on a 1.68-acre site. The proposed Specific Plan Amendment would expand the Specific Plan Area to a total of approximately 7.3 acres between 26874 Old Mission Road and 31882 Camino Capistrano to allow for the development of mixed-use community and performing arts center. As shown in Figure 3-4, *Specific Plan Boundary Map*, the El Camino Specific Plan ("Specific Plan Area") consists of the Originally Adopted Specific Plan area and the proposed Specific Plan Amendment #1 Area. The Specific Plan Amendment #1 Area is referred to herein as "Project site."

The proposed amendments to the Specific Plan identify the allowable uses, development standards, and other zoning regulations for the entirety of the Specific Plan Area, and are described in further detail in Section 3.3.4, *El Camino Specific Plan Amendment*, below. The Specific Plan Amendment requires governmental approvals of a General Plan Amendment, Rezone, and a Code Amendment; as described below. Additionally, the Project Applicant is seeking approval of development entitlement applications to allow for development of a residential mixed-use community and performing arts center, each of which require additional discretionary approvals, as described in Section 3.3.5, *Development Plans*, below.

This EIR analyzes the physical environmental effects associated with all components of the Project, including the required governmental approvals, planning, construction, and operation.



3.3.1 GENERAL PLAN AMENDMENT

The proposed Project would require a general plan amendment to change the existing general plan land use within the southern portion of the Project site. Under existing conditions, the approximately 5.61-acre Project site is designated as General Commercial and Specialty Park in the City's General Plan. The proposed general plan amendment would:

- Change the land use designation of three privately-owned parcels (APNs 124-160-37, -51, -52) from General Commercial to Specific Plan/Precise Plan.
- Change the land use designation of a City-owned parcel that is part of Historic Town Center Park (APN124-160-12) from General Commercial to Specialty Park, consistent with the Specialty Park land use designation of the other Historic Town Center Park parcels.
- Increase the Floor Area Ratio ("FAR") from 0.20 to 1.7 for the Specialty Park land use designation to accommodate the proposed Performing Arts Center.

The remaining City-owned parcels (124-160-08, -09, -10, -11) currently designed Specialty Park would remain.

3.3.2 REZONE

The proposed Project would require a rezone to change the zoning designation of the three privately-owned and five City-owned parcels that are proposed to be added to the Specific Plan to Specific Plan/Precise Plan. These parcels are currently zoned Town Center District (TC) and Community Park District (CP).

3.3.3 CODE AMENDMENT

The proposed Project would require a Code Amendment as the mechanism to amend the Specific Plan and would expand the land use regulations of the Originally Adopted El Camino Specific Plan (1.68-acre) to the Specific Plan Area located between 26874 Old Mission Road and 31882 Camino Capistrano. Additionally, the Code Amendment establishes the zoning districts within the Specific Plan area.

3.3.4 EL CAMINO SPECIFIC PLAN AMENDMENT

A. Purpose

The Original Adopted El Camino Specific Plan and proposed Specific Plan Amendment #1 (together referred to herein as "Specific Plan") provides a vision for and guides development of the Specific Plan Area by defining land uses and development standards, circulation, and infrastructure for the future residential, commercial, restaurant, office, and park uses. The intent of the Specific Plan is to provide a comprehensive framework in which development can occur in a planned, logical fashion rather than



a piecemeal approach. The comprehensive approach will help to create a unified development for San Juan Capistrano residents and visitors. The proposed Specific Plan Amendment encapsulates an expanded area with the intent to guide development of additional properties contiguous to the area originally covered in the Originally Adopted El Camino Specific Plan.

B. Development Summary

As shown in Table 3-1, *Specific Plan Land Use Type Summary*, the Project would allow for additional development within the expanded 5.61 acre Specific Plan Area. The Project would allow up to 4,294 sf of retail/restaurant, 3,100 sf of fitness, 3,271 sf clubhouse, 95 residential units, and a 48,235 sf of performing arts center.

Table 3-1 Specific Plan Land Use Type Summary

Land Use	Size
Originally Approved Specific Plan (1.68 acres)	
Retail/Restaurant	14,977 sf
Office	12,480 sf
Parking Structure	112,000 sf
Specific Plan Amendment (5.61 acres)	
Retail/Restaurant	4,294 sf
Fitness	3,100 sf
Clubhouse	3,271 sf
Residential	95 units (107,499 sf)
Theater/Performing Arts Center	48,235 sf

C. Land Use and Development Standards/Regulations

The Specific Plan establishes development standards to guide the development of the physical components of the Project. Chapter 2 of the Specific Plan defines permitted uses, development standards, and other zoning regulations applicable to individually defined zone districts within the Project site.

1. Zone Districts Established

The following new zoning districts would be established for regulating development and land uses (see Figure 3-5, *Proposed Zone District Map*):

Mixed-Use Residential/Commercial (MU R/C). The Mixed-Use Residential/Commercial zone district is intended to provide flexibility for the development of commercial and residential development with accompanying parking facilities. The mix of uses is allowed in either a horizontal or vertical mixed-use



configuration at a density of up to 40 dwelling units per acre. Non-residential uses would allow for fitness, office, and other types of complementary uses. The non-residential portion of the mixed-use development is permitted at a maximum floor area ratio of 1.0.

Camino Commercial (CC). The Camino Commercial zone district is intended to provide for a variety of retail and service-oriented business activities serving a community-wide area and population, as well as broader market area. The maximum intensity of the development is a floor area ratio of 0.5.

Specialty Park (SP). The Specialty Park zone district captures the Historic Town Center Park and the Blas Aguilar Adobe, which is intended to provide informal recreation, maintenance/support facilities, a performing arts center, and cultural uses. It is envisioned to serve as an expansion of the cultural heart of the community and provide focus on indoor and outdoor arts-related uses, complementing nearby downtown restaurants, employment, and other cultural uses, including a performing arts center. The maximum intensity of the development is a floor area ratio of 1.7.

2. *Table 2.2, Use Table, in the Specific Plan identifies the uses that are permitted. Development Standards*

Table 2.2, Development Standards, in the Specific Plan contains development standards by zone district that shall apply to all development within the Specific Plan. Development standards include maximum lot coverage, floor area ratio, density, height, setbacks, minimum private and common open space and landscaping. Refer to Subsection 4.1, *Aesthetics*, for the Project's consistency with each development standard.

There is existing public parking in both surface lots and at the downtown parking structure located at the terminus of Verdugo Street. Additionally, the Project site is within close proximity to the San Juan Capistrano Train Station, with daily service provided by both Amtrak and Metrolink. Recognizing the Specific Plan adjacency to these locations, the Project will be developed with the parking ratios detailed in Table 2.3, Parking Requirements, of the Specific Plan.

Table 2.4 of the Specific Plan outlines fencing and walls standards which apply to the individual zone districts of the Specific Plan. This includes fencing and wall standards related to location and height. Refer to Appendix A, Design Guidelines, of the Specific Plan for additional information on fencing design.

D. Circulation and Infrastructure

1. *Vehicular Circulation*

The Project site's regional access and local access is depicted on Figure 3-6, *Proposed Circulation Plan*. Regional access to the Project area is provided via the San Diego Freeway (I-5), which bisects



the City of San Juan Capistrano in a north/south direction. Old Mission Road or State Route 74 (SR-74) is located directly north of the Project site and extends in an east/west direction. Local access is provided via Del Obispo Street, Camino Capistrano, Forster Street, and El Camino Real. Access to the Project site would be provided by two vehicular entrance/exit points to existing local roads. Primary vehicular access is provided via Camino Capistrano and Del Obispo Street. An east-west extension of Forster Street is also proposed to provide a connection between the existing intersection of El Camino Real/Forster Street and Del Obispo Street to enhance vehicular and pedestrian connectivity within the Project area and provide access for the Performing Arts Center. The Forster Street extension right-of-way will be 26-feet wide and include one vehicular travel lane in each direction, will include a sidewalk connection, and will include up to twelve angled parking spaces. Additionally, related improvements are proposed within the adjacent right-of-way, including constructing an Americans with Disabilities Act (ADA) compliant crosswalk on the east side of Camino Capistrano at Forster Street, relocation of an existing crosswalk south of the intersection of Camino Capistrano and Forster Street to the north side of the intersection, new ADA compliant sidewalks on the north and south sides of Forster Street (between Camino Capistrano and El Camino Real), and related improvements to enhance pedestrian connectivity.

2. Pedestrian Circulation

The Project is designed as a pedestrian-oriented development and would feature an integrated on-site and off-site pedestrian circulation system that enhances connectivity (see Figure 3-6). On-site pedestrian walkways provide connections between buildings, parking areas, and common open space areas. Sidewalks at the Forster Street extension will connect to existing sidewalks on Camino Capistrano and Del Obispo Street. Off-site pedestrian walkways are provided along Old Mission Road and El Camino Real. Americans with Disabilities Act (ADA) compliant access pathways both on and offsite will be provided throughout the Project site.

3. Bicycle Circulation

The Project site is located nearby existing bicycle facilities along Camino Capistrano, as shown in Figure 3-6. Class III bike lanes exist along Camino Capistrano between Old Mission Road and Del Obispo Street, Class bike II lanes are existing along Camino Capistrano north of Old Mission Road and south of Del Obispo Street. Camino Capistrano connects to the San Juan Creek Class I multipurpose path located south of the Specific Plan Area, which parallels the San Juan Creek corridor and travels to Dana Point and Doheny State Beach. In addition, a Class I multipurpose trail parallels Trabuco Creek to the west of the Project site and connects with the San Juan Creek corridor to the south.

4. Transit

The Project site is situated directly adjacent to major public transportation facilities, including the San Juan Capistrano Train Station and many Orange County Transit Authority (OCTA) bus stop facilities. The San Juan Capistrano Train Station is serviced by Amtrak's Pacific Surfliner, which provides trips between San Diego and San Luis Obispo counties on a daily basis as well as Metrolink, which provides



service to Los Angeles Union Station on a daily basis. OCTA provides a network of bus routes across the County. Adjacent to the Specific Plan Area, local Route 91 provides service north/south from San Clemente to the Laguna Hills Transportation Center, a regional bus transfer facility. Numerous local Route 91 bus stops are located along Camino Capistrano within a quarter mile or 5-minute walk of the project site (see Figure 3-6).

5. Parking

The existing public parking lots are depicted on Figure 3-7, *Proposed Parking Plan*. Surface parking is provided which wraps the perimeter of the buildings. Parking configurations include tuck under, tandem, parallel, and perpendicular space configurations. Parking for the residential units will be specifically marked and designated. Additionally, twelve (12) angled parking spaces incorporated along the Forster Street extension are intended to satisfy project parking requirements and serve as short-term parking for the fitness center, restaurant, and residential uses. The previously approved parking structure will also serve the Performing Arts Center in the evening, while also providing additional publicly accessible parking spaces for the downtown, including Historic Town Center Park. Following the City's Park Once strategy, it is anticipated that visitors may park at various locations throughout the Downtown. Parking demand for the Performing Arts Center is expected to be reduced from what ordinarily might be required due to proximity to transit facilities and the use of ridesharing.

E. Infrastructure Improvements

1. Water and Wastewater Service

The Project would be serviced by the Santa Margarita Water District (SMWD) for both water and wastewater services. Water and wastewater service extensions from the Project site will connect to new and existing facilities as depicted on Figure 3-8, *Water Plan*, and Figure 3-9, *Wastewater Management Plan*. As shown in Figure 3-8, a 12-inch water main is proposed along the Forster Street extension to serve the residential portion of the Project, which would connect to the existing 8-inch water main on Del Obispo Street. Additionally, a 2-inch water service is proposed from the restaurant building to the existing 8-inch water main that runs along Camino Capistrano, Forster Street, and El Camino Real.

As shown in Figure 3-9, a proposed 8-inch sewer line would connect from the restaurant and residential portion of the Project to the existing sewer line on Camino Capistrano. Additionally, a 6-inch sewer line is proposed to serve the Performing Arts Center, which would connect to the existing sewer line on Forster Street. Treatment of wastewater from the Project site would be conveyed to the Jay B. Latham Regional Treatment Plant located in the City of Dana Point.

2. Stormwater Management Plan

As depicted on Figure 3-10, *Stormwater Management Plan*, the Project would include a comprehensive stormwater management system containing drainage improvements, facilities, and programs which would act to control and treat stormwater pollutants. A stormwater detention system is included due to



capacity issues of the first downstream storm pipe that conveys runoff from the property to the City's storm drain main line. It is also anticipated that the Specialty Park zone district would warrant a stormwater detention system. The stormwater management system would direct runoff from the Project site to an on-site retention and treatment area. Treated storm water would then be released in a controlled manner to existing storm drains.

F. Grading

The proposed grading maintains the existing grades as there are minimal changes in grades across the Project site. Grading-associated components will be temporary in nature and would be maintained until the permanent improvements are constructed. The Project site will require approximately 4,000 cubic yards of import of soils.

The physical disturbance area is shown on Figure 3-11, *Development Impact Area*. The physical disturbance area would be limited to the Project site with the exception of off-site improvements. All off-site infrastructure and improvements would occur concurrently with the construction of the proposed Project.

G. Utility Services

1. Electricity and Natural Gas

San Diego Gas & Electric (SDG&E) would provide electrical service to the Project site. New lines required to service the project would be placed underground. Alignment of service lines and connection to existing points of service would be provided as required by SDG&E. Any required surface-mounted equipment would be according to building setback requirements per the relevant service provider. Gas service within the Project site would be serviced by Southern California Gas Company (SoCalGas). Existing service lines would be extended to connect to proposed facilities per SoCalGas requirements.

2. Solid Waste, Recycling, and Green Waste

Solid waste, recycling, and green waste generated by development within the Project site would be serviced by CR&R Environmental Services (CR&R). CR&R is a private waste hauler, contracted by the City of San Juan Capistrano, to collect and dispose of solid waste generated in the City. Solid waste generated by development within the Project site will be conveyed by service providers to the appropriate Orange County landfills. The landfill nearest to the Project site is the Prima Deshecha Landfill, located at 32250 La Pata Avenue, San Juan Capistrano, approximately 3 miles east of the Project site.

H. Design Guidelines

Future development accommodated by the Specific Plan would be required to comply with the Specific Plan's design guidelines. The purpose of the design guidelines is to ensure future development is consistent with the vision and objectives of the Specific Plan. They are intended to provide City staff and review bodies with design direction for project evaluation as future developments come forward.



The guidelines promote design creativity while fostering quality site planning, architecture, landscape, and signage design that will enhance the Historic Town Center.

While the City has existing Design Guidelines (dated September 1, 2003) that include design direction for a range of land use types, the Specific Plan proposes its own custom set of design guidelines that will be utilized for future development projects within the Specific Plan area. Should a conflict between the City's Design Guidelines disagree with the design guidelines included in the Specific Plan, the guidelines provided in the Specific Plan would prevail. The design of all development projects within the Specific Plan should:

- Reinforce and enhance the City's downtown as one of the primary focal points of the community.
- Contribute to the existing pedestrian-oriented environment.
- Establish attractive, inviting, imaginative and functional site arrangement of buildings and parking areas, and a high quality architectural and landscape design which provides proper access, visibility and identity.
- Provide stylistically diverse and creative architectural design solutions which convey a sense of timelessness and elegance.
- Preserve and incorporate structures which are distinctive due to their age, cultural significance, or unique architectural style into the project.

The Specific Plan Design Guidelines establish guidelines relating to site planning, architecture, landscape, and signage: integrated site planning creates pedestrian-friendly developments that arranges buildings, parking, and open space areas in a functionally and aesthetically pleasing manner that complements the surrounding built environment; quality, creative architectural design provides a sense of individuality in individual buildings that complement the eclectic mix of architectural styles of the Historic Town Center; a common landscape design theme creates a cohesive, integrated aesthetic that enhances building architecture and that of the surrounding character of an area; an integrated signage program aides in creating a sense of place through architectural integration and enhanced visual interest.

3.3.5 DEVELOPMENT PLANS

The Project includes two proposed developments and no development plans are proposed for the Blas Aguilar Adobe, as follows:



1. The Forster & El Camino Mixed-Use Project at the intersection of Forster Street and El Camino Real on the 3.17-acre vacant site (“Forster & El Camino site”; Assessor’s Parcel Numbers [APNs]: 124-160-37, 124-160-52, and 124-160-51);
2. A performing arts center on a 1.88-acre site (“Performing Arts Center site”; APNs: 124-160-011 and 124-160-12) located at eastern portion of the City-owned Historic Town Center Park; and
3. No development will occur on the 0.56-acre Blas Aguilar Adobe Museum property.

The Development Plans are included in Appendix D of the Specific Plan and are described below.

A. Forster and El Camino Mixed Use Project

The Forster and El Camino Mixed Use Project consists of a mixed-use community, incorporating both commercial and residential uses, and will require the following discretionary approvals:

- **Architectural Control (AC) 23-003** to review the site plan, architectural design of the structures, lighting, site amenities and landscape for the Forster and El Camino Mixed Use Project;
- **Grading Plan Modification (GPM) 23-013** to review of onsite grading and elevations for the Forster and El Camino Mixed Use Project;
- **Sign Program (SP) 23-006** to develop an integrated sign for projects within the Specific Plan Area;
- **Tentative Tract Map (TTM) 23-001** to subdivide the Project site;
- **Tree Removal Permit (TRP) 23-012** to remove exiting trees on the Project site.

The proposed development would be located at the intersection of Forster Street and El Camino Real. As shown in Figure 3-12, *Forster & El Camino Site Plan*, the commercial component of the Project will include a free-standing 4,294 sf restaurant and a 3,100 sf fitness center attached to the residential building. The two commercial buildings will be located on opposite corners of the Project entrance. The buildings will each feature a prominent entry with tile accents and enhanced paving, to help differentiate the commercial and residential elements of the Project. The restaurant building will have a courtyard for outdoor seating, while the fitness center will feature high ceilings and state of the art design to accommodate a variety of training and fitness applications. Bicycle parking will also be provided.



The residential component of the Project includes 95 apartment homes with a gross area of 107,499 sf surrounding a resort-style pool and recreational facility. Table 3-2, *Unit Plan Type Summary*, presents the Project's unit count by product type. A 3,271 square foot clubhouse building will be located at the entrance to the residences and will serve as a central focal point for the community. The clubhouse building will contain meeting and recreation space for the community's residents. A California room will open on to the pool deck and provide indoor/outdoor recreation space for those using the facilities. A total of 21,920 sf of common open space would be provided at the Project site.

Table 3-2 Unit Plan Type Summary

Plan Type	Unit Area in Square Feet (Gross)	Private Balcony in Square Foot	Quantity
Plan 1: 1 Bedroom with 1 Bath	705	70	40 units
Plan 1 - Alt : 1 Bedroom with 1 Bath	949	62	4 units
Plan 2: 1 Bedrooms with 1 Bath	764	63	6 units
Plan 3: 2 Bedrooms with 2 Baths	974	62	10 units
Plan 3 - Mod : 2 Bedrooms with 2 Baths	980	62	3 units
Plan 4: 2 Bedrooms with 2 Baths	1,056	60	32 units
Total			95 units

2. Architecture

The maximum building height for the residential buildings is approximately 50 feet including chimneys, finials, tower elements, steeples, roof elements, and other architectural projections/features¹. Figure 3-13 through Figure 3-16 depict the elevations for the proposed residential buildings. The central residential buildings will be designed in the Spanish Revival Vernacular. The design includes architectural details, fenestrations, and offsets to accentuate the building's design. Similarly, a team of three independent design consultants have collaborated on the project's color palette, with the intent of complementing the City's mission and ranch heritage.

As shown in Figure 3-17, *Forster Restaurant Elevations*, the proposed restaurant building would be approximately 31 feet in height. Architectural materials of the proposed restaurant building include clay tile roofing, metal roofing, wood stain, stone wall, and metal door frames.

3. Landscaping

Figure 3-18, *Overall Conceptual Landscape Plan – Forster & El Camino* depicts the conceptual landscape plan for the Project site. A variety of trees, shrubs, accent plants, and ground cover are proposed along the perimeter of the Project site and sidewalks, in common areas, entries, open space areas, and parking areas. Landscaping will feature drought-tolerant plant materials. All landscape areas would be irrigated by an automatic irrigation system. All the trees be irrigated via separate, dedicated bubbler circuits and all other landscape areas would be irrigated via a drip irrigation system. The entire

¹ Chimneys, finials, tower elements, steeples, roof elements, and other architectural projections/features, may project beyond the maximum height up to 10-feet.



irrigation system would be on an automatically controlled system with separate programs capable of irrigating each hydrozone independently. The landscape and water delivery systems will meet all aspects of the City of San Juan Capistrano water efficiency landscape ordinance in the City's Municipal Code Chapter 20.

4. *Wall and Fencing*

Wall and fencing would be provided throughout the Project site to provide visual and physical privacy, sight lines for views, buffering between different uses, and to allow for privacy and security in residential areas. As shown in Figure 3-19, *Overall Wall and Fence Plan - Forster & El Camino*, a 6-foot high slump block wall with sack finish would be constructed around the Project's southern, western and eastern perimeter.. Low stone theme walls would be constructed at the outdoor dining area of the proposed restaurant. A 42-inch high stucco wall with brick cap would also be located to the west beyond the proposed low stone theme walls at the outdoor dining area of the proposed restaurant. A 6-foot high stucco wall with brick cap with 5.5-foot tubular steel fencing would be constructed around the proposed recreational pool in the residential complex.

5. *Parking*

A total of 173 parking spaces, comprised of 83 structured spaces in the garage, and 90 surface spaces would be provided on site consistent with the requirements of the Specific Plan. The 12 angled parking spaces incorporated along the Forster Street extension are intended to satisfy project parking requirements and serve as short-term parking for the fitness center, restaurant, and residential uses.

B. *Performing Arts Center Project*

The Performing Arts Center Project will require the following entitlements:

- **Architectural Control (AC) 23-004** to review the site plan, architectural design of the structures, lighting, site amenities and landscape for the performing arts center;
- **Grading Plan Modification (GPM) 23-012** to review of onsite grading and elevations for the performing arts center;
- **Historical & Cultural Landmark Site Plan Review (SPR) 23-002** to develop the proposed performing art centers within the City's Historic Town Center Park;
- **Tree Removal Permit (TRP) 23-015** to remove existing trees on the Project site.

The Camino Real Playhouse has provided the community with a venue to support local theater and events. As part of the Approved El Camino Specific Plan, the Playhouse site is being converted to commercial uses. To replace this community asset, the Project proposes development of a new and enhanced Performing Arts Center in the underutilized portion of the Historic Town Center Park. As



shown in Figure 3-20, *Performing Arts Center Floor Plan*, the proposed Performing Arts Center will be approximately 48,235 sf with a total of 450 seats (350 seats in the main theater and 100 seats in the studio theater). The Performing Arts Center will also include a box office, restrooms, offices, storage area, and dressing rooms.

1. Architecture

The maximum building height for the Performing Arts Center is approximately 64 feet. Figure 3-21, *Performing Arts Center Elevations (North and South)*, and Figure 3-22, *Performing Arts Center Elevations (East and West)*, depict the elevations for the proposed Performing Arts Center. Architectural features include Spanish roof tile (varied color), steel channel fascia and chamfered beams, warm wood slats on inner surface of wing wall, light wood mullions, brick finish divided with horizontal steel channels and concrete base, wood slat wrapping northern and eastern mass, and board formed concrete with terracotta/ceramic roads/baguettes.

2. Landscaping

Figure 3-23, *Overall Conceptual Landscape Plan – Performing Arts Center*, depicts the conceptual landscape plan for the Project site. A variety of trees, shrubs, accent plants, and ground cover are proposed along the perimeter of the Project site and sidewalks, in common areas, entries, open space areas, and parking areas. Landscaping will feature drought-tolerant plant materials. All landscape areas would be irrigated by an automatic irrigation system. All the trees be irrigated via separate, dedicated bubbler circuits and all other landscape areas would be irrigated via a drip irrigation system. The entire irrigation system would be on an automatically controlled system with a separate programs capable of irrigating each hydrozone independently. The intent of the landscape and water delivery systems is to meet all aspects of the City of San Juan Capistrano water efficiency landscape ordinance.

City of San Juan Capistrano Municipal Code Section 9-2.349 contains provisions for tree removal within the City. There are currently five heritage trees onsite that would be retained and relocated onsite as a condition of approval for the Project.

3. Wall and Fencing

Wall and fencing would be provided throughout the Project site to provide visual and physical privacy, sight lines for views, buffering between different uses, and to allow for privacy and security in residential areas. As shown in Figure 3-24, *Overall Wall and Fence Plan - Performing Arts Center*, an engineering retaining wall would be constructed along the northern boundary of the Performing Arts Center. Rustic stone walls and board formed walls would be constructed in the main entryway of the Performing Arts Center. Lodge pole rail fence and monument walls would be constructed along El Camino Real adjacent to the Historic Town Center Park.



4. Parking

The Originally Adopted Specific Plan development (Ortega Hwy & El Camino Real Mixed-Use Project) has a proposed parking supply of 216 spaces. Additionally, as stated above, the Forster & El Camino Mixed-Use Development will provide a total of 173 parking spaces, comprised of 83 structured spaces in the garage, and 90 surface spaces on site. Although no on-site parking is proposed for the Performing Arts Center, shared parking for this use will be provided at the parking structure to be constructed as part of the Ortega Hwy & El Camino Real Mixed-Use Project, and, if necessary, existing downtown public parking facilities within the vicinity will also be used (see Figure 3-7, *Proposed Parking Plan*). It should be noted that the Ortega Hwy & El Camino Real Mixed-Use Project is replacing the existing surface public parking lot on its site and providing additional parking beyond its needs to support the public parking for the Performing Arts Center. Performing Arts Center parking demand will be higher in the evening, complementing the daytime parking use of the retail, restaurant and office uses.

A detailed parking analysis was conducted for the Project, including anticipated events at the Performing Arts Center (see Section 18.0, Parking Analysis, *Technical Appendix K1*, Traffic Impact Analysis Report, of this EIR). When the Specific Plan components are evaluated as a whole (Original Adopted Specific Plan and Proposed Specific Plan), there would be a surplus of parking during weekday and weekend peak hours. (Tables 18-5 and 18-6 of *Technical Appendix K1*, Traffic Impact Analysis Report, of this EIR). The analysis was Based on ULI 3rd Edition Shared Parking Methodology and no monthly variation for alternative modes of transportation or adjustment factors to account for variations of parking demand over the year were applied in order to provide a conservative parking demand forecast. The analysis demonstrates that the proposed parking supply for the Project would be adequate in meeting the overall future parking demand of the Project, and that it would be reasonable and enforceable for all Project components to share the parking facilities. Therefore, there is adequate parking on site to accommodate the proposed Project. Nevertheless, to ensure maintenance of adequate parking supply at all times to all users (including patrons of the Performing Arts Center), a Parking Management Plan (PMP) as outlined in Section 18.10, Parking Management Plan (*Technical Appendix K1*, Traffic Impact Analysis Report, of this EIR) would be implemented as a condition of approval.

3.4 SCOPE OF ENVIRONMENTAL ANALYSIS

3.4.1 CONSTRUCTION CHARACTERISTICS

As summarized in Table 3-3, *Construction Duration*, it is expected that the Project would commence construction sometime in June 2025, with construction activities occurring over a period of 26 months. Construction for the Forster & El Camino Mixed Use Project would commence in approximately June 2025 and end in February 2027, while construction for the Performing Arts Center would commence in approximately December 2025 and end in September 2027. The construction schedule represents a “worst-case” analysis scenario should construction occur any time after the estimated start date,



because emission factors for construction decrease as time passes due to emission regulations becoming more stringent.

Table 3-4, *Construction Equipment Assumptions*, provides a summary of the construction equipment anticipated to be used during Project construction. Based on calculations from the Project's Energy Analysis (see *Technical Appendix E* in this EIR), construction-related vehicle trips would result in approximately 909,092 vehicle miles traveled and consume an estimated 42,122 gallons of gasoline and diesel combined during construction phases. Additionally, on-site construction equipment would consume an estimated 105,658 gallons of diesel fuel.

Table 3-3 Construction Duration

Area	Construction Activity	Start Date	End Date	Days
Forster & El Camino Mixed Use Project	Demolition	6/10/2025	7/10/2025	23
	Grading	7/11/2025	8/30/2025	36
	Grading/Off-Site Improvements	8/31/2025	9/30/2025	22
	Building Construction	8/30/2025	12/3/2026	329
	Architectural Coating	8/20/2026	1/3/2027	97
	Paving	10/27/2026	2/20/2027	84
Performing Arts Center	Grading	12/14/2025	1/13/2026	22
	Grading/Off-Site Improvements	1/14/2026	2/2/2026	14
	Building Construction	2/3/2026	7/2/2027	369
	Architectural Coating	12/19/2026	8/21/2027	175
	Paving	7/2/2027	9/5/2027	46

Source: (Urban Crossroads, 2023a, Table 3-3)

Table 3-4 Construction Equipment Assumptions

Area	Construction	Equipment ¹	Quantity	Hours Per Day
Forster & El Camino Mixed Use Project	Demolition	Rubber Tired Dozers	2	8
		Concrete/Industrial Saws	1	8
		Excavators	3	8
	Grading	Graders	1	8
		Excavators	1	8
		Rubber Tired Dozers	1	8
		Crawler Tractors	3	8
	Grading/Off-Site Improvements	Graders	1	8
		Excavators	1	8



Area	Construction	Equipment ¹	Quantity	Hours Per Day
		Rubber Tired Dozers	1	8
		Crawler Tractors	3	8
	Building Construction	Cranes	1	8
		Forklifts	3	8
		Generator Sets	1	8
		Welders	1	8
		Tractors/Loaders/Backhoes	3	8
	Paving	Tractors/Loaders/Backhoes	1	8
		Cement and Mortar Mixers	2	8
		Pavers	1	8
		Paving Equipment	2	8
		Rollers	2	8
	Architectural Coating	Air Compressors	1	8
Performing Arts Center Project	Grading	Graders	1	8
		Rubber Tired Dozers	1	8
		Crawler Tractors	2	8
	Grading/Off-Site Improvements	Graders	1	8
		Rubber Tired Dozers	1	8
		Crawler Tractors	2	8
	Building Construction	Cranes	1	8
		Forklifts	2	8
		Generator Sets	1	8
		Welders	3	8
		Tractors/Loaders/Backhoes	1	8
	Paving	Tractors/Loaders/Backhoes	1	8
		Cement and Mortar Mixers	1	8
		Pavers	1	8
		Paving Equipment	1	8
		Rollers	2	8
	Architectural Coating	Air Compressors	1	8

Source: (Urban Crossroads, 2023a, Table 3-4)



3.4.2 OPERATIONAL CHARACTERISTICS

A. Future Population

The Project would result in the development of 95 residential units. Assuming an average household size of 2.89, consistent with the household size for the City reported by the California Department of Finance, the Project would generate 275 new residents in the City. In addition, the Project would result in approximately 7,394 square feet of retail/restaurant/fitness and approximately 48,235 square feet of performing arts uses. Using the employee generation factors of 1 employee per 500 sf from the City's Municipal Code, Section 9-3.555, *Transportation Demand Management Ordinance*, Table 3-44, *Employee Generation Factors*, the retail/restaurant/fitness uses are expected to generate approximately 15 employees. Additionally, the Performing Arts Center would have approximately 10 to 63 employees on any given day depending on the scheduled performance. Therefore, a maximum of approximately 78 employees would be generated by the Project.

B. Performing Arts Center Operations

As discussed above, the Performing Arts Center includes both a Main Auditorium (350 seats) and studio "Black Box" theater (100 seats). The Performing Arts Center would be used for both professional rentals and school performances. The Main Auditorium would host performances for approximately 120 days throughout the year and the studio theater would host performances for approximately 156 days of the year. There will also be a summer children's theater program everyday in the studio "Black Box" theater. As shown in Table 3-5, *Performing Arts Center Programming*, performances would typically be held in the evenings (e.g., after 7:30 PM) with rehearsals during the morning (e.g., 10:00 AM) and afternoon. There will be approximately 2-5 shows in total during the weekdays and 2-4 shows during the weekends with 450 estimated attendees.

Table 3-5 Performing Arts Center Programming

Day/Time	# of Shows per Week	Programming Start/End Time	Estimated Attendance	Number of Employees
Weekday	Varies (Approximately 2-5)	10:00 AM Matinees 7:30 PM Evenings	450 per Show	Varies by show (Approximately 10-63 Cast/Crew & 10 Staff)
Weekend	Varies (Approximately 2-4)	2:00 PM Matinees 7:30 PM Evenings	450 per Show	Varies by show (Approximately 10-63 Cast/Crew & 10 Staff)

C. Estimated Water, Sewer, and Energy Demand

Water service would be provided by Santa Margarita Water District (SMWD). Estimating potable water demand based on 100% of wastewater generation is conservative. Based on the projected water demand from SMWD, potable water accounts for approximately 60% of total water demand and non-potable water/recycled water accounts for approximately 40%. Therefore, assuming that potable water demand is 100% of the sewer demand, potable water demand for the residential restaurant and fitness



uses would generate a total of 18,200 gpd or 20.39 afy² (see *Technical Appendix L*), while non-potable water demand for landscaping and other outdoor water uses would require approximately 12,133 gpd or 13.6 afy. Additionally, potable water demand for the Performing Arts Center would generate a total of 5,471 gpd or 6.13 afy (see *Technical Appendix L*) and the non-potable demand would be 3,647 gpd or 4.08 afy. Therefore, the Project would result in a total water demand of 39,451 gpd or 44.2 afy (26.5 afy potable water and 17.7 afy of non-potable water).

According to the Project's Sewer Analysis (see *Technical Appendix L* in this EIR), the Forster & El Camino Mixed Use Project would generate a total of 18,200 gpd and the Performing Arts Center would generate a total of 5,471 gpd.

The Project would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the California Title 24 energy efficiency standards. Based on calculations from the Project's Energy Analysis (see *Technical Appendix E* in this EIR), operations for the Project would result in approximately 3,878,278 kBTU/year of natural gas and 1,118,299 kWh/year of electricity. The Project would also result in 4,869,581 annual vehicle miles traveled and 177,467 gallons per year of fuel during operation.

D. Estimated Traffic Generation

The Project's traffic generation was calculated in the Traffic Impact Analysis (see *Technical Appendix K1* in this EIR). Traffic generation is used for the purpose of analyzing impacts related to air quality, greenhouse gas emissions, energy, and noise. Determining traffic generation for a specific project is based upon forecasting the amount of traffic that is expected to be both attracted to and produced by the specific land uses being proposed for a given development. Trip generation for the Project was conservatively developed using rates from the ITE Trip Generation Manual (11th Edition) for the Multifamily Housing (Low-Rise) Land Use category (ITE Land Use Code 220), Health/Fitness Club (ITE Land Use Code 492), and Fine Dining Restaurant (ITE Land Use Code 931). However, for the proposed 450-seat Performing Arts Center, the use and operational characteristics of this Project component are not similar to the available land use categories provided in Trip Generation, 11th Edition. Therefore, trips generated by this Project component were conservatively estimated based on the anticipated unique operational characteristics (i.e., attendance levels, anticipated visitor arrival and departure patterns during weekdays and weekends, events, educational, and other programming, employees, etc.). The trip generation associated with the Performing Arts Center reflects the Project condition that start times are simultaneous for events in the theatre on weekday evenings (e.g., after 7:30 PM) hours in order to be conservative.

The Forster and El Camino Mixed Use project is anticipated to generate 628 daily trips (one half arriving and one half departing), with 41 trips (14 inbound, 27 outbound) produced in the AM peak

² According to the SMWD's 2020 Urban Water Management Plan, multi-family residential indoor and outdoor water use per household is 53 gallons per capita per day (gpcd) (SMWD, 2021). Therefore, the proposed 95 units would generate a total of 5,035 gpd, which is less than the 16,625 gpd assumed for this analysis.



hour and 68 trips (43 inbound, 25 outbound) produced in the PM peak hour on a “typical” weekday. The proposed Performing Arts Center is expected to generate 604 daily trips (one half arriving and one half departing), with 22 trips (18 inbound, 4 outbound) produced in the AM peak hour and 102 trips (79 inbound, 23 outbound) produced in the PM peak hour on a “typical” weekday. In total, the Project is anticipated to generate 1,232 two-way trip-ends per day with 63 AM peak hour trips and 170 PM peak hour trips.

3.5 SUMMARY OF DISCRETIONARY APPROVALS

The City of San Juan Capistrano has primary approval responsibility for the proposed Project. As such, the City serves as the Lead Agency for this EIR pursuant to CEQA Guidelines § 15050. Accordingly, the City’s Planning Commission will hold a public hearing to consider the Final EIR, the Project’s General Plan Amendment, Code Amendment, Rezone, and Specific Plan Amendment. The Planning Commission will make advisory recommendations to the City Council on whether to approve, approve with changes, or deny the proposed entitlements. Table 3-6, *Summary of Entitlements*, provides a summary of entitlements required by the Project.

Table 3-6 Summary of Entitlements

Project Components	Entitlements
El Camino Specific Plan Project	<ul style="list-style-type: none">• General Plan Amendment• Rezone• Code Amendment
Forster and El Camino Mixed Use	<ul style="list-style-type: none">• Architectural Control (AC) 23-003• Grading Plan Modification (GPM) 23-013• Sign Program (SP) 23-006• Tentative Tract Map (TTM) 23-001• Tree Removal Permit (TRP) 23-012
Performing Arts Center	<ul style="list-style-type: none">• Architectural Control (AC) 23-004• Grading Plan Modification (GPM) 23-012• Historical & Cultural Landmark Site Plan Review (SPR) 23- 002• Tree Removal Permit (TRP) 23-015

The City Council will consider the information contained in the Final EIR and other documents and testimony in its decision-making processes and will approve or deny the Project and associated entitlements. A list of the primary actions under City jurisdiction is provided in Table 3-7, *Matrix of Project Approvals/Permits*.

3.6 RELATED ENVIRONMENTAL REVIEW AND CONSULTATION REQUIREMENTS

Subsequent to approval of the Project entitlements, additional discretionary and ministerial actions may be necessary to implement the proposed Project. These include, but are not limited to, conditional use permits, grading permits, encroachment permits/road improvements, drainage infrastructure improvements, water and sewer infrastructure improvements, storm water permit(s) (National



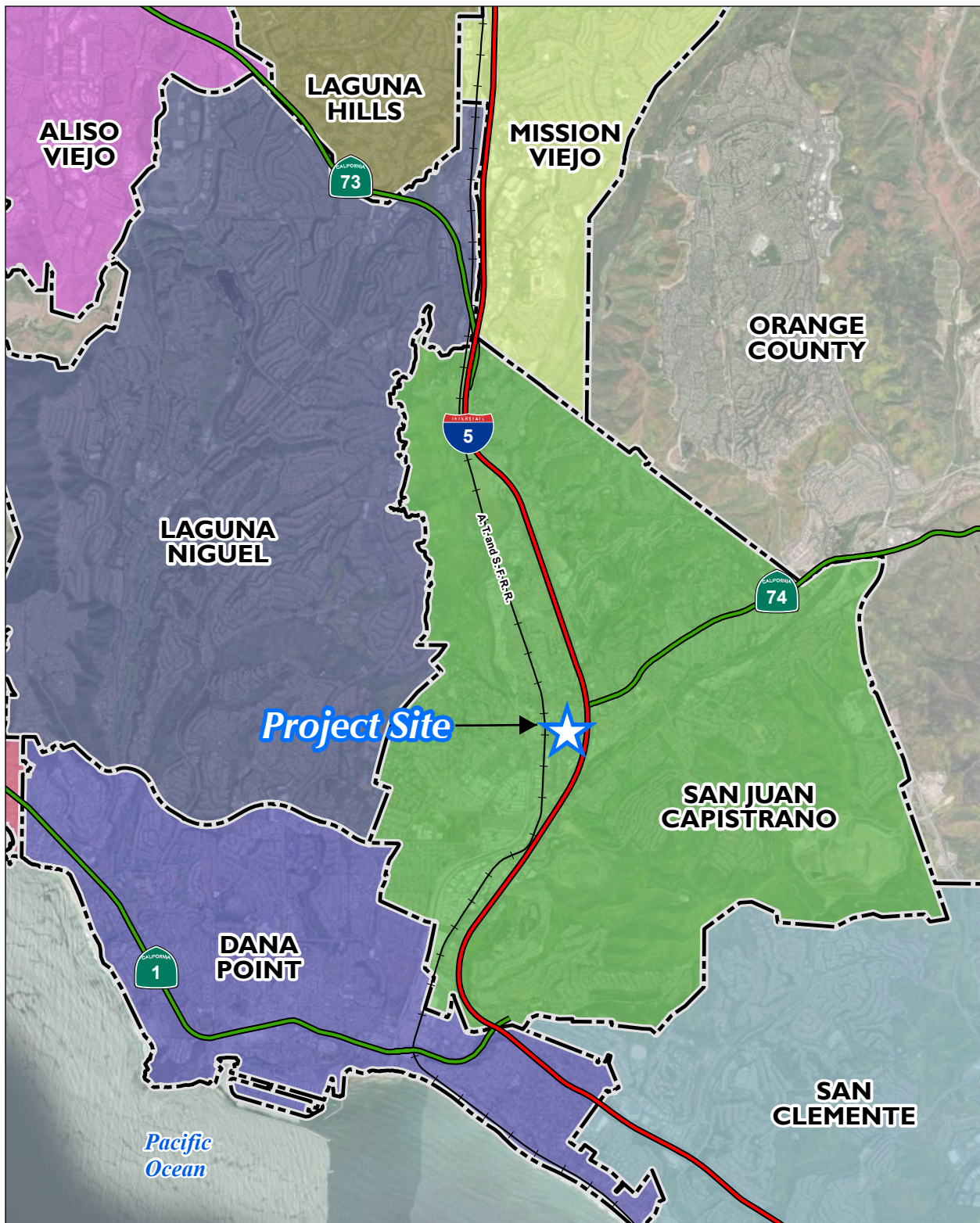
Pollutant Discharge Elimination System [NPDES]). Table 3-7 provides a summary of the agencies responsible for subsequent discretionary approvals associated with the Project. This EIR covers all federal, State, and local government approvals which may be needed to construct or implement the Project, whether explicitly noted in Table 3-7 or not (CEQA Guidelines § 15124[d]).

Table 3-7 Matrix of Project Approvals/Permits

PUBLIC AGENCY		APPROVALS AND DECISIONS
CITY OF SAN JUAN CAPISTRANO		
City of San Juan Capistrano Discretionary Approvals		
City of San Juan Capistrano Planning Commission		<ul style="list-style-type: none">• Provide recommendations to the City of San Juan Capistrano City Council regarding certification of the Project's EIR.• Provide recommendations to the City of San Juan Capistrano City Council whether to approve:<ul style="list-style-type: none">○ General Plan Amendment○ Rezone○ Code Amendment○ Architectural Control (AC) 23-003○ Grading Plan Modification (GPM) 23-013○ Sign Program (SP) 23-006○ Tentative Tract Map (TTM) 23-001○ Tree Removal Permit (TRP) 23-012○ Architectural Control (AC) 23-004○ Grading Plan Modification (GPM) 23-012○ Historical & Cultural Landmark Site Plan Review (SPR) 23- 002○ Tree Removal Permit (TRP) 23-015
City of San Juan Capistrano City Council		<ul style="list-style-type: none">• Reject or certify this EIR along with appropriate CEQA Findings.• Approve or deny:<ul style="list-style-type: none">○ General Plan Amendment○ Rezone○ Code Amendment○ Architectural Control (AC) 23-003○ Grading Plan Modification (GPM) 23-013○ Sign Program (SP) 23-006○ Tentative Tract Map (TTM) 23-001○ Tree Removal Permit (TRP) 23-012○ Architectural Control (AC) 23-004○ Grading Plan Modification (GPM) 23-012○ Historical & Cultural Landmark Site Plan Review (SPR) 23- 002○ Tree Removal Permit (TRP) 23-015
City of San Juan Capistrano Subsequent Discretionary and Ministerial Approvals		
City of San Juan Capistrano Development Services Department		<ul style="list-style-type: none">• Issue Grading Permits.• Issue Building Permits.• Approve Road Improvement Plans.• Issue Encroachment Permits.• Approve Infrastructure Plans.• Approve Water Quality Management Plan.

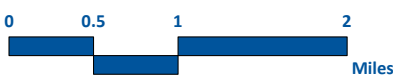


PUBLIC AGENCY		APPROVALS AND DECISIONS
City of San Juan Capistrano Public Works Department		<ul style="list-style-type: none">• Approve Road Improvement Plans.• Issue Encroachment Permits.• Approve Infrastructure Plans.• Approve Water Quality Management Plan.
OTHER AGENCIES-SUBSEQUENT APPROVALS AND PERMITS		
Santa Ana Regional Water Quality Control Board (RWQCB)		<ul style="list-style-type: none">• Issuance of a Construction Activity General Construction Permit.• Compliance with National Pollutant Discharge Elimination System (NPDES) Permit. Waste Discharge Requirements.
Native American Heritage Commission		<ul style="list-style-type: none">• Ensuring California Native American tribes have accessibility to ancient Native American cultural resources on public lands overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act.
Orange County Flood Control (OCFD)		<ul style="list-style-type: none">• Approvals for construction of drainage basins.
Santa Margarita Water District (SMWD)		<ul style="list-style-type: none">• Approval of water and sewer improvements.
South Coast Air Quality Management District (SCAQMD)		<ul style="list-style-type: none">• Issuance of construction-related permits.
San Diego Gas & Electric (SDG&E)		<ul style="list-style-type: none">• Approvals required for the installation of new SDG&E facilities/connections to service the Project.
Southern California Gas Company		<ul style="list-style-type: none">• Issuance of approvals necessary for the installation of new SoCalGas facilities/connections to service the Project.

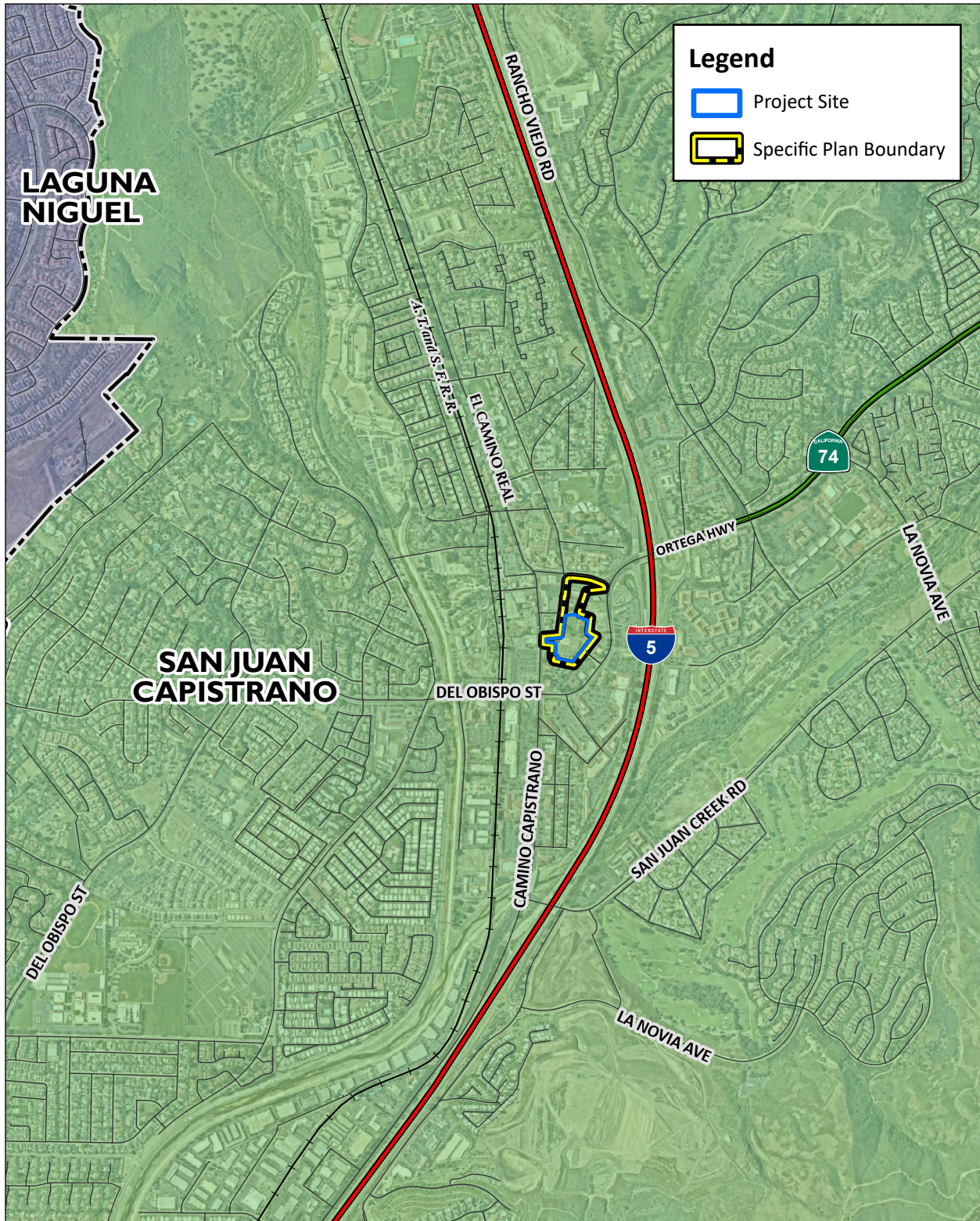


Source(s): Esri, Orange County (2023)

Figure 3-1

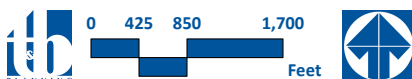


Regional Map

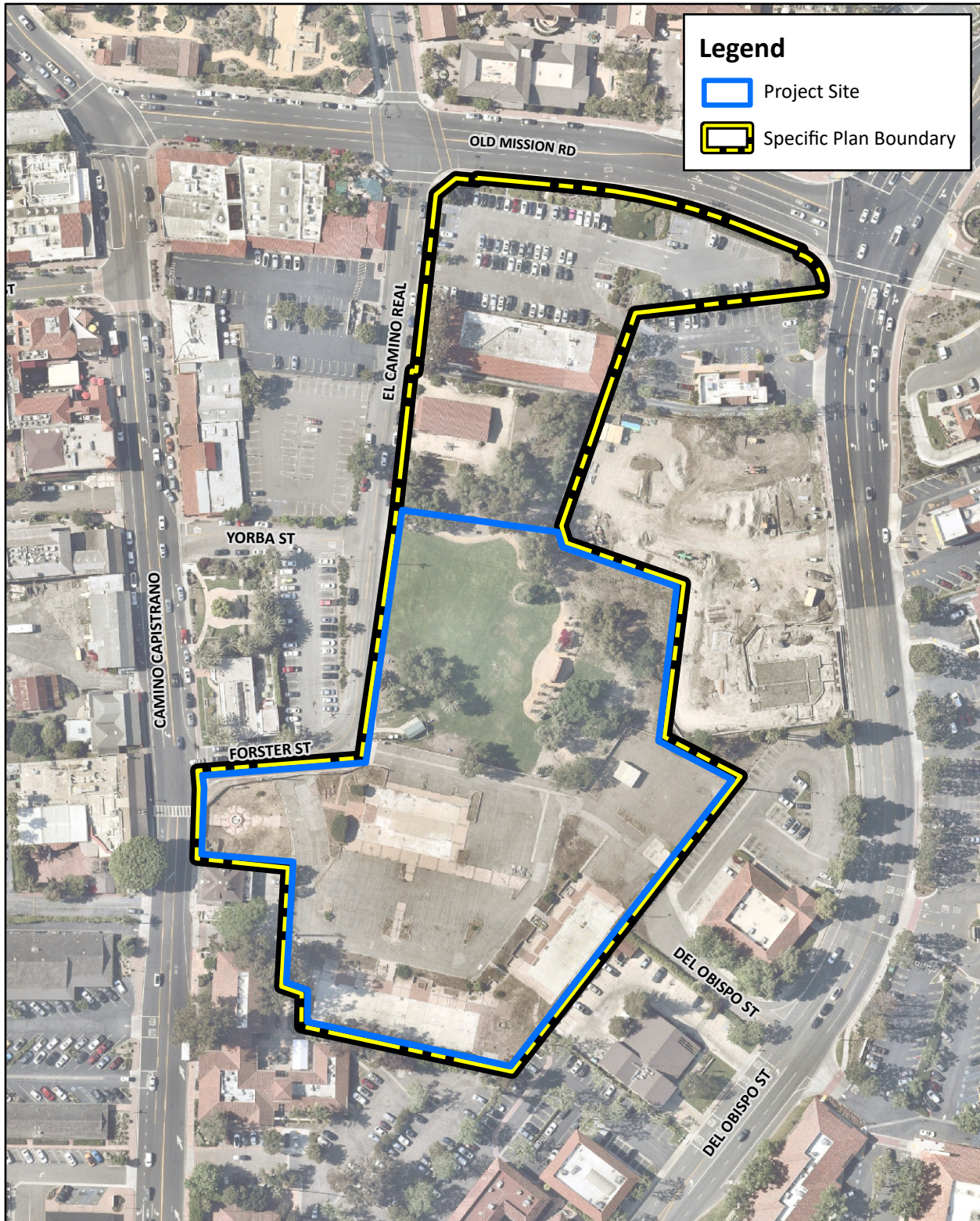


Source(s): Esri, Nearthmap Imagery (June 2023), Orange County (2023)

Figure 3-2

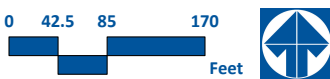


Vicinity Map

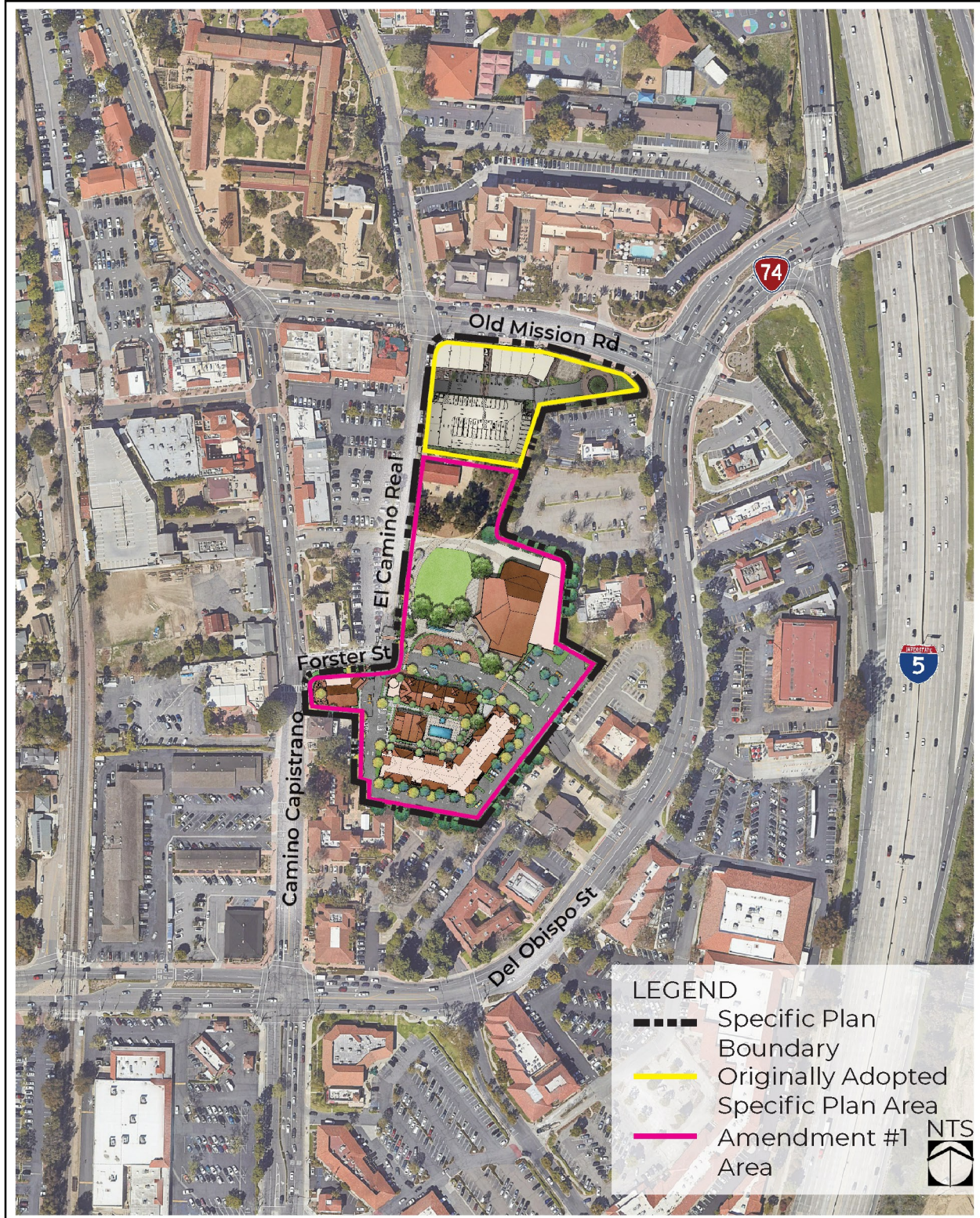


Source(s): Esri, Nearthmap Imagery (June 2023), Orange County (2023)

Figure 3-3



Aerial Photograph



Source(s): El Camino Specific Plan (December 2024)

Figure 3-4



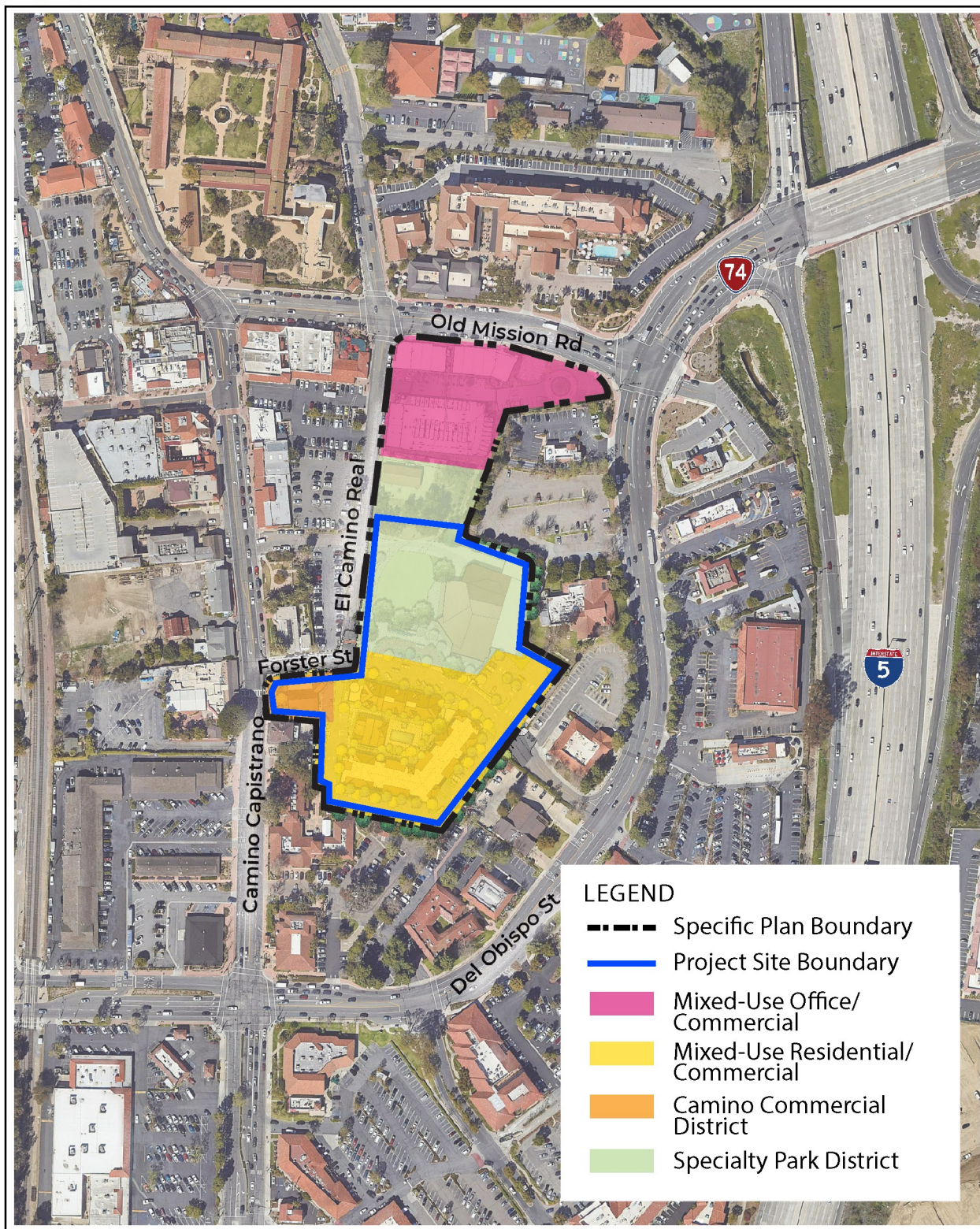
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Specific Plan Boundary Map

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



Source(s): El Camino Specific Plan (December 2024)

Figure 3-5



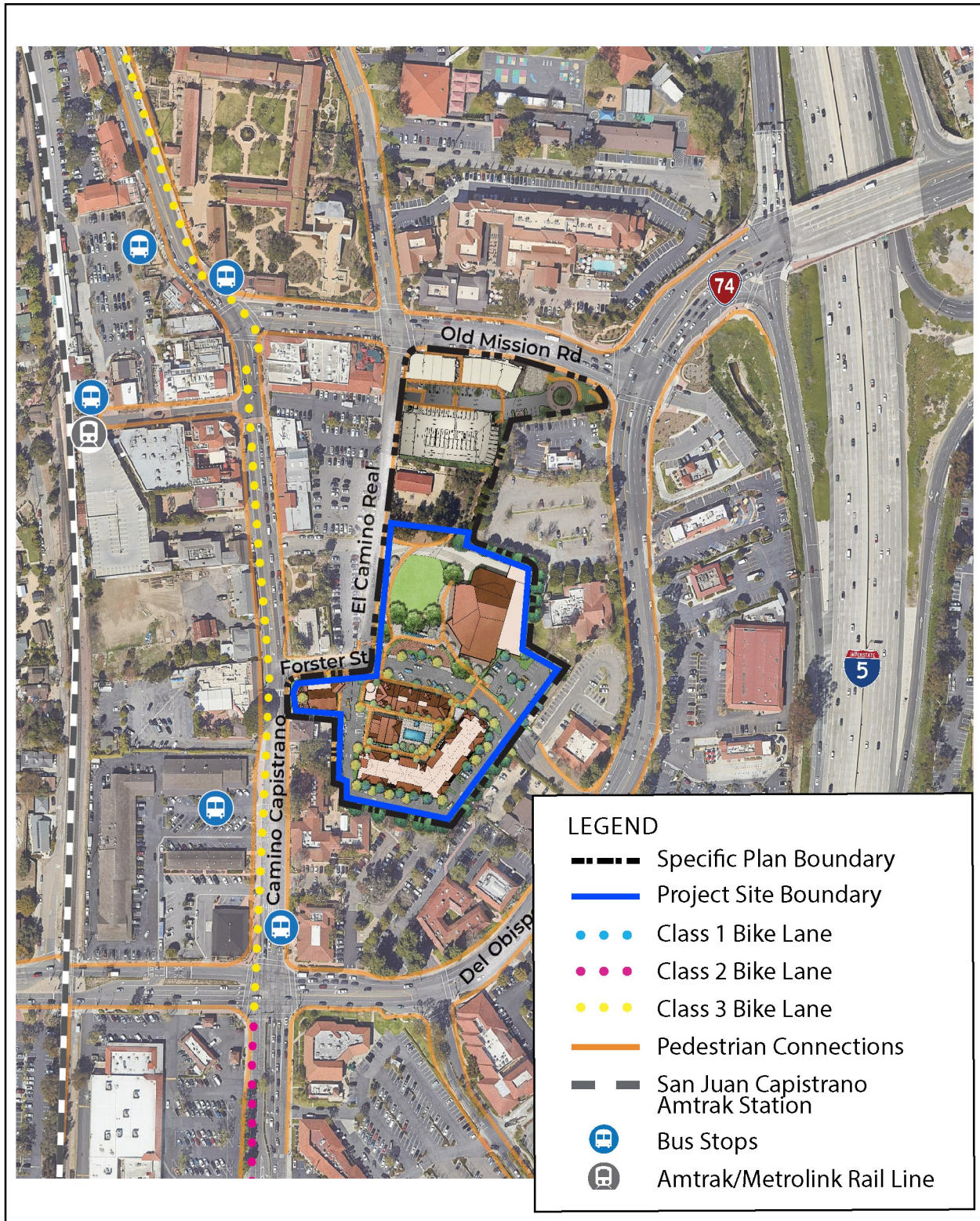
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Proposed Zone District Map

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



Source(s): El Camino Specific Plan (December 2024)

Figure 3-6



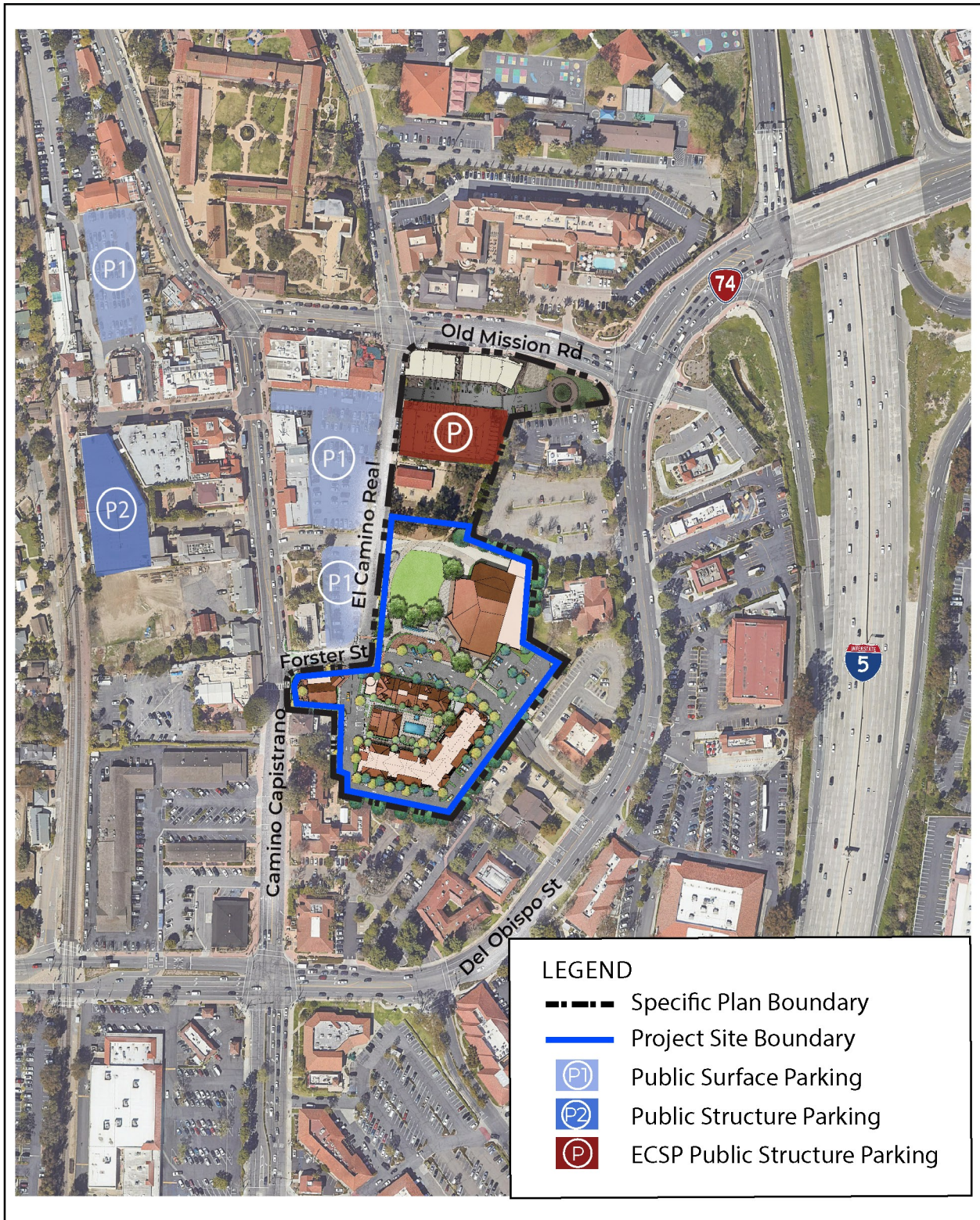
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Proposed Circulation Plan

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



Source(s): El Camino Specific Plan (December 2024)

Figure 3-7



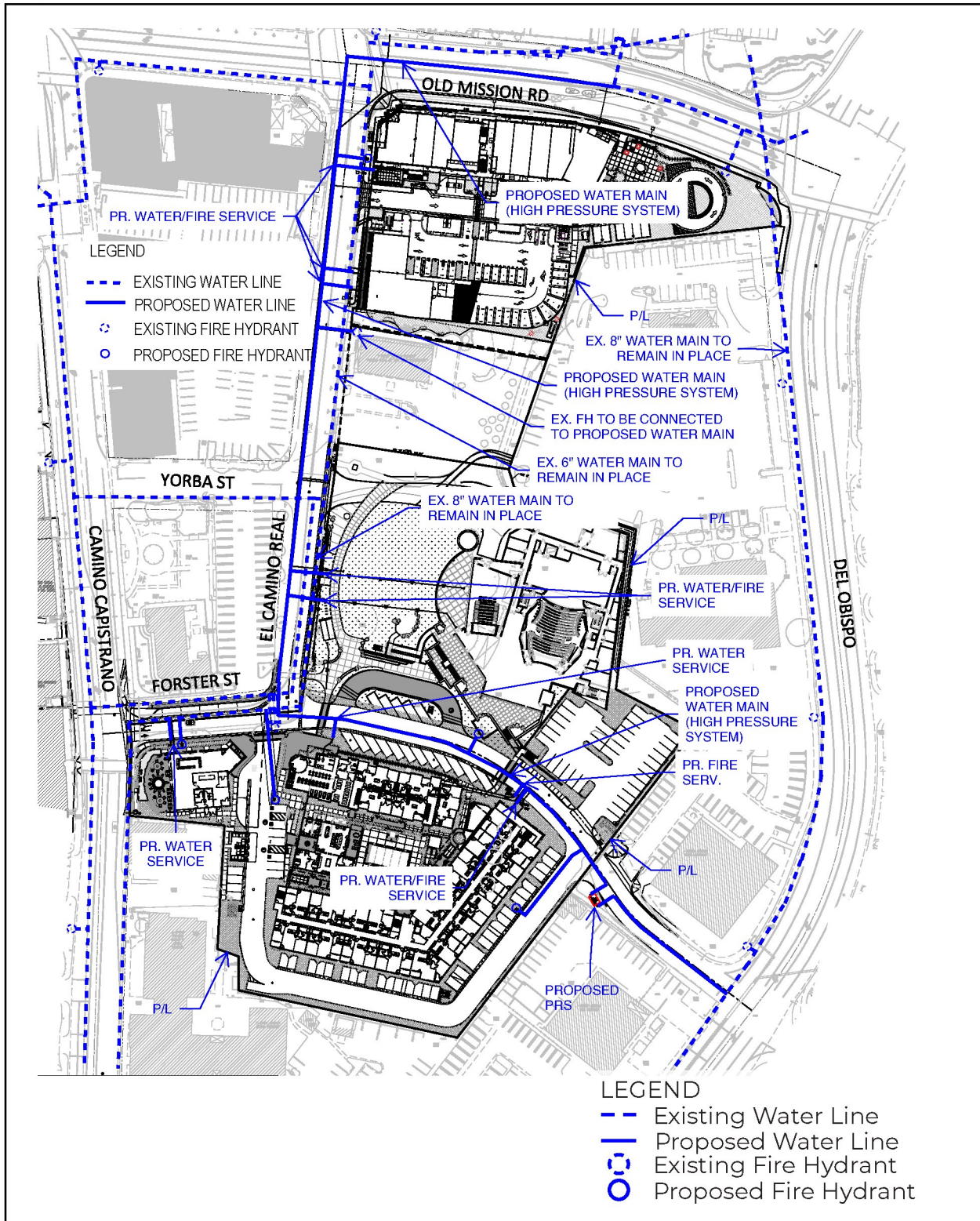
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Proposed Parking Plan

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



Source(s): El Camino Specific Plan (December 2024)

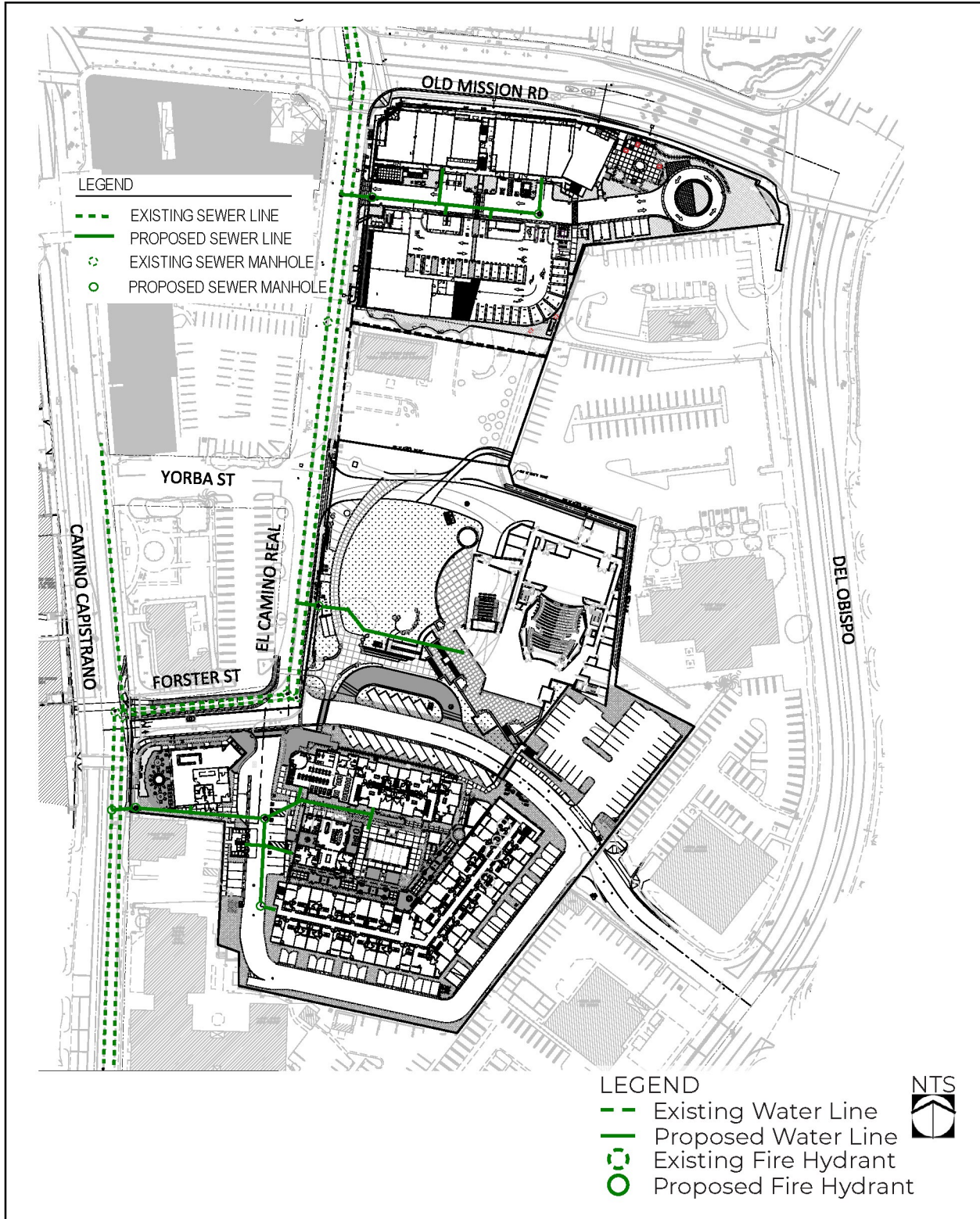
Figure 3-8



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Water Plan



Source(s): El Camino Specific Plan (December 2024)

Figure 3-9



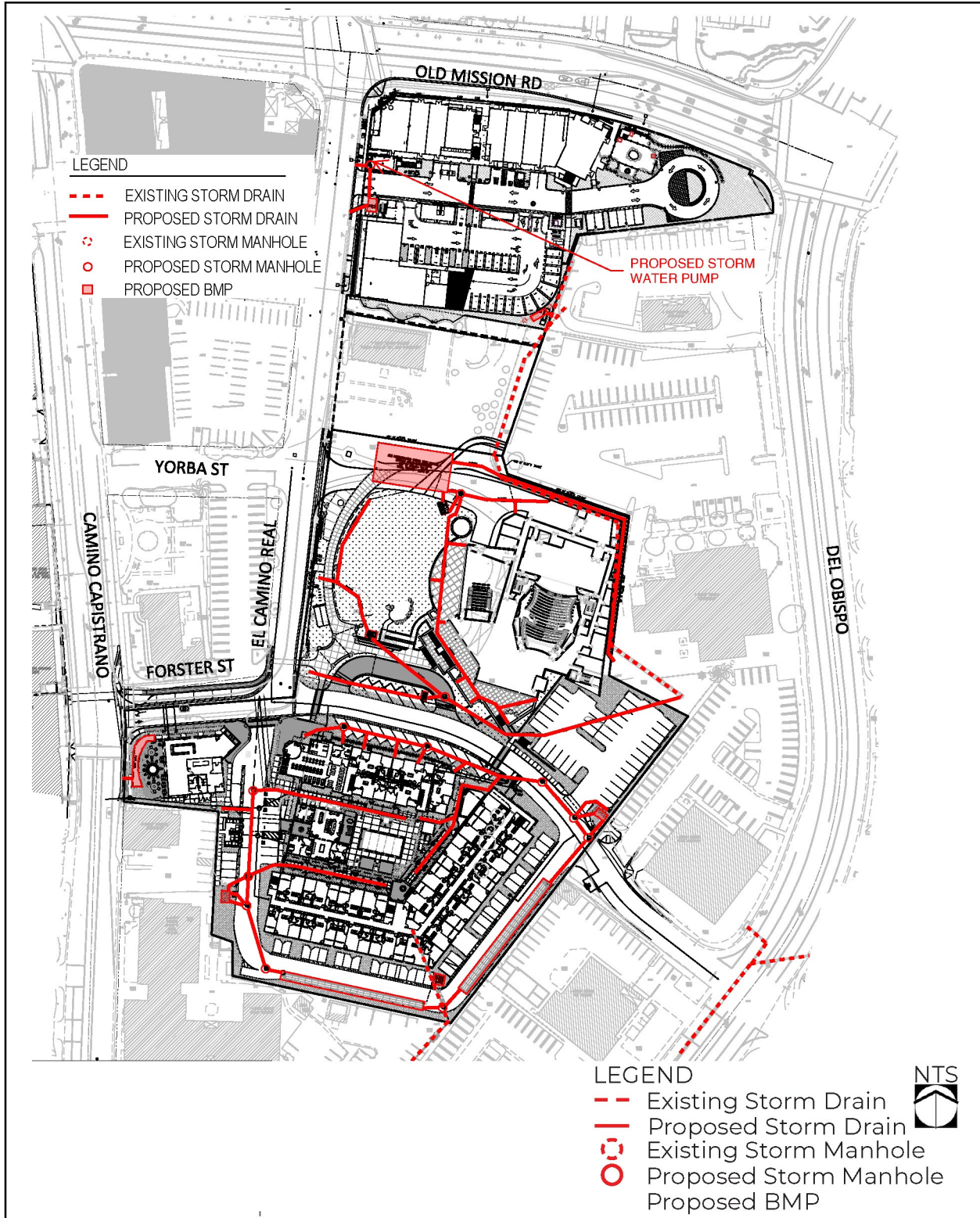
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Wastewater Management Plan

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



Source(s): El Camino Specific Plan (December 2024)

Figure 3-10



Not to Scale



Stormwater Management Plan

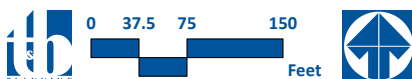
Lead Agency: City of San Juan Capistrano

SCH No. 2023100025

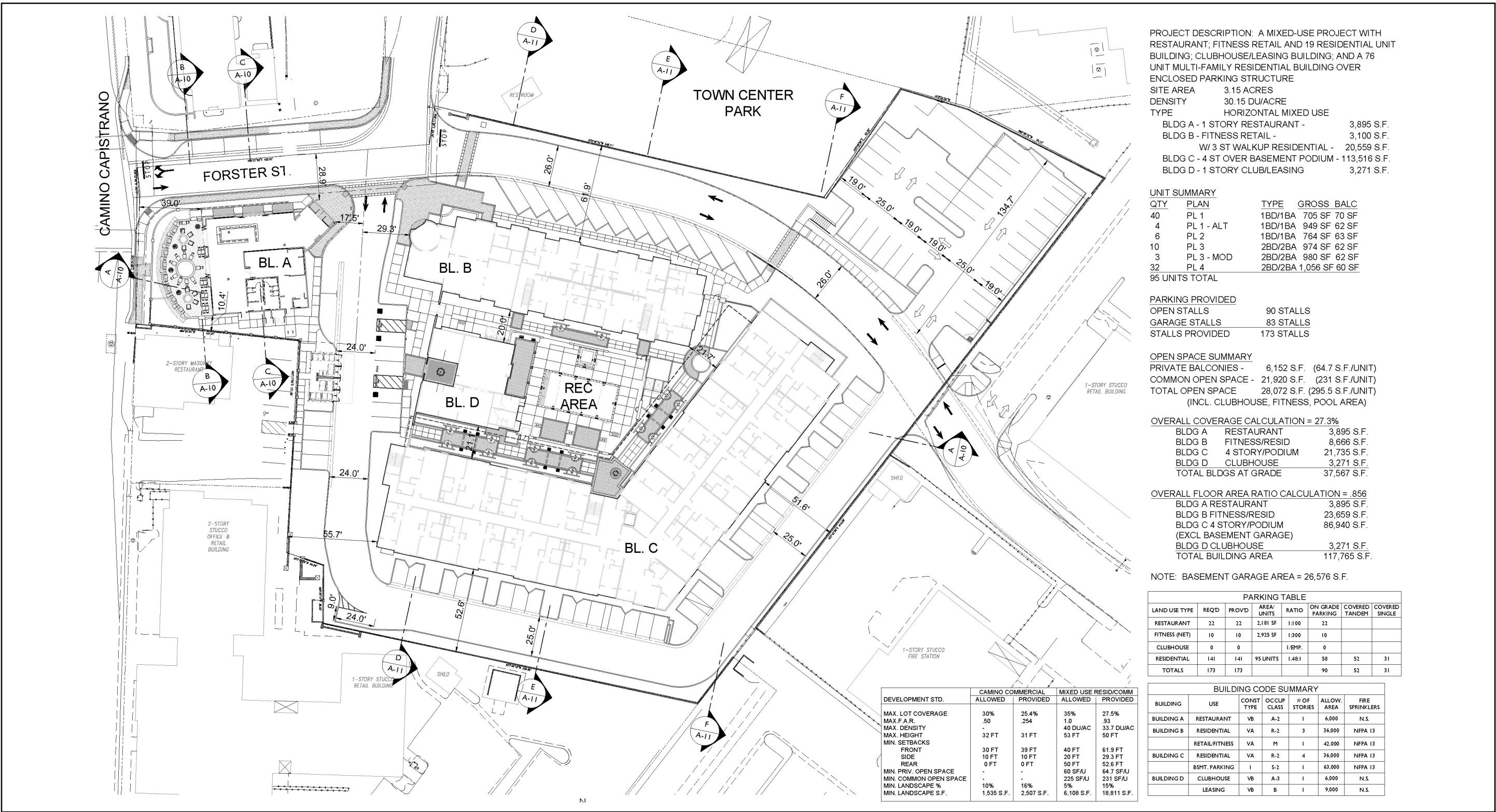


Source(s): C3 Civil Engineering (10-18-2023), Esri, Nemap Imagery (June 2023)

Figure 3-11



Development Impact Area



Source[s]: SummA Architecture (December 2024)

Figure 3-12



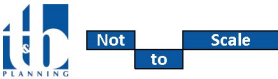


MATERIAL SCHEDULE

1. ROOF - CONCRETE S TILE ROOFING
2. FASCIA - STUCCO OVER SHAPED FOAM CORNICE
3. WALL - 2030 SAND FINISH STUCCO
4. RAILING - VERTICAL METAL
5. VINYL WINDOW W/ STUCCO O/ E.P.S. TRIM
6. DECORATIVE GABLE OR TOWER ACCENT
7. DECORATIVE ACCENT TILE
8. STUCCO CONTROL JOINT
9. DECORATIVE LIGHT FIXTURE
10. DECORATIVE COMPOSITE SHUTTER
11. DECORATIVE METAL POTSHelf
12. DECORATIVE METAL AWNING
13. DECORATIVE METAL JULIET BALCONY RAILING
14. DECORATIVE STUCCO RECESS
15. DECORATIVE STUCCO O/ SHAPED FOAM CORBEL
16. DECORATIVE ARCHED SOFFIT
17. DECORATIVE FAUX CHIMNEY AND FINIAL
18. UTILITY CLOSET - SEE SITE PLAN FOR LOCATION

Source(s): Summa Architecture (December 2024)

Figure 3-13





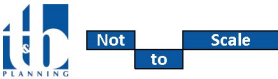
MATERIAL SCHEDULE

- | | |
|---|--|
| 1. ROOF - CONCRETE S TILE ROOFING | 8. VINYL WINDOW W/ STUCCO O/ E.P.S. TRIM WHERE |
| 2. FASCIA - STUCCO OVER SHAPED FOAM CORNICE | 9. DECORATIVE ACCENT TILE |
| 3. FASCIA - STUCCO W/ SHAPED FOAM TAILS | 10. STUCCO CONTROL JOINT |
| 4. FASCIA - STUCCO W/ SHAPED FOAM CORBELS | 11. DECORATIVE ARCHED SOFFIT |
| 5. WALL - 2030 SAND FINISH STUCCO | 12. DECORATIVE LIGHT FIXTURE |
| 6. WALL - 2" STUCCO REVEALS | 13. DECORATIVE METAL JULIET BALCONY RAILING |
| 7. RAILING - VERTICAL METAL | |



Source(s): Summa Architecture (December 2024)

Figure 3-14



Residential Buildings Elevations (2 of 4)



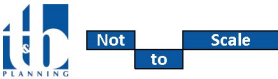
MATERIAL SCHEDULE

- | | |
|---|--|
| 1. ROOF - CONCRETE S TILE ROOFING | 8. VINYL WINDOW W/ STUCCO O/ E.P.S. TRIM WHERE |
| 2. FASCIA - STUCCO OVER SHAPED FOAM CORNICE | 9. DECORATIVE ACCENT TILE |
| 3. FASCIA - STUCCO W/ SHAPED FOAM TAILS | 10. STUCCO CONTROL JOINT |
| 4. FASCIA - STUCCO W/ SHAPED FOAM CORBELS | 11. DECORATIVE ARCHED SOFFIT |
| 5. WALL - 2030 SAND FINISH STUCCO | 12. DECORATIVE LIGHT FIXTURE |
| 6. WALL - 2" STUCCO REVEALS | 13. DECORATIVE METAL JULIET BALCONY RAILING |
| 7. RAILING - VERTICAL METAL | |



Source(s): Summa Architecture (December 2024)

Figure 3-15



Residential Buildings Elevations (3 of 4)



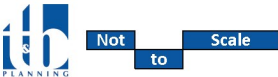
MATERIAL SCHEDULE

- | | |
|---|--|
| 1. ROOF - CONCRETE S TILE ROOFING | 8. VINYL WINDOW W/ STUCCO O/ E.P.S. TRIM WHERE |
| 2. FASCIA - STUCCO OVER SHAPED FOAM CORNICE | 9. DECORATIVE ACCENT TILE |
| 3. FASCIA - STUCCO W/ SHAPED FOAM TAILS | 10. STUCCO CONTROL JOINT |
| 4. FASCIA - STUCCO W/ SHAPED FOAM CORBELS | 11. DECORATIVE ARCHED SOFFIT |
| 5. WALL - 2030 SAND FINISH STUCCO | 12. DECORATIVE LIGHT FIXTURE |
| 6. WALL - 2" STUCCO REVEALS | 13. DECORATIVE METAL JULIET BALCONY RAILING |
| 7. RAILING - VERTICAL METAL | |



Source(s): SummA Architecture (December 2024)

Figure 3-16

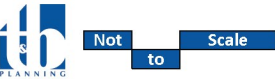


Residential Buildings Elevations (4 of 4)



Source(s): SummA Architecture (December 2024)

Figure 3-17

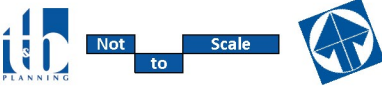


Forster Restaurant Elevations



Source(s): Summa Architecture (December 2024)

Figure 3-18

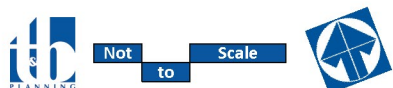


Overall Conceptual Landscape Plan - Forster & El Camino

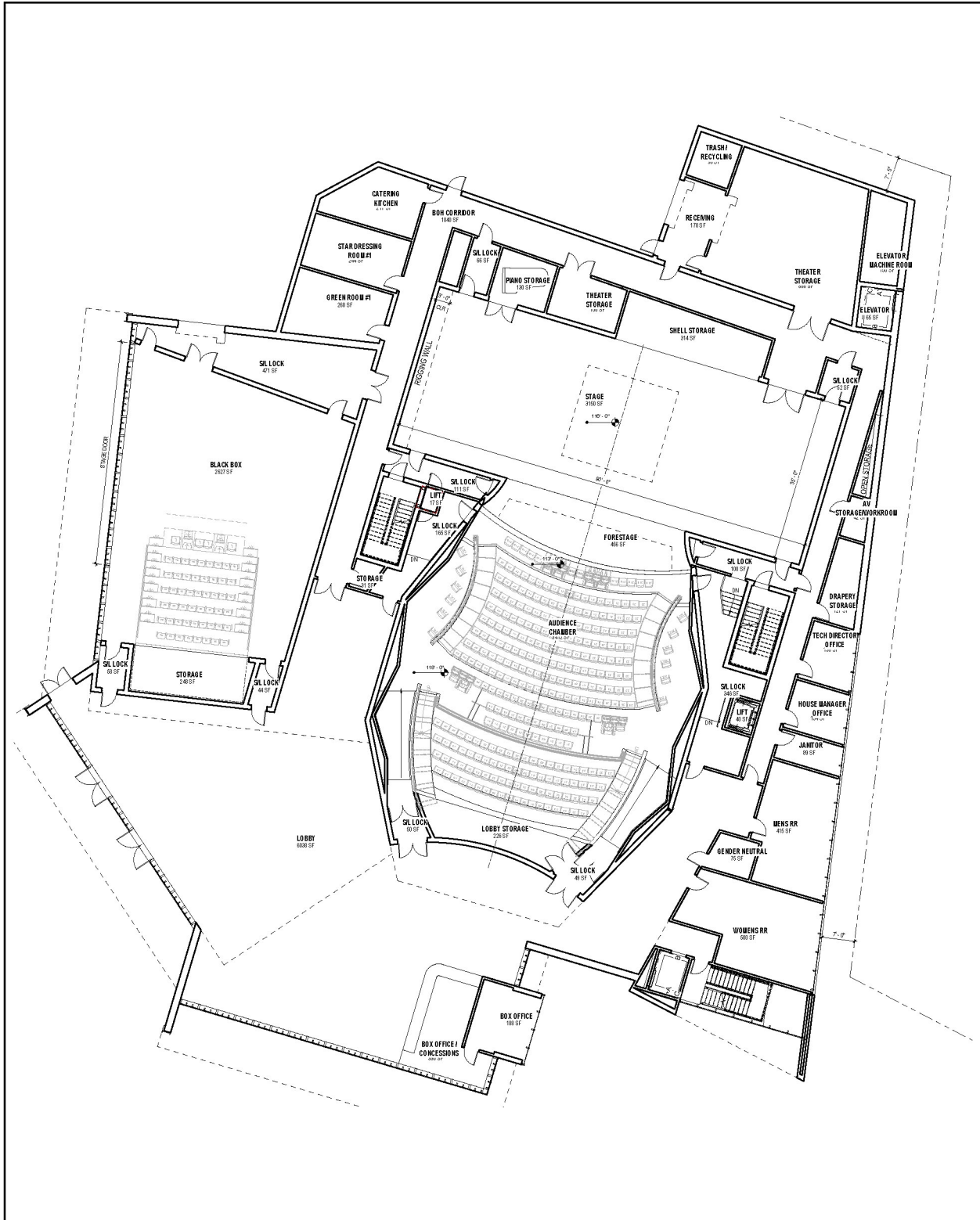


Source(s): Bickel Group Architecture (December 2024)

Figure 3-19



Overall Wall and Fence Plan - Forster & El Camino



Source(s): Bickel Group Architecture (01-30-2025)

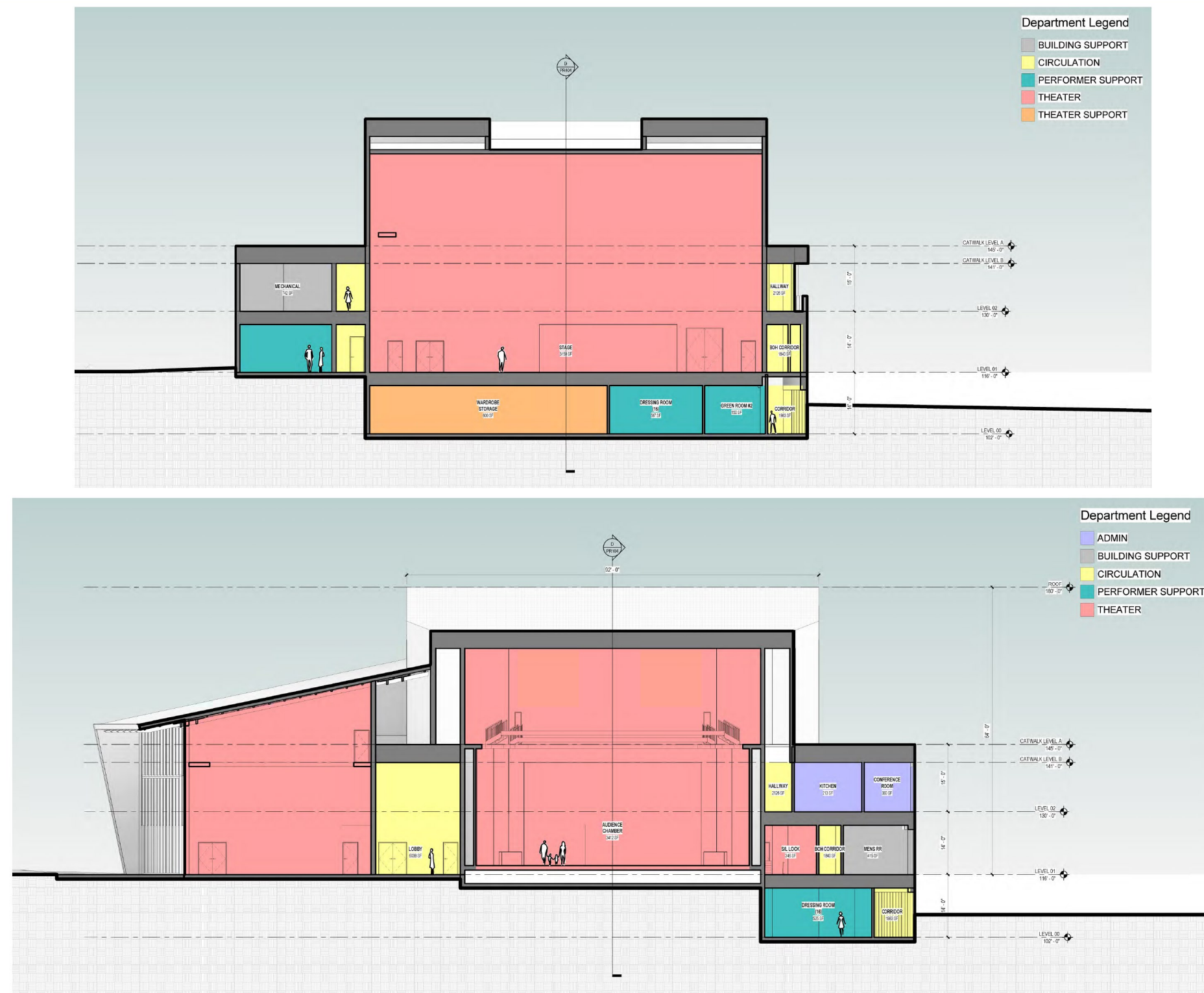
Figure 3-20



Not
to Scale

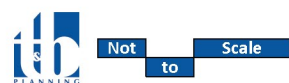


Performing Arts Center Floor Plan

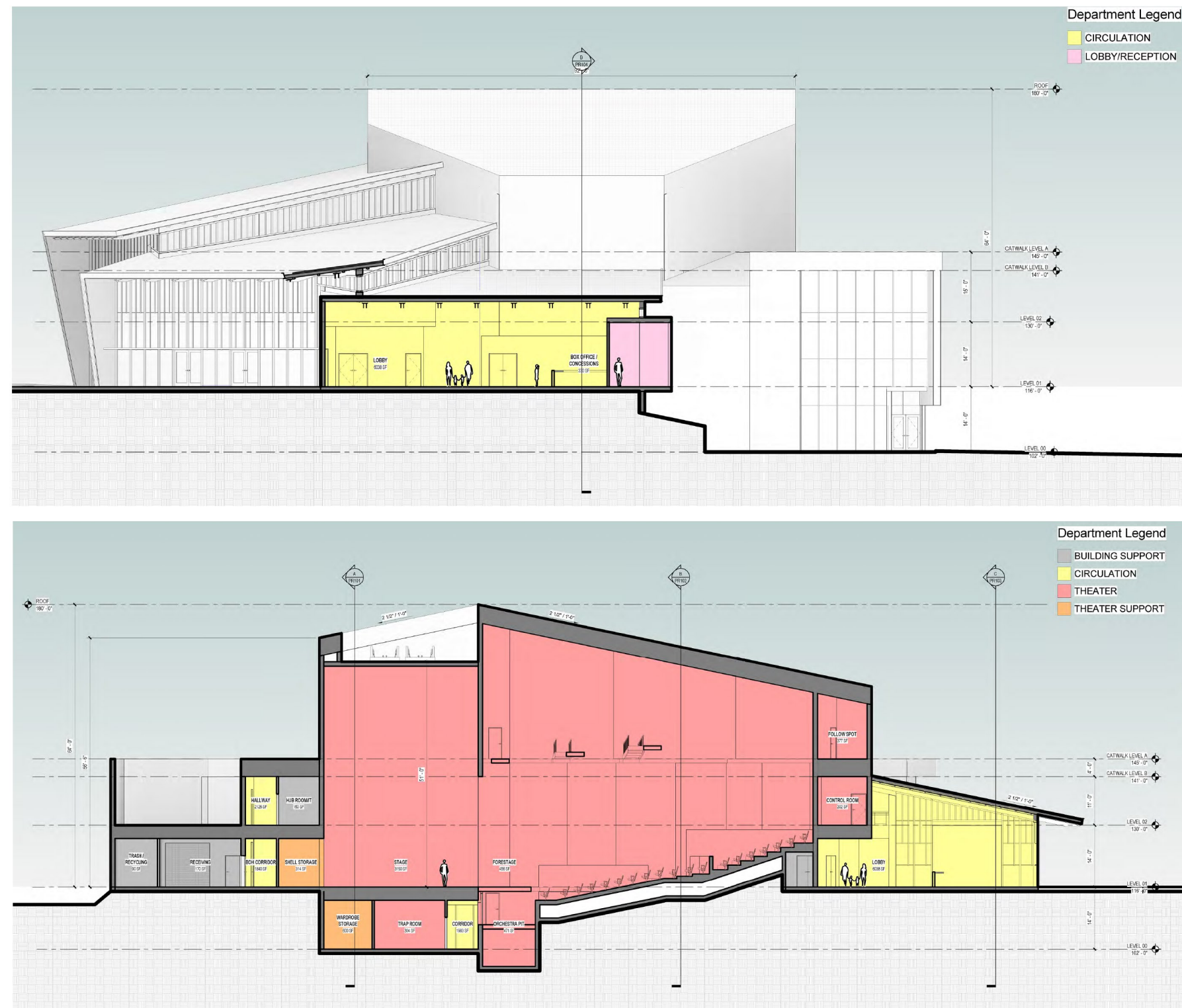


Source[s]: Bickel Group Architecture (01-30-2025)

Figure 3-21

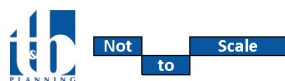


Performing Arts Center Elevations (North and South)



Source(s): Bickel Group Architecture (01-30-2025)

Figure 3-22



Performing Arts Center Elevations (East and West)



Landscape Key

- 1 FIRE ACCESS ROAD
 - DECORATIVE CONCRETE PAVING
 - RETRACTABLE BOLLARDS
- 2 PROJECT SIGNAGE
- 3 EL CAMINO PLAZA
 - BENCH SEATING
 - ENHANCED PAVING
 - SHADE TREES
- 4 EL CAMINO PROMENADE
 - ENHANCED PAVING
 - LIGHTING
- 5 BIKE RACKS
- 6 RESTROOM BUILDING
- 7 CORNER PLAZA
 - SPECIMAN TREE
 - RUSTIC PAVING
 - STONE WALL SEATING
- 8 VALET DROP-OFF
 - ENHANCED PAVING
 - ILLUMINATED BOLLARDS
 - OLIVE TREES AND LAVENDER
- 9 OUTDOOR MEZZANINE
 - ENHANCED PAVING
 - EVENT SPACES
 - SHADE TREES
- 10 ENTRY STEPS
 - ILLUMINATED HANDRAILS
 - SHADE TREES
- 11 CENTRAL LAWN
- 12 OUTDOOR STAGE
- 13 EXISTING OFF SITE ACCESS
- 14 EXISTING CHRISTMAS TREE
 - PROTECTED IN PLACE
- 15 GARDEN
 - DG PAVING
 - RUSTIC BOULDERS
 - MOVEABLE SEATING

Tree Palette

SYMBOL	NAME	SIZE	QTY.
	DRACENA DRACO <ul style="list-style-type: none">• DRAGON TREE	48" - 60" BOX	4
	OLEA EUROPAEA <ul style="list-style-type: none">• MISSION OLIVE	12-16' HIGH	11
	QUERCUS AGRIFOLIA <ul style="list-style-type: none">• COAST LIVE OAK	72"-108" BOX	3
	PLATANUS RACEMOSA <ul style="list-style-type: none">• CA SYCAMORE	60-96" BOX	3
	TRISTANIA CONFERTA <ul style="list-style-type: none">• BRISBANE BOX	36"-48" BOX	2
GRAND TOTAL 30			

Source[s]: Bickel Group Architecture (01-30-2025)

Figure 3-23



Overall Conceptual Landscape Plan - Performing Arts Center

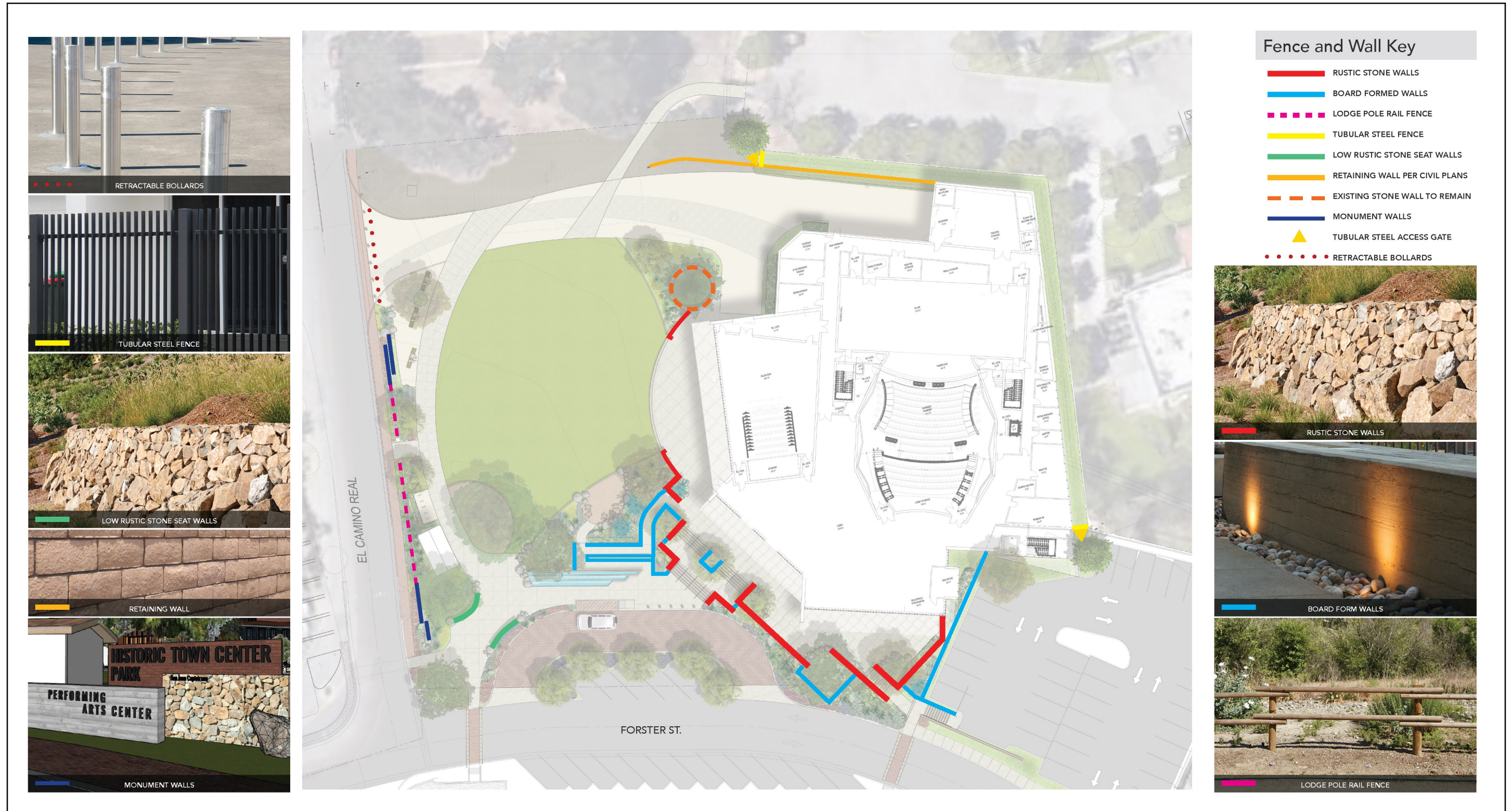


Figure 3-24



4.0 ENVIRONMENTAL ANALYSIS

4.0.1 SUMMARY OF EIR SCOPE

In accordance with CEQA Guidelines §§15126–15126.4, this EIR Section 4.0, *Environmental Analysis*, provides analyses of potential direct, indirect, and cumulatively considerable impacts that could occur from planning, constructing, and operating the proposed Project.

In compliance with the procedural requirements of CEQA, the City prepared a Notice of Preparation (NOP; *Technical Appendix A*) to determine the scope of environmental analysis for this EIR. Public comment on the scope of this EIR consisted of written comments received by the City in response to the NOP; the City received no comments from members of the public at the EIR scoping meeting held on October 12, 2023. Taking all known information and public comments into consideration, seventeen (17) primary environmental subject areas are evaluated in this Section 4.0, as listed below. Each subsection of Section 4.0 evaluates several specific subject matters related to the general topic of the subsection. The title of each subsection is not limiting; therefore, refer to each subsection for a full account of the subject matters addressed therein. Environmental issues and their corresponding sections are:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Air Quality	4.11	Noise
4.3	Biological Resources	4.12	Population and Housing
4.4	Cultural Resources	4.13	Public Services
4.5	Energy	4.14	Recreation
4.6	Geology and Soils	4.15	Transportation
4.7	Greenhouse Gas Emissions	4.16	Tribal Cultural Resources
4.8	Hazards & Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality		

Subsections 4.1 through 4.17 provide analysis of impacts for those environmental topics where it was determined that the Project could result in “potentially significant impacts.” Each topical section includes the following information:

- A description of the existing setting including a discussion of the regulatory framework, if applicable.
- Identification of thresholds of significance.
- Analysis of potential Project effects.
- Identification of additional Project-specific mitigation measures, if required, to reduce the identified Project impacts.



- Identification of the level of significance of impacts after mitigation, including unavoidable significant adverse impacts.
- Evaluation of potential cumulative impacts.

4.0.2 ORGANIZATION OF ENVIRONMENTAL ANALYSIS

To assist the reader with comparing information between environmental issues, each section is organized under nine major headings:

- Existing Conditions
- NOP/Scoping Comments
- Regulatory Framework
- Methodology
- Basis for Determining Significance
- Impact Analysis
- Cumulative Impact Analysis
- Significance of Impacts Before Mitigation
- Mitigation Measures
- Significance After Mitigation

In addition, Section S.0, *Executive Summary*, summarizes all impacts by environmental issue.

4.0.3 TERMINOLOGY USED IN THIS EIR

The level of significance is identified for each impact in this EIR. Although the criteria for determining significance are different for each topic area, the environmental analysis applies a uniform classification of the impacts based on definitions consistent with CEQA and the CEQA Guidelines:

- **No impact.** The project would not change the environment.
- **Less than significant.** The project would not cause any substantial, adverse change in the environment.
- **Significant impact.** A substantial or potentially substantial adverse change in the physical environment would occur and would exceed the threshold(s) of significance presented in this EIR, requiring the consideration of mitigation measures.

Each Subsection also includes a discussion or listing of the applicable regulatory criteria (laws, policies, regulations, etc.) that the Project is required to comply with (if any). If impacts are identified as significant after mandatory compliance with regulatory criteria, feasible mitigation measures are presented that would either avoid the impact or reduce the magnitude of the impact. The following



terms are used to describe the level of significance following the application of recommended mitigation measures:

- **Less than significant with mitigation incorporated.** A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this EIR; however, the impact can be avoided or reduced to a less-than-significant level through the application of feasible mitigation measure(s).
- **Significant and unavoidable.** A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this EIR. Feasible and enforceable mitigation measure(s) that have a proportional nexus to the Project's impact are either not available or would not be fully effective in avoiding or reducing the impact to below a level of significance.

4.0.4 SCOPE OF CUMULATIVE EFFECTS ANALYSIS

Section 15130 of the CEQA Guidelines states that cumulative impacts shall be discussed where they are significant. It further states that this discussion shall reflect the level and severity of the impact and the likelihood of occurrence, but not in as great a level of detail as that necessary for the project alone. Section 15355 of the Guidelines defines cumulative impacts as "...two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Cumulative impacts represent the change caused by the incremental impact of a project when added to other proposed or committed projects in the vicinity.

The CEQA Guidelines Section 15130(b)(1) states that the information utilized in an analysis of cumulative impacts should come from one of two sources:

- A. A list of past, present and probable future projects producing related cumulative impacts, including, if necessary, those projects outside the control of the agency.*
- B. A summary of projections contained in an adopted General Plan or related planning document designed to evaluate regional or area-wide conditions.*

The cumulative impact analysis in this EIR uses both Method A and Method B. Method B uses the City of San Juan Capistrano's comprehensive General Plan, which was adopted by the City Council in December of 1999 and a major General Plan Amendment updating several elements was adopted on May 7, 2002. In 2022, The City adopted updates to its Housing and Safety Elements and new Environmental Justice Element (GPA 21-003). The cumulative impact analyses uses the projections (Method B) in the long-range planning documents—such as the City's General Plan, Southern California Association of Governments in its Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS, known as Connect SoCal) and South Coast Air Quality Management District's 2022 Air Quality Management Plan (AQMP). This information was supplemented with a list of related projects (Method A), described in detail below.



The potential buildout under the General Plan's implementation is indicated in Table 4.0-1, *Development Capacity*. While total buildout of the General Plan would result in 12,522 residential units by 2020, the 2019 Southern California Association of Governments (SCAG) local profile for the City of San Juan Capistrano indicated that there were 12,380 residential units within the City as of 2018.

Table 4.0-1 Development Capacity

Land Use	Area (acres)	Dwelling Units	Square Feet
Open Space & Recreation	3,404	-	289,886
Residential	3,592	12,522	-
Non-residential	889	-	10,147,302
Special	38	-	-
Roadways	787	-	-
Freeway	265	-	-
Total	8,975	12,522	10,437,188

Cumulative impact analyses for several topical sections are also based on the most appropriate geographic boundary for the respective impact. For example, cumulative air quality impacts are based on the South Coast Air Basin (SCAB), which includes other jurisdictions besides the City of San Juan Capistrano. The approach is further discussed below and in each respective topical section. Several potential cumulative impacts that encompass regional boundaries (e.g., air quality, greenhouse gases, traffic) have been addressed in the context of various regional plans and defined significance thresholds. Following is a summary of the approach and extent of cumulative impacts, which is further detailed in each topical environmental section.

- **Aesthetics.** Aesthetic impacts are based on the regional scenic resources specified in the City's General Plan.
- **Air Quality.** Air quality impacts are based on the regional boundaries of the SCAB.
- **Biological Resources.** The cumulative impact analysis for biological resources considers development of the proposed Project in conjunction with other development projects in the vicinity of the Project site. The cumulative impact evaluation also takes into consideration the geographic area covered by the County of Orange (Central/Coastal) Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), which is the prevailing habitat conservation plan applicable to the area.
- **Cultural Resources.** Cultural resources impacts are site specific and generally do not combine to result in cumulative impacts. The cumulative analysis of cultural and historical resources includes the Specific Plan Area and immediately surrounding area.



- **Energy.** Energy impacts are based on the service areas of San Diego Gas & Electric and SoCalGas.
- **Geological Resources.** Geologic and soils impacts are site specific and generally do not combine to result in cumulative impacts. However, the cumulative analysis considers the Specific Plan Area and nearby related projects (see Table 4.0-2).
- **Greenhouse Gas (GHG) Emissions.** Potential GHG impacts are not bounded by geography but affect global climate change. The assessment of cumulative GHG impacts, therefore, is based on consistency with South Coast AQMD's GHG emissions threshold to achieve targeted reductions within the SCAB.
- **Hazards and Hazardous Materials.** Cumulative analysis highlights the regulatory requirements related to the storage, handling, and use of hazardous substances. Project impacts are site specific, and generally would not combine with impacts of other projects to result in cumulatively considerable impacts. However, the cumulative analysis considers the Project site and nearby related projects (see Table 4.0-2).
- **Hydrology and Water Quality.** The cumulative impact analysis for hydrology and water quality analysis considers potential hydrology and water quality effects of the Project in conjunction with other development projects in the vicinity of the Project site as well as other projects located in the San Juan Creek Watershed and within the jurisdiction of the San Juan Basin Authority.
- **Land Use and Planning.** Cumulative analysis for land use consistency considers the Project's impacts in conjunction with the City's General Plan.
- **Noise.** Cumulative traffic noise is assessed relative to applicable City General Plan noise-level standards and considers development of the Project in conjunction with other development projects in the vicinity of the Project site. The study area is aligned with the Project's Traffic Impact Analysis (*Technical Appendix K1*).
- **Population and Housing.** The cumulative impact analysis for population and housing considers development of the Project in conjunction with other development projects in the vicinity of the Project area. The cumulative impact evaluation also takes into consideration growth projections identified in SCAG's Connect SoCal and the City's General Plan.
- **Public Services.** Public services impacts are based on the service areas of Orange County Sheriff's Department, Orange County Fire Authority, Capistrano Unified School District, and San Juan Capistrano Library.



- **Recreation.** This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development within the City (see Table 4.0-2).
- **Transportation.** The cumulative analysis considers development of the Project in conjunction with and related projects (see Table 4.0-2). In addition, the cumulative analysis considers consistency with SCAG's Connect SoCal and the City's General Plan.
- **Tribal Cultural Resources.** Considers Native American territory that includes the Specific Plan Area and surrounding area, as provided by the Native American Heritage Commission.
- **Utilities and Service Systems.** This cumulative impact analysis considers development of the Project site in conjunction with other development projects and planned development within the service area for the respective utility providers or the service area for specific facilities. For example, the cumulative area considered for water, recycled water, and wastewater is the Santa Margarita Water District and same, for electricity the San Diego Gas and Electric (SDG&E) service area, and for natural gas the SoCalGas service area.

4.0.5 RELATED PROJECTS

The list of related projects was prepared based on the Project's Traffic Impact Analysis (*Technical Appendix K1*) and uses data from the City. Based on information provided by the City, a total of 14 cumulative projects were identified in the study area for the traffic study, shown on Table 4.0-2, *Cumulative Development Land Use Summary*, and Figure 4.0-1, *Cumulative Development Location Map*.

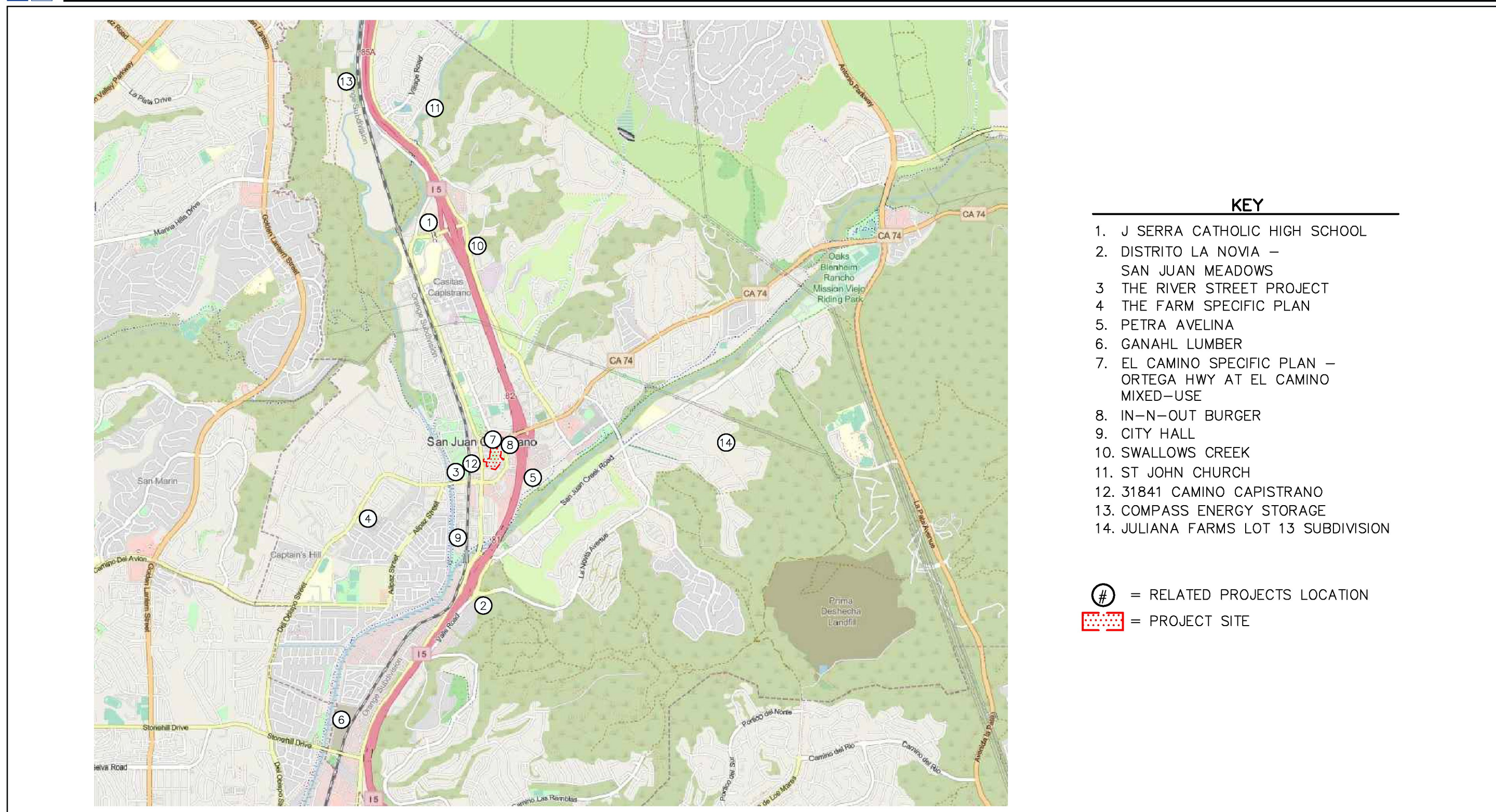
Table 4.0-2 Cumulative Development Land Use Summary

ID	Project	Description	Land Use	Status
1	J. Serra Catholic High School	North and south of J. Serra Road; west of I-5.	2,000 student public high school	Partially occupied
2	Distrito La Novia-San Juan Meadows	North and south sides of La Novia Avenue east of Valle Road	75,100 SF retail; 16,000 SF general office building; 85 Condominium DU; 45 Apartment DU; 94 Single Family DU; 500 horse equestrian center	Construction to commence
3	The River Street Project	North of Del Obispo Street on Paseo Adelanto through to Los Rios	59,067 SF Commercial	Under Construction
4	The Farm Specific Plan	32382 Del Obispo Street	169 Single Family DU	Under Construction
5	Petra Avelina	Terminus of Calle Arroyo	89 Townhomes DU; 43 Single Family DU	Under Construction



ID	Project	Description	Land Use	Status
6	Ganahl Lumber	North of Stonehill Drive, between San Juan Creek and the Railroad	6,000 SF Restaurant, 161,385 SF Lumber Store, and 400 Space Vehicle Storage	Under Construction
7	El Camino Specific Plan – Ortega Hwy at El Camino Mixed Use	26874 Old Mission Road / 31776 El Camino Real	27,457 SF of mixed use, with 7,391 SF of retail, 7,586 SF of restaurant space, 5,436 SF of medical office use and 7,044 SF of office space, and 216 parking spaces.	Entitled
8	In-N-Out Burger	31791 Del Obispo Street	3,879 SF Fast Food Restaurant With Drive Through	Under Construction
9	City Hall	32400 Paseo Adelanto	50 Multifamily DU, 16,021 SF Municipal Office	Under Construction
10	Swallows Creek	30700 Rancho Viejo Road	136,308 SF Industrial	Under Construction
11	St. John Church	29742 Rosenbaum Road	21,358 SF Church	Under review
12	Camino Capistrano Mixed- Use	31841, 31843, 31861, and 31871 Camino Capistrano	81 Room Hotel	Under review
13	Compass Energy Storage	29343 Camino Capistrano	Battery Energy Storage System on 15 acres with a unmanned substation with facilities operated remotely, year round, 24 hours a day	Under review
14	Juliana Farms Lot 13 Subdivision	31495 Juliana Farms Road	6 Single Family DU	Under review

DU= Dwelling Units; SF= Square Foot



Source(s): Linscott, Law & Greenspan, Engineers (10-25-2023)

Figure 4.0-1



Cumulative Development Location Map



4.1 AESTHETICS

The following analysis is based on information obtained from site photos taken by Glen Lukos Associates, Inc. (hereafter, “GLA”) (GLA, 2024); Google Earth Pro (Google Earth, 2023); City of San Juan Capistrano General Plan (City of San Juan Capistrano, 2002); City of San Juan Capistrano Municipal Code; and the El Camino Specific Plan. All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.1.1 EXISTING CONDITIONS

A. Existing Character

1. *Project Site*

The approximate 5.61-acre Project site (“Project site”) is located in the downtown area of the City of San Juan Capistrano (“City”). From a regional perspective, the Project site is located in the central portion of the City. The City is located in the southern portion of Orange County and is bound by the City of Mission Viejo to the north, unincorporated Orange County to the east, the City of San Clemente to the south, and the Cities of Laguna Niguel and Dana Point to the west. Orange County is bound by Los Angeles County to the north, San Bernardino County and Riverside County to the east, and San Diego County to the south. Regional access to the Project site is provided via the San Diego Freeway (I-5) and Ortega Highway (SR-74). The I-5 Freeway, located east of the Project site, is a major highway that extends throughout Orange County, Los Angeles County and San Diego County. Direct access from the I-5 Freeway is provided via the I-5 Freeway/SR-74 Interchange. At a local scale, the Project site is located south of Old Mission Road, west and north of Del Obispo Street, and east of El Camino Real and Camino Capistrano.

Under existing conditions, the northern area of the Project site includes the Blas Aguilar Adobe Museum and Historic Town Center Park. The southern area of the Project site consists of a disturbed portion of land wherein development was anticipated but abandoned, associated landscaping, and associated parking areas.

2. *Surrounding Land Uses*

Land uses in the immediate vicinity of the Project site are shown on Figure 3-3, *Aerial Photograph*, and described below.

- North: To the north of the Project site is the approved 1.68-acre El Camino Specific Plan Area to the north, currently consisting of the Camino Real Playhouse and surface parking. This area was approved for commercial uses and a four-story parking structure in the adopted El Camino Specific Plan. Ortega Highway and Old Mission Road is located further north with the Inn at Mission San Juan Capistrano and the San Juan Elementary School, and Mission San Juan Capistrano (Spanish mission and historical museum) to the northwest.



- East: To the east of the Project site is surface parking, fast-food restaurants, commercial retail (O'Reilly Auto Parts) and Orange County Fire Station No. 7, and Del Obispo Street with the Interstate 5 (I-5) Freeway further east.
- South: To the south of the Project site are various commercial retail and office buildings including Mercado Village (shops, offices, and restaurants) with Del Obispo Street further south.
- West: El Camino Real, Camino Capistrano, Veterans Park, and The Egan House are located immediately west of the Project site. Additionally, various restaurant and commercial uses associated with the historic area of Downtown San Juan Capistrano are located along Camino Capistrano. The Amtrak/Metrolink Railroad and Trabuco Creek are located further west (within walking distance) with residential and commercial uses along Los Rios Street.

B. Existing Views

As shown in Figure 3-3, *Aerial Photograph*, from Section 3.0, Project Description, of this EIR, the Project site is surrounded by urban development. Additionally, site photographs are shown in Figure 4.1-1, *Views of the Project Site (1 of 2)* and Figure 4.1-2, *Views of the Project Site (2 of 2)*. Photographs 1 through 8 depict the existing conditions of the Project site as viewed from the locations depicted in the site photo key map. Views of the Project site are described in detail below.

- Photograph 1: View looking west from the northern Specific Plan Area boundary. Old Mission Road, parking lot for the Camino Real Playhouse, commercial uses and vegetation can be seen from this location.
- Photograph 2: View looking northeast at the Camino Real Playhouse and ornamental trees from El Camino Real. Street parking, Camino Real Playhouse, ornamental trees, and street lighting can be seen from this location.
- Photograph 3: View looking north from the central portion of the Project site. Open space, Blas Aguilar Adobe Museum, Camino Real Playhouse, and ornamental trees can be seen from this location.
- Photograph 4: View looking south from the central portion of the Project site. Ornamental trees, parking area, commercial uses, and a paved, vacant lot can be seen from this location.
- Photograph 5: View looking southwest from the southwestern portion of the Project site. An abandoned fountain, lighting, ornamental trees, and commercial uses can be seen from this location.



Photograph 1: View looking west from the northern Specific Plan Area boundary.



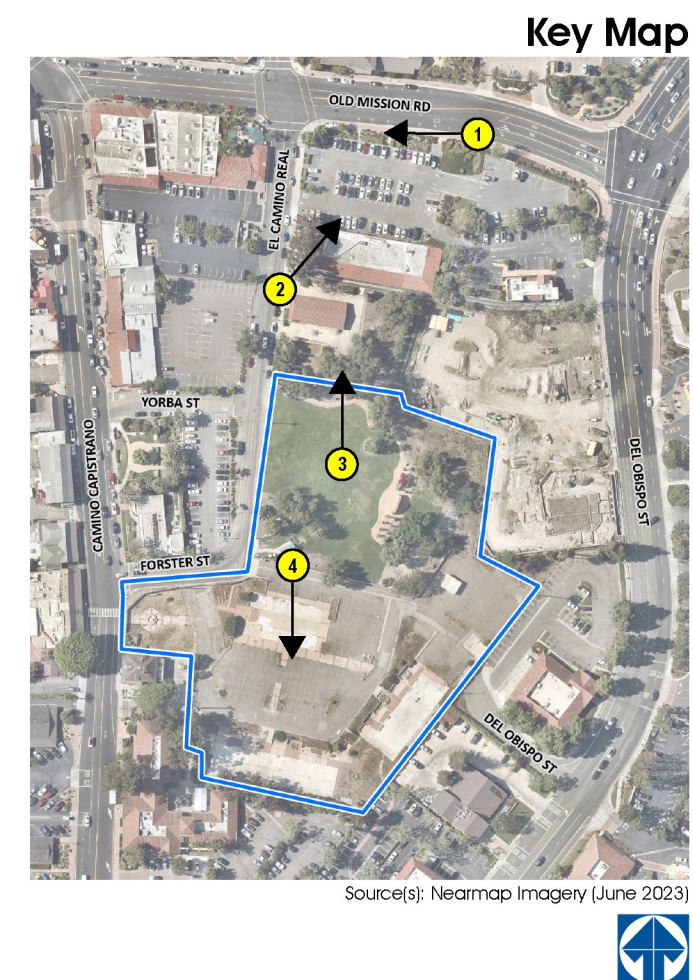
Photograph 2: View looking northeast at the Camino Real Playhouse and ornamental trees from El Camino Real.



Photograph 3: View looking north from the central portion of the Project site.

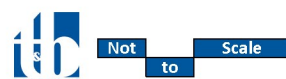


Photograph 4: View looking south from the central portion of the Project site.



Source(s): Glenn Lukos Associates (January 2024)

Figure 4.1-1



Views of the Project Site (1 of 2)



Photograph 5: View looking southwest from the southwestern portion of the Project site.



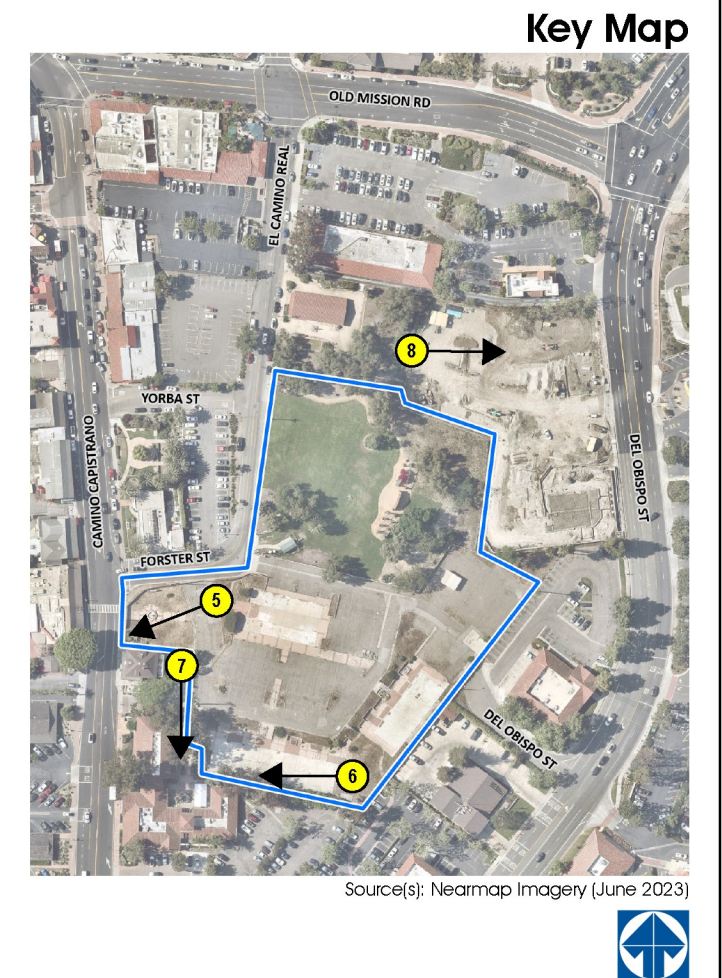
Photograph 6: View looking west from the southernmost portion of the Project site.



Photograph 7: View looking south from the southwestern portion of the Project site.



Photograph 8: View looking east from the northern portion of the Specific Plan Area.



Source(s): Glenn Lukos Associates (January 2024)

Figure 4.1-2



- Photograph 6: View looking west from the southernmost portion of the Project site. Trees to the left of the photo are located immediately offsite. Ornamental trees, commercial uses, and a paved, vacant lot can be seen from this location.
- Photograph 7: View looking south from the southwestern portion of the Project site. Ornamental trees, vegetation, parking, and a paved, vacant lot can be seen from this location.
- Photograph 8: View looking east from the northern portion of the Specific Plan Area. Ornamental trees, vegetation, open space, and parking area can be seen from this location.

C. Existing Physical Features

The Forster and El Camino Mixed Use Project site was previously occupied by 3 commercial buildings with associated parking and landscaping. The upper structures of the former buildings have been demolished. Most of the concrete slabs, footings, pavements and all hardscapes have remained on-site. Weeds and miscellaneous debris are also present around the site. An abandoned water fountain is located in the northwestern-most portion of the site. Modular “Mobile Mini” storage units that were utilized during demolition are located in the northeastern most portion of the site. The southern and southeastern portions of the site are graded lower than the rest of the site, and are connected to the upper portions of the site by stairs, retaining walls, slopes and driveways. The elevations of the site range from 100 feet above mean sea level (amsl) in the southeast portion of the site to 115 feet amsl in the northwest portion of the site.

The Performing Arts Center site is currently a community park with grass, trees and limited amenities such as restrooms and walking trails, picnic tables, and small stage area. The site is relatively flat with no significant changes in grade. The average elevation of the site is approximately 112 feet amsl.

D. Viewsheds and Scenic Vistas

Scenic vistas are panoramic views of features such as mountains, forests, the ocean, or urban skylines. The Project site offers limited views of surrounding hills and ridgelines, these vistas are partially obscured and fragmented by elements of the built and natural environments, including trees, buildings, utility poles, and overhead power lines. The most continuous scenic vista visible from the Project site is of ridgelines in southern San Juan Capistrano east of I-5. These ridgelines are identified on Figure COS-2 of the San Juan Capistrano General Plan (City of San Juan Capistrano, 2002). However, even this vista is obscured by nearby buildings and trees. The City’s General Plan does not specifically designate scenic vistas or corridors.

E. Scenic Highways

There are no Officially-Designated State scenic highways near the Project site. The nearest Officially Designated State scenic highway is SR-91 from SR-55 to the eastern boundary of the City of Anaheim located approximately 25.69 miles northwest of the Project site. The nearest eligible scenic highway



is the I-5 Freeway (south of San Juan Capistrano to SR-19 in Long Beach) located approximately 0.15 mile east of the Project site (Caltrans, 2023).

F. Light and Glare

Under existing conditions, the Project site includes the Historic Town Center Park and previously developed but vacant land. The site does not feature any source of artificial light, with the exception of the security and building lighting associated with the Historic Town Center Park along the perimeter of the site and around the stage area. Artificial lighting within the vicinity of the Project includes:

- Headlights from vehicles traveling along the surrounding roadways of El Camino Real, Forster Street, and Camino Capistrano; and
- Lighting (security lighting and building lights) associated with the commercial uses to the east, west, and south and the Camino Real Playhouse to the north.

Existing glare in the Project's vicinity is primarily from the vehicles traveling along El Camino Real, Forster Street, Camino Capistrano, and Del Obispo Street and the adjacent commercial uses.

4.1.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to aesthetics. Additionally, no comments related to aesthetics were received during the public scoping period.

4.1.3 REGULATORY FRAMEWORK

A. General Plan

The City of San Juan Capistrano General Plan identifies policies that relate to aesthetic resources within the City. The specific policies outlined in the City's General Plan that are related to aesthetics and that apply to the proposed Project are listed in a General Plan Consistency Analysis table in EIR Subsection 4.10, *Land Use and Planning*, and below.

- Land Use Goal 2: Control and direct future growth within the City to preserve the rural village-like character of the community.
 - Policy 2.2: Assure that new development is consistent and compatible with the existing character of the City.
- Conservation & Open Space Goal 5: Shape and guide development in order to achieve efficient growth and maintain community scale and identity.



- Policy 5.1: Encourage high-quality design in new development and redevelopment to maintain the low-density character of the City.
 - Policy 5.2: Ensure that new development integrates and preserves areas designated for scenic, historic, conservation, or public safety reasons.
 - Policy 5.3: Ensure that no buildings will encroach upon any ridgeline designated for preservation.
- Community Design Goal 1: Encourage and preserve a sense of place.
 - Policy 1.2: Encourage high-quality and human scale design in development to maintain the character of the City.
- Community Design Goal 2: Preserve the historic character of the community.
 - Policy 2.1: Encourage development which complements the City's traditional, historic character through site design, architecture, and landscaping.
- Goal 3: Preserve and enhance natural features.
 - Policy 3.4: Preserve important viewsheds.

B. Municipal Code

Title 9, Land Use, of the City of San Juan Capistrano Municipal Code identifies land use categories, development standards, and other provisions that ensure consistency between the general plan and proposed development and redevelopment projects. Adherence to the following sections of the municipal code improves and maintains the visual quality of the community.

- **Section 9-3.517, Fences, Walls and Hedges.** This section of the code establishes standards and regulations for the construction and maintenance of fences and walls, and the planting and maintenance of hedges used for screening or buffering purposes. The standards are intended to ensure that all fences, walls, and hedges provide safety but do not detract from the visual appearance of the community.
- **Section 9-3.529, Lighting Standards.** The intent of this section is to “balance the goals of the General Plan to maintain a small-village, rural atmosphere, with the need to provide for the safe movement of vehicles and people in all districts.” The section establishes standards for the design, orientation, spacing, shielding, and illumination level of outdoor lighting fixtures. Specific standards are provided for parking lot lighting, outdoor recreation facilities, and residential areas.



- **Section 9-3.543, Signs.** This section aims to maintain and enhance the City's appearance by regulating the design, character, location, number, type, materials, size, illumination, and maintenance of signs. Special attention is dedicated to pedestrian-scaled design and temporary signage.
- **Section 9-3.549, Storage and Display.** This section requires that areas used as outdoor storage are enclosed by masonry walls and establishes provisions related to outside display of merchandise and products. The section emphasizes the role of the development review process and identifies the Planning Commission's ability to grant exceptions where provisions of the code are not appropriate.
- **Section 9-2.401, Nuisances.** Subsection (b)(3), Illumination, states that No operation, activity, sign, or lighting fixture shall create illumination on adjacent property that exceeds one foot-candle, whether the illumination is direct or indirect light from the source.

4.1.4 METHODOLOGY

The Project site and surrounding areas were reviewed to determine the site's existing conditions and aesthetic features. On October 25, 2023, GLA visited the Project site and took photographs to document the site's current conditions. Additionally, the City's General Plan and Municipal Code were evaluated to determine the potential impacts of the proposed Project regarding light, glare, and aesthetics.

4.1.5 BASIS FOR DETERMINING SIGNIFICANCE

According to Section I of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to aesthetics if the Project or any Project-related component would:

- a) Have a substantial adverse effect on a scenic vista;*
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;*
- 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;*
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.*



4.1.6 IMPACT ANALYSIS

Threshold a: Would the Project have a substantial adverse effect on a scenic vista?

Development projects have the potential to impact scenic vistas in two ways: 1) a development could physically alter a designated scenic resource (e.g., disturb or develop upon a ridgeline, hillside, peak or shoreline) and 2) a development could block or substantially obscure the public views of a scenic vista (e.g., designated scenic views from public roads, trails, parks, landmarks, etc.). Views from private properties are not a legal right or protected government interest; therefore, views from private properties are not considered viewing points for the purpose of this analysis.

The City's General Plan does not specifically designate scenic vistas or corridors. The major north-south roadways in the City provide view corridors and include views of the hills to the north, west, and south; which are designated "major ridgelines" in the City's General Plan, Figure COS-2 (City of San Juan Capistrano, 2002). Distant views of these hills are afforded from locations throughout the Project site, including from Ortega Highway, Camino Capistrano and Del Obispo. The most continuous scenic vista visible from the Project site is of ridgelines in southern San Juan Capistrano east of I-5. As shown in Figure 4.1-1 and Figure 4.1-2, the Project site currently provides limited views of surrounding hills and ridgelines, which are largely obscured by surrounding buildings, trees, and vegetation.

Development of the Project would result in the redevelopment of the Project site with residential buildings, a restaurant building, and Performing Arts Center. The Forster and El Camino Mixed Use Project includes four buildings: a 1-story restaurant building, a four-story residential building with ground floor fitness center/retail, a 4-story residential building with basement/podium parking, and a 1-story clubhouse/leasing building. The residential buildings would have a maximum building height of 53 feet.¹ The Performing Arts Center would also have a maximum building height of 64 feet.² Figure 4.1-3, *Forster Restaurant Renderings*, Figure 4.1-4, *Residential Building Renderings*, and Figure 4.1-5, *Performing Arts Center Rendering*, provide the architectural renderings of the proposed buildings. As shown, the Project would be attractive and of quality design, and provide visual interest through varied architectural detailing, including but not limited to building massing, heights, building materials, and decorative features.

¹ Per the El Camino Specific Plan Table 2.2, chimneys, finials, tower elements, steeples, roof elements, and other architectural projections/features, may project beyond the maximum height up to 10-feet.

² Per the El Camino Specific Plan Table 2.2, architectural features related to the SP District, may project beyond the maximum height up to 15-feet.



BIRDS EYE VIEW FROM CAMINO CAPISTRANO



RESTAURANT PLAZA



DINING PATIO TRELLIS



DINING PATIO

Source(s): Bickel Group Architecture (01-30-2025)

Figure 4.1-3



CLUBHOUSE ENTRY



FORSTER STREET VIEW



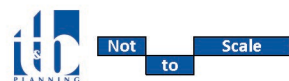
SOUTH WEST BUILDING VIEW



SOUTH EAST BUILDING VIEW

Source(s): Bickel Group Architecture (01-30-2025)

Figure 4.1-4



Residential Building Renderings



Source(s): Bickel Group Architecture (01-30-2025)

Figure 4.1-5



Figure 4.1-6 through Figure 4.1-9 provide the visual simulations before and after the implementation of the Project. Although the Project would result in the redevelopment of the site with the proposed residential/mixed use buildings and a Performing Arts Center, due to the orientation and height of the proposed buildings, the on-site structures would not substantially block the partial views to background ridgelines. The partial views to these natural landforms would still be publicly available from the surrounding rights-of-way following the development of the Project site. As a result, the implementation of the Project does not have the potential to have a substantial adverse effect on scenic vistas and impacts would be less than significant.

Threshold b: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway??

According to the Caltrans List of Eligible and Designated State Scenic Highways, there are no designated State scenic highways within or adjacent to the Project site. The nearest officially designated State scenic highway is SR-91 located approximately 25.69 miles northwest of the Project site (Caltrans, 2023). At this distance, the Project would not be within the corridor of SR-91 and would not have any effect on views of the scenic resources available in SR-91 corridor. The nearest eligible State scenic highway is the I-5 Freeway located approximately 0.15 mile east of the Project site. Additionally, due to distance, intervening development, and topography, the Project would not have any effect on views of the scenic resources available from this highway corridor. Accordingly, the Project does not have the potential to substantially damage any scenic resources, including trees, rock outcroppings, or historic buildings, within a state scenic highway. No impacts would occur.

Threshold 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?

According to the United States Census Bureau (USCB) 2010 Census, which is the most recent Census for which data is available, an urban area is defined as an area that encompasses at least 2,500 people, for which at least 1,500 reside outside institutional group quarters (USCB, 2019). According to these criteria, the Project site and the City of San Juan Capistrano are within an urbanized area and the following analysis focuses on the potential conflict with applicable zoning and other regulations governing scenic quality.

VIEW 1

Before



After



VIEW 2

Before



After

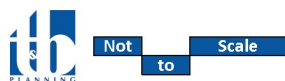


Key Map



Source(s): RRM Design Group (December 2024)

Figure 4.1-6

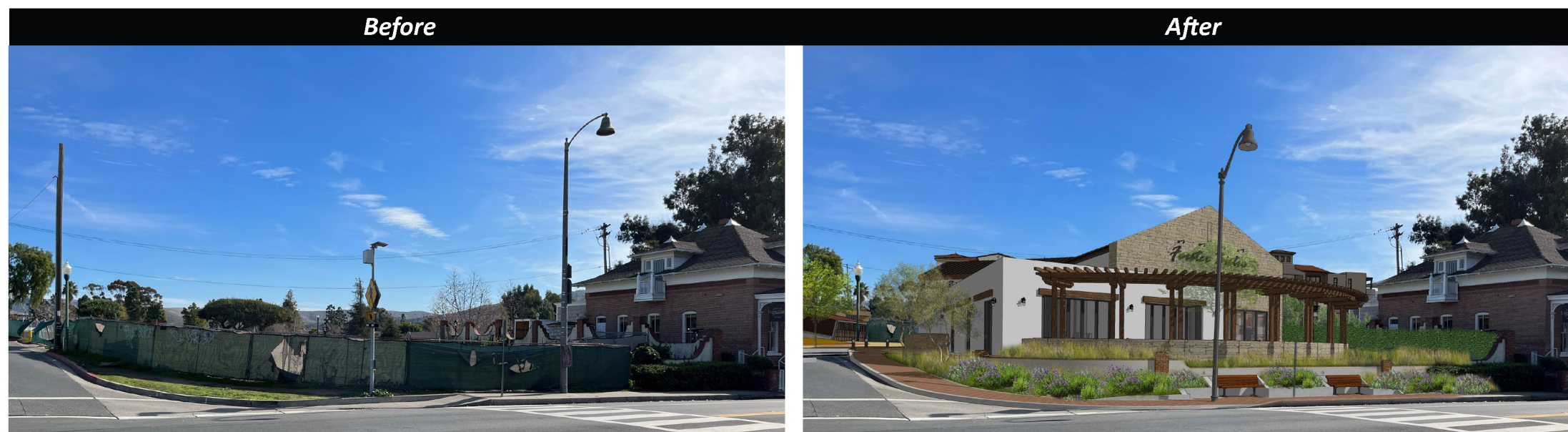


Visual Simulations (1 of 4)

VIEW 3



VIEW 4



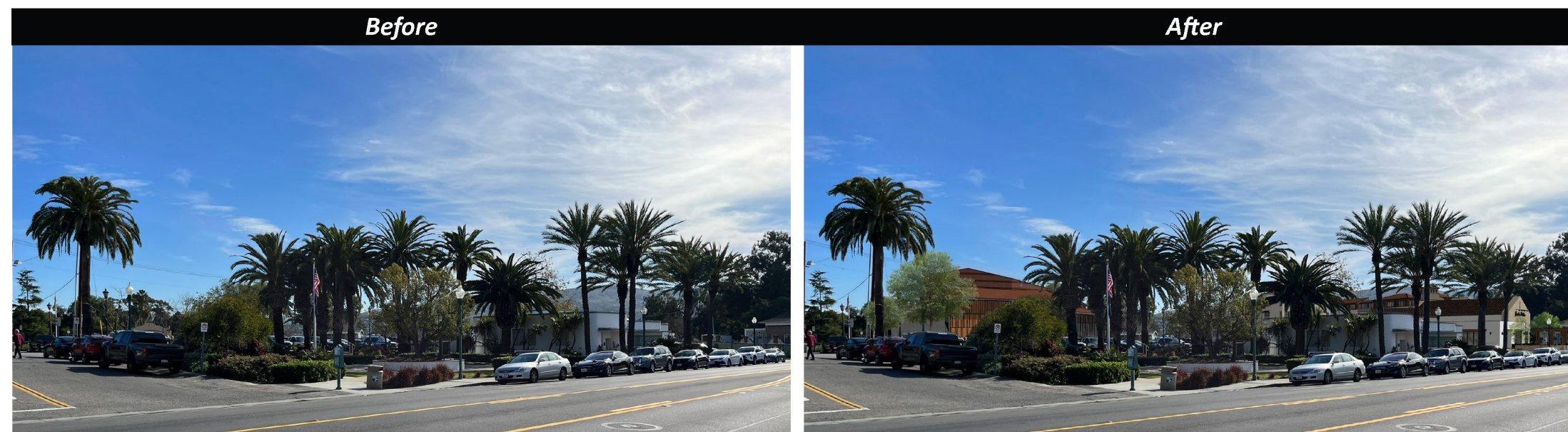
Key Map



Source(s): RRM Design Group (December 2024)

Figure 4.1-7

VIEW 5



VIEW 6

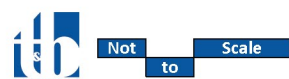


Key Map



Source(s): RRM Design Group (December 2024)

Figure 4.1-8



Visual Simulations (3 of 4)

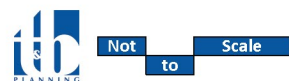
VIEW 7

Key Map



Source(s): RRM Design Group (December 2024)

Figure 4.1-9



Visual Simulations (4 of 4)



1. Construction

During construction, the Project would result in a temporary change to the visual character of the Project site from a predominantly vacant site to an active construction site with construction equipment, staging areas, and construction machinery. Following the completion of the construction activities, all construction equipment would be removed from the Project site. Project-related changes to local visual character and quality during Project construction would be temporary in nature. Temporary construction fencing would be installed during construction activities blocking views of construction equipment. Further, the temporary presence of construction equipment within a property under construction is common and would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, temporary construction related aesthetic impacts would be less than significant.

2. Operation

The Project's design, including site layout, architecture, and landscaping is discussed and illustrated in detail in the El Camino Specific Plan Chapter 2, Land Use and Development Standards/Regulations, and Appendix A, Design Guidelines of the Specific Plan. Future development accommodated by the Specific Plan would be required to comply with the Specific Plan's design guidelines to express the desired character of the Specific Plan Area, ensure a consistent level of quality, accommodate emerging architectural and product trends, and support green building practices. Accordingly, through implementation of the Specific Plan Development Standards and Design Guidelines, the design and appearance of the Project would ensure that the development on the Project site is aesthetically pleasing and would not substantially degrade the existing visual character of the Project site and its surroundings from public, views and impacts would be less than significant. Below is an analysis of the Project's consistency with applicable regulations related to scenic quality.

City of San Juan Capistrano General Plan

The Project-applicable goals and policies and a discussion of the Project's potential to conflict with applicable General Plan policies with the purpose of avoiding or mitigating an environmental effect related to aesthetics are discussed in Table 4.1-1, *General Plan Consistency Analysis*. As shown, the Project would not conflict with General Plan policies governing scenic quality.

Table 4.1-1 General Plan Consistency Analysis

General Plan Policy	Consistency
Land Use Element	
<i>Land Use Goal 2: Control and direct future growth within the City to preserve the rural village-like character of the community.</i>	
Policy 2.2: Assure that new development is consistent and compatible with the existing character of the City.	No Conflict. The Project includes a Specific Plan Amendment and development consistent with the Specific Plan. The Project would be required to comply with the Specific Plan's design guidelines. The purpose of the design guidelines is to ensure future development is consistent with the vision and objectives of the



General Plan Policy	Consistency
	Specific Plan. They are intended to provide City staff and review bodies with design direction for project evaluation as future developments come forward. The guidelines promote design creativity while fostering quality site planning, architecture, landscape, and signage design that will enhance the Historic Town Center. Design of the Project has been directed in a manner that is consistent and compatible with the existing character of the City and that of the downtown and contains design guidelines that will ensure contextually appropriate and quality development. Therefore, the Project would not conflict with General Plan Policy 2.2.
Conservation & Open Space Element	
<i>Goal 5: Shape and guide development in order to achieve efficient growth and maintain community scale and identity.</i>	
Policy 5.1: Encourage high-quality design in new development and redevelopment to maintain the low-density character of the City.	No Conflict. As discussed above, the Project would be attractive and of quality design, and provide visual interest through varied architectural detailing, including but not limited to building massing, heights, building materials, and decorative features. The maximum building height for the residential buildings is 50 feet while the proposed restaurant building would be 31 feet in height. The maximum building height for the Performing Arts Center is 64 feet. The Project would be required to comply with the Specific Plan's design guidelines. The purpose of the design guidelines is to ensure future development is consistent with the vision and objectives of the Specific Plan. Therefore, the Project would not conflict with General Plan Policy 5.1.
Policy 5.2: Ensure that new development integrates and preserves areas designated for scenic, historic, conservation, or public safety reasons. Policy 5.3: Ensure that no buildings will encroach upon any ridgeline designated for preservation.	No Conflict. As discussed above, implementation of the Project does not have the potential to have a substantial adverse effect on scenic vistas and impacts would be less than significant. The major north-south roadways in the City provide view corridors and include views of the hills to the north, west and south, which are designated "major ridgelines" in the City's General Plan. Distant views of these hills are afforded from locations throughout the Project site, including from Ortega Highway, Camino Capistrano and Del Obispo. As shown in Figures 4.1-1 through Figure 4.1-2, the Project site currently provides limited views of surrounding hills and ridgelines, which are largely obscured by surrounding buildings, trees, and vegetation. Although the Project would result in the development of the site with the proposed buildings and the Performing Arts Center, due to the orientation and height of the proposed buildings, the on-site structures would not substantially



General Plan Policy	Consistency
	<p>block the partial views to these landforms. The partial views to these natural landforms would still be publicly available from the surrounding rights-of-way following the development of the Project site.</p> <p>As discussed in Subsection 4.4, <i>Cultural Resources</i>, the Project will not cause direct impacts to historical resources. The Project's increased building heights and density would cause limited visual impacts on nearby historical resources in the vicinity of the resources in San Juan Capistrano's historic core. Many of the resources in the area do not have viewsheds that are identified as character-defining and the setting aspect of integrity for these properties has changed through time as the area has evolved through phases of development. All existing NRHP, CRHR, and IHCL listed buildings in the immediate vicinity of the Project will retain integrity such that they qualify for continued recognition and listing on these local, state, and national registers. Impacts are less-than-significant under CEQA Guidelines §15064.5.</p> <p>Therefore, the Project would not conflict with General Plan Policies 5.2 and 5.3.</p>
Community Design Element	
<i>Goal 1: Encourage and preserve a sense of place.</i>	
Policy 1.2: Encourage high-quality and human scale design in development to maintain the character of the City.	No Conflict. As discussed above, the Project would be required to comply with the Specific Plan's design guidelines which to express the desired character of the Specific Plan, ensure a consistent level of quality, accommodate emerging architectural and product trends, and support green building practices. Accordingly, through implementation of the Specific Plan Development Standards and Design Guidelines, the design and appearance of the Project would ensure that the Project is aesthetically pleasing and would maintain the character of the City. Therefore, the Project would not conflict with General Plan Policy 1.2.
<i>Goal 2: Preserve the historic character of the community.</i>	
Policy 2.1: Encourage development which complements the City's traditional, historic character through site design, architecture, and landscaping.	No Conflict. As discussed in Section 3.0, <i>Project Description</i> , design of development in accordance with the Specific Plan would reinforce and enhance the City's downtown as one of the primary focal points of the community; provide stylistically diverse and creative architectural design solutions which convey a sense of timelessness and elegance; and preserve and incorporate structures which are distinctive due to their



General Plan Policy	Consistency
	age, cultural significance, or unique architectural style into the Project. Therefore, the Project would not conflict with General Plan Policy 2.1.
<i>Goal 3: Preserve and enhance natural features.</i>	
Policy 3.4: Preserve important viewsheds.	No Conflict. As discussed above, the Project site currently provides limited views of surrounding hills and ridgelines, which are largely obscured by surrounding buildings, trees, and vegetation. Although the Project would result in the development of the site with the proposed buildings and Performing Arts Center, due to the orientation and height of the proposed buildings, the on-site structures would not substantially block the partial views to these landforms. The partial views to these natural landforms would still be publicly available from the surrounding rights-of-way following the development of the Project site. As a result, the implementation of the Project does not have the potential to have a substantial adverse effect on scenic vistas and impacts would be less than significant. Therefore, the Project would not conflict with General Plan Policy 3.4.

City of San Juan Capistrano Municipal Code

Future development accommodated by the Specific Plan would be required to comply with the Specific Plan's development standards and design guidelines. The City's Development Services Department is required to review all plans for consistency with the applicable zoning and other regulations governing scenic quality. While the City has existing Design Guidelines (dated September 1, 2003) that include design direction for a range of land use types, the Specific Plan proposes its own custom set of design guidelines that will be utilized for future development projects within the Specific Plan area. Should there be a conflict between the City's Design Guidelines and the Specific Plan, the Specific Plan design guidelines would prevail. Table 4.1-2, *Development Standard Consistency Analysis*, demonstrates that the Forster and El Camino Mixed Use Project and the Performing Arts Center Project comply with the Specific Plan development standards. As shown, the Project would not conflict with zoning standards governing scenic quality. With implementation of these regulations, impacts would be less than significant.

Table 4.1-2 Development Standard Consistency Analysis

Development Standards	Analysis
Forster & El Camino Mixed Use – Mixed-Use Residential Commercial	
Maximum Lot Coverage: 35%	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the residential buildings in the Forster & El Camino Mixed Use site would provide a lot coverage of 27.5%. Therefore, the site would not exceed the maximum lot coverage of 35%.



Development Standards	Analysis
Maximum FAR: 1.0	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the residential buildings in the Forster & El Camino Mixed Use site would have a FAR of 0.93. Therefore, the site would not exceed the maximum FAR of 1.0.
Maximum Density: 40 du/ac	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the residential buildings in the Forster & El Camino Mixed Use site would have a maximum density of 33.7du/ac. Therefore, the site would not exceed the maximum density of 40 du/ac.
Maximum Height: 53ft ³	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the residential buildings in the Forster & El Camino Mixed Use site would have a maximum height of 50ft. Therefore, the site would not exceed the maximum height of 53ft. This determination is made against the currently proposed conceptual project designs. Building heights are further illustrated in the various sections contained in the development plans.
Minimum Setbacks ⁴ Front: 40 ft Side: 50ft Rear: 50 ft	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the residential buildings in the Forster & El Camino Mixed Use site would have a front setback of 61.9ft, a side setback of 51.6 ft, and a rear set back of 52.6 ft. However, as stated in the Development Standards, architectural projections may extend into required setbacks no more than 40% of the applicable district requirement, or more than 3 feet whichever is greater. Therefore, the site would not exceed the maximum setback standards. The various setbacks are illustrated on the Figure 3-12. Building projections illustrated in the submittals do not exceed the standards and will be further identified in the construction drawings.
Minimum Private Open Space: 60sf/ du	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the residential buildings in the Forster & El Camino Mixed Use site would have 64.7 square feet of private open space per dwelling unit. Therefore, the site would meet the minimum requirement of 60 square feet of private open space per dwelling unit.
Minimum Common Open Space: 225 sf/du	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the residential buildings in the Forster & El Camino Mixed Use site would have 231 square feet of common open space per dwelling unit. Therefore, the

³ Per the El Camino Specific Plan, chimneys, finials, tower elements, steeples, roof elements, and other architectural projections/features, may project beyond the maximum height up to 10-feet.

⁴ Per the El Camino Specific Plan, architectural projections may extend into required setbacks no more than 40% of the applicable district requirement, or more than 3 feet whichever is greater.



Development Standards	Analysis
	site would meet the minimum requirement of 225 square feet of common open space per dwelling unit.
Minimum Landscape: 5%	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the residential buildings in the Forster & El Camino Mixed Use site would have 5% of landscaping. Therefore, the site would meet the minimum landscape requirement of 5%.
Forster & El Camino Mixed Use – Camino Commercial District	
Maximum Lot Coverage: 30%	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the restaurant building in the Forster & El Camino Mixed Use site would provide a lot coverage of 29%. Therefore, the site would not exceed the maximum lot coverage of 30%.
Maximum FAR: 0.5	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the restaurant building in the Forster & El Camino Mixed Use site would have a FAR of 0.29. Therefore, the site would not exceed the maximum FAR of 0.5.
Maximum Height: 32ft	No Conflict. As shown in in Figure 3-17, <i>Forster Restaurant Elevations</i> , the restaurant building in the Forster & El Camino Mixed Use site would have a maximum height of 31ft. Therefore, the site would not exceed the maximum height of 32ft.
Minimum Setbacks Front: 30ft Side: 10ft Rear: 0ft	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the restaurant building in the Forster & El Camino Mixed Use site would have a front setback of 39 ft, a side setback of 10 ft, and a rear set back of 0 ft. However, as stated in the Development Standards, architectural projections may extend into required setbacks no more than 40% of the applicable district requirement, or more than 3 feet whichever is greater. Therefore, the site would not exceed the maximum setback standards. Architectural projections are further described in the notes to Table 2.2 of the Development Standards in the El Camino Specific Plan.
Minimum Landscape: 10%	No Conflict. As shown in Figure 3-12, <i>Forster & El Camino Site Plan</i> , the restaurant building in the Forster & El Camino Mixed Use site would have 10% of landscaping. Therefore, the site would meet the minimum landscape requirement of 10%.
Performing Arts Center	
Maximum Lot Coverage: 100%	No Conflict. The Performing Arts Center site would provide a lot coverage of 33%. Therefore, the site would not exceed the maximum lot coverage of 100%.
Maximum FAR: 1.7	No Conflict. The Performing Arts Center site would have a FAR of 0.58. Therefore, the site would not exceed the maximum FAR of 1.7.



Development Standards	Analysis
Maximum Height: 65ft	No Conflict. As shown in Figure 3-21, <i>Performing Arts Center Elevations (North and South)</i> , and Figure 3-22, <i>Performing Arts Center Elevations (East and West)</i> , the Performing Arts Center site would have a maximum height of 64ft. As stated in the Development Standards, architectural features related to the SP District, may project beyond the maximum height up to 15-feet. The site would not exceed the maximum height of 65ft. The conceptual drawings prepared for the development application are consistent with the Specific Plan, more specificity to the exact projection details will be provided with the construction drawings, which shall similarly comply with the projection standards.
Minimum Setbacks Front: 0 ft Side: 5ft; 0 ft when adjacent to parking or street Rear: 5 ft	No Conflict. The Performing Arts Center site would have a front setback of 159 ft, a side setback of 8 ft, and a rear set back of 8 ft. However, as stated in the Development Standards, architectural projections may extend into required setbacks no more than 40% of the applicable district requirement, or more than 3 feet whichever is greater. Therefore, the site would not exceed the maximum setback standards. The concept designs currently depict several projects within the limits allowed by the Specific Plan. These include roof overhangs, architectural projections and other design elements. It is anticipated that as construction documents are prepared and greater details are understood, the exact compliant projection dimensions will be known
Minimum Landscape: 0%	No Conflict. As shown in Figure 3-23, the Performing Arts Center site would provide landscaping along the edges of development and pathways. Therefore, the site would meet the minimum landscape requirement of 0%.

Threshold d: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Nighttime illumination and glare impacts are the effects of a project's exterior lighting upon adjoining uses and areas. Light and glare impacts are determined through a comparison of the existing light sources with the proposed lighting plan or policies.

Under existing conditions, the Project site features minimal sources of artificial light, consisting of lighting (security lighting and building lights) associated with the Historic Town Center Park. Additionally, onsite illumination comes from surrounding land uses (security lighting, building and parking lot lights, and vehicle headlights). Existing glare is generally limited to automobiles in the area (including parked and moving vehicles). Existing trees and the surrounding low-density urban uses also limit glare from the surrounding area.



Implementation of the Project would introduce new sources of light on the Project site that may affect the nighttime sky. Lighting will be installed on buildings and along streets, parking areas, and pedestrian walkways for the security and safety of future residents and visitors.

The Project would be required to comply with the City's Municipal Code Sections 9-3.529 and 9-2.401. Section 9-3.529 of the City's Municipal Code establishes the lighting standards for all developments within the City. Lighting standards include requirements on the design, orientation, spacing, shielding, and illumination level of outdoor lighting fixtures. Specific standards are also provided for parking lot lighting, outdoor recreation facilities, and residential areas. Additionally, City Municipal Code Section 9-2.401 requires that no operation, activity, sign, or lighting fixture shall create illumination on adjacent property that exceeds one foot-candle, whether the illumination is direct or indirect light from the source. As shown in Figure 4.1-10, *Preliminary Photometric Plan – Forster & El Camino*, footcandles at the Project boundary would range between 0.0 and 0.2 footcandles, which would meet the requirements of City Municipal Code Section 9-2.401. It must be noted that the photometric plan provided in Figure 4.1-10 only includes the Forster & El Camino site. Submittal of a code-compliant photometric plan for the Performing Arts Center will be a condition of approval of the Project. The preliminary lighting plan for the Performing Arts Center is shown on Figure 4.1-11, *Preliminary Lighting Plan – Performing Arts Center*. The City applies a standard condition of approval on development projects requiring submittal of a code compliant photometric plan at the time of plan check.

Mandatory compliance with Municipal Code Sections 9-3.529 and 9-2.401 would ensure that the Project would not introduce any permanent design features that would adversely affect day or nighttime views in the area. Therefore, implementation of the Project would not create a new source of substantial light or glare.

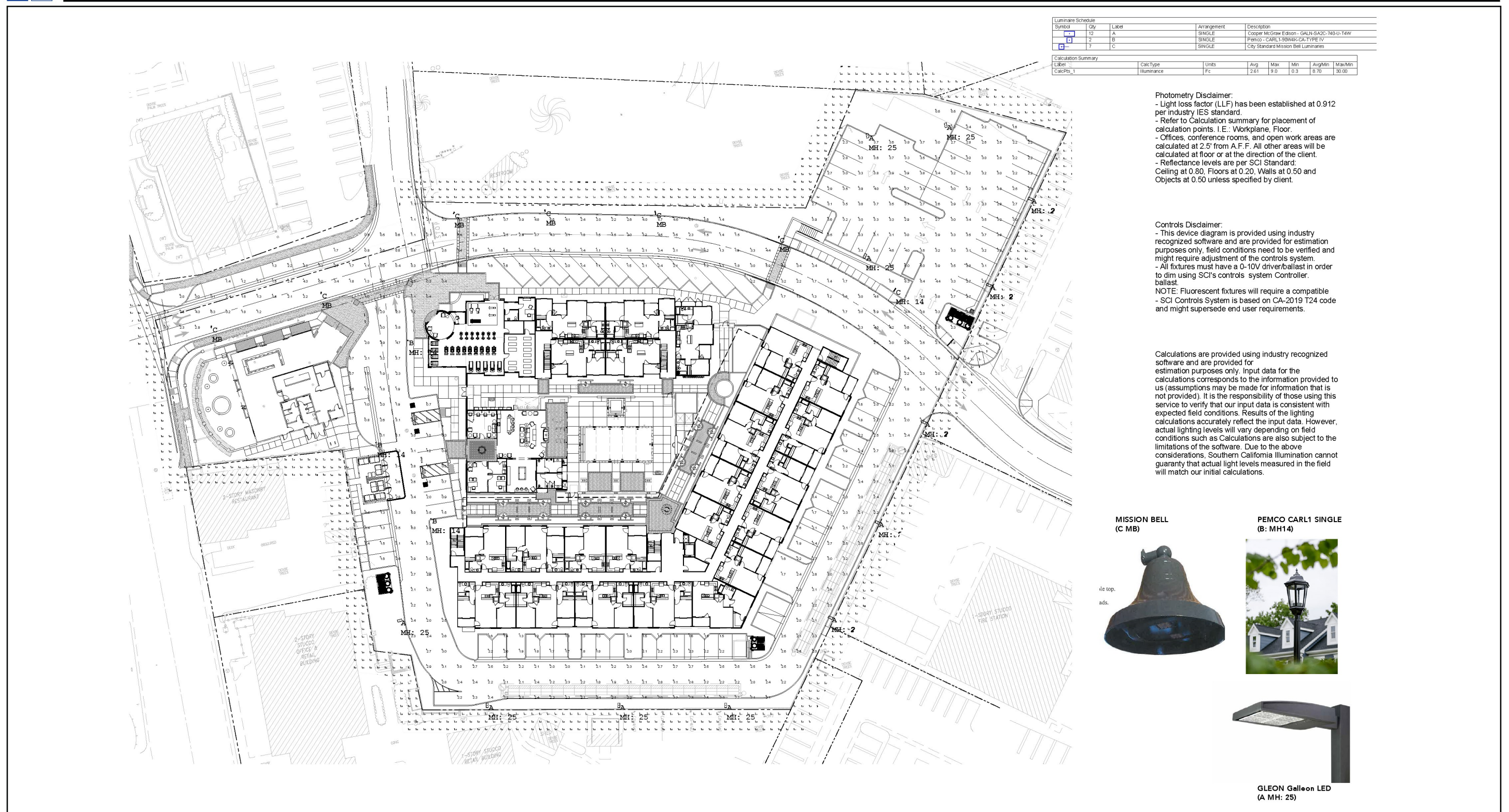
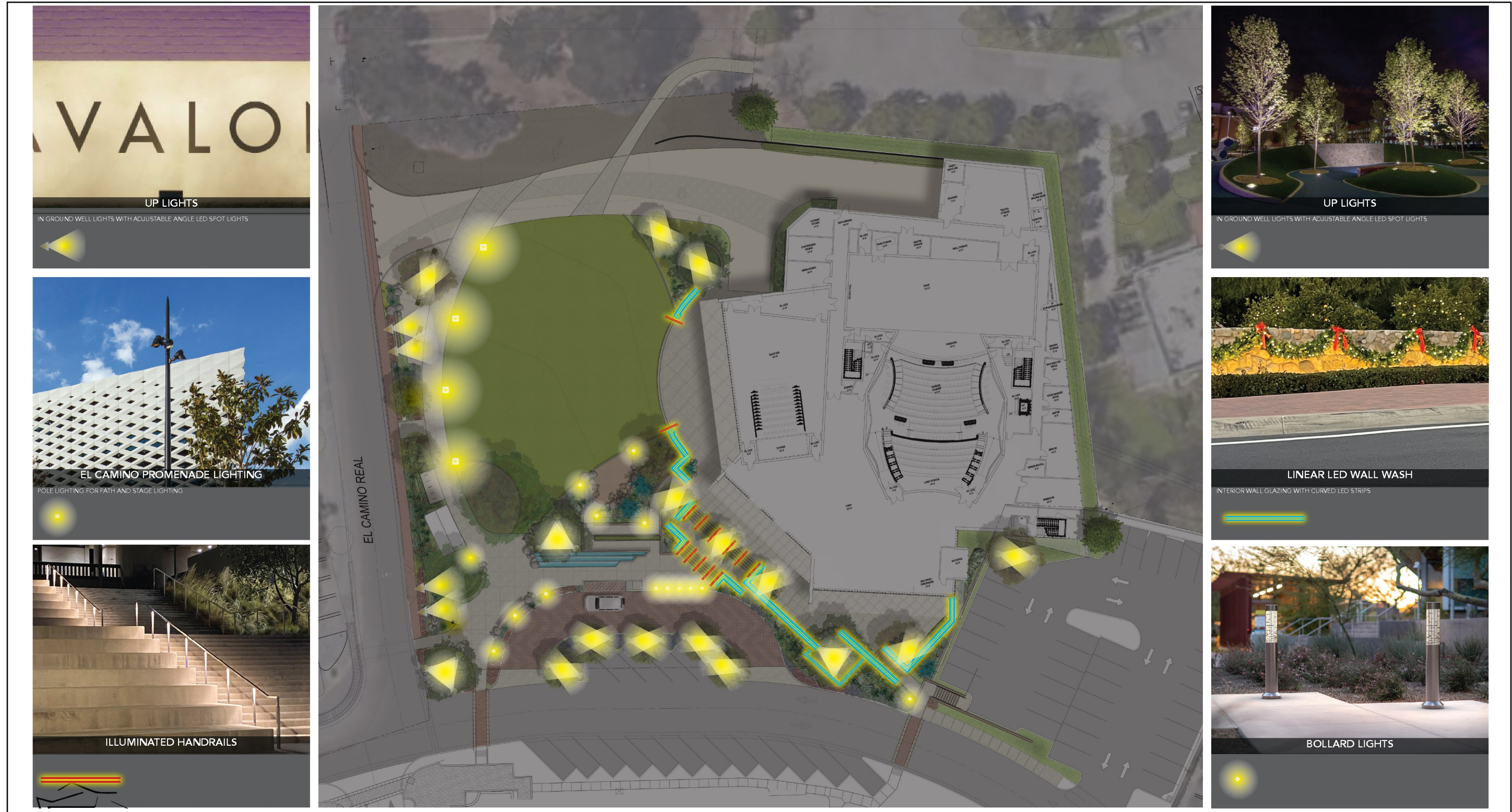


Figure 4.1-10



Source[s]: Bickel Group Architecture (01-30-2025)

Figure 4.1-11



Preliminary Lighting Plan - Performing Arts Center



4.1.7 CUMULATIVE IMPACT ANALYSIS

The CEQA Guidelines define a “cumulative impact” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (CEQA Guidelines § 15355). The Project’s effects to partial distant views of the major ridgelines within the City would be localized to the immediate Project site area and would not extend beyond the public viewing area that immediately abuts the Project site. The views that would be affected only occur abutting the Project site and the Project site does not contain off-site components that could adversely affect scenic views that occur elsewhere in the City.

As discussed under Threshold b, the Project site is not within or adjacent to any designated or eligible State scenic highway. Therefore, the Project would not have the potential to degrade any scenic resources within a State scenic highway. As such, the Project would not result in a cumulatively considerable impact on scenic resources within a State scenic highway.

As discussed under Threshold c, the Project site is in an urbanized area that is developed with recreational and commercial uses. Therefore, the Project would not result in direct impacts related to conflicting with applicable zoning and other regulations governing scenic quality. The Project would be required to comply with Specific Plan Development Standards set forth in Chapter 2, and the Design Guidelines in Appendix A, which contains standards related to architecture, landscaping, walls/fences, and other elements of the physical environment. All the reasonably foreseeable development projects listed in Table 4.0-2, the list of cumulative development projects are located a considerable distance from the Project site and would not have any interactive aesthetic effects that would directly combine with the aesthetic effects of the Project. Therefore, the Project has no potential to contribute to a cumulatively significant impact associated with degradation of visual character and/or quality in the area and, as such, the Project’s impacts would be less than significant.

With respect to potential cumulative light and glare impacts, the Project would be required to comply with the City Municipal Code Sections 9-3.529 and 9-2.401. Development projects with artificial light sources in surrounding jurisdictions would be required to comply with the light reduction requirements applicable in their respective jurisdiction. Although cumulative development in the Project’s surrounding area is expected to introduce new sources of lighting and potentially reflective materials, the required compliance with the applicable legal standard and code requirements would ensure that future cumulative development does not introduce substantial sources of lighting or glare. As such, the Project would not contribute to cumulatively-considerable, adverse impacts to the existing daytime or nighttime views of the Project site or its surroundings.

4.1.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project site does not provide scenic vistas to scenic resources or landform and the Project site is not part of a scenic resource or landform. Additionally, the Project site is not within a City designated scenic corridor. Redevelopment of the Project site with the Project would not substantially affect a scenic vista. Impacts would be less than significant.



Threshold b: No Impact. The Project site is not located within or visible from any designated State scenic highways. Therefore, the Project does not have the potential to damage scenic resources within a State scenic highway and no significant impacts would occur.

Threshold c: Less-than-Significant Impact. The Project would comply with applicable zoning and other regulations governing scenic quality during Project construction or operation. Furthermore, the Project proposes a number of site design, architectural, and landscaping elements that would be consistent with the surrounding residential land uses. Impacts would be less than significant.

Threshold d: Less-than-Significant Impact. The Project is not anticipated to create substantial light or glare. Compliance with the lighting requirements and standards within the City's Municipal Code would ensure that impacts associated with light and glare would be less than significant.

4.1.9 MITIGATION

Impacts would be less than significant, and mitigation is not required.

4.1.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant, and mitigation is not required.



4.2 AIR QUALITY

The following analysis is based in part on information obtained from a technical report entitled, *El Camino Specific Plan Amendment Air Quality Impact Analysis*, which was prepared by Urban Crossroads, Inc., is dated July 24, 2024, and is included as *Technical Appendix B1* to this EIR (Urban Crossroads, 2024a). Additionally, Urban Crossroads prepared the Health Risk Assessment, which is dated July 24, 2024, and is appended to this EIR as *Technical Appendix B2* (Urban Crossroads, 2024b). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.2.1 EXISTING CONDITIONS

A. South Coast Air Basin

The Project site is located in the South Coast Air Basin (SCAB) within the jurisdiction of South Coast Air Quality Management District (South Coast AQMD). The SCAB encompasses a 6,745-square mile subregion of the South Coast AQMD, which includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, and the San Diego Air Basin to the south.

B. Climate and Meteorology

The regional climate has a substantial influence on air quality in the SCAB. In addition, the temperature, wind, humidity, precipitation, and amount of sunshine influence the air quality. The annual average temperatures throughout the SCAB vary from the low to middle 60s degrees Fahrenheit (°F). Due to a decreased marine influence, the eastern portion of the SCAB shows greater variability in average annual minimum and maximum temperatures. January is the coldest month throughout the SCAB, with average minimum temperatures of 47°F in downtown Los Angeles and 36°F in San Bernardino. All portions of the SCAB have recorded maximum temperatures above 100°F.

Although the climate of the SCAB can be characterized as semi-arid, the air near the land surface is quite moist on most days because of the presence of a marine layer. This shallow layer of sea air is an important modifier of SCAB climate. Humidity restricts visibility in the SCAB, and the conversion of sulfur dioxide (SO₂) to sulfates (SO₄) is heightened in air with high relative humidity. The marine layer provides an environment for that conversion process, especially during the spring and summer months. The annual average relative humidity within the SCAB is 71% along the coast and 59% inland. Since the ocean effect is dominant, periods of heavy early morning fog are frequent and low stratus clouds are a characteristic feature. These effects decrease with distance from the coast.

More than 90% of the SCAB's rainfall occurs from November through April. The annual average rainfall varies from approximately nine inches in Riverside to fourteen inches in downtown Los Angeles. Monthly and yearly rainfall totals are extremely variable. Summer rainfall usually consists of widely scattered thunderstorms near the coast and slightly heavier shower activity in the eastern portion of the SCAB with frequency being higher near the coast.



Due to its generally clear weather, about three-quarters of available sunshine is received in the SCAB. The remaining one-quarter is absorbed by clouds. The ultraviolet portion of this abundant radiation is a key factor in photochemical reactions. On the shortest day of the year there are approximately 10 hours of possible sunshine, and on the longest day of the year there are approximately 14½ hours of possible sunshine.

The importance of wind to air pollution is considerable. The direction and speed of the wind determines the horizontal dispersion and transport of the air pollutants. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with the traveling storms moving through the region from the northwest. This period also brings five to ten periods of strong, dry offshore winds, locally termed “Santa Anas” each year. During the dry season, which coincides with the months of maximum photochemical smog concentrations, the wind flow is bimodal, typified by a daytime onshore sea breeze and a nighttime offshore drainage wind. Summer wind flows are created by the pressure differences between the relatively cold ocean and the unevenly heated and cooled land surfaces that modify the general northwesterly wind circulation over southern California. Nighttime drainage begins with the radiational cooling of the mountain slopes. Heavy, cool air descends the slopes and flows through the mountain passes and canyons as it follows the lowering terrain toward the ocean. Another characteristic wind regime in the SCAB is the “Catalina Eddy,” a low level cyclonic (counterclockwise) flow centered over Santa Catalina Island which results in an offshore flow to the southwest. On most spring and summer days, some indication of an eddy is apparent in coastal sections.

In the SCAB, there are two distinct temperature inversion structures that control vertical mixing of air pollution. During the summer, warm high-pressure descending (subsiding) air is undercut by a shallow layer of cool marine air. The boundary between these two layers of air is a persistent marine subsidence/inversion. This boundary prevents vertical mixing which effectively acts as an impervious lid to pollutants over the entire SCAB. The mixing height for the inversion structure is normally situated 1,000 to 1,500 feet above mean sea level. A second inversion-type forms in conjunction with the drainage of cool air off the surrounding mountains at night followed by the seaward drift of this pool of cool air. The top of this layer forms a sharp boundary with the warmer air aloft and creates nocturnal radiation inversions. These inversions occur primarily in the winter, when nights are longer and onshore flow is weakest. They are typically only a few hundred feet above mean sea level. These inversions effectively trap pollutants, such as nitrogen oxides (NO_x) and carbon monoxide (CO) from vehicles, as the pool of cool air drifts seaward. Winter is therefore a period of high levels of primary pollutants along the coastline.

C. Criteria Pollutants and Associated Health Effects

Criteria pollutants are pollutants that are regulated by federal and state laws through the development of human health based and/or environmentally based criteria for setting permissible levels. Criteria pollutants, their typical sources, and health effects are identified below:

- **Carbon Monoxide (CO)** is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend



to be the highest in the winter during the morning, when little to no wind and surface-based inversions trap the pollutant at ground levels. CO is emitted directly from internal combustion engines; therefore, motor vehicles operating at slow speeds are the primary source of CO in the SCAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections. Individuals with a deficient blood supply to the heart are the most susceptible to the adverse effects of CO exposure. The effects observed include earlier onset of chest pain with exercise, and electrocardiograph changes indicative of decreased oxygen supply to the heart. Inhaled CO has no direct toxic effect on the lungs but exerts its effect on tissues by interfering with oxygen transport and competing with oxygen to combine with hemoglobin present in the blood to form carboxyhemoglobin (COHb). Therefore, conditions with an increased demand for oxygen supply can be adversely affected by exposure to CO. Individuals most at risk to the effects of CO include fetuses, patients with diseases involving heart and blood vessels, and patients with chronic oxygen deficiency.

- **Sulfur Dioxide (SO₂)** is a colorless gas or liquid. SO₂ enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO₂ oxidizes in the atmosphere, it forms sulfates (SO₄). Collectively, these pollutants are referred to as sulfur oxides (SO_x). SO₂ is a respiratory irritant to people afflicted with asthma. After acute exposure to SO₂, asthma sufferers can experience breathing difficulties, including airway constriction and reduction in breathing capacity. Although healthy individuals do not exhibit similar acute breathing difficulties even after exposure to higher concentrations to SO₂, animal studies suggest that very high levels of exposure can cause lung edema (fluid accumulation), lung tissue damage, and sloughing off of cells lining the respiratory tract.
- **Nitrogen Oxides (NO_x)** consist of nitric oxide (NO), nitrogen dioxide (NO₂) and nitrous oxide (N₂O) and are formed when nitrogen (N₂) combines with oxygen (O₂). Their lifespan in the atmosphere ranges from one to seven days for nitric oxide and nitrogen dioxide, to 170 years for nitrous oxide. Nitrogen oxides are typically created during combustion processes and are major contributors to smog formation and acid deposition. NO₂ is a criteria air pollutant and may result in numerous adverse health effects; it absorbs blue light, resulting in a brownish-red cast to the atmosphere, and reduced visibility. Of the nitrogen oxide compounds, NO₂ is the most abundant in the atmosphere. As ambient concentrations of NO₂ are related to traffic density, commuters in heavy traffic may be exposed to higher concentrations of NO₂ than those indicated by regional monitoring stations. Population-based studies suggest that an increase in acute respiratory illness, including infections and respiratory symptoms in children (not infants), is associated with long-term exposure to NO₂ at levels higher than ambient levels in Southern California. Short-term exposure to NO₂ can result in resistance to air flow and airway contraction in healthy subjects. Exposure to NO₂ can result decreases in lung functions in individuals with asthma or chronic obstructive pulmonary diseases (e.g., chronic bronchitis, emphysema), as these individuals are more susceptible to the effects of NO_x than healthy individuals.



- **Ozone (O₃)** is a highly reactive and unstable gas that is formed when volatile organic compounds (VOCs) and NO_x, both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, warm temperatures, and light wind conditions are favorable to the formation of this pollutant. Short-term exposure (lasting for a few hours) to ozone at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. Individuals exercising outdoors, children, and people with preexisting lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible sub-groups for ozone effects. An increased risk for asthma has been found in children who participate in multiple sports and reside in communities with high ozone levels.
- **Particulate Matter less than 10 microns (PM₁₀)** is an air pollutant consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols. PM₁₀ also causes reduced visibility. The size of the particles (10 microns or smaller, about 0.0004 inches or less) allows them to enter the lungs where they may be deposited, resulting in the adverse health effects discussed below for PM_{2.5}.
- **Particulate Matter less than 2.5 microns (PM_{2.5})** is a similar air pollutant to PM₁₀ consisting of tiny solid or liquid particles which are 2.5 microns or smaller (which is often referred to as fine particles). The chemical composition of fine particles is highly dependent on location, time of year, and weather conditions. Elevated ambient concentrations of fine particulate matter (PM₁₀ and PM_{2.5}) have been correlated with an increase in respiratory infections, number, and severity of asthma attacks, and increased hospital admissions. Some studies have reported an association between long-term exposure to air pollution dominated by fine particles and increased mortality, reduction in life-span, and an increased mortality from lung cancer. Daily fluctuations in PM_{2.5} concentration levels have also been related to hospital admissions for acute respiratory conditions in children, to a decrease in respiratory lung volumes in normal children, and to increased medication use in children and adults with asthma. Recent studies show lung function growth in children is reduced with long-term exposure to particulate matter. The elderly, people with pre-existing respiratory or cardiovascular disease, and children, appear to be more susceptible to the effects of high levels of PM₁₀ and PM_{2.5}.
- **Volatile Organic Compounds (VOCs) and Reactive Organic Gasses (ROGs)** are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms excluding CO, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) that exist in the ambient air. Both VOCs and ROGs are precursors to ozone and contribute to the formation of smog through atmospheric photochemical reactions. VOCs and ROGs have different levels of reactivity; that is, they



do not react at the same speed or do not form ozone to the same extent when exposed to photochemical processes. VOCs often have an odor, including such common VOCs as gasoline, alcohol, and the solvents used in paints. Breathing VOCs can irritate the eye, nose, and throat, which can cause difficulty breathing. In addition, studies have shown that some VOCs can cause damage to the central nervous system.

- **Lead (Pb)** is a heavy metal that is highly persistent in the environment. Historically, the primary source of lead in the air was emissions from vehicles burning leaded gasoline. Currently, emissions of lead are largely limited to stationary sources such as lead smelters, battery manufacturers, and waste incinerators. Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotient in children. In adults, increased lead levels are associated with increased blood pressure. Lead poisoning can cause anemia, lethargy, seizures, and death. Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure.

D. Existing Air Quality

Existing air quality is measured at established SCAQMD air quality monitoring stations. Monitored air quality is evaluated in the context of ambient air quality standards. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect public health and welfare. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) currently in effect are shown in Table 4.2-1, *Ambient Air Quality Standards*.

The determination of whether a region's air quality is healthful or unhealthful is determined by comparing contaminant levels in ambient air samples to the state and federal standards. At the time of the Air Quality Impact Analysis (AQIA) was performed for this Project, the most recent state and federal standards were updated by the California Air Resources Board (CARB) on May 4, 2016 and are presented in Table 4.2-1. The air quality in a region is considered to be in attainment by the state if the measured ambient air pollutant levels for O₃, CO, SO₂ (1 and 24 hour), NO₂, PM₁₀, and PM_{2.5} are not exceeded. All other pollutants are not to be equaled or exceeded. Attainment status for a pollutant means that the SCAQMD meets the standards set by the EPA or the California EPA (CalEPA). Conversely, nonattainment means that an area has monitored air quality that does not meet the NAAQS or CAAQS standards. In order to improve air quality in nonattainment areas, a State Implementation Plan (SIP) is drafted by CARB. The SIP outlines the measures that the state will take to improve air quality. Once nonattainment areas meet the standards and additional redesignation requirements, the EPA will designate the area as a maintenance area.



Table 4.2-1 Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards		National Standards		
		Concentration	Method	Primary	Secondary	Method
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	---	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m ³)		0.070 ppm (137 µg/m ³)		
Respirable Particulate Matter (PM ₁₀)	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		---		
Fine Particulate Matter (PM _{2.5})	24 Hour	---	---	35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	12.0 µg/m ³	15 µg/m ³	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/ m ³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/ m ³)	---	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/ m ³)		9 ppm (10 mg/ m ³)	---	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/ m ³)		---	---	
Nitrogen Dioxide (NO ₂)	1 Hour	0.18 ppm (339 µg/ m ³)	Gas Phase Chemiluminescence	110 ppb (188 µg/ m ³)	---	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/ m ³)		0.053 ppm (100 µg/m ³)	Same as Primary Standard	
Sulfur Dioxide (SO ₂)	1 Hour	0.25 ppm (665 µg/ m ³)	Ultraviolet Fluorescence	75 ppb (196 µg/ m ³)	---	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	---		---	0.5 ppm (1300 µg/ m ³)	
	24 Hour	0.04 ppm (105 µg/ m ³)		0.14 ppm (for certain areas)	---	



Pollutant	Averaging Time	California Standards		National Standards		
		Concentration	Method	Primary	Secondary	Method
	Annual Arithmetic Mean	---		0.030 ppm (for certain areas)	---	
Lead	30 Day Average	1.5 µg/ m ³	Atomic Absorption	---		High Volume Sampler and Atomic Absorption
	Calendar Quarter	---		1.5 µg/ m ³ (for certain areas)	Same as Primary Standard	
	Rolling 3-Month Average	---		0.15 1.5 µg/ m ³		
Visibility Reducing Particles	8 Hour	See Footnote 14 in <i>Technical Appendix B1</i> .	Beta Attenuation and Transmittance through filter tape	No National Standards		
Sulfates	24 Hour	25 µg/ m ³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/ m ³)	Ultraviolet Fluorescence			
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/ m ³)	Gas Chromatography			

See footnotes in Table 2-2, *Technical Appendix B1*.

Source: (Urban Crossroads, 2024a, Table 2-2)

E. Regional Air Quality

Air pollution contributes to a wide variety of adverse health effects. The EPA has established NAAQS for six of the most common air pollutants: CO, Pb, O₃, particulate matter (PM₁₀ and PM_{2.5}), NO₂, and SO₂ which are known as criteria pollutants. The SCAQMD monitors levels of various criteria pollutants at 37 permanent monitoring stations and 5 single-pollutant source Pb air monitoring sites throughout the air district. On December 28, 2021, CARB posted the 2021 amendments to the State and national area designations. The attainment status for criteria pollutants within the SCAB is summarized in Table 4.2-2, *Attainment Status of Criteria Pollutants in the South Coast Air Basin*.



Table 4.2-2 Attainment Status of Criteria Pollutants in the South Coast Air Basin

Criteria Pollutant	State Designation	Federal Designation
O ₃ – 1-hour standard	Nonattainment	--
O ₃ – 8-hour standard	Nonattainment	Nonattainment
PM ₁₀	Nonattainment	Attainment
PM _{2.5}	Nonattainment	Nonattainment
CO	Attainment	Unclassifiable/ Attainment
NO ₂	Attainment	Unclassifiable/ Attainment
SO ₂	Attainment	Unclassifiable/ Attainment
Pb	Attainment	Unclassifiable/ Attainment

“—” The national 1-hour O₃ standard was revoked effective June 15, 2005.

Source: (Urban Crossroads, 2024a, Table 2-3)

F. Air Quality History and Trends

1. Criteria Pollutants

In 1976, California adopted the Lewis Air Quality Management Act which created South Coast AQMD from a voluntary association of air pollution control districts in Los Angeles, Orange, Riverside, and San Bernardino counties. The geographic area of which South Coast AQMD consists is known as the SCAB. South Coast AQMD develops comprehensive plans and regulatory programs for the region to attain federal standards by dates specified in federal law. The agency is also responsible for meeting state standards by the earliest date achievable, using reasonably available control measures.

South Coast AQMD rule development through the 1970s and 1980s resulted in dramatic improvement in SCAB air quality. Nearly all control programs developed through the early 1990s relied on (i) the development and application of cleaner technology; (ii) add-on emission controls, and (iii) uniform CEQA review throughout the SCAB. Industrial emission sources have been significantly reduced by this approach and vehicular emissions have been reduced by technologies implemented at the state level by CARB.

The South Coast AQMD is the lead agency charged with regulating air quality emission reductions for the entire SCAB. South Coast AQMD created AQMPs which represent a regional blueprint for achieving healthful air on behalf of the 16 million residents of the SCAB. The 2012 AQMP states, “the remarkable historical improvement in air quality since the 1970’s is the direct result of Southern California’s comprehensive, multiyear strategy of reducing air pollution from all sources as outlined in its AQMPs.”

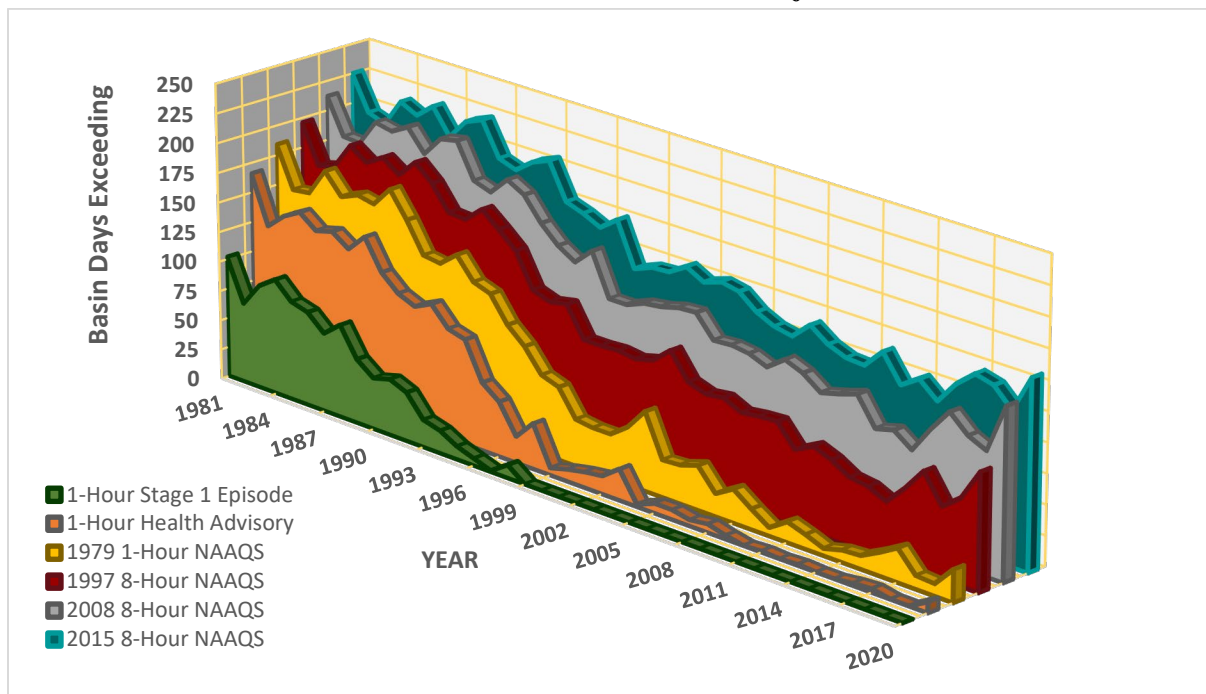
Emissions of O₃, NO_x, VOC, and CO have been decreasing in the SCAB since 1975 and are projected to continue to decrease through 2031. These decreases result primarily from motor vehicle controls and reductions in evaporative emissions. Although vehicle miles traveled (VMT) in the SCAB continue to increase, NO_x and VOC levels are decreasing because of the mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles. NO_x emissions from electric utilities have also decreased due to use of cleaner fuels and renewable energy. O₃ contour maps



show that the number of days exceeding the 8-hour NAAQS has decreased between 1980 and 2020. For 2020, there was an overall decrease in exceedance days compared with the 1980 period. However, as shown in Exhibit 4.2-1, *South Coast Air Basin Ozone Trend*, O₃ levels have increased in the past three years due to higher temperatures and stagnant weather conditions. Notwithstanding, O₃ levels in the SCAB have decreased substantially over the last 30 years with the current maximum measured concentrations being approximately one-third of concentrations within the late 70's.

The overall trends of PM₁₀ and PM_{2.5} levels in the air (not emissions) show an overall improvement since 1975. Direct emissions of PM₁₀ have remained somewhat constant in the SCAB and direct emissions of PM_{2.5} have decreased slightly since 1975. Area wide sources (fugitive dust from roads, dust from construction, and other sources) contribute the greatest amount of direct particulate matter emissions.

Exhibit 4.2-1: South Coast Air Basin Ozone Trend



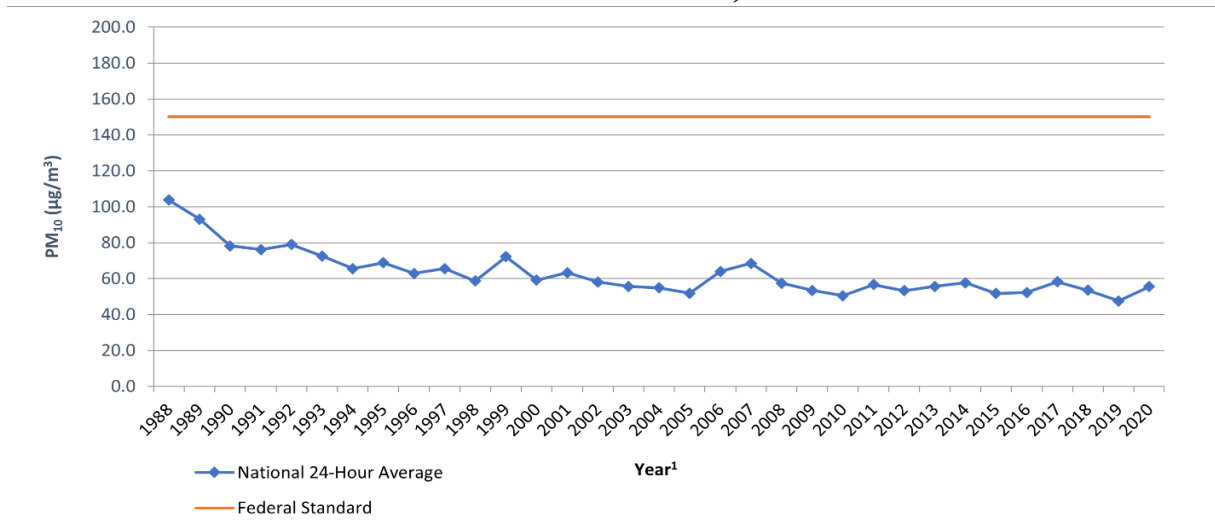
Source: (Urban Crossroads, 2024a, Table 2-5)

As with other pollutants, the most recent PM₁₀ statistics show an overall improvement as illustrated in Exhibit 4.2-2, *South Coast Air Basin Average 24-Hour Concentration PM₁₀ Trend (based on Federal Standard)*, and Exhibit 4.2-3, *South Coast Air Annual Average Concentration Basin PM₁₀ Trend (based on State Standard)*. During the period for which data are available, the 24-hour national annual average concentration for PM₁₀ decreased by approximately 46%, from 103.7 microgram per cubic meter (µg/m³) in 1988 to 55.5 µg/m³ in 2020. Although the values are below the federal standard, it should be noted that there are days within the year where the concentrations would exceed the threshold. The 24-hour state annual average for emissions for PM₁₀, have decreased by approximately 64%, from 93.9 µg/m³ in 1989 to 33.9 µg/m³ in 2020. Although data in the late 1990's show some



variability, this is probably due to the advances in meteorological science rather than a change in emissions. Similar to the ambient concentrations, the calculated number of days above the 24-hour PM_{10} standards has also shown an overall drop.

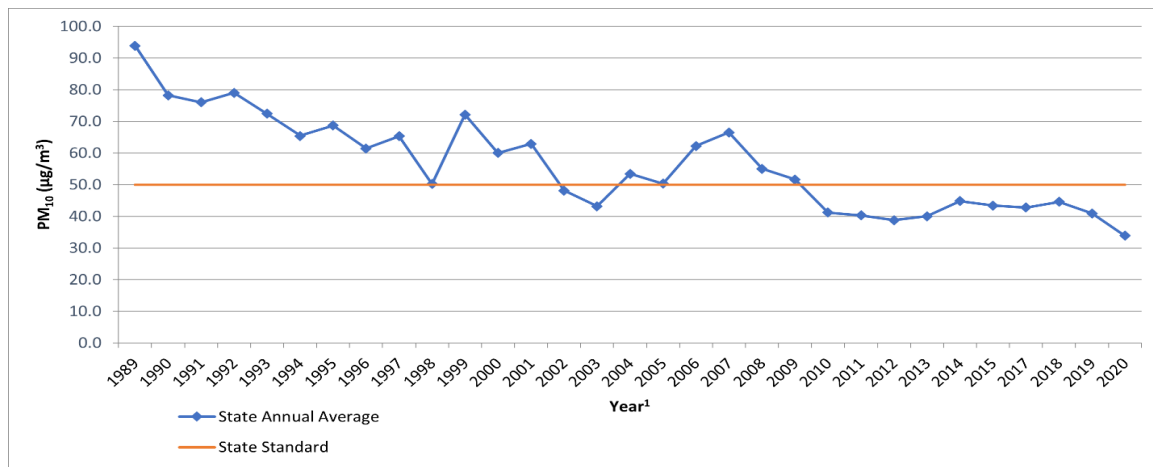
Exhibit 4.2-2: South Coast Air Basin Average 24-Hour Concentration PM_{10} Trend (based on Federal Standard)



¹ Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2024a, Table 2-6)

Exhibit 4.2-3: South Coast Air Basin Annual Average Concentration PM_{10} Trend (based on State Standard)



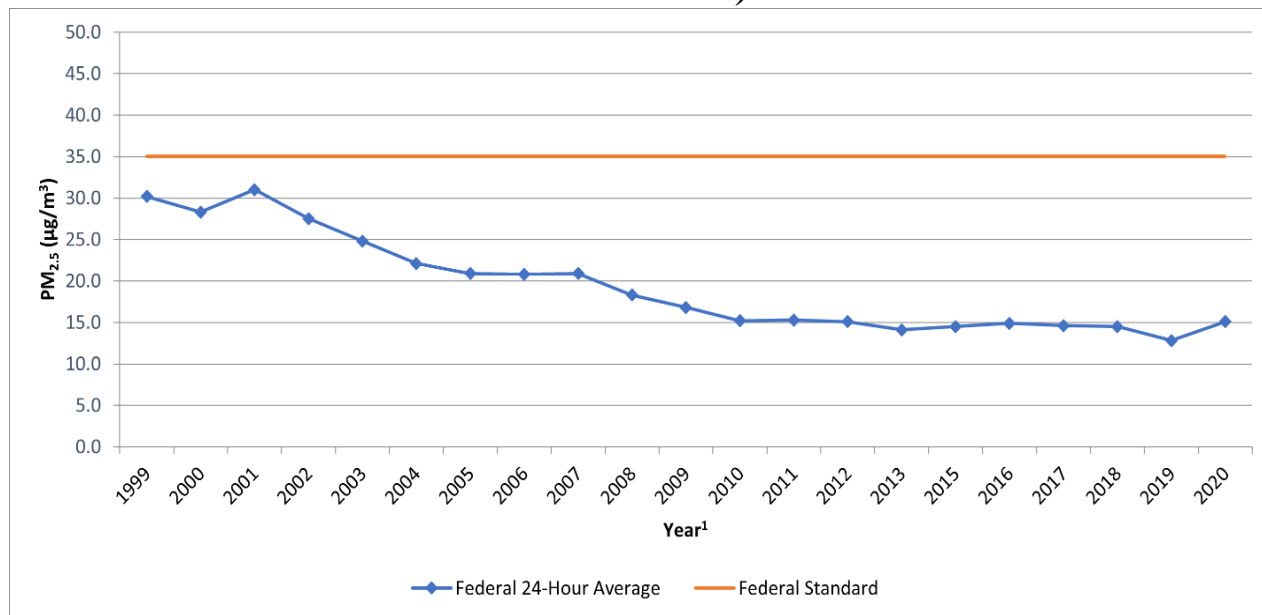
¹ Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2024a, Table 2-7)



Exhibit 4.2-4, *South Coast Air Basin 24-Hour Average Concentration PM_{2.5} Trend (based on Federal Standard)*, and Exhibit 4.2-5, *South Coast Air Basin Annual Average Concentration PM_{2.5} Trend (based on State Standard)*, show the most recent 24-hour average PM_{2.5} concentrations in the SCAB from 1999 through 2020. Overall, the national and state annual average concentrations have decreased by almost 50% and 31% respectively. It should be noted that the SCAB is currently designated as nonattainment for the state and federal PM_{2.5} standards.

Exhibit 4.2-4: South Coast Air Basin 24-Hour Average Concentration PM_{2.5} Trend (based on Federal Standard)

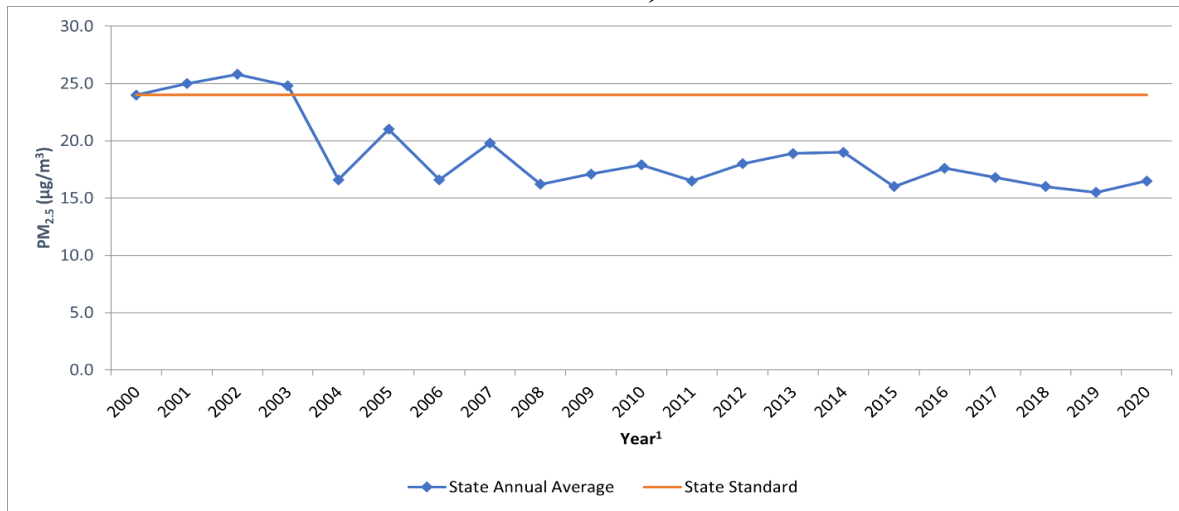


¹ Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2024a, Table 2-8)



Exhibit 4.2-5: South Coast Air Basin Annual Average Concentration $PM_{2.5}$ Trend (based on State Standard)



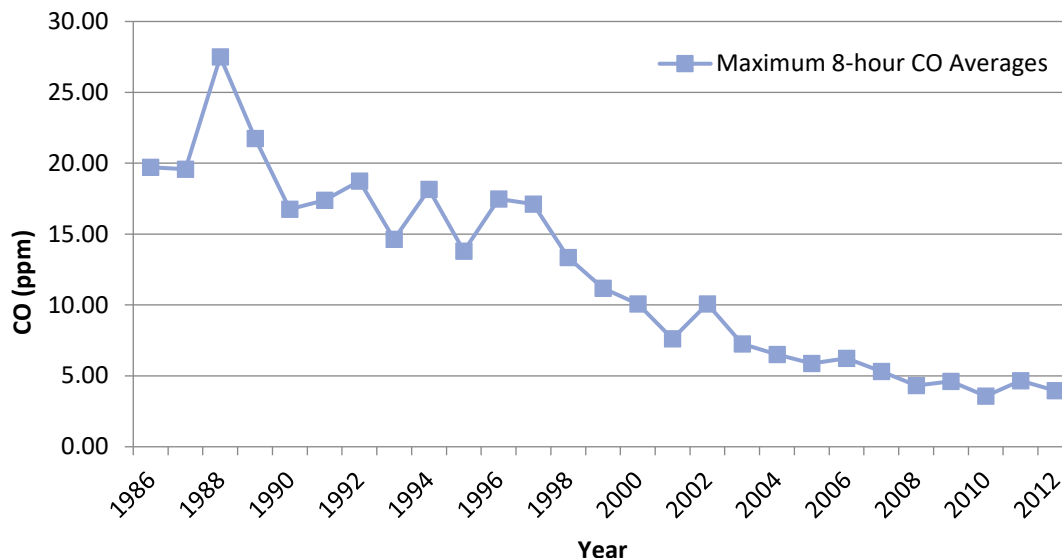
¹ Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2024a, Table 2-9)

The most recent CO concentrations in the SCAB are shown in Exhibit 4.2-6, *South Coast Air Basin 8-Hour Concentration Carbon Monoxide Trend*. CO concentrations in the SCAB have decreased markedly — a total decrease of more about 80% in the peak 8-hour concentration from 1986 to 2012. It should be noted 2012 is the most recent year where 8-hour CO averages and related statistics are available in the SCAB. The number of exceedance days has also declined. The entire SCAB is now designated as attainment for both the state and national CO standards. Ongoing reductions from motor vehicle control programs should continue the downward trend in ambient CO concentrations.



Exhibit 4.2-6: South Coast Air Basin 8-Hour Concentration Carbon Monoxide Trend



¹ The most recent year where 8-hour concentration data is available is 2012.

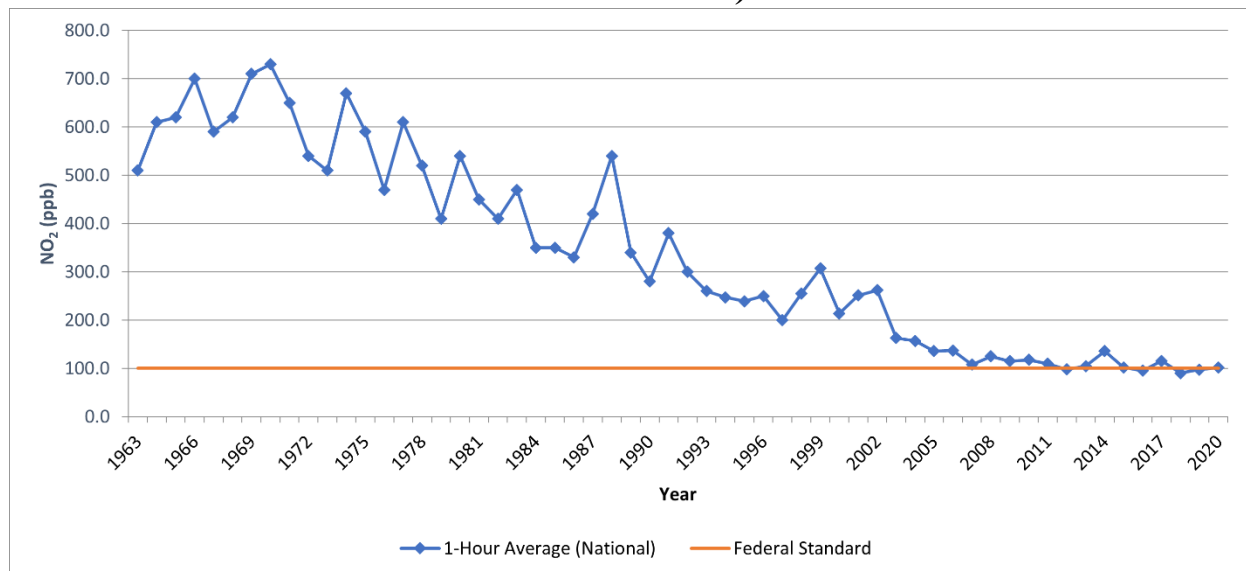
Source: (Urban Crossroads, 2024a, Table 2-10)

The most recent NO₂ data for the SCAB is shown in Exhibit 4.2-7, *South Coast Air Basin 1-Hour Average Concentration NO₂ Trend (based on Federal Standard)*, and Exhibit 4.2-8, *South Coast Air Basin 1-Hour Average Concentration NO₂ Trend (based on State Standard)*. Over the last 50 years, NO₂ values have decreased significantly; the peak 1-hour national and state averages for 2020 is approximately 80% lower than what it was during 1963. The SCAB attained the State 1-hour NO₂ standard in 1994, bringing the entire state into attainment. A new state annual average standard of 0.030 ppm was adopted by CARB in February 2007. The new standard is just barely exceeded in the South Coast AQMD. NO₂ is formed from NO_x emissions, which also contribute to O₃. As a result, the majority of the future emission control measures would be implemented as part of the overall O₃ control strategy. Many of these control measures would target mobile sources, which account for more than three-quarters of California's NO_x emissions. These measures are expected to bring the South Coast AQMD into attainment of the state annual average standard.

Part of the control process of the South Coast AQMD's duty to greatly improve the air quality in the SCAB is the uniform CEQA review procedures required by South Coast AQMD's CEQA Air Quality Handbook (1993) (1993 CEQA Handbook). The single threshold of significance used to assess Project direct and cumulative impacts has in fact "worked" as evidenced by the track record of the air quality in the SCAB dramatically improving over the course of the past decades. As stated by the South Coast AQMD, the District's thresholds of significance are based on factual and scientific data and are therefore appropriate thresholds of significance to use for this Project.

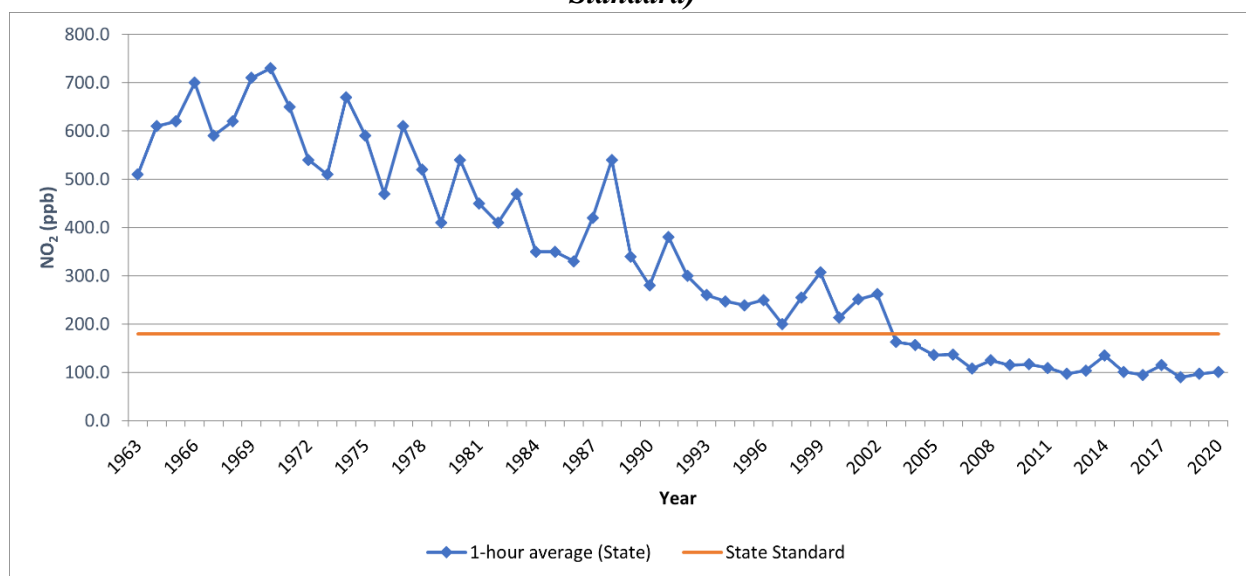


Exhibit 4.2-7: South Coast Air Basin 1-Hour Average Concentration NO₂ Trend (based on Federal Standard)



Source: (Urban Crossroads, 2024a, Table 2-11)

Exhibit 4.2-8: South Coast Air Basin 1-Hour Average Concentration NO₂ Trend (based on State Standard)



Source: (Urban Crossroads, 2024a, Table 2-12)

2. Toxic Air Contaminants Trends

In 1984, as a result of public concern for exposure to airborne carcinogens, CARB adopted regulations to reduce the amount of TAC emissions resulting from mobile and area sources, such as cars, trucks, stationary products, and consumer products. According to the Ambient and Emission Trends of Toxic Air Contaminants in California journal article which was prepared for CARB, results show that



between 1990-2012, ambient concentration and emission trends for the seven TACs responsible for most of the known cancer risk associated with airborne exposure in California have declined significantly (between 1990 and 2012). The seven TACs studied include those that are derived from mobile sources: diesel particulate matter (DPM), benzene (C₆H₆), and 1,3-butadiene (C₄H₆); those that are derived from stationary sources: perchloroethylene (C₂Cl₄) and hexavalent chromium (Cr(VI)); and those derived from photochemical reactions of emitted VOCs: formaldehyde (CH₂O) and acetaldehyde (C₂H₄O)¹. The decline in ambient concentration and emission trends of these TACs are a result of various regulations CARB has implemented to address cancer risk.

CARB introduced two programs that aimed at reducing mobile emissions for light and medium duty vehicles through vehicle emissions controls and cleaner fuel. In California, light-duty vehicles sold after 1996 are equipped with California's second-generation On-Board Diagnostic (OBD-II) system. The OBD-II system monitors virtually every component that can affect the emission performance of the vehicle to ensure that the vehicle remains as clean as possible over its entire life and assists repair technicians in diagnosing and fixing problems with the computerized engine controls. If a problem is detected, the OBD-II system illuminates a warning lamp on the vehicle instrument panel to alert the driver. This warning lamp typically contains the phrase "Check Engine" or "Service Engine Soon". The system will also store important information about the detected malfunction so that a repair technician can accurately find and fix the problem. CARB has recently developed similar OBD requirements for heavy-duty vehicles over 14,000 pounds (lbs). CARB's phase II Reformulated Gasoline Regulation (RFG-2), adopted in 1996, also led to a reduction of mobile source emissions. Through such regulations, benzene levels declined 88% from 1990 to 2012. 1,3-Butadiene concentrations also declined 85% from 1990 to 2012 as a result of the use of reformulated gasoline and motor vehicle regulations.

In 2000, CARB's Diesel Risk Reduction Plan (DRRP) recommended the replacement and retrofit of diesel-fueled engines and the use of ultra-low-sulfur (<15 ppm) diesel fuel. As a result of these measures, DPM concentrations have declined 68% since 2000, even though the state's population increased 31% and the amount of diesel vehicles miles traveled increased 81%. With the implementation of these diesel-related control regulations, CARB expects a DPM decline of 71% for 2000-2020. South Coast AQMD's Multiple Air Toxics Exposure Study (MATES) study discussed later illustrates the cancer risk trends, which show an approximate 80% reduction in risk from 2000 to 2020, which correlates to the reductions in DPM anticipated by CARB.

3. Diesel Regulations

CARB and the Ports of Los Angeles and Long Beach (POLA and POLB) have adopted several iterations of regulations for diesel trucks that are aimed at reducing DPM. More specifically, CARB Drayage Truck Regulation, CARB statewide On-road Truck and Bus Regulation, and the Ports of Los Angeles and Long Beach Clean Truck Program (CTP) require accelerated implementation of "clean

¹ It should be noted that ambient DPM concentrations are not measured directly. Rather, a surrogate method using the coefficient of haze (COH) and elemental carbon (EC) is used to estimate DPM concentrations.



trucks” into the statewide truck fleet. In other words, older more polluting trucks would be replaced with newer, cleaner trucks as a function of these regulatory requirements.

Moreover, the average statewide DPM emissions for Heavy Duty Trucks (HDT), in terms of grams of DPM generated per mile traveled, would dramatically be reduced due to the aforementioned regulatory requirements. Diesel emissions identified in this analysis would therefore overstate future DPM emissions since not all the regulatory requirements are reflected in the modeling.

4. *Cancer Risk Trends*

Based on information available from CARB, overall cancer risk throughout the SCAB has had a declining trend since 1990. In 1998, following an exhaustive 10-year scientific assessment process, CARB identified particulate matter from diesel-fueled engines as a toxic air contaminant. The SCAQMD initiated a comprehensive urban toxic air pollution study called the Multiple Air Toxics Exposure Study (MATES). DPM accounts for more than 70% of the cancer risk.

In January 2018, as part of the overall effort to reduce air toxics exposure in the SCAB, SCAQMD began conducting the MATES V Program. MATES V field measurements were conducted at ten fixed sites (the same sites selected for MATES III and IV) to assess trends in air toxics levels. MATES V also included measurements of ultrafine particles (UFP) and black carbon (BC) concentrations, which can be compared to the UFP levels measured in MATES IV. The final report for the MATES V study was published August 2021. In addition to new measurements and updated modeling results, several key updates were implemented in MATES V. First, MATES V estimates cancer risks by taking into account multiple exposure pathways, which includes inhalation and non-inhalation pathways. This approach is consistent with how cancer risks are estimated in South Coast AQMD’s programs such as permitting, Air Toxics Hot Spots (AB 2588), and CEQA. Previous MATES studies quantified the cancer risks based on the inhalation pathway only. Second, along with cancer risk estimates, MATES V includes information on the chronic non-cancer risks from inhalation and non-inhalation pathways for the first time. Cancer risks and chronic non-cancer risks from MATES II through IV measurements have been re-examined using current Office of Environmental Health Hazard Assessment (OEHHA) and CalEPA risk assessment methodologies and modern statistical methods to examine the trends over time

MATES-V calculated cancer risks based on monitoring data collected at ten fixed sites within the SCAB. None of the fixed monitoring sites are within the local area of the Project site. However, MATES-V has extrapolated the excess cancer risk levels throughout the SCAB by modeling the specific grids. The Project is located within a quadrant of the geographic grid of the MATES-V model which predicted a cancer risk of 271 in one million for the area containing the Project site. DPM is included in this cancer risk along with all other TAC sources. As in previous MATES iterations, DPM is the largest contributor to overall air toxics cancer risk. However, the average levels of DPM in MATES V are 53% lower at the 10 monitoring sites compared to MATES IV. Cumulative Project generated TACs are limited to DPM.



G. Local Air Quality

The South Coast AQMD has designated general forecast areas and air monitoring areas (referred to as Source Receptor Areas [SRA]) throughout the district in order to provide Southern California residents about the air quality conditions. The Project site is located within SRA 21 (Capistrano Valley). It should be noted that there are no monitoring stations within SRA 21. As such, the next nearest monitoring stations will be utilized. Data for O₃, CO, PM₁₀, and PM_{2.5} (years 2020 and 2021) was obtained from the Saddleback Valley monitoring station, located in SRA 19, approximately 9.2 miles northwest of the Project site. Data for NO₂ and PM_{2.5} (year 2022) was obtained from the Elsinore Valley monitoring station, located in SRA 22 approximately 22.2 miles northeast.

The most recent three (3) years of data available is shown on Table 4.2-3, *Project Area Air Quality Monitoring Summary 2020-2022* and identifies the number of days ambient air quality standards were exceeded for the study area, which is considered to be representative of the local air quality at the Project site. Data for O₃, CO, NO₂, PM₁₀, and PM_{2.5} for 2020 through 2022 was obtained from the SCAQMD Air Quality Data Tables. Additionally, data for SO₂ has been omitted as attainment is regularly met in the SCAB and few monitoring stations measure SO₂ concentrations.

Table 4.2-3 Project Area Air Quality Monitoring Summary 2020-2022

Pollutant	Standard	Year		
		2020	2021	2022
O ₃				
Maximum Federal 1-Hour Concentration (ppm)		0.171	0.105	0.110
Maximum Federal 8-Hour Concentration (ppm)		0.12	0.081	0.088
Number of Days Exceeding State 1-Hour Standard	> 0.09 ppm	20	2	1
Number of Days Exceeding State/Federal 8-Hour Standard	> 0.070 ppm	32	8	6
CO				
Maximum Federal 1-Hour Concentration	> 35 ppm	1.7	1.0	1.2
Maximum Federal 8-Hour Concentration	> 20 ppm	0.8	0.8	1.0
NO ₂				
Maximum Federal 1-Hour Concentration	> 0.100 ppm	0.044	0.044	0.037
Annual Federal Standard Design Value		0.007	0.007	0.007
PM ₁₀				
Maximum Federal 24-Hour Concentration (µg/m ³)	> 150 µg/m ³	53	35	31
Annual Federal Arithmetic Mean (µg/m ³)		16.8	15.6	15.3
Number of Days Exceeding Federal 24-Hour Standard	> 150 µg/m ³	0	0	0
Number of Days Exceeding State 24-Hour Standard	> 50 µg/m ³	1	0	0
PM _{2.5}				
Maximum Federal 24-Hour Concentration (µg/m ³)	> 35 µg/m ³	35.00	28.70	32.10



Pollutant	Standard	Year		
		2020	2021	2022
Annual Federal Arithmetic Mean ($\mu\text{g}/\text{m}^3$)	$> 12 \mu\text{g}/\text{m}^3$	8.81	8.27	11.49
Number of Days Exceeding Federal 24-Hour Standard	$> 35 \mu\text{g}/\text{m}^3$	0	0	0

ppm = Parts Per Million

$\mu\text{g}/\text{m}^3$ = Microgram per Cubic Meter

Source: (Urban Crossroads, 2024a, Table 2-4)

4.2.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to air quality. One comment related to air quality from South Coast AQMD was received on November 2, 2023. South Coast AQMD requested: to be included in the distribution of the EIR with all appendices and technical documents related to air quality, health risk, and greenhouse gases; that the EIR use South Coast AQMD's CEQA Air Quality Handbook and website as guidance; that the EIR identify any potential adverse air quality impacts that could occur from all phases of the proposed Project; that the emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA operational thresholds to determine the level of significance; and provided mitigation measures that the Lead Agency should consider in reducing potential impacts to air quality. The Project's Air Quality Impact Analysis and Health Risk Assessment (*Technical Appendices B1 and B2* of the Draft EIR) were prepared using the South Coast AQMD's CEQA Air Quality Handbook using the latest version of CalEEMod (as discussed in detail in Subsection 4.2.4, below), and results of any potential adverse air quality impacts are discussed throughout in this section.

4.2.3 REGULATORY FRAMEWORK

A. Federal

1. *Federal Clean Air Act*

The Federal Clean Air Act (CAA; 42 U.S.C. Section 7401 et seq.) was first enacted in 1955 and has been amended numerous times in subsequent years (1963, 1965, 1967, 1970, 1977, and 1990). The CAA establishes the federal air quality standards, the NAAQS, and specifies future dates for achieving compliance. The CAA also mandates that states submit and implement SIPs for local areas not meeting these standards. These plans must include pollution control measures that demonstrate how the standards will be met. The 1990 amendments to the CAA that identify specific emission reduction goals for areas not meeting the NAAQS require a demonstration of reasonable further progress toward attainment and incorporate additional sanctions for failure to attain or to meet interim milestones. The sections of the CAA most directly applicable to the development of the Project site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions were established with the goal of attaining the NAAQS for the following criteria pollutants O_3 , NO_2 , SO_2 , PM_{10} , CO, $\text{PM}_{2.5}$, and Pb. The NAAQS were amended in July 1997 to include an additional standard



for O₃ and to adopt a NAAQS for PM_{2.5}. Table 4.2-2 (previously presented) provides the NAAQS within the SCAB.

Mobile source emissions are regulated in accordance with Title II provisions. These provisions require the use of cleaner burning gasoline and other cleaner burning fuels such as methanol and natural gas. Automobile manufacturers are also required to reduce tailpipe emissions of hydrocarbons and NO_x. NO_x is a collective term that includes all forms of NO_x which are emitted as byproducts of the combustion process.

B. State

1. California Air Resources Board

The California Air Resources Board (CARB), which became part of the CalEPA in 1991, is responsible for ensuring implementation of the California Clean Air Act (AB 2595), responding to the federal CAA, and for regulating emissions from consumer products and motor vehicles. AB 2595 mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the state ambient air quality standards by the earliest practical date. The CARB established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, establishes standards for SO₄, visibility, hydrogen sulfide (H₂S), and vinyl chloride (C₂H₃Cl). However, at this time, H₂S and C₂H₃Cl are not measured at any monitoring stations in the SCAB because they are not considered to be a regional air quality problem. Generally, the CAAQS are more stringent than the NAAQS.

Local air quality management districts, such as the South Coast AQMD, regulate air emissions from stationary sources such as commercial and industrial facilities. All air pollution control districts have been formally designated as attainment or non-attainment for each CAAQS. Serious non-attainment areas are required to prepare Air Quality Management Plans (AQMP) that include specified emission reduction strategies in an effort to meet clean air goals. These plans are required to include:

- Application of Best Available Retrofit Control Technology to existing sources;
- Developing control programs for area sources (e.g., architectural coatings and solvents) and indirect sources (e.g. motor vehicle use generated by residential and commercial development);
- A District permitting system designed to allow no net increase in emissions from any new or modified permitted sources of emissions;
- Implementing reasonably available transportation control measures and assuring a substantial reduction in growth rate of vehicle trips and miles traveled;
- Significant use of low emissions vehicles by fleet operators;



- Sufficient control strategies to achieve a 5% or more annual reduction in emissions or 15% or more in a period of three years for ROG_s, NO_x, CO and PM₁₀. However, air basins may use alternative emission reduction strategy that achieves a reduction of less than 5% per year under certain circumstances.

2. Title 24 Energy Efficiency Standards and California Green Building Standards

California Code of Regulations (CCR) Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on August 1, 2009, and is administered by the California Building Standards Commission.

CALGreen is updated on a regular basis, with the most recent approved updated consisting of the 2022 California Green Building Code Standards that will be effective on January 1, 2023. The CEC anticipates that the 2022 energy code will provide \$1.5 billion in consumer benefits and reduce GHG emissions by 10 million metric tons. The Project would be required to comply with the applicable standards in place at the time plan check submittals are made.

These are discussed in Section 2.82 of the *Technical Appendix B1* of this EIR under Title 24 Energy Efficiency Standards and California Green Building Standards.

C. Regional

1. South Coast AQMD Rule 402

This rule specifies that a person shall not discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any such persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

As to odor emissions, all uses shall be operated in a manner such that no offensive odor is perceptible at or beyond the property line of that use.

2. South Coast AQMD Rule 403

This rule is intended to reduce the amount of particulate matter entrained in the ambient air as a result of anthropogenic (human-made) fugitive dust sources by requiring actions to prevent and reduce fugitive dust emissions. Rule 403 applies to any activity or human-made condition capable of generating fugitive dust and requires best available control measures to be applied to earth moving and grading activities.



As to dust control related to operations, any operation or activity that might cause the emission of any smoke, fly ash, dust, fumes, vapors, gases, or other forms of air pollution, which can cause damage to human health, vegetation, or other forms of property, or can cause excessive soiling on any other parcel, shall conform to the requirements of the South Coast AQMD.

3. *South Coast AQMD Rule 1113*

This rule serves to limit the Volatile Organic Compound (VOC) content of architectural coatings used on projects in the South Coast AQMD and applies to any person who supplies, sells, offers for sale, or manufactures any architectural coating for use at the Project site.

4. *South Coast AQMD Rule 1301*

This rule is intended to provide that pre-construction review requirements to ensure that new or relocated facilities do not interfere with progress in attainment of the National Ambient Air Quality Standards (NAAQS), while future economic growth within the SCAQMD is not unnecessarily restricted. The specific air quality goal is to achieve no net increases from new or modified permitted sources of nonattainment air contaminants or their precursors. Rule 1301 also limits emission increases of ammonia, and Ozone Depleting Compounds (ODCs) from new, modified or relocated facilities by requiring the use of Best Available Control Technology (BACT).

5. *South Coast AQMD Rule 1401*

This rule specifies that a person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any 1 hour that is as dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States (U.S.) Bureau of Mines.

The two most pertinent regulatory requirements that could be modeled, are Rule 403 (Fugitive Dust) and Rule 1113 (Architectural Coatings). Credit for Rule 403 and Rule 1113 have been taken in the analysis.

D. *Local*

1. *City of San Juan Capistrano General Plan*

The General Plan identifies goals related to air quality in the Conservation and Open Space Element and the Environmental Justice Element. These goals and policies and a discussion of the Project's consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.

4.2.4 METHODOLOGY

In May 2023 the California Air Pollution Control Officers Association (CAPCOA) in conjunction with other California air districts, including SCAQMD, released the latest version of CalEEMod version 2022.1.1.21. The purpose of this model is to calculate construction-source and operational-source



criteria pollutant (VOCs, NO_x, SO_x, CO, PM₁₀, and PM_{2.5}) and GHG emissions from direct and indirect sources; and quantity applicable air quality and GHG reductions achieved from mitigation measures. Accordingly, the latest version of CalEEMod has been used for this Project to determine construction and operational air quality emissions. Refer Appendices 3.1 through 3.2 of the Project's Air Quality Impact Analysis (*Technical Appendix B1*) for Criteria Air Pollutant CalEEMod Output Files.

A. Project-Related Construction Emissions

1. Construction Activities

Construction activities associated with the Project would result in emissions of VOCs, NO_x, SO_x, CO, PM₁₀, and PM_{2.5}. Construction related emissions are expected from the following construction activities:

Forster & El Camino Mixed Use Project

- Demolition
- Grading
- Grading/Off-Site Improvements
- Building Construction
- Paving
- Architectural Coating

Performing Arts Center

- Grading
- Grading/Off-Site Improvements
- Building Construction
- Paving
- Architectural Coating

Demolition Activities

The site is currently developed with 106,504 sf of existing asphalt/concrete and buildings which will be demolished. Demolition of the existing asphalt/concrete and buildings will result in approximately 12,078 total tons of material that would be demolished.

Grading Activities

Dust is typically a major concern during grading activities. Because such emissions are not amenable to collection and discharge through a controlled source, they are called "fugitive emissions". Fugitive dust emissions rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). CalEEMod was utilized to calculate fugitive dust emissions resulting from this phase of activity. The Forster & El Camino Mixed



Use Project site will balance with no export/import of soils required. The grading for the Performing Arts Center will require a small amount of import, which will be less than 4,000 cubic yards.

Off-Site Utility and Infrastructure Improvements

As shown in Figure 3-11, *Development Impact Area*, the physical disturbance area would be limited to the Project site with the exception of off-site improvements associated with roadway construction and utility installation for the Project, which would occur concurrently with the construction of the proposed Project. It is expected that the off-site construction activities would not take place at the same location for the entire duration of construction. Impacts associated with these activities are not expected to exceed the emissions identified for Project-related construction activities since the off-site construction areas would have physical constraints on the amount of daily activity that could occur. The physical constraints would limit the amount of construction equipment that could be used, and any off-site and utility infrastructure construction would not use equipment that would exceed the total equipment listed in Table 3-3 *Construction Duration*, in Section 3.0, *Project Description*, of this EIR. As such, no impacts related to offsite improvements beyond what has already been identified as part of the Project.

Construction Duration

For purposes of analysis, construction of Project is expected to commence in June 2025 and would last through September 2027. Construction for the Forster & El Camino Mixed Use Project would commence in approximately June 2025 and end in February 2027, while construction for the Performing Arts Center would commence in approximately December 2025 and end in September 2027. The construction schedule utilized in the analysis, shown in Table 3-3 *Construction Duration*, in Section 3.0, *Project Description*, of this EIR, represents a “worst-case” analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per CEQA Guidelines.

Construction Equipment

A summary of construction equipment by phase is provided at Table 3-4, *Construction Equipment Assumptions*, in Section 3.0, *Project Description*, of this EIR. Consistent with industry standards and typical construction practices for other large-scale development, each piece of equipment listed will operate up to a total of eight (8) hours per day, or more than two-thirds of the period during which construction activities are allowed pursuant to the code.

B. Project Operational Emissions

Operation activities associated with Project would result in emissions of VOCs, NO_x, SO_x, CO, PM₁₀, and PM_{2.5}. There will be no overlapping between construction and operational activities. Operational emissions would be expected from Area Source Emissions, Energy Emissions, and Mobile Source Emissions.



1. Area Source Emissions

Area source emissions associated with the Project would occur as a result of architectural coatings, consumer products, and landscape maintenance equipment, as follows:

Architectural Coatings

Over a period of time, the buildings that are part of this Project would require maintenance and would therefore produce emissions resulting from the evaporation of solvents contained in paints, varnishes, primers, and other surface coatings. The emissions associated with architectural coatings were calculated using CalEEMod.

Consumer Products

Consumer products include, but are not limited to detergents, cleaning compounds, polishes, personal care products, and lawn and garden products. Many of these products contain organic compounds which when released in the atmosphere can react to form ozone and other photochemically reactive pollutants. The emissions associated with use of consumer products were calculated based on defaults provided within CalEEMod.

Landscape Maintenance Equipment

Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the Project. It should be noted that as of October 9, 2021, Governor Gavin Newsom signed AB 1346. The bill aims to ban the sale of new gasoline-powered equipment under 25 gross hp (known as small off-road engines [SOREs]) by 2024. For purposes of analysis, the emissions associated with landscape maintenance equipment were calculated based on assumptions provided in CalEEMod.

2. Energy Source Emissions

Criteria pollutant emissions are emitted through the generation of electricity and consumption of natural gas. However, because electrical generating facilities for the Project area are located either outside the region (State) or offset through the use of pollution credits (RECLAIM) for generation within the SCAB, criteria pollutant emissions from offsite generation of electricity are excluded from the evaluation of significance. Electricity and natural gas usage associated with the Project were calculated by CalEEMod using default parameters.

3. Mobile Source Emissions

The Project related operational air quality emissions derive primarily from vehicle trips generated by the Project, including employee trips to and from the site and truck trips associated with the proposed uses. Trip characteristics available from the *El Camino Specific Plan Amendment Traffic Impact Analysis Report (Technical Appendix K1)* were utilized in this analysis. Traffic generation is used for the purpose of analyzing impacts related to air quality, greenhouse gas emissions, energy, and noise.



Determining traffic generation for a specific project is based upon forecasting the amount of traffic that is expected to be both attracted to and produced by the specific land uses being proposed for a given development. Trip generation for the Project was conservatively developed using rates from the ITE Trip Generation Manual (11th Edition) for the Multifamily Housing (Low-Rise) Land Use category (ITE Land Use Code 220), Health/Fitness Club (ITE Land Use Code 492), and Fine Dining Restaurant (ITE Land Use Code 931). However, for the proposed Performing Arts Center, the use and operational characteristics of this Project component are not similar to the available land use categories provided in Trip Generation, 11th Edition. Therefore, trips generated by this Project component were conservatively estimated based on the anticipated unique operational characteristics (i.e., attendance levels, anticipated visitor arrival and departure patterns during weekdays and weekends, events, educational, and other programming, employees, etc.). The trip generation associated with the Performing Arts Center reflects the Project condition that start times of simultaneous events in the theatre on weekday evenings (e.g., after 6:00 PM) hours in order to be conservative. It should be noted that the trip generation is based on 49,097 SF performing arts center with a capacity of 452 seats (352 seats in the Main Auditorium and 100 seats in the “Black Box” theater). Since preparation of the traffic analysis, the Performing Arts Center has been reduced in size and includes 48,235 SF and with capacity of 450 seats (350 seats in the Main Auditorium and 100 seats in the “Black Box” theater). Therefore, the traffic analysis overstates the trip generation and the associated amount of air quality emissions.

The Forster and El Camino Mixed Use project is anticipated to generate 628 daily trips (one half arriving and one half departing), with 41 trips (14 inbound, 27 outbound) produced in the AM peak hour and 68 trips (43 inbound, 25 outbound) produced in the PM peak hour on a “typical” weekday. The proposed Performing Arts Center is expected to generate 606 daily trips (one half arriving and one half departing), with 22 trips (18 inbound, 4 outbound) produced in the AM peak hour and 102 trips (79 inbound, 23 outbound) produced in the PM peak hour on a “typical” weekday. In total, the Project is anticipated to generate 1,234 two-way trip-ends per day with 63 AM peak hour trips and 170 PM peak hour trips.

Fugitive Dust Related to Vehicular Travel

Vehicles traveling on paved roads would be a source of fugitive emissions due to the generation of road dust inclusive of brake and tire wear particulates. The emissions estimate for travel on paved roads were calculated using CalEEMod.

C. Localized Pollutant Emissions

Localized emissions associated with Project-related construction and operational activities were calculated and evaluated in accordance with South Coast AQMD’s Final Localized Significant Threshold Methodology (“Methodology”). The South Coast AQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedance of the NAAQS and CAAQS. Collectively, these are referred to as Localized Significance Thresholds (LSTs).



For this Project, the appropriate SRA for the LST analysis is the SCAQMD Capistrano Valley (SRA 21).² LSTs apply to CO, NO₂, PM₁₀, and PM_{2.5}. The South Coast AQMD produced look-up tables for projects that disturb less than or equal to 5 acres per day in size. In order to determine the appropriate methodology for determining localized impacts that could occur as a result of Project-related construction, the following process is undertaken:

- Identify the maximum daily on-site emissions that will occur during construction activity:
 - The maximum daily on-site emission could be based on information provided by the Project Applicant; or
 - The South Coast AQMD's "Fact Sheet for Applying CalEEMod to Localized Significance Thresholds" and CalEEMod "User's Guide Appendix A: Calculation Details for CalEEMod" can be used to determine the maximum site acreage that is actively disturbed based on the construction equipment fleet and equipment hours as estimated in CalEEMod.
- If the total acreage disturbed is less than or equal to 5 acres per day, then the South Coast AQMD's screening look-up tables are utilized to determine if a Project has the potential to result in a significant impact. The look-up tables establish a maximum daily emissions threshold in lbs/day that can be compared to CalEEMod outputs.
- If the total acreage disturbed is greater than 5 acres per day, then LST impacts may still be conservatively evaluated using the LST look-up tables for a 5-acre disturbance area. Use of the 5-acre disturbance area thresholds can be used to show that even if the daily emissions from all construction activity were emitted within a 5-acre area, and therefore concentrated over a smaller area which would result in greater site adjacent concentrations, the impacts would still be less than significant if the applicable 5-acre thresholds are utilized.
- Since total acreage disturbed for the Project is likely greater than 5 acres per day throughout the construction process, then the South Coast AQMD recommends dispersion modeling to be conducted to determine the actual pollutant concentrations for applicable LSTs in the air. In other words, the maximum daily on-site emissions as calculated in CalEEMod are modeled via air dispersion modeling to calculate the actual concentration in the air (e.g., parts per million or micrograms per cubic meter) in order to determine if any applicable thresholds are exceeded.

² As indicated above, the South Coast AQMD has designated general forecast areas and air monitoring areas (referred to as Source Receptor Areas [SRA]) throughout the district in order to provide Southern California residents about the air quality conditions. The Project site is located within SRA 21 (Capistrano Valley).



Based on South Coast AQMD's *LST Methodology*, emissions for concern during construction activities are on-site NO_x, CO, PM_{2.5}, and PM₁₀. The *LST Methodology* states that "off-site mobile emissions from the Project should not be included in the emission compared to LSTs. As such, for purposes of the construction LST analysis, only emissions included in CalEEMod on-site emissions outputs were considered." Detailed information about application of this methodology can found in the Project's Air Quality Impact Analysis (*Technical Appendix B1*).

1. *Project-Related Sensitive Receptors Relative to Construction and Operational Activities*

Some people are especially sensitive to air pollution and are given special consideration when evaluating air quality impacts from projects. These groups of people include children, the elderly, and individuals with pre-existing respiratory or cardiovascular illness. Structures that house these persons or places where they gather are defined as "sensitive receptors." These structures typically include uses such as residences, hotels, and hospitals where an individual can remain for 24 hours. Sensitive receptors in the Project study area relative to construction and operational activities are described below and shown in Figure 4.2-1, *Sensitive Receptor Locations*. Localized air quality impacts were evaluated at receptor land uses nearest the Project site. All distances are measured from the Project site boundary to the outdoor living areas (e.g., backyards) or at the building façade, whichever is closer to the Project site.

- R1: Location R1 represents the Camino Real Playhouse at 31776 El Camino Real, approximately 139 feet north of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R1 is placed at the building façade.
- R2: Location R2 represents the Orange County Fire Authority Station #7 at 31865 Del Obispo Street, approximately 49 feet southeast of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R2 is placed at the building façade.
- R3: Location R3 represents the existing Plaza de Prosperidad office building at 31877 Del Obispo Street Capistrano approximately 92 feet south of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R3 is placed at the building façade.
- R4: Location R4 represents the existing Mercado Village at 31952 Camino Capistrano approximately 9 feet south of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R4 is placed at the building façade.
- R5: Location R5 represents Ellie's Table at the Egan House at 31892 Camino Capistrano, approximately 6 feet south of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R5 is placed at the building façade.



- R6: Location R6 represents the El Adobe restaurant building at 31891 Camino Capistrano, approximately 84 feet west of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R6 is placed at the building façade.
- R7: Location R7 represents the office building at 31866 Forster Street, approximately 10 feet northwest of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R7 is placed at the building façade.
- R8: Location R8 represents the commercial retail building at 31812 Camino Capistrano, approximately 122 feet west of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R8 is placed at the building façade.
- R9: Location R9 represents the Blas Aguilar Adobe Museum at 31806 El Camino Real, approximately 78 feet north of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R9 is placed at the building façade.
- R10: Location R10 represents the existing residence at 31871 Los Rios Street, approximately 503 feet west of the Project site. Because there are no private outdoor living areas (backyards) facing the Project site, receptor R10 is placed at the residential building façade.
- R11: Location R11 represents San Juan Elementary School, located approximately 832 feet north of the Project site.

SCAQMD recommends that the nearest sensitive receptor be considered when determining the Project's potential to cause an individual a cumulatively significant impact. The nearest land use where an individual could remain for 24 hours to the Project site has been used to determine localized construction and operational air quality impacts for emissions of PM₁₀ and PM_{2.5} (since PM₁₀ and PM_{2.5} thresholds are based on a 24-hour averaging time). The nearest receptor used for evaluation of localized impacts of PM₁₀ and PM_{2.5} is represented by location R2 which represents the Orange County Fire Authority Station #7 at 31865 Del Obispo Street, approximately 49 feet (15 meters) southeast of the Project site.

As previously stated, and consistent with LST Methodology, the nearest industrial/commercial use to the Project site is used to determine construction and operational LST air impacts for emissions of NO_x and CO as the averaging periods for these pollutants are shorter (8 hours or less) and it is reasonable to assumed that an individual could be present at these sites for periods of one to 8 hours. The nearest receptor used for evaluation of localized impacts of NO_x and CO is represented by location R5 which represents Ellie's Table at the Egan House at 31892 Camino Capistrano, approximately 6 feet (2 meters) south of the Project site.



Source(s): Urban Crossroads (12-14-2023)

Figure 4.2-1



Not
to
Scale



Sensitive Receptor Locations

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



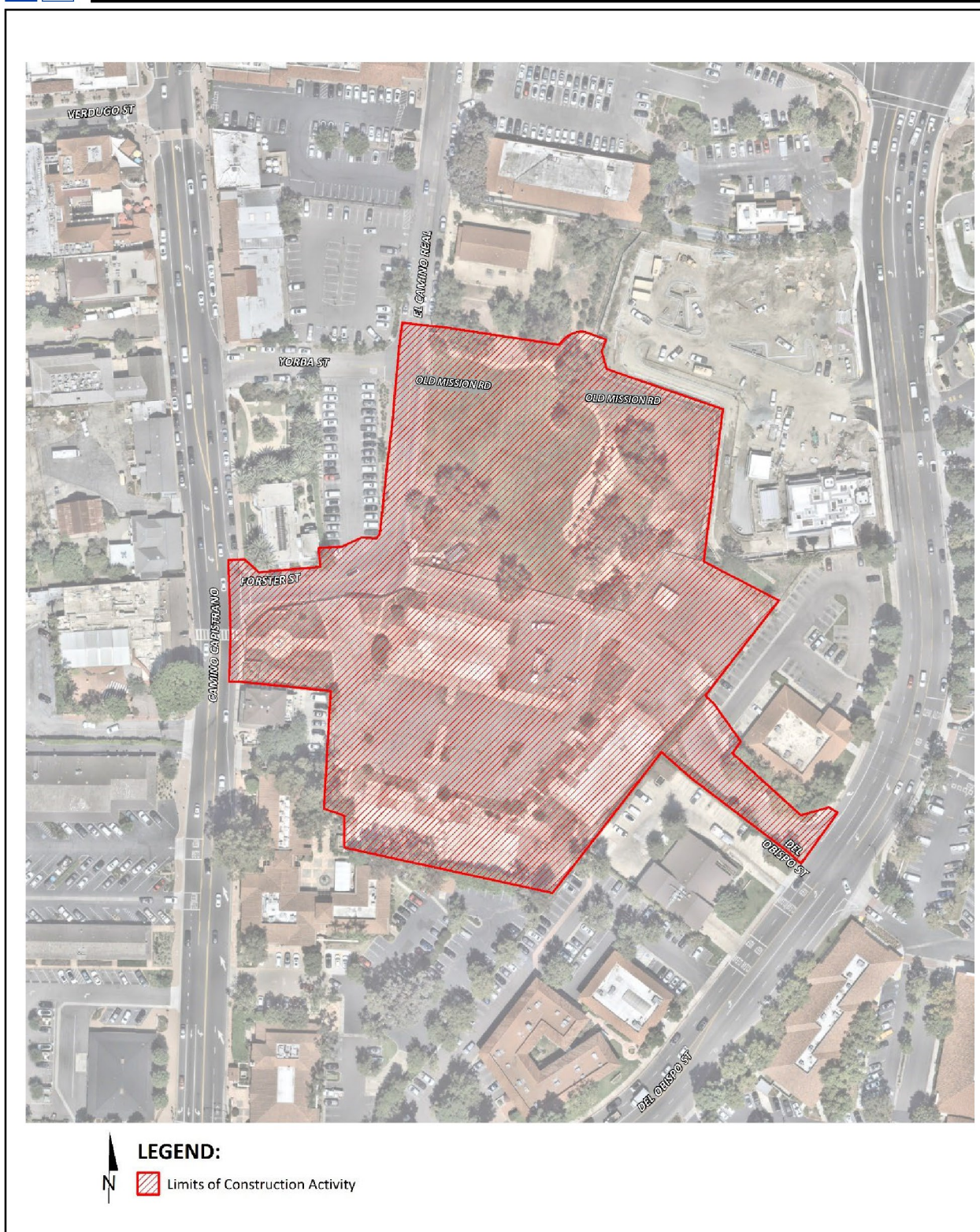
D. Health Risk Assessment Methodology

The HRA was prepared based on applicable guidelines to produce conservative estimates of human health risk posed by exposure to diesel particulate matter (DPM) during construction activities. The conservative nature of this analysis is due primarily to the fact that the ARB-adopted diesel exhaust Unit Risk Factor (URF) of 300 in one million per $\mu\text{g}/\text{m}^3$ is based upon the upper 95 percentile of estimated risk for each of the epidemiological studies utilized to develop the URF. Using the 95th percentile URF represents a very conservative (health-protective) risk posed by DPM because it represents breathing rates that are high for the human body. Construction related DPM emissions are expected to occur primarily as a function of the operation of heavy-duty construction equipment.

The analysis herein has been conducted in accordance with the guidelines in the Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, utilizing the Environmental Protection Agency's (U.S. EPA's) AERMOD model. For purposes of this analysis, the Lakes AERMOD View (Version 12.0.0) was used to incorporate the U.S. EPA's latest AERMOD Version 23132 and calculate annual average particulate concentrations associated with site operations. Modeled emission sources are illustrated on Figure 4.2-2, *Modeled Construction Emission Sources*.

The model offers additional flexibility by allowing the user to assign an initial release height and vertical dispersion parameters for mobile sources representative of a roadway. The roadways were modeled as adjacent volume sources and using the U.S. EPA's haul route methodology for modeling construction haul truck and vendor truck movement. More specifically, the Haul Road Volume Source Calculator in Lakes AERMOD View was used to determine the release height parameters. Based on the US EPA methodology, the Project's modeled sources would result in a release height of 3.49 meters, an initial lateral dimension of 4.0 meters, and an initial vertical dimension of 3.25 meters.

Refer to Section 2 of the Project's Health Risk Assessment (*Technical Appendix B2*) for a detailed description of HRA methodologies and for the model inputs and equations used in the estimation of the Project related DPM emissions.



Source(s): Urban Crossroads (07-24-2024)

Figure 4.2-2



Not
to
Scale



Modeled Construction Emission Sources

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



4.2.5 BASIS FOR DETERMINING SIGNIFICANCE

According to Section III of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to air quality if the Project or any Project-related component would:

- a) *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;*
- c) *Expose sensitive receptors to substantial pollutant concentrations;*
- d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.*

The South Coast SQMD has developed regional significant thresholds for other regulated pollutants, which are summarized in Table 4.2-4, *Maximum Daily Regional Emissions Thresholds*. The South Coast AQMD's CEQA Air Quality Significance Thresholds indicate that any project in the SCAB with daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact.

Table 4.2-4 Maximum Daily Regional Emissions Thresholds

Pollutant	Regional Construction Threshold (lbs/day)	Regional Operational Thresholds (lbs/day)
NO _x	100	55
VOC	75	55
PM ₁₀	150	150
PM _{2.5}	55	55
SO _x	150	150
CO	550	550
Pb	3	3

Source: (Urban Crossroads, 2024a, Table 3-1)

4.2.6 IMPACT ANALYSIS

Threshold a: *Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

The Project site is located within the SCAB, which is characterized by relatively poor air quality. South Coast AQMD has jurisdiction over an approximately 10,743 square-mile area consisting of the four-county Basin and the Los Angeles County and Riverside County portions of what use to be referred to



as the Southeast Desert Air Basin. In these areas, South Coast AQMD is principally responsible for air pollution control, and works directly with the Southern California Association of Governments (SCAG), county transportation commissions, local governments, as well as State and federal agencies to reduce emissions from stationary, mobile, and indirect sources to meet State and federal ambient air quality standards.

Currently, these State and federal air quality standards are exceeded in most parts of the SCAB. In response, South Coast AQMD has adopted a series of AQMPs to meet the State and federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy.

In December 2022, South Coast AQMD released the Final 2022 AQMP (2022 AQMP). The 2022 AQMP continues to evaluate current integrated strategies and control measures to meet the NAAQS, as well as explore new and innovative methods to reach its goals. Some of these approaches include utilizing incentive programs, recognizing existing co-benefit programs from other sectors, and developing a strategy with fair-share reductions at the federal, State, and local levels. Similar to the 2016 AQMP, the 2022 AQMP incorporates scientific and technological information and planning assumptions, including SCAG's 2020-2045 Connect SoCal, a planning document that supports the integration of land use and transportation to help the region meet the federal CAA requirements. The Project's consistency with the AQMP will be determined using the 2022 AQMP, as discussed below.

Criteria for determining consistency with AQMP are defined in Chapter 12, Section 12.2 and Section 12.3 of the 1993 CEQA Handbook.³ Analysis under each criteria are discussed below:

- ***Consistency Criterion No. 1:*** *The proposed Project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.*

Consistency Criterion No. 1 refers to violations of the CAAQS and NAAQS. CAAQS and NAAQS violations would occur if regional or localized significant thresholds were exceeded. As evaluated under Thresholds b and c, below, the Project's localized and regional construction-source and operation-source emissions would not exceed applicable significance thresholds. As such, the Project is consistent with this criterion, and impacts would be less than significant.

- ***Consistency Criterion No. 2:*** *The Project will not exceed the assumptions in the AQMP based on the years of project build-out phase.*

³ The most recent South Coast AQMD CEQA Air Quality Handbook was prepared in April 1993, and minor revisions were added in November 1993.



The 2022 AQMP demonstrates that the applicable ambient air quality standards can be achieved within the timeframes required under federal law. Growth projections from local general plans adopted by cities in the district are provided to SCAG, which are used to develop regional growth forecasts. SCAG's regional growth forecasts are then used to develop future air quality forecasts for the AQMP. Development consistent with the growth projections in City's General Plan and SCAG Connect SoCal is considered to be consistent with the AQMP.

The Project will require the following discretionary approvals from the City: a General Plan Amendment, a Code Amendment, and a Rezone to allow for adoption of the El Camino Specific Plan. The Project is anticipated to generate 275 new residents, 95 units, and 75 employees. However, the increase in population, household, and employment under the Project would be within the anticipated growth projections for the City based on SCAG's growth projections for 2050. SCAG's Regional Council recently adopted Connect SoCal (2024-2050 Regional Transportation Plan/Sustainable Communities Strategy) in April 4, 2024, which included updated growth projections compared to the City's General Plan. Additionally, as demonstrated in the City's 2021–2029 Housing Element and General Plan projections, the City demonstrated that it has adequate capacity to meet 1,229 additional units within the City, which includes the potential for 96 multifamily residential units on the Project site. Furthermore, implementation of the proposed Project would result in operational emissions that are less than the applicable threshold. On the basis of the preceding discussion, the Project is determined to be consistent with the second criterion. Therefore, the project would not exceed the assumptions in the AQMP.

Peak day emissions generated by construction activities are largely independent of land use assignments, but rather are a function of development scope and maximum area of disturbance. Irrespective of the site's land use designation, development of the site to its maximum potential would likely occur, with disturbance of the entire site occurring during construction activities. As such, when considering that no emissions thresholds will be exceeded (see Threshold b, below), less than significant impacts would result.

Threshold b: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

A. Construction Emissions Impact Analysis

CalEEMod calculates maximum daily emissions for summer and winter periods. As such, the estimated maximum daily construction emissions without mitigation for both summer and winter periods are summarized in Table 4.2-5, *Overall Construction Emission Summary*. As shown, emissions resulting from the Project construction would not exceed criteria pollutant thresholds established by the South Coast AQMD for emissions of any criteria pollutant and impacts would be less than significant.



Table 4.2-5 Overall Construction Emission Summary

Year	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
2025	3.88	32.80	39.60	0.06	5.31	2.76
2026	5.51	23.10	34.40	0.06	2.59	1.17
2027	3.53	17.04	23.75	0.04	1.17	0.68
Winter						
2025	3.50	31.39	35.95	0.06	5.31	2.67
2026	11.71	65.59	79.53	0.13	9.89	5.16
2027	6.45	19.78	28.16	0.05	1.54	0.82
Maximum Daily Emissions	11.71	65.59	79.53	0.13	9.89	5.16
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2024a, Table 3-5)

B. Operational Emissions Impact Analysis

Project mobile source emissions impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. The estimated operational-source emissions from mobile sources and area sources for the Project are summarized on Table 4.2-6, *Summary of Peak Operational Emissions*. As shown, Project operations would not exceed criteria pollutant thresholds established by the South Coast AQMD for emissions of any criteria pollutant and impacts would be less than significant.

Table 4.2-6 Summary of Peak Operational Emissions

Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
Mobile Source	5.13	3.70	44.70	0.12	12.09	3.11
Area Source	3.29	1.66	9.98	0.01	0.13	0.13
Energy Source	0.06	1.02	0.73	0.00	0.08	0.08
Project Maximum Daily Emissions	8.48	6.38	55.41	0.13	12.30	3.32
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO
Winter						



Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Mobile Source	5.10	4.02	41.40	0.12	12.09	3.11
Area Source	2.17	1.58	0.67	0.01	0.13	0.13
Energy Source	0.06	1.02	0.73	0.00	0.08	0.08
Project Maximum Daily Emissions	7.33	6.62	42.80	0.13	12.30	3.32
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2024a, Table 3-6)

Threshold c: Would the Project expose sensitive receptors to substantial pollutant concentrations?

As discussed previously, localized emissions associated with the Project-related construction and operational activities were calculated and evaluated in accordance with South Coast AQMD's Final Localized Significance Threshold Methodology ("Methodology"). The South Coast AQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedance of the NAAQS and CAAQS. Collectively, these are referred to as Localized Significance Threshold (LSTs).

A. Construction Localized Emissions Impact Analysis

1. Criteria Pollutant Emissions

For analytical purposes, emissions associated with peak demolition, grading activities and grading/off-site improvements are considered for purposes of calculating LSTs since these phases represent the maximum localized emissions that would occur. Any other construction phases of development that overlap would result in lesser emissions and consequently lesser impacts than what is disclosed herein. Table 4.2-7, *Localized Construction-Source Emissions*, identifies the localized impacts at the nearest receptor location in the vicinity of the Project. As shown, localized construction emissions would not exceed the applicable South Coast AQMD LSTs for emission of any criterial pollutant, and as such, impacts would be less than significant.



Table 4.2-7 Localized Construction-Source Emissions

Area	Construction Activity	Year	Scenario	Emissions (lbs/day)			
				NO _x	CO	PM ₁₀	PM _{2.5}
Forster & El Camino Mixed Use Project	Demolition	2025	Summer	22.20	19.92	3.87	1.29
			Winter	n/a	n/a	n/a	n/a
			Maximum Daily Emissions	22.20	19.92	3.87	1.29
			SCAQMD Localized Threshold	91	696	4	3
			Threshold Exceeded?	NO	NO	NO	NO
	Grading	2025	Summer	20.64	19.61	3.40	1.99
			Winter	n/a	n/a	n/a	n/a
			Maximum Daily Emissions	20.64	19.61	3.40	1.99
			SCAQMD Localized Threshold	142	1,128	7	5
			Threshold Exceeded?	NO	NO	NO	NO
Forster & El Camino Mixed Use Project	Grading/ Off-Site Improvements	2025	Summer	20.64	19.61	3.40	1.99
			Winter	n/a	n/a	n/a	n/a
			Maximum Daily Emissions	20.64	19.61	3.40	1.99
			SCAQMD Localized Threshold	142	1,128	7	5
			Threshold Exceeded?	NO	NO	NO	NO
Performing Arts Center	Grading	2025	Summer	n/a	n/a	n/a	n/a
			Winter	17.25	16.12	3.06	1.78
		2026	Summer	n/a	n/a	n/a	n/a
			Winter	15.84	15.61	2.97	1.70
			Maximum Daily Emissions	17.25	16.12	3.06	1.78
			SCAQMD Localized Threshold	131	993	6	4
			Threshold Exceeded?	NO	NO	NO	NO
	Grading/ Off-Site Improvements	2026	Summer	n/a	n/a	n/a	n/a
			Winter	15.84	15.61	2.97	1.70
			Maximum Daily Emissions	15.84	15.61	2.97	1.70
			SCAQMD Localized Threshold	131	993	6	4
			Threshold Exceeded?	NO	NO	NO	NO

Source: (Urban Crossroads, 2024a, Table 3-9)



2. *DPM Source Cancer and Non-Cancer Risks Impact Analysis*

Residential

The land use with the greatest potential exposure to Project construction-source DPM emissions is Location R10 which is located approximately 503 feet west of the Project site at an existing residence located at 31871 Los Rios Street. Since there are no private outdoor living areas (backyards) facing the Project site, R10 is placed at the residential building façade. At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project construction-source DPM emissions is estimated at 1.73 in one million, which is less than the South Coast AQMD significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable threshold of 1.0. Location R10 is the nearest receptor to the Project site and would experience the highest concentrations of DPM during Project construction due to meteorological conditions at the site. Because all other modeled receptors would experience lower concentrations of DPM during Project construction, all other receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEIR identified herein. As such, the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity. All other receptors during construction activity would experience less risk than what is identified for this location. (Urban Crossroads, 2024b) Accordingly, impacts would be less than significant.

Worker

The worker receptor land use with the greatest potential exposure to Project construction-source DPM emissions is Location R7, which represents the potential worker receptor located approximately 10 feet northwest of the Project site. At the maximally exposed individual worker (MEIW), the maximum incremental cancer risk impact is 1.29 in one million which is less than the South Coast AQMD's threshold of 10 in one million. Maximum non-cancer risks at this same location were estimated to be 0.05, which would not exceed the applicable significance threshold of 1.0. Location R7 is the worker receptor that would experience the highest concentrations of DPM during Project construction due to meteorological conditions at the site. All other worker receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEIW identified herein. As such, the Project will not cause a significant human health or cancer risk to nearby workers

School Child

The nearest school is San Juan Elementary School, located approximately 832 feet north of the Project site and represented by Location R11. The maximally exposed individual school child (MEISC) is the school receptor that would experience the highest modeled concentrations of DPM, and thus the highest risk. At the MEISC, the maximum incremental cancer risk impact attributable to the Project is calculated to be 0.22 in one million, which is less than the significance threshold of 10 in one million. At this same location, non-cancer risks attributable to the Project were calculated to be less than 0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled school



receptors would be exposed to lower concentrations of DPM, all other school receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEISC identified herein. As such, the Project will not cause a significant human health or cancer risk to nearby school children.

B. Operation Localized Emissions Impact Analysis

1. Criteria Pollutant Emissions

The Project would include residential, clubhouse/leasing office, restaurant, health/fitness club, and performing arts center uses. According to South Coast AQMD LST methodology, LSTs would apply to the operational phase of a proposed project, if the project includes stationary sources, or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., transfer facilities and warehouse buildings). The proposed Project does not include such uses, and thus, due to the lack of significant stationary source emissions, no long-term localized significance threshold analysis is needed.

2. CO "Hot Spot Analysis"

An adverse CO concentration, known as a "hot spot", would occur if an exceedance of the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm were to occur.

The Project would not result in potentially adverse CO concentrations or "hot spots." Further, detailed modeling of Project-specific CO "hot spots" is not needed to reach this conclusion. It has long been recognized that CO hotspots are caused by vehicular emissions, primarily when idling at congested intersections. In response, vehicle emissions standards have become increasingly stringent in the last twenty years. Currently, the allowable CO emissions standard in California is a maximum of 3.4 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentration in the SCAB is now designated as attainment.

To establish a more accurate record of baseline CO concentrations affecting the SCAB, a CO "hot spot" analysis was conducted in 2003 for four busy intersections in Los Angeles at the peak morning and afternoon time periods. This "hot spot" analysis did not predict any violation of CO standards. Based on the SCAQMD's 2003 AQMP and the 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan), peak carbon monoxide concentrations in the SCAB were a result of unusual meteorological and topographical conditions and not a result of traffic volumes and congestion at a particular intersection. As evidence of this, for example, 8.4 ppm 8-hr CO concentration measured at the Long Beach Blvd. and Imperial Hwy. intersection (highest CO generating intersection within the "hot spot" analysis), only 0.7 ppm was attributable to the traffic volumes and congestion at this intersection; the remaining 7.7 ppm were due to the ambient air measurements at the time the 2003 AQMP was prepared. In contrast, an adverse CO concentration, known as a "hot spot", would occur if



an exceedance of the state one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9 ppm were to occur.

The ambient 1-hr and 8-hr CO concentration within the Project study area is estimated to be 1.2 ppm and 1.0 ppm, respectively (data from the Saddleback Valley monitoring station for 2022). Therefore, even if the traffic volumes for the proposed Project were double or even triple of the traffic volumes generated at the Long Beach Blvd. and Imperial Hwy. intersection, coupled with the on-going improvements in ambient air quality, the Project would not be capable of resulting in a CO “hot spot” at any study area intersections.

Similar considerations are also employed by other Air Districts when evaluating potential CO concentration impacts. More specifically, the Bay Area Air Quality Management District (BAAQMD) concludes that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour (vph)—or 24,000 vph where vertical and/or horizontal air does not mix—in order to generate a significant CO impact. Traffic volumes generating the CO concentrations for the “hot spot” analysis are shown on Table 3-11 of *Technical Appendix B1*. The busiest intersection evaluated was that at Wilshire Boulevard and Veteran Avenue, which has a daily traffic volume of approximately 100,000 vph and AM/PM traffic volumes of 8,062 vph and 7,719 vph respectively. The 2003 AQMP estimated that the 1-hour concentration for this intersection was 4.6 ppm; this indicates that, should the daily traffic volume increase four times to 400,000 vehicles per day, CO concentrations ($4.6 \text{ ppm} \times 4 = 18.4 \text{ ppm}$) would still not likely exceed the most stringent 1-hour CO standard (20.0 ppm).

The intersection of I-5 Southbound (SB) Ramps at Ortega Highway would have the highest AM/PM traffic volumes of 5,463 vph and 4,933 vph respectively. As such, total traffic volumes at the intersections considered are less than the traffic volumes identified in the 2003 AQMP. As such, the Project considered herein along with background and cumulative development would not produce the volume of traffic required to generate a CO “hot spot” either in the context of the 2003 Los Angeles hot spot study or based on representative BAAQMD CO threshold considerations. Therefore, CO “hot spots” are not an environmental impact of concern for the Project. Localized air quality impacts related to mobile-source emissions would therefore be less than significant.

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

Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The Project does not contain land uses typically associated with emitting objectionable odors.

Potential odor sources associated with the Project may result from construction equipment exhaust and the application of asphalt and architectural coating during construction activities. The Project would be subject to standard construction requirements, including the use of low-VOC architectural coatings



as required by South Coast AQMD Rule 1113, *Table of Standards*; and compliance with South Coast AQMD Rule 402, *Nuisance*, which requires that a person shall not discharge air contaminants or other materials that would cause health or safety hazards to any considerable number of persons or the public. Compliance with these standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant.

Potential sources of operational odors generated by the Project would include temporary storage of typical solid waste (refuse). It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with current solid waste regulations. The proposed would also be required to comply with South Coast AQMD 402 to prevent occurrences of public nuisances. Therefore, odors associated with Project operations would not adversely affect a substantial number of people, and Project impacts during long-term operations would be less than significant.

4.2.7 CUMULATIVE IMPACT ANALYSIS

With exception of the issue of odors, the cumulative study area for air quality includes the City of San Juan Capistrano and the SCAB. The SCAB is designated as a nonattainment area for State standards of O₃, PM₁₀, and PM_{2.5}. The region is also designated as a nonattainment area for federal standards of O₃ and PM_{2.5}. Cumulative growth in population and vehicle use could inhibit efforts to improve regional air quality and attain ambient air quality standards. Thus, with the exception of odors, the setting for this cumulative analysis consists of the SCAB and associated growth and development anticipated in the air basin. For the issue of odors, the cumulative study area includes the Project site and lands in the immediate vicinity to the Project site, as odors diminish rapidly with distance from the source.

According to South Coast AQMD, projects that exceed the project-specific significance thresholds are considered by the South Coast AQMD to be cumulatively considerable. Conversely, projects that do not exceed project-specific thresholds are generally not considered to be cumulatively significant. As previously shown in Table 4.2-5, *Overall Construction Emission Summary*, construction activities associated with the Project would not exceed South Coast AQMD thresholds for all emissions. Therefore, impacts associated with Project-related construction emissions would be less than cumulatively considerable.

Similarly, as shown in Table 4.2-6, *Summary of Peak Operational Emissions*, Project operation-source emissions would not exceed the South Coast AQMD regional thresholds of significance for all emissions. Therefore, impacts associated with the Project-related operational emissions would be less than cumulative considerable.

As previously shown in Table 4.2-7, *Localized Construction-Source Emissions*, emissions would not exceed the South Coast AQMD Localized Threshold for CO, NO_x, PM₁₀, or PM_{2.5}. Pursuant to the



South Coast AQMD's CEQA Air Quality Significance Thresholds, projects with daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant impact; therefore, the Project's emissions during construction would be less than significant on a direct and cumulative basis.

As previously discussed, the Project does not include uses that generate stationary sources or attract mobile sources that may spend long periods queuing and idling at the site. Therefore, the Project would have a less-than-cumulatively considerable LST impact during long-term operation. Additionally, the Project would have no potential to result in or contribute to a CO "Hot Spot." Accordingly, impacts associated with CO "Hot Spots" would be less than cumulatively considerable.

Cumulatively considerable odor impacts could occur if the Project in combination with other nearby projects resulted in combined construction- or operational-related odor impacts. However, the Project's compliance with South Coast AQMD Rules 1113 and 402 would ensure that the Project does not generate substantial odors adversely affecting a substantial number of people during construction and operation. Additionally, there are no nearby related projects that generate substantial odors that could combine to create a cumulatively considerable odor impact. Therefore, impacts associated with odors would be less than cumulatively considerable.

4.2.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would not emit air pollutants that would contribute to a delay in the attainment of federal and State ozone standards in the SCAB. As such, the Project would not conflict with and could obstruct implementation of the AQMP, and impacts would be less than significant.

Thresholds b: Less-than-Significant Impact. Project-related activities would not exceed the applicable South Coast AQMD regional thresholds of significance during construction and operations. As such, Project-related emissions would not violate South Coast AQMD air quality standards or contribute to the non-attainment of ozone standards in the SCAB, and impacts would be less than significant.

Threshold c: Less-than-Significant Impact. Implementation of the Project would not: 1) exceed applicable South Coast AQMD localized criteria pollution emissions thresholds during construction and operation; 2) would not cause or measurably contribute to the formation of a CO "hot spot;" and 3) would not result in a health risk for nearby residents during construction.

Threshold d: Less-than-Significant Impact. The Project would not generate substantial odors. Compliance with standard construction requirements and regulations established by the City of San Juan Capistrano and South Coast AQMD would ensure odor impacts are less-than-significant levels. Near- and long-term odor impacts would be less than significant.

4.2.9 MITIGATION

Impacts would be less than significant, and mitigation is not required.



4.2.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant, and mitigation is not required.



4.3 BIOLOGICAL RESOURCES

The following analysis is based on information obtained from the Biological Technical Report, prepared by Glen Lukos Associates, Inc. (hereafter, “GLA”) and dated October 6, 2024. The biological technical report is included as *Technical Appendix C* to this EIR (GLA, 2024). The biological technical report incorporates the review of relevant literature, field surveys, and a geographic information system (GIS)-based analysis of vegetation communities. Refer to *Technical Appendix C* for detailed descriptions of the survey dates, scopes of study, and research and survey methodologies used in the biological resources evaluation. All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.3.1 EXISTING CONDITIONS

The Project site consists of relatively flat land and is comprised primarily of developed and park areas supporting ornamental vegetation including trees and shrubs throughout. The Project site contains the Blas Aguilar Adobe Museum located in the northern portion of the Project site, HTC Park located in the central portion of the Project site, and a vacant, but previously developed parcel located in the southern half of the Project site. The HTC Park is used daily by people throughout the day. Offsite areas include portions of Camino Capistrano, Forster Street, and El Camino Real. Elevations on the site range from approximately 100 feet to 125 feet above mean sea level (amsl).

Soils on site are mapped as supporting Sorrento Clay Loam. The Sorrento series consists of very deep, well drained soils that formed in alluvium mostly from sedimentary rocks. Sorrento soils are on alluvial fans and stabilized floodplains and have slopes of 0 to 15 percent. Sorrento soils are used for irrigated crops, citrus, and urban development.

A. Vegetation Communities

As shown in Figure 4.3-1, *Existing Vegetation Map*, and described below, the Project site and the off-site Project study area are comprised of disturbed/developed and Park (ornamental & turf). None of the observed vegetation communities within the Project study area are classified as a sensitive natural vegetation community or special-status vegetation community.



Source(s): Glenn Lukos Associates (10-06-2024)

Figure 4.3-1



Not
to
Scale



Existing Vegetation Map



- **Disturbed/Developed.** The Project site supports 4.04 acres of Developed lands of which 3.46 acres occur onsite, and 0.58 acre is associated with offsite improvement areas. Developed areas include the Blas Aguilar Adobe Museum, an existing performance stage and a large vacant area to the south, associated with a former business park complex. The Blas Aguilar Adobe Museum maintains a native garden with species including (but not limited to) white sage (*Salvia apiana*), black sage (*Salvia mellifera*), coastal cholla (*Cylindropuntia prolifera*), coastal prickly pear (*Opuntia littoralis*), California juniper (*Juniperus californica*), California sagebrush (*Artemisia californica*), big sagebrush (*Artemisia tridentata*), common mugwort (*Artemisia vulgaris*), California brickellbush (*Brickellia californica*), coast live oak (*Quercus agrifolia*), walnut (*Juglans sp.*), California buckwheat (*Eriogonum fasciculatum*), California rose (*Rosa californica*), and California coffeeberry (*Rhamnus californica subsp. californica*). Developed areas within the Project site also support pedestrian sidewalks, and portions of Camino Capistrano, El Camino Real, Forster Street, and Forster Lane.
- **Park (Ornamental and Turf).** The Project site supports 2.24 acres of Park lands of which 2.15 acres occur onsite and 0.09 acre is associated with offsite improvement areas. Park vegetation is comprised of both turf and ornamental vegetation (predominantly non-native shrubs and trees) and is distributed throughout the Project site. Common ornamental species include Peruvian pepper tree [California pepper in City's protected tree information] (*Schinus molle*), tree of heaven (*Ailanthus altissima*), bougainvillea (*Bougainvillea sp.*), candelabra aloe (*Aloe arborescens*), foxtail agave (*Agave attenuate*), American century plant (*Agave americana*), zonal geranium (*Pelargonium zonale*), false indigo (*Amorpha californica*), myoporum (*Myoporum laetum*), blue lily (*Agapanthus sp.*), dragon tree (*Dracaena sp.*), lantana (*Lantana sp.*), Indian fig (*Opuntia ficus-indica*) and European olive (*Olea europaea*).

B. Special Status Plants

No special-status plant species were observed within the Project study area. The complete list of observed plant species is included in Appendix A to *Technical Appendix C*.

C. Special Status Wildlife

No special-status animals were detected within the Project study area. The complete list of observed animal species is included in Appendix B to *Technical Appendix C*.

During the focused bat surveys, no bat species including sensitive bat species were detected roosting onsite. Two common bat species, the Mexican free-tailed bat (*Tadarida brasiliensis*) and Yuma myotis (*Myotis yumanensis*) were confirmed flying over the site.



D. Raptor Use

Although the Project site is entirely developed, the Project site provides limited foraging and breeding habitat for a number of raptor species, as well as limited suitable foraging habitat for a number of common species. Southern California maintains a diversity of birds of prey (raptors), and many of these species are in decline. For most of the declining species, foraging requirements include extensive open, undisturbed, or lightly disturbed areas, especially grasslands. This type of habitat has declined severely in the region, affecting many species, but especially raptors. A few species, such as red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperii*), and American Kestrel (*Falco sparverius*), are somewhat adaptable to low-level human disturbance and can be readily observed adjacent to neighborhoods and other types of development. These species still require appropriate foraging habitat and low levels of disturbance in vicinity of nesting sites.

The Project site is developed but does provide some suitable nesting trees for raptor species including the red-tailed hawk, Cooper's hawk, and American kestrel. One species, the red-tailed hawk was observed flying over the Project site on one occasion. Other raptor species were not detected during the general biological studies but are expected to forage and could potentially nest on site.

E. Nesting Birds

The Project site contains trees, shrubs, and ground cover that can provide foraging and nesting habitat for native and migratory bird species.

F. Wildlife Linkages/Corridors and Nursery Sites

Habitat linkages are areas which provide communication between two or more other habitat areas which are often larger or superior in quality to the linkage. Such linkage sites can be quite small or constricted but may be vital to the long-term health of connected habitats. Linkage values are often addressed in terms of "gene flow" between populations, with movement taking potentially many generations. The Project site does not support a habitat linkage as it is surrounded by developed areas including major vehicular thoroughfares, and commercial buildings and does not support natural habitat communities on site.

Corridors are similar to linkages but provide specific opportunities for individual animals to disperse or migrate between areas, generally extensive but otherwise partially or wholly separated regions. Adequate cover and tolerably low levels of disturbance are common requirements for corridors. Habitat in corridors may be quite different than that in the connected areas, but if used by the wildlife species of interest, the corridor will still function as desired. The Project site does not contain a wildlife corridor as the site is surrounded by developed areas including major vehicular thoroughfares, and commercial buildings and lacks natural habitat communities on site.

Wildlife nurseries are sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. Nurseries can be important to both special-status species as well as commonly occurring species. As mentioned above, the Project site has the potential to



support common species of nesting birds but does not support bird species that require nesting in rookeries.

G. Jurisdictional Waters

The Project site does not contain any jurisdictional waters subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or California Department of Fish and Wildlife (CDFW). The site lacks any channelized features that exhibit an ordinary high water mark (Corps/Regional Board jurisdiction) and a bed, bank and channel (CDFW jurisdiction), and the site does not support any wetlands as defined by the Clean Water Act or State of California. There is no riparian habitat on the Project site.

H. Trees

A total of 38 trees were surveyed and inventoried within the Project site, including nine different tree species and 11 heritage trees¹. Figure 4.3-2, *Tree Survey Area and Location Map*, presents the locations of the individual trees mapped and assessed within the Project site. Overall, the trees exhibited growth and structural conditions that are typical of their locations as ornamental trees in a public, landscaped setting. The trees appear to be routinely maintained and properly pruned as they exhibit a structure that is low risk and safe for the surrounding public areas. As presented in the Tree Attribute Table in Appendix C of *Technical Appendix C*, the majority of the trees surveyed, a total of 76 percent (29 trees) were given a structural rating of good or excellent. In terms of health, the trees generally exhibited canopies with healthy foliage, acceptable vigor, and an overall lack of major defects. The trees appeared to be properly irrigated and cared for. As such, the majority of the trees within the Project site (68 percent, 26 trees) were given an overall rating of good or excellent. A total of 21 percent of the trees (8 trees) were given an overall rating of average; 11 percent (4 trees) were rated as poor. Representative tree photographs are provided in Appendix C of *Technical Appendix C*.

4.3.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the public scoping period or EIR Scoping Meeting that pertain to biological resources.

¹ Heritage tree: a tree shall be deemed a heritage tree and shall be protected from removal when such tree has a trunk diameter at breast height (dbh) of thirty-six (36) inches or greater, and is a specimen of the following species: *Schinus molle* (California pepper); *Quercus spp.* (oak); *Cedar spp.* (cedar); *Eucalyptus globulus* (blue gum eucalyptus); *Juglans spp.* (walnut); *Olea europaea* (olive); *Platanus spp.* (sycamore); *Populus spp.* (cottonwood); or as otherwise designated by the Planning Commission based on the tree's unique and intrinsic value to the community because of its size, age, historic association or ecological value.



Source(s): Glenn Lukos Associates (10-06-2024)

Figure 4.3-2



Not
to
Scale



Tree Survey Area and Location Map

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



4.3.3 REGULATORY FRAMEWORK

A. Federal

1. *Endangered Species Act (ESA)*

The purpose of the federal Endangered Species Act (ESA) is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the U.S. Fish and Wildlife Service (USFWS) and the Commerce Department's National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon. Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened.

The ESA makes it unlawful for a person to take a listed animal without a permit. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Through regulations, the term "harm" is defined as "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering." Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on federal land. Protection from commercial trade and the effects of federal actions do apply for plants. (USFWS, 2023)

2. *Clean Water Act Section 401*

Clean Water Act (CWA) § 401 water quality certification provides states and authorized tribes with an effective tool to help protect water quality, by providing them an opportunity to address the aquatic resource impacts of federally issued permits and licenses. Under § 401, a federal agency cannot issue a permit or license for an activity that may result in a discharge to waters of the U.S. until the state or tribe where the discharge would originate has granted or waived § 401 certification. The central feature of CWA § 401 is the state or tribe's ability to grant, grant with conditions, deny, or waive certification.

Many states and tribes rely on § 401 certification to ensure that discharges of dredge or fill material into a water of the U.S. do not cause unacceptable environmental impacts and, more generally, as their primary regulatory tool for protecting wetlands and other aquatic resources. However, § 401 is limited in scope and application to situations involving federally-permitted or licensed activities that may result in a discharge to a water of the U.S. If a federal permit or license is not required or would authorize impacts only to waters that are not waters of the U.S., the activity is not subject to the CWA § 401. (EPA, n.d.)



3. *Clean Water Act Section 404*

Section 404 of the CWA establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Wetlands subject to Clean Water Act Section 404 are defined as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g. certain farming and forestry activities).

The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment; or (2) the nation’s waters would be significantly degraded. Applications for permits must, to the extent practicable: (1) demonstrate steps have been taken to avoid wetland impacts; (2) demonstrate that potential impacts on wetlands have been minimized; and (3) provide compensation for any remaining unavoidable impacts. Proposed activities are regulated through a permit review process. (EPA, n.d.)

4. *Migratory Bird Treaty Act (16 USC Section 703-712)*

The Migratory Bird Treaty Act (MBTA) makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. The migratory bird species protected by the MBTA are listed in 50 CFR 10.13. The USFWS has statutory authority and responsibility for enforcing the MBTA (16 U.S.C. 703-712). The MBTA implements Conventions between the United States and four countries (Canada, Mexico, Japan, and Russia) for the protection of migratory birds. (USFWS, n.d.)

B. State

1. *California Endangered Species Act (CESA)*

The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. The California Department of Fish and Wildlife (CDFW) works with interested persons, agencies, and organizations to protect and preserve such sensitive resources and their habitats. CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met.

Section 2081 subdivision (b) of the California Fish and Game Code (CFGC) allows CDFW to authorize take of species listed as endangered, threatened, candidate, or a rare plant, if that take is incidental to



otherwise lawful activities and if certain conditions are met. These authorizations are commonly referred to as incidental take permits (ITPs). (CDFW, n.d.)

2. *Natural Community Conservation Planning Act (NCCP)*

CDFW's Natural Community Conservation Planning (NCCP) program takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. The NCCP program began in 1991 as a cooperative effort to protect habitats and species. It is broader in its orientation and objectives than the California and Federal Endangered Species Acts, as these laws are designed to identify and protect individual species that have already declined in number significantly.

An NCCP identifies and provides for the regional protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. Working with landowners, environmental organizations, and other interested parties, a local agency oversees the numerous activities that compose the development of an NCCP. CDFW and the USFWS provide the necessary support, direction, and guidance to NCCP participants. (CDFW, n.d.)

3. *California Fish and Game Code, Section 1600, et seq.*

CFGF Section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: (1) substantially divert or obstruct the natural flow of any river, stream, or lake; (2) substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or (3) deposit debris, waste or other materials that could pass into any river, stream, or lake. The CFGF indicates that "any river, stream or lake" includes those that are episodic (they are dry for periods of time) as well as those that are perennial (they flow year round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when it determines that the activity, as described in a complete LSA Notification, may substantially adversely affect existing fish or wildlife resources. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify a project that would eliminate or reduce harmful impacts to fish and wildlife resources. Before issuing an LSA Agreement, CDFW must comply with CEQA. (CDFW, n.d.)

4. *Native Plant Protection Act (NPPA) of 1977*

The Native Plant Protection Act (NPPA) was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations. (CDFW, n.d.)



5. *Unlawful Take or Destruction of Nests or Eggs (CFGC Sections 3503.5-3513)*

Section 3503.5 of the CFGC specifically protects birds of prey, stating: “It is unlawful to take, possess, or destroy any . . . [birds-of-prey] or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Section 3513 of the CFGC duplicates the federal protection of migratory birds, stating: “It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act.”

C. Local

1. *City of San Juan Capistrano General Plan*

The General Plan identifies goals related to biological resources in its Conservation and Open Space Element. The Project-applicable goals and policies and a discussion of the Project’s consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.

2. *City of San Juan Capistrano Municipal Code*

The City of San Juan Capistrano Municipal Code Section 9-2.349, Tree Removal Permit, establishes guidelines for tree removal in the City. A tree removal permit shall be required for new development projects, utility easements, common landscaped areas, nonresidential projects, City facilities and right-of-way, individual residential lots, and for the removal of any heritage tree. Heritage tree are trees with a trunk diameter at breast height (dbh) of thirty-six (36) inches or greater, and is a specimen of the following species: *Schinus molle* (California pepper); *Quercus spp.* (oak); *Cedar spp.* (cedar); *Eucalyptus globulus* (blue gum eucalyptus); *Juglans spp.* (walnut); *Olea europaea* (olive); *Platanus spp.* (sycamore); *Populus spp.* (cottonwood); or as otherwise designated by the Planning Commission based on the tree’s unique and intrinsic value to the community because of its size, age, historic association or ecological value.

An application for tree removal shall be filed with the Department of Planning Services, along with the required fee as established by resolution of the City Council. A report prepared by a qualified tree expert may be required to complete submittal of the application. Except for heritage tree removal permits, the Planning Director or designee may approve a tree removal permit administratively and may add conditions of approval to ensure conformance with applicable provisions. After approval, a tree removal permit is valid for six months, except as otherwise specified in the permit. The City may request verification that conditions have been complied with and that required tree replanting has occurred.

4.3.4 METHODOLOGY

The biological resources impact was evaluated through initial site reconnaissance, a review of the California Natural Diversity Database (CNDDB), California Native Plant Society (CNPS) 8th edition



online inventory, Natural Resource Conservation Service (NRCS) soil data, other pertinent literature, and knowledge of the region. Site-specific general surveys within the Project site were conducted on foot in the proposed development areas for each target plant or animal species identified below. Table 4.3-1, *Summary of Biological Surveys of the Project Site*, provides a summary list of survey dates, survey types.

Table 4.3-1 Summary of Biological Surveys of the Project Site

Survey Type	Survey Dates
General Biological Survey/Habitat Assessment/Jurisdictional Determination	8/4/2021, 12/8/2021, 10/25/2023, 12/3/2023 & 12/5/2023
Monarch Butterfly Overwintering Survey	12/8/2021, 12/3/2023, 12/19/2023 & 12/20/2023
Tree Survey	8/4/2021, 8/6/2021 & 12/5/2023

4.3.5 BASIS FOR DETERMINING SIGNIFICANCE

Section IV of Appendix G to the CEQA Guidelines addresses typical adverse effects to biological resources, and includes the following threshold questions to evaluate the Project's impacts to biological resources:

- 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 Game or U.S. Fish and Wildlife Service;*
- 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 Game or US Fish and Wildlife Service;*
- 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;*
- 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;*
- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;*
- 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.*



4.3.6 IMPACT ANALYSIS

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

A. Direct Impacts

Direct impacts are considered those that involve the loss, modification, or disturbance of plant communities, which in turn, directly affect the flora and fauna of those habitats. Direct impacts also include the destruction of individual plants or animals, which may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and population stability.

1. Special Status Plants

As discussed above Section 4.3.1B, there were no special-status plant species observed within the Project study area. Therefore, implementation of the Project would result in no direct impacts to special-status plants.

2. Special Status Animals

As discussed above Section 4.3.1C, there were no special-status animals observed within the Project study area. The legless lizard (*Anniella stebbinsi*) and yellow warbler (*Setophaga petchia*) are not expected to occur on site due to a general lack of suitable habitat. However, in the rare event that the legless lizard or a yellow warbler (nesting) was detected during project related impacts, potential impacts to either species would be less than significant.

Potential impacts to the yellow warbler would be less than significant because it would most likely occur on site as a migrant and impacts to habitat by this common species would not be significant. In the unlikely event a yellow warbler was nesting on site, potential impacts to a yellow warbler nest would be less than significant because the loss of an individual nest would be avoided due to mitigation measures that would protect nesting birds. Therefore, there would be no impacts to yellow warbler.

The legless lizard would not be expected to occur on site due to the majority of the Project site being disturbed in nature including the presence of compacted soils, asphalt and concrete. On occasion, this species has been found in park settings. If the legless lizard were to occur within the Project site, which is unlikely, the Project site could support only a small, isolated population, given that it is completely surrounded by development. Therefore, potential impacts to the legless lizard would be less than significant.

B. Indirect Impacts

Indirect impacts pertain to those impacts that result in a change to the physical environment, but which is not immediately related to a project. Indirect (or secondary) impacts are those that are reasonably



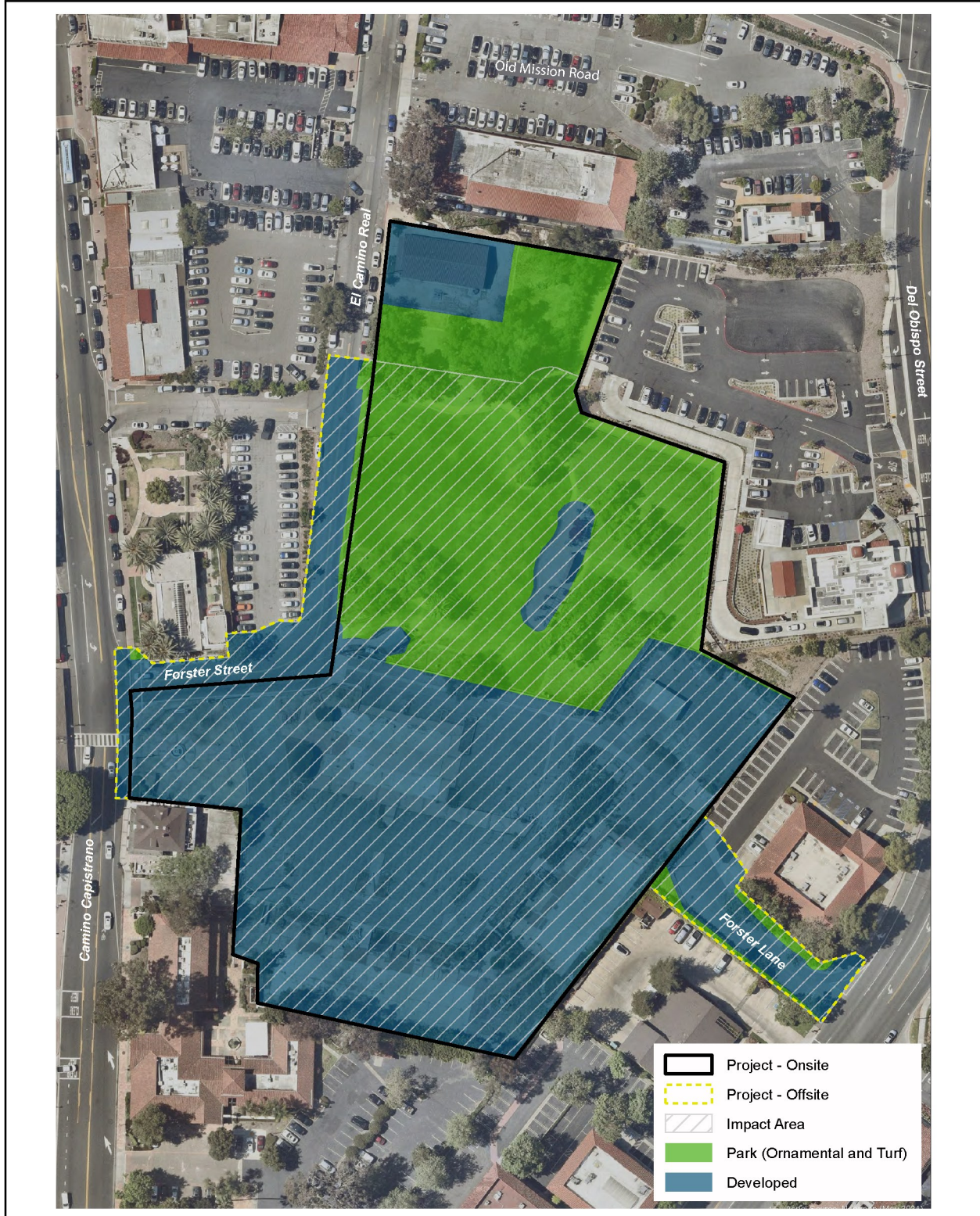
foreseeable and caused by a project but occur at a different time or place. Indirect impacts can occur at the urban/wildland interface of projects, to biological resources located downstream from projects, and other offsite areas where the effects of the Project may be experienced by plants and wildlife. Examples of indirect impacts include the effects of increases in ambient levels of noise or light; predation by domestic pets; competition with exotic plants and animals; introduction of toxics, including pesticides; and other human disturbances such as hiking, off-road vehicle use, unauthorized dumping, etc. Indirect impacts are often attributed to the subsequent day-to-day activities associated with Project build-out, such as increased noise, the use of artificial light sources, and invasive ornamental plantings that may encroach into native areas. Indirect effects may be both short-term and long-term in their duration. These impacts are commonly referred to as “edge effects” and may result in a slow replacement of native plants by non-native invasive species, as well as changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to project sites.

The Project would not result in indirect effects to biological resources as the Project site is completely surrounded by commercial development. In addition, native open space does not occur adjacent to the Project site. Accordingly, the Project would result in no impacts to special-status biological resources.

Threshold b: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

The Project site contains no riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

The Project site does not support native vegetation communities. As shown on Figure 4.3-3, *Project Vegetation Impact Map*, the development of the proposed Project would remove 3.85 acres of Developed lands (of which 3.27 acres are onsite and 0.58 acre is offsite) and 1.88 acres of Park vegetation (of which 1.79 acres are onsite and 0.09 acre is offsite). The Project will avoid 0.36 acre of Developed land and 0.19 acre of Park land. Thus, the Project would not result in significant impacts on any riparian or habitat or other sensitive natural community, and no impact would occur



Source(s): Glenn Lukos Associates (10-06-2024)

Figure 4.3-3



Not
to
Scale



Project Vegetation Impact Map

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



Threshold c: Would the Project have 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?

As discussed in 4.3.1G, the Project site is not located within or adjacent to a State or federally protected wetland. Therefore, the Project would not result in 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. No impact would occur.

Threshold 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?

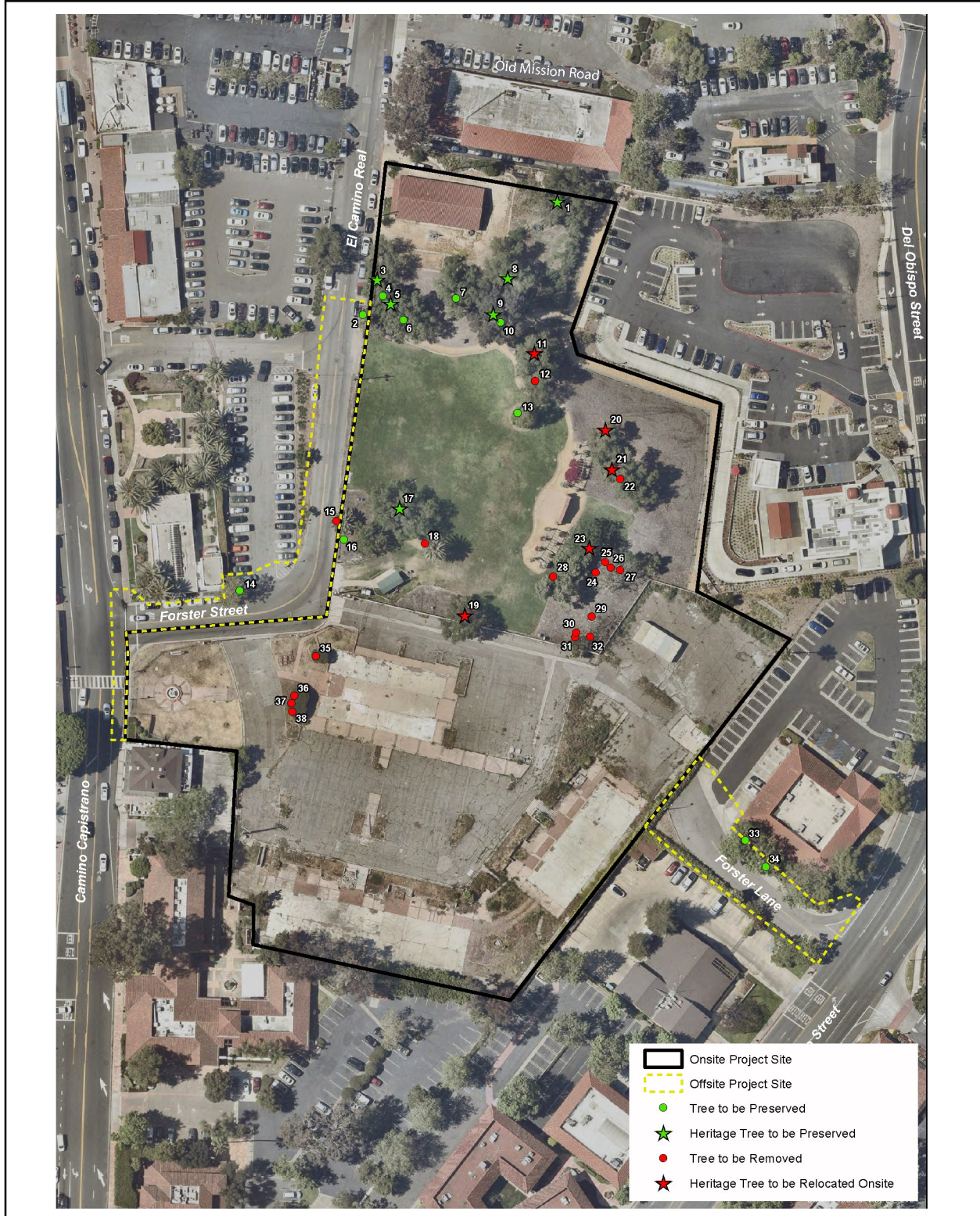
As discussed in Section 4.3.1F, the Project site is not located within or is part of a wildlife movement corridor or support habitat linkage as it is surrounded by developed areas including major vehicular thoroughfares and commercial buildings. Additionally, the Project has no area designated or recognized as wildlife nurseries or rookeries. Based on the foregoing information, the Project would result in no impact to any resident or migratory fish or wildlife species, established wildlife corridor, or native wildlife nursery sites.

Implementation of the Project would result in the removal of vegetation (i.e., ornamental trees, shrubs and ground cover) that has the potential to provide roosting and nesting habitat for birds. If active nests are present in vegetation to be removed during the nesting season (February 1 to August 31), implementation of the Project could result in substantial, adverse effects to biological resources (i.e., bird nests) that are protected by the MBTA and California Fish and Game Code. Therefore, the Project's impacts to nesting birds would be potentially significant.

Threshold e: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

City of San Juan Capistrano Municipal Code Section 9-2.349 contains provisions for tree removal within the City. A total of 38 trees were surveyed and inventoried within the Project site, including nine different tree species and 11 heritage trees. As shown in Figure 4.3-4, *Project Tree Impact Map*, a total of 17 trees are proposed to be removed by the Project. Trees within the Project site are primarily ornamental species, all of which are planted in a manufactured landscape setting. Of the 17 individual trees proposed to be removed, 1 is considered native to Southern California, including blue elderberry.

None of the trees within the Project site appeared to be remnant of a natural, native habitat. Furthermore, five heritage trees are proposed to be relocated by the Project, of which four are Peruvian pepper trees (one given an overall rating of excellent and three average) and one is an olive tree (rated as good). Neither of these species is considered native to Southern California.



Source(s): Glenn Lukos Associates (10-06-2024)

Figure 4.3-4



Not to Scale



Project Tree Impact Map



It is also important to note that trees exhibit varying tolerance to construction impacts among tree species, age, and condition. The trees in the proposed Project footprint are of varying ages and conditions. Mature specimens are typically more sensitive to root disturbance and grade changes. In general, healthy trees will respond better to changes in their growing environment. Trees of poor health or stressed conditions may not be vigorous enough to cope with disturbance from construction related impacts.

As summarized above, the Project would result in the removal of 17 non-heritage trees subject to the City's review under the tree removal permit requirements. As a condition of approval for the Project, non-heritage trees would be replaced at a ratio of 1:1 and heritage trees would be relocated onsite. With replacement of the trees through the tree removal permit requirements and relocation of heritage trees, potentially significant impacts to trees would be reduced to less-than significant.

Threshold 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?*

The Project site is not subject to any Habitat Conservation Plans (HCP), Natural Community Conservation Plans (NCCP), or other approved local, regional, or state habitat conservation plans. Therefore, no impact would occur.

4.3.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development in the vicinity of the Project site.

As summarized above, the Project would result in the removal of 17 trees subject to the City's review under the tree removal permit requirements. Non-heritage trees would be replaced at a ratio of 1:1 and heritage trees would be relocated. With replacement of the trees through the tree removal permit requirements, potentially significant cumulative impacts to trees would be reduced to less-than significant.

Construction activities associated with implementation of the Project could result in the removal and/or replacement of trees onsite. In addition, other projects in the City would remove or disturb trees that could be used for nesting by migratory or sensitive birds protected under federal and state laws. However, construction of the proposed Project and other cumulative projects would adhere to regulations implementing the federal MBTA, which would mitigate impacts to less than significant. Compliance with the MBTA (see Mitigation Measure MM 4.3-1) would ensure that the Project's contribution to disturbance of sensitive birds would be less than significant and would not be cumulatively considerable.



4.3.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: No Impact. The Project site does not contain special-status plant or animal species. Additionally, the Project would not result in indirect effects to biological resources as the Project site is completely surrounded by commercial development.

Threshold b: No Impact. The Project site contains no riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS.

Threshold c: No Impact. The Project site is not located within or adjacent to a State or federally protected wetland (including, but not limited to, marsh, vernal pool, coastal, etc).

Threshold d: Potentially Significant Direct and Cumulatively-Considerable Impact. There is no potential for the Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Project has the potential to impact nesting migratory birds protected by the MBTA and CFGC, should habitat removal occur during the nesting season and should nesting birds be present.

Threshold e: Less-than-Significant Impact. The Project would result in the removal of 17 trees subject to the City's review under the tree removal permit requirements. Non-heritage trees would be replaced at a ratio of 1:1 and heritage trees would be relocated onsite

Threshold f: No Impact. The Project would not conflict with any adopted HCP, NCCP or other approved local, regional, or state habitat conservation plan.

4.3.9 MITIGATION

The following mitigation measure addresses potential Project-related impacts to the nesting birds:

MM 4.3-1 If vegetation clearing is conducted during the nesting season (September 16 through January 31), then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. If vegetation clearing is conducted outside of the nesting season (February 1 through September 15), then no pre-disturbance nesting bird survey is necessary.

4.3.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold d: Less-than-Significant Impact with Mitigation. Implementation of Mitigation Measure MM 4.3-1 would ensure that pre-construction surveys are conducted for nesting birds protected by the federal MBTA during the breeding season to determine presence or absence prior to disturbance of habitat with the potential to support nesting birds. If nesting birds are present, the mitigation requires



avoidance of active bird nests in conformance with accepted protocols and regulatory requirements. With implementation of the required mitigation, potential direct and cumulatively-considerable impacts to nesting birds protected by the federal MBTA would be reduced to below a level of significance.



4.4 CULTURAL RESOURCES

The following analysis is based on information obtained from the technical reports entitled *Cultural and Paleontological Resources Assessment for the El Camino Specific Plan Amendment Project*, prepared by Cogstone, dated January 2024, and included as *Technical Appendix D1* to this EIR (Cogstone, 2024); and *Historic Resources Analysis Report*, prepared by Urbana Preservation & Planning, LLC (Urbana), dated February 2024, and included as *Technical Appendix D2* to this EIR (Urbana, 2024). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.4.1 ENVIRONMENTAL SETTING

The Project site is situated south of the confluence of Oso Creek and Trabuco Creek; Trabuco Creek merges into San Juan Creek south of the Project site. It is likely that creeks were more abundant during the prehistoric period, offering a flowing and year-round water source for human occupation and supporting a variety of wildlife. Modern vegetation in the Project area consists mostly of introduced plants, not native species. The native plant community was coastal sage scrub. The climate of San Juan Capistrano is Mediterranean, ranging from cool, moist winters to dry, hot summers; mild breezes reach the area from the Pacific Ocean, located southwest of the Project location. Climate was similar in late prehistoric times.

A. Cultural Setting

1. *Prehistoric Setting*

The latest cultural revisions for the Project area define traits for time phases of the Greven Knoll pattern of the Encinitas Tradition applicable to the Pasadena area. This pattern is replaced in the Project area by the Angeles pattern of the Del Rey Tradition later in time. Each pattern has subdivisions as identified by specific changes in cultural assemblages through time. Greven Knoll sites tend to be in valleys similar to areas like the Project area. These inland peoples did not switch from manos/metates to pestles/mortars like coastal peoples (c. 5,000 years before present); this may reflect their closer relationship with desert groups who did not exploit acorns.

2. *Ethnography*

About 1,300 years ago the Acjachemen (Juaneño), who were hunters and gatherers of the San Luis Rey Cultural Pattern, moved into southern Orange County. The Acjachemen speak a language that is part of the Takic language family. Their traditional tribal territory was situated partly in northern San Diego County and partly in southern Orange County. The boundaries were Las Pulgas Creek (south), Aliso Creek (north), the Pacific Ocean (west) and the Santa Ana Mountains (east). Villages were mostly along San Juan Creek, Trabuco Creek and San Mateo Creek.

In prehistory, the Acjachemen had a patrilineal society and lived in groups with other relatives. These groups had established claims to places including the sites of their villages and resource areas. Marriages were usually arranged from outside villages establishing a social network of related peoples in the region. There was a well-developed political system including a hereditary chief. Religion was



an important aspect of their society. Religious ceremonies included rites of passage at puberty and mourning rituals. Women are known to have been the primary gatherers of plant foods, but also gathered shellfish and trapped small game animals. Men hunted large game, most small game, fished, and assisted with plant food gathering, especially of acorns. Adults were actively involved in making tools including nets, arrows, bows, traps, food preparation items, pottery and ornaments. Tribal elders had important political and religious responsibilities and were involved in education of younger members.

3. *Historic Setting*

The Project site's historic setting can be broken down into four historic periods: the Spanish Period; the Mexican Period; the American Period; and the 20th Century.

Spanish Period (1769-1820)

The earliest exploration of Orange County by Europeans was the land expedition of Gaspar de Portola. He set out from Mission San Diego to find a land route to the Bay of Monterey. His expedition passed through Orange County in northward (1769) and southward (1770) bound directions. He named Trabuco Creek, Santiago Creek and other geographic features he encountered.

The seventh Franciscan mission in California was Mission San Juan Capistrano, founded in 1776, shortly after Portola's visit to the area. The goals of the missions were trifold: they helped establish a Spanish presence on the west coast, allowed for a means to Christianize the native peoples, and some have argued, served to exploit the native population as laborers. The Spanish also hoped each mission would become a town center, whereas, "the pueblo would receive a ground of four square leagues of land... and other property would be parceled out among the Indians." The missionaries, or padres, would essentially serve as a mayor, or head of the town.

The original site chosen for the mission suffered from a poor water supply and by 1778, the Mission was moved to the current location near Trabuco Creek. Eventually many of the native peoples were induced to work at the Mission and become Christians. The process began slowly with only 24 baptisms, mostly children, in the first two years at Mission San Juan Capistrano. A few adults requested baptism to gain access to knowledge and power. The converts were known as neophytes. A small adobe chapel, called 'Father Serra's Church' was constructed by the neophytes at the Mission. Father Serra said mass in the church in 1783 when the native population of the mission was recorded as 381 persons.

The mission is described in records dating to 1796 as counting nearly one thousand Indian neophytes living in or near the Mission compound and working the various farming, herding, candle and soap making, iron smelting, weaving, and tanning operations. Construction of the Great Stone church began in 1796 and was completed in 1806; the building measured 180 feet in length by 40 feet wide and included a massive bell tower that was 120 feet tall. Four bells were cast between 1796 and 1804 and were used to summon parishioners to mass. Population continued to increase and in 1807 an additional 34 adobes were built forming a block of the town. In December 1812, a massive earthquake struck the



area, causing the stone church building to collapse, killing forty neophytes. The sanctuary, a stone baptismal font, the vestments, several wooden statues, and a few candlesticks survived the catastrophic event. After the fall of the bell tower, the bells were hung in a low campanario, which remains intact to date.

The economy that developed during the Mission years was based on trading cattle hides and tallow for clothing, shoes, sugar and other goods the Missions did not produce themselves. This required large amounts of land for grazing the animals. Ships from the East Coast visited regularly, and California hides were turned into shoes as part of the first American Industrial Revolution.

Mexican Period (1821-1847)

Mexico gained independence from Spain in 1821 and the new liberal politics of the Mexican Constitution of 1824 were embraced by the emerging generation of Californios and Californias (persons of Mexican heritage born in California). Most of these young people's parents were soldiers from Sonora and Sinaloa who had risen to positions of authority within the military. The opportunities for upward mobility for themselves and their families were significant.

Support for the Missions waned under the new political regime. A provisional emancipation proclamation was issued in 1826 promising freedom to neophytes who could demonstrate they were self-supporting and resulted in neophyte resistance to taking orders at the Mission. In 1833, the Mission lands were appropriated (Secularization Act of 1833) by the Mexican government rather than being returned to the Native Americans. The Mexican government appointed a series of administrators to control the former Mission lands.

The neophyte alcaldes of San Juan Capistrano requested that the community be granted the land surrounding the mission which they had irrigated and were using to support themselves. The neophytes also established more than seven villages in the region. Legal title was never granted but formal protests of encroachment by non-Indians were lodged with the government by native leaders. Many of the early Euroamericans in California were merchants connected to the trade in hides, tallow, and other goods. After the 1820s, American fur traders opened overland travel into California and were quickly followed by American settlers. California representatives of the Mexican government recognized the threat of unrestricted travel into their territory but did not have personnel sufficient to protect their borders.

In 1846, the Mexican-American war erupted following the Bear Flag Revolt in California. Both the 1848 Treaty of Guadalupe Hidalgo in which Mexico ceded California to the United States and the unprecedented events of the Gold Rush that same year destabilized California, producing rapid, dramatic change.



American Period (1848-1899)

San Juan Capistrano served as a stage stop (located at the Miguel Yorba adobe along Camino Capistrano) and a supply point between Los Angeles and San Diego. The town's location on the road to newly discovered gold fields in northern California led to rapid growth and many problems with rustlers and bandits. The Spanish-speaking town was attractive to Mexicans on route or returning from the Gold Rush and some settled in San Juan Capistrano. The 1850 tax role for San Juan Capistrano lists 21 Californio/Mexican names, immigrants John Forster and Manual Garcias (Garfias), and first names only of 12 Juaneño.

Californios suffered devastating losses of land and property due to implementation of American laws, finances, and business practices. The property rights of California Indians were denied entirely. In 1853 the United States legislature opened all land whose title was unverified by American courts to settlement as public lands. This sanctioned squatting on both Acjachemen lands and Californio ranchos. The claims of Juaneño who had acquired land in the 1841 formation of the pueblo of San Juan Capistrano were denied or ignored.

The Juaneño were recorded in the census with Spanish first names only, the occupations of over 40 percent were not entered and, as a group, they owned only 2.5 percent of land in town and only 0.6 percent of assets (cattle, household items, etc.). Thirty percent of Juaneño households were headed by women who still lived on the plots distributed in 1841. Most of these women worked in the homes of Californios, practiced subsistence farming and goods production, and cared for extended family members.

In the late 1860s more settlers and farmers migrated into town. This included Richard Egan, Joel Congdon, J.R. Fuller, Henry G. Rosenbaum and John Daneri. A number of board and batten homes were built next to Mission era adobes in the Los Rios area. The 1870 census showed that San Juan Capistrano had 34 Californio households, 28 Euroamerican households, 25 Mexican households, 21 European households, three other households, and two Juaneño households. Between the 1860 and 1870 censuses land ownership changed dramatically. Californios went from owning 79 percent of the land to owning only 28 percent. Euroamericans and Europeans went from owning less than 10 percent to owning 70 percent. Juaneños went from owning 2.5 percent of land to owning only 0.2 percent.

Near the end of the century, a local movement to create the County of Orange was supported by Richard Egan, Los Angeles County Supervisor from 1885 to 1889. Egan was also active in the Landmark Club's funding of restoration of the Mission in 1885.

20th Century (1900-1999)

In the early part of the century technological changes were instituted. These included a water distribution company, electrical power plant, telephones, paved streets, and gas pumps. Most people continued to use coal oil for light and rivers for water. Capistrano Unified School District was formed in 1920 and new schools were built. Juaneño identity became politicized when some Euroamerican



parents requested that all Indian children be removed from the new school district and sent to Sherman Indian School in Riverside. Then in 1928 the California Indians Jurisdictional Act to compensate Indians for lands lost to the United States was passed through the efforts of the Mission Indian Federation. More than 200 individuals in San Juan Capistrano registered as Indians. Some people registered only their children or refused to acknowledge any Indian ancestry.

Agriculture continued to be the main business locally. In the 1930s the old granary next to the railroad tracks was converted into a packing house for produce, two car dealerships opened, a chamber of commerce was formed, and a contract awarded to pave Ortega Highway. Some historic buildings in town were lost to fires. Subdivisions of homes were built north of the Mission and attracted new residents. At the end of the decade, a song titled “When the Swallows Return to Capistrano” was recorded and made the annual event famous nationwide. Interest in San Juan Capistrano’s past continued to grow.

The last part of the century was marked by decisions affecting the future of the City. Ridgeline agriculture and open space preservation were accomplished. Many new community facilities were constructed including a community center, senior center, sports park, community gardens, a new library and the historic town park. The train platform was extended to accommodate Amtrak and Metrolink trains, the train depot building was saved by reuse as a restaurant and the location of the old packing house became a parking garage. Also, the Mission parish constructed a new church to accommodate their increased membership

4. *Project Area History*

The earliest known development within the Project area includes the Blas Aguilar Adobe which was built in 1794 in the northern half of the Project area. A second adobe, known as the Casa Tejada, was also constructed in the mid-1790s immediately to the south of the Blas Aguilar Adobe; Casa Tejada was demolished in the 1930s. In a 1938 USDA aerial photograph, there is a moderate sized structure to the east of both the Blas Aguilar Adobe and Casa Tejada. Also, the northernmost boundary of the Project area overlaps with 6 or 7 ancillary buildings and a portion of an orchard. By 1946, there are between 6 to 7 moderate sized building (possibly dwellings) within the northern boundary of the Project area. In 1958, the Pacific Telephone and Telegraph Company building is constructed just north of the Blas Aguilar Adobe and would undergo two expansions during the 1960s. The Pacific Telephone and Telegraph Company remained at that location until 1987. In 1992, the building was repurposed as a community theatre.

In the southern half of the Project area, a large brick residence known as Casa Grande was built in 1882-1823. In the early 20th century, the home would be repurposed as a hotel and restaurant called Las Rosas and was eventually demolished in 1965. In 1966, A large modern brick commercial building was constructed on the site of the former Casa Grande and was occupied by a branch of the Bank of America. A small plaza was also constructed to the west of the building. In the 1970s and by 1980 two large commercial buildings and associated paved parking areas were constructed along the southernmost boundary of the Project area. Based on USDA aerial photographs from 2016 and 2018,



all structures within the southern half of the Project site were demolished in this period of time. Only the concrete foundations and asphalted parking areas remain.

APN:124-160-63

The property was previously the site of a commercial building that was constructed between 1967 and 1970. From at least 1970 to 1976, the building operated as a Jack-in-the-Box. The building was demolished in 2012. The parcel identified as 26942 Ortega Highway (APN 124-160-63) is approximately 0.35 acres. The site is currently paved and utilized as a parking lot for the surrounding buildings. As there are no extant historic structures, the property is not eligible for National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or the City's Inventory of Historical and Cultural Landmarks (IHCL) listing.

APN: 124-160-57

The parcel identified as 26874 Ortega Highway (APN 124-160-57) is approximately 0.82 acres. The property was previously the site of a Texaco Service building. The commercial building was opened in 1964 by owners Ed Tye and Bill Holden. The building was demolished ca. 1995. It has since been paved and used as a parking lot for the surrounding buildings. As there are no extant historic structures, the property is not eligible for NRHP, CRHR, or IHCL listing.

APN: 124-160-55

The parcel identified as 31776 El Camino Real (APN 124-150-55) is approximately 0.39 acres. The parcel includes one historic-era building, known as the Pacific Telephone and Telegraph Building. The Pacific Telephone and Telegraph Building was constructed and opened in 1959. It was 1,488 square feet. The building was constructed in a Spanish Eclectic style. The front portion (west elevation) is the original; it featured a side gabled roof and recessed doorways. A major commercial addition was constructed in 1967 at the rear (east) elevation. The addition was constructed to match the existing Spanish Eclectic style. It has tile roofing to match the original, but the center of the roof is flat and without tiles. The one-story building has a rectangular plan and was constructed in a Spanish Revival style. The building is currently identified as the Camino Real Playhouse. The building has a side gable at the front (west) elevation, and a hipped roof at the rear. The roof is clad in red barrel roof tiles. The exterior of the building is clad in white stucco. Pacific Bell occupied the building until 1987. The building was first rented as a performing arts space from the City in 1989. The Playhouse has occupied the building since 1992. The Pacific Telephone and Telegraph Building was previously evaluated in 2011 and found not to be significant under NRHP, CRHR, or local criteria. The Historic Resources Evaluation Report (*Technical Appendix D2* of this EIR) concurs that the building is not significant, and it no longer maintains integrity.

APN:124-160-27

The parcel identified as 31782 El Camino Real (APN 124-160-27) is approximately 0.11 acres. The parcel consists of a landscaped walkway between the Pacific Telephone and Telegraph Building/Camino Real Playhouse (31776 El Camino Real) to the north and the Casa de Esperanza/Blas Aguilar Adobe (31806 El Camino Real) to the south. As there are no extant historic structures, the property is not eligible for NRHP, CRHR, or IHCL listing.



APN: 124-160-08

The parcel identified as APN 124-160-08 is approximately 0.29 acres. It is the site of the Blas Aguilar Adobe, also known as Casa de Esperanza, an early adobe residence built on El Camino Real in 1794. The first occupant of the Casa de Esperanza is believed to be Isidro Aguilar, a stone mason of Aztec ancestry from Culiacan, Mexico. He oversaw the construction of the Stone Church at the Mission from 1799 until his death in 1801. The Casa de Esperanza then came under ownership of Madalena Amador. Circa 1841, Blas Aguilar purchased the Casa de Esperanza and the adjacent Casa Tejada. The two adobe buildings became wings of the family's residence, known as the Hacienda Aguilar. Under Aguilar's ownership, a large wood frame addition was added to the rear of the residence in the 1840s. He also constructed several small buildings on the east side of the property, which served as storage areas, and added a long adobe wall with a large entrance gate on the west side of the property, running parallel with El Camino Real.

Blas Aguilar was notable as the last Alcalde in San Juan Capistrano when it was under the jurisdiction of Mexico, holding the position until 1846, and was the first Justice of the Peace in San Juan Capistrano under United States administration. These positions gave Blas Aguilar important standing in the community, essentially acting as the legal head of San Juan Capistrano. Under his ownership, Hacienda Aguilar became well known throughout the community for its elegance and beauty, and Aguilar was acclaimed as a well-respected and gracious host. Blas Aguilar maintained ownership of the Hacienda Aguilar until his death in 1885. By the 1890s, the ancillary buildings that had been constructed during Blas Aguilar's ownership, at the east side of the property, fell into disrepair, as did the wall and central gate at the west side of the property. It was reported that around this time the roof of Casa de Esperanza had fallen in.

Circa 1910, the Casa de Esperanza came under ownership of Juan Aguilar, grandson of Blas Aguilar. He began to restore the Casa de Esperanza. At some point after 1890, the tile roof that had collapsed was replaced with a thin shingle roof. By 1938, the building had been remodeled and the roof replaced with a tile roof to match the original. After restoration, Juan Aguilar converted the adobe to a private museum, used to house a large collection of family heirlooms and books. In 1940, the Archdiocese of Orange purchased several properties along El Camino Real, including the Casa de Esperanza. Around this time, the interior and exterior of the building were renovated. The exterior walls were stuccoed and painted, and new contemporary windows and doors were installed. A new tile roof was installed, and the porch on the north side was removed. The porch on the west side, facing El Camino Real was painted and new tile roofing was installed, as well as a cement slab walkway, measuring 33' by 5'.

The building is a National Register-listed historic adobe home. The Casa de Esperanza/Blas Aguilar Adobe is the only remaining adobe along El Camino Real, as all others in the vicinity fell into disrepair or were removed to make room for downtown development. It has a rectilinear plan measuring 33' wide and 75' long with the front façade facing El Camino Real. Building materials are adobe brick, clad in stucco, and red tile roofing. Exterior walls are approximately two feet thick, typical for single story adobe construction. The adobe walls have a distinctive crooked appearance, and the doors and walls are deeply recessed. The rear addition was constructed of wood frame and adobe. It has a front gable roof clad with red barrel tiles, and a shed roof over a narrow front patio. There is also a large



wood frame garage addition that was constructed at the rear of the property prior to 1885. The roof has been replaced several times but it maintains barrel tile roofing, similar to as it was built.

Listed on the NRHP, CRHR, and the IHCL, Casa de Esperanza/Blas Aguilar Adobe is significant under NRHP / CRHR Criteria A / 1, B / 2, and C / 3 for its association with the heritage, culture, and architecture of the earliest buildings in the area and for its association with Blas Aguilar, who's position in the local government symbolizes the transition from Mexican to American government. The period of significance established for the Casa de Esperanza is 1790 to 1885, from construction of the adobe, through 1885, when Blas Aguilar passed away. The property retains integrity of location, setting, design, materials, workmanship, feeling, and association.

APN:124-160-10 and 124-160-09

The parcels identified as 31796 El Camino Real (APNs 124-160-10 and 124-160-09) total approximately 0.27 acres. The historic adobe, Casa Tejada, was previously located at the site. During the decline of the Mission, the Casa Tejada came under ownership of Zeferino Taroge, the last Indian Chanter of the Mission. In the 1840s, the parcel was purchased by Blas Aguilar and it became the southern wing of the Hacienda Aguilar. After Blas Aguilar's death in 1895, ownership of Hacienda Aguilar passed to his son, Jesus Aguilar. He in turn signed over ownership of Casa Tejada to his sister, Lorenza Aguilar de Manriques. The Casa Tejada had a rectangular plan, adobe walls, a small front porch, and a shed roof clad in rounded tile. The Casa Tejada was demolished in the 1930s. Today, the parcels are part of the Historic Town Center Park, consisting of landscaped open space and picnic benches. As there are no extant historic structures, the property is not eligible for NRHP, CRHR, or IHCL listing.

APN: 124-160-11

The parcel identified as 31852 El Camino Real (APNs 124-160-11) is approximately 1.39 acres. It is the former site of the Mendelson Inn. In 1875, Mark Mendelson purchased the land and the wood frame building on it for \$1,100 in gold from Manuel and Paula Garcia. Mendelson realized that San Juan Capistrano was a convenient central point between Santa Ana and San Diego for travelers making the trip via stagecoach. Recognizing the need, he established the Mendelson Inn, later known as the Mendelson Mission Inn. The Mendelson Inn became a popular hotel and social meeting place for prominent members of California society, including well-known Polish actress Madame Helena Modjeska, and Father St. John O'Sullivan, who was influential in the restoration of the Mission. Movie producer D.W. Griffith and actors Mary Pickford and Max Sennet, stayed at the inn in 1910 while making the first movie to be produced in San Juan Capistrano. At the rear of the property, there were two utility buildings: one used to house carbide to make gas for the interior lights, the other an adobe building built by Juaneño Indians that was used for storing fuel oil. The hotel included a haberdashery and a general store that sold clothing. Ed Mendelson, son of Mark Mendelson, was a butcher who cut meat daily for the hotel guests. Clara Mendelson, the wife of Mark, sold the hotel and property to the Archdiocese of Los Angeles in 1931 for \$5,000. The hotel was demolished in 1932. Today the property is part of the Historic Town Center Park. The park is surrounded by a low wood fence, with a raised platform at the east elevation. The platform is part of a simple outdoor amphitheater completed in ca.



2003. The platform structure is age ineligible. As there are no extant historic structures, the property is not eligible for NRHP, CRHR, or IHCL listing.

APN: 124-160-12

The parcel identified as 31882 El Camino Real (APN 124-160-12) is approximately 0.51 acres. It is the site of the Burruel Adobe Ruins. The Burruel Adobe was the home of Thomas Burruel, who moved to the San Juan Capistrano area prior to 1850. He lived at the adobe building and ran a cobbler's shop from his home. The building had a rectangular plan with adobe walls. The building had a high-pitched roof with a wood gable, clad in wood shingles. The roof extended to a covered walkway at the side elevation. Thomas Burruel died ca. 1876. The adobe continued to be utilized after his death, but eventually deteriorated. The building was finally demolished in the 1970s. There is nothing standing of the ruins. Today, the site is part of the Historic Town Center Park. There is a small restroom building installed at the southwest corner of the parcel in ca. 2002. The restroom building is age ineligible. While the parcel has been listed as an IHCL site, the building is no longer extant.

APN: 124-160-37

The parcel identified as 31872 Camino Capistrano (APN 124-160-37) is approximately 0.62 acres. The property was originally the site of the Casa Grande, home of Marcos "Tom" Forster. The historic home was constructed in 1882-3 in the Second Empire Style. The building became a hotel and restaurant called Las Rosas in the early 20th century. In the 1940s, the restaurant was popular with Hollywood stars such as Betty Davis, Victor Mature, Robert Young, Andy Devine, Edward G. Robinson and Anthony Quinn. The Casa Grande/ Las Rosas building was demolished in 1965. In 1966, a modern brick commercial building was constructed, along with the fountain plaza located west of the building. The building was designed by Corona Del Mar architects Richard Henry Pleger and Harold Bernard Zook and built by the Birtcher-Pacific company. It was previously documented and identified as the Birtcher-Pacific Building and Plaza. The building was originally occupied by a branch of Bank of America, and then as an architectural firm, circa 2012. In 2011, it was evaluated and considered not eligible for NRHP, CRHR, or IHCL listing. The building was demolished ca. 2017. The plaza and fountain date to ca. 1966, and while age eligible, do not in and of themselves appear eligible as they are secondary remnants of the larger property that was demolished in ca. 2017. No information was found to support a positive finding of eligibility for these remnant features. The property is not eligible for NRHP, CRHR, or IHCL listing.

APN: 124-160-52

The parcel identified as 31878 Camino Capistrano (APN 124-160-52) is approximately 1.98 acres. The property is the former site of a multi-unit commercial building, known as El Paseo Real Complex No. 2, that was constructed between 1972 and 1973. The building was rented out to a series of commercial businesses including a realty office, medical group, employment agency, gift shop, plant nursery, and more. The building was rectangular in plan with Spanish Revival architectural details and a wide covered walkway. It had a two-story plan, with several exterior staircases and exterior walkways. The building had a side gable roof with a wide overhang, clad in red barrel tiles. The exterior was clad in white stucco with wood accents. This building was demolished ca. 2017. The property is currently vacant. The plaza and fountain that were constructed in conjunction with the Bircher-Pacific Building



at 31872 Camino Capistrano (APN 124-160-37), are extant within this parcel; however, as previously discussed, they are not considered eligible for NRHP, CRHR, or IHCL listing. The plaza and fountain date to ca. 1966, and while age eligible, do not in and of themselves appear eligible as they are secondary remnants of a larger property that was demolished in ca. 2017. No information was found to support a positive finding of eligibility for these remnant features. The property is not eligible for NRHP, CRHR, or IHCL listing.

APN: 124-160-51

The parcel identified as 31882 Camino Capistrano (APN 124-160-51) is approximately 0.57 acres. The property is the former site of a multi-unit commercial building, known as El Paseo Real Complex No. 1, that was constructed in 1973. The main tenant of the building was the Coffee Garden, a volunteer run coffee shop which donated its proceeds to the community. Between 1973 and 2017 the building was also rented out to a series of commercial businesses, including a clothing store, antique store, architect's office, counseling office, dentist office, and more. The building was rectangular in plan with Spanish Revival architectural details and had a two-story plan and a side gable roof clad in red barrel tiles. The building had several exterior staircases with open exterior covered walkways. The building was clad in white stucco, with wood accents. The Coffee Garden featured a patio space for outdoor dining. The building that previously stood on the property was demolished ca. 2017. The property is currently vacant. As there are no extant historic structures, the property is not eligible for NRHP, CRHR, or IHCL listing.

4.4.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to cultural resources.

One comment was received related to cultural resources from the Native American Heritage Commission (NAHC) on October 4, 2023. The NAHC requested that the EIR adhere to the Native American consultation requirements pursuant to Senate Bill 18 and Assembly Bill 52. Details on tribal consultation are discussed in Subsection 4.16, *Tribal Cultural Resources*.

4.4.3 REGULATORY FRAMEWORK

A. Federal

1. *National Register of Historic Places (NRHP)*

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act (NHPA) of 1966, the NPS's National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources.



To be considered eligible, a property must meet the National Register Criteria for Evaluation. This involves examining the property's age, integrity, and significance, as follows:

- **Age and Integrity.** Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?
- **Significance.** Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were important in the past? With significant architectural history, landscape history, or engineering achievements? Does it have the potential to yield information through archaeological investigation about our past?

Nominations can be submitted to a SHPO from property owners, historical societies, preservation organizations, governmental agencies, and other individuals or groups. The SHPO notifies affected property owners and local governments and solicits public comment. If the owner (or a majority of owners for a district nomination) objects, the property cannot be listed but may be forwarded to the NPS for a Determination of Eligibility (DOE). Listing in the NRHP provides formal recognition of a property's historical, architectural, or archaeological significance based on national standards used by every state.

Under Federal Law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting. National Register listing does not lead to public acquisition or require public access.

2. *National Historic Landmarks Program*

National Historic Landmarks (NHLs) are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Today, over 2,600 historic places bear this national distinction. Working with citizens throughout the nation, the NHL Program draws upon the expertise of NPS staff who guide the nomination process for new Landmarks and provide assistance to existing Landmarks.

3. *American Indian Religious Freedom Act*

The American Indian Religious Freedom Act (AIRFA) requires each executive branch agency with statutory or administrative responsibility for the management of Federal lands, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies are also required to maintain the confidentiality of sacred sites. Each executive branch agency with statutory or administrative responsibility for the management of Federal lands are required to implement procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites.



4. *Native American Graves Protection and Repatriation Act (NAGPRA)*

The Native American Graves Protection and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation.

One major purpose of this statute is to require that federal agencies and museums receiving Federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. Once lineal descent or cultural affiliation has been established, and in some cases the right of possession also has been demonstrated, lineal descendants, affiliated Indian Tribes, or affiliated Native Hawaiian organizations normally make the final determination about the disposition of cultural items. Disposition may take many forms from reburial to long term curation, according to the wishes of the lineal descendent(s) or culturally affiliated Tribe(s).

The second major purpose of the statute is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. NAGPRA requires that Indian tribes or Native Hawaiian organizations be consulted whenever archaeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands. Excavation or removal of any such items also must be done under procedures required by the Archaeological Resources Protection Act. This NAGPRA requirement is likely to encourage the in-situ preservation of archaeological sites, or at least the portions of them that contain burials or other kinds of cultural items.

Other provisions of NAGPRA: (1) stipulate that illegal trafficking in human remains and cultural items may result in criminal penalties; (2) authorizes the Secretary of the Interior to administer a grants program to assist museums and Indian Tribes in complying with certain requirements of the statute; (3) requires the Secretary of the Interior to establish a Review Committee to provide advice and assistance in carrying out key provisions of the statute; authorizes the Secretary of the Interior to penalize museums that fail to comply with the statute; and, (5) directs the Secretary to develop regulations in consultation with this Review Committee.

5. *Federal Antiquities Act*

The Antiquities Act is the first law to establish that archaeological sites on public lands are important public resources. It obligates federal agencies that manage the public lands to preserve for present and future generations the historic, scientific, commemorative, and cultural values of the archaeological and historic sites and structures on these lands. It also authorizes the President to protect landmarks, structures, and objects of historic or scientific interest by designating them as National Monuments.



B. State

1. *California Administrative Code, Title 14, Section 4308*

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: “No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value.”

2. *California Code of Regulations Title 14, Section 1427*

California Code of Regulations Title 14, Section 1427 provides that: “No person shall collect or remove any object or thing of archaeological or historical interest or value, nor shall any person injure, disfigure, deface or destroy the physical site, location or context in which the object or thing of archaeological or historical interest or value is found.”

3. *California Register of Historic Resources*

The State Historical Resources Commission has designed this program for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The Register is the authoritative guide to the state's significant historical and archaeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA.

In order for a resource to be included on the Register of Historic Resources, the resources must meet one of the following criteria:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (Criterion 4). (OHP, n.d.)

For resources included on the Register of Historic Resources, environmental review may be required under CEQA if property is threatened by a project. Additionally, local building inspectors must grant code alternatives provided under State Historical Building Code. Further, the local assessor may enter into contract with property owner for property tax reduction pursuant to the Mills Act. A property owner also may place his or her own plaque or marker at the site of the resource.



Consent of owner is not required, but a resource cannot be listed over an owner's objections. The State Historical Resources Commission (SHRC) can, however, formally determine a property eligible for the California Register if the resource owner objects.

4. *Traditional Tribal Cultural Places Act (Senate Bill 18, "SB 18")*

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places ("cultural places") through local land use planning. SB 18 also requires the Governor's Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations. (OPR, 2005)

The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government. (OPR, 2005)

SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultations and notice requirements apply to adoption and amendment of both general plans (defined in Government Code § 65300 et seq.) and specific plans (defined in Government Code § 65450 et seq.). Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, existing state planning law requires local governments to use the same processes for adoption and amendment of specific plans as for general plans (see Government Code § 65453). Therefore, where SB 18 requires consultation and/or notice for a general plan adoption or amendment, the requirement extends also to a specific plan adoption or amendment. (OPR, 2005)

5. *Assembly Bill 52 (AB 52)*

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process. (OPR, 2017)

The Public Resources Code now establishes 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.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated



with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, § 21080.3.1.) (OPR, 2017)

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code § 20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015. (OPR, 2017)

Public Resources Code § 21074 defines “tribal cultural resources.” In brief, in order to be considered a “tribal cultural resource,” a resource must be either:

- (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource. (OPR, 2017)

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe. (OPR, 2017)

6. *State Health and Safety Code*

California Health and Safety Code (HSC) § 7050.5(b) requires that excavation and disturbance activities must cease “In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery...” until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. § 7051 specifies that the removal of human remains from “internment or a place of storage while awaiting internment” with the intent to sell them or to dissect them with “malice or wantonness” is a public offense punishable by imprisonment in a state prison. Lastly, HSC §§ 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that “all California Indian human remains and cultural items are to be treated with dignity and respect.” It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims. (CA Legislative Info, n.d.)



7. California Code of Regulations Section 15064.5

The California Code of Regulations, Title 14, Chapter 3, § 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines § 15064.5, as follows: (CRNA, 2019)

- *A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).*
- *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*
- *Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:*
 - *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
 - *Is associated with the lives of persons important in our past;*
 - *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
 - *Has yielded, or may be likely to yield, information important in prehistory or history.*
- *The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.*



C. Local

1. *City of San Juan Capistrano Municipal Code*

The City of San Juan Capistrano Municipal Code contains regulations related to cultural resources including:

- **Article 3, Cultural Heritage Commission:** Pursuant to Municipal Code Section 2-2.303, the City's Cultural Heritage Commission (CHC) serves as the advisory body to the City Council, Planning Commission, City Manager, and any other group which the Council might designate in all matters pertaining to the culture, heritage, and history of the City. The CHC promotes awareness of and appreciation for the City's cultural and historical significance through the preservation and promotion of traditional folkways associated with the community. It also compiles and maintains a list of all sites, structures, persons, events, and landmarks which have cultural or historical significance or importance.
- **Section 9-2.327, Historical and Cultural Landmarks Site Plan Review:** This ordinance provides for the protection, enhancement, perpetuation, and use of those areas, structures and objects within the City which, due to their historical or cultural significance or character, require special consideration in order to meet the goals and policies of the General Plan with regard to preservation of cultural resources. Section 9-2.327(b) outlines the general requirements and procedures for the historical and cultural landmark site plan review process. Section 9-2.327(c) outlines the approval criteria for site plan reviews at historical and cultural landmarks. Additional requirements specified within Section 9- 2.327 refer to construction time periods after approval of a site plan review, maintenance of Landmarks, and enforcement and penalties for non-compliance.
- **Section 9-3.407, Cultural Resources/Historic Preservation District:** Pursuant to Municipal Code Section 9-3.407, the purpose and intent of the Cultural Resources/Historic Preservation (CR/HP) District is to establish regulations for those areas of the City which, due to their historical or cultural significance, require special consideration to insure their preservation as a community resource. This ordinance outlines permitted base and conditional uses at CR/HP Districts. Section 9-3.407(d) stipulates the general requirements for discretionary projects in CR/HP Districts. Pursuant to Section 9-3.407(e) any person desiring to construct site improvements on property identified on the Sensitive Area Map shall comply with City Council Policy 601.

2. *City of San Juan Capistrano, City Council Policy Number 601*

The intent and purpose for the management of historic, archaeological, and paleontological resources is guided by the City of San Juan Capistrano's Council Policy Number 601 and is as follows:

- a) It is the general intent of the City Council to protect and preserve its unique heritage and valuable built historic, archaeological and paleontological resources within the community. In support of this specific goal the City has adopted a Historic Archaeological Element as a part of the City's General Plan.



- b) Since 1985, the City has conducted extensive archaeological studies in the immediate downtown area of the City which have resulted in the discovery of archaeological resources associated with the community's historic past. In response to these discoveries, the City Council has determined that it is necessary to establish specific procedures and policies to ensure that significant historic resources, either known or discovered during construction, will be preserved as a community resource in the most financially equitable method.
- c) To establish administrative procedures for the preparation of site surveys by professionally qualified persons, i.e., with a specific field of expertise in conducting research and on-site surveys regarding potential historic, archaeological and paleontological resources.
- d) To establish review procedures to evaluate historic resource reports, including possible impacts to sites, structures, and artifacts and identification of potential mitigation measures or project alternatives.
- e) To adopt procedures to ensure proper mitigation measures and monitoring are implemented during development to provide historic resource protection and preservation.
- f) To establish administrative procedures where all significant historic, archaeological and paleontological sites would be recorded with the City and with the proper corresponding research institution.
- g) To effect and accomplish the protection, enhancement and perpetuation of historically significant structures, sites, objects and historic districts which represent or reflect elements of the Nation's, State's and/or City's cultural, social, economic, political and architectural history.

City Council Policy Number 601 definitions that apply to certain terms included in the policy:

- a) Historic Resource - a district, site, building, structure or object significant in American history, architecture, engineering, archaeology or culture at the national, state or local level.
- b) Sensitive Area - an area that is located immediately adjacent to known sites, and/or an area that historic maps or reference materials indicates the presence of possible artifacts.
- c) Significant Historic or Cultural Resource - an artifact that can be associated with an event or person having a recognized significance in California or American history, or recognized as having scientific importance in the prehistory period, has a special or particular quality such as oldest, best example, or last surviving example of its kind; is at least 50 years old and possesses substantial stratigraphic integrity, or involves important research questions that historical research has shown can be answered only with archaeological methods.
- d) Significant Paleontological Site - an area where the presence of paleontological artifacts which have a particular scientific importance such as containing a complete species or located in a unique stratigraphic location and/or geologic formation.



3. *City of San Juan Capistrano General Plan*

The General Plan identifies goals related to cultural resources in its Cultural Resources Element. The Project-applicable goals and policies and a discussion of the Project's consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.

4.4.4 METHODOLOGY

A. Historical Resources

The methodological approach undertaken for the historical resources analysis consisted of three major tasks – contextual and property-specific research, field and desk survey, and technical analysis. Research included a review of publications and archival records relating to the history of San Juan Capistrano and the surrounding south Orange County region. Property specific research was compared to the contextual history of the area to understand how the survey area fits into the larger historical context. Early San Juan Capistrano townsite and tract maps, Sanborn Fire Insurance Maps, and Orange County Assessor Parcel Maps were reviewed to understand lot formation patterns for survey area. Historic aerial imagery and historic street-view photos were reviewed to understand the development history of the Project area.

In addition, Urbana conducted field survey activities in November 2023 and January 2024. All buildings, structures, and site features within the area of potential impact were photographed. Notes were compiled on the existing conditions, architectural features, and observed modifications. The Secretary of the Interior's Standards for Rehabilitation was utilized for the technical analysis to identify the period of significance and character-defining features for the historical resources within the Project site.

B. Archeological Resources

Cogstone submitted a request for a search of the California Historical Resources Information System (CHRIS) from the South Central Coastal Information Center (SCCIC) located on the campus of California State University, Fullerton on September 2, 2021 which included the entire Project site as well as a half mile radius.

In addition to the SCCIC records search, a variety of sources were consulted in October 2021 to obtain information regarding the cultural context of the Project vicinity. Sources included the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), Built Environment Resource Directory (BERD), California Historical Landmarks (CHL), and California Points of Historical Interest (CPHI).

Cogstone archaeologist Logan Freeberg requested a Sacred Lands File (SLF) search from the Native American Heritage Commission (NAHC) on October 29, 2021. NAHC responded on December 14, 2021 with a positive search result indicating that a tribal cultural resource is located within the same township, range, and section as the Project site. NAHC recommended that Juaneño Band of Mission Indians Acjachemen Nation – Belardes be contacted for more information and provided a list of 12



groups and individuals that may have information about the Project area. Additionally, the City conducted Native American tribal consultations under Assembly Bill (AB) 52 and Senate Bill (SB) 18. Refer to Subsection 4.16, *Tribal Cultural Resources*, of the Draft EIR for the consultation results.

On November 28, 2023, a pedestrian field survey of the Project site was conducted by Cogstone archaeologists in 5-10 meter transects. Results of the pedestrian field survey are discussed in the impact analysis below.

4.4.5 BASIS FOR DETERMINING SIGNIFICANCE

According to Section V of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to cultural resources if the Project or any Project-related component would:

- a. *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5;*
- b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; and*
- c. *Disturb any human remains, including those interred outside of formal cemeteries.*

4.4.6 IMPACT ANALYSIS

Threshold a: Would the Project cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5

A. Direct Impact Analysis

The Secretary of Interior's Standards for Rehabilitation

Pursuant to CEQA Guidelines Section 15064.5 significant impacts resulting from a proposed project can be mitigated to a less-than-significant level of impact via consistency with The Secretary of the Interior's Standards for Rehabilitation. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. The Secretary of the Interior's Standards for Rehabilitation provide the highest level of flexibility for alterations, reuse or adaptive reuse, and new construction at or in close proximity to a historic property. There are 10 rehabilitation standards by which proposed projects are analyzed for the purposes of design review and CEQA analysis, which are analyzed for the Project below.

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.**
- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.**



The Project generally complies with Rehabilitation Standards 1 and 2. The parcel identified as APN 124-160-08 is the site of the Casa de Esperanza/ Blas Aguilar Adobe, a NRHP/CRHP/IHCL site. The building will not be affected by the proposed Project, and the construction will not alter its use. The building is not proposed for design changes as part of the proposed Project, and accordingly, changes to the building's historic and character-defining materials, features, spaces, and spatial relationships of the building are not proposed. The Blas Aguilar adobe is roughly 78 feet north of the development impact boundary where physical work is proposed. The Project's construction noise and vibration analysis (*Technical Appendix J* of this EIR), concluded that noise and vibration to the Blas Aguilar Adobe location, indicated as the Receiver 9 location in the study, do not exceed allowable thresholds and consequently, will not cause a significant impact. The Blas Aguilar Adobe will continue to be used as a museum space and the building is not a part of the nearby construction project. The adobe's setting within its own parcel will not be changed by the nearby construction on the adjacent parcels. The adjacent parcels will be developed with the construction of a Performing Arts Center; however, the proposed Performing Arts Center building will be set back at the rear of its parcel leaving the space immediately south of the Blas Aguilar Adobe as open space, thereby, allowing the Adobe to continue to have open space at the south elevation as currently exists.

The Burruel Adobe Ruin at APN 124-160-12 is an IHCL site; however, no extant materials from the building are visible at the ground surface. The property historically featured several residences, a hotel, and commercial spaces, all of which have been removed except the Casa de Esperanza/Blas Aguilar Adobe. There are no remaining materials or surface features associated with the site. The spatial relationship of the associated parcel will be altered from a low-density part of a public park to a part of the proposed Performing Arts Center. A thoroughfare road will be constructed immediately south of the parcel, with extensive landscaping completed on the parcel. The Project will alter the space identified as the Burruel Adobe Ruins; however, as nothing of the building is extant at the surface, it is not considered a loss of a built environment historic resource. However, as described under Threshold b, below, the parcel may contain archaeological deposits that may contribute new information to history or prehistory and may be eligible under Criterion 4.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

The Project complies with Rehabilitation Standard 3. The Project site involves two historical resources: one extant adobe building, and an IHCL site where the building is no longer extant. The Blas Aguilar Adobe will be retained with no alterations to the building. The Burruel Adobe Ruin site does not feature any physical features. Introduction of new buildings and site circulation elements are setback from Forster Street and El Camino Real. The Project elements do not create a false sense of historical development and do not call for conjectural features or elements from other properties. The Project will result in infill development on eight parcels. The Project would result in physical change to the property, but the architecture of the new buildings will be clearly differentiated from the existing building. The extant historic resource will continue to convey a physical record of early California history while introducing new, complimentary uses to the surrounding parcels.



4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The Project complies with Rehabilitation Standard 4. The Project site involves one extant historical resource, the Casa de Esperanza/Blas Aguilar Adobe. The building was altered in the historic era with a large rear expansion during the period of significance. Other alterations occurred in the 1930s, such as window and door replacement, porch removal, and roof replacement. These changes were completed to ensure the building was habitable in the modern age. The Project does not include any alterations to the historic adobe building and the adobe will be preserved as it currently exists.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The Project complies with Rehabilitation Standard 5. The Casa de Esperanza/Blas Aguilar Adobe is the only historically significant building within the Project area. It will not be affected by Project construction, and it will continue to be an example of an early California adobe building.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

The Project complies with Rehabilitation Standard 6. The proposed Project does not call for any alterations to the one extant historic building in the Project area, the Casa de Esperanza/Blas Aguilar Adobe. The building is currently in good condition and in use, and the Project would maintain it in its current form.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

The Project complies with Rehabilitation Standard 7. No specific chemical treatments are proposed for the historic resources on the property.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

The Project has and will continue to comply with archaeological and cultural resource requirements imposed by the City of San Juan Capistrano including preparation of an Archaeological Survey Reports and implementation of any mitigation-monitoring programs that may be required by the City.



- 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.**

The Project area generally complies with Rehabilitation Standard 9. The Project involves construction of a new restaurant building, a new three-story mixed-use building, a new four-story residential building, a new clubhouse/leasing office building, and a new Performing Arts Center. Other new features include circulation/site and landscape elements. Upon completion of the Project, the site will continue to feature the Casa de Esperanza/Blas Aguilar Adobe.

The new buildings will not destroy any of the historic materials or features within the development impact area. The only extant historic structure is the Blas Aguilar Adobe sited approximately 78 feet north of the development impact area within the specific plan amendment boundary. Construction will avoid the adobe and it will not be physically affected by the proposed Project. As stated above, the Project's construction noise and vibration analysis (*Technical Appendix J* of this EIR), concluded that noise and vibration to the Blas Aguilar Adobe location, indicated as the Receiver 9 location in the study, do not exceed allowable thresholds and consequently, will not cause a significant impact. The Project is generally comprised of infill development. The new buildings will be constructed in a contemporary Mission style that is complementary to the surrounding historic environs. The buildings will have clean stucco exteriors with wood accents and red tile roofing. The buildings will range from one to four stories in height and will be clearly discernable from the historic adobe building and the other historic properties in the surrounding area.

In the past, the Project area was the site of historic-era residences and commercial properties that have since been removed. The historic spatial arrangement of these prior properties was altered in 1966 with the construction of the Bircher-Pacific Building, which has since been demolished. Only the Casa de Esperanza/Blas Aguilar Adobe and the ca. 1966 fountain and plaza at APN 124-160-52 remain. In 2017, three commercial properties were demolished within the parcels identified as APNs 124-160-37, 124-160-52, and 124-160-51. The new residential building will, in general, be constructed within this same footprint, however, the new restaurant will be developed on a parcel that is currently occupied by the plaza and fountain. The construction of a new building on this corner, which is bordered to the north and south by historical buildings, will alter the spatial and visual characteristics that have existed at that location since ca. 1966 when the fountain and plaza were built, and since ca. 2017 when the prior commercial properties at APNs 124-160-37, 124-160-52, and 124-160-51 were demolished. The two historic buildings, the Esslinger Building (to the north) and the Judge Richard Egan House (to the south), are not within the development impact area or the proposed specific plan boundary and work is not proposed at the buildings under the Project. The Esslinger and Egan properties pre-date the ca. 1966 fountain and plaza campaign at APN 124-160-52 and beyond being sited on adjacent / nearby parcels, have no specific intentionally designed spatial relationship with APN 124-160-52, nor did they feature a specific spatial relationship with the commercial properties demolished in ca. 2017 from APNs 124-160-37, 124-160-52, and 124-160-51. The proposed restaurant building is designed to be a



one-story building, minimizing the visual impact of the new construction at the previously underdeveloped parcel. The residential and mixed-use buildings are proposed to be set back as far as possible from the historic buildings, minimizing the disturbance to the spatial relationship within the area.

Planned related new construction includes the construction of the Performing Arts Center, which will alter the spatial relationship of the parcels identified as APN Nos. 124-160-11 and 124-160-12. However, the Performing Arts Center building is designed to be set back at the far east side of the property, leaving the west side of the property, fronting El Camino Real, as open space. This will preserve the existing spatial relationship and characteristics of the Blas Aguilar Adobe within its own parcel and in relation to the nearby park / open space.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Project is consistent with Rehabilitation Standards 10. The Project does not include any alterations to the one extant historic building within the Project area. The Casa de Esperanza/Blas Aguilar Adobe is an early California adobe building located on APN 124-160-08. It will not be affected by the proposed construction. Because the proposed construction will be detached and separated from the historic adobe, on separate parcels, the new improvements could be removed without impairing the essential form and integrity of the Casa de Esperanza/Blas Aguilar Adobe. The noise and vibration study commissioned for the Project concludes that the Blas Aguilar Adobe, approximately 78 feet north of the development impact area, would not be subjected to noise levels beyond acceptable thresholds and the location was not identified as having significant vibration impacts resultant from proposed construction activities. Based on this analysis Project construction would not impair the essential form and integrity of the Blas Aguilar Adobe.

The proposed Project will not cause direct impacts to historical resources. It would cause limited visual impacts on nearby historical resources due to increased building heights and density in the vicinity of the resources in San Juan Capistrano's historic core. However, many of the resources in the area do not have viewsheds that are identified as character-defining and the setting aspect of integrity for these properties has changed through time as the area has evolved through phases of development. All existing NRHP, CRHR, and IHCL listed buildings in the immediate vicinity of the Project will retain integrity such that they qualify for continued recognition and listing on these local, state, and national registers. Impacts are less-than-significant under CEQA Guidelines §15064.5.

B. Indirect Impacts Analysis

Two historic resources outside the Direct Impacts area may be significantly impacted by Project-related construction vibrations: the Esslinger Building and the Judge Richard Egan House. As described in Subsection 4.11, *Noise*, of this EIR, Mitigation Measure MM 4.11-1 is required to ensure that vibration impacts to these historical resources are less-than-significant.



Threshold b: *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

A. Record Searches

As discussed above, Cogstone performed a search of the CHRIS which included the entire Project site and its half-mile radius. Results of the record search indicated that 16 previous studies have been completed within the Project site while an additional 39 studies have been completed previously within a half-mile radius. Ten cultural resources have been recorded within the Project site, P-30-000627, P-30-000834, P-30-001173, P-30-001215, P-30-001302, P-30-100470, P-30-160128, P-30-160130, P-30-177426, P-30-177428. Outside of the Project site, a total of 49 cultural resources have been previously documented within the half mile search radius. These consist of 43 cultural resources within a quarter mile of the Project site and 6 cultural resources within a quarter to half mile radius of the Project site. Table 4.4-1, *Recorded Cultural Resources*, provides a summary of resources by type and distance from the Project site.

Table 4.4-1 Recorded Cultural Resources

Distance from Project Site (miles)	Resource Type	Number of Resources
Within	Historic Archaeological Site	4
	Historic Built Environment	4
	Multicomponent Site	1
	Prehistoric Archaeological Site	1
0 – 0.25	Historic Archaeological Isolate	1
	Historic Archaeological Site	9
	Historic Built Environment	20
	Historic District	1
	Multicomponent Site	7
	Prehistoric Archaeological Isolate	4
	Prehistoric Archaeological Site	1
0.25 – 0.5	Historic Archaeological Isolate	1
	Historic Built Environment	2
	Prehistoric Archaeological Isolate	1
	Prehistoric Archaeological Site	2

Source: (Cogstone, 2024, Table 2)

The resources in the Project site include the following:

- P-30-000627 (Adobe of Tomas Burruel). At the time of documentation, the remains of the Adobe of Tomas Burruel included two partial walls, roof and floor tiles. The presence of subsurface archaeological deposits from privies and trash deposits are assumed. This site has not been evaluated for the NRHP or the CRHR.



- P-30-000834 (Mendelson Inn Trash Scatter). First documented in 1979, this historic trash scatter included ceramics, tile, brick, metal, and glass. It was believed that the scatter is associated with the Mendelson Inn and/or Casa Tejada. The site was revisited in 1987 where three refuse deposits consisting of historic cultural material were documented. In a 2007 site update, it was noted that the construction of the Historic Town Center Park resulted in the destruction of surface artifacts, however there is potential for subsurface deposits below modern ground disturbance. In April of 2010, the site was reidentified as part of a pedestrian survey. An additional historic refuse scatter was discovered behind the stage of the Historic Town Center Park. While it is possible the artifacts were imported via fill, the original site boundaries of P-30-000834 were extended south. This site has not been evaluated for the NRHP or the CRHR.
- P-30-001173 (Judge Richard Egan House Site). The Judge Richard Egan House grounds was documented in 1988 and include the house, three burned features, and three historical debris features. Historic artifacts include bottles and bottle fragments, Mission ware and European ceramics, and various metal artifacts. The prehistoric artifacts consisted of a chert flake and two discoidal cores. Excavations at P-30-001173 consisted of three north-south trenches to the east of the rear addition and a fourth east-west trench north of the house and rear addition. This site has not been evaluated for the NRHP or the CRHR.
- P-30-001215 (Mission Tract No. 5). The resource is a portion of the wall foundation for the San Juan Capistrano Mission Tract Number 5. The wall was found 30 cm to 50 cm deep and is approximately two feet wide and one foot deep. It is comprised of three lateral and three vertical courses of cobblestones. Portions of the southeast and southwest wall were found within the Plaza Del Obispo property and part of the northwest wall on the then Sizzler Steakhouse property. Tiles that were once on top of the walls were near the wall. Metal, glass, and ceramic artifacts including wall tiles were also found on the Sizzler property as were over 5,000 pieces of faunal bone but less than five percent was identifiable. This site has not been evaluated for the NRHP or the CRHR.
- P-30-001302 (CAP #2). This resource is an apparent wall foundation of unknown length constructed of unmortared native stone beneath the current road. Occasional fragments of tejas and ladrillos were present along with fragments of cattle bone. The resource is located on the south side of the Ortega Highway, approximately 30 meters east of Del Obispo Street. This site has not been evaluated for the NRHP or the CRHR.
- P-30-100470 (SJC-1). This multicomponent archaeological site consists of four glass bottles (one green, three clear), a green glass bottle base, two iron nails, a stainless steel spoon, a door knocker, a red and gray and colored ceramic sherd, and a purple-colored chert/chalcedony corner-notched projectile point. This site has not been evaluated for the NRHP or the CRHR.
- P-30-160128 (Blas Aguilar Adobe, Casa Esperanza; NRHP No. 90001484). Originally known as Casa de Esperanza, the adobe was constructed in 1794 as a single large rectangular residential building. The one-story adobe's original design consisted of a tile roof, a rectangular footprint, and two-foot-thick walls. It is believed to be one of the original adobes of the San Juan Capistrano Mission and one of 40 "little cabins" constructed in that year to house the mission's growing population. In 1990, the Blas Aguilar Adobe was listed in the NRHP.



- P-30-177426 (Birtcher-Pacific Building and Plaza). As recorded in 2011, the Birtcher-Pacific Building and Plaza was a modern brick building located due west of the Fountain Plaza (both constructed in 1966) designed by Corona Del Mar architects Richard Henry Pleger and Harold Bernard Zook. Prior to 1966, the location was the site of Casa Grande, the Marcos Foster home, which became the restaurant and Hotel las Rosas in the early 20th century. The Birtcher-Pacific Building and Plaza was not considered significant but may contain archaeological deposits that may contribute new information to history or prehistory and may be eligible under Criterion 4. The Birtcher-Pacific Building is no longer extant as of 2021.
- P-30-177428 (Camino Real Playhouse). The front portion (west façade) of what is now the Camino Real Playhouse was constructed in 1859 in the Spanish Eclectic style as the local Pacific Bell telephone office. The building underwent major expansion in 1967 that matched the style of the original building. Pacific Bell occupied the building until 1987 and the Playhouse occupied the building since 1992. The building is not considered significant under CRHR criteria, but the parcel may contain archaeological deposits that may contribute new information to history or prehistory and may be eligible under Criterion 4.

B. Pedestrian Survey

On November 28, 2023, Cogstone conducted pedestrian field survey of the Project site and observed no native sediments. Vegetation included native and non-native brush, cacti, olive trees, pepper trees, agave, and grass. A previously documented archaeological site, P-30-000834, was relocated within the Project site, however no visible resources attributed to this site were found as the north and southeast/east areas of the site was cleared of overgrowth and brush due to a homeless encampment. The Historic Town Center Park is completely landscaped. The southern half of the Project site could not be accessed due to a security fence; however, this area was previously developed with office buildings, which have been demolished. The area is currently developed with concrete slabs, footings, pavements, parking areas, and limited landscaping from the previous development. The Project area's southern boundary is separated by a concrete wall. On a section of the wall (facing south towards the Mercado Village shopping center) is a historic clay tiled mural with a bronze historic site plaque dedicated by the City of San Juan Capistrano.

C. Archaeological Sensitivity

City Council Policy 601 defines a Sensitive Area as “an area that is located immediately adjacent to known sites, and/or an area that historic maps or reference materials indicates the presence of possible artifacts.” The results of the cultural record searches and literature reviews indicate that there is a high potential for cultural artifacts (both historic and prehistoric) within the Project site and surrounding area. The development area is therefore considered a Sensitive Area and must comply with the requirements of City Council Policy 601, including on-site monitoring and mitigation enforcement and referral to the Cultural Heritage Commission if artifacts are present.

Based on the cultural records search results from the SCCIC, documented history of the area, review of USGS topographic quadrangle maps and historic USDA aerial photographs, and the positive SLF search results, the Project site is assessed to have high to very high sensitivity for buried prehistoric



and historic archaeological resources. However, no surface archaeology was observed during the November 2023 partial-site survey of the northern portion of the Project site. Since the southern portion of the Project site is currently developed with concrete slabs, footings, pavements, parking areas, and limited landscaping from the previous development; no surface archaeology is expected. However, due to the high sensitivity of the Project site for buried archaeological materials and known presence of archaeological sites (e.g. the Birtcher-Pacific Building and Plaza [P-30-177426] which may contain archaeological deposits that may contribute new information to history or prehistory), there is a potential to impact buried prehistoric archaeological resources during ground disturbance activities (i.e., grading and excavation activities). The potential exists for Project-related ground-disturbing activities to result in a direct impact to unique archeological or historical resource should such resources be discovered during Project-related ground-disturbing activities, which would result in a significant impact.

Threshold c: Would the Project disturb any human remains, including those interred outside of formal cemeteries?

The Project site does not contain a cemetery and no known cemeteries are located within the immediate site vicinity. Field surveys conducted on the Project site did not identify the presence of any human remains. Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction.

If human remains are unearthed during Project construction, the construction contractor would be required by law to comply with California Health and Safety Code, § 7050.5, “Disturbance of Human Remains.” According to § 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and if the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner is required to contact the NAHC by telephone within 24 hours. Pursuant to California Public Resources Code § 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code § 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance to California Health and Safety Code § 7050.5 and Public Resources Code § 5097.98, any potential impacts to human remains, including human remains of Native American descent, would be less than significant and mitigation is not required.



4.4.7 CUMULATIVE IMPACT ANALYSIS

The potential for implementation of the Project to contribute to cumulative impacts to historical resources was analyzed in conjunction with other projects located in the City of San Juan Capistrano.

Cumulative impacts to historical resources occur when the Project and other related projects, as a whole, affect historical resources in the immediate vicinity, contribute to changes within a historic district, or substantially diminish the number of historical resources within the same context and theme as the historical resources within the Project area. The Project is not located within a historic district. Thus, the study area for cumulative impacts to historical resources includes all historical resources in the general vicinity (within approximately one-quarter mile) which reflect the same historic context or theme. In addition to the proposed Project, there are three other related projects in the vicinity of the Project. These include the Oyharzabal Property Project, a 77-room hotel; Heritage Barbecue, an expanded restaurant complex; and the El Camino Specific Plan (Approved) – Ortega Highway at El Camino Mixed Use, with 27,457 SF of mixed use, 7,391 SF of retail, 7,586 SF of restaurant space, 5,436 SF of medical office space, 7,044 SF of office space, and 216 parking spaces.

The Oyharzabal Property Project proposes to stabilize, repair, and rehabilitate two historic buildings, the Domingo Yorba Adobe and Casa Manuel Garcia, which face Camino Capistrano. Several large hotel buildings, up to three stories high, will be built behind the historic buildings. A historic barn that was located on the property will be reconstructed at the center of the development and rehabilitated for use as a restaurant. While efforts are being made to limit the visibility of new construction from the street, the increased height and density of the new buildings and the loss of open space will be evident.

The Heritage Barbecue Project involves expansion of an existing restaurant across the street from Mission San Juan Capistrano. The existing restaurant building was constructed as a service station in 1949 and has been used as a restaurant since 1966. The existing building is not a historical resource. A historic barn at the Oyharzabal Property will be relocated to an open parcel adjacent to the restaurant. While this project will not impact historical resources, the size and massing of the barn will cause a visual change in the streetscape.

El Camino Specific Plan (Approved) Project on Ortega Highway at El Camino involves construction of two-story mixed-use buildings and a three-level parking garage across the street from Mission San Juan Capistrano. The new development will not directly intrude upon the setting of the mission complex. However, the construction of the parking garage next to the Casa de Esperanza/Blas Aguilar Adobe will affect the setting of the historic building.

For all historical resources within the Visual Area of Potential Impact, the only aspects of integrity that new construction could potentially impact are setting and feeling. However, setting is not generally an essential factor in determining eligibility of historical resources. As discussed under Threshold a, although there will be an impact on integrity of setting and feeling at historic properties and historic streetscapes in the area south of Mission San Juan Capistrano, the proposed Project would not demolish



or alter the characteristics of a historical resource that conveys its significance. Thus, cumulative impacts to historical resources associated with the Project would be less than significant.

As discussed under Threshold b, the Project site is assessed to have high to very high sensitivity for buried prehistoric and historic archaeological resources. Impacts to previously undiscovered subsurface archeological resources are typically site specific from ground disturbing activities and generally do not combine to result in cumulative impacts, unless resources are identified immediately adjacent to the Project site. As shown on Figure 4.0-1, *Cumulative Development Location Map*, there are no related projects immediately adjacent to the development area that could combine to result in a significant cumulative archaeological resources impact. The related Project No. 8, In-n-Out Burger, was constructed and no archaeological resources were identified during grading activities. Further site-specific archeological resource investigations would be required for other projects before the City would permit ground disturbances or demolition or substantial alteration of existing structures. Such investigations would include some degree of surface-level surveying and identify resources on the affected project sites that are or appear to be eligible for listing on the national or state registers for historic resources. Such investigations would also recommend mitigation measures to protect and preserve cultural resources. Therefore, cumulative impacts to archaeological resources would be less than significant.

Mandatory compliance with the provisions of California Health and Safety Code Section 7050.5 as well as Public Resources Code Section 5097 et seq., would assure that all future development projects within the region treat human remains that may be uncovered during development activities in accordance with prescribed, respectful, and appropriate practices, thereby avoiding significant cumulative impacts.

4.4.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Direct Impact and Potential Significant Indirect Impact. The proposed Project will not cause direct impacts to historical resources. It will cause limited visual impacts on nearby historical resources due to increased building heights and density in the vicinity of the resources in San Juan Capistrano's historic core; however, many of the resources in the area do not have viewsheds that are identified as character-defining and the setting aspect of integrity for these properties has changed through time as the area has evolved through phases of development. Impacts would be less-than significant under CEQA Guidelines §15064.5. Two historical resources outside the Direct Impacts area may be significantly impacted by Project-related construction vibrations: the Esslinger Building and the Judge Richard Egan House.

Threshold b: Potentially Significant Impact. Due to the high sensitivity of the Project site for buried archaeological materials and known presence of archaeological sites, the potential exists for Project-related ground-disturbing activities to result in a direct impact to significant subsurface prehistoric archaeological resources should such resources be discovered during Project-related ground-disturbing activities.



Threshold c: Less Than Significant Impact. In the unlikely event that human remains are discovered during Project ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 and California Public Resources Code § 5097 et seq. Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated, and would preclude the potential for significant impacts to human remains.

4.4.9 MITIGATION

As described in Subsection 4.11, *Noise*, of this EIR, Mitigation Measure MM 4.11-1 is required to ensure that vibration impacts to the Esslinger Building and the Judge Richard Egan House are less-than-significant. The following mitigation measure addresses the potential for Project construction to impact significant prehistoric archaeological resources that may be present beneath the Project site and that may be discovered during ground-disturbing activities.

MM 4.4-1 Prior to issuance of any permits allowing ground-disturbing activities for the Project, the City of San Juan Capistrano shall ensure that an archeologist who meets the Secretary of the Interior's Standards for professional archaeology has been retained for the Project and will monitor all grading and other significant ground-disturbing activities. The Qualified Archaeologist shall ensure that the following measures are followed for the Project:

- Prior to any ground disturbance, the Qualified Archaeologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should unanticipated discovery of cultural resources (tribal cultural resources or archaeological artifacts) be made during construction. Workers will be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the Project.
- Prior to any ground disturbance, the applicant shall submit a written Project Monitoring Plan (PMP) to the City's Development Services Director for review and approval. The monitoring plan shall include monitor contact information, specific procedures for field observation, diverting and grading to protect cultural resources, and procedures to be followed in the event of significant cultural resources using professional archaeological methods and processed and curated according to the current professional repository standards.
- During grading or trenching activities, a Native American monitor with traditional ties to the project area, retained by the Project applicant shall observe all grading and trenching activities below the original ground surface. The Native American monitor shall consult with the archaeological monitor regarding objects and



remains encountered during grading or trenching activities that may be considered sacred or important.

- In the event that unanticipated cultural material is encountered during any phase of Project construction, all construction work within 50 feet (15 meters) of the cultural resources shall cease and the Qualified Archaeologist shall assess the cultural resources to determine whether it is a historical resource pursuant to CEQA Guidelines 15064.5(a) and/or a unique archaeological resource pursuant to Public Resources Code 21083.2(g). Construction activities may continue in other areas. If the discovery is determined to not be either a unique archeological or historical resource or is clearly non-significant (i.e. isolates) by the Qualified Archaeologist and the Native American monitor, work will be permitted to continue in the area.
 - If a cultural resources is determined to be a unique archeological resource, additional investigation may be warranted, or the cultural resources can be preserved in place and construction may be allowed to proceed.
 - Additional investigation work can include scientific recording and excavation of the significant portion of the cultural resources.
 - If excavation of a cultural resource occurs, the Qualified Archaeologist shall draft a report within 60 days of conclusion of excavation that identifies the cultural resources and summarizes the analysis conducted. The completed report shall be approved by the City's Development Services Director and filed with the County and with the South Central Coastal Information Center at California State University, Fullerton. The report shall prohibit the disclosure of the confidential location of tribal cultural resources.
 - Excavated cultural resources shall be curated at a repository determined by the Qualified Archaeologist in consultation with the Native American monitor and approved by the City.
- In the event that cultural resources are discovered and determined to be historically significant pursuant to CEQA Guidelines Section 15064.5(a), preservation in place shall first be considered. Preservation in place may include but is not limited to: avoidance; incorporation within parks, greenspace, or open space; covering the site with a layer of chemically stable soil prior to development; and/or deeding the site into a permanent conservation easement. If preservation in place is demonstrated to be infeasible, then data recovery through excavation shall occur following preparation and approval of a data recovery plan. The data recovery plan shall make provisions for adequately recovering and documenting the scientifically consequential information from and about the historical resource. Documentation shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may occur.



4.4.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Less-than-Significant Impact with Mitigation. Two historic resources outside the Direct Impacts area may be significantly impacted by Project-related construction vibrations: the Esslinger Building and the Judge Richard Egan House. As described in Subsection 4.11, *Noise*, of this EIR, implementation of Mitigation Measure MM 4.11-1 would prohibit the use of construction equipment such as loaded trucks, heavy mobile equipment, jack hammers and vibratory rollers within 25-feet of receiver locations R5 (Judge Richard Egan House) and R7 (Esslinger Building) to ensure that vibration impacts to these historical resources are less-than-significant.

Threshold b: Significant and Unavoidable. Implementation of Mitigation Measure MM 4.4-1 would ensure that grading and other ground-disturbing activities during construction are monitored by a qualified archaeologist as well as tribal monitors. The mitigation measure further requires the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. However, if a unique archeological or historical resource is discovered and data recovery through excavation is the only feasible mitigation (e.g. if preservation in place is not feasible), then removal of the artifact may result in a significant impact. Due to the potential presence of a historically significant archeological resource, even with implementation of mitigation measures, impacts would remain significant and unavoidable.



4.5 ENERGY

The analysis in this section is primarily based on a technical report prepared by Urban Crossroads titled *El Camino Specific Plan Amendment Energy Analysis*, dated July 24, 2024, and is included as *Technical Appendix E* to this EIR (Urban Crossroads, 2024c). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.5.1 EXISTING CONDITIONS

Under existing conditions, the northern area of the Project site is developed with the Blas Aguilar Adobe Museum and Historic Town Center Park. The southern area of the Project site is vacant and disturbed, wherein development was anticipated but abandoned, and includes landscaping and parking areas. Electricity usage at the Project site is minimal, which includes security and building lighting associated with the Historic Town Center Park, and no natural gas is currently used at the Project site.

A. Electricity Consumption

The Project site is located within the service area of San Diego Gas & Electric (SDG&E). SDG&E provides electric power to more than 3.7 million people through 1.49 million electric meters and 905,000 natural gas meters in San Diego and southern Orange counties. Based on SDG&E's 2022 Power Content Label Mix, SDG&E derives electricity from varied energy resources including: fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. SDG&E also purchases from independent power producers and utilities, including out-of-state suppliers.

B. Natural Gas Consumption

The Project site is located within the service area of the Southern California Gas Co (SoCal Gas) which is regulated by the California Public Utilities Commission (CPUC). Natural gas is available from a variety of in-state and out-of-state sources and is provided throughout the State in response to market supply and demand. Complementing available natural gas resources, biogas may soon be available via existing delivery systems, thereby increasing the availability and reliability of resources in total. The CPUC oversees utility purchases and transmission of natural gas to ensure reliable and affordable natural gas deliveries to existing and new consumers throughout the State.

C. Transportation Energy/Fuel Consumption

Gasoline (and other vehicle fuels) are commercially provided commodities and are available to the Project patrons and employees via commercial outlets. The Department of Motor Vehicles (DMV) identified 36.2 million registered vehicles in California, and those vehicles consume an estimated 17.2 billion gallons of fuel each year.

4.5.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR



Scoping Meeting that pertain to energy. Additionally, no comments related to energy were received during the public scoping period.

4.5.3 REGULATORY FRAMEWORK

A. Federal

1. *Intermodal Surface Transportation Efficiency Act (ISTEA)*

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of inter-modal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values guiding transportation decisions. The applicable MPO for the City of San Juan Capistrano is the Southern California Association of Governments (SCAG). SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is the applicable planning document for the area. (FHWA, n.d.)

2. *The Transportation Equity Act for the 21st Century (TEA-21)*

TEA-21 was signed into law in 1998 and builds upon the initiatives established in the ISTEA legislation, discussed above. TEA-21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. TEA-21 continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of good transportation decisions. TEA-21 also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of Intelligent Transportation Systems, to help improve operations and management of transportation systems and vehicle safety.

3. *Federal Energy Independence and Security Act Of 2007 (EISA)*

On December 19, 2007, President Bush signed the Energy Independence and Security Act of 2007 (EISA) which reinforces energy reductions put forth in Executive Order 13423 as well as introduces more aggressive requirements. The three enacted provisions are the Corporate Average Fuel Economy Standards, the Renewable Fuel Standard and the Appliance/Lighting Efficiency Standards. Additionally, the EISA aims to move the United States towards greater energy independence and energy security, improving the Federal Governments energy performance, increase the production rate of renewable fuels and efficiency of vehicles, products and buildings, and promote research on greenhouse gas capture and storage options.



B. State

1. Integrated Energy Policy Report

Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the California Energy Commission (CEC) to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the State's economy; and protect public health and safety (Public Resources Code § 25301a). The CEC prepares these assessments and associated policy recommendations every two years, with updates on alternate years, as part of the Integrated Energy Policy Report (IEPR). (CEC, 2023)

The 2019 IEPR focuses on changes in its energy system to address climate change and improve air quality in order to ensure that all Californians share in the benefit of the state's clean energy future. The report provides an analysis of electricity sector trends, building decarbonization and energy efficiency, zero-emission vehicles, energy equity, climate change adaptation, electricity reliability in Southern California, natural gas technologies, and electricity, natural gas, and transportation energy demand forecasts. In response to SB 100, which calls for California's electricity system to become 100 percent zero-carbon by 2045, the CEC, California Public Utilities Commission (CPUC) and the California Air Resources Board (CARB) are leading the way to identify pathways to remove carbon from the state's electricity system. The goal is to utilize the clean electricity system to eliminate the carbon from other portions of California's energy system. (CEC, 2023)

2. State of California Energy Plan

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies several strategies, including assistance to public agencies and fleet operators and encouragement of urban designs that reduce vehicle miles traveled (VMT) and accommodate pedestrian and bicycle access.

3. California Code Title 24, Part 6, Energy Efficiency Standards

California Code Title 24, Part 6 (also referred to as the California Energy Code) was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption. To these ends, the California Energy Code provides energy efficiency standards for residential and nonresidential buildings. California's building efficiency standards are updated on an approximately three-year cycle. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on August 1, 2009, and is administered by the California Building Standards Commission. CALGreen



is updated on a regular basis, with the most recent approved update consisting of the 2022 California Green Building Code Standards that were effective on January 1, 2023. The Project would be required to comply with the applicable standards in place at the time plan check submittals are made. (CEC, 2022)

4. *California Renewable Portfolio Standards*

The California Energy Commission (CEC) implements and administers portions of California's Renewables Portfolio Standard (RPS). Under the existing RPS, 25% of retail sales are required to be from renewable sources by December 31, 2016, 33% by December 31, 2020, 40% by December 31, 2024, 45% by December 31, 2027, and 50% by December 31, 2030. SB 100 raises California's RPS requirement to 50% renewable resources target by December 31, 2026, and to achieve a 60% target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours (kWh) of those products sold to their retail end-use customers achieve 44% of retail sales by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030. In addition to targets under AB 32 and SB 32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency (CNRA), California Environmental Protection Agency (CalEPA), the Department of Food and Agriculture (CDFA), and California Air Resources Board (CARB) to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal. (CEC, n.d.)

5. *Pavley Fuel Efficiency Standards (AB 1493)*

California AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Under this legislation, CARB adopted regulations to reduce GHG emissions from non-commercial passenger vehicles (cars and light-duty trucks). Although aimed at reducing GHG emissions, specifically, a co-benefit of the Pavley standards is an improvement in fuel efficiency and consequently a reduction in fuel consumption.

6. *Senate Bill 350 (SB 350) – Clean Energy and Pollution Reduction Act of 2015*

In October 2015, the legislature approved, and the Governor signed, SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the RPS, higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission (CPUC), the CEC, and local publicly owned utilities.



- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

7. *Executive Order N-79-20 and Advanced Clean Cars II*

On August 25, 2022, CARB approved the Advanced Clean Cars II rule, which codifies the goals set out in Executive Order N-79-20 and establishes a year-by-year roadmap such that by 2035, 100% of new cars and light trucks sold in California will be zero-emission vehicles. Under this regulation, automakers are required to accelerate deliveries of zero-emission light-duty vehicles, beginning with model year 2026. CARB estimates that between 2026 and 2040, the regulation would reduce GHG emissions by a cumulative 395 million metric tons, equivalent to reducing petroleum use by 915 million barrels.

C. Local

1. *City of San Juan Capistrano General Plan*

The General Plan identifies goals and policies related to energy resources in the Conservation & Open Space Element and Public Services & Utilities Element, listed below. These goals and policies and a discussion of the Project's consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.

- Conservation & Open Space Goal 6: Improve air quality.
 - Policy 6.6: Promote energy conservation and recycling by the public and private sectors.
- Public Services & Utilities Goal 7: Work effectively with providers of natural gas, electricity, telephone, cable television and solid waste disposal to provide sufficient levels of these services.
 - Policy 7.1: Work closely with providers of energy, communications and solid waste disposal in determining and meeting the needs of the community for energy, communications and solid waste disposal.
 - Policy 7.2: Encourage energy efficient development.

4.5.4 METHODOLOGY

The impact analysis provided in Subsection 4.5, contains an evaluation of the Project's potential impacts on energy consumption. The analysis presented herein, details the energy demand associated with Project-related construction equipment, transportation energy demands, and operational energy demands and efficient use of energy as required by CEQA Guidelines Appendix F. Additionally, as



stated above, since electricity usage at the Project site is minimal and no natural gas is currently used, no credit has been taken for existing usage for the purposes of this analysis.

In order to calculate Project energy demands, information from the CalEEMod Version 2022.1.1.21 outputs for the Project's Air Quality Impact Analysis (*Technical Appendix B1* to this EIR) was used to provide Project-related construction equipment, transportation energy demands, and operational energy demands. Outputs from the annual model runs are provided in Appendices 4.1 through 4.2 of the Project's Energy Analysis (see *Technical Appendix E* to this EIR). Additionally, CARB's EMFAC2021 was used to calculate emission rates, fuel consumption, VMT for each vehicle class during construction and operational activities. For purposes of analysis, the 2024 through 2027 analysis years were used to determine the average vehicle fuel economy used throughout the duration of the Project. Outputs from the EMFAC2021 model run is provided in Appendix 4.3 (*Technical Appendix E* to this EIR).

4.5.5 BASIS FOR DETERMINING SIGNIFICANCE

The City has established local CEQA significance thresholds as described in Section 15064.7 of the CEQA Guidelines (City of San Juan Capistrano, 2024). According to Section 5.20 of the City's Local Guidelines for Implementing the California Environmental Quality Act, potentially significant energy implications of a project must be considered in an EIR to the extent relevant and applicable to the Project. Therefore, the project description should identify the following as applicable or relevant to the particular project:

- 1) Energy consuming equipment and processes which will be used during construction, operation and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project;
- 2) Total energy requirements of the project by fuel type and end use;
- 3) Energy conservation equipment and design features;
- 4) Identification of energy supplies that would serve the project; and
- 5) Total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode.

According to Section VI of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to energy if the Project or any Project-related component would:

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



4.5.6 IMPACT ANALYSIS

Threshold a: *Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

A. Construction

For purposes of analysis, construction of Project is expected to commence in June 2025 and would last through September 2027. Construction for the Forster & El Camino Mixed Use Project would commence in approximately June 2025 and end in February 2027, while construction for the Performing Arts Center would commence in approximately December 2025 and end in September 2027. The construction schedule utilized in the analysis, shown in Table 3-3, *Construction Duration*, in Section 3.0, *Project Description*, of this EIR, represents a “worst-case” analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per CEQA Guidelines.

1. *Construction Power Cost*

The total Project construction power costs is the summation of the products of the area (sf) by the construction duration and the typical power cost. The 2023 *National Construction Estimator* identifies a typical power cost per 1,000 sf of construction per month of \$2.50, which was used to calculate the Project’s total construction power cost. As shown in Table 4.5-1, *Construction Power Cost*, the total power cost of the on-site electricity usage during the construction of the Project is estimated to be approximately \$16,957.32.



Table 4.5-1 Construction Power Cost

Area	Land Use	Power Cost (per 1,000 SF)	Size (1,000 SF)	Construction Duration (months)	Power Cost
Forster & El Camino Mixed Use Project	Multi-family Housing (Low Rise)	\$2.50	30.572	20	\$1,528.60
	Fitness/Health Club		3.100		\$155.00
	Fine Dining		4.294		\$214.70
	Landscape		22.933		\$1,146.65
	Parking Lot		55.759		\$2,787.95
	Enclosed Parking		88.959		\$4,447.95
	Other Asphalt Surfaces		20.556		\$1,027.81
CONSTRUCTION POWER COST					\$11,308.66
Performing Arts Center	Performing Arts Center	\$2.50	49.097	21	\$2,577.59
	Other Asphalt Surfaces		58.496		\$3,071.06
CONSTRUCTION POWER COST					\$5,648.65
TOTAL CONSTRUCTION POWER COST					\$16,957.32

Source: (Urban Crossroads, 2024c, Table 4-2)

2. Construction Electricity Usage

The total Project construction electricity usage is the summation of the products of the power cost (estimated in Table 4.5-1) by the utility provider cost per kilowatt hour (kWh) of electricity. The SDG&E's general service rate schedule are used to determine the Project's electrical usage. As of January 1, 2023, SDG&E's general service rate is \$0.46 per kilowatt hours (kWh) of electricity for general services and \$0.51 for residential services. Table 4.5-2, *Construction Electricity Usage*, the total electricity usage from on-site Project construction related activities is estimated to be approximately 36,868 kWh.



Table 4.5-2 Construction Electricity Usage

Area	Land Use	Cost per kWh	Project Construction Electricity Usage (kWh)
Forster & El Camino Mixed Use Project	Multi-family Housing (Low Rise)	\$0.51	2,991
	Fitness/Health Club	\$0.46	340
	Fine Dining		471
	Landscape		2,518
	Parking Lot		6,121
	Enclosed Parking		9,766
	Other Asphalt Surfaces		2,257
CONSTRUCTION ELECTRICITY USAGE			24,465
Performing Arts Center	Performing Arts Center	\$0.46	5,660
	Other Asphalt Surfaces		6,743
CONSTRUCTION ELECTRICITY USAGE			12,403
TOTAL CONSTRUCTION ELECTRICITY USAGE			36,868

Source: (Urban Crossroads, 2024c, Table 4-3)

3. Construction Equipment Fuel Estimates

Fuel consumed by construction equipment would be the primary energy resource expended over the course of Project construction. A summary of construction equipment by phase is provided at Table 3-4, *Construction Equipment Assumptions*, in Section 3.0, *Project Description*, of this EIR. Consistent with industry standards and typical construction practices for other large-scale development, each piece of equipment listed will operate up to a total of eight (8) hours per day, or more than two-thirds of the period during which construction activities are allowed pursuant to the code.

Project construction activity timeline estimates, construction equipment schedules, equipment power ratings, load factors, and associated fuel consumption estimates are presented in Table 4.5-3, *Construction Equipment Fuel Consumption Estimates*.

The aggregate fuel consumption rate for all equipment is estimated at 18.5 horsepower hour per gallon (hp-hr-gal.), obtained from CARB 2018 Emissions Factors Tables and cited fuel consumption rate factors presented in Table D-24 of the Moyer guidelines. For the purposes of this analysis, the calculations are based on all construction equipment being diesel-powered, which is consistent with industry standards. Diesel fuel would be supplied by existing residential and commercial fuel providers serving the Project area and region. As presented in Table 4.5-3, Project construction activities would consume an estimated 105,658 gallons of diesel fuel. Project construction would represent a “single-



event” diesel fuel demand and would not require ongoing or permanent commitment of diesel fuel resources for this purpose.

4. *Construction Worker Fuel Estimates*

With respect to estimated VMT for the Project, the construction worker trips (personal vehicles used by workers commuting to the Project from home) would generate an estimated 809,579 VMT during Project construction. Vehicle fuel efficiencies for LDA, LDT1, and LDT2 were estimated using information generated within the 2021 version of the EMFAC developed by CARB. EMFAC2021 is a mathematical model that was developed to calculate emission rates, fuel consumption, and VMT from motor vehicles that operate on highways, freeways, and local roads in California and is commonly used by the CARB to project changes in future emissions from on-road mobile sources. The estimated fuel consumption resulting from Project construction worker trips is 27,237 gallons in total. The estimated fuel consumption from the Forster & El Camino and the Performing Arts Center is 20,870 gallon and 6,367 gallons, respectively. It should be noted that construction worker trips would represent a “single-event” gasoline fuel demand and would not require ongoing or permanent commitment of fuel resources for this purpose.

5. *Construction Vendor and Hauling Fuel Estimates*

With respect to estimated VMT, the construction vendor trips (vehicles that deliver materials to the site during construction) and material hauling trips would generate an estimated 99,513 VMT along area roadways during Project construction. It is estimated that 14,886 gallons of fuel will be consumed related to construction vendor and hauling trips during construction. The estimated fuel consumption from the Forster & El Camino and the Performing Arts Center is 9,438 gallon and 5,447 gallons, respectively. It should be noted that Project construction vendor trips would represent a “single-event” diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources for this purpose.

6. *Summary*

Construction-related vehicle trips would result in approximately 909,092 VMT and consume an estimated 42,122 gallons of gasoline and diesel combined during construction phases. Additionally, on-site construction equipment would consume an estimated 105,658 gallons of diesel fuel. Detailed calculations are provided in subsection 4.3 of the Project’s Energy Analysis (refer to *Technical Appendix E*).



Table 4.5-3 Construction Equipment Fuel Consumption Estimates

Area	Construction Activity	Duration (Days)	Equipment	HP Rating	Quantity	Usage Hours	Load Factor	HP-hrs/day	Fuel Consumption (gallons)
Forster & El Camino Mixed Use Project	Demolition	23	Rubber Tired Dozers	367	2	8	0.40	2,349	2,920
			Concrete/Industrial Saws	33	1	8	0.73	193	240
			Excavators	36	3	8	0.38	328	408
	Grading	36	Graders	148	1	8	0.41	485	945
			Excavators	36	1	8	0.38	109	213
			Rubber Tired Dozers	367	1	8	0.40	1,174	2,285
			Crawler Tractors	87	3	8	0.43	898	1,747
	Grading/Off-Site Improvements	22	Graders	148	1	8	0.41	485	577
			Excavators	36	1	8	0.38	109	130
			Rubber Tired Dozers	367	1	8	0.40	1,174	1,397
			Crawler Tractors	87	3	8	0.43	898	1,068
	Building Construction	329	Cranes	367	1	8	0.29	851	15,142
			Forklifts	82	3	8	0.20	394	7,000
			Generator Sets	14	1	8	0.74	83	1,474
			Welders	46	1	8	0.45	166	2,945
			Tractors/Loaders/Backhoes	84	3	8	0.37	746	13,265
			Tractors/Loaders/Backhoes	84	1	8	0.37	249	1,129
			Cement and Mortar Mixers	10	2	8	0.56	90	407
			Pavers	81	1	8	0.42	272	1,236
			Paving Equipment	89	2	8	0.36	513	2,328
			Rollers	36	2	8	0.38	219	994



Area	Construction Activity	Duration (Days)	Equipment	HP Rating	Quantity	Usage Hours	Load Factor	HP-hrs/day	Fuel Consumption (gallons)
			Air Compressors	37	1	8	0.48	142	745
CONSTRUCTION FUEL DEMAND (GALLONS DIESEL FUEL)									58,593
Performing Arts Center	Grading	22	Graders	148	1	8	0.41	485	577
			Rubber Tired Dozers	367	1	8	0.40	1,174	1,397
			Crawler Tractors	87	2	8	0.43	599	712
	Grading/Off-Site Improvements	14	Graders	148	1	8	0.41	485	367
			Rubber Tired Dozers	367	1	8	0.40	1,174	889
			Crawler Tractors	87	2	8	0.43	599	453
	Building Construction	369	Cranes	367	1	8	0.29	851	16,983
			Forklifts	82	2	8	0.20	262	5,234
			Generator Sets	14	1	8	0.74	83	1,653
			Tractors/Loaders/Backhoes	84	1	8	0.37	249	4,959
			Welders	46	3	8	0.45	497	9,909
	Paving	46	Tractors/Loaders/Backhoes	84	1	8	0.37	249	618
			Pavers	81	1	8	0.42	272	677
			Paving Equipment	89	1	8	0.36	256	637
			Rollers	36	2	8	0.38	219	544
			Cement and Mortar Mixers	10	1	8	0.56	45	111
	Architectural Coating	175	Air Compressors	37	1	8	0.48	142	1,344
CONSTRUCTION FUEL DEMAND (GALLONS DIESEL FUEL)									47,065
TOTAL CONSTRUCTION FUEL DEMAND (GALLONS DIESEL FUEL)									105,658

Source: (Urban Crossroads, 2024c, Table 4-5)



In 2014, CARB adopted the nation's first regulation aimed at cleaning up off-road construction equipment such as bulldozers, graders, and backhoes. These requirements ensure fleets gradually turnover the oldest and dirtiest equipment to newer, cleaner models and prevent fleets from adding older, dirtier equipment. As such, the equipment used for Project construction would conform to CARB regulations and California emissions standards. It should also be noted that there are no unusual Project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities; or equipment that would not conform to current emissions standards (and related fuel efficiencies). Equipment employed in construction of the Project would therefore not result in inefficient, wasteful, or unnecessary consumption of fuel.

Construction contractors would be required to comply with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Additionally, CARB has adopted the Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other Toxic Air Contaminants. Compliance with anti-idling and emissions regulations would result in a more efficient use of construction-related energy and the minimization or elimination of wasteful or unnecessary consumption of energy. Idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption.

In general, construction processes promote conservation and efficient use of energy by reducing raw materials demands, with related reduction in energy demands associated with raw materials extraction, transportation, processing, and refinement. Use of materials in bulk reduces energy demands associated with preparation and transport of construction materials as well as the transport and disposal of construction waste and solid waste in general, with corollary reduced demands on area landfill capacities and energy consumed by waste transport and landfill operations.

Limitations on idling of vehicles and equipment and requirements that equipment be properly maintained would result in fuel savings. California Code of Regulations, Title 13, Sections 2449 and 2485, limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. Additionally, given the cost of fuel, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction. With compliance with CARB and the California Code of Regulations, the construction phase of the proposed Project would not result in wasteful, inefficient, and unnecessary consumption of energy and impacts would be less than significant.

B. Operation

Energy consumption in support of or related to Project operations would include transportation fuel demands (fuel consumed by passenger car and truck vehicles accessing the Project site), fuel demands from operational equipment, and facilities energy demands (energy consumed by building operations and site maintenance activities).



1. *Transportation Energy*

Energy that would be consumed by operational Project-generated traffic is a function of total VMT and estimated vehicle fuel economies of vehicles accessing the Project site. The VMT per vehicle class can be determined by evaluating the vehicle fleet mix and the total VMT. As with worker and vendors trips, operational vehicle fuel efficiencies were estimated using information generated within EMFAC2021 developed by CARB.

The estimated transportation energy demands are summarized on Table 4.5-4, *Total Project-Generated Traffic Annual Fuel Consumption*. As shown, the Project would result in 4,869,581 annual VMT and 177,467 gallons per year during operations.

Table 4.5-4 Total Project-Generated Traffic Annual Fuel Consumption

Area	Vehicle Type	Average Vehicle Fuel Economy (mpg)	Annual Vehicle Miles Traveled	Estimated Annual Fuel Consumption (gallons)
Forster & El Camino Mixed Use Project	LDA	36.55	1,012,668	27,708
	LDT1	27.29	80,881	2,964
	LDT2	27.24	489,458	17,969
	MDV	22.38	299,290	13,372
	LHDT1	17.85	57,741	3,235
	LHDT2	16.68	15,293	917
	MHDT	8.11	32,110	3,960
	HHDT	6.47	12,074	1,867
	OBUS	6.63	1,230	185
	UBUS	3.80	728	192
	MCY	42.60	45,975	1,079
	SBUS	6.70	1,985	296
	MH	5.98	7,221	1,208
FUEL CONSUMPTION (ALL VEHICLES)			2,056,654	74,953
Performing Arts Center	LDA	36.55	1,385,047	37,897
	LDT1	27.29	110,622	4,054
	LDT2	27.24	669,442	24,577
	MDV	22.38	409,345	18,290
	LHDT1	17.85	78,973	4,424
	LHDT2	16.68	20,917	1,254



Area	Vehicle Type	Average Vehicle Fuel Economy (mpg)	Annual Vehicle Miles Traveled	Estimated Annual Fuel Consumption (gallons)
	MHDT	8.11	43,918	5,416
	HHDT	6.47	16,514	2,554
	OBUS	6.63	1,682	254
	UBUS	3.80	996	262
	MCY	42.60	62,880	1,476
	SBUS	6.70	2,715	405
	MH	5.98	9,877	1,652
FUEL CONSUMPTION (ALL VEHICLES)			2,812,927	102,514
TOTAL FUEL CONSUMPTION (ALL VEHICLES)			4,869,581	177,467

Source: (Urban Crossroads, 2024c, Table 4-9)

Fuel would be provided by current and future commercial vendors. Trip generation and VMT generated by the Project are consistent with other residential and commercial uses of similar scale and configuration, as reflected in the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Ed., 2021); and CalEEMod. As such, Project operations would not result in excessive and wasteful vehicle trips and VMT, nor excess and wasteful vehicle energy consumption compared to other residential and commercial uses.

It should be noted that the state strategy for the transportation sector for medium and heavy-duty trucks is focused on making trucks more efficient and expediting truck turnover rather than reducing VMT from trucks. This is in contrast to the passenger vehicle component of the transportation sector where both per-capita VMT reductions and an increase in vehicle efficiency are forecasted to be needed to achieve the overall State emissions reductions goals.

Enhanced fuel economies realized pursuant to federal and State regulatory actions, and related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would likely decrease future gasoline fuel demands per VMT. Location of the Project proximate to regional and local roadway systems and public transit tends to reduce VMT within the region, acting to reduce regional vehicle energy demands. The Project is located within walking distance (800 feet) to the San Juan Capistrano train station served by Amtrak and Metrolink. Additionally, the Project would implement sidewalks, facilitating and encouraging pedestrian access. Facilitating pedestrian and bicycle access would reduce VMT and associated energy consumption. In compliance with the CalGreen and City requirements, the Project would promote the use of bicycles as an alternative mean of transportation by providing short-term and/or long-term bicycle parking accommodations. As supported by the preceding discussions, Project transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.



2. Facility Energy Demands

As summarized on Table 4.5-5, *Project Annual Operational Energy Demand Summary*, Project facility operational energy demands are estimated at: 3,878,278 kBTU/year of natural gas and 1,118,299 kWh/year of electricity. Natural gas and electricity would be supplied to the Project by SoCal Gas and SDG&E, respectively. The Project proposes conventional residential and commercial uses reflecting contemporary energy efficient/energy conserving designs and operational programs. The Project does not propose uses that are inherently energy intensive and the energy demands in total would be comparable to other residential and commercial uses of similar scale and configuration.

Implementation of the Project would increase the demand for electricity at the Project site and petroleum consumption in the region during operation. However, the electrical consumption demands of the Project during operation would conform to the state's Title 24 and to CALGreen standards, which implement conservation measures. Further, the proposed Project would not directly require the construction of new energy generation or supply facilities and providers of electricity are in compliance with regulatory requirements that assist in conservation, including requirements that electrical providers achieve state-mandated renewable energy production.

The Project will comply with the applicable Title 24 standards. Compliance with applicable Title 24 standards will ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary, and impacts would be less than significant.

Table 4.5-5 Project Annual Operational Energy Demand Summary

Area	Land Use	Natural Gas Demand	Electricity Demand
		(kBTU/year)	(kWh/year)
Forster & El Camino Mixed Use Project	Multi-family Housing (Low Rise)	1,288,714	331,858
	Fitness/Health Club	125,129	27,818
	Fine Dining	482,671	152,964
	Landscape	0	0
	Parking Lot	0	48,843
	Enclosed Parking	0	116,248
	Other Asphalt Surfaces	0	0
PROJECT ENERGY DEMAND		1,896,514	677,731
Performing Arts Center	Performing Arts Center	1,981,764	440,568
	Other Asphalt Surfaces	0	0
PROJECT ENERGY DEMAND		1,981,764	440,568
TOTAL PROJECT ENERGY DEMAND		3,878,278	1,118,299

Source: (Urban Crossroads, 2024c, Table 4-10)



Threshold b: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The following section analyzes whether the Project would conflict with or obstruct applicable plans and regulations for renewable energy or energy efficiency.

A. Construction

As discussed in Threshold a, above, the proposed Project would result in energy consumption through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, and the use of electricity for temporary buildings, lighting, and other sources. California Code of Regulations Title 13, Sections 2449 and 2485, limit idling from both on- road and off-road diesel-powered equipment and are enforced by CARB. The Project would comply with these regulations. Federal and state regulations described in Subsection 4.5.3 above relate to building energy reductions and other operational uses. There are no policies at the local level applicable to energy conservation specific to the construction phase. Thus, it is anticipated that construction of the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, construction-related impacts would be less than significant.

B. Operation

California's RPS establishes a goal of renewable energy for local providers to be 44 percent by 2040. Similarly, the State is promoting renewable energy targets to meet the 2022 Scoping Plan greenhouse gas emissions reductions. As discussed in Threshold a, above, the Project would result in approximately 1,118,299 kWh of electricity and 3,878,278 kBTU/year of natural gas annually.

The Project would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the California Title 24 energy efficiency standards. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced energy efficiency standards, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation.

Compliance with the aforementioned mandatory measures would ensure that the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, impacts would be less than significant.

Additionally, as described in Subsection 4.10, *Land Use and Planning*, the Project would not conflict with the 2024-2050 Connect SoCal, Regional Planning Policy related to sustainable development (specifically, "48. Promote sustainable development and best practices that enhance resource conservation, reduce resource consumption and promote resilience"). The Project would be designed



in accordance with the City's latest adopted energy efficiency standards, which are based on the California Title 24 energy efficiency standards, as stated above.

1. *City of San Juan Capistrano General Plan*

Table 4.5-6, *General Plan Consistency Analysis*, provides an analysis of the Project's potential to conflict with all applicable General Plan goals and policies related to energy. As shown, the Project would not conflict with any of the applicable General Plan goals and policies.

Table 4.5-6 General Plan Consistency Analysis

General Plan Policy	Consistency
Policy 6.6: Promote energy conservation and recycling by the public and private sectors.	No Conflict. Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy evidenced by compliance with applicable 2022 Title 24 Standards. Additionally, as discussed in Subsection 4.17, <i>Utilities and Service Systems</i> , the proposed Project would be required to coordinate with CR&R, the waste hauler, to develop collection of recyclable material for the Project on a common schedule in accordance with local and State programs, including AB 341. Therefore, the Project would not conflict with General Plan Policy 6.6.
Policy 7.1: Work closely with providers of energy, communications and solid waste disposal in determining and meeting the needs of the community for energy, communications and solid waste disposal.	No Conflict. As discussed in Subsection 4.17, <i>Utilities and Service Systems</i> , electricity will be provided by San Diego Gas & Electric and solid waste, recycling, and green waste generated by development will be serviced by CR&R Environmental Services. There is adequate daily surplus capacity at the receiving landfill and development of the Project would not significantly affect current operations or the expected lifetime of the landfill serving the Project area. Communication services, including wired and wireless telephone and internet services are available through numerous private providers within the City and will be extended to the Project site on an as-needed basis. Therefore, the Project is consistent with General Policy 7.1.
Policy 7.2: Encourage energy efficient development.	No Conflict. The Project would comply with the energy conservation and green building requirements outlined in Title 24 Part 6 and Part 11, respectively. The Project would also comply with San Juan Capistrano Municipal Code Section 6-3.08, which requires that construction and demolition projects in the City divert at least 65 percent of construction material from landfills. Therefore, the Project is consistent with General Policy 7.2.



4.5.7 CUMULATIVE IMPACT ANALYSIS

Cumulative impacts result if the Project, along with cumulative projects, taken together could result in wasteful, inefficient, or unnecessary use of energy. The areas considered for cumulative impacts to electricity and natural gas supplies are the service areas for SDG&E and SoCal Gas, respectively, described above in Subsection 4.5.1.

The Project, related projects, and additional forecasted growth in SDG&E's service area would cumulatively increase the demand for electricity supplies and infrastructure capacity. As with the Project, during construction and operation, other future development projects would be expected to incorporate energy conservation features and comply with applicable regulations including CALGreen and state energy standards under Title 24, which would contribute to minimizing wasteful energy consumption. As such, the Project's contribution to cumulative impacts related to wasteful, inefficient, and unnecessary use of electricity would not be cumulatively considerable and, thus, would be less than significant.

Buildout of the Project, related projects, and additional forecasted growth would cumulatively increase the demand for transportation-related fuel in the state and region. As with the Project, other future development projects would be expected to reduce VMT by encouraging the use of alternative modes of transportation and other design features that promote VMT reductions. Moreover, the Project is located in a Transit Priority Area (TPA) as it is within a one-half mile radius from the San Juan Capistrano train station and is designed as a pedestrian-oriented development to encourage and increase the use of public transportation options. The Project site is also surrounded by commercial uses to the south, east, and west. Therefore, the Project's contribution to cumulative impacts related to wasteful, inefficient, and unnecessary use of transportation fuel would not be cumulatively considerable and, thus, would be less than significant.

As indicated above, the Project would not conflict with or obstruct a federal or State plan for renewable energy or energy efficiency. The Project and other new development projects within the cumulative study area would be required to comply with all of the same applicable federal, State, and local regulatory measures aimed at reducing fossil fuel consumption and the conservation of energy. Accordingly, the Project would not cause or contribute to a significant cumulatively considerable impact related to conflicts with a State or local plan for renewable energy or energy efficiency.

4.5.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy evidenced by compliance with applicable 2022 Title 24 Standards. The Project would therefore not cause or result in the need for additional energy producing or transmission facilities. The Project would not engage in wasteful or inefficient uses of energy and aims to achieve energy conservations goals within the State of California. As such, Project impacts due to wasteful, inefficient, or unnecessary consumption of energy resources would be less than significant.



Threshold b: Less-than-Significant Impact. The Project would not conflict with or obstruct a federal or State plan for renewable energy or energy efficiency and impacts would be less than significant.

4.5.9 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.

4.5.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant and mitigation is not required.



4.6 GEOLOGY AND SOILS

The analysis in this Subsection is based primarily on information contained in three site-specific technical reports provided by GeoTek, Inc. and Salem Engineering Group, Inc. (hereafter, “Salem”): 1) “Updated Geotechnical and Infiltration Evaluation Proposed Mixed-Use Development – Forster & El Camino, 31872, 31878, 31882 Camino Capistrano, San Juan Capistrano, California” dated October 13, 2020 (GeoTek, 2023); 2) “Limited Geotechnical Engineering Evaluation Proposed Performing Arts Center Historic Town Center Park San Juan Capistrano, California” dated January 31, 2022 (Salem, 2022); and 3) “Cultural and Paleontological Resources Assessment for the El Camino Specific Plan Amendment Project” prepared dated January 2024 (Cogstone, 2024). These reports are provided as *Technical Appendices F1, F2, and D1* to this EIR. Additional sources of information used to support the analysis in this Subsection include the City’s General Plan (San Juan Capistrano, 2002), General Plan Program Environmental Impact Report (San Juan Capistrano, 1999), and the San Juan Capistrano Municipal Code. (San Juan Capistrano, 2024)

4.6.1 EXISTING CONDITIONS

A. Soils

Undocumented fill soils were encountered in the southern portion of the Project site ranging in depth from approximately 2 feet to more than 7 feet, with an average fill depth of about 4 feet. The fill materials are associated with the previous commercial land uses. The fill encountered consists of silty sand, sandy clay, and clayey sand with various amounts of gravel which was brown in color, slightly moist, and in a medium dense/stiff state. The fill was noted to contain trace debris and organics in some locations. Below the undocumented fill, alluvial deposits were encountered in all the explorations and extended to about the maximum depth explored of 60 feet. The alluvium is composed of interbedded layers of lean-to fat clay, sandy clay and clayey sand with gravel, and clean to silty gravel. Fine-grained alluvial soils are predominant near the southeastern portion of the property. More gravelly, coarse-grained soils were present across the remainder of the property where all site explorations experienced early refusal. Based on field observations, the alluvial soils are grey brown to brown, moist, and medium dense/stiff in the upper portions becoming slightly denser/stiffer with depth. (GeoTek, 2023)

Based on the geotechnical reports of the adjacent sites, the soils that underlay the northern portion of the Project site consist of fill soils underlain by alluvium consisting of loose to very dense clayey sand with various amounts of gravel, and silty gravel with sand; and firm to hard sandy clay, clay with sand, clayey silt with sand, and silt with sand (Salem, 2022).

B. Groundwater

Groundwater was encountered at depths of approximately 32.5 feet below ground surface (bgs) and 29 feet bgs. According to the Seismic Hazard Zone Report for the Dana Pointe Quadrangle, prepared by California Department of Conservation (2001), historic high groundwater in the site region is approximately 5 feet deep (GeoTek, 2023)



C. Seismic Hazards

Based on the proximity of several dominant active faults and seismogenic structures, as well as the historic seismic record, the Project site is subject to relatively high seismicity. The seismic hazard most likely to impact the site is ground-shaking due to a large earthquake on one of the major active regional faults. Historically, moderate to large earthquakes have affected the area. There are no known active fault traces in the Project vicinity and the Project site is not within an Alquist-Priolo Earthquake Fault (Special Studies) Zone (Salem, 2022).

1. *Fault Rupture*

The site is not within a currently established State of California Earthquake Fault Zone for surface fault rupture hazards. No active faults with the potential for surface fault rupture are known to pass directly beneath the site. (Salem, 2022) The nearest zoned faults are the Elsinore Fault Zone – Glen Ivy South Fault located 19.7 miles northeast and the Newport-Inglewood-Rose Canyon Fault Zone located approximately 21.2 miles northwest of the site. (GeoTek, 2023) Therefore, the potential for surface rupture due to faulting occurring beneath the site during the design life of the proposed development is considered low (GeoTek, 2023) (Salem, 2022).

2. *Liquefaction*

Soil liquefaction is a state of soil particles suspension caused by a complete loss of strength when the effective stress drops to zero. Liquefaction normally occurs under saturated conditions in soils such as sand in which the strength is purely frictional. Primary factors that trigger liquefaction are: moderate to strong ground shaking (seismic source), relatively clean, loose granular soils (primarily poorly graded sands and silty sands), and saturated soil conditions (shallow groundwater). Due to the increasing overburden pressure with depth, liquefaction of granular soils is generally limited to the upper 50 feet of a soil profile. However, liquefaction has occurred in soils other than clean sand (Salem, 2022).

Groundwater was encountered at a depth of approximately 29 feet bgs during the Project's geological investigation. Based on the State of California Hazard Zone Report 049, Dana Point Quadrangle, Plate 1.2, the historically highest groundwater is at a depth of approximately 5 feet bgs. The soils encountered within the depth of 50 feet on the Project site consisted predominately of loose to very dense clayey sand with various amounts of gravel, clayey gravel with sand, and silty gravel with sand; and firm to hard sandy clay, clay with sand, clayey silt with sand, and silt with sand. Low to very low cohesion strength is associated with the sandy soil. A seismic hazard, which could cause damage to a development during seismic shaking, is the post-liquefaction settlement of the liquefied sands. Based on the State of California, Seismic Hazard Zone Map, Dana Point Quadrangle, dated December 21, 2001, the Project site is located within the potential liquefaction zone (GeoTek, 2023) (Salem, 2022).

3. *Lateral Spreading*

Lateral spreading is a phenomenon in which soils move laterally during seismic shaking and is often associated with liquefaction. The amount of movement depends on the soil strength, duration and



intensity of seismic shaking, topography, and free face geometry. Due to the relatively flat site topography, the likelihood of lateral spreading is low (GeoTek, 2023) (Salem, 2022).

4. *Tsunamis and Seiches*

The Project site is not located within a coastal area. Therefore, tsunamis (seismic sea waves) are not considered a significant hazard at the site. Seiches are large waves generated in enclosed bodies of water in response to ground shaking. No major water-retaining structures are located immediately up gradient from the Project site. Flooding from a seismically-induced seiche is considered unlikely (GeoTek, 2023) (Salem, 2022).

D. Slope and Instability Hazards

The Project site is generally flat under existing conditions and does not contain, nor is it adjacent to any, steep natural or manufactured slopes and there is no evidence of historical landslides or rockfalls on the site. There are no known landslides at the site, nor is the site in the path of any known or potential landslides. The potential for a landslide to this to occur within this Project is not considered a hazard (GeoTek, 2023) (Salem, 2022).

E. Paleontological Setting

The Project site is situated primarily upon sediments of Quaternary alluvium. The northern portion of the Project site is mapped as latest Pleistocene to Holocene young axial channel deposits, which were deposited less than 129,000 years ago while the southern portion of the site is mapped as latest Pleistocene to Holocene young alluvial flood plain deposits. Although they are mapped as different units due to the preference of the cartographer, they consist of the same sediments. The Quaternary alluvial sediments were deposited by local creeks and rivers including San Juan Creek, Trabuco Creek, Oso Creek, and Horno Creek. The sediments consist of unconsolidated silt, sand and gravel that incorporate material from older formations cut by the creeks.

While not mapped as present at the Project site, higher-elevations near the area consist of Quaternary terrace sediments. These terrace sediments were deposited by older rivers, and date 2.5 million to 10 thousand years before present. Additionally, although not mapped at the surface at the Project site, the late Miocene to early Pliocene (7.246 to 3.6 million years ago) siltstone facies of the Capistrano Formation may be encountered at an unknown depth below the surface. The siltstone facies is composed of white to pale grey, friable, crudely bedded to massive, siltstone, mudstone, and diatomaceous shale (Cogstone, 2024).

A literature and records search conducted at the Los Angeles County Natural History Museum, Vertebrate Paleontology Section, determined that no previous fossil localities have been recorded within the Project boundaries; however, paleontological resource localities are previously known within the City and throughout Orange County. Within three miles northwest of the northern extent of the Project site, locality LACM 1115 yielded remains of Imperial mammoth (*Mammuthus imperator*) from Quaternary older alluvium overlain by younger Holocene alluvium near Salt Creek. Southwest



of the Project site, locality LACM 2028 yielded fossil remains of extinct bison (*Bison*) from subsurface Pleistocene alluvium near Doheny State Beach.

Subsurface Quaternary terrace deposits located roughly one-half mile east of the Project Area yielded remains of an extinct mammoth (*Mammuthus*) from a depth of approximately three feet below the surface. Although Quaternary terrace deposits are not mapped at the surface within the Project site, they may be present in the subsurface. If this is the case, such fossil-bearing sediments may occur at relatively shallow depths.

The Capistrano Formation, which occurs at an unknown depth below the Project and is the source of the landslide deposits on the eastern side of the Project, is very well known for Miocene to Pliocene fossils (Bell 2021). A fossil shark skeleton (LACM 7296) was recovered near Reed Reservoir to the east. North of the Project, north of San Juan Creek, a large fauna was recovered with sharks, bony fishes, marine birds, and marine mammals as well as elephants, camel, pronghorn, and pond turtles (LACM 5792 and 5889). South of the Project and east of Dana Point, numerous fossils were recovered including sharks, bony fishes, crocodiles, and marine turtles (LACM 1875, 1950, 4012, 4347, 6474, 6595, 6991 and 6992) (Cogstone, 2024).

4.6.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to geology and/or soils. Additionally, no comments related to geology and/or soils were received during the public scoping period.

4.6.3 REGULATORY FRAMEWORK

A. Federal

1. *Clean Water Act*

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. (EPA, 2020e)



2. *Paleontological Resources Preservation Act*

The Paleontological Resources Preservation Act (PRPA) was signed into law on March 30, 2009 (Public Law 111-11, Title VI, Subtitle D; 16 U.S.C. §§ 470aaa - 470aaa-11). PRPA directs the Department of Agriculture (U.S. Forest Service) and the Department of the Interior (National Park Service, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service) to implement comprehensive paleontological resource management programs. Section 6310 of PRPA specifically states, "As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment."

B. State

1. *Alquist-Priolo Earthquake Fault Zoning Act (A-P Act)*

The Alquist-Priolo Earthquake Fault Zoning Act (A-P Act) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The A-P Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The A-P Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards.

The A-P Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. ["Earthquake Fault Zones" were called "Special Studies Zones" prior to January 1, 1994.] The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Single family wood-frame and steel-frame dwellings up to two stories not part of a development of four units or more are exempt. However, local agencies can be more restrictive than state law requires.

Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet).

2. *Seismic Hazards Mapping Act*

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, § 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The purpose of the SHMA is to minimize loss of life and property through the identification, evaluation, and mitigation of seismic hazards. (CDC, n.d.)

Staff geologists in the Seismic Hazards Program gather existing geological, geophysical, and geotechnical data from numerous sources to produce the Seismic Hazard Zone Maps. They integrate



and interpret these data regionally in order to evaluate the severity of the seismic hazards and designate as Zones of Required Investigation (ZORI) those areas prone to liquefaction and earthquake-induced landslides. Cities and counties are then required to use the Seismic Hazard Zone Maps in their land use planning and building permit processes.

The SHMA requires site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy.

3. *Natural Hazards Disclosure Act*

The Natural Hazards Disclosure Act, effective June 1, 1998 (as amended June 9, 1998), requires that sellers of real property and their agents provide prospective buyers with a "Natural Hazard Disclosure Statement" when the property being sold lies within one or more state-mapped hazard areas, including a Seismic Hazard Zone.

The law requires the State Geologist to establish regulatory zones (Zones of Required Investigation) and to issue appropriate maps (Seismic Hazard Zone maps). These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development. Single-family frame dwellings up to two stories not part of a development of four or more units are exempt from the state requirements. However, local agencies can be more restrictive than state law requires.

Before a development permit can be issued or a subdivision approved, cities and counties must require a site-specific investigation to determine whether a significant hazard exists at the site and, if so, recommend measures to reduce the risk to an acceptable level. The investigation must be performed by state-licensed engineering geologists and/or civil engineers.

4. *Essentials Services Building Seismic Safety Act*

In 1986, the California Legislature determined that buildings providing essential services should be capable of providing those services to the public after a disaster. Their intent in this regard was defined in legislation known as the Essential Services Buildings Seismic Safety Act of 1986 and includes requirements that such buildings shall be "...designed and constructed to minimize fire hazards and to resist...the forces generated by earthquakes, gravity, and winds." This enabling legislation can be found in the California Health and Safety Code, Chapter 2, § 16000 through 16022. In addition, the California Building Code defines how the intent of the act is to be implemented in Title 24, Part 1 of the California Building Standards Administrative Code, Chapter 4, Articles 1 through 3.

5. *California Building Standards Code (Title 24)*

California Code of Regulations (CCR) Title 24 is reserved for state regulations that govern the design and construction of buildings, associated facilities, and equipment. These regulations are also known



as building standards (reference California Health and Safety Code § 18909). Health and Safety Code (state law) § 18902 gives CCR Title 24 the name California Building Standards Code (CBSC).

The CBSC in CCR Title 24 is published by the California Building Standards Commission and it applies to all building occupancies (see Health and Safety Code §§ 18908 and 18938) throughout the State of California. Cities and counties are required by state law to enforce CCR Title 24 (reference Health and Safety Code §§ 17958, 17960, 18938(b), and 18948). Cities and counties may adopt ordinances making more restrictive requirements than provided by CCR Title 24, because of local climatic, geological, or topographical conditions. Such adoptions and a finding of need statement must be filed with the California Building Standards Commission (Reference Health and Safety Code §§ 17958.7 and 18941.5).

6. *Public Resources Code Section 5097.5*

The California Public Resources Code (PRC) Section 5097.5 states:

- No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site[s], including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.
- As used in this section, “public lands” means lands owned by, or under the jurisdiction of, the state, or any city, county, district, authority, or public corporation, or any agency thereof.

C. Regional

1. *South Coast Air Quality Management District Rule 403*

The South Coast Air Quality Management District (South Coast AQMD) is responsible for enforcing air pollution control measures in the South Coast Air Basin, within which the Project site is located. Rule 403 (Fugitive Dust) addresses blowing dust from construction sites and is applicable to the Project due to the potential for wind erosion during Project grading and construction activities.

2. *San Diego Basin Water Quality Control Plan*

The City of San Juan Capistrano is located in the San Diego Basin, Region 9, in the Aliso-San Onofre Watershed. The Water Quality Control Plan for the San Diego River Basin (9) was updated in 2016. This Basin Plan gives direction on the beneficial uses of the state waters within Region 9, describes the water quality that must be maintained to support such uses, and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan.



D. Local

1. City of San Juan Capistrano General Plan

The General Plan identifies goals related to geology and soils in its Safety Element and provided below. The Project-applicable goals and policies and a discussion of the Project's consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.

- Safety Goal 1: Reduce the risk to the community from hazards related to geologic conditions, seismic activity, wildfires, structural fires and flooding.
 - Seismicity Policy 1.1. Reduce the risk of impacts from geologic and seismic hazards by applying proper development engineering, building construction, and retrofitting requirements.

4.6.4 METHODOLOGY

A. Geology and Soils

The scope of the geological investigations (*Technical Appendices F1 and F2*) included a field exploration, percolation testing, laboratory testing, and engineering analysis. The field exploration was performed by Salem on July 9, 2020, and included drilling of nine (9) small-diameter soil borings to a maximum depth of 6 feet at the site. Additionally, two (2) percolation tests were performed at a depth of approximately 5 feet and 10 feet below existing grade for determination of percolation rates. The field exploration by GeoTek was conducted on September 8 and September 11, 2023, and consisted of drilling six (6) exploration borings with an eight-inch hollow-stem auger drill rig. The locations of the soil borings and percolation tests are depicted on Figure 2, Site Plan of *Technical Appendices F1 and F2*. (GeoTek, 2023; Salem, 2022) This information was used to determine whether or not the Project would result in potentially significant geology and soils impacts.

B. Paleontological Resources

The evaluation of impacts to paleontological resources was based on a literature and records search conducted at the Los Angeles County Natural History Museum, Vertebrate Paleontology Section, and a field survey conducted on November 28, 2023. The field survey was performed in 5-10 meter transects (Cogstone, 2024).

A multilevel ranking system was developed by professional resource managers within the Bureau of Land Management (BLM) as a practical tool to assess the sensitivity of sediments for fossils. The Potential Fossil Yield Classification (PFYC) system has a multi-level scale based on demonstrated yield of fossils. The PFYC system provides additional guidance regarding assessment and management for different fossil yield rankings.

Fossil resources occur in geologic units (e.g., formations or members). The probability for finding significant fossils in a project area can be broadly predicted from previous records of fossils recovered



from the geologic units present in and/or adjacent to the study area. The geological setting and the number of known fossil localities help determine the paleontological sensitivity according to PFYC criteria.

Sediments that are close to their basement rock source are typically coarse; those farther from the basement rock source are finer. The chance of fossils being preserved greatly increases once the average size of the sediment particles is reduced to 5 mm in diameter or less. Moreover, fossil preservation also greatly increases after natural burial in rivers, lakes, or oceans. Remains left on the ground surface become weathered by the sun or consumed by scavengers and bacterial activity, usually within 20 years or less. Therefore, sands, silts, and clays of rivers, lakes, and oceans are the most likely sediments to contain fossils.

Using the PFYC system, geologic units are classified according to the relative abundance of vertebrate fossils or scientifically significant invertebrate or plant fossils and their sensitivity to adverse impacts within the known extent of the geological unit. Although significant localities may occasionally occur in a geologic unit, a few widely scattered important fossils or localities do not necessarily indicate a higher PFYC value; instead, the relative abundance of localities is intended to be the major determinant for the value assignment.

4.6.5 BASIS FOR DETERMINING SIGNIFICANCE

Section VII of Appendix G to the CEQA Guidelines addresses typical adverse effects due to geological conditions, and includes the following threshold questions to evaluate the Project's impacts resulting from geologic or soil conditions:

- 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.*
 - ii) *Strong seismic ground shaking*
 - iii) *Seismic-related ground failure, including liquefaction*
 - iv) *Landslides*
- b) *Result in substantial soil erosion or the loss of topsoil;*
- 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;*



- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property;*
- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water;*
- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;*

4.6.6 IMPACT ANALYSIS

Threshold a: *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; landslides?*

1. *Rupture of a Known Earthquake Fault*

No active or potentially active faults are known to exist at the Project site and the Project site does not lie within any Alquist-Priolo Earthquake Fault Zones. The nearest zoned faults are the Elsinore Fault Zone – Glen Ivy South Fault located 19.7 miles northeast and the Newport-Inglewood-Rose Canyon Fault Zone located approximately 21.2 miles northwest of the site. Because the Project site is not located within an Alquist-Priolo Earthquake Fault Zone and because no known active faults underlie the Project site, the Project site would not be exposed to fault rupture during a seismic event and no impact would occur.

2. *Strong Seismic Ground Shaking*

As with much of the southern California region, the Project site is located in a seismically active area. The buildings and supporting infrastructure improvements proposed within the Project site would be subject to ground shaking during seismic events along local and regional faults that would occur during the lifetime operation of the proposed Project. Therefore, the Project has the potential to expose people or structures to adverse effects associated with seismic events. As detailed in the Project-specific Geotechnical Investigations, moderate to large earthquakes have historically affected the area.

The design and construction of building improvements would be subject to the mandatory requirements and standards of the California Building Standards Code (CBSC) Title 24 (CALGreen) and Title 8, *Building Regulations*, of the City of San Juan Capistrano Municipal Code, which are designed to attenuate the effects of strong ground shaking. Compliance with applicable requirements of CBSC CALGreen and the City of San Juan Capistrano Municipal Code would be assured through City review of grading and building permits to ensure that seismic ground shaking effects are attenuated. The requirements identified in the CBSC CALGreen regulations are designed to ensure that buildings are



able to withstand the levels of seismic ground shaking to which the proposed Project would be subject. Accordingly, the Project would have a less than significant impact associated with seismically-induced ground shaking and mitigation is not required.

3. *Seismic-Related Ground Failure, Including Liquefaction*

The potential for liquefaction generally occurs during strong ground-shaking within loose, granular sediments where the groundwater is usually less than 50 feet bgs. As discussed above, the Project site is located within the potential liquefaction zone. GeoTek evaluated the liquefaction potential of the on-site soils using the computer program Cliq version 3.5.2.5 along with the continuous penetration data obtained from two deep cone penetrometer tests (CPT) (i.e. CPT-1 and CPT-4). The results of the analyses indicated the presence of some scattered layers of loose sands and silty sands that would be prone to liquefaction and settlement. The Project specific Geotechnical investigations provides standard recommendations for site grading, site preparation, and placement of fill materials to minimize risks associated with liquefaction and settlement. Pursuant to CBSC CALGreen and San Juan Capistrano Municipal Code Section 9-4.209, the Project Applicant will be required to implement the recommendations and remedial measures identified in the Project's Geotechnical Investigations (*Technical Appendices F1 and F2*). For a complete list of recommendations contained in the Geotechnical Investigations, see Section 6 of *Technical Appendix F1* and Section 9 of *Technical Appendix F2*. With the implementation of the recommendations provided in the Project-specific Geotechnical Investigations, the Project's potential impacts related to liquefaction will be less than significant.

4. *Landslides*

The Project Site is generally flat under existing conditions and does not contain, nor is it adjacent to any, steep natural or manufactured slopes and there is no evidence of historical landslides or rockfalls on the site. There are no known landslides at the site, nor is the site in the path of any known or potential landslides. There is no potential for a landslide to occur at the Project site. No impact would occur.

<i>Threshold b: Would the Project result in substantial soil erosion or the loss of topsoil?</i>

1. *Construction-Related Activities*

The proposed grading activities associated with the Project would temporarily expose underlying soils to water and air which would increase erosion susceptibility while the soils are exposed. As summarized in Table 3-3, *Construction Duration*, grading and offsite improvements would occur in over an approximate 2.5 month period for the Forster & El Camino site and an approximate 2 month period for the Performing Arts Center site. Exposed soils would be subject to erosion during rainfall events or high winds due to the temporary exposure of these erodible materials to wind and water. Erosion by water would be greatest during the first rainy season after grading and before the Project's structure foundations are established and paving and landscaping occur. Erosion by wind would be highest during periods of high wind speeds when soils are exposed.



Pursuant to the requirements of the State Water Resources Control Board, the Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. In addition, the Project would be required to comply with the San Diego RWQCB's San Diego Basin Water Quality Control Program. Compliance with the NPDES permit and the San Diego Basin Water Quality Control Program involves the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that the Project Applicant will be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. In addition, the Project would be required to implement erosion and dust control measures pursuant to South Coast AQMD Rule 403 to minimize water- and windborne erosion. Mandatory compliance with the SWPPP and the erosion control and dust control measures would reduce, prevent, or minimize soil erosion from Project-related construction activities. Therefore, impacts related to substantial soil erosion or the loss of topsoil would be less than significant.

2. Long-Term Operational Activities

Following construction, wind and water erosion on the Project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces (i.e., building foundations and paved parking areas). Minimal areas of exposed soil would occur in the Project site's landscaped areas.

As described in Subsection 4.9, *Hydrology and Water Quality*, the Project Applicant is required to prepare and submit to the City a Project-specific Water Quality Management Plan (WQMP). The Preliminary WQMPs are appended to this EIR (*Technical Appendices I2 and I4*) and have been submitted for City review and approval. The WQMP is required to identify and implement an effective combination of erosion control and sediment control measures (i.e., BMPs) to reduce or eliminate discharge to surface water from stormwater and non-stormwater discharges. Adherence to the WQMP (*Technical Appendices I2 and I4*) and City Municipal Code Title 8 Chapter 14, Water Quality Regulations, would ensure that the Project's potential erosion impacts during operation would be less than significant.



Threshold 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?*

A. Liquefaction

Potential liquefaction hazards are addressed above under the discussion and analysis of Threshold a. As discussed above, the liquefaction analysis indicated that the site soils had a potential for liquefaction. However, with the implementation of recommendations in the Geotechnical Investigations pursuant to CBSC CALGreen and San Juan Capistrano Municipal Code Section 9-4.209, impacts would be less than significant.

B. Landslide

As discussed above, the Project site and the surrounding properties are relatively flat. There are no known landslides at the site, nor is the site in the path of any known or potential landslides. There is no potential for a landslide to occur at the Project site. No impact would occur.

C. Lateral Spreading

Lateral spreading is a phenomenon in which soils move laterally during seismic shaking and is often associated with liquefaction. The amount of movement depends on the soil strength, duration and intensity of seismic shaking, topography, and free face geometry. Due to the relatively flat site topography, the likelihood of lateral spreading is considered to be low. Therefore, impacts related to lateral spreading would be less than significant.

D. Settlement

Settlement generally occurs within areas of loose, granular soils with relatively low density. As discussed above, some scattered layers of sandy soils that would be prone to liquefaction and settlement are present. Total liquefaction induced settlement was estimated to be up to 1 inch. Differential liquefaction induced settlement was estimated to be up 0.5 inch over a horizontal distance of 30 feet. However, with the implementation of the Project-specific Geotechnical Investigations' recommendations, the Project's potential impacts related to geologic stability will be less than significant.

The Project-specific Geotechnical Investigations (*Technical Appendices F1 and F2*) did not identify any potential for hazards associated with lateral spreading, subsidence, or collapsible soils at the Project site. Further, compliance with the standards of CBSC CALGreen and the City of San Juan Capistrano Municipal Code would ensure that the Project would not result in any potential impacts associated with lateral spreading, subsidence, or collapse.



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

Laboratory test results indicate that the near surface soils have a “very low” expansion potential with expansion indexes ranging from 6 to 11. However, the site grading particularly within the southeastern portion of the site could expose some expansive soils. Additionally, mandatory implementation of the standards of CBSC CALGreen and the City of San Juan Capistrano Municipal Code would further ensure that impacts associated with expansive soils would be less than significant and mitigation is not required.

Threshold e: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The Project proposes to install wastewater collection and conveyance facilities that would connect to the Santa Margarita Water District sewer system. No septic tanks or alternative waste water disposal systems are proposed as part of the Project. Accordingly, no impact would occur.

Threshold f: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

A. Records Search

As previously discussed, the record search indicated that no previous fossil localities have been recorded within the Project boundaries; however, paleontological resource localities are previously known in the City and throughout Orange County.

B. Paleontological Sensitivity

The Project is mapped entirely as late Pleistocene to Holocene Quaternary alluvial sediments. Based on other recorded localities throughout Orange County and southern California, Pleistocene fossils typically can begin occurring at depths of about 8 to 10 feet bgs. Shallower sediments in the valleys usually do not contain the remains of extinct animals, although Holocene (less than 11,700 years old) remains may be present. In the present case, however, nearby subsurface Quaternary terrace deposits have yielded remains of extinct mammoth (*Mammuthus*) from a depth of ~3 feet below the surface, suggesting that fossils may occur at shallow depths within the Project area. Late Pleistocene to Holocene Quaternary alluvial sediments are therefore assigned a low sensitivity above three feet (PFYC 2), and a moderate sensitivity (PFYC 3) below three feet. Artificial fill is expected to be present at the surface and is assigned a very low sensitivity (PFYC 1). Therefore, impacts to paleontological resources are potentially significant for ground disturbing activities below three feet.



4.6.7 CUMULATIVE IMPACT ANALYSIS

With regard to Thresholds a, c, and d, with the exception of erosion hazards, potential geologic and soils effects are inherently restricted to the areas proposed for development on the Project site and would not contribute to cumulative impacts associated with other existing, planned, or proposed development (see Table 4.0-2). That is, issues including seismically-induced hazards and expansive soils would involve effects to (and not from) the proposed development and are specific to on-site conditions. Mandatory adherence to CBSC, San Juan Capistrano Municipal Code, and the Project's Geotechnical Investigation recommendations would address the site-specific geologic and soil conditions through site specific design and construction efforts that have no relationship to, or impact on, off-site areas. Because of the site-specific nature of these potential hazards and the measures to address them, there would be no connection to similar potential issues or cumulative effects to or from other properties. As such, the Project would have less than cumulatively-considerable impacts related to earthquakes, seismic ground shaking, liquefaction, landslides, lateral spreading, subsidence, settlement, and collapsible soils.

As discussed under Threshold b, the Project would not result in substantial soil erosion or the loss of topsoil. Other development projects in the vicinity of the Project site as well as those resulting from the full General Plan buildout in the City and other jurisdictions that drain into the same receiving waters as the Project site would be required to comply with similar regulatory requirements as the Project to preclude substantial adverse erosion impacts. Development projects (such as the Project evaluated herein) that disturb at least 1.0 acre of land are required to obtain coverage under a NPDES Permit. Development projects also must comply with their associated SWPPPs and WQMPs. All development projects in the vicinity of the Project site also would be required to comply with all applicable building codes in their governmental jurisdiction, and SCAQMD Rule 403-Fugitive Dust, which would preclude wind-related erosion hazards during construction activities. Therefore, because the Project would result in less than significant erosion impacts, and because other development projects within the vicinity or the Project site that drain into the same receiving waters (the San Juan Creek Watershed) would be subject to similar requirements to control erosion during short-term construction activities and long-term operation, cumulative impacts associated with soil erosion and the loss of topsoil would be less than significant and the Project's contribution would be less than cumulatively considerable.

As discussed under Threshold e, no septic tanks or alternative waste water disposal systems are proposed as part of the Project; accordingly, the Project would have no cumulatively considerable effect regarding septic tanks or alternative wastewater disposal systems.

As discussed above under Threshold f, the Project has the potential to impact paleontological resources that may be buried beneath the ground surface of the Project site. As other developments in the Project region occur, it is possible that these projects may result in impacts to paleontological resources if found buried beneath the ground surface. However, with implementation of Mitigation Measures MM 4.6-1, the Project's potential impacts to paleontological resources would be reduced to below a level



of significance. Therefore, with implementation of Mitigation Measures MM 4.6-1, the Project's impacts to paleontological resources would be less than cumulatively-considerable.

4.6.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. Implementation of the Project would not expose people or structures to substantial direct or indirect adverse effects related to fault rupture and landslides. The Project site is subject to seismic ground shaking associated with earthquakes; however, recommendations contained in the Geotechnical Reports and mandatory compliance with local and State regulatory requirements and building codes would ensure that the Project reduces the impact associated with seismic ground shaking to less than significant.

Threshold b: Less Than Significant Impact. Geological soil units onsite are considered to be erodible. However, the Project Applicant would be required to obtain a NPDES permit for construction activities and adhere to a SWPPP. Following completion of development, the Project's owner or operator would be required by law to implement a Water Quality Management Plan (WQMP) during operation. Mandatory adherence to the recommendations contained in the site-specific geotechnical report and compliance with the SWPPP and SCAQMD Rule 403 would preclude substantial erosion impacts in the long-term.

Threshold c: Less Than Significant Impact. As discussed under Threshold a, above, impacts relating to landslide and liquefaction would be less than significant. The Project-specific Geotechnical Investigation did not identify any potential for hazards associated with lateral spreading, subsidence, or collapsible soils at the Project site. Potential hazards associated with settlement and collapse would be precluded through mandatory adherence to the recommendations contained in the site-specific geotechnical reports during Project construction.

Threshold d: Less Than Significant Impact. The Project site contains soils with marginal susceptibility to expansion. Potential hazards associated with expansive soils would be precluded through mandatory adherence to the recommendations contained in the site-specific geotechnical report during Project construction; therefore, the Project would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils.

Threshold e: No Impact. No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Project site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.

Threshold f: Potentially Significant Impact. The Project site is identified as within an area of low for less than three feet and moderate for more than three feet. Paleontological Sensitivity; therefore, implementation of the Project would result in potentially significant impacts associated with paleontological resources. The Project would result in direct impacts to paleontological resources within the Project site should such resources be discovered during Project-related construction activities.



4.6.9 MITIGATION

MM 4.6-1 Prior to issuance of grading permits, the Project Applicant shall submit a Paleontological Resource Impact Mitigation Program (PRIMP) for review and approval by the Development Services Director. The PRIMP shall require full-time monitoring by a qualified paleontologist when disturbing native deposits with a Potential Fossil Yield Classification ranking of 3 or greater (i.e., all sediments of the Late Pleistocene to Holocene Quaternary alluvial sediments). If unanticipated fossils are unearthed during construction, work shall be halted in that area until a qualified paleontologist can assess the significance of the find. Sediment samples shall be collected in the deposits and processed to determine the small-fossil potential in the Project area, and any fossils recovered during mitigation shall be deposited in an accredited and permanent scientific institution by a qualified paleontologist. Work may resume immediately a minimum of 25 feet away from the find.

4.6.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold f: Less-than-Significant Impact with Mitigation. The implementation of Mitigation Measure MM 4.6-1 would ensure that any previously undiscovered paleontological resources that may be encountered during Project construction would be identified and appropriately preserved. Accordingly, impacts would be less than significant with mitigation incorporated.



4.7 GREENHOUSE GAS EMISSIONS

The analysis in this Subsection is based on a technical report prepared by Urban Crossroads titled, *Greenhouse Gas Analysis*, dated July 24, 2024, and included as *Technical Appendix G* to this EIR (Urban Crossroads, 2024d). The technical report and analysis in this Subsection assess the proposed Project's potential to generate greenhouse gas (GHG) emissions that could contribute to global climate change and its associated environmental effects.

4.7.1 EXISTING CONDITIONS

A. Introduction to Global Climate Change

Global Climate Change (GCC) is defined as the change in average meteorological conditions on the earth with respect to temperature, precipitation, and storms. The majority of scientists believe that the climate shift taking place since the Industrial Revolution is occurring at a quicker rate and magnitude than in the past. Scientific evidence suggests that GCC is the result of increased concentrations of GHGs in the earth's atmosphere, including carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases. The majority of scientists believe that this increased rate of climate change is the result of GHGs resulting from human activity and industrialization over the past 200 years.

An individual project like the Project cannot generate enough GHG emissions to affect a discernible change in global climate. However, the Project may participate in the potential for GCC by its incremental contribution of GHGs combined with the cumulative increase of all other sources of GHGs, which when taken together constitute potential influences on GCC. Because these changes may have serious environmental consequences, this section will evaluate the potential for the Project to have a significant effect upon the environment as a result of its potential contribution to the greenhouse effect.

GCC refers to the change in average meteorological conditions on the earth with respect to temperature, wind patterns, precipitation, and storms. Global temperatures are regulated by naturally occurring atmospheric gases such as water vapor, CO₂, N₂O, CH₄, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These particular gases are important due to their residence time (duration they stay) in the atmosphere, which ranges from 10 years to more than 100 years. These gases allow solar radiation into the earth's atmosphere, but prevent radiative heat from escaping, thus warming the earth's atmosphere. GCC can occur naturally as it has in the past with the previous ice ages.

Gases that trap heat in the atmosphere are often referred to as GHGs. GHGs are released into the atmosphere by both natural and anthropogenic activity. Without the natural GHG effect, the earth's average temperature would be approximately 61 degrees Fahrenheit (°F) cooler than it is currently. The cumulative accumulation of these gases in the earth's atmosphere is considered to be the cause for the observed increase in the earth's temperature.



B. Greenhouse Gases

GHGs trap heat in the atmosphere, creating a GHG effect that results in global warming and climate change. For the purposes of this analysis, emissions of CO₂, CH₄, and N₂O were evaluated because these gases are the primary contributors to GCC from development projects. Although there are other substances such as fluorinated gases that also contribute to GCC, these fluorinated gases were not evaluated as their sources are not well-defined and do not contain accepted emissions factors or methodology to accurately calculate these gases.

GHGs have varying Global Warming Potential (GWP) values. GWP of a GHG indicates the amount of warming a gas cause over a given period of time and represents the potential of a gas to trap heat in the atmosphere. CO₂ is utilized as the reference gas for GWP, and thus has a GWP of 1. CO₂ equivalent (CO₂e) is a term used for describing the difference GHGs in a common unit. CO₂e signifies the amount of CO₂ which would have the equivalent GWP.

The atmospheric lifetime and GWP of selected GHGs are summarized at Table 4.7-1, *GWP and Atmospheric Lifetime of Select GHGs*. As shown in the table below, GWP for the 2nd Assessment Report, the Intergovernmental Panel on Climate Change (IPCC)'s scientific and socio-economic assessment on climate change, range from 1 for CO₂ to 23,900 for SF₆ and GWP for the IPCC's 6th Assessment Report range from 1 for CO₂ to 25,200 for SF₆.

Table 4.7-1 GWP and Atmospheric Lifetime of Select GHGs

Gas	Atmospheric Lifetime (years)	GWP (100-year time horizon)	
		2 nd Assessment Report	6 th Assessment Report
CO ₂	Multiple	1	1
CH ₄	11.8	21	28
N ₂ O	109	310	273
HFC-23	228	11,700	14,600
HFC-134a	14	1,300	1,526
HFC-152a	1.6	140	164
SF ₆	3,200	23,900	25,200

Source: (Urban Crossroads, 2024d, Table 2-2)

Provided below is a description of the common gases that contribute to GCC. For more information about these gases and their associated human health effects, refer to Section 2.3 of *Technical Appendix G* to this EIR and the reference sources cited therein.

- Carbon Dioxide (CO₂) is an odorless and colorless GHG that is emitted from natural and artificial sources. Natural sources include: the decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic



outgassing. Anthropogenic sources include: the burning of coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700s, the sort of human activity that increases GHG emissions has increased dramatically in scale and distribution. As an example, prior to the industrial revolution, CO₂ concentrations were fairly stable at 280 parts per million (ppm). Today, they are around 370 ppm, an increase of more than 30%. Exposure to CO₂ in high concentrations can cause human health effects, but outdoor levels are not high enough to adversely affect human health.

- Methane (CH₄) is an extremely effective absorber of radiation, though its atmospheric concentration is less than CO₂ and its lifetime in the atmosphere is brief (10-12 years) compared to other GHGs. CH₄ in the atmosphere is generated by many different sources, such as fossil fuel production, transport and use, from the decay of organic matter in wetlands, and as a byproduct of digestion by ruminant animals such as cows. CH₄ is extremely reactive with oxidizers, halogens, and other halogen-containing compounds. Exposure to elevated levels of CH₄ can cause asphyxiation, loss of consciousness, headache and dizziness, nausea and vomiting, weakness, loss of coordination, and an increased breathing rate.
- Nitrous Oxide (N₂O) concentrations began to rise in the atmosphere at the beginning of the industrial revolution. In 1998, the global concentration was 314 parts per billion (ppb). Nitrous oxide is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. N₂O is used as an aerosol spray propellant, (e.g., in whipped cream bottles), in potato chip bags to keep chips fresh, and in rocket engines and race cars. N₂O can be transported into the stratosphere, be deposited on the Earth's surface, and be converted to other compounds by chemical reaction. N₂O can cause dizziness, euphoria, and sometimes slight hallucinations. In small doses, it is considered harmless. However, in some cases, heavy and extended use can cause brain damage.
- Chlorofluorocarbons (CFCs) are gases formed synthetically by replacing all hydrogen atoms in CH₄ or ethane (C₂H₆) with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs have no natural source. They are found in aerosol sprays, blowing agents for foams and packing materials, as solvents, and as refrigerants.
- Hydrofluorocarbons (HFCs) are synthetic man-made chemicals that are used as a substitute for CFCs. Out of all GHGs, they are one of three groups with the highest global warming potential. The HFCs with the largest measured atmospheric abundances are (in order), Fluoroform (HFC-23), 1,1,1,2-tetrafluoroethane (HFC-134a), and 1,1-difluoroethane (HFC-152a). Prior to 1990, the only significant emissions were of HFC-23. HCF-134a emissions are increasing due to its use as a refrigerant. No human health effects are known to result from exposure to HFCs, which are used for applications such as automobile air conditioners and refrigerants.



- Perfluorocarbons (PFCs) have stable molecular structures and do not break down through chemical processes in the lower atmosphere. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF_4) and hexafluoroethane (C_2F_6). The U.S. Environmental Protection Agency (EPA) estimates that concentrations of CF_4 in the atmosphere are over 70 ppt. The two main sources of PFCs are primary aluminum production and semiconductor manufacture. No human health effects are known to result from exposure to PFCs.
- Sulfur Hexafluoride (SF_6) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It also has the highest GWP of any gas evaluated (23,900). The EPA indicates that concentrations in the 1990s were about 4 ppt. In high concentrations in confined areas, the gas presents the hazard of suffocation because it displaces the oxygen needed for breathing. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.
- Nitrogen Trifluoride (NF_3) is a colorless gas with a distinctly moldy odor. The World Resources Institute indicates that NF_3 has a 100-year GWP of 17,200. NF_3 is used in industrial processes and is produced in the manufacturing of semiconductors, Liquid Crystal Display panels, types of solar panels, and chemical lasers. Long-term or repeated exposure may affect the liver and kidneys and may cause fluorosis.

C. Greenhouse Gas Emissions Inventories

1. *Global*

Worldwide anthropogenic GHG emissions are tracked by the IPCC for industrialized nations (referred to as Annex I) and developing nations (referred to as Non-Annex I). Human GHG emissions data for Annex I nations are available through 2020. Based on the latest available data, the sum of these emissions totaled approximately 28,026,643 gigagram (Gg) CO_2e as shown in Table 4.7-2, *Top GHG-Producing Countries and the European Union*. As noted, the United States, as a single country, was the number two producer of GHG emissions in 2020.



Table 4.7-2 Top GHG-Producing Countries and the European Union

Emitting Countries	GHG Emissions (Gg CO₂e)
China	12,300,200
United States	5,981,354
European Union (27-member countries)	3,706,110
India	2,839,420
Russian Federation	2,051,437
Japan	1,148,122
Total	28,026,643

Source: (Urban Crossroads, 2024d, Table 2-3)

2. *State of California*

California has significantly slowed the rate of growth of GHG emissions due to the implementation of energy efficiency programs as well as adoption of strict emission controls but is still a substantial contributor to the United States (U.S.) emissions inventory total. The California Air Resource Board (CARB) compiles GHG inventories for the State of California. Based upon the 2022 GHG inventory data (i.e., the latest year for which data are available) for the 2000-2020 GHG emissions period, California emitted an average 369.2 million metric tons of CO₂e per year (MMTCO₂e /yr) or 369,200 Gg CO₂e (6.17% of the total United States GHG emissions).

D. Effects of Climate Change in California

Climate change will likely cause shifts in weather patterns, potentially resulting in changes in rainfall levels and volumes, resulting in flooding or droughts, increased wildfire risk, impair habitats for threatened and endangered species, and cause food shortages in some areas, among other climate change results. The potential health effects related directly to the emissions of CO₂, CH₄, and N₂O as they relate to development projects such as the Project are still being debated in the scientific community. Their cumulative effects to GCC have the potential to cause adverse effects to human health. Increases in Earth's ambient temperatures would result in more intense heat waves, causing more heat-related deaths. Scientists also purport those higher ambient temperatures could affect disease survival rates and result in more widespread disease. Exhibit 4.7-1, *Summary of Projected Global Warming Impact, 2070-2099 (As Compared With 1961-1990)*, presents the potential impacts of global warming.

1. *Public Health*

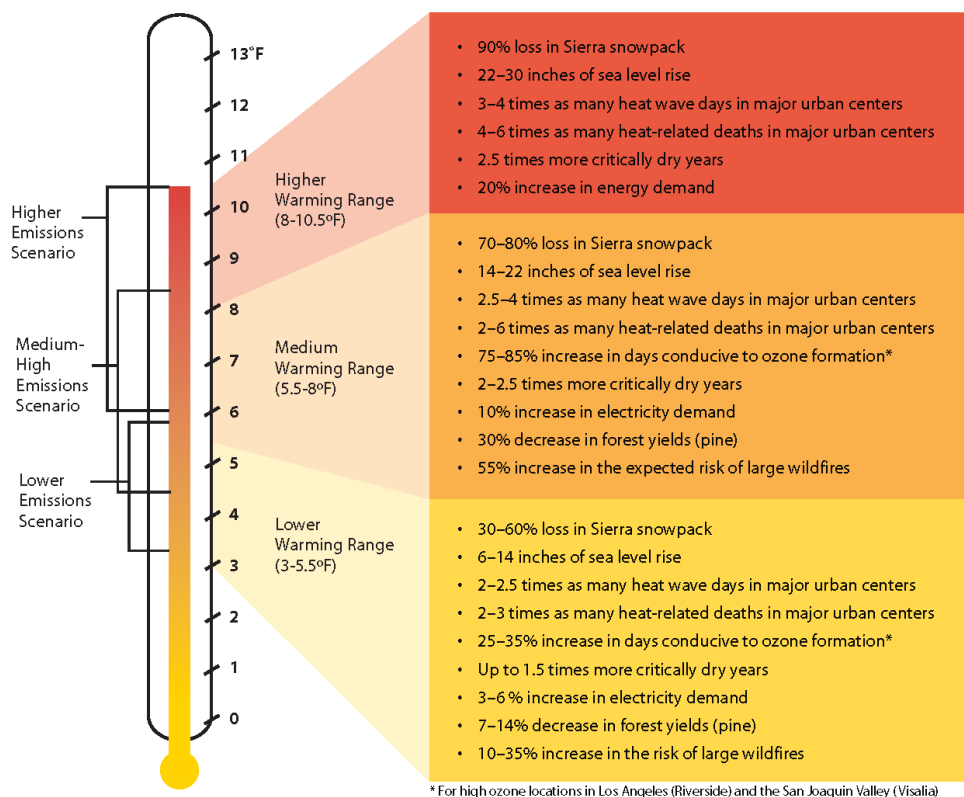
Higher temperatures may increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation could increase from 25 to 35% under the lower warming range to 75 to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases



in wildfires, which emit fine particulate matter that can travel long distances, depending on wind conditions. Based on *Our Changing Climate Assessing the Risks to California by the California Climate Change Center*, large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming range scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a significant increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures could increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

Exhibit 4.7-1: Summary of Projected Global Warming Impact, 2070-2099 (As Compared With 1961-1990)



2. Water Resources

A vast network of man-made reservoirs and aqueducts captures and transports water throughout the state from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snowpack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snowpack, increasing the risk of summer water shortages.



If temperatures continue to increase, more precipitation could fall as rain instead of snow, and the snow that does fall could melt earlier, reducing the Sierra Nevada spring snowpack by as much as 70 to 90%. Under the lower warming range scenario, snowpack losses could be only half as large as those possible if temperatures were to rise to the higher warming range. How much snowpack could be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under the wetter climate projections, the loss of snowpack could pose challenges to water managers and hamper hydropower generation. It could also adversely affect winter tourism. Under the lower warming range, the ski season at lower elevations could be reduced by as much as a month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing and snowboarding.

The State's water supplies are also at risk from rising sea levels. An influx of saltwater could degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta – a major fresh water supply

3. *Agriculture*

Increased temperatures could cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. First, California farmers could possibly lose as much as 25% of the water supply needed. Although higher CO₂ levels can stimulate plant production and increase plant water-use efficiency, California's farmers could face greater water demand for crops and a less reliable water supply as temperatures rise. Crop growth and development could change, as could the intensity and frequency of pest and disease outbreaks. Rising temperatures could aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures could worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits, and nuts.

In addition, continued GCC could shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion could occur in many species while range contractions may be less likely in rapidly evolving species with significant populations already established. Should range contractions occur, new or different weed species could fill the emerging gaps. Continued GCC could alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

4. *Forests and Landscapes*

GCC has the potential to intensify the current threat to forests and landscapes by increasing the risk of wildfire and altering the distribution and character of natural vegetation. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%,



which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks would not be uniform throughout the state. In contrast, wildfires in northern California could increase by up to 90% due to decreased precipitation.

Moreover, continued GCC has the potential to alter natural ecosystems and biological diversity within the state. For example, alpine and subalpine ecosystems could decline by as much as 60 to 80% by the end of the century as a result of increasing temperatures. The productivity of the state's forests has the potential to decrease as a result of GCC.

5. *Rising Sea Levels*

Rising sea levels, more intense coastal storms, and warmer water temperatures could increasingly threaten the state's coastal regions. Under the higher warming range scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate low-lying coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats. Under the lower warming range scenario, sea level could rise 12-14 inches.

4.7.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to GHG emissions. Additionally, no comments related to GHG emissions were received during the public scoping period.

4.7.3 REGULATORY FRAMEWORK

A. Federal

1. *Federal Regulation and the Clean Air Act*

Prior to the last decade, there have been no concrete federal regulations of GHGs or major planning for climate change adaptation. The following are actions regarding the federal government, GHGs, and fuel efficiency.

In *Massachusetts v. Environmental Protection Agency* 549 U.S. 497 (2007), decided on April 2, 2007, the United States Supreme Court (Supreme Court) found that four GHGs, including CO₂, are air pollutants subject to regulation under Section 202(a)(1) of the Clean Air Act (CAA). The Supreme Court held that the EPA Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHGs under section 202(a) of the CAA:



- **Endangerment Finding:** The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆ —in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator finds that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution, which threatens public health and welfare.

These findings do not impose requirements on industry or other entities. However, this was a prerequisite for implementing GHG emissions standards for vehicles, as discussed in the section 2.7.2 “Clean Vehicles” in *Technical Appendix G* of this EIR. After a lengthy legal challenge, the Supreme Court declined to review an Appeals Court ruling that upheld the EPA Administrator’s findings.

2. *Mandatory Reporting of GHGs*

The Consolidated Appropriations Act of 2008, passed in December 2007, requires the establishment of mandatory GHG reporting requirements. On September 22, 2009, the EPA issued the Final Mandatory Reporting of GHGs Rule, which became effective January 1, 2010. The rule requires reporting of GHG emissions from large sources and suppliers in the U.S. and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons per year (MT/yr) or more of GHG emissions are required to submit annual reports to the EPA.

3. *Executive Order 13990*

On January 20, 2021, Federal agencies were directed to immediately review, and take action to address, Federal regulations promulgated and other actions taken during the last 4 years that conflict with national objectives to improve public health and the environment; ensure access to clean air and water; limit exposure to dangerous chemicals and pesticides; hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; reduce GHG emissions; bolster resilience to the impacts of climate change; restore and expand our national treasures and monuments; and prioritize both environmental justice and employment.

B. *State*

1. *Executive Order S-3-05*

California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S-3-05, the following reduction targets for GHG emissions:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80% below 1990 levels.



The 2050 reduction goal represents what some scientists believe is necessary to reach levels that would stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

2. *Executive Order S-01-07*

Governor Schwarzenegger signed Executive Order S-01-07 on January 18, 2007. The order mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10% by 2020. CARB adopted the Low Carbon Fuel Standard (LCFS) on April 23, 2009.

After a series of legal changes, in order to address the Court ruling, CARB was required to bring a new LCFS regulation to the Board for consideration in February 2015. The proposed LCFS regulation was required to contain revisions to the 2010 LCFS as well as new provisions designed to foster investments in the production of the low-carbon intensity fuels, offer additional flexibility to regulated parties, update critical technical information, simplify and streamline program operations, and enhance enforcement. On November 16, 2015, the Office of Administrative Law (OAL) approved the Final Rulemaking Package. The new LCFS regulation became effective on January 1, 2016.

In 2018, CARB approved amendments to the regulation, which included strengthening the carbon intensity benchmarks through 2030 in compliance with the SB 32 GHG emissions reduction target for 2030. The amendments included crediting opportunities to promote zero emission vehicle adoption, alternative jet fuel, carbon capture and sequestration, and advanced technologies to achieve deep decarbonization in the transportation sector.

3. *Executive Order S-13-08*

Executive Order S-13-08 states that "climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California's economy, to the health and welfare of its population and to its natural resources." Pursuant to the requirements in the Order, the *2009 California Climate Adaptation Strategy* was adopted, which is the "...first statewide, multi-sector, region-specific, and information-based climate change adaptation strategy in the United States." Objectives include analyzing risks of climate change in California, identifying, and exploring strategies to adapt to climate change, and specifying a direction for future research.

4. *Executive Order B-30-15*

On April 29, 2015, Governor Brown issued an executive order to establish a California GHG reduction target of 40% below 1990 levels by 2030. The Governor's executive order aligned California's GHG reduction targets with those of leading international governments ahead of the U.N. Climate Change Conference in Paris late 2015. The Order sets a new interim statewide GHG emission reduction target to reduce GHG emissions to 40% below 1990 levels by 2030 in order to ensure California meets its target of reducing GHG emissions to 80% below 1990 levels by 2050 and directs CARB to update the



2017 *Scoping Plan* to express the 2030 target in terms of MMTCO₂e. The Order also requires the state's climate adaptation plan to be updated every three years, and for the State to continue its climate change research program, among other provisions. As with Executive Order S-3-05, this Order is not legally enforceable with respect to local governments and the private sector. Legislation that would update AB 32 to make post 2020 targets and requirements a mandate is in process in the State Legislature.

5. *Executive Order B-55-18 and SB 100*

SB 100 and Executive Order B-55-18 were signed by Governor Brown on September 10, 2018. Under the existing Renewable Portfolio Standards (RPS), 25% of retail sales of electricity are required to be from renewable sources by December 31, 2016, 33% by December 31, 2020, 40% by December 31, 2024, 45% by December 31, 2027, and 50% by December 31, 2030. SB 100 raises California's RPS requirement to 50% renewable resources target by December 31, 2026, and to achieve a 60% target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours (kWh) of those products sold to their retail end-use customers achieve 44% of retail sales by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030. In addition to targets under AB 32 and SB 32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency (CNRA), California EPA (CalEPA), the California Department of Food and Agriculture (CDFA), and CARB to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal.

6. *Assembly Bill 32 (AB 32)*

The California State Legislature enacted AB 32, which required that GHGs emitted in California be reduced to 1990 levels by the year 2020 (this goal has been met). GHGs as defined under AB 32 include CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆. Since AB 32 was enacted, a seventh chemical, NF₃, has also been added to the list of GHGs. CARB is the state agency charged with monitoring and regulating sources of GHGs. Pursuant to AB 32, CARB adopted regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. AB 32 states the following:

“Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.”



7. *Senate Bill 375 (SB 375)*

On September 30, 2008, SB 375 was signed by Governor Schwarzenegger. According to SB 375, the transportation sector is the largest contributor of GHG emissions, which emits over 40% of the total GHG emissions in California. SB 375 states, “Without improved land use and transportation policy, California would not be able to achieve the goals of AB 32.” SB 375 does the following: it (1) requires metropolitan planning organizations (MPOs) to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, (2) aligns planning for transportation and housing, and (3) creates specified incentives for the implementation of the strategies.

SB 375 requires MPOs to prepare a Sustainable Communities Strategy (SCS) within the Regional Transportation Plan (RTP) that guides growth while taking into account the transportation, housing, environmental, and economic needs of the region. SB 375 uses CEQA streamlining as an incentive to encourage residential projects, which help achieve AB 32 goals to reduce GHG emissions. Although SB 375 does not prevent CARB from adopting additional regulations, such actions are not anticipated in the foreseeable future.

Concerning CEQA, SB 375, as codified in Public Resources Code Section 21159.28, states that CEQA findings for certain projects are not required to reference, describe, or discuss (1) growth inducing impacts, or (2) any project-specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network, if the project:

1. Is in an area with an approved sustainable communities strategy or an alternative planning strategy that CARB accepts as achieving the GHG emission reduction targets.
2. Is consistent with that strategy (in designation, density, building intensity, and applicable policies).
3. Incorporates the MMs required by an applicable prior environmental document.

8. *Assembly Bill 1493 – Pavley Fuel Efficiency Standards*

The second phase of the implementation for the Pavley bill was incorporated into Amendments to the Low-Emission Vehicle Program (LEV III) or the Advanced Clean Cars (ACC) program. The ACC program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for MY 2017 through 2025. The regulation will reduce GHGs from new cars by 34% from 2016 levels by 2025. The new rules will clean up gasoline and diesel-powered cars, and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid EV and hydrogen fuel cell cars. The package will also ensure adequate fueling infrastructure is available for the increasing numbers of hydrogen fuel cell vehicles planned for deployment in California. On March 9, EPA reinstated California’s authority under the Clean Air Act to implement its own GHG emission standards for cars and light trucks, which other states can also adopt and enforce. With this authority restored, EPA will continue partnering with states to advance the next generation of clean vehicle technologies.



9. *Clean Energy and Pollution Reduction Act of 2015 (SB 350)*

In October 2015, the legislature approved, and Governor Jerry Brown signed SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the RPS, higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for EV charging stations. Provisions for a 50% reduction in the use of petroleum statewide were removed from the Bill because of opposition and concern that it would prevent the Bill's passage. Specifically, SB 350 requires the following to reduce statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33% to 50% by 2030, with interim targets of 40% by 2024, and 25% by 2027.
- Double the energy efficiency in existing buildings by 2030. This target would be achieved through the California Public Utilities Commission (CPUC), the California Energy Commission (CEC), and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which would facilitate the growth of renewable energy markets in the western United States.

10. *Senate Bill 32 (SB 32)*

On September 8, 2016, Governor Brown signed SB 32 and its companion bill, AB 197. SB 32 requires the state to reduce statewide GHG emissions to 40% below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15. The new legislation builds upon the AB 32 goal and provides an intermediate goal to achieving S-3-05, which sets a statewide GHG reduction target of 80% below 1990 levels by 2050. AB 197 creates a legislative committee to oversee regulators to ensure that CARB not only responds to the Governor, but also the Legislature.

11. *2022 CARB Scoping Plan*

On December 15, 2022, CARB adopted the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan). The 2022 Scoping Plan builds on the 2017 Scoping Plan as well as the requirements set forth by AB 1279, which directs the state to become carbon neutral no later than 2045. To achieve this statutory objective, the 2022 Scoping Plan lays out how California can reduce GHG emissions by 85% below 1990 levels and achieve carbon neutrality by 2045. The Scoping Plan scenario to do this is to “deploy a broad portfolio of existing and emerging fossil fuel alternatives and clean technologies, and align with statutes, Executive Orders, Board direction, and direction from the governor.” The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (CAP) consistent with CEQA Guidelines section 15183.5.



The key elements of the 2022 CARB Scoping Plan focus on transportation - the regulations that will impact this sector are adopted and enforced by CARB on vehicle manufacturers and outside the jurisdiction and control of local governments. As stated in the Plan's executive summary:

The major element of this unprecedented transformation is the aggressive reduction of fossil fuels wherever they are currently used in California, building on and accelerating carbon reduction programs that have been in place for a decade and a half. That means rapidly moving to zero-emission transportation; electrifying the cars, buses, trains, and trucks that now constitute California's single largest source of planet-warming pollution.

[A]pproval of this plan catalyzes a number of efforts, including the development of new regulations as well as amendments to strengthen regulations and programs already in place, not just at CARB but across state agencies.

Under the 2022 Scoping Plan, the State will lead efforts to meet the 2045 carbon neutrality goal through implementation of the following objectives:

- Reimagine roadway projects that increase VMT in a way that meets community needs and reduces the need to drive.
- Double local transit capacity and service frequencies by 2030.
- Complete the High-Speed Rail (HSR) System and other elements of the intercity rail network by 2040.
- Expand and complete planned networks of high-quality active transportation infrastructure.
- Increase availability and affordability of bikes, e-bikes, scooters, and other alternatives to light-duty vehicles, prioritizing needs of underserved communities.
- Shift revenue generation for transportation projects away from the gas tax into more durable sources by 2030.
- Authorize and implement roadway pricing strategies and reallocate revenues to equitably improve transit, bicycling, and other sustainable transportation choices.
- Prioritize addressing key transit bottlenecks and other infrastructure investments to improve transit operational efficiency over investments that increase VMT.
- Develop and implement a statewide transportation demand management (TDM) framework with VMT mitigation requirements for large employers and large developments.
- Prevent uncontrolled growth of autonomous vehicle (AV) VMT, particularly zero-passenger miles.
- Channel new mobility services towards pooled use models, transit complementarity, and lower VMT outcomes.



- Establish an integrated statewide system for trip planning, booking, payment, and user accounts that enables efficient and equitable multimodal systems.
- Provide financial support for low-income and disadvantaged Californians' use of transit and new mobility services.
- Expand universal design features for new mobility services.
- Accelerate infill development in existing transportation-efficient places and deploy strategic resources to create more transportation-efficient locations.
- Encourage alignment in land use, housing, transportation, and conservation planning in adopted regional plans (RTP/SCS and RHNA) and local plans (e.g., general plans, zoning, and local transportation plans).
- Accelerate production of affordable housing in forms and locations that reduce VMT and affirmatively further fair housing policy objectives.
- Reduce or eliminate parking requirements (and/or enact parking maximums, as appropriate) and promote redevelopment of excess parking, especially in infill locations.
- Preserve and protect existing affordable housing stock and protect existing residents and businesses from displacement and climate risk.

Included in the 2022 Scoping Plan is a set of Local Actions (Appendix D to the 2022 Scoping Plan) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects, in fact CARB states in Appendix D (page 4): "...focuses primarily on climate action plans (CAPs) and local authority over new residential development. It does not address other land use types (e.g., industrial) or air permitting."

Additionally on Page 21 in Appendix D, CARB states: "The recommendations outlined in this section apply only to residential and mixed-use development project types. California currently faces both a housing crisis and a climate crisis, which necessitates prioritizing recommendations for residential projects to address the housing crisis in a manner that simultaneously supports the State's GHG and regional air quality goals. CARB plans to continue to explore new approaches for other land use types in the future." As such, it would be inappropriate to apply the requirements contained in Appendix D of the 2022 Scoping Plan to any land use types other than residential or mixed-use residential development.



12. Title 20 CCR Section 1601 et seq. – Appliance Efficiency Regulations

The Appliance Efficiency Regulations regulate the sale of appliances in California. The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. 23 categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the state and those designed and sold exclusively for use in recreational vehicles (RV) or other mobile equipment.

13. Title 24 CCR Part 11 – California Green Building Standards Code

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption.

The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on August 1, 2009, and is administered by the California Building Standards Commission.

CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2022 California Green Building Code Standards that will be effective on January 1, 2023. The CEC anticipates that the 2022 energy code will provide \$1.5 billion in consumer benefits and reduce GHG emissions by 10 million metric tons. The Project would be required to comply with the applicable standards in place at the time plan check submittals are made. These require, among other items:

Nonresidential Mandatory Measures

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5% of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5% of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- EV charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided for is contained in Table 5.106. 5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty EV supply equipment for warehouses, grocery stores, and retail stores.



- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight and glare ratings per Table 5.106.8 (5.106.8).
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1, 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).
- Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reuse or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
 - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)
 - Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).
 - Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
 - Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 sf or for excess consumption where any tenant within a new



building or within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).

- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 sf. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 sf requiring a building or landscape permit (5.304.3).
- Commissioning. For new buildings 10,000 sf and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

Residential Mandatory Measures

- Electric vehicle (EV) charging stations. New construction shall comply with Section 4.106.4.1, 4.106.4.2, 4.106.4.3, to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the *California Electrical Code*, Article 625. (4.106.4).
 - New one- and two-family dwellings and town-houses with attached private garages. For each dwelling unit, install a listed raceway to accommodate a dedicated 208/240-volt branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere 208/240-volt minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.
 - New hotels and motels. All newly constructed hotels and motels shall provide EV spaces capable of supporting future installation of EVSE. The construction documents shall identify the location of the EV spaces. The number of required EV spaces shall be based on the total number of parking spaces provided for all types of parking facilities in accordance with Table 4.106.4.3.1.
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with Sections 4.303.1.1, 4.303.1.2, 4.303.1.3, and 4.303.1.4.
- Outdoor potable water use in landscape areas. Residential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resource, Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent.
- Operation and maintenance manual. At the time of final inspection, a manual, compact disc, web-based reference or other media acceptable to the enforcing agency which includes all of the following shall be placed in the building:



- Directions to the owner or occupant that the manual shall remain with the building throughout the life cycle of the structure.
- Operations and maintenance instructions for the following:
 - Equipment and appliances, including water-saving devices and systems, HVAC systems, photovoltaic systems, EV chargers, water-heating systems and other major appliances and equipment.
 - Roof and yard drainage, including gutter and downspouts.
 - Space conditioning systems, including condensers and air filters.
 - Landscape irrigation systems.
 - Water reuse systems.
- Information from local utility, water and waste recovery providers on methods to future reduce resource consumption, including recycle programs and locations.
- Public transportation and/or carpool options available in the area.
- Educational material on the positive impacts of an interior relative humidity between 30-60% and what methods an occupants may use to maintain the relative humidity level in that range.
- Information about water-conserving landscape and irrigation design and controllers which conserve water.
- Instructions for maintaining gutters and downspouts and the importance of diverting water at least 5 feet away from the foundation.
- Information about state solar energy and incentive programs available.
- A copy of all special inspection verifications required by the enforcing agency of this code.
- Information from CALFIRE on maintenance of defensible space around residential structures.
- Any installed gas fireplace shall be direct-vent sealed-combustion type. Any installed woodstove or pellet stove shall comply with U.S. EPA New Source Performance Standards (NSPS) emission limits as applicable and shall have a permanent label indicating they are certified to meet the emission limits. Woodstoves, pellet stoves and fireplaces shall also comply with applicable local ordinances.
- Paints and coatings. Architectural paints and coatings shall comply with VOC limits in Table 1 of the CARB Architectural Suggested Control Measure, as shown in Table 4.504.3, unless more stringent local limits apply. The VOC content limit for coatings that do not meet the definitions for the specialty coatings categories listed in Table 4.504.3 shall be determined by classifying the coating as a Flat, Nonflat, or Nonflat-high Gloss coating, based on its glass, as defined in subsections 4.21, 4.36, and 4.37 of the 2007 CARB, Suggested Control Measure, and the corresponding Flat, Nonflat, Nonflat-high Gloss VOC limit in Table 4.504.3 shall apply.



14. CARB Refrigerant Management Program

CARB adopted a regulation in 2009 to reduce refrigerant GHG emissions from stationary sources through refrigerant leak detection and monitoring, leak repair, system retirement and retrofitting, reporting and recordkeeping, and proper refrigerant cylinder use, sale, and disposal. The regulation is set forth in sections 95380 to 95398 of Title 17, CCR. The rules implementing the regulation establish a limit on statewide GHG emissions from stationary facilities with refrigeration systems with more than 50 pounds of a high GWP refrigerant. The refrigerant management program is designed to (1) reduce emissions of high-GWP GHG refrigerants from leaky stationary, non-residential refrigeration equipment; (2) reduce emissions from the installation and servicing of refrigeration and air-conditioning appliances using high-GWP refrigerants; and (3) verify GHG emission reductions.

15. SB 97 and the CEQA Guidelines Update

Passed in August 2007, SB 97 added Section 21083.05 to the Public Resources Code. The code states “(a) On or before July 1, 2009, the Office of Planning and Research (OPR) shall prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of GHG emissions or the effects of GHG emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption. (b) On or before January 1, 2010, the Resources Agency shall certify and adopt guidelines prepared and developed by the OPR pursuant to subdivision (a).” In 2012, Public Resources Code Section 21083.05 was amended to state:

“The Office of Planning and Research and the Natural Resources Agency shall periodically update the guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption, to incorporate new information or criteria established by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.”

On December 28, 2018, the Natural Resources Agency announced the OAL approved the amendments to the *CEQA Guidelines* for implementing CEQA. The CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. The CEQA Amendments fit within the existing CEQA framework by amending existing *CEQA Guidelines* to reference climate change.

Section 15064.4 was added to the *CEQA Guidelines* and states that in determining the significance of a project’s GHG emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project’s emissions to the effects of climate change. A project’s incremental contribution may be cumulatively considerable even if it appears relatively insignificant compared to statewide, national, or global emissions. The agency’s analysis should consider a timeframe that is appropriate for the project. The agency’s analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes. Additionally, a lead agency may use a model or methodology to estimate GHG emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers



to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

C. Regional

1. *South Coast Air Quality Management District*

South Coast AQMD is the agency responsible for air quality planning and regulation in the SCAB. The South Coast AQMD addresses the impacts to climate change of projects subject to South Coast AQMD permit as a lead agency if they are the only agency having discretionary approval for the project and acts as a responsible agency when a land use agency must also approve discretionary permits for the project. The South Coast AQMD acts as an expert commenting agency for impacts to air quality. This expertise carries over to GHG emissions, so the agency helps local land use agencies through the development of models and emission thresholds that can be used to address GHG emissions.

In 2008, South Coast AQMD formed a Working Group to identify GHG emissions thresholds for land use projects that could be used by local lead agencies in the SCAB. The Working Group developed several different options that are contained in the South Coast AQMD Draft Guidance Document – Interim CEQA GHG Significance Threshold, which could be applied by lead agencies. The working group has not provided additional guidance since release of the interim guidance in 2008. The South Coast AQMD Board has not approved the thresholds; however, the Guidance Document provides substantial evidence supporting the approaches to significance of GHG emissions that can be considered by the lead agency in adopting its own threshold. The current interim thresholds consist of the following tiered approach:

- Tier 1 consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA.
- Tier 2 consists of determining whether the project is consistent with a GHG reduction plan. If a project is consistent with a qualifying local GHG reduction plan, it does not have significant GHG emissions.
- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project's construction emissions are averaged over 30 years and are added to the project's operational emissions. If a project's emissions are below one of the following screening thresholds, then the project is less than significant:
 - Residential and commercial land use: 3,000 MTCO₂e/yr
 - Industrial land use: 10,000 MTCO₂e/yr
 - Based on land use type: residential: 3,500 MTCO₂e/yr; commercial: 1,400 MTCO₂e/yr; or mixed use: 3, MTCO₂e/yr
- Tier 4 has the following options:



- Option 1: Reduce Business-as-Usual (BAU) emissions by a certain percentage; this percentage is currently undefined.
- Option 2: Early implementation of applicable AB 32 Scoping Plan measures
- Option 3: 2020 target for service populations (SP), which includes residents and employees: 4.8 MTCO₂e per SP per year for projects and 6.6 MTCO₂e per SP per year for plans;
- Option 3, 2035 target: 3.0 MTCO₂e per SP per year for projects and 4.1 MTCO₂e per SP per year for plans
- Tier 5 involves mitigation offsets to achieve target significance threshold.

The South Coast AQMD's interim thresholds used the Executive Order S-3-05-year 2050 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO₂ concentrations at 450 ppm, thus stabilizing global climate.

South Coast AQMD only has authority over GHG emissions from development projects that include air quality permits. At this time, it is unknown if the project would include stationary sources of emissions subject to South Coast AQMD permits. Notwithstanding, if the Project requires a stationary permit, it would be subject to the applicable South Coast AQMD regulations.

South Coast AQMD Regulation XXVII, adopted in 2009 includes the following rules:

- Rule 2700 defines terms and post global warming potentials.
- Rule 2701, SoCal Climate Solutions Exchange, establishes a voluntary program to encourage, quantify, and certify voluntary, high quality certified GHG emission reductions in the *South Coast AQMD*.
- Rule 2702, GHG Reduction Program created a program to produce GHG emission reductions within the South Coast AQMD. The South Coast AQMD would fund projects through contracts in response to requests for proposals or purchase reductions from other parties.

D. Local

1. *City of San Juan Capistrano General Plan*

The General Plan identifies goals related to greenhouse gas emissions in the Conservation and Open Space Element and the Environmental Justice Element. These goals and policies and a discussion of the Project's consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.



4.7.4 METHODOLOGY

In May 2023, the California Air Pollution Control Officers Association (CAPCOA) in conjunction with other California air districts, including the SCAQMD, released the latest version of CalEEMod, version 2022.1.1.21. The purpose of this model is to calculate construction-source and operational-source criteria pollutants and GHG emissions from direct and indirect sources; and quantify applicable air quality and GHG reductions achieved from mitigation measures. Accordingly, the latest version of CalEEMod has been used for this Project to determine GHG emissions. Output from the model runs for construction and operational activity are provided in Appendices 3.1 through 3.2 of the GHG Analysis. CalEEMod includes GHG emissions from the following source categories: construction, area, energy, mobile, waste, water, and refrigerants.

A. Construction Emissions

Construction is expected to occur over an approximate 28 month period. The construction schedule utilized in the analysis, shown in Table 3-3, *Construction Duration*, in Section 3.0, *Project Description*, of this EIR, represents a “worst-case” analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per CEQA Guidelines.

A detailed summary of construction equipment assumptions by phase is provided at Table 3-4, *Construction Equipment Assumptions*, in Section 3.0, *Project Description*, of this EIR. Consistent with industry standards and typical construction practices, each piece of equipment listed in Table 3-4 will operate up to a total of eight (8) hours per day, or more than two-thirds of the period during which construction activities are allowed pursuant to the code.

B. Operational Emissions

Operational activities associated with the Project would result in emissions of CO₂, CH₄, N₂O and Refrigerants from the following primary sources: Area Source Emissions; Energy Source Emissions; Mobile Source Emissions; Water Supply, Treatment, and Distribution; Solid Waste; and Refrigerants.

1. Area Source Emissions

Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the Project. It should be noted that on October 9, 2021, Governor Gavin Newsom signed AB 1346. The bill aims to ban the sale of new gasoline-powered equipment under 25 gross horsepower (known as small off-road engines [SOREs]) by 2024. For purposes of analysis, the emissions associated with landscape maintenance equipment were calculated based on assumptions provided in CalEEMod.



2. *Energy Source Emissions*

GHGs are emitted from buildings as a result of activities for which electricity and natural gas are typically used as energy sources. Combustion of any type of fuel emits CO₂ and other GHGs directly into the atmosphere; these emissions are considered direct emissions associated with a building; the building energy use emissions do not include street lighting. GHGs are also emitted during the generation of electricity from fossil fuels; these emissions are considered to be indirect emissions. Electricity and natural gas usage associated with the Project were calculated by CalEEMod using default parameters.

3. *Mobile Source Emissions*

The Project related GHG emissions derive primarily from vehicle trips generated by the Project, including employee trips to and from the site and truck trips associated with the proposed uses. Trip characteristics available from the *Traffic Impact Analysis Report* (Refer to *Technical Appendix K1*) were utilized in this analysis. The trip generation rates are then input in CalEEMod which utilizes the Emission FACtor (EMFAC) model to estimate vehicular emissions based on published emissions factors derived by CARB. Additional calculation details are available in the CalEEMod “User’s Guide Appendix CL Emission Calculation Details for CalEEMod.”

4. *Water Supply, Treatment, and Distribution*

Indirect GHG emissions result from the production of electricity used to convey, treat, and distribute water and wastewater. The amount of electricity required to convey, treat, and distribute water depends on the volume of water as well as the sources of the water. First CalEEMod estimates the anticipated indoor and outdoor water usage utilizing published factors from the Water Research Foundation (WRF) and California Department of Water Resources (DWR) and then utilizes available utilities data to determine the embodied GHG emissions required to process the anticipated water demand. Additional calculation details are available in the CalEEMod “User’s Guide Appendix CL Emission Calculation Details for CalEEMod. It should be noted that the CalEEMod estimated water demand of 162.1 afy is more conservative (i.e. overstates) the water demand compared to the Project’s actual estimated 44.2 afy.

5. *Solid Waste*

The proposed land uses would result in the generation and disposal of solid waste. A percentage of this waste would be diverted from landfills by a variety of means, such as reducing the amount of waste generated, recycling, and/or composting. The remainder of the waste not diverted would be disposed of at a landfill. GHG emissions from landfills are associated with the anaerobic breakdown of material. GHG emissions associated with the disposal of solid waste associated with the proposed Project were calculated by CalEEMod using default parameters, which include estimates of annual waste generation by land use type and the decomposition rate is then calculated consistent with USEPA and CARB methods. Additional calculation details are available in the CalEEMod “User’s Guide Appendix CL Emission Calculation Details for CalEEMod.”



6. Refrigerants

Air conditioning (A/C) and refrigeration equipment associated with the buildings are anticipated to generate GHG emissions. CalEEMod automatically generates a default A/C and refrigeration equipment inventory for each project land use subtype based on industry data from the USEPA. CalEEMod quantifies refrigerant emissions from leaks during regular operation and routine servicing over the equipment lifetime and then derives average annual emissions from the lifetime estimate. Note that CalEEMod does not quantify emissions from the disposal of refrigeration and A/C equipment at the end of its lifetime. Per 17 CCR 95371, new facilities with refrigeration equipment containing more than 50 pounds of refrigerant are prohibited from utilizing refrigerants with a GWP of 150 or greater as of January 1, 2022. As such, it was conservatively assumed that refrigeration systems installed at the high-cube cold storage warehouse portion of the Project would utilize refrigerants with a GWP of 150. GHG emissions associated with refrigerants were calculated by CalEEMod. Additional calculation details are available in the CalEEMod “User’s Guide Appendix CL Emission Calculation Details for CalEEMod.”

4.7.5 BASIS FOR DETERMINING SIGNIFICANCE

Section VIII of Appendix G to the CEQA Guidelines indicate that a project would result in a significant impact on climate change if a project were to:

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The City of San Juan Capistrano has not adopted its own numeric threshold of significance for determining impacts with respect to GHG emissions. A screening threshold of 3,000 MTCO₂e/yr to determine if additional analysis is required is an acceptable approach for small projects. This approach is a widely accepted screening threshold used by the City of San Juan Capistrano and numerous cities in the South Coast Air Basin (SCAB) and is based on the SCAQMD staff’s proposed GHG screening threshold for stationary source emissions for non-industrial projects, as described in the SCAQMD’s Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans (“SCAQMD Interim GHG Threshold”). The SCAQMD Interim GHG Threshold identifies a screening threshold to determine whether additional analysis is required.

As noted by the SCAQMD:

“...the...screening level for stationary sources is based on an emission capture rate of 90% for all new or modified projects...the policy objective of [SCAQMD’s] recommended interim GHG significance threshold proposal is to achieve an emission capture rate of 90% of all new or modified stationary source projects. A GHG significance threshold based on a 90% emission capture rate may be more appropriate



to address the long-term adverse impacts associated with global climate change because most projects will be required to implement GHG reduction measures. Further, a 90% emission capture rate sets the emission threshold low enough to capture a substantial fraction of future stationary source projects that will be constructed to accommodate future statewide population and economic growth, while setting the emission threshold high enough to exclude small projects that will in aggregate contribute a relatively small fraction of the cumulative statewide GHG emissions. This assertion is based on the fact that [SCAQMD] staff estimates that these GHG emissions would account for slightly less than 1% of future 2050 statewide GHG emissions target (85 [MMTCO₂e/yr]). In addition, these small projects may be subject to future applicable GHG control regulations that would further reduce their overall future contribution to the statewide GHG inventory. Finally, these small sources are already subject to [Best Available Control Technology] (BACT) for criteria pollutants and are more likely to be single-permit facilities, so they are more likely to have few opportunities readily available to reduce GHG emissions from other parts of their facility.”

Thus, and based on guidance from the SCAQMD, if a non-industrial project would emit GHGs less than 3,000 MTCO₂e/yr, the project is considered a small project and is not considered a substantial GHG emitter, and therefore the GHG impact is less than significant, requiring no additional analysis and no mitigation. On the other hand, if a non-industrial project would emit GHGs in excess of 3,000 MTCO₂e/yr, then the project could be considered a substantial GHG emitter, requiring additional analysis and potential mitigation. As previously discussed, a screening threshold of 3,000 MTCO₂e/yr is an acceptable approach for small projects to determine if additional analysis is required and is therefore applied for this Project.

4.7.6 IMPACT ANALYSIS

Threshold a: *Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

A. Construction

For construction phase Project emissions, GHGs are quantified and amortized over the life of the Project. To amortize the emissions over the life of the Project, the South Coast AQMD recommends calculating the total GHG emissions for the construction activities, dividing it by a 30-year Project life then adding that number to the annual operational phase GHG emissions. As such, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions. The amortized construction emissions are presented in Table 4.7-3, *Amortized Annual Construction Emissions*.



Table 4.7-3 Amortized Annual Construction Emissions

Year	Emissions (MT/yr)				
	CO ₂	CH ₄	N ₂ O	Refrigerants	Total CO ₂ e ¹
2025	414.90	0.02	0.02	0.21	422.60
2026	834.79	0.03	0.02	0.33	842.33
2027	239.27	0.01	0.00	0.05	240.88
Total GHG Emissions	1,488.96	0.06	0.05	0.59	1,505.81
Amortized Construction Emissions	49.63	1.98E-03	1.65E-03	0.02	50.19

Source: (Urban Crossroads, 2024d, Table 3-3)

Note: In order to calculate the emissions amortized over a 30-year period the total construction GHG emissions was divided by 30 years, as follows: 1,505.81 CO₂e/30 = 50.19.

B. Operation

Operational activities associated with the Project would result in emissions of CO₂, CH₄, N₂O and Refrigerants from the following primary sources: Area Source Emissions; Energy Source Emissions; Mobile Source Emissions; Water Supply, Treatment, and Distribution; Solid Waste; and Refrigerants. As shown on Table 4.7-4, *Project GHG Emissions*, Project-related GHG emissions were quantified with CalEEMod, which relies upon vehicle trip rates and Project-specific land use data to calculate emissions.

Table 4.7-4 Project GHG Emissions

Emission Source	Emissions (MT/yr)				
	CO ₂	CH ₄	N ₂ O	Refrigerants	Total CO ₂ e
Annual construction-related emissions amortized over 30 years	49.63	1.98E-03	1.65E-03	0.02	50.19
Mobile Source	1,575.00	0.07	0.07	1.97	1,598.00
Area Source	26.10	0.00	0.00	0.00	26.20
Energy Source	228.00	0.04	0.00	0.00	230.00
Water Usage Source	4.21	0.29	0.00	0.00	13.80
Waste Source	13.36	1.34	0.00	0.00	46.80
Refrigeration Source	0.00	0.00	0.00	0.41	0.41
Total CO ₂ e (All Sources)	1,965.40				

Source: (Urban Crossroads, 2024d, Table 3-4)

¹ CalEEMod reports the most common GHGs emitted which include CO₂, CH₄, N₂O and R. These GHGs are then converted into the CO₂e by multiplying the individual GHG by the GWP.



As shown on Table 4.7-4, construction and operation of the Project would generate a 1,965.40 MTCO₂e/yr; the Project would not exceed the screening threshold of 3,000 MTCO₂e/yr. Thus, the Project would not generate GHG emissions that would have a significant impact on the environment, and impacts would be less than significant.

Threshold b: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As previously stated, pursuant to 15604.4 of the CEQA Guidelines, a lead agency may rely on qualitative analysis or performance-based standards to determine the significance of impacts from GHG emissions. As such, the Project's consistency with the 2022 Scoping Plan, is discussed below. The Project's consistency with the 2022 Scoping Plan also satisfies consistency with AB 32 because the 2022 Scoping Plan is based on the overall targets established by AB 32 and SB 32. Consistency with the 2008 and 2017 Scoping Plans are not necessary since both of these plans have been superseded by the 2022 Scoping Plan. The remaining plans and policies discussed in subsection 4.7.3, *Regulatory Framework*, are Executive Orders and targets that are addressed by SB 32 and the 2022 Scoping Plan. For reasons outlined herein, the proposed Project would result in a less than significant impact with respect to GHG emissions.

A. 2022 CARB Scoping Plan Consistency

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan, Appendix D) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects, in fact CARB states in Appendix D (page 4): "...focuses primarily on climate action plans (CAPs) and local authority over new residential development. It does not address other land use types (e.g., industrial) or air permitting."

The 2022 Scoping Plan lays out a framework to determine Project-level consistency when there is not a CEQA-qualified CAP adopted. CARB recommends that the first approach for determining whether a proposed residential or mixed-use residential development would align with the State's climate goals is to examine whether the project includes key project attributes that reduce operational GHG emissions while simultaneously advancing fair housing. The 2022 Scoping Plan goes on to note that projects that can demonstrate consistency with the priority areas identified on Table 3, Key Residential and Mixed-Use Project Attributes that Reduce GHGs from the 2022 Scoping Plan, would be aligned with the State's priority GHG reduction strategies and would be deemed consistent with the Scoping Plan. As such, these Projects are considered to be consistent with the Scoping Plan or other plans, policies, or regulations adopted for the purposes of reducing GHGs; therefore, the GHG emissions associated with such projects would result in a less-than-significant GHG impact under CEQA.



The Project's consistency with the 2022 Scoping Plan is summarized on Table 4.7-5, *Project Consistency With 2022 Scoping Plan Key Residential and Mixed-Use Project Attributes that Reduce GHGs*. As shown, the Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. Accordingly, impacts are less than significant.

Table 4.7-5 Project Consistency With 2022 Scoping Plan Key Residential and Mixed-Use Project Attributes that Reduce GHGs

Priority Areas	Key Project Attribute	Would the Project Conflict?
Transportation Electrification	Provides EV charging infrastructure that, at minimum, meets the most ambitious voluntary standard in the California Green Building Standards Code at the time of project approval	No. The Project would include EV charging infrastructure that, at minimum, would equal the Tier 2 Residential Voluntary Measures of the California Green Building Standards Code, Section 4.106.4.2.2, which requires 40% of total number of parking spaces to be equipped with low power Level 2 charging receptacles and 10% of total number of parking spaces to be equipped with Level 2 EV chargers. Therefore, the Project would not conflict with this attribute.
VMT Reduction	Is located on infill sites that are surrounded by existing urban uses and reuses or redevelops previously undeveloped or underutilized land that is presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer)	No. The Project site currently contains a disturbed portion of land wherein development was anticipated but abandoned, and the existing Historic Town Center Park and Blas Aguilar Adobe Museum. The Project would expand the Specific Plan Area to a total of 7.3 acres for the development of mixed-use community (residential, restaurant, and fitness center) and performing arts center; and would tie into existing infrastructure. No development will occur on the 0.56-acre Blas Aguilar Adobe Museum property. Therefore, the Project would not conflict with this attribute.
	Does not result in the loss or conversion of natural and working land	No. The northern area of the Project site currently contains the Blas Aguilar Adobe Museum and Historic Town Center Park. The southern area of the Project site



Priority Areas	Key Project Attribute	Would the Project Conflict?
		currently contains a disturbed portion of land wherein development was anticipated but abandoned, associated landscaping, and associated parking areas. The Project would not result in the loss or conversion of natural and working lands. Therefore, the Project would not conflict with this attribute.
	Consists of transit-supportive densities (minimum of 20 residential dwelling units per acre), or Is in proximity to existing transit stops (within a half mile), or Satisfies more detailed and stringent criteria specified in the region's SCS	No. The mix of uses is allowed under the Mixed-Use Residential/Commercial district in the Specific Plan is in either a horizontal or vertical mixed-use configuration at a density of up to 40 dwelling units per acre. Additionally, the nearest bus stop to the Project site currently exists along the west side of Camino Capistrano between Ortega Highway and Del Obispo Street, approximately 225 feet west of the Project site. Therefore, the Project would not conflict with this attribute.
	Reduces parking requirements by: Eliminating parking requirements or including maximum allowable parking ratios (i.e., the ratio of parking spaces to residential units or square feet); or Providing residential parking supply at a ratio of less than one parking space per dwelling unit; or For multifamily residential development, requiring parking costs to be unbundled from costs to rent or own a residential unit.	No. According to Table 2.3: Parking Requirements, of the Specific Plan, the parking ratio for residential dwelling units are 1.48 spaces/unit. The Project proposes a 95 unit residential building with 141 parking spaces ($95 \times 1.48 = 140.6$). Therefore, the Project would not conflict with this attribute.
	At least 20 percent of units included are affordable to lower-income residents	No. Approved by the California Department of Housing and Community Development (HCD) on September 22, 2022, the City's Housing Element was found to be in compliance with State Housing



Priority Areas	Key Project Attribute	Would the Project Conflict?
		Element Law and identified its affordable housing allocation under the very high density residential zoning. As part its implementation process, the City's Housing Element has identified the Project site for 96 above moderate housing units, which is accommodated through market rate housing. Since the adoption of the housing element, the City has already seen the development of 302 of the 428 above moderate units and it is anticipated that the remaining 126 will be developed in the next five years with or without the Project. Although the Project would not include affordable housing units, the Project would not impede the State's housing goals in meeting the SCAG's RNHA allocation because it would provide much needed diversity of housing walkable to public transit. Additionally, the Project is not identified for low-income units within the City's Housing Element and the Project Applicant will pay an in-lieu fee in accordance to the City's Municipal Code Section 9-5.103. Therefore, the Project would not conflict with this attribute.
	Results in no net loss of existing affordable units	No. There are no existing affordable units on the Project site. The Project site currently contains a disturbed portion of land wherein development was anticipated but abandoned, and the existing Historic Town Center Park and Blas Aguilar Adobe Museum. The Project would not result in a net loss of existing affordable units. Therefore, the Project would not conflict with this attribute.
Building Decarbonization	Uses all-electric appliances without any natural gas connections and does not use propane or other fossil	No. No natural gas would be used as part of Project operation within the residential units. The Project would use all-electric appliances



Priority Areas	Key Project Attribute	Would the Project Conflict?
	fuels for space heating, water heating, or indoor cooking	without any natural gas connections and would not include the use of propane or other fossil fuels for space heating, water heating, or indoor cooking. Limited natural gas uses would be used in the common areas and clubhouse for barbecues and pool heaters. The restaurant and Performing Arts Center will also have commercial grade gas water heaters. However, the residential units would use all-electric appliances for heating and cooking. Therefore, the Project would not conflict with this attribute.

4.7.7 CUMULATIVE IMPACT ANALYSIS

Implementation of a development project could contribute to global climate change through direct emissions of GHGs from on-site area sources and vehicle trips generated by the project, and indirectly through offsite energy production required for on-site activities, water use, and waste disposal. Because no single project is large enough to result in a measurable increase in global concentrations of GHG emissions, climate change impacts of a project are considered on a cumulative basis consistent with the requirements outlined in CEQA Guidelines 15064(h)(3). As discussed, implementation of the Project would result in net annual emissions that do not exceed the GHG emissions significance threshold of 3,000 MT CO₂e/yr. Therefore, Project-related GHG emissions and their contribution to global climate change would not be cumulatively considerable, and GHG emissions impacts would be less than significant.

4.7.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-significant Impact. The Project would not exceed the GHG emissions significance of 3,000 MT CO₂e/yr. Therefore, impacts are less than significant.

Threshold b: Less-than-significant Impact. The Project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHG emissions. Therefore, impacts are less than significant.

4.7.9 MITIGATION

Impacts would be less than significant and mitigation is not required.

4.7.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant and mitigation is not required.



4.8 HAZARDS AND HAZARDOUS MATERIALS

The following analysis is based on information obtained from the *Phase I Environmental Site Assessment Report San Juan Capistrano Performing Arts Center*, prepared by Terrax and dated February 18, 2022 (Terrax, 2022); and the *Phase I Environmental Site Assessment Report Forster Mixed Use Site*, prepared by Partner Engineering and Science, Inc. (hereafter, “Partner”) and dated August 10, 2020 (Partner, 2020). These reports are provided as *Technical Appendices H1 and H2* to this EIR. This Subsection is also based on information contained in the City of San Juan Capistrano General Plan (San Juan Capistrano, 2014). All references used in this Subsection are listed in EIR Section 7.0, *References*.

For the purposes of this EIR, the term “toxic substance” is defined as a substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may present an unreasonable risk of injury to human health or the environment. Toxic substances include chemical, biological, flammable, explosive, and radioactive substances.

For purposes of this EIR, the term “hazardous material” is defined as a substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may: 1) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed of, or otherwise mismanaged; or 2) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating illness. Hazardous waste is defined in the California Code of Regulations, Title 22, § 66261.3. The defining characteristics of hazardous waste are: ignitability (oxidizers, compressed gases, and extremely flammable liquids and solids), corrosivity (strong acids and bases), reactivity (explosives or generates toxic fumes when exposed to air or water), and toxicity (materials listed by the United States Environmental Protection Agency (USEPA) as capable of inducing systemic damage to humans or animals). Certain wastes are called “Listed Wastes” and are found in the California Code of Regulations, Title 22, §§ 66261.30 through 66261.35. Wastes appear on the lists because of their known hazardous nature or because the processes that generate them are known to produce hazardous wastes (which are often complex mixtures).

4.8.1 ENVIRONMENTAL SETTING

A. Historical Review, Regulatory Review, and Field Reconnaissance

The Phase I ESAs for the Project were conducted in accordance with the requirements of ASTM Standard E 1527-13 which included: 1) a property and adjacent site reconnaissance; 2) interviews with key personnel; 3) a review of historical sources; 4) a review of regulatory agency records; and 5) a review of a regulatory database report provided by a third-party vendor.

The Project site is contained in 4 databases searched. The following two property listings were identified as a Hazardous Waste Tracking System (HWTS) site in the Forster site:

- Alpha Chiropractic Center at 31882 Camino Capistrano, was permitted to generate hazardous waste under the ID Number CAL00156880 in 1995. This former tenant has been



inactive since 2000 and no hazardous material manifests were listed. Additionally, the former tenant was not listed for any spills or releases in connection with the use or handling of hazardous materials. Based on the aforementioned and the nature of onsite operations (medical office), this listing is not expected to represent a significant environmental concern.

- Birtcher Pacific at 31872 Camino Capistrano, was permitted to generate hazardous waste under the ID Number CAC001345288 in 1997. This former tenant has been inactive since 2000 and no hazardous material manifests were listed. Additionally, the former tenant was not listed for any spills or releases in connection with the use or handling of hazardous materials. Based on the aforementioned and the nature of onsite operations (medical office), this listing is not expected to represent a significant environmental concern.

The following two property listings were identified in Performing Arts Center site:

- The site is identified as Roman Catholic Diocese of Orange at address 31871 El Camino Real, which was reported as a HWTS and HAZNET listing site (ID# CAC001112504) in the EDR Radius Map™ Report with GeoCheck® Inquiry Number: 6668580.2s, September 20, 2021. The site is reported as generating aqueous solution with total organic residues less than 10 percent under manifest, during 1996. These wastes were taken off-site by a registered waste hauler to a recycling facility. The EPA/ Department of Toxic Substances Control (DTSC) ID# remained open from December 9, 1996 through October 25, 2000. Roseann Fischer, Administrative assistant to the Catholic Church and The Reynolds Group were reported as the responsible parties generating the wastes. No unauthorized release of hazardous substances or wastes, including gasoline, diesel, oils and/or chlorinated solvents was reported in the regulatory database for this facility. Based on the limited information associated with the wastes generated, including the equipment, previous use, and/or the source of the wastes, this listing is considered a significant environmental concern.
- The site is identified as Personal Residence at address 31871 El Camino Real, which was reported as a Underground Storage Tank (UST_ listing site (Facility ID# 17803) in the EDR Radius Map™ Report with GeoCheck® Inquiry Number: 6668580.2s, September 20, 2021. The site is reported as a permitted UST facility, under the authority of the Orange County Certified Unified Program Agency (CUPA). No additional information was provided related to the size, construction materials, contents, and dates of installation and/or removal of the UST. Based on the previous HWTS and HAZNET listing associated with the Roman Catholic Diocese of Orange generating aqueous solution with total organic residues less than 10 percent under manifest, during 1996, the UST may have been removed. No unauthorized release of hazardous substances or wastes, including gasoline, diesel, oils and/or chlorinated solvents was reported in the regulatory database for this facility. Based on the limited information associated with the type of UST and location, limited information provided by the Orange County CUPA, and whether or not the UST has been removed, this listing is considered a significant environmental concern..



There are two properties located within one mile of the Project site listed in databases. Additionally, the records search did not identify any orphan listings of concern.

- O'Reilly Auto Parts at 31863 Del Obispo Street, is located adjacent to the east of the Project site and situated hydrologically cross-gradient. This facility was listed in the Environmental Data Resources, Inc (EDR) report as an Resource Conservation and Recovery Act Non Generators (RCRA NonGen/NLR), California Environmental Reporting System (CERS) Hazardous Waste Generator (HAZ WASTE), Facility and Manifest Data (HAZNET), CERS, and Hazardous Waste Tracking System (HWTS) site (ID#'s 10451323, CAL000393373). This facility reportedly generated hazardous waste in the form of other inorganic solid waste and off-specification/age/surplus organics in 2014. Based on the RCRA listing, this facility is permitted as no longer a hazardous waste generator site in 2014. According to the CERS listings, this facility was inspected by the OCHCA in 2015, 2016 and 2017. No violations were noted. No additional information is listed. Based on the lack of violations or releases, agency oversight, and inferred direction of groundwater flow, this facility is not expected to present a significant environmental concern to the Project site.
- Orange County Fire Station Number 7 at 31865 Del Obispo, is located adjacent to the east-southeast of the subject property and situated hydrologically cross- to down-gradient. This site was formerly equipped with three 1,000 gallon gasoline USTs. This site reported a release of gasoline on April 7, 1994, which reportedly impacted soil only. The release occurred as a result of tank closure and was reported to the lead agency (OCHCA). Regulatory closure was obtained on February 2, 1995. This site is currently equipped with at least one AST. No violations or releases are reported for the AST. Based on the regulatory oversight and closure, and impacted medium (soil only), these listings are not expected to represent an environmental concern to the Project site.

B. Historical Records

As part of the Phase I ESAs, Terrax and Partner conducted a review of historical topographic maps, historical aerial photographs, and city directories to evaluate whether historical uses at the Project site and/or surrounding properties pose any adverse environmental effects with respect to the Project site. Refer to EIR *Technical Appendices H1* and *H2* for a detailed description of the historical research methodology, and results of this research.

According to available historical sources, the Forster site was formerly developed with residential buildings from as early as 1902 to at least 1963; and developed with one commercial office building in 1967 and two additional office buildings circa 1973. The buildings were demolished in 2017 and the subject property has been vacant/unoccupied since that time. Tenants on the site include multiple professional and medical offices (1976-2014).

According to available historical information, the Performing Arts Center site was first developed as a mix of undulating agricultural and farmland (crop fields, livestock), residential and for religious uses



as part of the Mission San Juan Capistrano and San Juan Plaza between 1776 and 1821. Between 1840 and 1875, the subject property consisted of a mix of farmland (small orchards, livestock corrals), two former adobe buildings (residence use), to the east of El Camino Real. Between 1875 and 1931, the subject property was developed with the former Mendelson Hotel (Mendelson Mission Hotel) building, and two auxiliary buildings used for storing carbide for gas used for interior lights, and one used to store fuel oil for operations. Portions of the former building structures associated with the Mendelson Hotel, were used to store carbide/acetylene and heating oil for the former hotel structure. Based on the limited information associated with the type of heating oil and/or carbide/acetylene container sizes and locations, and limited information provided by the Orange County CUPA, the historical uses are considered a significant environmental concern. It was reported that a small livestock farm and orchard were also located on-site. Between 1875 and 1985, the subject property was owned by the Archdiocese of the Catholic Church. The City of San Juan Capistrano was incorporated in 1961. The property was purchased by the City of San Juan Capistrano in 1985 and converted for use as a historic and public park. During 2004, the current park stage, a masonry performance structure was developed, including landscaping and some renovations were amended to the subject property. The site has remained in use as the Historic Town Center Park from 2004 to present.

C. Site Reconnaissance

Site reconnaissance was performed on the Forster site by Partner on August 3, 2020, and on the Performing Arts Center site by Terrax on February 2, 2022. During site reconnaissance, several floor drains were observed within the grass covered lawn areas on the Performing Arts Center site which are used to assist in draining irrigation water from the soils at the site. No other notable general site characteristics, potential environmental hazards, or non-ASTM environmental concerns were observed.

D. Airport Hazards

The nearest airports to the Project site include the John Wayne Airport (located approximately 17 miles northwest), the Oceanside Municipal Airport (located approximately 27 miles southeast), and the Long Beach Airport (located approximately 36 miles northwest). The Project site is not located within an Airport Influence Area for the John Wayne Airport, the Oceanside Municipal Airport, or the Long Beach Airport.

E. Wildland Fire Hazards

The Project site is not near wildlands that would present a fire hazard. Additionally, the Project site is not in a state or local responsibility area or land classified as a very high fire hazard severity zone (CalFire, 2025).

4.8.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR



Scoping Meeting that pertain to hazards and hazardous materials. Additionally, no comments related to hazards and hazardous materials were received during the public scoping period.

4.8.3 REGULATORY FRAMEWORK

A. Federal

1. *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Superfund Amendments and Reauthorization Act (SARA)*

The Comprehensive Environmental Response, Compensation, and Liability Act, also known as CERCLA or Superfund, provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the Environmental Protection Agency (EPA) was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed. (EPA, 2020f)

EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies.

The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country. Several site-specific amendments, definitions clarifications, and technical requirements were added to the legislation, including additional enforcement authorities. Also, Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA).

2. *Resource Conservation and Recovery Act (RCRA)*

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.



3. *Hazardous Materials Transportation Act (HMTA)*

The Hazardous Materials Transportation Act of 1975 (HMTA) empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property."

Hazardous materials regulations are subdivided by function into four basic areas:

- Procedures and/or Policies 49 CFR Parts 101, 106, and 107
- Material Designations 49 CFR Part 172
- Packaging Requirements 49 CFR Parts 173, 178, 179, and 180
- Operational Rules 49 CFR Parts 171, 173, 174, 175, 176, and 177

The HMTA is enforced by use of compliance orders [49 U.S.C. 1808(a)], civil penalties [49 U.S.C. 1809(b)], and injunctive relief (49 U.S.C. 1810). The HMTA (Section 112, 40 U.S.C. 1811) preempts state and local governmental requirements that are inconsistent with the statute, unless that requirement affords an equal or greater level of protection to the public than the HMTA requirement.

4. *Hazardous Materials Transportation Uniform Safety Act of 1990*

In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property.

The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials.

5. *Occupational Safety and Health Act (OSHA)*

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions.

In order to establish standards for workplace health and safety, the Act also created the National Institute for Occupational Safety and Health (NIOSH) as the research institution for OSHA. OSHA is a division of the U.S. Department of Labor that oversees the administration of the Act and enforces standards in all 50 states.



6. Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

Various sections of TSCA provide authority to:

- Require, under Section 5, pre-manufacture notification for "new chemical substances" before manufacture
- Require, under Section 4, testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found
- Issue Significant New Use Rules (SNURs), under Section 5, when it identifies a "significant new use" that could result in exposures to, or releases of, a substance of concern.
- Maintain the TSCA Inventory, under Section 8, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.
- Require those importing or exporting chemicals, under Sections 12(b) and 13, to comply with certification reporting and/or other requirements.
- Require, under Section 8, reporting and record-keeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.
- Require, under Section 8(e), that any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform EPA, except where EPA has been adequately informed of such information. EPA screens all TSCA b§8(e) submissions as well as voluntary "For Your Information" (FYI) submissions. The latter are not required by law, but are submitted by industry and public interest groups for a variety of reasons.

B. State

1. Cal/OSHA and the California State Plan

Under an agreement with OSHA, since 1973 California has operated an occupational safety and health program in accordance with Section 18 of the federal OSHA. The State of California's Department of Industrial Relations administers the California Occupational Safety and Health Program, commonly referred to as Cal/OSHA. The State of California's Division of Occupational Safety and Health (DOSH) is the principal agency that oversees plan enforcement and consultation. In addition, the California State program has an independent Standards Board responsible for promulgating State safety and health standards, and reviewing variances. It also has an Appeals Board to adjudicate



contested citations and the Division of Labor Standards Enforcement to investigate complaints of discriminatory retaliation in the workplace.

Pursuant to 29 CFR 1952.172, the California State Plan applies to all public and private sector places of employment in the state, with the exception of federal employees, the United States Postal Service, private sector employers on Native American lands, maritime activities on the navigable waterways of the United States, private contractors working on land designated as exclusively under federal jurisdiction and employers that require federal security clearances. Cal/OSHA is the only agency in the state authorized to adopt, amend, or repeal occupational safety and health standards or orders. In addition, the Standards Board maintains standards for certain things not covered by federal standards or enforcement, including: elevators, aerial passenger tramways, amusement rides, pressure vessels and mine safety training. The Cal/OSHA enforcement unit conducts inspections of California workplaces in response to a report of an industrial accident, a complaint about an occupational safety and health hazard, or as part of an inspection program targeting industries with high rates of occupational hazards, fatalities, injuries or illnesses.

2. *California Hazardous Waste Control Law*

The Hazardous Waste Control Law (HWCL) (Health and Safety Code [HSC], Division 20, Chapter 6.5, Section 25100, et seq.) is the primary hazardous waste statute in California. The HWCL implements RCRA as a “cradle-to-grave” waste management system in the state. It specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure its proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous wastes used or reuse as raw materials. The HWCL exceeds federal requirements by mandating source reduction planning and broadening requirements for permitting facilities that treat hazardous waste. It also regulates a number of waste types and waste management activities not covered by federal law (RCRA).

3. *California Code of Regulations (CCR), Titles 22 and 26*

A variety of California Code of Regulation (CCR) titles address regulations and requirements for generators of hazardous waste. Title 22 contains detailed compliance requirements for hazardous waste generators, transporters, and facilities for treatment, storage, and disposal. Because California is a fully-authorized state according to RCRA, most regulations (i.e., 40 CFR 260, et seq.) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the EPA, the integration of state and federal hazardous waste regulations that make up Title 22 does not contain as many exemptions or exclusions as does 40 CFR 260. As with the HSC, Title 22 also regulates a wider range of waste types and waste management activities than does RCRA. To aid the regulated community, California has compiled hazardous materials, waste, and toxics-related regulations from CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24 and 27 into one consolidated listing: CCR Title 26 (Toxics). However, the hazardous waste regulations are still commonly referred to collectively as “Title 22.”



4.8.4 METHODOLOGY

The Project site and surrounding areas were assessed to determine the potential presence of hazardous materials. Phase I ESAs were prepared accordance with ASTM E1527-13 which included a review of environmental records, a review of historical records, a site reconnaissance, and interviews with representatives of the Project site and adjoining properties to evaluate the presence of hazardous substances at the Project site.

4.8.5 BASIS FOR DETERMINING SIGNIFICANCE

Section IX of Appendix G to the CEQA Guidelines addresses typical adverse effects due to hazards and hazardous materials, and includes the following threshold questions to evaluate the Project's impacts from hazards and hazardous materials:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;*
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;*
- 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;*
- 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;*
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;*
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.*



4.8.6 IMPACT ANALYSIS

Threshold a: *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

A significant impact may occur if a project would involve the use or disposal of hazardous materials as part of its routine operations, or would have the potential to generate toxic or otherwise hazardous emissions that could adversely affect sensitive receptors. The analysis below addresses the potential for hazardous materials effects associated with Project construction and operation.

A. On-Site Conditions

The Project site does not contain any hazards, nor is the Project site affected by any off-site hazards. No unusual or noxious odors, pools of liquid or potentially hazardous substances, hazardous materials storage structures, stained soil, aboveground storage tanks, pits, or ponds were observed. No CRECs or HRECs were identified that would negatively impact the environment. However, as discussed above, the soils beneath the former utility storage buildings of the Mendelson Hotel may contain some residual concentrations of heating oils and/or carbide/acetylene, which were used by the former hotel structure, and is considered a REC.

Based on onsite observations, a review of historical aerial photographs, historical society documentation from the Historical Marker Database (HMdb.org) – Historic Town Center Park / The Mendelson Inn, and topographic maps, portions of building structures at the Performing Arts Center site that are associated with the Mendelson Hotel, were used to store carbide/acetylene and heating oil for the former hotel structure. The Mendelson Hotel was developed as early as 1875, and remained through at least 1931 until it was demolished by the former owners, the Archdiocese of the Roman Catholic Church in southern California. The 1938 aerial photographs do not depict the former subject property developments. Older topographic maps from 1902 through 1906 depicted small buildings on the site. Local agency records did not maintain permits and records with the type of system and regularity as the standards (1961-2022). The subsurface condition of soils beneath the former utility storage buildings of the Mendelson Hotel may contain some residual concentrations of heating oils and/or carbide/acetylene. No additional information was provided related to the heating oils and/or carbide/acetylene container sizes, containers construction materials, contents, and dates of installation and/or removal of the containers. Based on the limited information associated with the type of heating oil and/or carbide/acetylene container sizes and locations, and limited information provided by the Orange County CUPA, the historical uses are considered a significant environmental concern.

During grading activities, impacted soils from historic heating oil storage operations may be encountered. However, any release of heating oil would have occurred over 70 years ago and likely localized to out buildings. Further, the age of the potential release minimizes the potential for vapor intrusion. Given that the location, nature, volume and extent of such impacts are unknown, there is a potential to uncover impacted soils during construction activities.



B. Temporary Construction-Related Activities

Heavy equipment that would be used during construction of the proposed Project would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction.

These materials would not be in such quantities or stored in such a manner as to pose a significant safety hazard to onsite construction workers or the general public. Construction activities would also be short-term or one time in nature and would cease upon completion of the proposed Project's construction phase. Project construction workers would also be trained in safe handling and hazardous materials use per HAZWOPER regulations. Additionally, the use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards. Any Project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263). The proposed Project would also be constructed in accordance with the regulations of Orange County Health Care Agency (OCHCA) Environmental Health Division, which serves as the designated CUPA. With mandatory compliance with applicable hazardous materials regulations, the Project would not create significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials; and impacts would be less than significant.

C. Long-Term Operation

The Project would allow the development of up to approximately 4,294 square foot (sf) restaurant, a 3,100 square foot fitness center, approximately 107,499 sf (95 units) of residential, and approximately 48,235 sf of Performing Arts Center. Once constructed, the Project would use hazardous materials primarily for maintenance activities, including for maintenance of the proposed buildings, swimming pool, and other site improvements. The uses proposed by the Project typically do not present a hazard associated with the accidental release of hazardous substances into the environment because the community residents are not anticipated to use, store, dispose, or transport large volumes of hazardous materials. Hazardous substances associated with operations are typically limited in both amount and use such that they can be contained without impacting the environment. Routine maintenance activities for the Project may include the storage and use of hazardous materials such as cleansers, solvents, pesticides, pool cleaning supplies, paint, fertilizers, and similar materials.

No manufacturing, industrial, or other uses utilizing large amounts of hazardous materials would occur within the Project site. Typical use of household hazardous materials would not generally result in the transport, disposal, or release of hazardous materials in an amount that would create a significant hazard to the public or environment. With adherence to applicable regulations, operation of the Project



would result in a less than significant impact related to a significant risk to the public or the environment through the potential routine transport, use, or disposal of hazardous materials.

Threshold b: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

A. Construction

As discussed under Threshold a, the Project's near-term construction activities would not have a significant impact associated with hazardous materials handling or disposal. Construction activities would also be short-term or one time in nature and would cease upon completion of the proposed Project's construction phase. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonable consequence of the proposed Project than would occur on any other similar construction site. Thus, impacts due to construction activities would not cause a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and a less than significant impact would occur.

Additionally, project construction workers would also be trained in safe handling and hazardous materials use per HAZWOPER regulations. The use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards. Any Project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263). The proposed Project would also be constructed in accordance with the regulations of OCHCA Environmental Health Division, which serves as the designated CUPA.

As discussed under Threshold a, there is a potential for the discovery of contamination during these activities due to residual concentrations of heating oils and/or carbide/acetylene from historic operations. Therefore, if impacted soil removal or remediation is required, an accidental release of hazardous materials during grading or haul off activities during construction would be potentially significant.

B. Operation

The long-term operation of the proposed Project would not result in any significant adverse effects associated with hazardous materials handling or disposal. The operation of the proposed Project would not include any components associated with the transport, use, or disposal of hazardous materials



beyond those typical of a similar land use, which would be conducted in accordance with all applicable local, State, and federal regulations. General cleaning activities on-site that contain toxic substances are usually low in concentration and small in amount; therefore, there is no significant risk to humans or the environment from the use of such cleaning products. Accordingly, the proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant. No mitigation is required.

Threshold 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?

The Project is located within a quarter of mile an existing school. San Juan Elementary School is located approximately 0.12 mile north of the Project site. As stated above, the Project has the potential to encounter impacted soil contamination from historic operations at the Performing Arts Center site. Accordingly, the Project has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. Thus, impacts would be potentially significant.

Threshold 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?

As discussed above, the Project site is listed in the HWTS, HAZNET, and UST databases. The listing under the Forster & El Camino site is not expected to represent a significant environmental concern. However, the listing associated with the Performing Arts Center site are considered a potential environmental concern. As discussed under Threshold a (Project Construction), impact soils may be encountered during grading activities. Therefore, impacts would potentially significant.

Threshold 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?

The Project site is not located within an airport land use plan or within two miles of a public airport. The Project site is approximately 17 miles southeast of John Wayne Airport, which is the nearest airport to the Project site and is not included the Airport Influence Area identified in the Airport Environs Land Use Plan (AELUP) for John Wayne Airport (OC ALUC, 2008). The Project would not result in safety hazards or excessive noise for people living or working in the area related to John Wayne Airport. No impacts would occur, and no mitigation is required.



Threshold f: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

As shown in Figure 2-12, *Disaster and Evacuation Routes*, of the City's General Plan Safety Element, Camino Capistrano is identified as an evacuation route (San Juan Capistrano, 2022). During Project construction, travel lanes along surrounding roadways would be maintained, and construction materials and equipment would be staged on-site. The Project is not anticipated to result in a substantial alteration to the design or capacity of an existing road that would impair or interfere with an adopted emergency response or evacuation plan.

During long-term operation, the Project would be required to maintain adequate access for emergency vehicles. The Project would not substantially impede emergency response routes in the local area. Accordingly, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan. Thus, impacts would be less than significant.

Threshold g: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The Project is not in a state or local responsibility area or land classified as a very high fire hazard severity zone (VHFSZ) (CalFire, 2025). The nearest SRA and LRA to the Project site are approximately 1.86 miles and 0.92 miles to the northeast, respectively. Therefore, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Thus, no impact would occur.

4.8.7 CUMULATIVE IMPACT ANALYSIS

As discussed above under the responses to Thresholds "a" and "b," the Project's construction and operation would be required to comply with all applicable federal, State, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Such uses also would be subject to additional review and permitting requirements by the OCHCA Environmental Health Division. Similarly, any other developments in the area proposing the construction of uses with the potential for use, storage, or transport of hazardous materials also would be required to comply with applicable federal, State, and local regulations, and such uses would be subject to additional review and permits from their local oversight agency. Although there is on-site contamination present, compliance with Mitigation Measure MM 4.8-1 would ensure isolation of any impacts to the Project site and would not have the ability to impact the surrounding area. Therefore, the potential for release of hazardous materials into the environment, either through accidents or due to routine transport, use, or disposal of such materials would not result in a cumulatively considerable impact.

The Project is located within a quarter of mile an existing school. San Juan Elementary School is located approximately 0.12 mile north of the Project site. Although there is potential on-site contamination, compliance with Mitigation Measure MM 4.8-1 would ensure isolation of any impacts to the Project site and would not have the ability to impact the surrounding area. Therefore,



implementation of the Project would not contribute to a cumulatively-considerable impact associated with emissions within one-quarter mile of an existing or planned school.

The Project is listed in the in the HWTS, HAZNET, and UST databases. The listing associated with the Performing Arts Center site are considered a potential environmental concern. However, with the implementation of Mitigation Measure MM 4.8-1, impacts would be reduced to a less than significant level. Therefore, there is no potential for the Project to contribute to, or exacerbate, adverse environmental effects resulting from other hazardous materials sites in the Project vicinity.

As concluded under Threshold e, the Project site is not located within an Airport Influence Area. Accordingly, the Project would not result in an impact associated with air travel safety hazards or aircraft operations. Therefore, the Project has no potential to combine with other development projects to result in air travel safety hazards or aircraft operations impacts.

As concluded under Threshold f, the Project site does not contain any emergency facilities; therefore, it has no potential to impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan and would result in no impact. Thus, the Project would have no effect on emergency access and there is no potential for the proposed Project to contribute to any cumulative impacts associated with emergency facilities or emergency evacuation routes.

As stated under Threshold g, the Project site is not in a state or local responsibility area or land classified as a VHFSZ and would not result in a significant risk of loss, injury, or death involving wildland fires. As such, the Project would not be cumulatively considerable or contribute to any cumulative impact related to wildland fires.

4.8.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a and b: Potentially Significant Impact. During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials and to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, there is potential for impacted soils to be encountered during grading activities on the Performing Arts Center site; therefore, impacts are potentially significant.

Threshold c: Potentially Significant Impact. The Project site is located within one-quarter mile of an existing or planned school. Additionally, there is potential for impacted soils to be encountered during grading activities; therefore, impacts are potentially significant.

Threshold d: Potentially Significant Impact. Current and previous uses of the Project site are included in several listings. Previous listing are considered an environmental concern with a potential for impacted soils onsite; therefore, impacts are potentially significant.



Threshold e: No Impact. The Project site is located outside the Airport Influence Area Boundary for the nearest airport, which is John Wayne Airport located 17 miles to the southeast. As such, the Project would not result in an airport safety hazard for people residing or working in the Project area.

Threshold f: Less than Significant Impact. The Project site does not contain any emergency facilities. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.

Threshold g: No Impact. The Project Site is not located in close proximity to wildlands or areas with high fire hazards. Thus, the Project would not expose people or structures to a significant wildfire risk.

4.8.9 MITIGATION

MM 4.8-1 Performing Arts Center. Prior to the issuance of a grading permit, the Project Applicant shall prepare a Soil Management Plan (SMP) including the elements identified in subsections (a) through (i) below. The SMP shall include explicit instructions for the appropriate handling, storage, and disposal of any known or potentially impacted soil during soil moving activities at the Performing Arts Center. The general contractor will be required to follow the requirements of the SMP and stop work to make notification to the environmental team in the event that heating oils and/or carbide/acetylene contaminated soils are detected at any time the environmental team is not already on-site. The SMP also requires air monitoring activities to monitor the air downwind of the Project site and appropriate Health and Safety Plans that will be employed by site workers. The SMP shall include:

- a. Health and Safety Plan (HASP): A HASP will be prepared and in effect for all grading activities associated with the Performing Arts Center. Contractors working onsite are expected to be operating under their own health and safety plans.
- b. Environmental Monitoring: In accordance with SCAQMD Rules 403 and 1466, air monitoring will be necessary in areas where potential heating oils and/or carbide/acetylene contaminated soil are to be disturbed. Air monitoring for dust may also be required in other areas. An air monitoring/health and safety professional will be present during relevant activities and responsibilities will include recording monitoring data on field sheets, which will be kept as part of Project documentation.
- c. Soil Monitoring: Soils impacted by heating oils and/or carbide/acetylene (impacted soil) that are encountered during site redevelopment will be characterized and documented. The monitoring and sampling activities to be performed include:



- Visual observation performed to detect areas of soil that may be impacted by heating oils and/or carbide/acetylene or other non-VOC hazardous materials, if encountered.
 - Screening for heating oils and/or carbide/acetylene using field instruments to document new or previously undetected sources of heating oil.
 - Soil sampling and chemical testing shall be performed to evaluate concentrations of heating oils and/or carbide/acetylene.
- d. Proper Soil Handling: If impacted soil is encountered, the area will be delineated as necessary with cones, caution tape, stakes, chalk, or flagging, and the area will not be disturbed further until an environmental professional is onsite for observation and determination of whether testing and/or excavation work is required. Stockpile staging areas will be delineated prior to the start of excavation. All excavations will conform to applicable regulations, including Cal/OSHA Construction Safety Orders. The specific equipment, means, and methods to be utilized for soil removal, handling, and disposition will be selected based on the nature of the work to be conducted and its location on the site. If excavation is conducted during the rainy season (October through April), provisions will need to be made to prevent offsite migration of sediment in runoff.
- e. Fugitive Dust and Vapor Control: In accordance with SCAQMD Rule 403, appropriate procedures will be implemented to control the generation of airborne dust by soil removal activities, including, but not limited to, the use of water as a dust suppressant or stopping activities that have the potential to generate fugitive dust in the event wind conditions change creating an uncontrollable condition.
- f. Excavation and Stockpiling: Impacted soil that is excavated and not immediately removed from the site will be stockpiled onsite and covered with plastic sheeting to control dust and minimize exposure to precipitation and wind. If a stockpile remains onsite during the rainy season, a perimeter sediment barrier, constructed of material, such as straw bales or fiber roll, will also be installed. The stockpiles will be inspected biweekly at a minimum. During stockpile removal, only the working face of the stockpile will be uncovered. If the stockpiled impacted soil is to be transported offsite for disposal or recycling, the soil will be profiled for waste characteristics. Soil samples will be analyzed for parameters required by the disposal/recycling facility.



- g. Responding to Unknown Conditions: If previously unknown impacted soil is suspected (based on visual staining, odors, photo ionization detector readings, or other observations), the area will be delineated and construction activity will cease in this area, and sampling of the unknown material will occur using USEPA methodology. Analytical results will be compared to applicable regulatory screening levels. Based on this comparison, a determination will be made regarding soil disposition (reuse on-site, off-site transport, and disposal/recycling, etc.). Additionally, if any UST or other subsurface features are encountered, a similar approach will be taken, and appropriate permitting, as necessary, will be obtained for the removal of the feature(s). Any permitted removals will be conducted with appropriate regulatory oversight, documentation, and reporting.
- h. Imported fill: As appropriate, offsite soils brought to the site for use as backfill (import fill), if necessary, will be tested in general conformance with the DTSC Information Advisory Clean Imported Fill Material document.
- i. Post-construction Requirements: If contaminated soil is left in place, the location of this soil will be surveyed or recorded by use of geographic positioning system equipment. Following the completion of construction, excavation, and disposition activities, a summary report will be prepared. The report will include a summary of activities, locations of soil sources and final disposition of contaminated soil, and estimated quantities of materials. Additionally, removal of any USTs or other subsurface features, if encountered, will be conducted under appropriate permits (if any) and documented in applicable reports for submittal to the Orange County Fire Department, or other regulatory agency, as appropriate.

4.8.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a, b, c, and d: Less-than-Significant Impact. Mitigation Measure MM 4.8-1 would result in the preparation and implementation of a SMP for the Project. The SMP identifies requirements intended to protect human health when soil in areas of known or suspected contamination are disturbed for any reason, including, without limitation, as a result of demolition, utility installation/repair, soil excavation, drilling, grading/filling activities, stockpile generation, soil management, loading, and transportation. Requirements of the SMP include protocols for the HASP, environmental monitoring, proper soil handling (if impacted soil is encountered), fugitive dust and vapor control, excavation and stockpiling, soil monitoring, soil monitoring, responding to unknown conditions, imported fill, and postconstruction requirements. With the implementation of Mitigation Measure MM 4.8-1, the risk of exposure of hazardous materials to the workers and the public through the routine transport, use, or disposal of contaminated or potentially contaminated soils or accident conditions would be less than significant.



4.9 HYDROLOGY AND WATER QUALITY

The following analysis is based on information obtained from the technical reports entitled: 1) *Preliminary Drainage Study for the Forster Mixed Use Project*, prepared by C3 Civil Engineering, LLC on July 1, 2024 (C3 Civil, 2024a) (*Technical Appendix I1*); 2) *Preliminary Water Quality Management Plan for the Forster Mixed Use Project*, prepared by C3 Civil Engineering, LLC on December 11, 2023 (C3 Civil, 2023) (*Technical Appendix I2*); 3) *Preliminary Drainage Study for the Performing Arts Center*, prepared by C3 Civil Engineering, LLC on January 25, 2024 (C3 Civil, 2024b) (*Technical Appendix I3*); and 4) *Preliminary Water Quality Management Plan for the Performing Arts Center*, C3 Civil Engineering, LLC on January 25, 2024 (C3 Civil, 2024c) (*Technical Appendix I4*). The analysis in this section is also based on the San Diego RWQCB's *San Diego Basin Water Quality Control Plan* (SDBWQCB, 2021). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.9.1 ENVIRONMENTAL SETTING

A. Regional Hydrology

The Project site is located within the San Juan Creek Watershed, which covers approximately 176 square miles and includes portions of the cities of Dana Point, Laguna Hills, Laguna Niguel, Mission Viejo, Rancho Santa Margarita, and San Juan Capistrano.

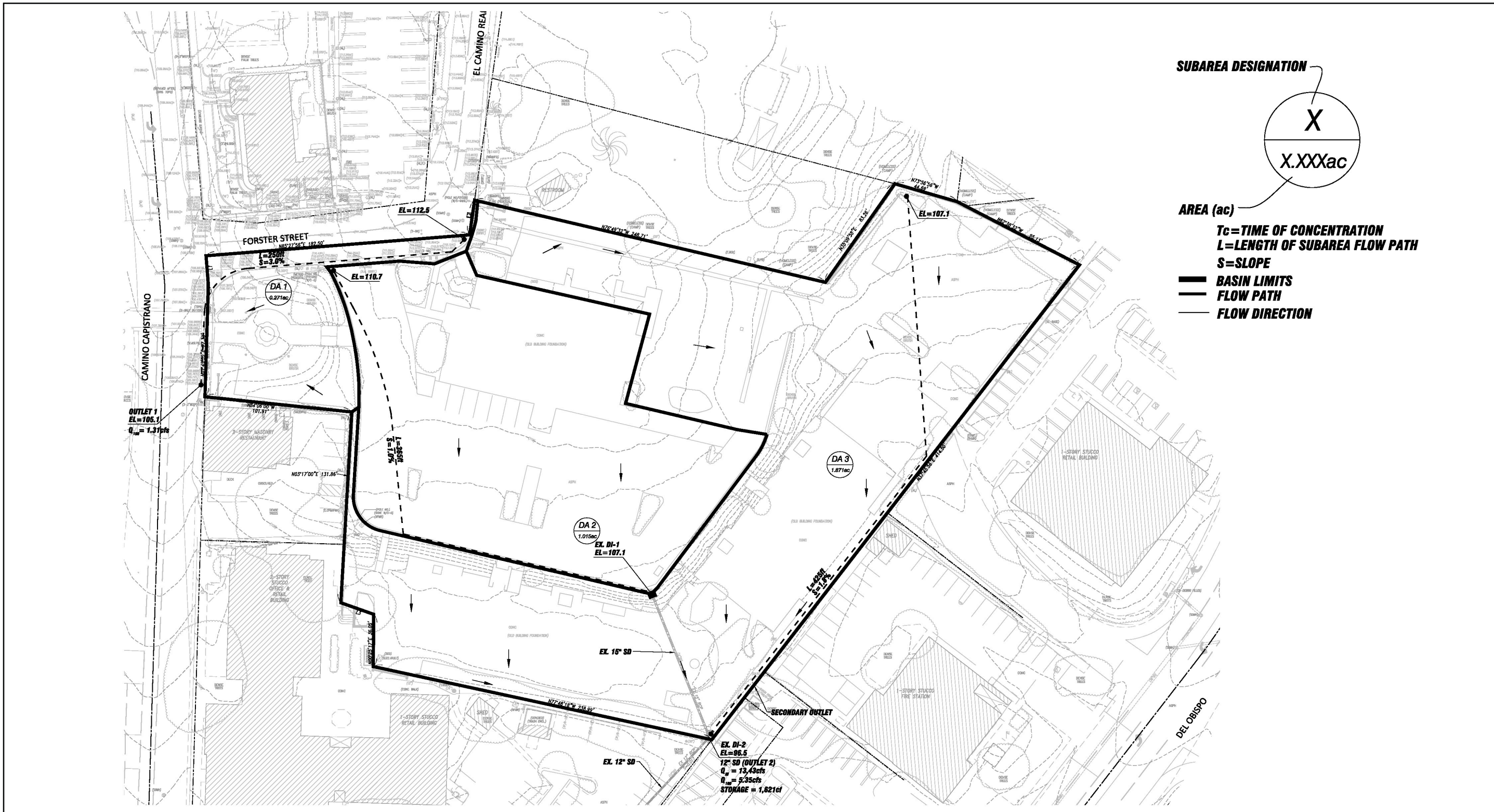
The Project site is located in the San Diego Regional Water Control Board (SDRWQCB). The SDRWQCB divides the surface waters into hydrologic units (HUs), areas, and subareas. As designated by the SDRWQCB, the Project site is located in the San Juan HU, which is further divided into Hydrologic Areas (HAs) and Hydrologic Subareas (HSAs). The Project site is located in the San Juan HU, Mission Viejo HA, and the San Juan HSA.

B. Site Hydrology

1. Forster & El Camino Site

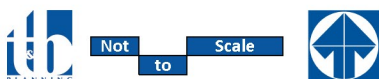
The existing Forster & El Camino site drains in two general locations. The northwestern corner of the property sheet flows to the west to Camino Capistrano, where it is carried south in the street's curb and gutter. The remainder of the site is sloped towards two inlets at the southern corner of the site where it is collected in a catch basin and piped southwest in a 15" pipe to a public storm drain system in Del Obispo. The Forster & El Camino site includes three drainage areas, as shown in Figure 4.9-1, *Existing Drainage Map – Forster & El Camino Site*.

Drainage Area (DA) 1 consists of 0.271 acres which has approximately 38% impervious land cover. This land area includes the fountain at the corner of Camino Capistrano and Forster Street, and the adjacent landscaping. Runoff sheet flows to the west and over the sidewalk along Camino Capistrano, and into the curb and gutter in the roadway. Runoff is conveyed in the curb and gutter to the south. Ultimately, runoff is collected in a public catch basin at the intersection of Camino Capistrano and Del Obispo Street.



Source(s): C3 Civil Engineering (07-01-2024)

Figure 4.9-1



Existing Drainage Map – Forster & El Camino Site



DA 2 & 3 consists of 2.884 acres which has approximately 87% impervious land cover. This area includes the balance of the property; the building slab, parking lot, drive aisles and other site improvements. Runoff sheet flows to two catch basins at the lower portion of the site. The higher catch basin conveys runoff via a 15" storm drain pipe to the lower catch basin. From the lower catch basin, storm water is conveyed by a 12" pipe. The 12" storm drain line carries runoff to the west and ultimately discharges into the public storm drain system in Del Obispo Street. The storm drain main in Del Obispo Street slopes west to the intersection of Camino Capistrano and Del Obispo. There is a secondary overflow just north of the Outlet 2, where high flow can overflow through an existing gate and sheet flow across the adjacent property, ultimately discharging into an existing catch basin on Del Obispo. (C3 Civil, 2024a)

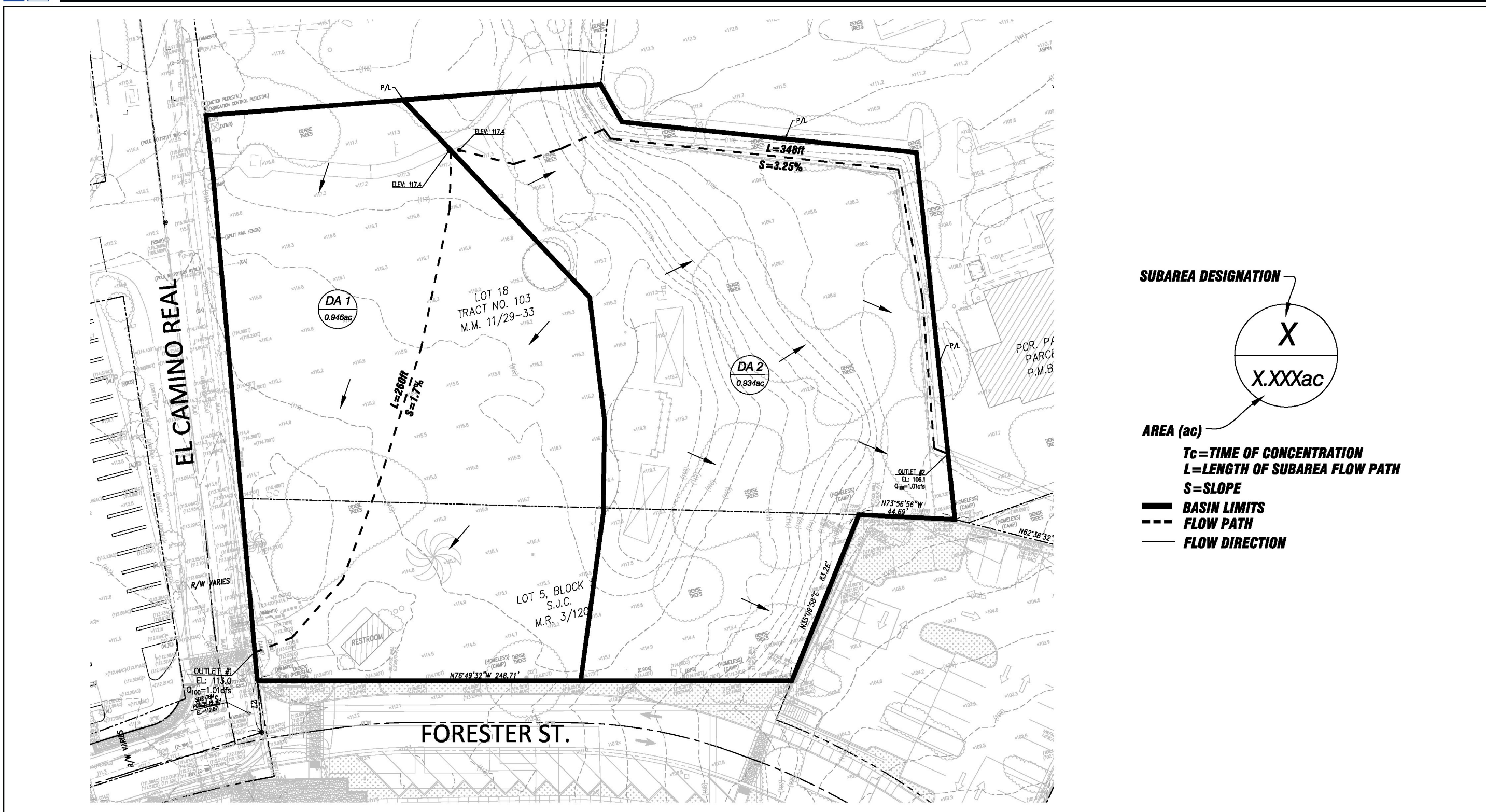
2. *Performing Arts Center Site*

The Performing Arts Center site includes two drainage areas, as shown in Figure 4.9-2, *Existing Drainage Map – Performing Arts Center*. DA 1 consists of 1.019 acres which has approximately 10% impervious land cover. This land area includes the majority of the existing park from El Camino Real to the outdoor stage. Runoff from this area sheet flows from east to west where it discharges into the right-of-way in El Camino Real. Runoff is conveyed in the curb and gutter to the south. Ultimately, runoff from El Camino Real is conveyed to Camino Capistrano further south where it is collected in a public catch basin at the intersection of Camino Capistrano and Del Obispo Street.

DA 2 consists of 0.862 acres which has approximately 5% impervious land cover. This area includes the eastern portion of the park and part of the outdoor stage. Runoff from this area sheet flows from west to east and is captured in a concrete valet gutter along a portion of the northern and most of the eastern property lines. This v-gutter conveys runoff to the southeast corner of the site, where it is captured by a storm drain inlet on the adjacent property. This inlet conveys runoff with an underground pipe to the east to a storm drain system in Del Obispo Street. The storm drain main in Del Obispo Street slopes south to the intersection of Camino Capistrano and Del Obispo. (C3 Civil, 2024b)

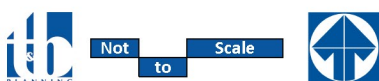
C. Flooding and Dam Inundation

The Project site is located in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06059C0443J and the southern portion of the site is located in FIRM No. 07059C0506J. Both zones are designated within "Zone X (unshaded)," which are areas with a 0.2% chance of annual flood (FEMA, 2009). The Zone X (unshaded) designation is considered to be an area of minimal flood hazard and is not considered a special flood hazard area. According to the City of San Juan Capistrano General Plan, the Project site is not located within a creek flooding inundation area. (City of San Juan Capistrano, 2002)



Source(s): C3 Civil Engineering (01-25-2024)

Figure 4.9-2



Existing Drainage Map – Performing Arts Center



D. Water Quality

The Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act, CWA) requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. Water bodies that do not meet water quality standards due to excessive concentrations of pollutants are placed on a list of impaired waters pursuant to Section 303(d) of the CWA. The Project site's receiving waters include the San Juan Creek and Pacific Ocean. The 303(d) listed impairments for the San Juan Creek include: Benthic Community Effects, DDE, Indicator Bacteria, Nitrogen, Oxygen (dissolved), Phosphorus, Selenium, and Toxicity. The 303(d) listed impairments for the Pacific Ocean Shoreline, Lower San Juan HAS, at San Juan Creek include: Indicator Bacteria, Enterococcus, Fecal Coliform, and Total Coliform. (C3 Civil, 2024a)

E. Groundwater

The City of San Juan Capistrano is underlain by groundwater resources associated with the San Juan Basin Authority (SJBA) which currently includes the Santa Margarita Water District, Moulton Niguel Water District and South Coast Water District. The SJBA's jurisdiction underlies the San Juan Valley and several tributary valleys in southern Orange County. The basin is bounded on the west by the Pacific Ocean and otherwise by tertiary semi-permeable marine deposits. Groundwater recharge is from flow in San Juan Creek, Oso Creek, and Arroyo Trabuco and precipitation to the valley floor. Additional recharge is from water from springs that flow directly from Hot Spring Canyon into San Juan Creek. Groundwater in the basin flows southwest toward the Pacific Ocean.

Since mid-November 2021, the Project is located in the jurisdiction and purview of the Santa Margarita Water District's (SMWD's) 2020 Urban Water Management Plan (SMWD, 2021). Currently, the District imports most of its drinking water from the Colorado River Aqueduct and the State Water Project and utilizes its network of 600+ miles of pipeline, 20+ pump stations, and approximately 1,220 AF of storage capacity to ensure that drinking water is delivered to its customers that meet or surpass all Federal and State water quality standards. Since becoming responsible for the operation of City of San Juan Capistrano water and sewer facilities, SMWD has pumped approximately 1.8 million gallons a day (MGD) of groundwater from the Basin to be used within its service area. With repair of existing well sites in process, pumping is anticipated to increase to approximately 4 MGD or more in the next few years.

F. Seiches and Tsunami Hazards

Seiches are standing waves oscillating in a body of water that are caused when strong winds and rapid changes in atmospheric pressure push water from one end of a water body to the other. When the wind stops, the water rebounds to the other side of the enclosed area. The water then continues to oscillate back and forth for hours or even days. In a similar fashion, earthquakes, tsunamis, or severe storm fronts may also cause seiches along ocean shelves and ocean harbors. Tsunamis are giant waves caused by earthquakes or volcanic eruptions under the sea. In the depths of the ocean, tsunami waves do not dramatically increase in height, but as the waves travel inland, they build up to higher and higher heights as the depth of the ocean decreases (NOAA, 2018).



In and near the City of San Juan Capistrano, there are no open reservoirs, lakes, or other large bodies of water; therefore, substantial impacts from seiches could not occur. The Pacific Ocean is located approximately 2.91 miles southwest of the Project site; therefore, the potential for a tsunami to affect the Project site is also non-existent due to distance.

4.9.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to hydrology and water quality. Additionally, no comments related to hydrology and water quality were received during the public scoping period.

4.9.3 REGULATORY FRAMEWORK

A. Federal

1. *Clean Water Act*

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters.

B. State

1. *Porter-Cologne Water Control Act*

The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code § 13000 et seq.), the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and



- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine Regional Water Boards (based on hydrogeologic barriers) and the State Water Board, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews Regional Water Boards decisions. In addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The State Water Board and Regional Water Boards have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The Regional Water Boards regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions.

The Porter-Cologne Act also implements many provisions of the Clean Water Act, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the Regional Water Boards and get updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. (EPA, n.d.) The Project site is located in the San Juan Creek Watershed, which is within the purview of San Diego Regional Water Quality Control Board (SDRWQCB). The 2003 Drainage Area Management Plan for the San Juan Creek Watershed is the governing water quality plan for the region.

2. *California Water Code*

The California Water Code is the principal state law regulating water quality in California. Water quality provisions must be complied with as contained in numerous code sections including: 1) the Health and Safety Code for the protection of ground and surface waters from hazardous waste and other toxic substances; 2) the Fish and Game Code for the prevention of unauthorized diversions of any surface water and discharge of any substance that may be deleterious to fish, plant, animal, or bird life; 3) the Harbors and Navigation Code for the prevention of the unauthorized discharge of waste



from vessels into surface waters; and 4) the Food and Agriculture Code for the protection of groundwater which may be used for drinking water supplies. The California Department of Fish and Wildlife (CDFW), through provisions of the Fish & Game Code (§§ 1601 - 1603) is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW.

Surface water quality is the responsibility of the Regional Water Quality Control Board (RWQCB), water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCB is through the development, adoption, and issuance of water discharge permits. RWQCB basin plans establish water quality objectives that are defined as the limits or levels of water quality constituents or characteristics for the reasonable protection of beneficial uses of water.

C. Regional

1. *San Diego Basin Water Quality Control Plan*

The City of San Juan Capistrano is located in the San Diego Basin, Region 9, in the Aliso-San Onofre Watershed. The Water Quality Control Plan for the San Diego River Basin (9) was updated in 2016. This Basin Plan gives direction on the beneficial uses of the state waters within Region 9, describes the water quality that must be maintained to support such uses, and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan.

D. Local

1. *City of San Juan Capistrano General Plan*

The General Plan identifies goals related to hydrology and water quality in its Conservation & Open Space Element, Floodplain Management, and Safety Element. The Project-applicable goals and policies and a discussion of the Project's consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.

2. *City of San Juan Capistrano Municipal Code*

Title 8, Building Regulations, of the City of San Juan Capistrano Municipal Code establishes the following standards and regulations that are related to hydrology and water quality.

- **Chapter 8-11 (Floodplain Management Regulations).** The purpose of the standards of construction contained in Chapter 8-11.113 of the City's Municipal Code is to control construction and reconstruction in SFHAs.
- **Chapter 8-14 (Water Quality Regulations).** The intent of this chapter is to enhance and protect the water quality of the waters of the State and U.S. consistent with the CWA and State law. New development and significant redevelopment is required to submit a water



quality management plan for approval by the Director or Engineering or his/her designee prior to issuance of a grading permit.

4.9.4 METHODOLOGY

Information from the Project's Drainage Studies (*Technical Appendices 11 and 13*), preliminary Water Quality Management Plans (WQMPs; *Technical Appendices 12 and 14*), the City of San Juan Capistrano General Plan, and FEMA Flood Insurance Rate Maps (FIRMs) were utilized in the analyses of the Project's potential impacts to hydrology and water quality. The Project's Drainage Studies evaluated 25- and 100-year storm events consistent with City of San Juan Capistrano requirements.

4.9.5 BASIS FOR DETERMINING SIGNIFICANCE

Section X of Appendix G to the CEQA Guidelines addresses typical adverse effects to hydrology and water quality, and includes the following threshold questions to evaluate the Project's impacts on hydrology and water quality:

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;*
- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;*
- 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;*
 - ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
 - iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
 - iv) *Impede or redirect flood flows.*
- d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.*
- e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.*



4.9.6 IMPACT ANALYSIS

Threshold a: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The Project Applicant would be required to comply with Section 402 of the Clean Water Act, which authorizes the National Pollution Discharge Elimination System (NPDES) permit program that covers point sources of pollution discharging to a water body. The NPDES program also requires operators of construction sites one-acre or larger to prepare a Storm Water Pollution Prevention Plan (SWPPP) and obtain authorization to discharge stormwater under an NPDES construction stormwater permit. The Project Applicant also would be required to comply with the California Porter-Cologne Water Quality Control Act (Section 13000 et seq., of the California Water Code), which requires that comprehensive water quality control plans be developed for all waters within the State of California. The Project site is located within the jurisdiction of the San Diego Regional Water Quality Control Board.

A. Construction Impacts

Development of the Project would involve demolition, site preparation, grading, building construction, paving, and architectural coating, which have the potential to generate water quality pollutants such as silt, debris, organic waste, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during Project construction in the absence of any protective or avoidance measures.

The development projects could require the preparation and submittal of a Notice of Intent and a SWPPP to the SWRCB demonstrating compliance with the Construction General NPDES Permit. The Construction General Permit requires that non-storm water discharges from construction sites be eliminated or reduced to the maximum extent practicable, that a SWPPP be developed governing construction activities for the proposed project, and that routine inspections be performed of all storm water pollution prevention measures and control practices being used at the site, including inspections before and after storm events. As outlined in the SWPPP, each development project would be required to implement all construction BMPs to protect downstream properties and ensure compliance with the Construction General Permit. Upon completion of the Project, the Project Applicant would be required to submit a Notice of Termination to the SWRCB to indicate that construction is completed. Pursuant to City Municipal Code Section 8-14.105, Control of Urban Runoff from New Development and Redevelopment, proof of compliance with the Construction General Permit must be provided to the City Manager before the City will issue any grading, construction, or similar permits applicable to such construction activity. Once the project is reviewed for its potential to discharge pollutants into the storm drain system, appropriate Project specific terms, conditions, and requirements would be prescribed prior to Project construction. Compliance with such measures would limit such substances from entering downstream water bodies via stormwater runoff and reduce potential impacts to existing water quality. Following conformance with the Construction General Permit, preparation of a SWPPP, and implementation of construction BMPs, the Project's short-term impacts to water quality and surface and groundwater quality would be less than significant.



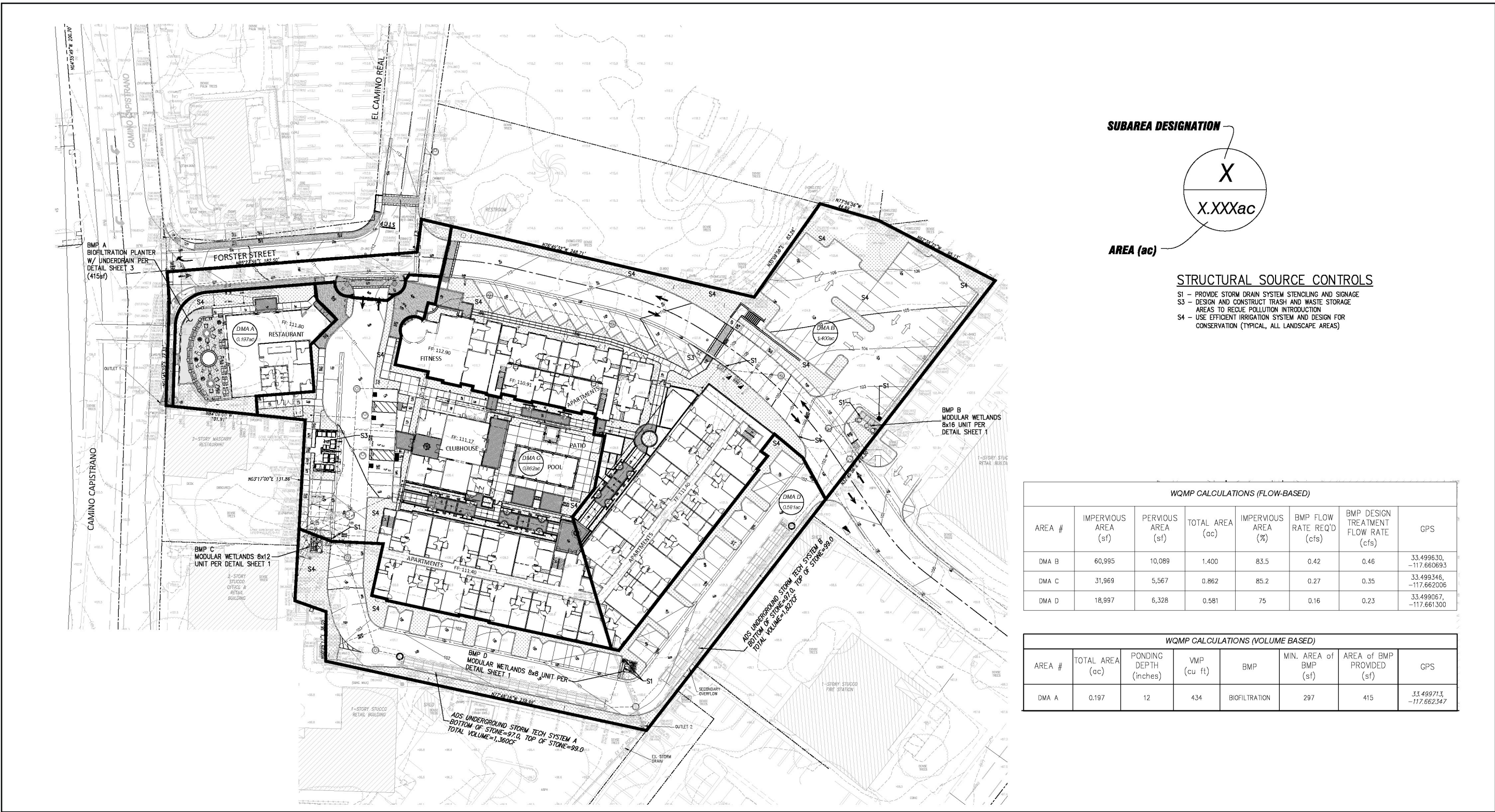
B. Post-Development Water Quality Impacts

Pursuant to the San Juan Capistrano Municipal Code Section 8-14.105, the Project Applicant would be required to implement a WQMP to demonstrate compliance with the City's NPDES municipal stormwater permit, and to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters. The WQMP is a site-specific post-construction water quality management program designed to address the pollutants of concern of a development project via BMPs, implementation of which ensures the on-going protection of the watershed basin. The Project's Preliminary WQMPs, prepared by C3 Civil Engineering, LLC, are included as *Technical Appendices I2 and I4* of this EIR. Figure 4.9-3, *WQMP Site Plan*, presents the Project's proposed drainage areas and detention/water quality basins. As identified in Project's Preliminary WQMPs, the Project is designed to include on-site structural source control BMPs (including biofiltration planters, Modular Wetlands System (MWS), and underground storm water detention system) as well as operational source controls (C3 Civil, 2023; C3 Civil, 2024c). Compliance with the WQMP would be required as a condition of Project approval pursuant to Municipal Code Section 8-14.105, and long-term maintenance of on-site BMPs would be required to ensure their long-term effectiveness. Therefore, water quality impacts associated with long-term operational activities would be less than significant.

Based on the foregoing analysis, the Project would not violate any water quality standards or waste discharge requirements during long-term operation. Impacts would be less than significant.

Threshold 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?

According to the Project's Geotechnical Engineering Investigations (*Technical Appendices F1 and F2*), groundwater was encountered at a depth of approximately 29 feet below existing grade of Forster & El Camino site. The Project Applicant does not propose the use of any wells or other groundwater extraction activities. Therefore, the Project would not directly draw water from the groundwater table.



Source[s]: C3 Civil Engineering [07-01-2024]

Figure 4.9-3





Development of the Project would increase impervious surface coverage on the property, which would reduce the amount of water percolating down into the underground aquifer that underlies the Project site. SMWD's main source of water supply is imported water from the Colorado River Aqueduct (CRA) and the State Water Project (SWP) purchased from Metropolitan through Municipal Water District of Orange County (MWDOC). SMWD has had limited access to reliable groundwater supply, although plans to integrate groundwater into its future plans primarily through the use of the San Juan Basin. Historically, SMWD has not pumped any groundwater from the Basin to be used within its service area, although it was projected to have begun pumping limited amounts by 2022. Therefore, the Project's reduction in percolation at the site would not impact groundwater recharge supplies. Additionally, the Project's projected water demands would not decrease groundwater supplies. The Project would not result in substantial, adverse effects to local groundwater levels and would not impede sustainable groundwater management of the basin. Additionally, recycled water is proposed to be used to irrigate the Project site in the future.

For the reasons stated above, the Project would neither substantially deplete groundwater supplies nor interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts would be less than significant.

Threshold 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: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impeded or redirect flood flows?

A. Erosion or Siltation On- or Off-Site

Although the Project would alter the subject property's drainage patterns, such changes would not result in substantial erosion or siltation on- or off-site. As discussed in Threshold a, compliance with the NPDES permit and the San Diego Regional Water Quality Control Plan involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP will specify the BMPs that would be required to be implemented during construction activities to ensure that waterborne pollution – including erosion/siltation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Mandatory compliance with the SWPPP would ensure that the Project's construction does not violate any water quality standards or waste discharge requirements. Based on the foregoing information, erosion and sedimentation impacts associated with Project construction activities would be less than significant. No mitigation is required.

Under post-development conditions, a majority of the site would be covered with impervious surfaces and, therefore, the amount of exposed soils on the Project site would be minimal. The Project Applicant



would be required to prepare and implement a WQMP, which is a site-specific post-construction water quality management program that will be implemented to minimize erosion and siltation. The WQMP is required to identify an effective combination of erosion control and sediment control measures (i.e., BMPs) to reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges. The WQMP also is required to establish a post-construction implementation and maintenance plan to ensure on-going, long-term erosion protection. Additionally, as discussed under Threshold a, the Project would construct an integrated storm drain system on-site with BMPs to minimize the amount of water-borne pollutants carried from the Project site. The BMPs proposed by the Project include biofiltration planters, MWS, and underground storm water detention system. Because the Project Applicant would be required to utilize erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil, Project operation would result in less than significant impacts related to soil erosion and sedimentation.

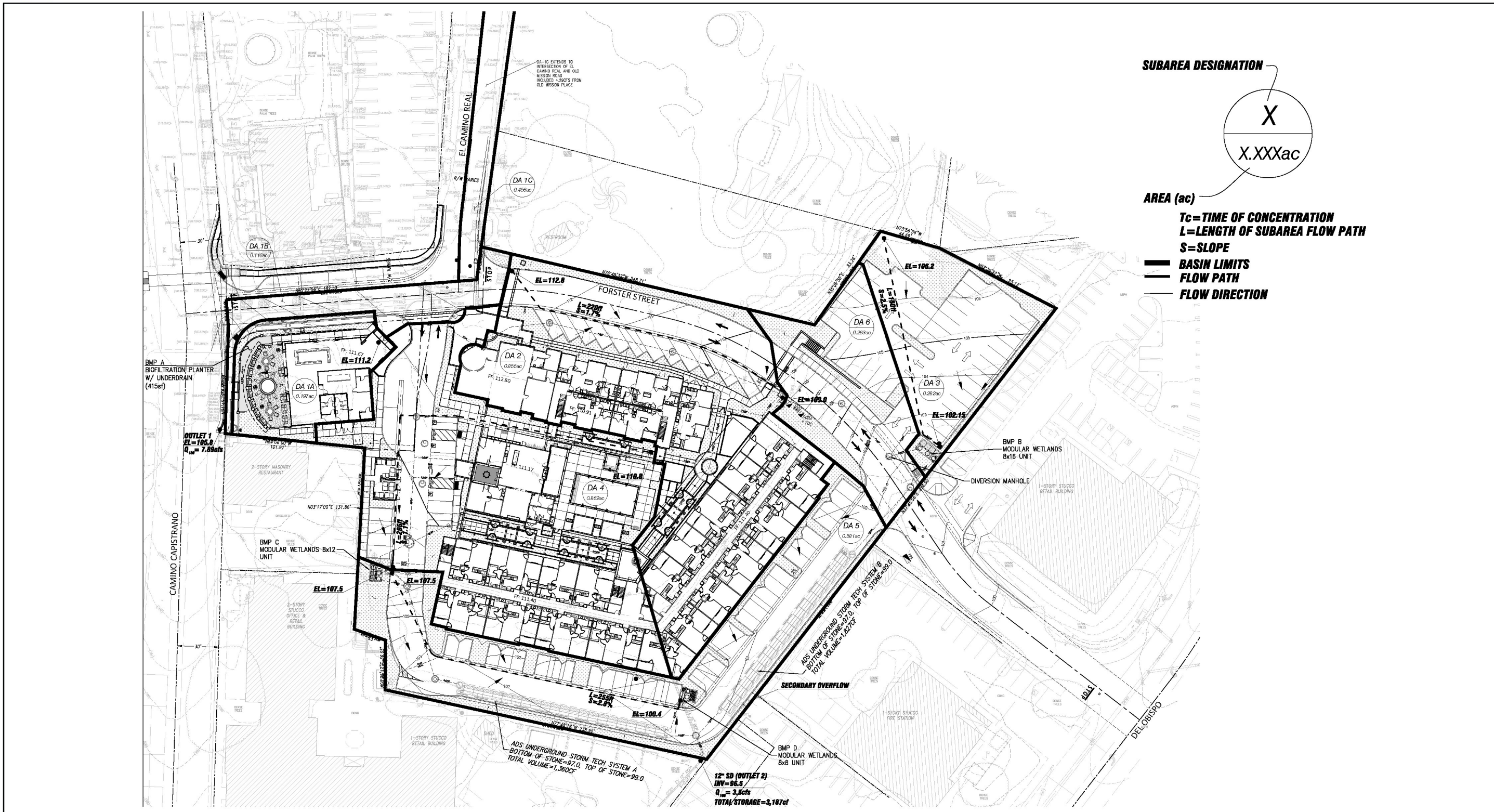
B. Stormwater Runoff

1. Forster & El Camino Site

The proposed development at the Forster and El Camino site will maintain the overall drainage pattern by ultimately discharging runoff into the City of San Juan Capistrano storm drain system at Del Obispo and Camino Capistrano, tributary to San Juan Creek (an engineered channel), then ultimately into the Pacific Ocean. The Forster and El Camino development has six storm water drainage areas and two outlet discharge locations from the site, as shown in Figure 4.9-4, *Proposed Drainage Map – Forster & El Camino Site*, and described below.

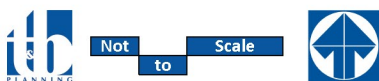
DA 1A consists of 0.197 acres which has approximately 74.7% impervious land cover. This land area includes the restaurant building and the adjacent patio and hardscape. Runoff from the buildings, landscape areas and patio will discharge directly or sheet flow into the biofiltration planter (captures runoff for treatment) adjacent to the patio. Lower flows infiltrate through the planter and are collected at the bottom with an underdrain pipe. Higher flows are collected at an inlet set above the ponding depth of the BMP. The underdrain and piping from the raised inlet discharge through a parkway drain to the curb and gutter in Camino Capistrano. Ultimately, runoff from Camino Capistrano is conveyed south where it is collected in a public catch basin at the intersection of Camino Capistrano and Del Obispo Street.

DA 1B consists of 0.116 acres which has approximately 100% impervious land cover. This land area includes the reconfigured Forster intersection at El Camino Real. Runoff in this area is captured in curb and gutter and is conveyed to Camino Capistrano. Ultimately, runoff from Camino Capistrano is conveyed south where it is collected in a public catch basin at the intersection of Camino Capistrano and Del Obispo Street.



Source(s): C3 Civil Engineering (December 2024)

Figure 4.9-4



Proposed Drainage Map – Forster & El Camino Site



DA 1C consists of 0.456 acres which has approximately 90% impervious land cover. This land area includes the half-width of El Camino Real and Forster streets along the project frontage extending north to the high point at the intersection of El Camino Real and Old Mission Road. Runoff in this area is captured in curb and gutter and is conveyed from Old Mission Road south on El Camino Real, west of Forster and then south on Camino Capistrano to a public catch basin at the intersection of Del Obispo.

DA 2 consists of 0.855 acres which has approximately 89% impervious land cover. This area includes the fitness and residential building at the northern side of the site and the Forster extension from the intersection with El Camino Real. It also includes landscaping and a sidewalk adjacent to the building. Runoff from the building will be piped to an underground storm drain pipe system which will convey runoff to the east along Forster to a diversion manhole. Runoff from the drive aisle, stall areas and landscape areas will sheet flow to curb and gutter along the south edge of Forster where it will be collected by a catch basin. Storm water from catch basin will be piped to the diversion manhole. Low flow storm water from the diversion manhole will be piped to a MWS for treatment. From the MWS, storm water will be piped to the southwest, converging with higher flows from the diversion manhole, and ultimately to an underground storm drain detention system. Downstream of the detention system, storm water will be conveyed to the 12" outlet point of the Project. The 12" storm drain line carries runoff to the west and ultimately discharges into the public storm drain system in Del Obispo Street. The storm drain main in Del Obispo Street slopes west to the intersection of Camino Capistrano and Del Obispo.

DA 3 consists of 0.282 acres which has approximately 69.5% impervious land cover. This land area includes approximately half of the parking lot at the northeast corner of the property. Storm water in this area is collected in a catch basin in the corner of the parking lot and is piped to a diversion manhole. Low flow storm water from the diversion manhole will be piped to a MWS for treatment. From the MWS, storm water will be piped to the southwest, converging with higher flows from the diversion manhole, and ultimately to an underground storm drain detention system. Downstream of the detention system, storm water will be conveyed to the 12" outlet point of the Project. The 12" storm drain line carries runoff to the west and ultimately discharges into the public storm drain system in Del Obispo Street. The storm drain main in Del Obispo Street slopes west to the intersection of Camino Capistrano and Del Obispo.

DA 4 consists of 0.862 acres which has approximately 85.2% impervious land cover. This area includes the clubhouse, pool area and residential building at the southern side of the site. It also includes landscaping and sidewalk adjacent to the building. Runoff from the building and internal walkways will be piped to a storm drain pipe system which will convey runoff to the west to the main drive aisle on the west side of the site. This pipe system conveys storm water to a catch basin at the southwest corner of the site. Runoff from the drive aisle, stall areas and landscape areas will sheet flow to curb and gutter along the west side of the drive aisle where it will be collected by a catch basin. Storm water from catch basin will be piped to a MWS for treatment. Lower flow rates will be treated, while higher flow rates will bypass internally through the system. From the MWS, storm water will be piped to the south and then east to an underground storm drain detention system. Downstream of the detention



system, storm water will be conveyed to the 12" outlet point of the Project. The 12" storm drain line carries runoff to the west and ultimately discharges into the public storm drain system in Del Obispo Street. The storm drain main in Del Obispo Street slopes west to the intersection of Camino Capistrano and Del Obispo.

DA 5 consists of 0.581 acres which has approximately 75% impervious land cover. This land area includes the lower parking lot and drive aisle along the southern edge of the property. It also includes a large portion of the project's landscaping. Storm water in this area is collected in a MWS with higher flows bypassing the MWS at grade with an adjacent catch basin. From the MWS and catch basin, storm water is piped to the 12" outlet point of the Project. The 12" storm drain line carries runoff to the west and ultimately discharges into the public storm drain system in Del Obispo Street. The storm drain main in Del Obispo Street slopes west to the intersection of Camino Capistrano and Del Obispo.

DA 6 consists of 0.263 acres which has approximately 80.5% impervious land cover. This land area includes approximately half of the parking lot at the northeast corner of the property and the steep-sloping portion of the Forster extension. Storm water in this area is collected in a catch basin on the Forster Extension is piped to a diversion manhole. Low flow storm water from the diversion manhole will be piped to a MWS for treatment. From the MWS, storm water will be piped to the southwest, converging with higher flows from the diversion manhole, and ultimately to an underground storm drain detention system. Downstream of the detention system, storm water will be conveyed to the 12" outlet point of the Project. The 12" storm drain line carries runoff to the west and ultimately discharges into the public storm drain system in Del Obispo Street. The storm drain main in Del Obispo Street slopes west to the intersection of Camino Capistrano and Del Obispo (C3 Civil, 2024a).

As shown in Table 4.9-1, *Existing vs. Proposed Peak Runoff from a 25-Year and a 100-Year Storm (Forster & El Camino)*, runoff under the proposed condition will be reduced compared to the existing condition.

Table 4.9-1 Existing vs. Proposed Peak Runoff from a 25-Year and a 100-Year Storm (Forster & El Camino)

	Camino Capistrano Contribution (cfs)	10" Pipe Contribution (cfs)	Total
25-Year Storm			
Existing Condition	1.02	5.31	6.33
Proposed Condition	1.13	3.60	4.73
Difference	0.09 (9%)	-1.71 (32%)	-1.60 (25%)
100-Year Storm			
Existing Condition	1.31	5.35	6.66
Proposed Condition	1.48	4.66	6.14
Difference	0.17 (13%)	-0.69 (13%)	-0.52 (8%)

Source: (C3 Civil, 2024a)



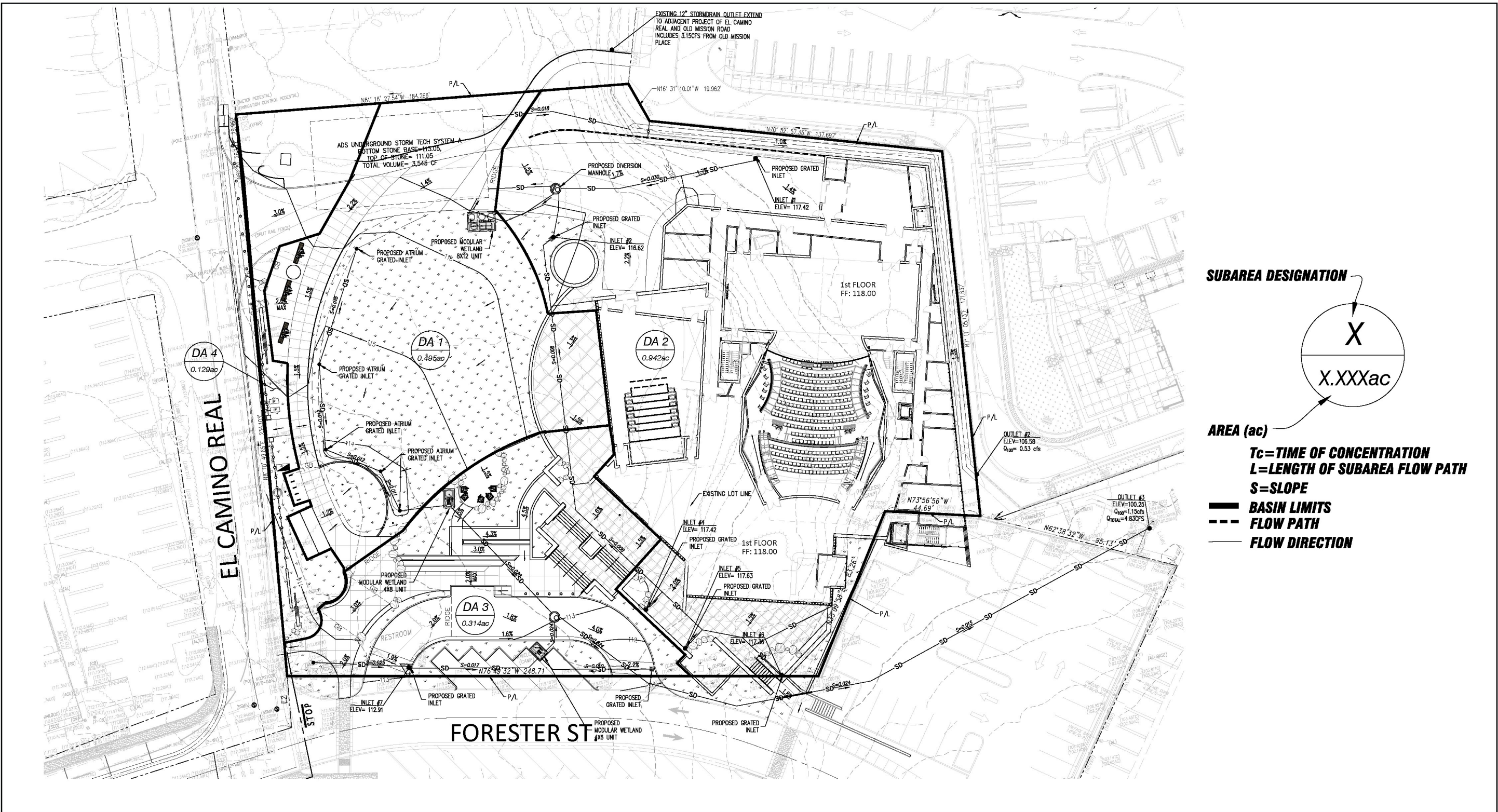
2. Performing Arts Center Site

The proposed development at the Performing Arts Center site will maintain the overall drainage pattern by ultimately discharging runoff into the City of San Juan Capistrano storm drain system at Del Obispo near the south side of the existing Marie Callendar's, then continuing south to the San Juan Creek (an engineered channel), then ultimately into the Pacific Ocean. As shown in Figure 4.9-5, *Proposed Drainage Map – Performing Arts Center*, the proposed Performing Arts Center has three storm water discharge locations from the site.

DA 1 consists of 0.599 acres which has approximately 30% impervious land cover. This land area includes the frontage along El Camino Real and most of the green space of the park. This area includes the balance of the park area that is outside of the disturbed area. Portions of the northern drive aisle and the restroom building area are included in this subarea. Runoff in this DA sheet flows from east to west across the grass area of the park and collected in the five atrium grated inlets. The low flow will be infiltrated back into the native soils through perforated pipes. The high flow will spill from the proposed grated inlet located on El Camino Real and sheet flow via curb and gutter. Ultimately, runoff from El Camino Real is conveyed to Camino Capistrano further south where it is collected in a public catch basin at the intersection of Camino Capistrano and Del Obispo Street.

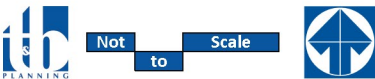
DA 2 consists of 1.018 acres which has approximately 84% impervious land cover. This area includes the Performing Arts Center building and the northwest corner of the property. Runoff from the building, sidewalk and a portion of the drive isle will be collected to the nearest grated inlet then piped to a diversion manhole. The diversion manhole will convey lower flows to a Modular Wetlands System (MWS) for treatment via a weir within the manhole. Stormwater will be treated within the MWS and then piped to an underground storm drain detention system. High flow rates in the diversion manhole will be confluence with the treated flow rate from the MWS and then piped to the underground storm drain detention system directly. Once the underground detention system has reached maximum capacity, the storm water is piped out to daylight the landscape. Storm water is conveyed to the v-gutter behind the block wall and flows along the northern and eastern property lines. This inlet conveys runoff with an underground pipe to the east to a storm drain system in Del Obispo Street. The storm drain main in Del Obispo St. slopes south to the intersection of Camino Capistrano and Del Obispo.

DA 3 consists of 0.264 acres which has approximately 59% impervious land cover. This area includes the sidewalk area on the south side of the Performing Arts Center building, the drive entrance for drop-off and landscape. Runoff from this area sheet flows to the south to the Forster & El Camino project drive aisle and ultimately is captured in proposed storm drain BMP's and storm drain inlets at each end of the drive entrance. The proposed storm drains will daylight out of the existing curb in the adjacent property to the east. Storm water will then flow across the parking lot and capture in the Del Obispo Storm drain system. (C3 Civil, 2024b)



Source(s): C3 Civil Engineering (01-30-2025)

Figure 4.9-5



Proposed Drainage Map – Performing Arts Center



As shown in Table 4.9-2, *Existing vs. Proposed Peak Runoff from a 25-Year and a 100-Year Storm (Performing Arts Center)*, runoff from the Project will be decreased with the development of the Project for outlets 1 and 2. For outlet 3, runoff from the Project would utilize the downstream detention system as part of the Forster & El Camino development which includes on-site detention..

Table 4.9-2 Existing vs. Proposed Peak Runoff from a 25-Year and a 100-Year Storm (Performing Arts Center)

	Outlet #1 El Camino Real Contribution (cfs)	Outlet #2 Del Obispo Contribution (cfs)	Outlet #3 Forster Contribution (cfs)	Total (Outlets #1 & 2)
25-Year Storm				
Existing Condition	0.80	0.8	-	1.6
Proposed Condition	0.56	0.5	0.27	1.33
Difference	-0.24	-0.3	-	0.27
100-Year Storm				
Existing Condition	1.01	1.01	-	2.02
Proposed Condition	0.70	0.55	0.35	1.60
Difference	-0.31	-0.46	-	-0.42

Source: (C3 Civil, 2024b)

Based on the foregoing information, the Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be less than significant.

C. Storm Drain Systems and Polluted Runoff

As stated above, implementation of the Project would result in less runoff compared to existing conditions. Accordingly, the Project would not create or contribute runoff that would exceed the capacity of any existing stormwater drainage system, and impacts would be less than significant.

As discussed under Threshold a, the Project Applicant would be required to comply with a SWPPP and the Project's WQMPs (*Technical Appendices I2 and I4*) which identify required BMPs to be incorporated into the Project's design and operation to ensure that near-term construction activities and long-term post-development activities of the proposed Project would not result in substantial amounts of polluted runoff. Therefore, with mandatory compliance with the Project's SWPPP and WQMP, the proposed Project would not create or contribute substantial additional sources of polluted runoff, and impacts would be less than significant.

D. Flood Flows

The Project site is located within FEMA Flood Hazard Zone X. Zone X is defined as an area of minimal flood hazard, usually depicted on FIRMs as outside the 500-year flood level and protected by levee from 100-year flood. Accordingly, the Project site is not located within a 100-year flood hazard area



and would have no potential to impede or redirect flood flows within a 100-year floodplain. No impact would occur.

Threshold d: Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The Pacific Ocean is located approximately 2.91 miles southwest of the Project site (Google Earth Pro, 2023) and is not within an area allocated for risk of tsunami. Furthermore, the Project is located within FEMA Flood Hazard Zone X, which is not within the 100- or 500-year flood hazard area. Accordingly, no impacts associated with flood hazards, tsunami, or seiches would occur.

Threshold e: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The Project is located within the San Juan Creek Watershed. As discussed under Threshold a above, Project-related construction and operational activities would be required to comply with the San Diego Region Basin Water Quality Control Plan by preparing and adhering to a SWPPP and WQMP and by installing and maintaining the on-site stormwater infrastructure that is designed to minimize impacts associated with water quality and polluted runoff from the Project site. Implementation of the Project would not conflict with or obstruct the San Diego Region Basin Water Quality Control Plan and impacts would be less than significant.

Additionally, as discussed under Threshold b, above, the Project would not substantially decrease groundwater supplies nor interfere substantially with groundwater recharge and, therefore, is not expected to conflict with or obstruct a sustainable groundwater management plan. As such, the Project's construction and operation would not conflict with any sustainable groundwater management plan. No impact would occur.

4.9.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development in the San Juan Creek Watershed.

A. Water Quality

Project construction and the construction of other projects in the cumulative study area would have the potential to contribute waterborne pollution, including erosion and siltation, to the San Juan Creek Watershed. Pursuant to the requirements of the State Water Resources Control Board, all construction projects that disturb 1.0 or more acres of land area are required to obtain coverage for construction activities under the State's General Construction NPDES Permit. In order to obtain coverage, an effective site-specific SWPPP is required to be developed and implemented. The SWPPP must identify potential on-site pollutants and identify an effective combination of erosion control and sediment control measures to reduce or eliminate discharge of pollutants to surface waters. In addition, the Project Applicant and all cumulative developments in the San Juan Valley Groundwater Basin would



be required to comply with the San Juan Valley Groundwater Basin Plan, which establishes water quality standards for ground and surface waters of the region. Compliance with these mandatory regulatory requirements, would ensure that development projects within the San Juan Creek Watershed, including the proposed Project, would not contribute substantially to water quality impairments during construction.

Operational activities on the Project site would be required to comply with the Project's WQMP to minimize the amount of waterborne pollution, including erosion and sediment, discharged from the site. Other development projects within the watershed would similarly be required by law to prepare and implement site-specific WQMPs to ensure that runoff does not substantially contribute to water quality violations. Accordingly, operation of the Project would not contribute to cumulatively-considerable water quality effects.

B. Groundwater Supplies and Management

Although the Project would increase impervious surface coverage on the site, the Project incorporates design features that would allow surface runoff to infiltrate into the groundwater basin. Other development projects would similarly be required by applicable lead agencies to incorporate design features that facilitate percolation (e.g., through minimum landscaped/permeable area requirements, water quality/detention basins, infiltration basins). No component of the Project would obstruct with or prevent implementation of the applicable groundwater management plan and other development projects within the basin. Based on the lack of impacts to groundwater, the provision of design measures that would facilitate percolation, and compliance with applicable San Juan Creek Watershed Groundwater Basin management plans, cumulative development would not result in a considerable, adverse effect to local groundwater supplies.

C. Flooding

Construction of the Project and other development projects within the San Juan Creek Watershed would be required to comply with federal, State, and local regulations and applicable regional and local master drainage plans in order to mitigate flood hazards both on- and off-site. Compliance with federal, State, and local regulations and applicable drainage plans would require development sites to be protected from flooding during peak storm events (i.e., 100-year storm) and also would not allow development projects to expose downstream properties to increased flooding risks during peak storm events. In addition, future development proposals within the San Juan Creek Watershed would be required to prepare hydrologic and hydraulic calculations, subject to review and approval by the responsible City/County Engineer, to demonstrate that substantial on- and/or off-site flood hazards would not occur. As discussed under the response to Threshold "c," the Project is designed to ensure that runoff from the Project site during peak storm events would be reduced compared to existing conditions. Because the Project and all other developments throughout the San Juan Creek Watershed, would need to comply with federal, State, and local regulations to ensure that stormwater discharges do not substantially exceed existing volumes or exceed the volume of available conveyance infrastructure, a substantial cumulative impact related to flood hazards would not occur.



Additionally, the Project site is not located within a special flood hazard area or in an area subject to inundation. Accordingly, development on the Project site would have no potential to impede or redirect flood flows and a cumulatively-considerable impact would not occur.

4.9.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. Through compliance with the NPDES permits and the implementation of the required SWPPP during construction activities and the implementation of BMPs from the Project-specific WQMP during long-term operation, the Project would result in less than significant surface water and groundwater quality impacts and would not violate any water quality standards.

Threshold b: Less-than-Significant Impact. The Project Applicant does not propose the use of any wells or other groundwater extraction activities on the Project site. Buildout of the Project would not interfere substantially with groundwater recharge. Accordingly, impacts to groundwater supplies and groundwater recharge would be less than significant.

Threshold c: Less-than-Significant Impact. The Project would not alter the drainage pattern of a stream or river. The Project would result in the introduction of impervious surfaces on site; however, the runoff from the Project site under the proposed conditions would be less than the existing conditions. Accordingly, the Project would not contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems and would not result in flooding on- or off-site, and a less-than-significant impact would occur. Implementation of the Project's proposed BMPs (include on-site water quality detention basins) would also ensure the Project does not contribute substantial additional sources of runoff to existing or planned drainage systems. Accordingly, a less-than significant impact would occur. The Project site is not located within a 100-year flood hazard area. Accordingly, the Project would not impede or redirect flood flows, and no impact would occur.

Threshold d: No Impact. The Project site has no potential to be exposed to hazards associated with flood hazards, seiches, or tsunamis due to its location outside of mapped flood zones, proximity to water bodies, and the existing and proposed topography of the Project site.

Threshold e: No Impact. The Project has no potential to conflict with any water quality control plans or sustainable groundwater management plans. No impact would occur.

4.9.9 MITIGATION

Impacts would be less than significant and mitigation is not required.

4.9.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant and mitigation is not required.



4.10 LAND USE AND PLANNING

The analysis presented in this Subsection is based, in part, on a review of the City of San Juan Capistrano General Plan (dated May 7, 2002). This section of the EIR evaluates the potential impacts to land use in the City of San Juan Capistrano from implementation of the Project. The analysis in this section is based on the proposed land use designations described in EIR Section 3, *Project Description*. The General Plan document is available for review on the City of San Juan Capistrano's website referenced in EIR Section 7.0, *References*.

4.10.1 EXISTING CONDITIONS

A. Project Site

Under existing conditions, the northern area of the Project site includes the Blas Aguilar Adobe Museum and Historic Town Center Park. The southern area of the Project site consists of a disturbed portion of land wherein development was anticipated but abandoned, associated landscaping, and associated parking areas.

B. Surrounding Land Uses

The site vicinity and surrounding area is entirely developed with a mixture of hospitality and education uses to the north, commercial uses and a fire station to the east, commercial and residential uses to the south, and commercial and residential uses to the west. Land uses in the immediate vicinity of the Project site are shown on Figure 2-3, *Aerial Photograph*, and described below.

- North: To the north of the Project site is the approved 1.68-acre El Camino Specific Plan Area to the north, currently consisting of the Camino Real Playhouse and surface parking. This area was approved for commercial uses and a four-story parking structure in the adopted El Camino Specific Plan. Ortega Highway and Old Mission Road is located further north with the Inn at Mission San Juan Capistrano and the San Juan Elementary School, and Mission San Juan Capistrano (Spanish mission and historical museum) to the northwest.
- East: To the east of the Project site is surface parking, fast-food restaurants, commercial retail (O'Reilly Auto Parts) and Orange County Fire Station No. 7, and Del Obispo Street with the Interstate 5 (I-5) Freeway further east.
- South: To the south of the Project site are various commercial retail and office buildings including Mercado Village (shops, offices, and restaurants) with Del Obispo Street further south.
- West: El Camino Real, Camino Capistrano, Veterans Park, and The Egan House are located immediately west of the Project site. Additionally, various restaurant and commercial uses associated with the historic area of Downtown San Juan Capistrano are



located along Camino Capistrano. The Amtrak/Metrolink Railroad and Trabuco Creek are located further west (within walking distance) with residential and commercial uses along Los Rios Street.

C. General Plan Land Use Designation

The prevailing planning document for the Project site and its surrounding area is the City of San Juan General Plan. As depicted on Figure 2-1, *Existing General Plan Land Use Designations*, the Project site is designated under the City of San Juan Capistrano as General Commercial (GC) to the south and Specialty Park (SP) to the north. The GC land use is intended to provide areas within the city suitable for retail, office, and service-oriented business activities serving a community-wide area and population or broader market. The SP land use is intended to provide space for unique or specialized forms of recreational activity.

D. Zoning

As depicted on Figure 2-2, *Existing Zoning Map Designations*, the Project site is zoned within the Town Center District (TC) to the south and Community Park District (CP) to the north. The TC District is intended to provide for retail and service uses within the City's downtown area which would serve tourists and local residents. The TC District is intended to serve as the cultural, shopping, entertainment, and civic core of San Juan Capistrano. The CP district is intended to provide for major active recreation sites in accordance with the General Plan.

4.10.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the public review period or EIR Scoping Meeting that pertain to land use and planning.

4.10.3 REGULATORY FRAMEWORK

A. Regional

1. *Southern California Association of Governments*

The Southern California Association of Governments (SCAG) is a Joint Powers Authority (JPA) under California State law, established as an association of local government and agencies that voluntarily convene as a forum to address regional issues. Under federal law, SCAG is designated as a Metropolitan Planning Organization (MPO) and under State law as a Regional Transportation Planning Agency and a Council of Governments. The SCAG region encompasses six counties: Riverside, Los Angeles, Orange, San Bernardino, Ventura, and Imperial; and 191 cities in an area covering more than 38,000 square miles. SCAG develops long-range regional transportation plans including sustainable communities' strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations and other plans for the region.



As an MPO and public agency, SCAG develops transportation and housing strategies that transcend jurisdictional boundaries that affect the quality of life for southern California as a whole. On April 4, 2024, SCAG’s Regional Council adopted Connect SoCal (*2024-2050 Regional Transportations Plan/Sustainable Communities Strategy* (herein, “RTP/SCS”). The RTP/SCS includes long-range regional transportation plans, regional transportation improvement programs, regional housing needs allocations, and other plans for the region. The RTP/SCS also provides objectives for meeting emissions reduction targets set forth by CARB; these objectives were provided in a direct response to Senate Bill 375 (SB 375) which was enacted to reduce greenhouse gas emissions from automobiles and light trucks through integrated transportation, land use, housing and environmental planning. (SCAG, 2024) The RTP/SCS is updated periodically to allow for the consideration and inclusion of new transportation strategies and methods.

B. Local

1. City of San Juan Capistrano General Plan

State law requires that general plans address seven topics (referred to as “Elements”) of land use, circulation (mobility), housing, open space, safety, and noise (California Government Code Section 65302). A General Plan may also include other topics of local interest, as chosen by the local jurisdiction (California government Code Section 65303). The complete rewrite of the General Plan was adopted in December 1999, with the exception of the Housing and Environmental Justice Elements which were adopted by the City Council on February 2022. In addition, the City Council approved a General Plan Amendment on May 7, 2002, which included a variety of changes to several of the elements. The City of San Juan Capistrano General Plan is organized into 14 chapters that include the following:

- Introduction
- Land Use
- Housing
- Circulation
- Safety
- Conservation and Open Space
- Noise
- Cultural Resources
- Community Design Element
- Growth Management Element
- Parks and Recreation
- Public Services and Utilities
- Floodplain Management
- Environmental Justice

Information presented in the City of San Juan Capistrano General Plan chapters relevant to the Project are discussed in the representative sections of this EIR.



2. *City of San Juan Capistrano Zoning Ordinance*

The City's Zoning Districts and Standards are contained in the San Juan Capistrano Municipal Code Title 9, Chapter 3, Zoning Districts and Standards. Together, the City's Zoning Ordinance and zoning map identify specific types of land use, intensity of uses, and development and performance standards applicable to specific areas and parcels of land within the City. It establishes zoning districts and development standards that serve to guide development in the City.

4.10.4 BASIS FOR DETERMINING SIGNIFICANCE

Section XI of Appendix G to the CEQA Guidelines addresses typical adverse effects to land use and planning, and includes the following threshold questions to evaluate the Project's impacts on land use and planning:

- a) *Physically divide an established community;*
- 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?*

4.10.5 IMPACT ANALYSIS

Threshold a: Would the Project physically divide an established community?

Currently, the 5.61-acre Project site is developed with the Historic Town Center Park and Blas Aguilar Adobe in the northern portion and vacant, previously developed land in the southern portion. The Project Applicant proposes to develop the Project site with a complementary mix of residential, restaurant, and commercial uses and a performing arts center. The Project site is surrounded by a mixture of commercial, hospitality and education uses to the north, commercial uses and a fire station to the east, commercial and residential uses to the south, and commercial and residential uses to the west. The nearest established residential community to the Project site is 0.19 miles to the south along Avenida Los Amigos. Development would occur within an infill area and would through adoption of the Specific Plan Amendment provide a cohesive development in the downtown area with available adjacent infrastructure. Therefore, the Project site would not physically divide an established community and impacts would be less than significant.

Threshold 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?

This EIR analyzes the physical environmental effects associated with all components of the Project, including Project construction and operation. Governmental approvals requested from the City of San Juan Capistrano include a General Plan Amendment, Code Amendment, and Rezone. Additional discretionary approvals required for the Forster & El Camino Mixed-Use Project and Performing Arts Center Project include Architectural Control (AC) 23-003, Grading Plan Modification (GPM) 23-013,



Sign Program (SP) 23-006, Tentative Tract Map (TTM) 23-001, Tree Removal Permit (TRP) 23-012, Architectural Control (AC) 23-004, Grading Plan Modification (GPM) 23-012, Historical & Cultural Landmark Site Plan Review (SPR) 23- 002, and Tree Removal Permit (TRP) 23-015.

The Project's consistency with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect is discussed below. This section includes an analysis of consistency with the City of San Juan Capistrano General Plan and Zoning Ordinance, and SCAG's Connect SoCal.

1. *City of San Juan Capistrano General Plan*

The City of San Juan Capistrano Land Use Element designates the Project site as Specialty Park (SP) in the north and General Commercial (GC) to the south. The proposed General Plan Amendment would amend the City of San Juan Capistrano's General Plan Land Use Map to modify the land use designations for the Project site from GC to Specific Plan/ Precise Plan. With the approval of the Project, any future development plans and entitlement applications (tract maps, site plans, and other similar entitlements) would be required to comply with the Specific Plan and substantially conform to the standards and guidelines set forth in the other sections of the Specific Plan, as well as any other applicable City of San Juan Capistrano regulations. Although the Project would result in a change to the General Plan land use designations for the Project site to allow for implementation of the Specific Plan, these changes would not result in a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or reducing an environmental effect, as demonstrated in the analysis below. Accordingly, a less-than-significant environmental impact would result from the Project.

Table 4.10-1, *General Plan Consistency Analysis*, provides an analysis of the Project's potential to conflict with all applicable General Plan goals and policies that were adopted for the purpose of avoiding or mitigating an environmental effect. As shown in Table 4.10-1, the Project would not conflict with any of the applicable General Plan goals and policies. Accordingly, the Project would have a less-than-significant impact with respect to a conflict with the City of San Juan Capistrano General Plan.

Table 4.10-1 General Plan Consistency Analysis

General Plan Policy	Consistency
Land Use Element	
<i>Goal 1: Develop a balanced land use pattern to ensure that revenue generation matches the City's responsibility for provision and maintenance of public services and facilities.</i>	
Policy 1.1: Encourage a land use composition in San Juan Capistrano that provides a balance or surplus between the generation of public revenues and the cost of providing public facilities and services.	No Conflict. The Project site is currently developed with the Historic Town Center Park in the northern portion, and vacant, previously developed land in the southern portion. The Project would redevelop the Project site with a mix of residential, commercial, restaurant uses and a performing arts center. Implementation of the Project would create revenue opportunities for the City in collecting property taxes,



General Plan Policy	Consistency
	impact fees, and other public services and facilities fees. The payment of applicable taxes and fees would ensure the Project provides a balance or surplus between the generation of public revenues and the cost of providing public facilities and services. Therefore, the Project would not conflict with General Plan Policy 1.1.
Policy 1.2: Encourage commercial, tourist-oriented, and industrial development that is compatible with existing land uses within the City to improve the generation of sales tax, property tax, and hotel occupancy tax.	No Conflict. The Project site is located within the historic downtown central business district within the City. The Project's proposed commercial and residential uses would be compatible with the existing land use within the surrounding areas. The Project will provide additional housing opportunities, which will increase the customer base and in turn support commercial and retail uses, thereby increasing the City's property tax and city sales tax receipts. Therefore, the Project would not conflict with General Plan Policy 1.2.
Policy 1.3: Encourage mixed commercial and residential use projects in the Mission District downtown area to conserve land and provide additional housing opportunities and population to support commercial services and retail sales.	No Conflict. The Project is located within the historic downtown central business district and implementation of the Project would result in the development of the Forster & El Camino Mixed-Use Project in the southern portion of the Project site and the Performing Arts Center Project in the northern portion. No development will occur on the 0.56-acre Blas Aguilar Adobe Museum property. The Forster & El Camino Mixed-Use Project includes a free-standing restaurant, a 95-unit residential building, a fitness center attached to the residential building, and a clubhouse building. The Project would introduce mixed commercial and residential uses in the downtown area to provide additional housing opportunities and population to support commercial services and retail sales. Therefore, the Project would not conflict with General Plan Policy 1.3.
<i>Land Use Goal 2: Control and direct future growth within the City to preserve the rural village-like character of the community.</i>	
Policy 2.2: Assure that new development is consistent and compatible with the existing character of the City.	No Conflict. The Project includes a Specific Plan Amendment and development consistent with the Specific Plan. The Project would be required to comply with the Specific Plan's design guidelines. The purpose of the design guidelines is to ensure future development is consistent with the vision and objectives of the Specific Plan. They are intended to provide City staff and review bodies with design direction for project evaluation as future developments come forward. The guidelines promote design creativity while fostering quality site planning, architecture, landscape, and signage design that will enhance the Historic Town Center. Design of the Project has been directed in a



General Plan Policy	Consistency
	manner that is consistent and compatible with the existing character of the City and that of the downtown and contains design guidelines that will ensure contextually appropriate and quality development. Therefore, the Project would not conflict with General Plan Policy 2.2.
Policy 2.3: Ensure that development corresponds to the provision of public facilities and services.	No Conflict. As discussed in Subsection 4.13, <i>Public Services</i> , the Project would result in a less than significant impact to public services. There are adequate levels of services within the City and the Project would not result in the need for new or physically altered governmental facilities. Therefore, the Project would not conflict with General Plan Policy 2.3.
<i>Land Use Goal 4: Preserve major areas of open space and natural features.</i>	
Policy 4.1: Preserve areas of natural hazards, such as landslides and floodplains, which would jeopardize the public health and safety.	No Conflict. As discussed in Subsection 4.9, <i>Hydrology and Water Quality</i> , the Project site is not located within a floodplain. A small portion of the northeastern corner of the Project site is designed as Zone X, which is defined as areas of 1% annual chance flood with average depth less than one foot or within drainage areas of less than one square mile. Additionally, as discussed in Subsection 4.6, <i>Geology and Soils</i> , there are no known landslides at the site, nor is the site in the path of any known or potential landslides. Therefore, the Project would preserve areas of natural hazards and would be consistent with General Policy 4.1.
<i>Land Use Goal 5: Encourage commercial development which serves community needs and is located in the existing central business district.</i>	
Policy 5.1: Encourage the location and retention of businesses within the downtown Mission District.	No Conflict. The Project site is located within the downtown area (central business district) and implementation of the Project would redevelop the Project site with commercial and residential uses. Proposed commercial uses include a restaurant and fitness center within the downtown Mission District. Therefore, the Project would not conflict with General Plan Policy 5.1.
<i>Land Use Goal 6: Enhance or redevelop underperforming commercial centers.</i>	
Policy 6.1: Allow for the transition of the oversupply of commercial land use to other economically viable revenue producing land uses.	No Conflict. The Project would allow for the transition of commercially designated land to a complementary, economically viable mix of land uses that will provide new revenue streams for the City. The Project would allow for a variety of land uses including commercial, restaurant, residential, among others that will enhance the surrounding downtown area by generating new business activity attractive to both residents and visitors. Therefore, the Project would not conflict with General Plan Policy 6.1.



General Plan Policy	Consistency
Housing Element	
<i>Goal 1: Provide a broad range of housing opportunities with emphasis on providing housing that meets the special needs of the community.</i>	
Policy 1.1: Consistent with the Land Use Element, provide a range of different housing types and unit sizes for varying income ranges and lifestyles.	No Conflict. The Project would result in the development of 95 dwelling units in the downtown area. As shown in Table 3-2, <i>Unit Plan Type Summary</i> , a range of unit types and sizes are provided for varying income ranges and lifestyles. Therefore, the Project would not conflict with General Plan Policy 1.1.
<i>Goal 2: To the maximum extent feasible, encourage and provide housing opportunities for persons of lower and moderate incomes.</i>	
Policy 2.5: Encourage mixed-use development on a case-by-case basis to allow for increased housing opportunities.	No Conflict. The Project would allow for mixed use development with commercial and residential uses. Implementation of the Project would result in the development of 95 dwelling units with a restaurant, fitness center, and a performing arts center. Therefore, the Project would not conflict with General Plan Policy 2.5.
<i>Goal 4: Create and maintain decent housing and a suitable living environment for all households in the community.</i>	
Policy 4.4: Provide and maintain adequate levels of services and facilities in all areas of the City.	No Conflict. As discussed in Subsection 4.13, <i>Public Services</i> , the Project would result in a less than significant impact to public services. There are adequate levels of services within the City and the Project would not result in the need for new or physically altered governmental facilities. Therefore, the Project would not conflict with General Plan Policy 4.4.
Circulation Element	
<i>Goal 1: Provide a system of roadways that meets the needs of the community.</i>	
Policy 1.1. Provide and maintain a City circulation system that is in balance with the land uses in San Juan Capistrano.	No Conflict. The Project would utilize the existing roadway system. The Project includes roadway improvements along El Camino Real Del Obispo Street, Camino Capistrano, and Forster Street. Additionally, the Project would contribute to cumulative traffic improvements through participation in the City's Circulation Fee program. These improvements and payment of fees would help maintain the City's circulation system. Therefore, the Project would not conflict with Policy 1.1.
<i>Goal 2: Promote an advanced public transportation network.</i>	
Policy 2.2. Promote new employment-producing development in areas where public transit is convenient and desirable.	No Conflict. The Project would include both employment-producing development and residential homes. There are five bus stops and the San Juan Capistrano Amtrak Station located in the immediate vicinity of the Project site which could be utilized by those attempting to visit the Project. The Project's inclusion of commercial development within the City would encourage and increase the use of public



General Plan Policy	Consistency
	transportation options. Therefore, the Project would not conflict with Policy 2.2.
<i>Goal 3: Provide an extensive public bicycle, pedestrian, and equestrian trails network.</i>	
Policy 3.1. Provide and maintain an extensive trails network that supports bicycles, pedestrians, and horses and is coordinated with those networks of adjacent jurisdictions.	No Conflict. As depicted Figure 3-6, <i>Proposed Circulation Plan</i> , the Project has been designed with a network of pedestrian connections and will maintain existing bike lanes. Project would support pedestrian and bicycle circulation and would not impede the existing trail network. Therefore, the Project would not conflict with Policy 3.1.
<i>Goal 4: Minimize the conflict between the automobile, commercial vehicles, pedestrians, horse, and bicycles.</i>	
Policy 4.1. Provide sufficient right-of-way widths along roadways to incorporate features that buffer pedestrians, horses, and bicycles from vehicular traffic.	No Conflict. The Project is designed as a pedestrian-oriented development with an integrated on-site and off-site pedestrian circulation system. Off-site pedestrian walkways would be provided along El Camino Real and Forster street. On-site pedestrian walkways would provide connections between the two proposed developments, parking areas, City park, building entries, and common/private open spaces. Americans with Disabilities Act compliant access pathways both on and off-site would be provided throughout the Project site. Accordingly, the Project has been designed to minimize the conflict between automobiles, commercial vehicles, pedestrians, and bicycles. Therefore, the Project would not conflict with Policy 4.1.
Safety Element	
<i>Goal 1: Reduce the risk to the community from hazards related to geologic conditions, seismic activity, wildfires, structural fires and flooding.</i>	
Seismicity Policy 1.1. Reduce the risk of impacts from geologic and seismic hazards by applying proper development engineering, building construction, and retrofitting requirements.	No Conflict. As discussed, Subsection 4.6, <i>Geology and Soils</i> , the Project would meet California Building Standards Code (CBSC) Title 24 (CALGreen) and Title 8, Building Regulations, of the City of San Juan Capistrano Municipal Code including seismic design parameters, and would not subject people or structures to substantial hazards from geologic or seismic hazards. Therefore, the Project would not conflict with General Plan Seismicity Policy 1.1.
Flooding Policy 1.1. Protect the community from flooding hazards by providing and maintaining flood control facilities and limiting development within the floodplain.	No Conflict. As discussed in Subsection 4.9, <i>Hydrology and Water Quality</i> , the Project site is not located within a floodplain. A small portion of the northeastern corner of the Project site is designed as Zone X, which is defined as areas of 1% annual chance flood with average depth less than one foot or within drainage areas of less than one square mile. Therefore, the Project would protect the community from flooding hazards by providing and maintaining flood control facilities and



General Plan Policy	Consistency
	limiting development within the floodplain and would be consistent with General Plan Flooding Policy 1.1.
Wildfire Policy 1.4. Require property owners to incorporate fire-safe and erosion-safe design during new development or major renovations (development over a two-year period of more than 33% existing square footage or 2,000 s.f. resulting in the building exceeding 5,000 square feet.) and receive contracted emergency service agency's approval prior to permit issuance.	<p>No Conflict. As discussed, Subsection 4.6, <i>Geology and Soils</i>, following construction, wind and water erosion on the Project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces. The only potential for erosion effects to occur during Project operation would be indirect effects from stormwater discharged from the property. The Project Applicant would be required to implement its WQMP (<i>Technical Appendices 12 and 14</i>) which would identify and implement an effective combination of erosion control and sediment control measures (i.e., BMPs) to reduce or eliminate discharge to surface water from stormwater and non-stormwater discharges. Adherence to the WQMP would ensure Project's potential erosions impacts during operations be less than significant.</p> <p>Moreover, as discussed in Subsection 4.13, <i>Public Services</i>, the Project would be required to comply with all applicable fire code and ordinances for construction, access, water mains, fire flows, and fire hydrants. For example, site plans would be submitted to Orange County Fire Authority (OCFA) to ensure compliance with OCFA standard conditions, including fire flow requirement based upon the tenant type, building size, and building type. Access to and around structures would meet OCFA and CFC requirements. Therefore, the Project would not conflict with General Plan Wildfire Policy 1.4.</p>
Wildfire Policy 1.7. Cooperate and coordinate with the Orange County Fire Authority and California Water Service to ensure that fire hydrant placement, water pressure, and availability of fire suppression equipment are adequate for firefighting purposes.	<p>No Conflict. See Project Consistency response to General Plan Wildfire Policy 1.4. Site Plans would be submitted to OCFA to ensure that fire hydrant placement, water pressure, and availability of fire suppression equipment are adequate for firefighting purposes prior to permit issuance. Therefore, the Project would not conflict with General Plan Wildfire Policy 1.7.</p>
Wildfire Policy 1.8. Cooperate with the California Water Service to make sure that present and future water supply needs are met adequately.	<p>No Conflict. As discussed in Subsection 4.17, <i>Utilities and Service Systems</i>, SMWD is responsible for supplying potable water to the Project site and supplies are available to meet average, single-dry year, and multiple-dry years demands through 2045. Therefore, the Project would not conflict with General Plan Wildfire Policy 1.8.</p>
Wildfire Policy 1.12. Continue to coordinate with the local contracted fire emergency service agency to	<p>No Conflict. As discussed in Subsection 4.13, <i>Public Services</i>, there are adequate levels of fire services within</p>



General Plan Policy	Consistency
determine future emergency needs and required training.	the City and the Project would not result in the need for new or physically altered fire protection facilities. Analysis of fire services was based on consultation with the OCFA. Therefore, the Project would not conflict with General Plan Wildfire Policy 1.12.
<i>Goal 2: Protect the community from hazards related to air pollution, nuclear power production, hazardous materials, ground transportation, and health crises.</i>	
Policy 2.3: Cooperate with responsible federal, state, and County agencies to minimize the risk to the community from the use of transportation of hazardous materials through the City.	No Conflict. As discussed in Subsection 4.8, <i>Hazards and Hazardous Materials</i> , with mandatory regulatory compliance and Mitigation Measure MM 4.8-1, the Project would not pose a significant hazard to the public or the environment through the routine transport, use, storage, emission, or disposal of hazardous materials, nor would the Project increase the potential for accident conditions which could result in the release of hazardous materials into the environment. Therefore, the Project would not conflict with General Plan Policy 2.3.
<i>Goal 3. Protect citizens and businesses from criminal activity.</i>	
Policy 3.1. Coordinate with the Orange County Sheriff's Department to reduce the risk of criminal activity and to increase surveillance.	No Conflict. As discussed in Subsection 4.13, <i>Public Services</i> , there are adequate levels of police protection services within the City and the Project would not result in the need for new or physically altered police protection facilities. Analysis of police protection services was based on consultation with the Orange County Sheriff's Department (OCSD). Additionally, development impact fees will be paid to OCSD to accommodate new demand for police protection services to the Project area. Therefore, the Project would not conflict with General Plan Policy 3.1.
<i>Goal 4: Improve the ability of the City to be prepared for and respond effectively to natural and human-caused emergencies.</i>	
Policy 4.8. Ensure that all new residential projects provide secondary access to the project site per Orange County Fire Authority Requirements. The secondary access may be designated as emergency access only.	No Conflict. The Project would provide required secondary access via extension of Forster Street to the east connecting to Del Obispo Street. Therefore, the Project would not conflict with General Plan Policy 4.8.
Conservation & Open Space Element	
<i>Goal 2: Protect and preserve important ecological and biological resources</i>	
Policy 2.1: Use proper land use planning to reduce the impact of urban development on important ecological and biological resources.	No Conflict. As discussed in Subsection 4.3, <i>Biological Resources</i> , the Project site does not contain special-status plant or animal species and would not result in indirect effects to biological resources as the Project site is completely surrounded by commercial development. Additionally, the Project site contains no riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by California Department of Fish and Wildlife (CDFW) or



General Plan Policy	Consistency
	<p>U.S. Fish and Wildlife Service (USFWS) and is not located within or adjacent to a State or federally protected wetland. However, the Project has the potential to impact nesting migratory birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF), should habitat removal occur during the nesting season and should nesting birds be present. Mitigation Measure MM 4.3-1 would be implemented to ensure impacts to nesting birds would be less than significant. The Project would result in the removal of 17 trees subject to the City's review under the tree removal permit requirements. Non-heritage trees would be replaced at a ratio of 1:1 and heritage trees would be relocated on-site. With replacement of the trees through the tree removal permit requirements, impacts trees would be less-than significant. Therefore, the Project would not conflict with General Plan Policy 2.1.</p>
<i>Goal 5: Shape and guide development in order to achieve efficient growth and maintain community scale and identity.</i>	
Policy 5.1: Encourage high-quality design in new development and redevelopment to maintain the low-density character of the City.	No Conflict. As discussed in Subsection 4.1, <i>Aesthetics</i> , the Project would be attractive and of quality design, and provide visual interest through varied architectural detailing, including but not limited to building massing, heights, building materials, and decorative features. The maximum building height for the residential buildings is 50 feet while the proposed restaurant building would be 31 feet in height. The maximum building height for the Performing Arts Center is 64 feet. The Project would be required to comply with the Specific Plan's design guidelines. The purpose of the design guidelines is to ensure future development is consistent with the vision and objectives of the Specific Plan. Therefore, the Project would not conflict with General Plan Policy 5.1.
Policy 5.2: Ensure that new development integrates and preserves areas designated for scenic, historic, conservation, or public safety reasons. Policy 5.3: Ensure that no buildings will encroach upon any ridgeline designated for preservation.	No Conflict. As discussed in Subsection 4.1, <i>Aesthetics</i> , implementation of the Project does not have the potential to have a substantial adverse effect on scenic vistas and impacts would be less than significant. The major north-south roadways in the City provide view corridors and include views of the hills to the north, west and south, which are designated "major ridgelines" in the City's General Plan. Distant views of these hills are afforded from locations throughout the Project site, including from Ortega Highway, Camino Capistrano and Del Obispo. As shown in Figures 4.1-1 through Figure 4.1-2, the Project site currently provides limited views of surrounding hills and ridgelines, which are



General Plan Policy	Consistency
	<p>largely obscured by surrounding buildings, trees, and vegetation. Although the Project would result in the development of the site with the proposed buildings and Performing Arts Center, due to the orientation and height of the proposed buildings, the on-site structures would not substantially block the partial views to these landforms. The partial views to these natural landforms would still be publicly available from the surrounding rights-of-way following the development of the Project site.</p> <p>As discussed in Subsection 4.4, <i>Cultural Resources</i>, the Project will not cause direct impacts to historical resources. The Project's increased building heights and density would cause limited visual impacts on nearby historical resources in the vicinity of the resources in San Juan Capistrano's historic core. Many of the resources in the area do not have viewsheds that are identified as character-defining and the setting aspect of integrity for these properties has changed through time as the area has evolved through phases of development. All existing NRHP, CRHR, and IHCL listed buildings in the immediate vicinity of the Project will retain integrity such that they qualify for continued recognition and listing on these local, state, and national registers. Impacts to built historical resources are less-than-significant under CEQA Guidelines §15064.5. Therefore, the Project would not conflict with General Plan Policies 5.2 and 5.3.</p>
<i>Goal 6: Improve air quality.</i>	
Policy 6.1: Cooperate with the South Coast Air Quality Management District and Southern California Association of Governments in their efforts to implement the regional Air Quality Management Plan.	No Conflict. As discussed in Subsection 4.2, <i>Air Quality</i> , the Project would not exceed South Coast Air Quality Management District's (South Coast AQMD) regional thresholds of significance during construction and operation. The Project would not emit air pollutants that would contribute to a delay in the attainment of federal and State ozone standards in the SCAB. As such, the Project would not conflict with or obstruct implementation of the AQMP, and impacts would be less than significant. Therefore, the Project would not conflict with General Plan Policy 6.1.
Policy 6.4: Achieve a greater balance between jobs and housing in San Juan Capistrano.	No Conflict. As discussed in Subsection 4.12, <i>Population and Housing</i> , the City currently has a job-housing ratio of 1.37. Implementation of the Project would provide new housing and business opportunities within the City and result in a job-housing ratio of 1.29, which is consistent with the SCAG's anticipated growth



General Plan Policy	Consistency
	projection for the City with a job-housing ratio of 1.84 by 2050. Therefore, the Project would not conflict with General Plan Policy 6.4.
Policy 6.6: Promote energy conservation and recycling by the public and private sectors.	No Conflict. As discussed in Subsection 4.5, <i>Energy</i> , Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy evidenced by compliance with applicable 2022 Title 24 Standards. Additionally, as discussed in Subsection 4.17, <i>Utilities and Service Systems</i> , the proposed Project would be required to coordinate with CR&R, the waste hauler, to develop collection of recyclable material for the Project on a common schedule in accordance with local and State programs, including AB 341. Therefore, the Project would not conflict with General Plan Policy 6.6.
<i>Goal 7: Protect water quality.</i>	
Policy 7.1: Coordinate water quality and supply programs with the responsible water agencies.	No Conflict. As discussed in Subsection 4.9, <i>Hydrology and Water Quality</i> , through compliance with the NPDES permits and the implementation of the required SWPPP during construction activities and the implementation of BMPs from the Project-specific WQMP during long-term operation, the Project would result in less than significant surface water and groundwater quality impacts and would not violate any water quality standards. Moreover, as discussed in Subsection 4.17, <i>Utilities and Service Systems</i> , there are sufficient water supplies available to serve the Project during average, single dry, and multiple dry years. Therefore, the Project would not conflict with General Plan Policy 7.1.
Policy 7.3: Conserve and protect watershed areas.	No Conflict. As discussed in Subsection 4.9, <i>Hydrology and Water Quality</i> , the Project would neither substantially deplete groundwater supplies nor interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table levels. Additionally, the Project has no potential to conflict with any water quality control plans or sustainable groundwater management plans. Therefore, the Project would not conflict with General Plan Policy 7.3.
Noise Element	
<i>Goal 1: Utilize noise/land use computability standards as a guide for future planning and development decisions.</i>	
Policy 1.2: Provide noise control measures and sound attenuating construction in areas of new construction or rehabilitation.	No Conflict. As discussed in Subsection 4.11, <i>Noise</i> , Mitigation Measure MM 4.11-1, which requires 25-foot buffer setback and the use of small rubber-tired or alternative equipment to reduce vibration effects on nearby structures and their occupants, would ensure that



General Plan Policy	Consistency
	Project construction vibration levels do not exceed the 0.25 PPV (in/sec) construction vibration threshold. Therefore, the Project would not conflict with General Plan Policy 1.2.
<i>Goal 2: Minimize transportation-related noise impacts.</i>	
Policy 2.1: Reduce transportation-related noise impacts to sensitive land uses through the use of noise control measures.	No Conflict. As discussed in Subsection 4.11, <i>Noise</i> , land uses adjacent to the study area roadway segments would not experience substantial noise level increases due to Project-related traffic noise level increases and off-site traffic related noise impacts are less than significant. Therefore, the Project would not conflict with General Plan Policy 2.1.
<i>Goal 3: Minimize non-transportation-related noise impacts.</i>	
Policy 3.1: Reduce the impacts of noise-producing land uses and activities on noise-sensitive land uses.	No Conflict. As discussed in Subsection 4.11, <i>Noise</i> , operational noise levels associated with the Project will be less than the City of San Juan Capistrano's 65 dBA L_{eq} daytime, evening, and nighttime exterior noise level standards at the nearest receiver locations. Therefore, the Project would not conflict with General Plan Policy 3.1.
Cultural Resources Element	
<i>Goal 1: Preserve and protect historical, archaeological, and paleontological resources.</i>	
Policy 1.1: Balance the benefits of development with the project's potential impacts to existing cultural resources.	No Conflict. As discussed in Subsection 4.4, <i>Cultural Resources</i> , impacts to historical resources would be less than significant. Mitigation Measure MM 4.4-1 would ensure the proper identification and subsequent treatment of archaeological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. However, due to the high sensitivity of resources on site and the potential for those resources to be historically significant, disturbance of those resources would be significant and unavoidable. Mitigation Measure 4.4-1 would reduce impacts to the extent feasible. Therefore, the Project would not conflict with General Plan Policy 1.1.
Policy 1.2: Identify, designate, and protect buildings and sites of historic importance.	No Conflict. As discussed in Subsection 4.4, <i>Cultural Resources</i> , the Project would not cause direct impacts to historical resources, including buildings and sites of historic importance. It would cause limited visual impacts on nearby historical resources due to increased building heights and density in the vicinity of the resources in San Juan Capistrano's historic core; however, many of the resources in the area do not have viewsheds that are identified as character-defining and the setting aspect of integrity for these properties has changed through time as the area has evolved through



General Plan Policy	Consistency
	phases of development. All existing NRHP, CRHR, and IHCL listed buildings in the immediate vicinity of the Project will retain integrity such that they qualify for continued recognition and listing on these local, state, and national registers. Impacts to historic buildings are less-than-significant under CEQA Guidelines §15064.5. Therefore, the Project would not conflict with General Plan Policy 1.2.
Community Design Element	
<i>Goal 1: Encourage and preserve a sense of place.</i>	
Policy 1.2: Encourage high-quality and human scale design in development to maintain the character of the City.	No Conflict. As discussed in Subsection 4.1, <i>Aesthetics</i> , the Project would be required to comply with the Specific Plan's design guidelines which to express the desired character of the Specific Plan, ensure a consistent level of quality, accommodate emerging architectural and product trends, and support green building practices. Accordingly, through implementation of the Specific Plan Development Standards and Design Guidelines, the design and appearance of the Project would ensure that the Project is aesthetically pleasing and would maintain the character of the City. Therefore, the Project would not conflict with General Plan Policy 1.2.
<i>Goal 2: Preserve the historic character of the community.</i>	
Policy 2.1: Encourage development which complements the City's traditional, historic character through site design, architecture, and landscaping.	No Conflict. As discussed in Section 3.0, <i>Project Description</i> , design of development in accordance with the Specific Plan would reinforce and enhance the City's downtown as one of the primary focal points of the community; provide stylistically diverse and creative architectural design solutions which convey a sense of timelessness and elegance; and preserve and incorporate structures which are distinctive due to their age, cultural significance, or unique architectural style into the Project. Therefore, the Project would not conflict with General Plan Policy 2.1.
<i>Goal 3: Preserve and enhance natural features.</i>	
Policy 3.4: Preserve important viewsheds.	No Conflict. As discussed in Subsection 4.1, <i>Aesthetics</i> , the Project site currently provides limited views of surrounding hills and ridgelines, which are largely obscured by surrounding buildings, trees, and vegetation. Although the Project would result in the development of the site with the proposed buildings and Performing Arts Center, due to the orientation and height of the proposed buildings, the on-site structures would not substantially block the partial views to these landforms. The partial views to these natural landforms would still be publicly available from the surrounding



General Plan Policy	Consistency
	rights-of-way following the development of the Project site. As a result, the implementation of the Project does not have the potential to have a substantial adverse effect on scenic vistas and impacts would be less than significant. Therefore, the Project would not conflict with General Plan Policy 3.4.
Growth Management Element	
<i>Goal 1: Coordinate rational and orderly growth that assures the economic and efficient provision of public services and infrastructure to new development.</i>	
Policy 1.1: Continue to implement service standards for public services and infrastructure which provide sufficient services to community residents and business.	No Conflict. As discussed in Subsection 4.13, <i>Public Services</i> , the Project would result in a less than significant impact to public services. There are adequate levels of services within the City and the Project would not result in the need for new or physically altered governmental facilities. Therefore, the Project would not conflict with General Plan Policy 1.1.
Policy 1.3: Monitor growth to ensure that service standards are achieved.	No Conflict. See Project Consistency response to General Plan Policy 1.1. Therefore, the Project would not conflict with General Plan Policy 1.3.
<i>Goal 3: Provide for a balance of jobs and housing through land use planning.</i>	
Policy 3.1: Consider jobs/housing balance in the City and region as a factor in land use decision-making.	No Conflict. See Project Consistency response to General Plan Policy 6.4. The Project will provide new housing and a variety of commercial/retail and restaurant, job opportunities within the downtown area. New commercial/retail spaces are anticipated to strengthen the existing downtown business environment by providing space for new businesses that provide for a greater variety of retail and services to the community. Implementation of the Project would not conflict with the SCAG's anticipated job/housing ratio for the City. Therefore, the Project would not conflict with General Plan Policy 3.1.
Parks and Recreation Element	
<i>Goal 1: Provide, develop, and maintain ample park and recreational facilities that provide a diversity of recreational activities.</i>	
Policy 1.4: Develop and maintain a balanced system of public and private recreational lands, facilities, and programs to meet the needs of the community.	No Conflict. As discussed in Subsection 4.14, <i>Recreation</i> , the City is currently exceeding the required parkland ratio and although the Project would result in an increase in residents, there is adequate park and recreational facilities to accommodate the future residences. Therefore, the Project would not conflict with General Plan Policy 1.4.
Policy 1.5: Operate and maintain public park and recreational facilities in a manner that ensures safe and convenient access for all members of the community.	No Conflict. Implementation of the Project would designate the Historic Town Center Park, the Blas Aguilar Adobe, and the future Performing Arts Center as Specialty Park. Access to the Historic Town Center Park and the Aguilar Adobe is currently provided at El



General Plan Policy	Consistency
	Camino Real. Implementation of the Project would not restrict access to the public park or the Adobe and pedestrian connections would remain. Therefore, the Project would not conflict with General Plan Policy 1.5.
Public Services and Utilities Element	
<i>Goal 1: Work with the Orange County Sheriff's Department to provide a sufficient level of law enforcement.</i>	
Policy 1.1: Work closely with the Orange County Sheriff's Department in determining and meeting community needs for law enforcement services and services.	No Conflict. As discussed in Subsection 4.13, <i>Public Services</i> , there are adequate levels of police protection services within the City and the Project would not result in the need for new or physically altered police protection facilities. Analysis of police protection services was based on consultation with the OCSD. Additionally, development impact fees will be paid to OCSD to accommodate new demand for police protection services to the Project area. Therefore, the Project would not conflict with General Plan Policy 1.1.
<i>Goal 2: Work with the Orange County Fire Authority to provide a sufficient level of fire protection.</i>	
Policy 2.1: Work closely with the Orange County Fire Authority in determining and meeting community needs for fire protection services and facilities.	No Conflict. As discussed in Subsection 4.13, <i>Public Services</i> , there are adequate levels of fire services within the City and the Project would not result in the need for new or physically altered fire protection facilities. Analysis of fire services was based on consultation with the OCFA. Therefore, the Project would not conflict with General Plan Policy 2.1.
<i>Goals 3: Work effectively with the Capistrano Unified School District to provide a sufficient level of public education.</i>	
Policy 3.1: Work closely with Capistrano Unified School District in determining and meeting community needs for public education and related activities.	No Conflict. As discussed in Subsection 4.13, <i>Public Services</i> , there are adequate levels of school services within the City. There would be sufficient capacity within the existing schools at Capistrano Unified School District to accommodate the residents generated by the Project. Therefore, the Project would not conflict with General Plan Policy 3.1.
<i>Goal 5: Work with the Orange County Public Library to provide a sufficient level of library facilities and services.</i>	
Policy 5.1: Work closely with the Orange County Public Library in determining and meeting community needs for library facilities and services, including hours of operations.	No Conflict. As discussed in Subsection 4.13, <i>Public Services</i> , there are adequate levels of library services within the City and the Project would not result in the need for new or physically altered library facilities. Analysis of library services was based on consultation with the Orange County Public Library. Therefore, the Project would not conflict with General Plan Policy 5.1.
<i>Goal 6: Provide sufficient levels of water and sewer service.</i>	
Policy 6.1: Provide sufficient levels of water and sewer service to meet the needs of the community.	No Conflict. As discussed in Subsection 4.17, <i>Utilities and Service Systems</i> , SMWD is responsible for supplying potable water to the Project site and supplies are efficient to meet average, single-dry year, and multiple-dry years demands through 2045.



General Plan Policy	Consistency
	Additionally, sufficient wastewater treatment capacity is available to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, the Project is consistent with General Policy 6.1.
<i>Goal 7: Work effectively with providers of natural gas, electricity, telephone, cable television and solid waste disposal to provide sufficient levels of these services.</i>	
Policy 7.1: Work closely with providers of energy, communications and solid waste disposal in determining and meeting the needs of the community for energy, communications and solid waste disposal.	No Conflict. As discussed in Subsection 4.17, <i>Utilities and Service Systems</i> , electricity will be provided by San Diego Gas & Electric and solid waste, recycling, and green waste generated by development will be serviced by CR&R Environmental Services. There is adequate daily surplus capacity at the receiving landfill and development of the Project would not significantly affect current operations or the expected lifetime of the landfill serving the Project area. Communication services, including wired and wireless telephone and internet services are available through numerous private providers within the City and will be extended to the Project site on an as-needed basis. Therefore, the Project is consistent with General Policy 7.1.
Policy 7.2: Encourage energy efficient development.	No Conflict. The Project would comply with the energy conservation and green building requirements outlined in Title 24 Part 6 and Part 11, respectively. The Project would also comply with San Juan Capistrano Municipal Code Section 6-3.08, which requires that construction and demolition projects in the City divert at least 65 percent of construction material from landfills. Therefore, the Project is consistent with General Policy 7.2.
Floodplain Management Element	
<i>Goal 1: Protect life and property from floodwaters.</i>	
Policy 1.1: Limit development with the floodplain to minimize risks to life and property and satisfy the flood insurance and other requirements of the Federal Emergency Management Agency (FEMA).	No Conflict. As discussed in Subsection 4.9, <i>Hydrology and Water Quality</i> , the Project site is not located within a floodplain. A small portion of the northeastern corner of the Project site is designed as Zone X, which is defined as areas of 1% annual chance flood with average depth less than one foot or within drainage areas of less than one square mile. Therefore, the Project would Limit development with the floodplain to minimize risks to life and property and would be consistent with General Plan Policy 1.1.
Environmental Justice Element	



General Plan Policy	Consistency
<i>Goal 1: Promote land use and development patterns that reduce air pollution exposure and improve respiratory health for residents of the Community of Focus¹.</i>	
Policy 1.1: Partner with the South Coast Air Quality Management District to monitor local air quality and identify main pollution sources.	No Conflict. As discussed in Subsection 4.2, <i>Air Quality</i> , the Project would not exceed South Coast AQMD regional or localized thresholds of significance during construction and operation. Therefore, the Project would not conflict with General Plan Policy 1.1.
Policy 1.4: Encourage project proponents to prepare health risk assessments in accordance with California Air Resources Board and South Coast Air Quality Management District recommended procedures if new construction is proposed within 500 feet of the freeway.	No Conflict. As discussed in Subsection 4.2, <i>Air Quality</i> , Urban Crossroads prepared the Health Risk Assessment for the Project, which is appended to this EIR as <i>Technical Appendix B2</i> . Therefore, the Project would not conflict with General Plan Policy 1.4.
<i>Goal 3: Equitably distribute and maintain public infrastructure, facilities, and services.</i>	
Policy 3.2: Ensure public services are delivered to the Community of Focus in an efficient and equitable manner.	No Conflict. As discussed in Subsection 4.13, <i>Public Services</i> , the Project would result in a less than significant impact to public services. There are adequate levels of services within the City and the Project would not result in the need for new or physically altered governmental facilities. Therefore, the Project would not conflict with General Plan Policy 3.2.
Policy 3.3: Maintain and improve existing facilities and infrastructure located within the Community of Focus.	No Conflict. As discussed in Subsection 4.17, <i>Utilities and Service Systems</i> , the Project would connect to existing infrastructure and would be adequately served by existing water, sewer, solid waste, natural gas, electricity, and telecommunication facilities. Therefore, the Project would not conflict with General Plan Policy 3.3.
<i>Goal 4: Promote safe and equitable access to public facilities.</i>	
Policy 4.4: Where feasible and if funding is available, implement traffic-calming measures, such as speedbumps, roundabouts, and narrower lanes to prevent speeding and increase pedestrian and cyclist safety and comfort.	No Conflict. The Project is designed as a pedestrian-oriented development, with an integrated on-site and off-site pedestrian circulation system. Therefore, the Project would not conflict with General Plan Policy 4.4.
Policy 4.6: Promote a pleasant walking and biking environment by planting drought-tolerant plants and improving stormwater management as part of any street redesign.	No Conflict. As discussed previously, the Project would include pedestrian walkways to provide connections between the two proposed developments, parking areas, City park, building entries, and common/private open spaces. Drought-tolerant landscaping would be provided at the Project site to be consistent with the City's water efficiency landscape ordinance. Therefore, the Project would not conflict with General Plan Policy 4.6.
<i>Goal 15: Prioritize improvements and programs that address the needs of the Community of Focus.</i>	

¹ The Community of Focus encompasses three adjacent census block groups with the highest poverty rates and air pollution risks (based on data from US Environmental Protection Agency's Environmental Justice Screening and Mapping Tool), within the one census tract in the City of San Juan Capistrano with the highest CalEnviroScreen score.



General Plan Policy	Consistency
Policy 15.3: Ensure that future public improvements in the Community of Focus will not produce negative impacts on existing residents, such as increase in pollution exposure, net loss of affordable housing, or displacement of residents.	No Conflict. As discussed in Subsection 4.12, <i>Population and Housing</i> , there are no existing residences onsite and implementation of the Project would not displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere. As discussed in Subsection 4.2, <i>Air Quality</i> , the Project would not exceed South Coast AQMD regional and localized thresholds of significance during construction and operation. The Project would not emit air pollutants that would contribute to a delay in the attainment of federal and State ozone standards in the SCAB. Therefore, the Project would not conflict with General Plan Policy 15.3.
Policy 15.4: Promote equitable distribution of public amenities and services to improve the quality of life in the Community of Focus.	No Conflict. As discussed in Subsection 4.13, <i>Public Services</i> , the Project would result in a less than significant impact to public services. There are adequate levels of services within the City and the Project would not result in the need for new or physically altered governmental facilities. Therefore, the Project would not conflict with General Plan Policy 15.4.

2. City of San Juan Capistrano Zoning Ordinance

As discussed previously, the City of San Juan Capistrano Zoning Ordinance is contained within Title 9, Chapter 3 of the City's Municipal Code and establishes specific standards for the use and development of all properties within the City by regulating land uses, development intensity, including limits on building setbacks, landscaping standards, and building heights. The Project Applicant proposes a Code Amendment and rezoning of the Project site as "Specific Plan. The Code Amendment would expand the Originally Adopted El Camino Specific Plan (1.68-acre) to a 7.3-acre Specific Plan Area located between 26874 Old Mission Road and 31882 Camino Capistrano and rezoning would change the zoning designation of the three privately-owned and five City-owned parcels that are proposed to be added to the Specific Plan to Specific Plan/Precise Plan. The Code Amendment and rezoning would allow for the Project to be developed in accordance with Section 2, Land Use and Development Standards/Regulations, of the Specific Plan, which would constitute the zoning regulations applicable to any future development within the Project site. The City's approval and implementation of Code Amendment and rezoning would ensure that the Project would not conflict with the proposed zoning regulations identified in the Specific Plan. Based on the foregoing, the Project would have a less-than-significant impact with respect to a conflict with the City of San Juan Capistrano Zoning Ordinance.

3. Connect SoCal

SCAG's 2020 Connect SoCal is the applicable SCAG planning document that applies to the Project. Connect SoCal identifies voluntary best practices to approach growth and infrastructure challenges in



an integrated and comprehensive way. The Connect SoCal goals are meant to provide guidance for considering proposed project for municipalities throughout the SCAG jurisdictional area within the context of regional goals and policies. As shown in Table 4.10-2, *SCAG Connect SoCal Consistency Analysis*, implementation of the Project would not conflict with the adopted Connect SoCal.

Table 4.10-2 SCAG Connect SoCal Consistency Analysis

Connect SoCal Goal Number	Goal Statement	Consistency
1	Encourage regional economic prosperity and global competitiveness.	No Conflict. This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive local and regional planning efforts. The Project Applicant proposes to develop the Project site with a mix of residential, commercial, restaurant, and performing arts center uses. The Project would assist the City to meet its economic goal for fiscal strength and stability through business investment and employment generation. New job opportunities generated by the Project would improve the jobs to housing balance within the City (see Subsection 4.12, <i>Population and Housing</i>). Accordingly, the Project would not impede the economic development in the City of San Juan Capistrano or the region.
2	Improve mobility, accessibility, reliability, and travel safety for people and goods.	No Conflict. I-5 is located approximately 0.1 mile to the east of the Project site. The vehicular and pedestrian improvements called for in the Project would be implemented and maintained to meet the needs of employees and patrons. Improvements are expected to increase pedestrian connectivity and visual experience; increase cyclist safety; and enhance site access. Project implementation would ensure that mobility, accessibility, travel safety, and reliability for people and goods would be maximized.
3	Enhance the preservation, security, and resilience of the regional transportation system.	No Conflict. This policy would be implemented by cities and the counties within the SCAG region as part of the overall planning and maintenance of the regional transportation system. Additionally, this policy provides guidance to City staff to monitor the transportation network and to continue to coordinate with other agencies as appropriate. The implementation of the Project would have no adverse effect on such planning or maintenance efforts.
4	Increase person and goods movement and travel choices within the transportation system.	No Conflict. Project implementation would lead to the development of an improved vehicular and pedestrian circulation system throughout the Project site and its surroundings. Existing and proposed improvements to the nonvehicular modes of transportation (e.g., sidewalks) would provide convenient, efficient, and



Connect SoCal Goal Number	Goal Statement	Consistency
		safe access to uses within the Project site as well as to offsite destinations while encouraging opportunities for active transportation. Due to the Project's close proximity to the existing bicycle lanes and major public transportation facilities (San Juan Capistrano Train Station and bus stop facilities), residents, employees and visitors would have multiple travel choices to access the Project site.
5	Reduce greenhouse gas emissions and improve air quality.	No Conflict. An analysis of the Project's environmental impacts is provided throughout this EIR and mitigation measures are specified where warranted. Air quality and greenhouse gas emissions are addressed in Subsection 4.2, <i>Air Quality</i> and Subsection 4.7, <i>Greenhouse Gas Emissions</i> , of this EIR, respectively. As discussed in Subsection 4.2, <i>Air Quality</i> , the Project would not exceed South Coast AQMD regional thresholds of significance during construction and operation. Moreover, as discussed in Subsection, 4.7, <i>Greenhouse Gas Emissions</i> , the Project would not exceed the screening threshold of 3,000 MTCO ₂ e/yr.
6	Support healthy and equitable communities.	No Conflict. The Project would support healthy and equitable communities by developing a pedestrian-oriented mixed used environment that is complementary of the existing adjoining downtown uses. Refer also to Connect SoCal Goal 5.
7	Adapt to a changing climate and support an integrated regional development pattern and transportation network.	No Conflict. The Project involves the redevelopment of the Project site with restaurant, retail, and residential uses. The Project would introduce both residents and employment opportunities to the City's local workforce. Co-locating jobs near housing would reduce greenhouse gas emissions caused by long commutes and contributes to integrated development patterns.
9	Encourage development of diverse housing types in areas that are supported by multiple transportation options.	No Conflict. The Project site is located within close proximity to existing bicycle facilities along Camino Capistrano and major public transportation facilities, including the San Juan Capistrano Train Station and Orange County Transit Authority bus stop facilities. Implementation of the Project would provide a total of 95 dwelling units with a range of unit types and sizes. Therefore, housing developed under the Project would be served by multiple transportation options.
10	Promote conservation of natural and agricultural lands and restoration of habitats.	No Conflict. The Project site is not designated as agricultural land and is nearly completely paved or covered with an existing building with exception for decorative landscaping and the Historic Town Center



Connect SoCal Goal Number	Goal Statement	Consistency
		Park area. Therefore, the Project would not result in the conversion of natural or agricultural land.

On April 4, 2024, SCAG's Regional Council adopted the 2024-2050 Connect SoCal. Table 4.10-3, *SCAG 2024-2050 Connect SoCal Consistency Analysis*, provides an analysis of applicable policies with the 2024-2050 Connect SoCal. As shown, the Project would not conflict with the applicable policies. Accordingly, the Project would have a less-than-significant impact with respect to a conflict with the SCAG's Connect SoCal.

Table 4.10-3 SCAG 2024-2050 Connect SoCal Consistency Analysis

Regional Planning Policies	Project Consistency
<i>Complete Streets</i>	
03. Pursue the development of Complete Streets that comprise a safe, multimodal network with flexible use of public rights-of-way for people of all ages and abilities using a variety of modes (e.g., people walking, biking, rolling, driving, taking transit)	No Conflict. As shown in Figure 3-6, <i>Proposed Circulation Plan</i> , the Project is designed as a pedestrian-oriented development and would feature an integrated on-site and off-site pedestrian circulation system that enhances connectivity. Sidewalks at the Forster Street extension would connect to existing sidewalks on Camino Capistrano and Del Obispo Street. Off-site pedestrian walkways are provided along Old Mission Road and El Camino Real. Americans with Disabilities Act (ADA) compliant access pathways both on and offsite will be provided throughout the Project site. Additionally, the Project is located within close proximity to public transit and bike lanes. The nearest bus stop location currently exists along the west side of Camino Capistrano between Ortega Highway and Del Obispo Street and Class III Bicycle routes currently exist along Camino Capistrano. Therefore, The Project would promote a safe, multimodal network with flexible use of public rights-of-way for people of all ages and abilities using a variety of modes.
<i>Transit and Multimodal Integration</i>	
07. Encourage and support the implementation of projects, both physical and digital, that facilitate multimodal connectivity, prioritize transit and shared mobility, and result in improved mobility, accessibility and safety	No Conflict. As discussed above, the Project site is located within close proximity to existing bicycle facilities along Camino Capistrano and major public transportation facilities, including the San Juan Capistrano Train Station and Orange County Transit Authority bus stop facilities. Sidewalks would connect to existing streets and ADA complaint pathways would be provided throughout the site. Therefore, the Project would facilitate multimodal connectivity, prioritize transit and shared mobility, and result in improved mobility, accessibility and safety.



Regional Planning Policies	Project Consistency
09. Encourage residential and employment development in areas surrounding existing and planned transit/rail stations	No Conflict. The Project consists of a mixed use development with housing and commercial uses near the existing public transportation facilities. There are five bus stops and the San Juan Capistrano Amtrak Station located in the immediate vicinity of the Project site which could be utilized by residents and visitors. Therefore, the Project would encourage residential and employment development in areas surrounding existing and planned transit/rail stations.
Communities	
Priority Development Areas	
32. Promote the growth of origins and destinations, with a focus on future housing and population growth, in areas with existing and planned urban infrastructure that includes transit and utilities	No Conflict. See Project Consistency response to Policy 9. Implementation of the Project includes a restaurant building, fitness center, 95-unit apartment building, and Performing Arts Center, which will result in housing and population growth. The Project site is located within close proximity to existing transit and is served with existing utilities systems. Therefore, the Project would promote the growth of origins and destinations, with a focus on future housing and population growth, in areas with existing and planned urban infrastructure that includes transit and utilities.
33. Promote the growth of origins and destinations, in areas with a proclivity toward multimodal options like transit and active transportation, to reduce single occupant vehicle (SOV) dependency and vehicle miles traveled	No Conflict. As discussed in Subsection 4.15, <i>Transportation</i> , the Project site is located in a Transit Priority Area (TPA) as it is within a one-half mile radius from the San Juan Capistrano train station. Additionally, the Project would meet the transit screening criteria and VMT impacts would be less than significant. Therefore, the Project would promote the growth of origins and destinations, in areas with a proclivity toward multimodal options like transit and active transportation, to reduce single occupant vehicle (SOV) dependency and vehicle miles traveled.
Housing the Region	
35. Encourage housing development in areas with access to important resources and amenities (economic, educational, health, social and similar) to further fair housing access and equity across the region	No Conflict. The Project would include the development of 95 dwelling units in the City's historic downtown area within close proximity to commercial uses. Additionally, Project's resident will be adjacent to the proposed Performing Arts Center. Therefore, the Project would encourage housing development in areas with access to important resources and amenities (economic, educational, health, social and similar) to further fair housing access and equity across the region.
36. Encourage housing development in transit-supportive and walkable areas to create more interconnected and resilient communities	No Conflict. See Project Consistency response to Policy 9. The Project consists of a mixed uses development within a TPA. Therefore, the Project



Regional Planning Policies	Project Consistency
	would encourage housing development in transit-supportive and walkable areas to create more interconnected and resilient communities.
15-Minute Communities	
42. Promote 15-minute communities as places with a mix of complementary land uses and accessible mobility options that align with and support the diversity of places (or communities) across the region. These are communities where residents can either access their most basic, day-to-day needs within a 15-minute walk, bike ride or roll from their home or as places that result in fewer and shorter trips because of the proximity of complementary land uses	No Conflict. The Project consists of a mixed used development with commercial and residential uses. Additionally, the previously approved El Camino Specific Plan to the north of the Project site consisted of a development of 27,457 sf of commercial uses and a four-story parking structure with a 2,607 sf retail spaces. Therefore, the Project would promote 15-minute communities as places with a mix of complementary land uses and accessible mobility options that align with and support the diversity of places (or communities) across the region.
Environment	
Sustainable Development	
48. Promote sustainable development and best practices that enhance resource conservation, reduce resource consumption and promote resilience	No Conflict. As presented in EIR Subsection 4.5, <i>Energy</i> , the Project would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the California Title 24 energy efficiency standards. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced energy efficiency standards, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. With mandatory compliance with applicable federal and State regulations and requirements, including the provisions of the Title 24 Building Energy Standards, Project construction and operation would not result in the inefficient, wasteful, or unnecessary consumption of energy. Therefore, the Project would promote sustainable development and best practices that enhance resource conservation, reduce resource consumption and promote resilience.
Air Quality	
51. Reduce hazardous air pollutants and greenhouse gas emissions and improve air quality throughout the region through planning and implementation efforts	No Conflict. As evaluated herein and in EIR Subsections 4.2, <i>Air Quality</i> , and 4.7, <i>Greenhouse Gas Emissions</i> , impacts would be less than significant and no mitigation measures are required. Therefore, the



Regional Planning Policies	Project Consistency
	Project would not increase result in a significant impact related to hazardous air pollutants and greenhouse gas emissions.

4.10.6 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development in the vicinity of the Project site in the City of San Juan Capistrano. As discussed under Threshold a, the Project would not physically divide an established community because the Project site is developed with the Historic Town Center Park and vacant and developed land and is within a developing portion of the City. Development would occur within an infill area with adjacent available infrastructure. Therefore, the Project would have a less than cumulatively considerable impact with respect to the physical division of an established community.

As discussed under Threshold b, the Project would not conflict with any other aspects of the City's General Plan or any other applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating adverse environmental effects. Cumulative development would also be subject to site-specific environmental and planning reviews that would address consistency with an adopted land use plan, policy, or regulation. Thus, it is expected that the land uses of cumulative projects would be consistent with policies that avoid an environmental effect; therefore, cumulatively considerable impacts from cumulative projects related to policy consistency would be less than significant.

4.10.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Impact. Currently the Project site consist of the Historic Town Center Park, and vacant and developed land. The nearest established residential community to the Project site is 0.19 miles to the south along Avenida Los Amigos and Development would occur within an infill area. The implementation of the Project is not anticipated to physically divide an established community and impacts would be less than significant.

Threshold b: Less than Significant Impact. The Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, including the City of San Juan Capistrano General Plan, Zoning Ordinance, or SCAG's Connect SoCal. Impacts would be less than significant.

4.10.8 MITIGATION

Impacts would be less than significant and mitigation is not required.

4.10.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant and mitigation is not required.



4.11 NOISE

This subsection addresses the environmental issue of noise, including existing noise levels in the Project area and the Project's potential to introduce new or elevated sources of noise. The analysis contained herein incorporates information contained in a technical report prepared by Urban Crossroads titled, "El Camino Specific Plan Amendment Noise and Vibration Analysis", and dated March 18, 2025. The report is included as *Technical Appendix J* to this EIR (Urban Crossroads, 2025). Refer to Section 7.0, *References*, for a complete list of reference sources used in the analysis presented in this subsection.

4.11.1 ACOUSTICAL FUNDAMENTALS

A. Noise Definitions

Noise is simply defined as "unwanted sound." Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies which are audible to the human ear. The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal conversation at three feet is roughly at 60 dBA, while loud jet engine noises equate to 110 dBA at approximately 100 feet, which can cause serious discomfort. Another important aspect of noise is the duration of the sound and the way it is described and distributed in time.

B. Noise Descriptors

Environmental noise descriptors are generally based on averages, rather than instantaneous, noise levels. The most used metric is the equivalent level (L_{eq}). Equivalent sound levels are not measured directly but are calculated from sound pressure levels typically measured in A-weighted decibels (dBA). The equivalent sound level (L_{eq}) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period and is commonly used to describe the "average" noise levels within the environment.

Peak hour or average noise levels, while useful, do not completely describe a given noise environment. Noise levels lower than peak hour may be disturbing if they occur during times when quiet is most desirable, namely evening and nighttime (sleeping) hours. To account for this, the Community Noise Equivalent Level (CNEL), representing a composite 24-hour noise level is utilized. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. The time-of-day corrections require the addition of 5 decibels to dBA L_{eq} sound levels in the evening from 7:00 p.m. to 10:00 p.m., and the addition of 10 decibels to dBA L_{eq} sound levels at night between 10:00 p.m. and 7:00 a.m. These additions are made to account for the noise sensitive time periods during the evening and night hours when noise can become more intrusive. CNEL does not represent the actual sound level heard at any time, but rather represents the total sound exposure. The



City of San Juan Capistrano relies on the 24-hour CNEL level to assess land use compatibility with transportation related noise sources.

C. Sound Propagation

When sound propagates over a distance, it changes in level and frequency content. The manner in which noise reduces with distance depends on geometric spreading, ground absorption, atmospheric effects, and shielding.

1. *Geometric Spreading*

Sound from a localized source (i.e., a stationary point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source.

2. *Ground Absorption*

The propagation path of noise from a highway to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective wave canceling adds to the attenuation associated with geometric spreading. Traditionally, the excess attenuation has also been expressed in terms of attenuation per doubling of distance. This approximation is usually sufficiently accurate for distances of less than 200 ft. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver such as soft dirt, grass, or scattered bushes and trees), an excess ground attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the cylindrical spreading, the excess ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance from a line source.

3. *Atmospheric Effects*

Receivers located downwind from a source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Sound levels can be increased at large distances (e.g., more than 500 feet) due to atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors such as air temperature, humidity, and turbulence can also have significant effects.

4. *Shielding*

A large object or barrier in the path between a noise source and a receiver can substantially attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Shielding by trees and other such vegetation



typically only has an “out of sight, out of mind” effect. That is, the perception of noise impact tends to decrease when vegetation blocks the line-of-sight to nearby residents. However, for vegetation to provide a substantial, or even noticeable, noise reduction, the vegetation area must be at least 15 feet in height, 100 feet wide and dense enough to completely obstruct the line-of-sight between the source and the receiver. This size of vegetation may provide up to 5 dBA of noise reduction. The Federal Highway Administration (FHWA) does not consider the planting of vegetation to be a noise abatement measure.

D. Land Use Compatibility with Noise

Some land uses are more tolerant of noise than others. For example, schools, hospitals, churches, and residences are more sensitive to noise intrusion than are commercial or industrial developments and related activities. As ambient noise levels affect the perceived amenity or livability of a development, so too can the mismanagement of noise impacts impair the economic health and growth potential of a community by reducing the area’s desirability as a place to live, shop and work. For this reason, land use compatibility with the noise environment is an important consideration in the planning and design process. The FHWA encourages State and Local government to regulate land development in such a way that noise-sensitive land uses are either prohibited from being located adjacent to a highway, or that the developments are planned, designed, and constructed in such a way that noise impacts are minimized.

E. Vibration

Vibration is the periodic oscillation of a medium or object. The rumbling sound caused by the vibration of room surfaces is called structure-borne noise. Sources of ground-borne vibrations include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground-borne vibrations may be described by amplitude and frequency.

The background vibration-velocity level in residential areas is generally 50 VdB. Ground-borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground-borne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

4.11.2 EXISTING CONDITIONS

A. Ambient Noise Conditions

Urban Crossroads recorded 24-hour noise readings at six (6) locations in the Project area on November 30, 2023. The noise measurement locations are identified in Figure 4.11-1, *Ambient Noise*

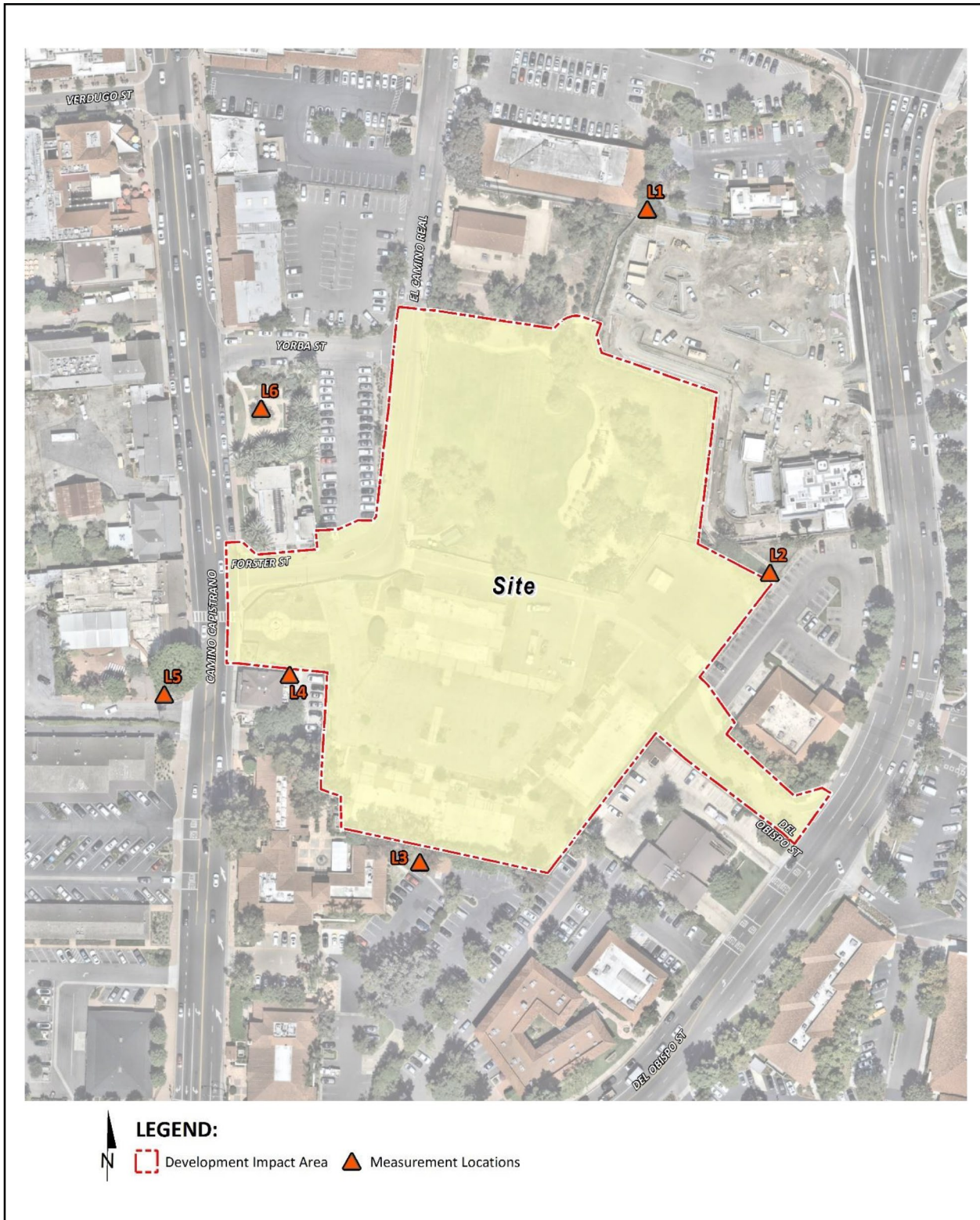


Measurement Locations. The results of the existing noise level measurements are summarized below. Noise measurement worksheets for the hourly noise levels and the minimum and maximum observed noise levels at each measurement location are provided in the Noise Analysis (*Technical Appendix J* of this EIR).

- Location L1 represents the noise levels located north of the site near the Camino Real Playhouse building at 31776 El Camino Real. The noise level measurements collected show an average daytime noise level calculated to be 60.7 dBA L_{eq} , an average evening noise level calculated to be 56.7 dBA L_{eq} , and an average nighttime noise level calculated to be 54.5 dBA L_{eq} at location L1.
- Location L2 represents the noise levels located east of the site boundary in the parking lot near 31791 Del Obispo St. The noise level measurements collected show an average daytime noise level calculated to be 63.0 dBA L_{eq} , an average evening noise level calculated to be 61.0 dBA L_{eq} , and an average nighttime noise level calculated to be 59.9 dBA L_{eq} at location L4.
- Location L3 represents the noise levels located south of the site near the Mercado Village building at 31952 Camino Capistrano. The noise level measurements collected show an average daytime noise level calculated to be 57.4 dBA L_{eq} , an average evening noise level calculated to be 55.3 dBA L_{eq} , and an average nighttime noise level calculated to be 54.3 dBA L_{eq} at location L4.
- Location L4 represents the noise levels located west of the site near the Egan House at 31892 Camino Capistrano. The noise level measurements collected show an average daytime noise level calculated to be 60.0 dBA L_{eq} , an average evening noise level calculated to be 56.8 dBA L_{eq} , and an average nighttime noise level calculated to be 58.6 dBA L_{eq} at location L4.
- Location L5 represents the noise levels located west of the site near the El Adobe restaurant building at 31891 Camino Capistrano. The noise level measurements collected show an average daytime noise level calculated to be 63.5 dBA L_{eq} , an average evening noise level calculated to be 63.4 dBA L_{eq} , and an average nighttime noise level calculated to be 59.9 dBA L_{eq} at location L5.
- Location L6 represents the noise levels located west of the site within the Veterans Park. The noise level measurements collected show an average daytime noise level calculated to be 61.6 dBA L_{eq} , an average evening noise level calculated to be 58.0 dBA L_{eq} , and an average nighttime noise level calculated to be 54.8 dBA L_{eq} at location L6.

B. Existing Groundborne Vibration

Based on the nature of the existing uses on the Project site, there are no sources of groundborne vibration on the Project site under existing conditions because no heavy impact machinery is used on the site.



Source(s): Urban Crossroads (12-06-2023)

Figure 4.11-1



Not
to
Scale



Ambient Noise Measurement Locations

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



C. Existing Off-Site Traffic Noise Levels

Table 4.11-1, *Existing Conditions Roadway Noise Levels* presents the Existing Conditions CNEL noise levels along 7 roadway segments, which range from 61.1 to 74.8 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography.

Table 4.11-1 Existing Conditions Roadway Noise Levels

ID	Road	Segment	Receiving Land Use ¹	CNEL at Nearest Receiving Land Use (dBA) ²
1	Old Mission Rd.	e/o ³ Camino Capistrano	Sensitive	61.1
2	Ortega Hwy.	w/o I-5 SB Ramps	Sensitive	73.0
3	Ortega Hwy.	At I-5 Fwy. Overpass	Non-Sensitive	74.8
4	Camino Capistrano	n/o Del Obispo St.	Non-Sensitive	70.0
5	Del Obispo St.	e/o Camino Capistrano	Non-Sensitive	69.8
6	Del Obispo St.	e/o Alipaz St.	Sensitive	71.0
7	Del Obispo St.	w/o Camino Capistrano	Non-Sensitive	71.3

¹ Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.

² The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the nearest receiving land use.

³ Refers to the direction of the roadway segment (i.e. e/o = east of, n/o = north of, s/o = south of).

Source: (Urban Crossroads, 2025, Table 5-1)

4.11.3 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to noise. Additionally, no comments related to noise were received during the public scoping period.

4.11.4 REGULATORY FRAMEWORK

A. Federal

1. Noise Control Act of 1972

The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The Act also serves to (1) establish a means for effective coordination of Federal research and activities in noise control; (2) authorize the establishment of Federal noise emission standards for products distributed in commerce; and (3) provide information to the public respecting the noise emission and noise reduction characteristics of such products.

While primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which require national uniformity



of treatment. The Environmental Protection Agency (EPA) is directed by Congress to coordinate the programs of all Federal agencies relating to noise research and noise control.

2. Federal Transit Administration

The Federal Transit Administration (FTA) has published a Noise and Vibration Impact Assessment (NVIA), which provides guidance for preparing and reviewing the noise and vibration sections of environmental documents. In the interest of promoting quality and uniformity in assessments, the manual is used by project sponsors and consultants in performing noise and vibration analyses for inclusion in environmental documents. The manual sets forth the methods and procedures for determining the level of noise and vibration impact resulting from most federally-funded transit projects and for determining what can be done to mitigate such impact. (FTA, 2018, p. 1-1)

According to the FTA, local noise ordinances are typically not very useful in evaluating construction noise. They usually relate to nuisance and hours of allowed activity, and sometimes specify limits in terms of maximum levels, but are generally not practical for assessing the impact of a construction project. Due to the lack of standardized construction noise thresholds, the NVIA provides guidelines that can be considered reasonable criteria for construction noise assessment. The FTA considers a daytime exterior construction noise level of 80 dBA L_{eq} as a reasonable threshold. The threshold takes into account the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land uses. (FTA, 2018, p. 179)

The NVIA also establishes criteria for acceptable ground-borne vibration, which are expressed in terms of root mean square (rms) velocity levels in decibels and the criteria for acceptable ground-borne noise are expressed in terms of A-weighted sound levels. As shown in Table 4.11-2, *Ground-Borne Vibration and Ground-Borne Noise Impact Criteria for General Assessment*, the FTA identifies three categories of land uses and provides Ground-Based Vibration (GBV) and Ground-Based Noise (GBN) criteria for each category of land use. (FTA, 2018, pp. 8-3 and 8-4)

Table 4.11-2 Ground-Borne Vibration and Ground-Borne Noise Impact Criteria for General Assessment

Land Use Category	GBV Impact Levels (VdB re 1 micro-inch/sec)			GBN Impact Levels (dBA re 20 micro Pascals)		
	Frequent Events	Occasional Events	Infrequent Events	Frequent Events	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations.	65 VdB	65 VdB	60 VdB	N/A	N/A	N/A
Category 2: Residences and buildings where people normally sleep.	72 Vdb	75 VdB	80 VdB	35 dBA	38 dBA	43 dBA
Category 3: Institutional land uses	75 VdB	78 VdB	83 VdB	40 dBA	43 dBA	48 dBA



Land Use Category	GBV Impact Levels (VdB re 1 micro-inch/sec)			GBN Impact Levels (dBA re 20 micro Pascals)		
	Frequent Events	Occasional Events	Infrequent Events	Frequent Events	Occasional Events	Infrequent Events
with primary daytime use.						

*This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. For equipment that is more sensitive, a Detailed Vibration Analysis must be performed.

** Vibration-sensitive equipment is generally not sensitive to ground-borne noise; however, the manufacturer's specifications should be reviewed for acoustic and vibration sensitivity.
(FTA, 2018, p. 126)

3. Federal Highway Administration

The Federal Highway Administration (FHWA) is the agency responsible for administering the Federal-aid highway program in accordance with Federal statutes and regulations. The FHWA developed the noise regulations as required by the Federal-Aid Highway Act of 1970 (Public Law 91-605, 84 Stat. 1713). The regulation, 23 CFR 772 *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, applies to highway construction projects where a State department of transportation has requested Federal funding for participation in the project. The regulation requires the highway agency to investigate traffic noise impacts in areas adjacent to federally-aided highways for proposed construction of a highway on a new location or the reconstruction of an existing highway to either significantly change the horizontal or vertical alignment or increase the number of through-traffic lanes. If the highway agency identifies impacts, it must consider abatement. The highway agency must incorporate all feasible and reasonable noise abatement into the project design.

The FHWA regulations for mitigation of highway traffic noise in the planning and design of federally aided highways are contained in Title 23 of the United States Code of Federal Regulations Part 772. The regulations require the following during the planning and design of a highway project:

- Identification of traffic noise impacts;
- Examination of potential mitigation measures;
- The incorporation of reasonable and feasible noise mitigation measures into the highway project; and
- Coordination with local officials to provide helpful information on compatible land use planning and control.

The regulations contain noise abatement criteria, which represent the upper limit of acceptable highway traffic noise for different types of land uses and human activities. The regulations do not require meeting the abatement criteria in every instance. Rather, they require highway agencies make every reasonable and feasible effort to provide noise mitigation when the criteria are approached or exceeded. Compliance with the noise regulations is a prerequisite for the granting of Federal-aid highway funds for construction or reconstruction of a highway.



4. Construction-Related Hearing Conservation

The Occupational Safety and Health Administration (OSHA) hearing conservation program is designed to protect workers with significant occupational noise exposures from hearing impairment even if they are subject to such noise exposures over their entire working lifetimes. Standard 29 CFR, Part 1910 indicates the noise levels under which a hearing conservation program is required to be provided to workers exposed to high noise levels.

B. State

1. Noise Requirements

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city adopt a General Plan that addresses noise, typically in a separate Noise Element but in certain jurisdictions combined with other elements, which is to be addressed per guidelines adopted by the Governor's Office of Planning and Research. The purpose of addressing noise issues in an adopted General Plan is to "*limit the exposure of the community to excessive noise levels.*" In addition, the California Environmental Quality Act (CEQA) requires that all known environmental effects of a project be analyzed, including noise impacts.

2. California Assembly Bill (AB) 2496

AB 2496 Vehicles: Exhaust Systems requires a court to require a certificate of compliance for a violation of the noise limit requirements mentioned for mufflers or exhaust systems for specified vehicles. The bill requires the court to utilize notification procedures and if a certificate of compliance is not provided to the court within three months of the violation date, the bill requires the court to treat this failure as noncompliance and inform the Department of Motor Vehicles.

This bill would also require stations providing referee functions to provide for the testing of exhaust systems of motor vehicles and the issuance of certificates of compliance for vehicles that have received a citation for installing, operating, or engaging in the business of installing a whistle-tip onto a vehicle's exhaust system and for motorcycles that have received a citation for the violations mentioned above.

3. California Senate Bill (SB) 1079

SB 1079 Vehicles: sound-activated enforcement devices authorizes local jurisdictions to use sound-activated enforcement devices to capture vehicle noise levels that exceed legal limits. Under California Vehicle Code, exhaust noise is limited to 95 decibels (dbA) for vehicles and 80 dbA for motorcycles. However, vehicle owners can install new exhaust systems or make other vehicle modifications that change the level of sound produced by their vehicle. These illegal modifications are accessible and easily installed at any in-home garage, resulting in much louder noise disruptions than would be allowed by law.



4. Building Standards Code

The State of California's noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, and the California Building Standards Code. These noise standards are applied to new construction in California for the purpose of controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are developed near major transportation noise sources, and where such noise sources create an exterior noise level of 60 dBA CNEL or higher. Acoustical studies that accompany building plans for noise-sensitive land uses must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL. (BSC, n.d.)

5. California Noise Insulation Standards

The California Noise Insulation Standards (CCR Title 25 Section 1092) establish uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 25 specifies that interior noise levels attributable to exterior sources shall not exceed 45 dBA Ldn/CNEL (i.e., the same levels that the EPA recommends for residential interiors) in any habitable room of a new dwelling. An acoustical study must be prepared for proposed multiple unit residential and hotel/motel structures where outdoor Ldn/CNEL is 60 dBA or greater. The study must demonstrate that the design of the building would reduce interior noise to 45 dBA Ldn/CNEL or lower. Because noise levels can increase over time in developing areas, Title 25 also specifies that dwellings are to be designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application. (MLA, n.d.)

C. Local

1. City Noise Standards

The City of San Juan Capistrano has adopted a Noise Element to address noise sources in the community and identify ways to reduce the impacts of these noise sources on the community. The Noise Element contains policies and programs to achieve and maintain noise levels compatible with various types of land uses. In addition, the Noise Element establishes standards and criteria that specify acceptable limits of noise for various land uses throughout the City designed to integrate noise considerations into land use planning to prevent noise/land use conflicts. Table N-3 in the General Plan Noise Element present criteria used to assess the compatibility of proposed land uses within the noise environment. These criteria are the basis for the development of specific noise level standards.

The City of San Juan Capistrano has set restrictions to control noise impacts associated with the construction of the proposed Project. Section 9-3.531[d][4] of the City's Municipal Code states that the following activities shall be exempted from the provisions of this section: *Noise sources associated with construction, repairs, remodeling, or the grading of any real property, except that such activities shall not be exempt from the provisions of this section if conducted from 6:00 p.m. to 7:00 a.m. on*



Monday through Friday, or from 4:30 p.m. to 8:30 a.m. on Saturday, or at any time on Sunday or a national holiday. While the City's Municipal Code exempts construction noise during the noise hours, neither the City's General Plan nor Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers. Thus, the City does not establish guidelines for a quantitative determination of what CEQA constitutes a substantial temporary or periodic noise increase.

Section 9-3.531 – Table 3-29, of the City of San Juan Capistrano Municipal Code outlines the base exterior noise level standards affecting uses within the residential, public and institutional and commercial districts land uses. For the noise sensitive residential, public and institutional land uses, the Municipal Code identifies a noise level standard of 65 dBA L_{eq} , during the daytime hours of 7:00 a.m. to 10:00 p.m., 55 dBA L_{eq} during the evening hours of 7:00 p.m. to 10:00 p.m. and 45 dBA L_{eq} during the nighttime hour of 10:00 p.m. to 7:00 a.m. For commercial uses, the municipal codes identifies a noise level limit of 65 dBA L_{eq} anytime during the day.

The General Plan identifies goals related to noise through its elements. These goals and policies and discussion of the Project's consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.

4.11.5 METHODOLOGY

A. Noise Receiver Locations

To assess the potential for long-term operational and short-term construction noise impacts, the following sensitive receiver locations, shown on Figure 4.11-2, *Noise Receiver Locations*, were identified as representative locations for analysis. Receiver locations are modeled points used to assess impacts. The measurements shown on Figure 4.11-2 are representative of receiver locations, because not all receiver locations are accessible (e.g., located on private property, unable to physically access, etc.) Thus, the receiver locations were chosen to be acoustically representative or similar in nature.

Sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include schools, hospitals, single-family dwellings, mobile home parks, churches, libraries, and recreation areas. Moderately noise-sensitive land uses typically include multi-family dwellings, hotels, motels, dormitories, out-patient clinics, cemeteries, golf courses, country clubs, athletic/tennis clubs, and equestrian clubs. Land uses that are considered relatively insensitive to noise include business, commercial, and professional developments. Land uses that are typically not affected by noise include: industrial, manufacturing, utilities, agriculture, undeveloped land, parking lots, warehousing, liquid and solid waste facilities, salvage yards, and transit terminals.

To describe the potential off-site Project noise levels, nine (9) representative receiver locations in the vicinity of the Project site were identified. Other land uses in the Project study area that are located at greater distances than those identified in this noise study will experience lower noise levels than those



presented in this report due to the additional attenuation from distance and the shielding of intervening structures. Distance is measured in a straight line from the project boundary to each receiver location.

- R1: Location R1 represents the Camino Real Playhouse at 31776 El Camino Real, approximately 139 feet north of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R1 is placed at the building façade. A 24-hour noise measurement was taken near this location, L1, to describe the existing ambient noise environment.
- R2: Location R2 represents the Orange County Fire Authority Station #7 at 31865 Del Obispo Street, approximately 49 feet southeast of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R2 is placed at the building façade. A 24-hour noise measurement was taken near this location, L2, to describe the existing ambient noise environment.
- R3: Location R3 represents the existing Plaza de Prosperidad office building at 31877 Del Obispo Street Capistrano approximately 92 feet south of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R3 is placed at the building façade. A 24-hour noise measurement was taken near this location, L3, to describe the existing ambient noise environment.
- R4: Location R4 represents the existing Mercado Village at 31952 Camino Capistrano approximately 9 feet south of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R4 is placed at the building façade. A 24-hour noise measurement was taken near this location, L3, to describe the existing ambient noise environment.
- R5: Location R5 represents Ellie's Table at the Egan House at 31892 Camino Capistrano, approximately 6 feet south of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R5 is placed at the building façade. A 24-hour noise measurement was taken near this location, L4, to describe the existing ambient noise environment. ambient noise environment.
- R6: Location R6 represents the El Adobe restaurant building at 31891 Camino Capistrano, approximately 84 feet west of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R6 is placed at the building façade. A 24-hour noise measurement was taken near this location, L5, to describe the existing ambient noise environment.
- R7: Location R7 represents the office building at 31866 Forster Street, approximately 10 feet northwest of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R7 is placed at the building façade. A 24-hour noise measurement was taken near this location, L6, to describe the existing ambient noise environment.



- R8: Location R8 represents the commercial retail building at 31812 Camino Capistrano, approximately 122 feet west of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R8 is placed at the building façade. A 24-hour noise measurement was taken near this location, L6, to describe the existing ambient noise environment. ambient noise environment.
- R9: Location R9 represents the Blas Aguilar Adobe Museum at 31806 El Camino Real, approximately 78 feet north of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R9 is placed at the building façade. A 24-hour noise measurement was taken near this location, L1, to describe the existing ambient noise environment. ambient noise environment.

B. Construction Noise

To describe construction noise activities, this construction noise analysis was prepared using reference construction equipment noise levels from the Federal Highway Administration (FHWA) published Roadway Construction Noise Model (RCNM), which includes a national database of construction equipment reference noise emission levels. The RCNM equipment database, provides a comprehensive list of the noise generating characteristics for specific types of construction equipment. In addition, the database provides an acoustical usage factor to estimate the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.

The construction noise analysis evaluates Project construction-related noise levels at the closest nearby receiver locations in the Project area, as shown on Figure 4.11-2, *Noise Receiver Locations*. Using the reference construction equipment noise levels and the CadnaA (Computer Aided Noise Abatement) noise prediction model, calculations of the Project construction noise level impacts at the nearby sensitive receiver locations were completed. To assess a reasonable worst-case construction scenario and account for the dynamic nature of construction activities, the Project construction noise analysis models the equipment combination with the highest reference level as a moving point within the construction area (Project site boundary).



Source(s): Urban Crossroads (12-06-2023)

Figure 4.11-2



Not
to
Scale



Noise Receiver Locations



C. Operational Noise

The operational noise analysis is intended to describe noise level impacts associated with the expected typical of daytime, evening, and nighttime activities at the Project site. The proposed residential development is not expected to include any specific type of operational noise levels beyond the typical noise sources associated with residential land uses in the Project study area. However, to present a conservative approach, on-site Project-only operational noise sources are analyzed in this noise study and are expected to include: roof-top air conditioning units, courtyard activity, pool activity, trash enclosure activity, and parking lot vehicle movements. In addition, it is expected that the Performing Arts Center will include outdoor courtyard activities or crowd noise with guests gathering outside. This will likely take place before an event, during intermission and for a short period of time after the event. To estimate the operational noise impacts, reference noise level measurements were collected from similar types of activities to represent the noise levels expected with the development of the proposed Project. It is important to note that the following projected noise levels assume the reasonable worst-case noise environment with the typical noise sources operating at the same time. These sources of noise activity will likely vary throughout the day.

The reference noise level measurements presented in this section were collected using a Larson Davis LxT Type 1 precision sound level meter (serial number 01146). The LxT sound level meter was calibrated using a Larson-Davis calibrator, Model CAL 200, was programmed in “slow” mode to record noise levels in “A” weighted form and was located at approximately five feet above the ground elevation for each measurement. The sound level meters and microphones were equipped with a windscreen during all measurements. All noise level measurement equipment satisfies the American National Standards Institute (ANSI) standard specifications for sound level meters ANSI S1.4-2014/IEC 61672-1:2013.

D. Transportation Noise

The estimated roadway noise impacts from vehicular traffic were calculated using a computer program that replicates the Federal Highway Administration (FHWA) Traffic Noise Prediction Model- FHWA-RD-77-108. The FHWA Model arrives at a predicted noise level through a series of adjustments to the Reference Energy Mean Emission Level (REMEL). In California, the national REMELs are substituted with the California Vehicle Noise (Calveno) Emission Levels. Subsection 6.1 from the Project’s Noise Impact Analysis (*Technical Appendix J*) present the detailed model inputs for roadway parameters, average daily traffic volumes, vehicle mix, and time of day vehicle splits that were assigned to each of the roadway segments included in the transportation noise analysis.

E. Vibration

Ground-borne vibration levels resulting from typical construction activities occurring within the Project site were estimated by data published by the Federal Transit Administration (FTA).



4.11.6 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XIII of the CEQA Guidelines, the proposed Project would result in a significant impact to noise if the Project or any Project-related component would result in:

- 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;*
- b) *Generation of excessive ground borne vibration or ground borne noise levels;*
- 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.*

A. Noise Level Increases (Threshold A)

Noise level increases resulting from the Project are evaluated based on the Appendix G CEQA Guidelines described above at the closest receiver locations. Under CEQA, consideration must be given to the magnitude of the increase, the existing baseline ambient noise levels, and the location of receivers to determine if a noise increase represents a significant adverse environmental impact. This approach recognizes that there is no single noise increase that renders a noise impact significant. This is primarily because of the wide variation in individual thresholds of annoyance and differing individual experiences with noise. Thus, an important way of determining a person's subjective reaction to a new noise is the comparison of it to the existing environment to which one has adapted—the so-called ambient environment. The ambient noise level is the composite of noise from all sources, excluding the alleged offensive noise. In this context, it represents the normal or existing level of environmental noise at a given location for a specified time of day or night.

1. *Transportation Noise*

In general, the more a new noise level exceeds the previously existing ambient noise level, the less acceptable the new noise level will typically be judged. The Federal Interagency Committee on Noise (FICON) developed guidance to be used for the assessment of project-generated increases in noise levels that consider the ambient noise level. The FICON recommendations are based on studies that relate aircraft noise levels to the percentage of persons highly annoyed by aircraft noise. Although the FICON recommendations were specifically developed to assess aircraft noise impacts, these recommendations are often used in environmental noise impact assessments involving the use of cumulative noise exposure metrics, such as the average-daily noise level (CNEL) and equivalent continuous noise level (L_{eq}).

As previously stated, there is no single noise increase that renders a noise impact significant. For example, if the ambient noise environment is quiet (<60 dBA) and the new noise source greatly



increases the noise levels, an impact may occur if the noise criteria may be exceeded. Therefore, for this analysis, a readily perceptible 5 dBA or greater project-related noise level increase is considered a significant impact when the without project noise levels are below 60 dBA. Per the FICON, in areas where the without project noise levels range from 60 to 65 dBA, a 3 dBA barely perceptible noise level increase is considered a significant impact. When the without project noise levels already exceed 65 dBA, any increase in community noise louder than 1.5 dBA or greater is considered a significant impact if the noise criteria for a given land use is exceeded, since it likely contributes to an existing noise exposure exceedance. The FICON guidance provides an established source of criteria to assess the impacts of substantial temporary or permanent increase in baseline ambient noise levels. Based on the FICON criteria, the amount to which a given noise level increase is considered acceptable is reduced when the without Project (baseline) noise levels are already shown to exceed certain land-use specific exterior noise level criteria. The specific levels are based on typical responses to noise level increases of 5 dBA or readily perceptible, 3 dBA or barely perceptible, and 1.5 dBA depending on the underlying without Project noise levels. These levels of increases and their perceived acceptance are consistent with guidance provided by both the Federal Highway Administration and Caltrans.

2. *Non-Transportation Noise (Substantial Permanent Noise Level Increase)*

The FICON criteria are also used to determine if Project-related stationary source (operational) noise level increases are significant at off-site receiver locations. For non-transportation noise source activities, a substantial permanent noise level increase consists of an increase of 5 dBA (readily perceptible), 3 dBA (barely perceptible), or 1.5 dBA (just perceptible) depending on the underlying ambient noise levels.

3. *Construction Noise (Substantial Temporary Noise Level Increase)*

To control the noise-generating construction activities, the temporary noise level increases over the existing ambient conditions must be considered under CEQA Significance Threshold A. Pursuant to Caltrans Traffic Noise Analysis Protocol, a substantial noise increase occurs when a project's predicted noise level exceeds the existing ambient noise level by 12 dBA or more. The use of 12 dB was established in California many years ago and is based on the concept that a 10 dB increase generally is perceived as a doubling of loudness. Therefore, if the Project-related construction noise levels generate a temporary noise level increase above the existing ambient noise levels of up to 12 dBA Leq, then the Project construction noise level increases will be considered a potentially significant impact.

B. *Vibration (Threshold B)*

Vibration-generating activities are appropriately evaluated using the Caltrans vibration damage thresholds to assess potential temporary construction-related impacts at adjacent building locations with a maximum acceptable continuous vibration threshold of 0.25 PPV(in/sec).

C. *Aircraft/Airport (Threshold C)*

CEQA Noise Threshold C applies when there are nearby public and private airports and/or air strips and focuses on land use compatibility of the Project to nearby airports and airstrips.



D. Summary of Significance Criteria

Table 4.11-3, *Summary of Noise Significance Criteria* shows the significance criteria summary matrix that includes the allowable criteria used to identify potentially significant incremental noise level increases.

Table 4.11-3 Summary of Noise Significance Criteria

Analysis	Condition(s)	Significance Criteria		
		Daytime	Evening	Nighttime
Off-Site Traffic ¹	If ambient is < 60 dBA CNEL	≥ 5 dBA CNEL Project increase		
	If ambient is 60 - 65 dBA CNEL	≥ 3 dBA CNEL Project increase		
	If ambient is > 65 dBA CNEL	≥ 1.5 dBA CNEL Project increase		
Operational	Exterior Noise Level Standards ² – Residential Uses	65 dBA L _{eq}	55 dBA L _{eq}	45 dBA L _{eq}
	Exterior Noise Level Standards ² – Commercial Uses	65 dBA L _{eq}	65 dBA L _{eq}	65 dBA L _{eq}
	If ambient is < 60 dBA Leq ¹	≥ 5 dBA L _{eq} Project increase		
	If ambient is 60 - 65 dBA Leq ¹	≥ 3 dBA L _{eq} Project increase		
	If ambient is > 65 dBA Leq ¹	≥ 1.5 dBA L _{eq} Project increase		
Construction	Exempt from the provisions of noise ordinance except from 6:00 p.m. to 7:00 a.m. on Monday through Friday, or from 4:30 p.m. to 8:30 a.m. on Saturday, or at any time on Sunday or a national holiday ³			
	Noise Level Threshold ⁴	80 dBA L _{eq}		
	Exterior Noise Level Increase	12 dBA L _{eq} ⁵		
	Vibration Level Threshold ⁵	0.25 PPV (in/sec)		

¹ FICON, 1992.

² City of San Juan Capistrano Municipal Code Section 9-3.531 Noise Standards - Table 3-29 (Appendix 3.1).

³ City of San Juan Capistrano Municipal Code Chapter Section 9-3.531[d][4].

⁴ Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual.

⁵ Caltrans substantial noise level increase criteria (Caltrans Traffic Noise Analysis Protocol).

⁶ Caltrans Transportation and Construction Vibration Manual, April 2020 Table 19.

"Daytime" = 7:00 a.m. to 7:00 p.m.; "Evening" = 7:00 p.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

Source: (Urban Crossroads, 2025, Table 4-1)



4.11.7 IMPACT ANALYSIS

Threshold a: *Would the Project generate 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?*

The analysis presented on the following pages summarizes the Project's potential construction noise levels and operational noise levels, including off-site noise that would be generated by Project-related traffic.

A. Construction Noise

Construction activities on the Project site would proceed in five stages: 1) site preparation, 2) grading, 3) building construction, 4) paving, and 5) application of architectural coating. Noise generated by the Project construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels and would cause a short-term increase in ambient noise levels. Table 4.11-4, *Construction Equipment Noise Level Summary*, presents the highest noise level calculated at each receiver location.

Table 4.11-4 Construction Equipment Noise Level Summary

Receiver Location ¹	Construction Noise Levels (dBA L _{eq})					
	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Levels ²
R1	69.0	68.3	65.6	62.9	61.2	69.0
R2	74.1	73.4	70.7	68.0	66.3	74.1
R3	70.6	69.9	67.2	64.5	62.8	70.6
R4	76.2	75.5	72.8	70.1	68.4	76.2
R5	79.0	78.3	75.6	72.9	71.2	79.0
R6	69.8	69.1	66.4	63.7	62.0	69.8
R7	77.7	77.0	74.3	71.6	69.9	77.7
R8	69.6	68.9	66.2	63.5	61.8	69.6
R9	72.1	71.4	68.7	66.0	64.3	72.1

¹ Construction noise source and receiver locations are shown on Figure 4.11-2.

² Construction noise level calculations based on distance from the construction activity, which is measured from the Project site boundary to the nearest receiver locations. CadnaA construction noise model inputs are included in Appendix 10.1 of the Project's Noise and Vibration Analysis (*Technical Appendix J* to the EIR).
Source: (Urban Crossroads, 2025, Table 10-2)

To evaluate whether the Project will generate potentially significant short-term noise levels at nearest receiver locations, a construction-related daytime noise level of 80 dBA L_{eq} is used as the threshold to assess the daytime construction noise level impacts based on the FTA's *Transit Noise and Vibration Impact Assessment Manual*. The threshold takes into account the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land uses. The construction noise analysis shows that the nearest receiver locations will not exceed the



daytime 80 dBA L_{eq} significance threshold during Project construction activities. Because the highest construction related noise level is 79.0 dBA L_{eq} at the nearest sensitive receiver the noise impacts due to Project construction noise are considered less than significant at all receiver locations.

2. Construction Noise Level Increase

To describe the temporary Project construction noise level contributions to the existing ambient noise environment, the Project construction noise levels were combined with the existing *ambient* noise levels measurements at the nearest off-site receiver locations. The difference between the combined Project-construction and ambient noise levels is used to describe the construction noise level contributions. Temporary noise level increases that would be experienced at sensitive receiver locations when Project construction-source noise is added to the ambient daytime conditions. As shown in Table 4.11-5, *Construction Noise Level Increases*, the Project will contribute construction noise level increases ranging from 7.2 to 19.1 dBA L_{eq} during the daytime hours at the closest receiver locations. The construction noise analysis shows that the nearest receiver locations will exceed the Caltrans 12 dBA L_{eq} noise level increase significance threshold during Project construction activities. Therefore, the temporary construction noise level increase analysis shows that the noise impacts due to Project-related construction noise are considered potentially significant.

Table 4.11-5 Construction Noise Level Increases

Receiver Location ¹	Total Project Construction Noise Level ²	Measurement Location ³	Reference Ambient Noise Levels ⁴	Combined Project and Ambient ⁵	Project Increase ⁶	Increase Criteria ⁷	Increase Criteria Exceeded?
R1	69.0	L1	60.7	69.6	8.9	12	No
R2	74.1	L2	63.0	74.4	11.4	12	No
R3	70.6	L3	57.4	70.8	13.4	12	Yes
R4	76.2	L3	57.4	76.3	18.9	12	Yes
R5	79.0	L4	60.0	79.1	19.1	12	Yes
R6	69.8	L5	63.5	70.7	7.2	12	No
R7	77.7	L6	61.6	77.8	16.2	12	Yes
R8	69.6	L6	61.6	70.2	8.6	12	No
R9	72.1	L1	60.7	72.4	11.7	12	No

¹ See Figure 4.11-2 for the receiver locations.

² Highest construction noise levels as shown on Table 4.11-4.

³ Reference noise level measurement locations as shown on Figure 4.11-1.

⁴ Observed daytime ambient noise levels as shown on Section 4.11.2A.

⁵ Represents the combined ambient conditions plus the Project construction activities.

⁶ The noise level increase expected with the addition of the proposed Project construction activities.

⁷ Significance increase criteria as shown on Table 4.11-3.

Source: (Urban Crossroads, 2025, Table 10-4)



B. Operational Noise – Stationary Sources

On-site Project-only operational noise sources are expected to include: roof-top air conditioning units, courtyard activity, pool activity, trash enclosure activity, and parking lot vehicle movements, which also includes outdoor courtyard activities or crowd noise associated with a Performing Arts Center event. To demonstrate compliance with local noise regulations, the Project-only operational noise levels are evaluated against exterior noise level thresholds based on the City of San Juan Capistrano exterior noise level standards at the nearest receiver locations. The daytime, evening, and nighttime Project operational noise levels at nearby sensitive receptor locations are summarized on Table 4.11-6, *Project Daytime, Evening, and Nighttime Operational Noise Levels*. As shown, operational noise levels associated with the Project will be less than the City of San Juan Capistrano's 65 dBA L_{eq} daytime, evening, and nighttime exterior noise level standards at the nearest receiver locations. Therefore, operational noise impacts would be less than significant at the nearest noise-sensitive receiver locations.

Table 4.11-6 Project Daytime, Evening, and Nighttime Operational Noise Levels

Receiver Location ¹	Land Use	Project Operational Noise Levels (dBA Leq) ²			Noise Level Standards (dBA Leq) ³			Noise Level Standards Exceeded? ⁴		
		Daytime	Evening	Nighttime	Daytime	Evening	Nighttime	Daytime	Evening	Nighttime
R1	Commercial	45.9	45.9	43.8	65	65	65	No	No	No
R2	Commercial	49.8	49.8	47.4	65	65	65	No	No	No
R3	Commercial	46.7	46.7	44.5	65	65	65	No	No	No
R4	Commercial	51.3	51.3	48.6	65	65	65	No	No	No
R5	Commercial	58.5	58.5	55.9	65	65	65	No	No	No
R6	Commercial	53.9	53.9	51.2	65	65	65	No	No	No
R7	Commercial	55.6	55.6	53.0	65	65	65	No	No	No
R8	Commercial	47.3	47.3	45.0	65	65	65	No	No	No
R9	Commercial	48.6	48.6	46.3	65	65	65	No	No	No

¹ See Figure 4.11-2 for the receiver locations.

² Proposed Project operational noise levels as shown on Tables 9-2, 9-3 and 9-4 of the Project's Noise and Vibration Analysis (*Technical Appendix J* to the EIR).

³ Exterior noise level standards, as shown on Table 4.11-3.

⁴ Do the estimated Project operational noise source activities exceed the noise level standards?

"Daytime" = 7:00 a.m. to 7:00 p.m.; "Evening" = 7:00 p.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

Source: (Urban Crossroads, 2025, Table 9-5)

To describe the Project operational noise level increases, the Project operational noise levels are combined with the existing ambient noise levels measurements for the nearest receiver locations potentially impacted by Project operational noise sources. The daytime, evening, and nighttime Project operational noise level increases at nearby sensitive receptor locations are summarized on Table 4.11-7, Table 4.11-8, and Table 4.11-9. As shown, the Project will generate daytime operational noise level increases ranging from 0.1 to 2.3 dBA L_{eq} at the nearest receiver locations. The Project will generate an evening operational noise level increase ranging from 0.3 to 4.0 dBA L_{eq} at the nearest receiver locations. The Project will generate a nighttime operational noise level increase ranging from 0.2 to



2.2 dBA L_{eq} at the nearest receiver locations. Project-related operational noise level increases would not exceed the operational noise level increase significance criteria. Therefore, the increases at the receiver locations will be less than significant.

Table 4.11-7 Daytime Project Operational Noise Level Increases

Receiver Location ¹	Total Project Operational Noise Level ²	Measurement Location ³	Reference Ambient Noise Levels	Combined Project and Ambient ⁴	Project Increase ⁵	Increase Criteria ⁶	Increase Criteria Exceeded?
R1	45.9	L1	60.7	60.8	0.1	3.00	No
R2	49.8	L2	63.0	63.2	0.2	3.0	No
R3	46.7	L3	57.4	57.8	0.4	5.0	No
R4	51.3	L3	57.4	58.3	0.9	5.0	No
R5	58.5	L4	60.0	62.3	2.3	5.0	No
R6	53.9	L5	63.5	64.0	0.5	3.0	No
R7	55.6	L6	61.6	62.6	1.0	3.0	No
R8	47.3	L6	61.6	61.8	0.2	3.0	No
R9	48.6	L1	60.7	61.0	0.3	3.0	No

¹ See Figure 4.11-2 for the receiver locations.

² Total Project daytime operational noise levels as shown on Table 4.11-6.

³ Reference noise level measurement locations as shown on Figure 4.11-1.

⁴ Represents the combined ambient conditions plus the Project activities.

⁵ The noise level increase expected with the addition of the proposed Project activities.

⁶ Significance increase criteria as shown on Table 4.11-3.

Source: (Urban Crossroads, 2025, Table 9-6)

Table 4.11-8 Evening Project Operational Noise Level Increases

Receiver Location ¹	Total Project Operational Noise Level ²	Measurement Location ³	Reference Ambient Noise Levels	Combined Project and Ambient ⁴	Project Increase ⁵	Increase Criteria ⁶	Increase Criteria Exceeded?
R1	45.9	L1	56.7	57.0	0.3	5.0	No
R2	49.8	L2	61.0	61.3	0.3	3.0	No
R3	46.7	L3	55.3	55.9	0.6	5.0	No
R4	51.3	L3	55.3	56.7	1.4	5.0	No
R5	58.5	L4	56.8	60.8	4.0	5.0	No
R6	53.9	L5	63.4	63.9	0.5	3.0	No
R7	55.6	L6	58.0	60.0	2.0	5.0	No
R8	47.3	L6	58.0	58.4	0.4	5.0	No
R9	48.6	L1	56.7	57.3	0.6	5.0	No

¹ See Figure 4.11-2 for the receiver locations.

² Total Project evening operational noise levels as shown on Table 4.11-6.

³ Reference noise level measurement locations as shown on Figure 4.11-1.

⁴ Represents the combined ambient conditions plus the Project activities.

⁵ The noise level increase expected with the addition of the proposed Project activities.

⁶ Significance increase criteria as shown on Table 4.11-3.

Source: (Urban Crossroads, 2025, Table 9-7)



Table 4.11-9 Nighttime Project Operational Noise Level Increases

Receiver Location ¹	Total Project Operational Noise Level ²	Measurement Location ³	Reference Ambient Noise Levels	Combined Project and Ambient ⁴	Project Increase ⁵	Increase Criteria ⁶	Increase Criteria Exceeded?
R1	43.8	L1	54.5	54.9	0.4	5.0	No
R2	47.4	L2	59.9	60.1	0.2	5.0	No
R3	44.5	L3	54.3	54.7	0.5	5.0	No
R4	48.6	L3	54.3	55.3	1.0	5.0	No
R5	55.9	L4	58.6	60.5	1.9	5.0	No
R6	51.2	L5	59.9	60.5	0.6	5.0	No
R7	53.0	L6	54.8	57.0	2.2	5.0	No
R8	45.0	L6	54.8	55.2	0.4	5.0	No
R9	46.3	L1	54.5	55.1	0.6	5.0	No

¹ See Figure 4.11-2 for the receiver locations.

² Total Project evening operational noise levels as shown on Table 4.11-6.

³ Reference noise level measurement locations as shown on Figure 4.11-1.

⁴ Represents the combined ambient conditions plus the Project activities.

⁵ The noise level increase expected with the addition of the proposed Project activities.

⁶ Significance increase criteria as shown on Table 4.11-3.

Source: (Urban Crossroads, 2025, Table 9-8)

C. Operational – Off-Site Transportation

To assess the off-site transportation CNEL noise level impacts associated with development of the proposed Project, noise contours were developed based on the El Camino Specific Plan Amendment Traffic Impact Analysis (*Technical Appendix K1*). Noise contour boundaries represent the equal levels of noise exposure and are measured in CNEL from the center of the roadway. Noise level contours were developed for six traffic scenarios consistent with the Traffic Impact Analysis without and with the potential future extension of Forster Lane to Del Obispo Street, as follows: Existing, Existing Plus Project, Existing plus Cumulative (EC 2028) without Project Conditions, Existing plus Cumulative (ECP 2028) with Project Conditions, General Plan Buildout (GPBO) without Project Conditions, and General Plan Buildout (GPBO) with Project Conditions.

Noise contours were used to assess the Project's incremental 24-hour dBA CNEL traffic-related noise impacts at receiving land uses adjacent to roadways conveying Project traffic. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65, and 60 dBA CNEL noise levels. The noise contours do not consider the effect of any existing noise barriers or topography that may attenuate ambient noise levels. In addition, because the noise contours reflect modeling of vehicular noise on area roadways, they appropriately do not reflect noise contributions from the surrounding stationary noise sources within the Project study area.

Table 4.11-10, *Off-Site Traffic Noise Analysis (Without Forster)*, and Table 4.11-11, *Off-Site Traffic Noise Analysis (With Forster)*, present a summary of the exterior CNEL traffic noise levels at the



receiving land use without barrier attenuation for each traffic condition. Appendix 7.1 of the Project's Noise Impact Analysis (*Technical Appendix J*) includes the traffic noise level contours worksheets for each traffic condition.

Table 4.11-10 Off-Site Traffic Noise Analysis (Without Forster)

ID	Roadway	Segment	CNEL at Receiving Land Use (dBA) ¹					
			Existing		EC 2028		GPBO	
			Without Project	With Project	Without Project	With Project	Without Project	With Project
1	Old Mission Rd.	e/o Camino Capistrano	61.1	61.6	62.1	62.5	62.1	62.5
2	Ortega Hwy.	w/o I-5 SB Ramps	73.0	73.1	73.6	73.7	73.6	73.7
3	Ortega Hwy.	at I-5 Fwy. Overpass	74.8	74.8	75.2	75.2	75.4	75.4
4	Camino Capistrano	n/o Del Obispo St.	70.0	70.1	70.8	70.9	70.8	70.9
5	Del Obispo St.	e/o Camino Capistrano	69.8	69.8	70.4	70.4	70.4	70.4
6	Del Obispo St.	e/o Alipaz St.	71.0	71.0	71.5	71.5	71.5	71.5
7	Del Obispo St.	w/o Camino Capistrano	71.3	71.4	72.0	72.0	72.0	72.0

¹ Off-site traffic noise level calculations and contours are included in Appendix 7.1 of *Technical Appendix J* to the EIR.
Source: (Urban Crossroads, 2025, Table 7-1)

Table 4.11-11 Off-Site Traffic Noise Analysis (With Forster)

ID	Roadway	Segment	CNEL at Receiving Land Use (dBA) ¹					
			Existing		EC 2028		GPBO	
			Without Project	With Project	Without Project	With Project	Without Project	With Project
1	Old Mission Rd.	e/o Camino Capistrano	61.1	61.4	62.1	62.4	62.1	62.4
2	Ortega Hwy.	w/o I-5 SB Ramps	73.0	73.1	73.6	73.7	73.6	73.7
3	Ortega Hwy.	at I-5 Fwy. Overpass	74.8	74.8	75.2	75.2	75.4	75.4
4	Camino Capistrano	n/o Del Obispo St.	70.0	70.1	70.8	70.9	70.8	70.9
5	Del Obispo St.	e/o Camino Capistrano	69.8	69.9	70.4	70.5	70.4	70.5
6	Del Obispo St.	e/o Alipaz St.	71.0	71.0	71.5	71.5	71.5	71.5
7	Del Obispo St.	w/o Camino Capistrano	71.3	71.4	72.0	72.0	72.0	72.0

¹ Off-site traffic noise level calculations and contours are included in Appendix 7.1 of *Technical Appendix J* to the EIR.
Source: (Urban Crossroads, 2025, Table 7-2)

For this analysis, a readily perceptible 5 dBA or greater project-related noise level increase is considered a significant impact when the without project noise levels are below 60 dBA. Per the FICON, in areas where the without project noise levels range from 60 to 65 dBA, a 3 dBA barely perceptible noise level increase appears to be appropriate for most people. When the without project noise levels already exceed 65 dBA, any increase in community noise louder than 1.5 dBA or greater is considered a significant impact if the noise criteria for a given land use is exceeded, since it likely contributes to an existing noise exposure exceedance.



As shown on Table 4.11-12, *Existing Off-Site Project-Related Traffic Noise Impacts (Without Forster)*, the Existing 2023 with Project will generate a noise level increase of up to 0.5 dBA CNEL on the study area roadway segments. Based on the significance criteria for off-site traffic noise impacts, the Project-related noise level increases without the potential future extension of Forster Lane to Del Obispo Street are considered less than significant under Existing plus Project conditions at the land uses adjacent to roadways conveying Project traffic.

Table 4.11-13, *Existing Off-Site Project-Related Traffic Noise Impacts (With Forster)*, shows that the Opening Year Project off-site traffic noise level increases of up to 0.3 dBA CNEL. Based on the significance criteria for off-site traffic noise presented for off-site traffic noise impacts, land uses adjacent to the study area roadway segments would experience less than significant noise level increases due to unmitigated with the potential future extension of Forster Lane to Del Obispo Street Opening Year Project-related traffic noise level increases.

Table 4.11-12 Existing Off-Site Project-Related Traffic Noise Impacts (Without Forster)

ID	Roadway	Segment	Project CNEL Traffic Noise Increase (dBA)			Incremental Noise Level Increase Threshold ³	
			Existing	EC 2028	GPBO	Limit	Exceeded?
1	Old Mission Rd.	e/o Camino Capistrano	0.5	0.4	0.4	3.0	No
2	Ortega Hwy.	w/o I-5 SB Ramps	0.1	0.1	0.1	1.5	No
3	Ortega Hwy.	at I-5 Fwy. Overpass	0.0	0.0	0.0	1.5	No
4	Camino Capistrano	n/o Del Obispo St.	0.1	0.1	0.1	1.5	No
5	Del Obispo St.	e/o Camino Capistrano	0.0	0.0	0.0	1.5	No
6	Del Obispo St.	e/o Alipaz St.	0.0	0.0	0.0	1.5	No
7	Del Obispo St.	w/o Camino Capistrano	0.1	0.0	0.0	1.5	No

¹ CNEL at Receiving Land Use (dBA) as shown on Table 7-1. Off-site traffic noise level calculations and contours are included in Appendix 7.1 of the Project's Noise and Vibration Analysis (*Technical Appendix J* to the EIR).

Source: (Urban Crossroads, 2025, Table 7-3)



Table 4.11-13 Existing Off-Site Project-Related Traffic Noise Impacts (With Forster)

ID	Roadway	Segment	Project CNEL Traffic Noise Increase (dBA)			Incremental Noise Level Increase Threshold ³	
			Existing	EC 2028	GPBO	Limit	Exceeded?
1	Old Mission Rd.	e/o Camino Capistrano	0.3	0.3	0.3	3.0	No
2	Ortega Hwy.	w/o I-5 SB Ramps	0.1	0.1	0.1	1.5	No
3	Ortega Hwy.	at I-5 Fwy. Overpass	0.0	0.0	0.0	1.5	No
4	Camino Capistrano	n/o Del Obispo St.	0.1	0.1	0.1	1.5	No
5	Del Obispo St.	e/o Camino Capistrano	0.1	0.1	0.1	1.5	No
6	Del Obispo St.	e/o Alipaz St.	0.0	0.0	0.0	1.5	No
7	Del Obispo St.	w/o Camino Capistrano	0.1	0.0	0.0	1.5	No

¹ CNEL at Receiving Land Use (dBA) as shown on Table 7-1 of the Project's Noise and Vibration Analysis (*Technical Appendix J* to the EIR).. Off-site traffic noise level calculations and contours are included in Appendix 7.1 of the Project's Noise and Vibration Analysis (*Technical Appendix J* to the EIR)

Source: (Urban Crossroads, 2025, Table 7-4)

As shown, based on the significance criteria for off-site traffic noise impacts, land uses adjacent to the study area roadway segments would not experience substantial noise level increases due to Project-related traffic noise level increases under any of the analysis scenarios. Off-site traffic related noise impacts are less than significant.

Threshold b: Would the Project generate excessive groundborne vibration or groundborne noise levels?

A. Construction Analysis

Construction activities on the Project site would utilize equipment that has the potential to generate vibration. Vibration levels at sensitive receptors near the Project site during Project construction are summarized on Table 4.11-14, *Project Construction Vibration Levels*. At distances ranging from 6 to 145 feet from Project construction activities, construction vibration velocity levels are estimated to range from 0.015 to 1.786 PPV (in/sec). Based on maximum acceptable continuous vibration threshold of 0.25 PPV (in/sec), the typical Project construction vibration levels will exceed the building damage thresholds at receiver locations R4, R5 and R7. Therefore, Project-related construction vibration impacts will be potentially significant.



Table 4.11-14 Project Construction Vibration Levels

Location ¹	Distance to Const. Activity (Feet) ²	Typical Construction Vibration Levels PPV (in/sec) ³						Thresholds PPV (in/sec) ⁴	Thresholds Exceeded? ⁵
		Small bulldozer	Jack- hammer	Loaded Trucks	Large bulldozer	Vibratory Roller	Highest Vibration Level		
R1	139'	0.000	0.003	0.006	0.007	0.016	0.016	0.25	No
R2	49'	0.001	0.013	0.028	0.032	0.077	0.077	0.25	No
R3	92'	0.000	0.005	0.011	0.013	0.030	0.030	0.25	No
R4	9'	0.014	0.162	0.352	0.412	0.972	0.972	0.25	Yes
R5	6'	0.026	0.298	0.646	0.757	1.786	1.786	0.25	Yes
R6	84'	0.000	0.006	0.012	0.014	0.034	0.034	0.25	No
R7	10'	0.012	0.138	0.300	0.352	0.830	0.830	0.25	Yes
R8	122'	0.000	0.003	0.007	0.008	0.019	0.019	0.25	No
R9	145'	0.000	0.003	0.005	0.006	0.015	0.015	0.25	No

¹ Construction noise source and receiver locations are shown on Figure 4.11-2.

² Distance from receiver to limits of construction activity.

³ Based on the Vibration Source Levels of Construction Equipment (Table 10-4 of the Project's Noise and Vibration Analysis [Technical Appendix J to the EIR]).

⁴ Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Table 19, p. 38.

⁵ Does the peak vibration exceed the acceptable vibration thresholds?

"PPV" = Peak Particle Velocity

Source: (Urban Crossroads, 2025, Table 10-7)

B. Operational Analysis

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project site. The Project would not result in the exposure of persons to excessive groundborne vibration or noise levels during long-term operation. Therefore, there will be no impact associated with groundborne vibration or noise from project operations, as none is expected to be generated by project operations.

Threshold 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?*

The Project site is not located within two miles of an airport or airstrip. The closest airport is the John Wayne Airport located roughly 16 miles northwest of the Project site. As such, the Project site would not be exposed to excessive noise levels from airport operations, and therefore, impacts are considered less than significant.



4.11.8 CUMULATIVE IMPACT ANALYSIS

A. Construction Noise

Construction activities associated with the proposed Project, especially activities involving heavy equipment, would create intermittent periods of noise when construction equipment is in operation and cause a short-term increase in ambient noise levels. The list of cumulative projects that have the potential to collectively increase noise is provided in Table 4.0-2 and the locations are shown in Figure 4.0-1 in Section 4.0, *Environmental Analysis*, of this EIR. As detailed on that list, there are no on-going or imminent construction projects in the immediate vicinity of the proposed Project site with construction periods that are expected to overlap with the Project. Accordingly, there is no potential for Project-related construction activities to contribute to cumulatively-considerable impacts to sensitive receptor locations.

B. Operational Noise

The analysis presented under Threshold a addresses the Project's contribution of noise to existing cumulative noise sources (i.e., ambient noise) in the Project area. As described above, the Project would not result in an increase in the cumulative noise levels at sensitive receiver locations.

Based on the significance criteria for off-site traffic noise presented for off-site traffic noise impacts, land uses adjacent to the study area roadway segments would not experience substantial noise level increases due to Project-related traffic noise level increases under ECP 2028 and GPBO conditions and would be considered a less than significant impact.

C. Groundborne Vibration and Noise

During construction, the Project's peak vibration impacts would occur during the grading phase when large pieces of equipment, like bulldozers, are operating on-site. (During the non-grading phases of Project construction, when smaller pieces of equipment are used on-site, the Project's vibration would be minimal.) Vibration effects diminish rapidly from the source; therefore, the only sources of cumulative vibration in the vicinity of the Project site could occur on properties abutting these sites. Based on maximum acceptable continuous vibration threshold of 0.25 PPV (in/sec), the typical Project construction vibration levels will exceed the building damage thresholds at receiver locations R4, R5 and R7. The Project-related construction vibration impacts will be potentially significant during the construction activities at the Project site. However, as described above, there are no known active or pending construction projects abutting the Project site that would overlap with the Project's proposed construction schedule. Accordingly, there is no potential for the Project to contribute to the exposure of persons to substantial temporary groundborne vibration or noise.

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project site. Therefore, Project vibration would not combine with vibration sources from other related projects. The Project would not cumulatively-contribute to the exposure of persons to excessive groundborne vibration or noise levels during long-term operation.



4.11.9 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Potentially Significant Impact. The Project would not exceed significance thresholds for operational noise levels, and off-site traffic noise levels. However, construction noise level increase would exceed the Caltrans noise level increase significant threshold. As such, the Project has to the potential generate 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.

Threshold b: Potentially Significant Impact. Project-related construction vibration impacts will be potentially significant during the construction activities at the Project site. As such, the Project would have the potential to generate excessive groundborne vibration or groundborne noise levels.

Threshold c: Less-than-Significant Impact. The Project site is not located within two miles of an airport or airstrip. The closest airport is the John Wayne Airport located roughly 16 miles northwest of the Project site. As such, the Project site would not be exposed to excessive noise levels from airport operations, and therefore, impacts are considered less than significant.

4.11.10 MITIGATION

- MM 4.11-1 Prior to the issuance of a grading permit, the Project Applicant shall show on grading plans a minimum 8-foot-high temporary noise barrier at the limits of construction activities. The temporary noise barrier shall be installed prior to any grading activities.
- MM 4.11-2 A 25-foot buffer setback shall be required which would prohibit the use of loaded trucks and heavy mobile equipment greater than 80,000 pounds, jack hammers and vibratory rollers within 25-feet of receiver locations R4, R5 and R7. Instead, small rubber-tired or alternative equipment, as well as soil compaction equipment shall be used during Project construction to reduce vibration effects on nearby structures and their occupants.

4.11.11 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Less-than-Significant Impact with Mitigation Incorporated. Implementation of Mitigation Measure MM 4.11-1 would require a 8-foot-high temporary noise barrier during construction activities. As shown in Table 4.11-15, *Mitigated Construction Noise Level Increases*, Project construction noise level increases would range from 3.8 to 12.0 dBA L_{eq} and would not exceed the Caltrans substantial 12 dBA L_{eq} increase threshold. Therefore, impacts would be less than significant with mitigation incorporated.



Table 4.11-15 Mitigated Construction Noise Level Increases

Receiver Location ¹	Total Project Construction Noise Level ²	Measurement Location ³	Reference Ambient Noise Levels ⁴	Combined Project and Ambient ⁵	Project Increase ⁶	Increase Criteria ⁷	Increase Criteria Exceeded?
R1	64.2	L1	60.7	65.8	5.1	12	No
R2	69.1	L2	63.0	70.1	7.1	12	No
R3	65.7	L3	57.4	66.3	8.9	12	No
R4	68.6	L3	57.4	68.9	11.5	12	No
R5	71.7	L4	60.0	72.0	12.0	12	No
R6	64.9	L5	63.5	67.3	3.8	12	No
R7	70.8	L6	61.6	71.3	9.7	12	No
R8	64.8	L6	61.6	66.5	4.9	12	No
R9	67.2	L1	60.7	68.1	7.4	12	No

¹ See Figure 4.11-2 for the receiver locations.

² Mitigated Project construction noise level calculations are included in Appendix 10.2 of *Technical Appendix J* to the EIR.

³ Reference noise level measurement locations as shown on Figure 4.11-1.

⁴ Observed daytime ambient noise levels as shown on Section 4.11.2A.

⁵ Represents the combined ambient conditions plus the mitigated Project construction activities.

⁶ The noise level increase expected with the addition of the proposed mitigated Project construction activities.

⁷ Significance increase criteria as shown on Table 4.11-3.

Source: (Urban Crossroads, 2025, Table 10-5)

Threshold b: Less-than-Significant Impact with Mitigation Incorporated. Implementation of Mitigation Measure MM 4.11-2 would prohibit the use of construction equipment such as loaded trucks, heavy mobile equipment, jack hammers and vibratory rollers within 25-feet of receiver locations R4, R5, and R7 to reduce vibration effects on nearby structures to less than significant. As shown on Table 4.11-16, *Mitigated Project Construction Vibration Levels*, with implementation of Mitigation Measure MM 4.11-2, Project construction vibration levels would not exceed the 0.25 PPV (in/sec) construction vibration threshold. Therefore, impacts would be less than significant with mitigation incorporated.



Table 4.11-16 Mitigated Project Construction Vibration Levels

Location ¹	Distance to Const. Activity (Feet) ²	Typical Construction Vibration Levels PPV (in/sec) ³						Thresholds PPV (in/sec) ⁴	Thresholds Exceeded? ⁵
		Small bulldozer	Jack- hammer	Loaded Trucks	Large bulldozer	Vibratory Roller	Highest Vibration Level		
R4	25'	0.003	0.035	0.076	0.089	0.210	0.210	0.25	No
R5	25'	0.003	0.035	0.076	0.089	0.210	0.210	0.25	No
R7	25'	0.003	0.035	0.076	0.089	0.210	0.210	0.25	No

¹ Construction noise source and receiver locations are shown on Figure 4.11-2.

² Distance from receiver to limits of construction activity.

³ Based on the Vibration Source Levels of Construction Equipment (Table 10-4 of the Project's Noise and Vibration Analysis [Technical Appendix J to the EIR]).

⁴ Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Table 19, p. 38.

⁵ Does the peak vibration exceed the acceptable vibration thresholds?

"PPV" = Peak Particle Velocity

Source: (Urban Crossroads, 2025, Table 10-8)



4.12 POPULATION AND HOUSING

The following analysis discloses existing population and housing data for the City of San Juan Capistrano (City) and assesses the potential for the Project to result in direct or indirect impacts on population and housing. The analysis in this Subsection is based, in part, on information contained within the City's General Plan, and population and housing projections from the California Department of Finance (DOF) and Southern California Association of Governments (SCAG). All references used in this Subsection are listed in the EIR Section 7.0 *References*.

4.12.1 EXISTING CONDITIONS

The Project site is currently developed with the Historic Town Center Park, and vacant, previously developed land. Therefore, the Project site does not currently contain or support a population.

A. Southern California Association of Governments (SCAG)

SCAG's Connect SoCal, adopted in April 2024, is a Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) plan developed pursuant to SB 375 to assist in the State's reduction of greenhouse gas emissions by considering land use allocation in its regional transportation plan. Connect SoCal thus builds upon and expands land use and transportation strategies to increase mobility options and achieve more sustainable growth patterns. Table 4.12-1, *SCAG Population, Households and Employment Projections*, summarizes SCAG's Connect SoCal growth projections to the year 2050 for both the City and Orange County.

Table 4.12-1 SCAG Population, Households and Employment Projections

Jurisdiction	2019	2050	Increase	Percent Change
Population¹				
City of San Juan Capistrano	35,300	43,776	8,476	24.01%
Orange County	3,191,000	3,439,000	248,000	7.77%
Households				
City of San Juan Capistrano	11,600	14,400	2,800	24.14%
Orange County	1,069,000	1,253,000	184,000	17.21%
Employment				
City of San Juan Capistrano	17,000	26,500	9,500	55.88%
Orange County	1,805,000	2,019,000	214,000	11.86%

¹ Projected population in 2050 is not provided in the SCAG's Connect SoCal; therefore, projected population is calculated assuming an average household size of 3.04, consistent with the population and household estimates in 2019.

Source: (SCAG, 2024)



1. *Jobs-Housing Ratio*

The jobs-housing ratio is a general measure of the number of jobs as compared to housing in a defined geographic area, without regard to economic constraints or individual preferences. The jobs-housing ratio as well as the type of jobs versus the price of housing, has implications for mobility, air quality, and the distribution of tax revenues. A project's effect on the jobs-housing ratio is one indicator of how it will affect growth and quality of life in the project area. SCAG applies the jobs-housing ratio at the regional and subregional levels in order to analyze the fit between jobs, housing, and infrastructure. SCAG's April 2001 report titled, *The New Economy and Jobs/Housing Balance in Southern California (SCAG-D)*, states that:

... a balance between jobs and housing in a metropolitan region can be defined as a provision of an adequate supply of housing to house workers employed in a defined area (i.e., community or subregion). Alternatively, a jobs-to-housing balance can be defined as an adequate provision of employment in a defined area that generates enough local workers to fill the housing supply.

The concept of jobs-housing balance has been widely discussed by SCAG and the South Coast AQMD over the past decade as a means of achieving regional air quality improvement goals. The basic concept is directed at minimizing commute distances, reducing infrastructure needs and costs, mitigating traffic congestion, conserving energy, and improving air quality. SCAG has incorporated jobs-housing balance into its growth forecast, transportation, and air quality policies. The term jobs-housing balance is the concept that if an area is balanced, it includes the correct number (or balance) of housing and employment opportunities so that the majority of the people living within a given subregion can also work in that same subregion. Job-rich subregions have ratios greater than the regional average, and housing-rich subregions have ratios lower than the regional average. An appropriate jobs-housing ratio for any given geographic area is area specific, in that each locale presents differing demographic characteristics. Jobs-housing ratios are also dynamic and fluctuate over time. Generally, a ratio of less than 1 to 1 indicates a jobs-poor area, and a ratio of one or more than 1 to 1 indicates a jobs-rich area (SCAG-D, p.15).

As shown in Table 4.12-2, *Jobs-Housing Ratio*, the City is above the recommended jobs-housing ratio target of 1.0 but is anticipated to increase by 25.57 percent between 2019 and 2050. Orange County overall is also above the recommended jobs-housing ratio target of 1.0 and is anticipated to decrease by 4.57 percent by the year 2050.

Table 4.12-2 Jobs-Housing Ratio

Jurisdiction	2019	2050	Increase/Decrease	Percent Change
City of San Juan Capistrano	1.47	1.84	0.37	25.57%
Orange County	1.69	1.61	-0.08	-4.57%

Based on values in Table 4.12-1. Calculated by Employment/Households.



B. City of San Juan Capistrano

In 2023, the California Department of Finance (DOF) estimated the population in the City of San Juan Capistrano to be 35,089 individuals. As of 2023, there were 12,570 households in the City with a 3.8% vacancy rate. The average household size in Orange County averages 2.83 persons while San Juan Capistrano has a slightly higher average household size of 2.89. (DOF, 2023)

1. City of San Juan Capistrano General Plan

According to the City's General Plan and as shown in Table 4.12-3, *General Plan Growth Projections*, San Juan Capistrano is projected to grow an estimated 15.4 percent by 2045, a gain of almost 5,600 new residents. This forecast has the City growing by a larger percentage (15.4 percent) than the City saw over the last 20 years (7.4 percent). Between 2016 and 2045, San Juan Capistrano is projected to gain approximately 2,000 new employment opportunities, an increase of 10.4 percent. This increase is slightly over 3 percent less than the County as a whole (13.6 percent).

Table 4.12-3 General Plan Growth Projections

	Population	Employment
2000	33,826	14,815
2010	34,593	15,126
2016	-	17,200
2020	36,318	-
2045	41,900	19,200

(San Juan Capistrano, 2022a)

The potential buildout under the General Plan's implementation is indicated in Table 4.12-4, *Development Capacity*. While total buildout of the General Plan would result in 12,522 residential units by 2020, the 2019 SCAG local profile for the City of San Juan Capistrano indicated that there were 12,380 residential units within the City as of 2018.

Table 4.12-4 Development Capacity

Land Use	Area (acres)	Dwelling Units	Square Feet
Open Space & Recreation	3,404	-	289,886
Residential	3,592	12,522	-
Non-residential	889	-	10,147,302
Special	38	-	-
Roadways	787	-	-
Freeway	265	-	-
Total	8,975	12,522	10,437,188



2. *Regional Housing Needs Assessment (RHNA)*

SCAG is the regional planning agency responsible for allocating RHNA to jurisdiction within its region. As shown in Table 4.12-5, *City of San Juan Capistrano Housing Needs Assessment Allocation (2021-2029)*, the City's RHNA allocation for the 2021-2029 planning period is 1,054 housing units. According to the City's 2021-2029 Housing Element, the City has adequate capacity to meet its RHNA and is anticipated to have a total of 1,763 housing units. It should be noted that the Project is included in the City's Housing Element, anticipated to provide up to 96 dwelling units under the above moderate income group. (San Juan Capistrano, 2022a) A description of RHNA and the City's Housing Element are provided under subsection 4.12.3, *Regulatory Framework*, below.

Table 4.12-5 City of San Juan Capistrano Housing Needs Assessment Allocation (2021-2029)

Income Group	% of County AMI ¹	2021 Total Housing Units Allocated	Percentage of Units
Extremely Low	0-30%	135	13%
Very Low	31-50%	135	13%
Low	51-80%	173	16%
Moderate	81-120%	183	17%
Above Moderate	120%+	428	41%
Total		1,054	100%

¹AMI=Area Median Income

Source: (San Juan Capistrano, 2022a, p. Table 26)

4.12.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to population and housing. Additionally, no comments related to population and housing were received during the public scoping period.

4.12.3 REGULATORY FRAMEWORK

A. Federal

1. *Fair Housing Act*

The federal Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. Additional protections apply to federally-assisted housing

B. State and Regional

1. *State Housing Law*

The State law regulating residential occupancies is entitled the "State Housing Law" and is found in Division 13, Part 1.5 of the California Health and Safety Code (HSC), Sections 17910 to 17998.3 Regulations implementing the State Housing Law mandate statewide residential building standards for



new construction, which are found in the California Code of Regulations, Title 24, also referred to as the California Green Building Standards Code (CalGreen).

2. *Senate Bill 330 (Housing Accountability Act)*

The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. The act specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. The act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect.

C. Regional

1. *Southern California Association of Governments (SCAG)*

SCAG allocates regional housing needs and the share of the regional needs to be addressed by Orange County and its constituent cities. SCAG is a Joint Powers Agency and is the designated Council of Governments (COG), Regional Transportation Planning Agency (RTPA), and Metropolitan Planning Organization (MPO) for the six-county region of Los Angeles, Orange, Ventura, San Bernardino, Riverside, and Imperial counties. SCAG's Regional Comprehensive Plan and Guide (RCPG) and Regional Housing Needs Assessment (RHNA) are tools for coordinating regional planning and housing development strategies in southern California.

On April 4, 2024, SCAG's Regional Council adopted *Connect SoCal (2024-2050 Regional Transportation Plan/Sustainable Communities Strategy)*. Connect SoCal is intended to create a plan for integrating transportation and land use planning by bringing jobs and housing closer together which will improve regional problems including housing, traffic, air quality, greenhouse gas emissions, and other regional challenges. Connect SoCal projects growth in employment, population, and households taking into account economic and demographic trends and provides a general blueprint for where and how the southern California area will grow.

State Housing Law (California Government Code Article 10.6, Sections 65580-65590) mandates that local governments, through COGs (council of governments), identify existing and future housing needs in a Regional Housing Needs Assessment (RHNA). SCAG's RHNA provides an allocation of the existing and future housing needs by jurisdiction; this is based on income level, existing housing needs in each city and county, and the fair share allocation of the projected regional population growth.



The allocations are driven by the intent that a better balance between jobs and housing should occur in various areas of the region and that every city and county should incur its fair share in the development of affordable housing units and in meeting future housing needs. All local governments, including the City, are required to set aside sufficient land, adopt programs, and provide funding (to the extent feasible), to facilitate and encourage housing production commensurate with that housing need.

D. Local

1. *City of San Juan Capistrano General Plan Housing Element*

Development of housing in the City of San Juan Capistrano is guided by the goals, objectives, and policies of the general plan and housing element. The Project-applicable goals and policies and a discussion of the Project's consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.

4.12.4 METHODOLOGY

The Project's demographics are examined in the context of existing and projected population for the City of San Juan Capistrano and considers consistency with the SCAG's Connect SoCal. Information on population, housing, and employment for the planning area is available from several sources including:

- **California Department of Finance.** The Department of Finance (DOF) prepares and administers California's annual budget. Other duties include estimating population demographics and enrollment projections. DOF's "Table E-5: City/County Population and Housing Estimates" reports on population and housing estimates for the state, counties, and cities, January 2021 to 2023, benchmarked to base year 2020.
- **Southern California Association of Governments.** Policies and programs adopted by SCAG to achieve regional objectives are expressed in its 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

The potential impacts of the Project were evaluated relative to the demographic condition, jobs/housing balance and socioeconomic profiles. The Project would be considered consistent with the SCAG's Connect SoCal if it is compatible with the general intent of such plans and would not preclude attainment of primary goals of such plans.

4.12.5 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XIV of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to population and housing if the Project or any Project-related component would:

- 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);*



- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere;*

4.12.6 IMPACT ANALYSIS

Threshold 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?)*

The Project would result in the development of up to approximately 4,294 square foot (sf) restaurant, a 3,100 square foot fitness center, approximately 107,499 sf (95 units) of residential, and approximately 48,235sf of performing arts center uses. This analysis assesses whether the construction and operation of the Project would induce direct substantial unplanned population growth or indirect substantial unplanned population growth.

A. Construction

The Project would be developed over a 26-month construction period with final buildout anticipated in 2028. Project construction activities would require contractors and laborers. It is anticipated that general construction labor would be available from the local and regional labor pool and would not result in substantial population growth because construction activities are temporary and would not necessitate workers to relocate; instead construction workers are expected to commute from their respective homes. Additionally, each construction phase (e.g. grading, paving, electrical etc.) requires different skills and specialties, which would be needed only for the length of time of that phase. Because of that, the Project's construction phases would not result in a long-term increase in employment which could induce substantial unplanned population growth from short-term construction activities. Therefore, the Project would not directly or indirectly induce substantial population growth in the City during construction.

B. Operation

1. Direct Impacts

The Project would result in the development of 95 dwelling units. Assuming an average household size of 2.89, consistent with the household size reported in the DOF, the Project would generate 275 new residents in the City. Table 4.12-6, *Estimated Population and Housing in San Juan Capistrano with Project*, shows the Project's impact on the City's population and housing projections under existing (2023) and buildout (2028) conditions. In addition, the Project would result in approximately 7,394 square feet of retail/restaurant/fitness and approximately 48,235 square feet of performing arts development. Using the employee generation factors of 1 employee per 500 sf from Table 3-44, Employee Generation Factors, in Section 9-3.555, Transportation Demand Management Ordinance, of the City's Municipal Code, the retail/restaurant/fitness uses are expected to generate approximately 15 employees. Additionally, the Performing Arts Center would have approximately 10 to 63 employees on any given day depending on the scheduled performance. Therefore, a maximum of approximately 78 employees would be generated by the Project.



Table 4.12-6 Estimated Population and Housing in San Juan Capistrano with Project

	Existing (2023) ¹	Buildout Year (2028) Without Project ²	Project	Existing (2023) Plus Project	Buildout Year (2028) Plus Project	SCAG Growth Projections (2050) ³
Population	35,089	37,700	275 ⁴	35,364	37,975	43,776
Household	12,570	13,345	95	12,665	13,440	14,400
Employment	17,248 ²	17,283	78 ⁵	17,326	17,361	26,500
Job-Housing Ratio	1.37	1.29	-	1.36	1.29	1.84

¹ Values are from Section 4.12.1B.

² These values are prorated from SCAG's demographic data contained in Table 4.12-1.

³ Values are from Tables 4.12-1 and 4.12-2.

⁴ Assuming an average household size of 2.89

⁵ 7,394 square feet of retail/restaurant/quality restaurant/fitness*1 employee/500 sf = 15 employees

48,235 square feet of performing arts, 10 to 63 employees depending on performance

Total Employees = 78 employees (Conservatively)

Based on Table 3-44, Employee Generation Factors, in Section 9-3.555, Transportation Demand Management Ordinance, of the City's Municipal Code. 1 employee/500 sf for commercial uses

Under both existing and buildout conditions, the increase in population, households, and employment under the Project would be within the anticipated growth projections for the City based on SCAG's growth projections.

On February 2023, the City adopted its General Plan Housing Element to reflect the 2021-2029 cycle. As shown in Table 4.12-5, *City of San Juan Capistrano Housing Needs Assessment Allocation (2021-2029)*, the City's RHNA allocation is 1,054 housing units based on SCAG 6th Cycle Final RHNA Allocation Plan. The City's Housing Element identified an estimated 96 units within downtown San Juan Capistrano. Development of the Project with a total of 95 units would be consistent with the City's 2021–2029 Housing Element and General Plan projections.

The jobs-housing ratio is a general measure of the number of jobs versus housing in a defined geographical area and the recommended target is 1.0. As shown in Table 4.12-6, the City is somewhat “jobs-rich” and at a ratio of 1.37 jobs/housing. At Project buildout, the Project's addition of 95 units would be expected to beneficially affect the City's jobs-housing balance, by increasing more housing to the City and reducing the jobs-housing ratio to 1.29 at Project buildout (see Table 4.12-6).

As discussed above, the population, housing, and employment generated by the Project are within SCAG's growth projections for the City. Additionally, the Project would have a beneficial impact on the City's jobs-housing ratio and contribute to the City goal of reaching the recommended jobs-housing ratio of approximately 1.0. Therefore, implementation of the Project would not result in substantial unplanned population growth, and impacts would be less than significant.



2. Indirect Impacts

Implementation of the Project could result in a substantial and unplanned level of growth if it would result in the extension of new roads or other infrastructure that could induce population growth. As detailed in Section 3.0, *Project Description*, of this EIR, the Project would require construction of roadways and utility infrastructure to serve the development.

Figure 3-6, *Proposed Circulation Plan*, shows the Project's proposed circulation and access. As shown, access to the Project site would be provided by two vehicular entrance/exit points to existing local roads. Primary vehicular access is provided via Camino Capistrano. A potential extension of Forster Street is also analyzed which would connect through to Del Obispo Street to the east. Since all proposed roadways would be constructed on-site and for the exclusive purpose of serving the proposed infill development, the Project would not create major new infrastructure that could result in substantial, unplanned growth.

Water and wastewater service extensions to the Project site will connect to existing facilities as depicted on Figure 3-8, *Water Plan*, and Figure 3-9, *Wastewater Management Plan*. As depicted on Figure 3-10, *Stormwater Management Plan*, the Project would include a comprehensive stormwater management system containing drainage improvements, facilities, and programs which would act to control and treat stormwater pollutants. Since all proposed utility infrastructure would connect to existing facilities and would exclusively serve the proposed development, this Project infrastructure would not indirectly induce substantial unplanned population growth.

3. Summary

Based on the foregoing analysis, the Project is not expected to be a catalyst for any substantial, unplanned population increases. Neither the Project nor any Project-related component would directly or indirectly result in substantial unplanned population growth that would cause a significant impact to the environment. Impacts would be less than significant.

Threshold b: Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Under existing conditions, the Project site is developed with the Historic Town Center Park and vacant, previously developed land. The Project site does not contain any existing residential structures. Therefore, implementation of the Project would not displace a substantial number of existing people or housing. As such, the implementation of the Project would not necessitate construction of replacement housing elsewhere. No impacts would occur.

4.12.7 CUMULATIVE IMPACT ANALYSIS

The Project would provide 95 dwelling units in the City. When combined with the related projects (see Section 4.0, for the related projects list), there would be an increase of 581 residential units, 136,308 square feet of industrial uses, 320,408 square feet of commercial uses, and 44,501 square feet of office



uses. The related projects' industrial, commercial, and office uses would generate approximately 1,078 jobs¹, which when combined with the Project, results in 1,156 jobs.² The related projects' residential uses would generate approximately 1,679 residents³, which when combined with the Project, results in 1,954 residents.⁴ As shown in Table 4.12-7, *Cumulative Projects Population, Housing, and Employment Growth Trends in San Juan Capistrano*, the projected population, housing, and employment growth generated by the Project and related projects would be within the anticipated growth for the City based on SCAG's growth projection. Moreover, at Project buildout, the Project in combination with related projects would beneficially affect the City's jobs-housing ratio by adding housing to a "jobs-rich" area. Therefore, the Project with related projects contribution to unplanned housing and population growth would not be cumulatively considerable.

Table 4.12-7 Cumulative Projects Population, Housing, and Employment Growth Trends in San Juan Capistrano

	Existing (2023) ¹	Buildout Year (2028) Without Project ²	Project + Related Projects in City	Buildout Year (2028) Plus Related Projects	SCAG Growth Projections (2050)
Population	35,089	37,700	1,954	39,654	43,776
Housing Units	12,570	13,345	676	14,021	14,400
Employment	17,248 ²	17,283	1,156	18,439	26,500
Job-Housing Ratio	1.37	1.29	-	1.31	1.84

¹ Values are from Section 4.12.1B.

² These values are prorated from SCAG's demographic data contained in Table 4.12-1.

Under existing conditions, there are no existing people or housing located on-site. As such, the Project has no potential to contribute to a cumulatively significant impact associated with the need to construct unplanned housing units.

4.12.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant. Project generated population, housing, and jobs are within the SCAG's growth projections. Accordingly, the Project would not induce substantial unplanned population growth and impacts would be less than significant.

Threshold b: No Impact. The Project site does not contain any existing structures relating to residential uses. The implementation of the Project would not displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere. No impacts would occur.

¹ Based on Table 3-44, Employee Generation Factors, in Section 9-3.555, Transportation Demand Management Ordinance, of the City's Municipal Code. 1 employee/500 sf for 320,408 sf of commercial uses; 1 employee/250 sf for 44,501 of office uses; 1 employee/525 sf for 136,308 sf of industrial uses.

² 1,078 jobs (related projects) + 78 jobs (Project-related) = 1,156

³ Assuming an average household size of 2.89, consistent with the household size reported in the DOF.

⁴ 1,679 residents (related projects) + 275 residents (Project-related) = 1,954



4.12.9 MITIGATION

Impacts would be less than significant and mitigation is not required.

4.12.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant and mitigation is not required.



4.13 PUBLIC SERVICES

The following analysis is based on information obtained from General Plan (City of San Juan Capistrano, 2002); City of San Juan Capistrano Municipal Code (City of San Juan Capistrano, 2024); and service provider information. All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.13.1 EXISTING CONDITIONS

A. Fire Protection Services

The City of San Juan Capistrano partners with the Orange County Fire Authority (OCFA) to provide fire protection and emergency medical services to the City. The City is located within Operations Division 3 which also serves the cities of Dana Point, Mission Viejo, Rancho Santa Margarita, and San Clemente (OCFA, 2023a). As shown in Table 4.13-1, *Orange County Fire Authority Stations*, the nearest fire station to the Project site is OCFA Station 7 at 31865 Del Obispo in San Juan Capistrano, adjacent to the Project site to the southeast. Station 7 is staffed with 1 fire captain, 1 fire apparatus engineer, 3 firefighters, and volunteer reserve firefighters and is equipped with Engine 7, Engine 307, Medic 7, Patrol 7, and Water Tender 7. The second-closest station to the Project site is Station 49 at 31461 Golden Lantern, approximately 1.65 miles northwest to the Project site. Station 49 is staffed with 1 fire captain, 1 fire apparatus engineer, and 2 firefighters and is equipped with Medic Truck 49.

Table 4.13-1 Orange County Fire Authority Stations

Location	Apparatus	Daily Staffing
Station 7 31865 Del Obispo Street San Juan Capistrano, CA 92675	Engine #7 Engine #307 ¹ Medic #7 Patrol #7 Water Tender #7	1 Fire Captain, 1 Fire Apparatus Engineer, 3 Firefighters, Reserve Firefighters Total Station Staffing: 15
Station 49 31461 Golden Lantern Laguna Niguel, CA 92677	Medic Truck #49	1 Fire Captain 1 Fire Apparatus Engineer 2 Firefighters Total Station Staffing: 12

¹ Cross staffed by on duty personnel
Source: (OCFA, 2023a; OCFA, 2023b)

1. *Calls for Service and Response Times*

OCFA's Standard of Cover for fire services in urban areas, such as the City of San Juan Capistrano, are listed below. Response times are from receipt of the service call to a unit on scene:

- First-in engines should arrive on-scene to medical aids and/or fires within 7 minutes and 20 seconds 80 percent of the time.



- First-in truck companies should arrive on-scene to fires within 12 minutes 80 percent of the time.
- First-in paramedic companies should arrive on-scene at all medical aids within 10 minutes 80 percent of the time.

In 2023, OCFA responded to a total of 178,370 incidents, including 2,606 fire incidents and 132,874 emergency medical service (EMS) incidents within its service area. Within the City of San Juan Capistrano with a population of 35,089 residents, OCFA responded to a total of 4,407 incidents including 46 fire incidents, 3,334 EMS incidents, and 1,027 other (cancelled, ruptures, hazardous conditions, service calls, good intent, false alarms, and miscellaneous call) incidents (OCFA, 2023c).

B. Police Protection Services

The Orange County Sheriff's Department (OCSD) provides police protection services to the City of San Juan Capistrano. The City is located within the Southwest Operations Division, which covers approximately 72.6 square miles and includes the cities of Aliso Viejo, Dana Point, Laguna Hills, Laguna Niguel, Laguna Woods, and San Clemente. The San Juan Capistrano Police Service Headquarters is located at 32506 Paseo Adelanto, approximately 0.53 miles southwest of the Project site. For planning purposes, OCSD uses a ratio of 0.9 sworn deputies to 1,000 people. However, other factors are also used to determine staffing needs and the ratio may change based on the characteristics and needs of the service area. A total of 28 OCSD personnel are assigned to the City of San Juan Capistrano (OCLAFCo, 2005). OCSD's target response time for Priority 1 calls for service is 5 minutes, which was met in the last Fiscal Year (2023-2024) (County of Orange, 2024)

C. School Services

The Project site is within the attendance boundaries of Capistrano Unified School District (CUSD). Currently, CUSD encompasses 200 square miles in seven cities and a portion of the unincorporated area of Orange County. CUSD operates 64 schools/programs including 33 elementary schools, 3 K-8 schools, 10 middle schools, 6 high schools, 5 charter schools, 8 alternative schools/programs (Adult Education Program, Adult Transition Program, Bridges Community Day School, California Preparatory Academy, Capistrano Home/Virtual Academy, Fresh Start, and RH Dana Exceptional Needs Facility) (CUSD, 2023a).

The elementary school serving the Project site is Kinoshita Elementary School, located at 2 Via Positiva, San Juan Capistrano. The middle school serving the Project site is Marco Forster Middle School, located at 25601 Camino Del Avion, San Juan Capistrano. The high school serving the Project site is San Juan Hills High School, located at 29211 Stallion Ridge, San Juan Capistrano (CUSD, 2023b). As shown in Table 4.13-2, *CUSD School Capacity and Enrollment*, there is adequate capacity at all schools serving the Project site.



Table 4.13-2 CUSD School Capacity and Enrollment

School	Current Enrollment (2022-2023)	Facility Capacity	Remaining Capacity
Kinoshita Elementary School	369	805	436
Marco Forster Middle School	1,082	1,547	465
San Juan Hills High School	2,857	3,342	485

Source: (CDE, 2023; CUSD, 2023c)

D. Parks

As described in Subsection 4.14, *Recreation*, of this EIR, the Historic Town Center Park is located with the Project site. Additionally, the nearest recreational facilities to the Project site include Veterans Park, approximately 0.02 miles to the west of the Project site; Los Rios Historic Park, located approximately 0.12 miles to the northeast of the Project site; and Descanso Park, located approximately 0.56 miles to the southwest of the Project site. Refer to EIR Subsection 4.14, *Recreation*, for a more detailed discussion regarding parks and recreational facilities in the City.

E. Other Public Facilities

San Juan Capistrano is part of the Orange County Public Library community library network, which has 32 branches throughout Orange County. The San Juan Capistrano Library is located at 31495 El Camino Real, approximately 0.24 mile to the northwest of the Project site. The San Juan Capistrano Library is approximately 12,000 square feet. The collection at the library totals approximately 39,773 items, including 1,509 audiobooks, 2,841 DVDs, 33,374 books, and other items such as magazines and pamphlets.

4.13.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the public scoping period or EIR Scoping Meeting that pertain to public services.

4.13.3 REGULATORY FRAMEWORK

A. State

1. Fire Protection Services Regulations and Plans

☐ **Public Resources Code (PRC) Sections 4290-4299**

This portion of the Public Resources Code (PRC) requires minimum statewide fire safety standards pertaining to: road standards for fire equipment access; standards for signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; and fuel breaks and greenbelts. With certain exceptions, all new construction in potential wildland fire areas is required to



meet the statewide standards. State requirements, however, do not supersede more restrictive local regulations.

☐ PRC Sections 4102-4127 - State Responsibility Areas (SRAs)

PRC Section 4102 specifies that “‘State responsibility areas’ means areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the [State Fire] Board pursuant to Section 4125, to be primarily the responsibility of the state.” These areas may contain state or privately-owned forest, watershed, and rangeland. §§ 4126-4127 of the PRC further specify the standards that define what does and does not constitute an SRA. The Project site is not located in a Very High Fire Hazard Severity Zone (VHFHSZ) and High Fire Hazard Severity Zone within an SRA by CalFire.

☐ California Code of Regulations (CCR) Title 24, Parts 2 and 9 – Fire Codes

Part 2 of Title 24 of the CCR refers to the California Building Code which contains complete regulations and general construction building standards of State of California adopting agencies, including administrative, fire and life safety and field inspection provisions. Part 2 was updated in 2008 to reflect changes in the base document from the Uniform Building Code to the International Building Code. Part 9 refers to the California Fire Code, which contains other fire safety-related building standards. In particular, Chapter 7A, “Materials and Construction Methods for Exterior Wildfire Exposure,” in the 2010 California Building Code addresses fire safety standards for new construction and Section 701A.3.2 addresses “New Buildings Located in Any Fire Hazard Severity Zone.”

2. *School Services*

☐ Assembly Bill (AB) 16

In 2002, AB 16 created the Critically Overcrowded School Facilities program, which supplements the new construction provisions within the School Facilities Program (SFP). The SFP provides State of California funding assistance for new facility construction projects and modernization projects. The Critically Overcrowded School Facilities program allows school districts with critically overcrowded school facilities, as determined by the California Department of Education (CDE), to apply for new construction projects in advance of meeting all SFP new construction program requirements. Districts with SFP new construction eligibility and school sites included on a CDE list of source schools may apply.

☐ Leroy F. Greene School Facilities Act of 1998 (Senate Bill [SB] 50)

Senate Bill 50 (SB 50) was enacted by the State Legislature in 1998, which amended existing state law governing school fees. In particular, SB 50 amended prior California Government Code (CGC) Section 65995(a) to prohibit state or local agencies from imposing school impact mitigation fees, dedications, or other requirements in excess of those provided in the statute in connection with “any legislative or adjudicative act...by any state or local agency involving...the planning, use, or development of real property....”



The legislation also amended CGC Section 65996(b) to prohibit local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act [involving] the planning, use or development of real property.” Further, SB 50 established the base amount of allowable developer fees: \$1.93 per square foot for residential construction and \$0.31 per square foot for commercial. These base amounts are commonly called “Level 1 fees” and are the same caps that were in place at the time SB 50 was enacted. Level 1 fees are subject to inflation adjustment every two years.

In certain circumstances, for residential construction, school districts can impose fees that are higher than Level 1 fees. School districts can impose Level 2 fees, which are equal to 50% of land and construction costs if they: (1) prepare and adopt a school needs analysis for facilities; (2) are determined by the State Allocation Board to be eligible to impose these fees; and (3) meet at least two of the following four conditions:

- At least 30% of the district’s students are on a multi-track year-round schedule.
- The district has placed on the ballot within the previous four years a local school bond that received at least 50% of the votes cast.
- The district has passed bonds equal to 30% of its bonding capacity.
- Or, at least 20% of the district’s teaching stations are relocatable classrooms.

Additionally, if the State of California’s bond funds are exhausted, a school district that is eligible to impose Level 2 fees is authorized to impose even higher fees. Commonly referred to as “Level 3 fees,” these fees are equal to 100% of land and construction costs of new schools required as a result of new developments.

B. Local

1. City of San Juan Capistrano General Plan

The General Plan identifies goals related to recreation in its Parks and Recreation Element. The Project-applicable goals and policies and a discussion of the Project’s consistency are discussed in EIR Subsection 4.10, *Land Use and Planning*, Table 4.10-1, *General Plan Consistency Analysis*.

2. City of San Juan Capistrano Municipal Code

The City of San Juan Capistrano Municipal Code identifies policies related to public services. The specific Municipal Code policy that is relevant to the Project is as follows:

Chapter 8-10 California Fire Code. The 2019 California Fire Code, based on the 2018 International Fire Code as published by the International Code Council, is adopted, with certain amendments in Chapters 1 through 80.



Section 9-4.519 Parkland. The provisions of this section are enacted pursuant to the authority granted by the Government Code of the State. The park and recreational facilities for which the dedication of land and/or the payment of a fee is required by this article are in accordance with the Parks and Recreation Element of the General Plan.

4.13.4 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XV of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to public services if the Project or any Project-related component would:

- a) *Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the 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 Services;*
 - ii) *Sheriff Services;*
 - iii) *Schools;*
 - iv) *Libraries; or*
 - v) *Health Services*

4.13.5 IMPACT ANALYSIS

Threshold a: *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the 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 Services;*
- ii. *Police Protection Services;*
- iii. *School Services;*
- iv. *Parks; or*
- v. *Other Public Facilities*

A. **Fire Protection Services**

The Project would increase the overall demand on fire protection and emergency services in the City. Project buildout would result in an increase of approximately 275 residents, a 4,294 sf restaurant, a 3,100 sf fitness center, 95 residential units, and a 40,241 sf of performing arts center. This growth in accordance with the Project is expected to create the typical range of fire and emergency service calls, and would increase call volumes, which impacts response times for emergency and non-emergency services.



Based on the existing firefighting resources available in the City and the proximity of the nearest fire station adjacent to the Project site, implementation of the Project is not expected to result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impact. In order to maintain acceptable service ratios, OCFA uses a fair share approach to mitigate fire service response impacts and facility/equipment needs. Additionally, Project development would occur in an area of the City already served by OCFA; therefore, the Project would not result in an expansion of OCFA's service area. In the event of an emergency within the Project site that requires more resources than the primary fire stations that serve the area could provide, OCFA would direct resources to the site from other OCFA stations nearby.

Further, the Project would be required to comply with all applicable fire code and ordinances for construction, access, water mains, fire flows, and fire hydrants. For example, site plans would be submitted to OCFA to ensure compliance with OCFA standard conditions, including fire flow requirements based upon the tenant type, building size, and building type. Access to and around structures would meet OCFA and CFC requirements. Compliance with OCFA requirements would ensure adequate provision of resources such as access, water mains, fire flows, and fire hydrants.

In order to ensure an adequate level of fire protection service within its service area, OCFA typically enters into a Secured Fire Projection Agreement with private developers. As a condition of approval, the Project Applicant is required to enter into a Secured Fire Protection Agreement to provide for fair-share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel to adequately respond to emergencies. The Secured Fire Protection Agreement would ensure that responses times and service ratios are met by ensuring adequate personnel needed for implementation of the Project and no new fire station facilities would be required. Additionally, OCFA issued conditions of approval for the Project, which include but is not limited to requiring a fire master plan, emergency responder radio system design, underground piping for private hydrants and fire sprinkler systems, testing, and inspections.

Because the Project does not include construction of new fire station facilities and does not generate a need for additional facilities and the Project Applicant will pay fees that will provide its fair share of future fire and EMS needs. Project-related impacts to fire protection services are evaluated as less than significant.

B. Police Protection Services

Buildout of the Project would increase the demand on police protection services in the City. During construction and operation of the Project, the need for police services is expected to grow due to the increase in population and associated potential for additional crime and accidents. Crime and safety issues during Project construction may include theft of building materials and construction equipment, malicious mischief, graffiti, and vandalism. After construction, the Project is anticipated to generate a typical range of police service calls as similar developments, such as vehicle burglaries, residential thefts, disturbances, and driving under the influence.



The increase in demands on police services resulting from the implementation of the Project would not adversely impact OCSD's existing resources. There are currently no staffing or equipment deficiencies in the service area. The increase in potential services needed would not require the construction of a new police station or improvements to the existing station that serves the Project site. Implementation of the Project would result in an increase in calls for service. Project buildout would result in an increase of approximately 275 residents. As previously stated, OCSD uses a ratio of 0.9 sworn deputies to 1,000 people. Therefore, the Project-related population increase would not result in the need for a new officer and would have a negligible impact on the OCSD's ratio of 0.9 police officers per 1,000 residents.

Because the Project does not include construction of new police facilities and does not generate a need for additional facilities, increases in demands for police protection resulting from implementation of the Project would not have significant impacts on OCSD services.

C. School Services

Project buildout would allow for up to 95 dwelling units, which would result in a population increase of 275 residents¹. The population would lead to an increase in student population, which in turn would create additional demand for CUSD services and facilities. Schools serving the Project site include Kinoshita Elementary School, Marco Forster Middle School, and San Juan Hills High School.

Table 4.13-3, *Projected Student Population*, provides an estimate of the number of K-12 grade level students by school type that would be generated by the Project. The estimated student generation rates are specific to CUSD and are based on general citywide single- and multifamily housing developments. Student generation rates are used by school districts to estimate the number of students generated by new development to determine whether or not existing school facilities would be adequate for future students.

Table 4.13-3 also calculates the addition of net new students that could be generated at Project buildout to the current enrollment in order to determine if there would be adequate capacity at schools serving the Plan Area. This approach is conservative because student enrollment fluctuates over time. As shown in Table 4.13-3, the Project would generate approximately 29 students at buildout, consisting of 13 elementary school students, 7 middle school students, and 9 high school students. There is more than adequate capacity to serve the Project site students; the Project in combination with current enrollment would leave a remaining capacity of 1,375 total students, including 423 elementary students, 458 middle school students, and 476 high school students. Therefore, based on the preceding, impacts from implementation of the Project on school services would not be significant.

¹ Assuming an average household size of 2.89



Table 4.13-3 Projected Student Population

Grade Level	Student Generation Rates		Project	Project Generated Students	Current Enrollment (2020-2021)	Current Enrollment + Project	Total Capacity	Remaining Capacity
	SFR	MFR						
Elementary School	0.1351	0.1312	95 MFR	13	369	382	805	423
Middle School	0.0790	0.0703		7	1,082	1089	1,547	458
High School	0.1192	0.0940		9	2,857	2866	3,342	476
Total	-	-	95	29	4,308	4,337	5,694	1,357

Source: (Cooperative Strategies, 2020)

D. Parks

As discussed in Subsection 4.14, *Recreation*, the Project would result in an increase in the number of residents and employees in the City, which could lead to an increase in demand for existing City parks and recreational facilities. However, the City currently has a total of 241.8 acres of parkland (exceeding its current park ratio requirement by 65 acres)² and provides more than adequate park and recreational facilities to accommodate the future residences and employees. In addition to the existing Historic Town Center Park within the Project site, a variety of common open space amenities are proposed within the Project site, as well as a variety of publicly accessible but privately maintained pocket plazas and paseos. Therefore, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks or recreational facilities or the need for new or physically altered parks or recreational facilities and impacts would be less than significant. Refer to Subsection 4.14, *Recreation*, for further discussion.

E. Other Public Facilities

Project buildout would increase population onsite by an estimated 275 residents, thus increasing demand for library services. Increased demands are expected to most affect the library facilities closest to the Project site - that is the San Juan Capistrano Library. Project impacts on the Orange County Public Library system (OCPL) would include needs for increased staffing, increased collection budget, and increased operating hours. Although future Project residents would be mainly served by the San Juan Capistrano Library, they would have access to all libraries within OCPL's system. Additionally, demand on library services would be incremental and would not require the need for new or expanded physical library facilities, the construction of which could cause a substantial adverse impact. Therefore, impacts to library services would be less than significant.

² The City's current park ratio requirement is 5 acres of parkland per 1,000 residents (City of San Juan Capistrano, 2002b).



4.13.6 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development within the City, listed in Table 4.0-2, *Cumulative Development Land Use Summary*.

A. Fire Protection Services

Future development projects within OCFA's service area would be required to comply with CFC and OCFA regulations and standards to maintain adequate access within the Project site, which further ensures an adequate level of service for fire protection and emergency services to residents, workers, and visitors in the Project site. Future development projects are reviewed by the City and OCFA to ensure compliance with all applicable building code and other code requirements in effect at the time building permits are issued. Additionally, OCFA requires new development (over 50 units) to enter into a Secured Fire Protection Agreement to provide for fair-share funding of capital improvements, including facilities, equipment, and radio/communications systems. In order to maintain acceptable service ratios, OCFA uses a fair share approach to mitigate fire service response impacts and facility/equipment needs. Secured Fire Protection Agreements with future development would ensure that responses times and service ratios are met due to the implementation of cumulative development within its service area and facilities are upgraded as needed. Similar to the Project, future cumulative development projects would result in increased property and sales tax revenue, which would provide additional funding for any capital improvements necessary to maintain adequate fire protection facilities, equipment, and/or personnel. By maintaining a consistent level of service through expansion of facility improvements, OCFA would be able to ensure that its performance objectives are consistently met. The Project's increased demand for fire protection services, in conjunction with the increased demand for cumulative development pursuant to the City's General Plan, would not result in significant cumulative impacts.

B. Police Protection Services

Local population growth would result in an increased demand for public services and facilities, including law enforcement. Service providers would continue to evaluate levels of service and potential funding sources to meet demand. The City performs long-range planning for the provisions of public services and facilities based on its growth projections, which are revised over time and includes areas within the City's sphere of influence. Through assessments of the City's capital improvement needs and annual budget review process, police department needs are assessed, and budget allocations are revised accordingly to ensure that adequate levels of police services, including police protection facilities, equipment, and/or personnel, are maintained throughout the City.

Increased property and sales tax from future new developments would provide funding for any capital improvements necessary to maintain adequate police protection facilities, equipment, and/or personnel. By maintaining a consistent level of service through expansion or facility improvements, OCSD would be able to ensure that its performance objectives are consistently met. Furthermore, individual



development projects pursuant to the City's General Plan would be reviewed by the City and would be required to comply with the requirements in effect at the time building permits are issued.

Therefore, the demand for police services would not be adversely affected by the Project in conjunction with cumulative development pursuant to the City's General Plan. No significant cumulative impacts related to police services are anticipated.

C. School Services

Cumulative development in the CUSD service area, including the related projects, may generate a substantial increase in student population in CUSD schools. Assuming CUSD's enrollment increases, administrators will need to seek short-term and long-term remedies to accommodate those added students. In recognition of these conditions, the State Legislature provided authority for school districts to assess impact fees for both residential and nonresidential development projects. Those fees, as authorized under Education Code Section 17620(a) and Government Code Section 65995(b), are collected by municipalities at the time building permits are issued and conveyed to the affected school district in accordance with a defined fee structure, and the payment of these fees constitutes full mitigation for the impacts generated by new development, per Government Code Section 65995.

There is sufficient capacity within the schools serving the Project site to accommodate the additional students generated by the Project. Additionally, since the Project and cumulative development must pay appropriate impact fees, no cumulative impact would occur as a result of the implementation of the Project in conjunction with other area-wide development activities. Cumulative project impacts would be less than significant.

D. Parks

As discussed in Subsection 4.14, *Recreation*, cumulative development will increase the demand in parks and recreational facilities. However, with the increase of projected population in 2045, there is sufficient parkland to meet the City's park ratio requirement. Additionally, all new residential development is required either dedicate parkland or pay park facilities impact fees to offset the cost to expand or construct new park and recreational space and facilities to adequately serve the City's growing population. Therefore, cumulative project impacts would be less than significant.

E. Other Public Facilities

Cumulative population growth within the service area as a result of the related projects will likely increase the demand for library services. Similar to the Project, future residents of development projects within the City of San Juan Capistrano may visit the San Juan Capistrano Library. However, future residents would have access to all 32 OCPL branch libraries, online resources, and interlibrary loans. Therefore, library capacity would not be significantly impacted and cumulative project impacts would be less than significant.



4.13.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Impact. Implementation of the Project would result in an increased requirement for public services. However, considering the existing resources available, the Project is not expected to result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impact.

4.13.8 MITIGATION

No mitigation is required. Impacts would be less than significant and mitigation is not required.

4.13.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant and mitigation is not required.



4.14 RECREATION

This Subsection provides an overview of the existing parks and recreational facilities that exist within the Project vicinity and that could potentially be indirectly physically affected by implementation of the Project. The analysis herein is based on City of San Juan Capistrano (City) General Plan Parks and Recreation Element and the City of San Juan Capistrano Municipal Code. Additional references used for this Subsection are listed in Section 7.0, *References*.

4.14.1 EXISTING CONDITIONS

A. Regional Park

The County of Orange and the City of San Juan Capistrano identified the development of the Prima Deshecha County Regional Park at the existing Prima Deshecha landfill located in the southeastern hills of the City. Although full closure of the landfill is not expected until 2064, portions will be closed prior to 2064. The City will continue to work with the County in establishing earlier phased development as portions of the landfill are closed. Planned facilities may include open field play and active recreation provisions, a golf course, camping facilities, picnic and barbecue facilities. (City of San Juan Capistrano, 2002)

B. Local Parks

The City's existing parks system consists of public and private neighborhood parks, community parks, planned Prima Deshecha County Regional Park, and joint use parks. As shown in Table 4.14-1, *Existing and Planned Parks and Recreational Facilities*, the City currently has 27 developed public parks, totaling 241.8 acres. Additionally, a future park, Las Ramblas Park, is planned within the City's limits. Figure PR-1, Park and Recreational Facilities, of the City's General Plan identifies all the City's existing parks and recreational facilities.

Table 4.14-1 Existing and Planned Parks and Recreational Facilities

#	Name	Location	Size (acres)
Existing			
1	Acu Canyon Park	Camino Las Ramblas and Avenida Pescador	4.7
2	Acre Park	Northwest corner of Alipaz and Del Obispo	0.2
3	Arroyo Park	Borer by Via Parra on the east and Sundance on the west	3.6
4	Bonita Park	West side of Via Del Rey, across from Via Lorado	0.6
5	Buchheim Field	North of Spring Street, east of El Camino Real and west of Interstate 5	17.7
6	Cook Park (Cordova)	East side of Calle Arroyo between Via Entradero and Via Solana	9.0
7	Cook Park (Del Campo)	Calle Arroyo and Del Campo	1.5
8	Cook Park (La Novia)	East side of Calle Arroyo between La Novia and Paseo Tirador	6.5



#	Name	Location	Size (acres)
9	De La Vista Park	East of Trabuco Creel and west of Avenida Del La Vista, near the western terminus of Mission Street	0.3
10	Descanso Park	At the terminus of Paseo Adelanto	1.0
11	El Camino Real Park	Camino Capistrano from La Zanja to Calle Chueca	4.5
12	Four Oaks Park	East side of Via Madonna between Calle Santa Ynez and Via Del Cerro	2.54
13	Fran Joswick Equestrian Center (Oso Park)	Between Trabuco Creek and Camino Capistrano, south of Oso Road	5.3
14	Good Neighbors Park	West of Trabuco Creek between Calle Lucana and Calle Delphina	0.2
15	Junipero Serra Park	Terminus of San Felipe Circle	3.75
16	La Ronda Park	On Camino La Ronda between Via Montura and Paseo Corrales	0.5
17	Los Rios Historic Park	East of Trabuco Creek between Ramos Street and Historic River Street	8.0
18	Macro Forster Junior High	Northeast corner of Del Obispo and Camino Del Avoin	10.0
19	Mini Park (Veterans Park)	East Camino Capistrano at Yorba Street	0.3
20	Mission Bell Park	West side of Alipaz Street , north of Calle Jardin	2.8
21	Mission Trails Equestrian Center	Between Calle Arroyo and San Juan Creek	8.0
22	Old Capistrano High School Site	Camino Capistrano west of El Camino Real between La Zanja and Acjachema	4.3
23	Old Fire Station Community Center	El Horna Street and La Matanza	1.3
24	Rio Oso Park	South of Oso Road between Trabuco Creek and Camino Capistrano	5.3
25	San Juan Capistrano Community Center and Sports Park	Camino Del Avion	56.0
26	San Juan Creek Neighborhood Park	Northwest corner of San Juan Creek and Camino Lacouague	4.7
27	Northwest Open Site	Between Camino Capistrano and the railroad, north of Junipero Sierra Road	77.0
28	Historic Town Center Park	East of El Camino Real south of Blas Aguilar Adobe	2.2
Subtotal (Existing)			241.8
Planned			
28	Las Ramblas Park	North side of Camino Las Ramblas, between Via California and Via De Agua	5.5
Subtotal (Planned)			5.5
Total (Existing and Planned)			247.3

Source: (City of San Juan Capistrano, 2002, pp. Tables PR-2 and PR-3)



1. *Public Parks Serving the Project Site*

The nearest existing regional and City-owned parks to the Project site are listed below.

- **Historic Town Center Park:** Historic Town Center Park, located within the northern portion of Project site, includes permanent stage, restrooms, turfed area, and walking pathways within its approximately 2.2-acre site.
- **Veterans Park:** Veterans Park, approximately 0.02 miles to the west of the Project site, includes benches, gravel paths, and container garden within its approximately 0.3-acre site.
- **Los Rios Historic Park:** Los Rios Historic Park, located approximately 0.12 miles to the northeast of the Project site, includes bike paths, Montanez adobe, hitching posts, a picnic area, and restrooms within its approximately 8.0-acre site.
- **Descanso Park:** Descanso Park, located approximately 0.56 miles to the southwest of the Project site, includes barbeques, children's play area, bike paths, picnic area, horse corral and horseshoe pits, and restrooms within its 1.0-acre site.

C. **Trails Network**

The City's trail system comprised of an extensive network of riding, hiking and equestrian trails, including General Plan trails, Feeder trails, and bicycle routes. General Plan trails are usually 20 feet wide and are mostly maintained by the City. Feeder trails are 10 feet-wide dead-end trails and maintained by the adjacent homeowners association. The system is held together by trails along San Juan, Trabuco and Oso Creeks. Complementing these is an irregular web of trails moving through the community and into the ridgelines surrounding the City. (City of San Juan Capistrano, 2002b, p. 18)

D. **Parkland Standard**

The City's current park ratio requirement is 5 acres of parkland per 1,000 residents (City of San Juan Capistrano, 2002b). Based on the City's 2023 estimated population of 35,089 (DOF, 2023), the City needs approximately 175 acres of parkland to meet park ratio requirements. Based on the total acres of all parks and facilities within the City limits, a total of 241.8 acres of parkland is being provided for a current park ratio of 6.75 acres of parkland per 1,000 residents. Therefore, the City currently exceeds its park ratio of 5 acres of parkland per 1,000 residents.

4.14.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to recreation. Additionally, no comments related to recreation were received during the public scoping period.



4.14.3 REGULATORY FRAMEWORK

A. State

1. *Mitigation Fee Act*

The California Mitigation Fee Act, Government Code sections 66000, et seq., allows cities to establish fees that are imposed on development projects for the purpose of mitigating the impact that the projects have on the city's ability to provide specified public facilities. In order to comply with the Mitigation Fee Act a city must follow four primary requirements: 1) Make certain determinations regarding the purpose and use of a fee and establish a nexus or connection between a development project or class of project and the public improvement being financed with the fee; 2) Segregate fee revenue from the General Fund in order to avoid commingling of capital facilities fees and general funds; 3) For fees that have been in the possession of the city for five years or more and for which the dollars have not been spent or committed to a project the city must make findings each fiscal year describing the continuing need for the money; and 4) Refund any fees with interest for developer deposits for which the findings noted above cannot be made.

2. *California Public Park Preservation Act*

The primary instrument for protecting and preserving parkland in the state is California's Public Park Preservation Act of 1971. Under Public Resources Code Sections 5400 - 5409, cities and counties may not acquire any real property that is in use as a public park for any nonpark use unless compensation, land, or both, are provided to replace the parkland acquired. This ensures no net loss of parkland and facilities.

3. *Quimby Act, California Government Code § 66477*

As part of approval of a final tract or parcel map, the Quimby Act allows a city to require dedication of land, the payment of in-lieu fees, or a combination of both to be used for the provision of parks and recreational services. Cities can require land or in-lieu fees for a minimum of three acres per 1,000 residents, with the possibility of increasing the requirement to a maximum of 5 acres per 1,000 residents if the city already provides more than three acres per 1,000 residents. Assembly Bill (AB) 1191, which was approved by the Governor of California on September 8, 2015, amended the definition of park and recreation purposes to include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of the land, of plant material not for sale.

B. Local

1. *City of San Juan Capistrano General Plan*

The General Plan identifies goals related to recreation in its Parks and Recreation Element. The Project-applicable goals and policies and a discussion of the Project's consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.



2. *City of San Juan Capistrano Municipal Code*

The City of San Juan Capistrano Municipal Code identifies policies related to dedication of parkland. The specific Municipal Code policy is as follows:

Section 9-4.519 Parkland. The provisions of this section are enacted pursuant to the authority granted by the Government Code of the State. The park and recreational facilities for which the dedication of land and/or the payment of a fee is required by this article are in accordance with the Parks and Recreation Element of the General Plan.

4.14.4 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XVI of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to recreation if the Project or any Project-related component would:

- a) *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;*
- 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?*

4.14.5 IMPACT ANALYSIS

Threshold 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?*

The Project would result in the development of up to approximately 4,294 square foot (sf) restaurant, a 3,100 square foot fitness center, approximately 107,499 sf (95 units) of residential, and approximately 48,235 sf of performing arts center. Project development would lead to an increase of 95 dwelling units on the Project site. The additional dwelling units would result in an increase in the number of residents in the City, which could lead to an increase in demand for existing City parks and recreational facilities.

As stated previously, the City currently has 6.75 acres of parkland per 1,000 residents (241.8 acres of parkland in total), a surplus of 62.8 acres of parkland. As discussed in Subsection 4.12, *Population and Housing*, assuming an average household size of 2.89 residents per unit, consistent with the household size reported in the City of San Juan Capistrano Housing Element, the Project would generate 275 new residents in the City resulting in the need for 1.37 acres of parkland or 176.4 acres citywide. The City currently has a total of 241.8 acres of parkland (or a surplus of 65.4 acres with Project) and provides more than adequate park and recreational facilities to accommodate the future residences such that implementation of the Project would not cause the deterioration of existing facilities.

Notwithstanding, per the City's park dedication requirements under Municipal Code Section 9-4.519 (Parkland), all new residential development is required to either dedicate parkland or pay park facilities



impact fees to offset the cost to expand or construct new park and recreational space and facilities to adequately serve the City's growing population. In addition to the existing Historic Town Center Park within the Project site, a variety of common open space amenities are proposed within the Project site, as well as a variety of publicly accessible but privately maintained pocket plazas and paseos. The Forster and El Camino Mixed Use Project site will include a resort-style pool and recreational facility. Additionally, a 3,271 square foot clubhouse building will be located at the entrance to the residences and will serve as a central focal point for the community. The clubhouse building will contain meeting and recreation space for the community's residents. A California room will open on to the pool deck and provide indoor/outdoor recreation space for those using the facilities. A total of 21,920 sf of common open space would be provided at the Project site. The Project would also allow for a performing arts center to be constructed at the eastern edge of the Historic Town Center Park, which would enhance opportunities for community culture and interaction through events and performances available to the public. Therefore, the Project would not result in an increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur, and impacts would be less than significant.

Threshold b: Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

As noted above, the Project would include a variety of common open space amenities and a future performing arts center. The construction of these recreational facilities would occur within the boundaries of the Project site and would be inherent to the Project's construction phase. The Project's construction impacts are analyzed throughout this EIR and mitigation is incorporated where necessary. Additionally, future open space and recreational facility development in the Project site would be required to adhere to the development standards and design guidelines of the Specific Plan. Therefore, impacts associated with the Project's on-site recreational facilities would be less than significant.

Furthermore, per the analysis provided above under Threshold a, the Project would not require the construction of new or expansion of existing City parks and recreational facilities due to the use of these parks and facilities by future Project residents. The City currently has a total of 241.8 acres of parkland (or a surplus of 65.4 acres with Project) and meets the parkland standard of 5 acres of parkland per 1,000 residents. The City provides more than adequate park and recreational facilities to accommodate future residences such that implementation of the Project would not cause the deterioration of existing facilities. Therefore, implementation of the Project would not result in significant impacts relating to new and/or expanded park and recreational facilities.

4.14.6 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development within the City.



To determine the cumulative public park and recreational impacts, citywide growth forecasts are considered. As noted above, the City currently meets its park ratio of 5 acres of parkland per 1,000 residents. Based on the Southern California Association of Governments' 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy, the City would have approximately 11,600 housing units and an estimated population of 43,776 in 2050 (SCAG, 2024). Based on the City's goal of 5 acres of parkland per 1,000 residents, this would create a cumulative need for approximately 218.9 acres of public park and recreational space or 220.3 acres cumulative with Project. Although recreational needs of future residents of the Project would add to citywide demand for park and recreational facilities, this growth is presumed to be included in projections identified in the 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy. Additionally, the City currently has 6.75 acres of parkland per 1,000 residents (241.8 acres of parkland in total), a surplus of 30.9 acres of parkland cumulative with Project. With the increase of projected population in 2050, there is sufficient parkland to meet the park ratio requirement. Therefore, impacts regarding maintaining acceptable service ratios and performance standards for park and recreation facilities would be less than significant.

Cumulative development projects would be required to comply with all applicable existing regulations, procedures, and policies that are intended to address impacts to park and recreation facilities. For example, per the City's park dedication requirements under Municipal Code Section 9-4.519 (Parkland), all new residential development is required to either dedicate parkland or pay park facilities impact fees to offset the cost to expand or construct new park and recreational space and facilities to adequately serve the City's growing population. Therefore, cumulative impacts related to park and recreational space and facilities would be less than significant.

4.14.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant. The City is currently exceeding the required parkland ratio and although the Project would result in an increase in residents, there is adequate park and recreational facilities to accommodate the future residences. Accordingly, implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, and impacts would be less than significant.

Threshold b: Less than Significant. The construction of the Project's proposed recreational facilities is inherent to the Project's construction phase, the impacts of which are evaluated throughout this EIR and mitigation measures are implemented where necessary to reduce Project impacts to less than significant levels. Additionally, the Project does not propose to expand any existing recreational facilities. Therefore, impacts associated with recreational facilities would be less than significant.

4.14.8 MITIGATION

Impacts would be less than significant, and mitigation is not required.



4.14.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant, and mitigation is not required.



4.15 TRANSPORTATION

The analysis in this Subsection is based primarily on information contained in two site-specific technical reports provided by Linscott, Law, & Greenspan Engineers (hereafter, “LLG”): 1) *Traffic Impact Analysis Report El Camino Specific Plan Amendment*, dated April 17, 2025 (LLG, 2025); and 2) *Vehicle Miles Traveled (VMT) Screening Assessment for El Camino Specific Plan Amendment*, dated October 7, 2024 (LLG, 2024). These reports are provided as *Technical Appendices K1* and *K2* to this EIR.

4.15.1 EXISTING CONDITIONS

A. Regional Access

Regional access to the Project site is provided via the San Diego Freeway (I-5) and the State Route 74 (SR-74). The I-5 Freeway, located east of the Project site, is a major highway that extends throughout Orange County, Los Angeles County and San Diego County. Direct access from the I-5 Freeway is provided via the I-5 Freeway/SR-74 Interchange.

B. Existing Street Network

The principal local network of streets serving the Project site are Ortega Highway, Del Obispo Street, and Camino Capistrano. The following discussion provides a brief synopsis of these key area streets. The descriptions are based on an inventory of existing roadway conditions.

- **Ortega Highway** is a primary arterial (four-lane divided roadway) from Del Obispo Street to the east and as it transitions (or renamed) to Old Mission Road to the west, it is a secondary roadway from Del Obispo Street west to Camino Capistrano. It extends in the east-west direction. Parking is permitted on both sides of Old Mission Road between Camino Capistrano and east of El Camino Real. The posted speed limit on Old Mission Road is 25 miles per hour (mph) from Camino Capistrano to I-5. The intersections of Old Mission Road at Camino Capistrano, El Camino Real, Del Obispo Street, and Ortega Highway at I-5 SB Ramps and I-5 NB Ramps are controlled by traffic signals.
- **Del Obispo Street** is designated as a secondary arterial; however, it is constructed as a primary arterial (four-lane divided roadway) that extends generally in the north-south direction, directly east of the Project site. Parking is not permitted on either side of the roadway within the vicinity of the Project. Access to the commercial properties located along the section of Del Obispo Street between Ortega Highway and Forster Lane is provided via a two-way left-turn lane. Del Obispo Street is designated as a Secondary Arterial in the City’s Circulation Element, it functions as a six-lane facility between Camino Capistrano and Alipaz Street due to the provision of dual left turn lanes and the added capacity at the signalized intersections of Camino Capistrano, Paseo Adelanto and Alipaz Street. Nevertheless, this segment of Del Obispo Street was evaluated as a four-lane divided arterial to provide a conservative traffic assessment. The posted speed limit on Del Obispo Street is 35 mph within the vicinity of the



Project. The study intersections of Del Obispo Street at Old Mission Road, Camino Capistrano, Paseo Adelanto and Alipaz Street are controlled by traffic signals. The intersection of Del Obispo Street at Forster Lane is controlled by a one-way stop.

- **Camino Capistrano** is a primary arterial from Del Obispo Street to the South City Limit and a limited secondary arterial north from Del Obispo Street. The speed limit is 25 mph north of Del Obispo Street, 35 mph from Del Obispo Street to San Juan Creek Road and 45 mph south of San Juan Creek Road. Parking is permitted on both sides of the roadway north from Del Obispo Street. In all other areas within the vicinity of the Project, parking is not permitted on either side of this roadway. The intersection of Camino Capistrano at Forster Street is controlled by a one-way stop.
- **El Camino Real** is a local arterial (two-lane, undivided roadway) that extends in the north-south direction. Parking is generally permitted on both sides of this roadway within the vicinity of the Project. The speed limit on El Camino Real is 25 mph.
- **Forster Street** is a local arterial (two-lane, undivided roadway) that extends in the east-west direction. Parking is generally permitted on the north side of this roadway within the vicinity of the Project. The speed limit on Forster Street is 25 mph.
- **Alipaz Street** is designated as a secondary arterial south of Del Obispo Street; however, it is constructed as a primary arterial (four-lane, divided roadway) that extends in the north-south direction. Parking is permitted on both sides of this roadway south of Del Obispo Street within the vicinity of the Project. The posted speed limit on Alipaz Street is 40 mph.
- **Paseo Adelanto** is a local arterial (two-lane, undivided roadway) that extends in the north-south direction. Parking is permitted on the east side north of Del Obispo Street within the vicinity of the Project. The posted speed limit on Paseo Adelanto is 25 mph. (LLG, 2025)

C. Existing Public Transit

The Orange County Transportation Authority (OCTA), Metrolink and Amtrak provide public transit services in the vicinity of the Project. In the vicinity of the Project, the OCTA Route 91 currently serves Camino Capistrano. The nearest bus stop location currently exists along the west side of Camino Capistrano between Ortega Highway and Del Obispo Street. (LLG, 2025)

The Metrolink Orange County Line and Inland Empire OC Line, as well as the Amtrak Pacific Surfliner line currently connect to the San Juan Capistrano Station, east of Los Rios Street and north of Del Obispo Street. Figure 4.15-1, *OCTA Transit Routes*, graphically illustrates the transit routes of OCTA within the vicinity of the Project site.



Source(s): Linscott, Law, & Greenspan, Engineers (04-14-2025)

Figure 4.15-1



Not to Scale



OCTA Transit Routes



D. Existing Bicycle Facilities

The City of San Juan Capistrano promotes bicycling as a means of mobility and a way in which to improve the quality of life within its community. Class III Bicycle routes currently exist along Camino Capistrano. (LLG, 2025)

4.15.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to transportation.

Two comments related to transportation by the California Department of Transportation (Caltrans) and California Highway Patrol (CHP) were received on November 2, 2023. Caltrans requests the Project maintain bicycle and pedestrian access and provide detours during construction; encourage the use of bus and rail transit to employees and residents during construction and after the completion of the Project; design Complete Streets that include high-quality pedestrian and bicycle facilities that are safe and comfortable for users of all ages and abilities; requests that Traffic Operations Southwest review the Traffic Impact Study in order to determine the impact to I-5 ramps; requests that coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts prior to construction. CHP expresses concern on the increase of traffic due the Project on to the Interstate 5 and State Route 74 and suggests that efforts to mitigate the potential increase in congestion, crashes, and response times could include optimally timing events for off-peak periods and/or additional traffic control measures.

4.15.3 REGULATORY FRAMEWORK

A. State

1. Senate Bill 743 and VMT-Based Analyses

Senate Bill 743 (Steinberg, 2013), which was codified in Public Resources Code section 21099, required changes to the guidelines implementing CEQA Guidelines regarding the analysis of transportation impacts. As one appellate court explained: “During the last 10 years, the Legislature has charted a course of long-term sustainability based on denser infill development, reduced reliance on individual vehicles and improved mass transit, all with the goal of reducing greenhouse gas emissions. Section 21099 is part of that strategy...” (*Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 729.) Pursuant to Section 21099, the criteria for determining the significance of transportation impacts must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” (Id., subd. (b)(1); see generally, adopted CEQA Guidelines, § 15064.3, subd. (b) [Criteria for Analyzing Transportation Impacts].) To that end, in developing the criteria, the State of California Office of Planning and Research (OPR) has proposed, and the California Natural Resources Agency has certified and adopted changes to the CEQA Guidelines that identify vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project’s transportation impacts. With the California Natural Resources Agency’s



certification and adoption of the changes to the CEQA Guidelines, automobile delay, as measured by “level of service” and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. (Pub. Resources Code, § 21099, subd. (b)(3).)

B. Regional

1. SCAG Regional Transportation Plan/Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is a regional agency established pursuant to California Government Code Section 6500, also referred to as the Joint Powers Authority law. SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). The Project site is within SCAG’s regional authority. The RTP/SCS is updated periodically to allow for the consideration and inclusion of new transportation strategies and methods. SCAG’s Regional Council adopted the 2020-2045 RTP/SCS (referred to as “Connect SoCal”) September 3, 2020. Connect SoCal is a long-range visioning plan that builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern.

C. Local

1. City of San Juan Capistrano Circulation Element

The City of San Juan Capistrano General Plan Circulation Element identifies goals and policies related to circulation and mobility in the City. The Project-applicable goals and policies and a discussion of the Project’s consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.

4.15.4 METHODOLOGY

CEQA Appendix G Threshold (a) requires an analysis of the Project’s potential to conflict with plans, programs, ordinances, or policies that address the circulation system, including transit, roadway, bicycle, and pedestrian facilities. This EIR relies on the analysis in the Traffic Report attached as *Technical Appendix K1* to evaluate the consistency of the Project with adopted City General Plan plans and policies. If a conflict is identified, improvements that prioritize access for and improve walking, bicycling, and riding transit facilities in order to provide safe and convenient streets for all users are identified. As such, a project that generally conforms with and does not obstruct the City’s development policies and standards would be considered consistent under Appendix G Threshold (a).

On December 28, 2018, the California Natural Resources Agency adopted revised CEQA Guidelines. Among the changes to the guidelines was the removal of vehicle delay and LOS from consideration for transportation impacts under CEQA. With the adopted guidelines, transportation impacts are to be evaluated based on a project’s effect on vehicle miles traveled. The City of San Juan Capistrano adopted transportation impact criteria in May 2020 to be consistent with the CEQA revisions. These guidelines are contained within the Amended Administrative Police No. 310 and the accompanying *City of San Juan Capistrano Vehicle Miles Traveled (VMT) Guidelines and Thresholds Memorandum*



prepared by LLG Engineers, dated May 22, 2020, and provide screening criteria and methodology for VMT analysis.

4.15.5 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XVII of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to transportation and traffic if the Project or any Project-related component would:

- a) *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;*
- b) *Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);*
- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);*
- d) *Result in inadequate emergency access.*

4.15.6 IMPACT ANALYSIS

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

1. *City of San Juan Capistrano General Plan*

As presented in Subsection 4.10, *Land Use and Planning*, of this EIR, the Project does not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect, including policies outlined in the City's General Plan. Table 4.15-1, *City of San Juan Capistrano General Plan Consistency Analysis*, restates the consistency analysis for the General Plan goals and policies that address the circulation system, including transit, roadway, bicycle, and pedestrian facilities. As shown, the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.



Table 4.15-1 City of San Juan Capistrano General Plan Consistency Analysis

Policy	Would the Project Conflict?
Circulation Element	
<i>Goal 1: Provide a system of roadways that meets the needs of the community.</i>	
Policy 1.1. Provide and maintain a City circulation system that is in balance with the land uses in San Juan Capistrano.	No Conflict. The Project would utilize the existing roadway system. The Project includes roadway improvements along El Camino Real Del Obispo Street, Camino Capistrano, and Forster Street. Additionally, the proposed Project would contribute to cumulative traffic improvements through participation in the City's Circulation Fee program. These improvements and payment of fees would help maintain the City's circulation system. Therefore, the Project would not conflict with Policy 1.1.
<i>Goal 2: Promote an advanced public transportation network.</i>	
Policy 2.2. Promote new employment-producing development in areas where public transit is convenient and desirable.	No Conflict. The Project would include both employment-producing development and residential homes. There are five bus stops and the San Juan Capistrano Amtrak Station located in the immediate vicinity of the Project site which could be utilized by residents and visitors. The Project's inclusion of commercial development within the City would encourage and increase the use of public transportation options. Therefore, the Project would not conflict with Policy 2.2.
<i>Goal 3: Provide an extensive public bicycle, pedestrian, and equestrian trails network.</i>	
Policy 3.1. Provide and maintain an extensive trails network that supports bicycles, pedestrians, and horses and is coordinated with those networks of adjacent jurisdictions.	No Conflict. As depicted Figure 3-6, <i>Proposed Circulation Plan</i> , the Project has been designed with a network of pedestrian connections and maintain existing bike lanes. Project would provide adequate pedestrian and bicycle circulation and would not impede the existing trail network. Therefore, the Project would not conflict with Policy 3.1.
<i>Goal 4: Minimize the conflict between the automobile, commercial vehicles, pedestrians, horse, and bicycles.</i>	
Policy 4.1. Provide sufficient right-of-way widths along roadways to incorporate features that buffer pedestrians, horses, and bicycles from vehicular traffic	No Conflict. The Project is designed as a pedestrian-oriented development, with an integrated on-site and off-site pedestrian circulation system. Off-site pedestrian walkways would be provided along El Camino Real, and Forster street. On-site pedestrian walkways would provide connections between the two proposed developments, parking areas, City park, building entries, and common/private open spaces. Americans with Disabilities Act compliant access pathways both on and off-site would be provided throughout the Project site. Accordingly, the Project has been designed to minimize the conflict between automobiles, commercial vehicles, pedestrians, and bicycles. Therefore, the Project would not conflict with Policy 4.1.



Threshold b: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

A. VMT Screening Criteria

Under the VMT methodology, screening to determine if a project will be required to conduct detailed analysis will continue to occur. As detailed in the *City of San Juan Capistrano Screening Criteria Flow Chart*, there are five criteria to qualify for VMT screening. It should be noted that a project only needs to satisfy one of the screening criteria listed to qualify.

1. Weekday Daily Trip Assessment

A project may be screened out if based on the most current ITE Trip Generation manual, the project generates 200 or less weekday daily trips (unadjusted driveway, i.e. gross trips). Trip generation for the Project was conservatively developed using rates from the ITE Trip Generation Manual (11th Edition) for the Multifamily Housing (Low-Rise) Land Use category (ITE Land Use Code 220), Health/Fitness Club (ITE Land Use Code 492), and Fine Dining Restaurant (ITE Land Use Code 931). However, for the proposed 452-seat Performing Arts Center, the use and operational characteristics of this Project component are not similar to the available land use categories provided in Trip Generation, 11th Edition. Therefore, trips generated by this Project component were conservatively estimated based on the anticipated unique operational characteristics (i.e., attendance levels, anticipated visitor arrival and departure patterns during weekdays and weekends, events, educational, and other programming, employees, etc.). The trip generation associated with the Performing Arts Center reflects the Project condition that start times are simultaneous for events in the theatre on weekday evenings (e.g., after 7:30 PM) hours in order to be conservative. Based on the Project's trip generation forecast, the proposed Project is anticipated to result in 1,234 daily trips on a typical weekday. Therefore, the Project will not screen out under this criterion, since it generates more than 200 daily trips.

2. Transit Assessment

A project may be screened out if it is located within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor. A major transit stop is defined as a site containing an existing rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

However, a project may not be screened-out if it:

- has a floor-area ratio (FAR) of less than 0.75;
- includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction;
- is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency); or



- replaces affordable residential units with a small number of moderate- or high-income residential units.

The Project, is located within a Transit Priority Area (TPA) as it is within a one-half mile radius from the San Juan Capistrano train station. Figure 4.15-2, *Transit Priority Area (TPA) Map*, presents the San Juan Capistrano VMT Screening Map which shows that the Project site is located within a TPA. Therefore, the Project screens out if none of the exceptions apply.

The Project is comprised of 118,164 sf of mixed-use floor area and a 48,235 sf Performing Arts Center for a total of 166,399 sf of development. As the developed area of Project site is approximately 5.05± acres (equivalent to 219,978 sf), the FAR for the proposed Project is calculated to total 0.756 (166,399 sf ÷ 219,978 sf). The Project has a FAR greater than 0.75, provides parking no more than required by the City, is consistent with consistent with the Regional Transportation Plan or Sustainable Communities Strategy (RTP/SCS or Connect SoCal) as confirmed by City staff (see Table 4.10-2), and would not replace any affordable residential units. Therefore, the Project would screen out because it is within a major transit stop and none of the exceptions apply.

3. *Local Serving Retail Assessment*

A project may be screened-out if the project is a local serving retail use of 50,000 sf or less. A local serving retail land use is defined as land uses listed under categories 800's (Retail) and/or 900's (Services) within the most current ITE Trip Generation Manual.

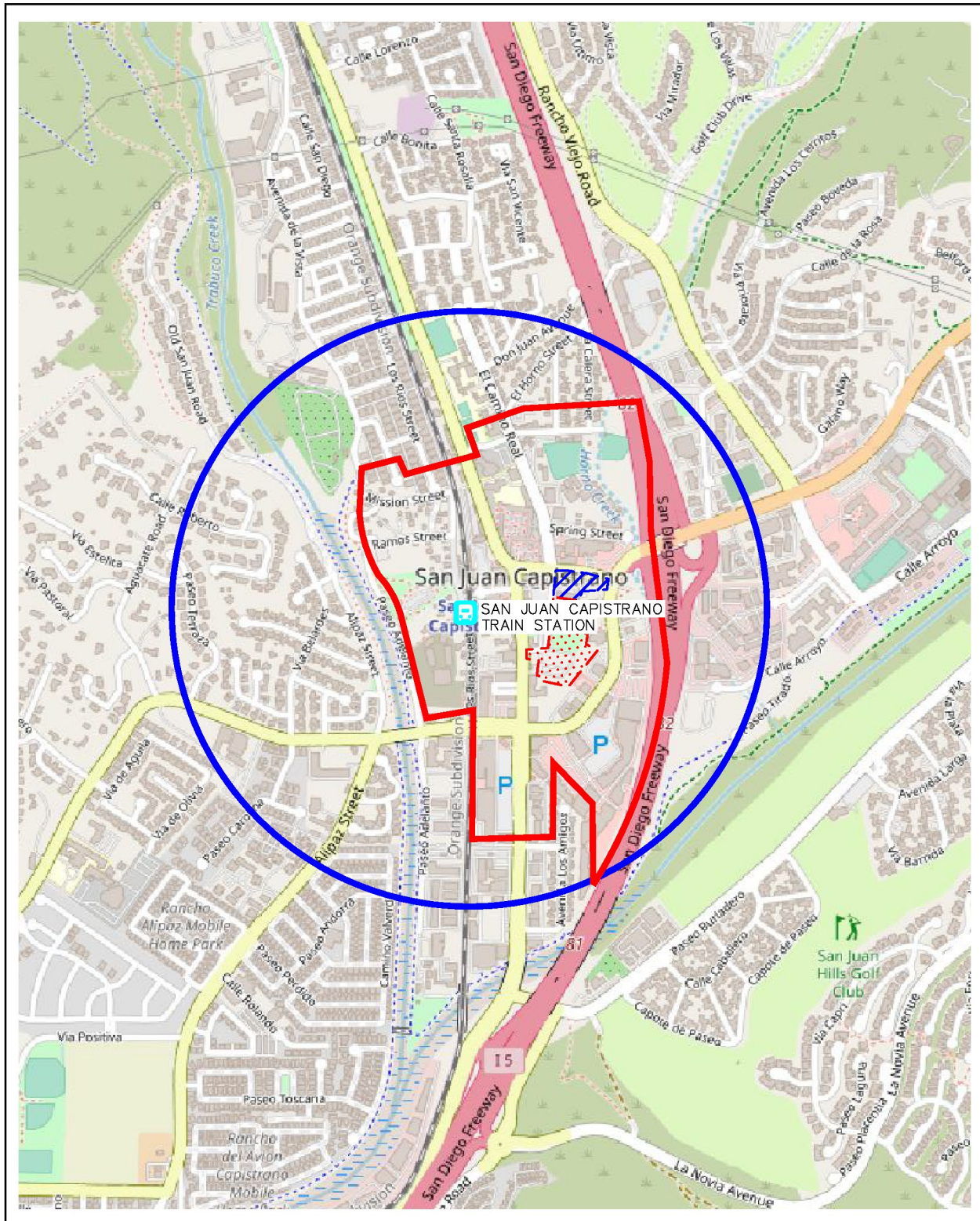
As stated earlier, the proposed Forster & El Camino Mixed-Use project includes a 4,294 sf quality restaurant and a 3,100 sf health/fitness club. However, the residential use and the Performing Arts Center use are not local serving retail uses. Based on the above, the Project would not screen-out since the Project includes uses that are not local serving retail uses less than 50,000 sf.

4. *Locally Serving Public Facility Assessment*

A project may be screened-out if the project is a locally serving public facility. Locally serving public facilities include, but are not limited: transit centers, public schools (private schools are not locally serving public facilities), libraries, post offices, park-and-ride lots, police and fire facilities, and government offices. Based on the above, the proposed Performing Arts Center could be considered as a locally serving public facility. However, the Project *would not* screen out since the residential use and the retail uses are not local serving public facilities.

5. *Affordable Housing Assessment*

A project may be screened-out if the project is comprised of 100% affordable housing units. Based on the above, the Project will not screen out under this criterion since it is not an affordable housing development.



Source(s): Linscott, Law, & Greenspan, Engineers (04-14-2025)

Figure 4.15-2



Not
to
Scale



Transit Priority Area (TPA) Map

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025



B. Conclusion

As detailed in the *City of San Juan Capistrano Vehicle Miles Traveled (VMT) Guidelines and Thresholds Memorandum*, if answers to any of the above screening criteria are “YES” and the project would not conflict with SCAG’s Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal) and the multimodal network (i.e. transit, bike and pedestrian), then no further action is required of the project. As discussed in Subsection 4.10, *Land Use and Planning*, Table 4.10-2, the Project is consistent with SCAG’s Connect SoCal. In addition, the proposed Project will not have an impact on the existing multimodal network. Therefore, in accordance with the City of San Juan Capistrano guidelines, the Project would screen-out due to its proximity to transit and therefore, the Project can be presumed to have VMT impacts that are less than significant.

Threshold 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)?*

A. Site Access Evaluation

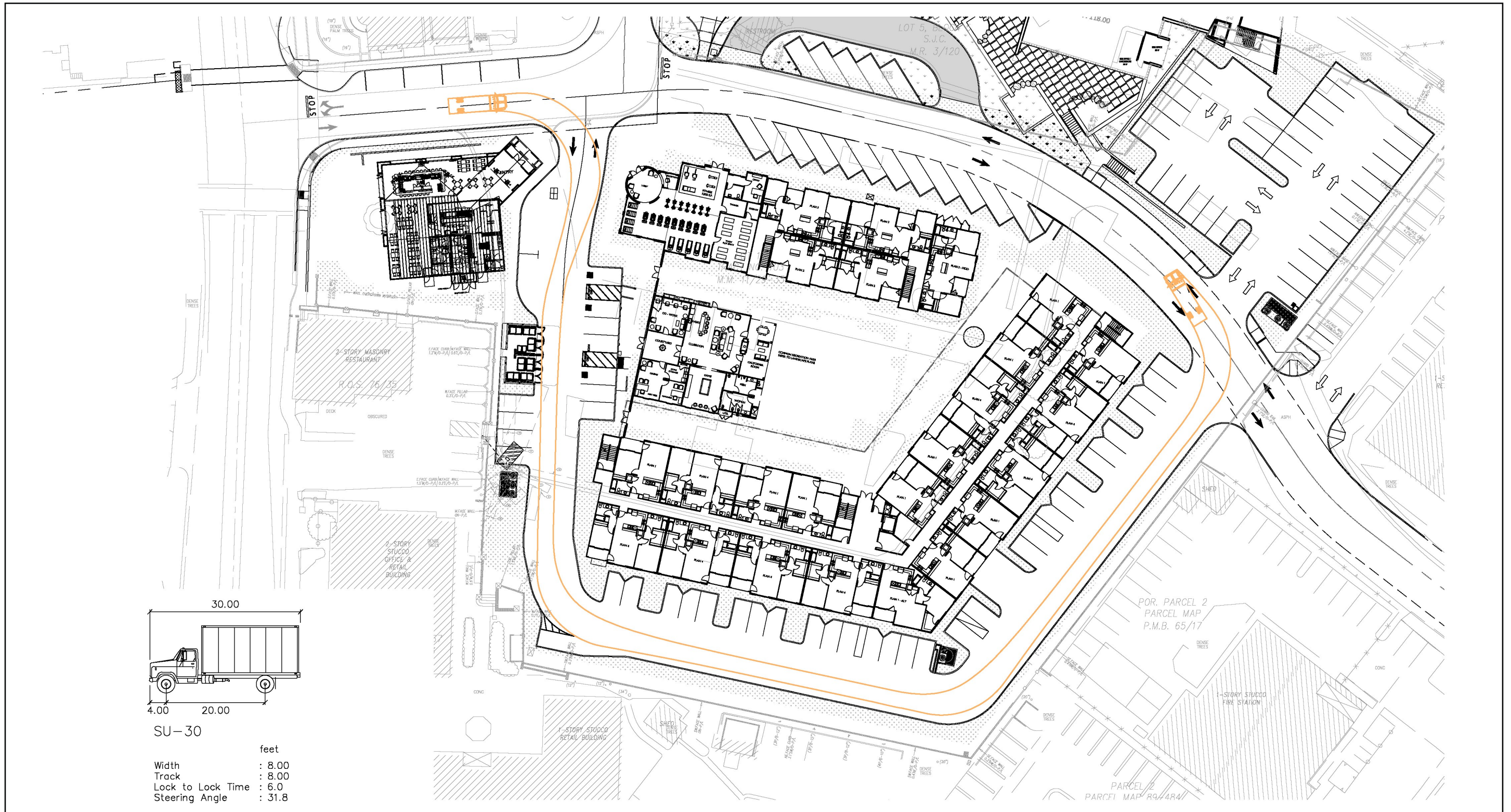
Access to the Project site would be provided by two vehicular entrance/exit points to existing local roads. Primary vehicular access is provided via Camino Capistrano. An extension of Forster Street is also proposed which would connect through to Del Obispo Street to the east. Based on anticipated project driveway volumes, access for the Project is adequate and impacts would be less than significant.

B. Internal Circulation

The internal circulation was evaluated in terms of vehicle-pedestrian conflicts. Based on the review of the site plan, the overall layout does not create significant vehicle pedestrian conflict points and the driveway lengths are sufficient such that access to parking spaces is not impacted by internal vehicle queuing/stacking. The paved width of Forster Street allows for vehicles to enter and exit the diagonal parking spaces proposed on this internal roadway. As shown in Figure 4.15-3, Figure 4.15-4, and Figure 4.15-5, curb return radii within the Project site are adequate for passenger cars, small service vehicles (SU-30), small delivery trucks, fire trucks, and trash trucks. The on-site circulation is acceptable based on our review of the preliminary site plan.

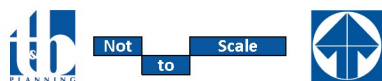
C. Queuing Analysis

Existing conditions along Del Obispo Street include queues during peak hours that may cause temporary blockage along the Fire Station 7 site. However, the Project is expected to add nominal length to the existing queues along Del Obispo Street. It should be noted that “Keep Clear” pavement markings are currently located along the Fire Station 7 frontage and fire trucks can still exit onto Del Obispo Street even with the existing congestion.



Source(s): Linscott, Law, & Greenspan, Engineers (04-17-2025)

Figure 4.15-3



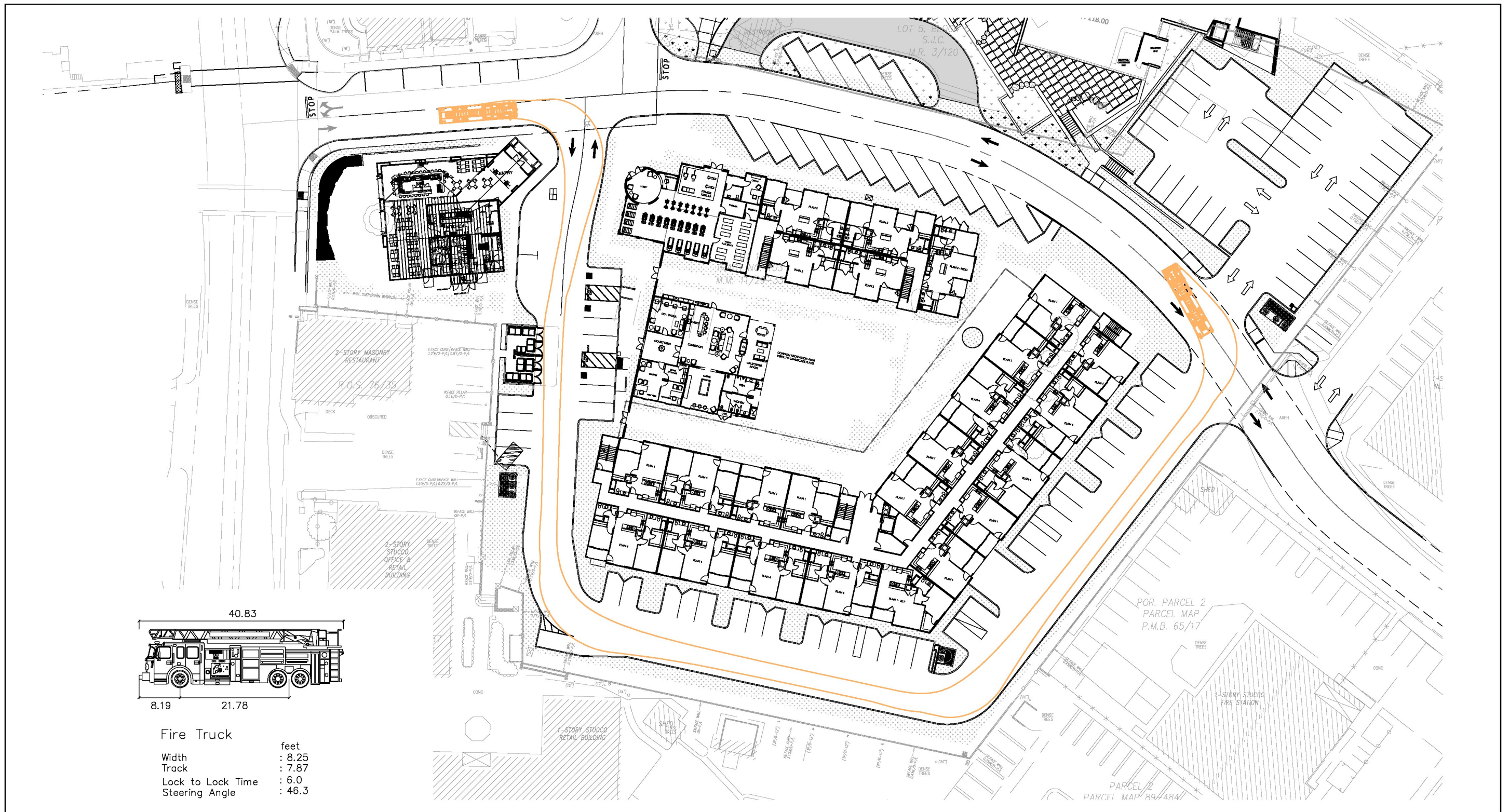
Small Service Vehicle Trucks Turning Analysis

Lead Agency: City of San Juan Capistrano

SCH No. 2023100025

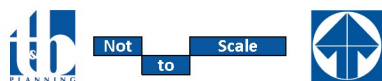


Figure 4.15-4



Source(s): Linscott, Law, & Greenspan, Engineers (04-17-2025)

Figure 4.15-5





A queuing analysis was also performed at the I-5 Freeway ramps along Ortega Highway to determine if the Project would cause, or contribute towards, slowing or stopped traffic on mainline travel lanes resulting in unsafe speed differentials between adjacent lanes. Table 16-1 of the Project's Traffic Analysis (*Technical Appendix K1*) presents the queuing analysis summary under Existing, Existing Plus Project, Existing Plus Project Plus Cumulative (Year 2028), and General Plan Buildout traffic conditions at the two (2) off-ramp location. Adequate storage is provided to accommodate the forecast 95th percentile queues under all traffic conditions. The Project is expected to neither cause nor contribute towards vehicle queuing which extends back into the I-5 Freeway mainline travel lanes for all traffic conditions. Therefore, the Project would not substantially increase hazards due to a geometric design feature or incompatible uses. Impacts would be less than significant.

Threshold d: Would the Project result in inadequate emergency access?

During the course of the City's review of the Project, the City evaluated the Project's design, including but not limited to proposed driveway locations and parking lot/drive aisle configuration, to ensure that adequate access would be provided for emergency vehicles at Project build out. The Project would provide adequate emergency access along abutting roadways during temporary construction activities within the public right-of-way. As described under response to Threshold c, the Project's design is adequate for fire trucks and other emergency vehicles. Additionally, the Project would be required to comply with all applicable fire codes and ordinances for construction, access, water mains, fire flows, and fire hydrants. For example, site plans would be submitted to Orange County Fire Authority (OCFA) to ensure compliance with OCFA standard conditions, including fire flow requirement based upon the tenant type, building size, and building type. Compliance with OCFA Guidelines ensures that the Project is designed and constructed to provide adequate emergency access for emergency vehicles. Therefore, the Project would not result in inadequate emergency access and a less-than-significant impact would occur and no mitigation would be required.

4.15.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned developments.

The analysis under Threshold a, indicates that the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Future cumulative development projects would be reviewed for consistency with adopted programs, plans, ordinances, or policies, including the *City of San Juan Capistrano Vehicle Miles Traveled (VMT) Guidelines and Thresholds Memorandum* and the City of San Juan Capistrano General Plan, as applicable. Even if cumulative development projects are in conflict, the Project would not contribute to a cumulative impact and thus would not be cumulatively-considerable because the Project does not conflict with a program, plan, ordinance, or policy addressing the circulation system, as identified through the analysis presented in this section.



As discussed under Threshold b, the Project would meet the transit screening criteria under the City's VMT Guidelines. Therefore, the Project would not result in a significant cumulative VMT impact.

The Project would not contribute to a significant cumulative impact under the topics discussed under Thresholds c and d because the Project would not cause or exacerbate existing transportation design hazards; or adversely affect emergency access.

4.15.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-significant Impact. The Project would not conflict with any programs, plans, ordinances, or policies addressing the circulation system including transit, roadway, bicycle, and pedestrian facilities. Impacts would be less than significant.

Threshold b: Less-than-significant Impact. The Project would meet the transit screening criteria. Impacts would be less than significant.

Threshold c: Less-than-significant Impact. The Project would not create or substantially increase safety hazards due to a design feature or incompatible use. Impacts would be less than significant.

Threshold d: Less-than-significant Impact. Adequate emergency access would be provided to the Project site during construction and long-term operation. The Project would not result in inadequate emergency access. Impacts would be less than significant.

4.15.9 MITIGATION

Impacts would be less than significant and mitigation is not required.

4.15.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant and mitigation is not required.



4.16 TRIBAL CULTURAL RESOURCES

The following analysis is based on information obtained from the technical report entitled *Cultural and Paleontological Resources Assessment for the San Juan Capistrano Downtown Specific Plan*, prepared by Cogstone, dated January 2024, and included as *Technical Appendix D1* to this EIR (Cogstone, 2024). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.16.1 ENVIRONMENTAL SETTING

For a complete description of the Project site's prehistoric, ethnographic, and historic setting, see EIR Subsection 4.4, *Cultural Resources*.

A. Prehistory

Prehistoric frameworks have changed over the years from being based on material attributes to radiocarbon chronologies to association with cultural traditions. A material complex consisting of an abundance of milling stones (for grinding food items) with few projectile points or vertebrate faunal remains dating from about 7,000 to 3,000 years before the present is defined as the "Millingstone Horizon." Later, the "Millingstone Horizon" was redefined as a cultural tradition named the Encinitas Tradition with various regional expressions including Topanga and La Jolla. The latest cultural revisions for the Project site define traits for time phases of the Greven Knoll pattern of the Encinitas Tradition applicable to the Pasadena area (See *Technical Appendix D1*, Table 1, *Culture Chronology*). This pattern is replaced in the Project area by the Angeles pattern of the Del Rey Tradition later in time. Each pattern has subdivisions as identified by specific changes in cultural assemblages through time. Phases are identified by their archaeological signatures in components within sites.

Greven Knoll sites tend to be in valleys similar to areas like the Project area. These inland peoples did not switch from manos/metates to pestles/mortars like coastal peoples (c. 5,000 years before present); which may reflect their closer relationship with desert groups who did not exploit acorns. The Greven Knoll toolkit is dominated by manos and metates throughout its extent. In Phase I, other typical characteristics were pinto dart points for atlatls or spears, charmstones, cogged stones, absence of shell artifacts and flexed position burials. In Phase II, Elko dart points for atlatls or spears and core tools are observed along with increased indications of gathering. In addition, the Greven Knoll populations are biologically Yuman (based on skeletal remains) while the later Angeles populations are biologically Shoshonean.

The Angeles pattern generally is restricted to the mainland and appears to have been less technologically conservative and more ecologically diverse, with a largely terrestrial focus and greater emphases on hunting and nearshore fishing. In Angeles Phase I, Elko points for atlatls or darts appear, small steatite objects such as pipes and effigies from Catalina are found, shell beads and ornaments increase, fishing technologies increase including bone harpoons/fishhooks and shell fishhooks, donut stones appear, and hafted micro blades for cutting/graving wood or stone appear. In addition, several Encinitas (Topanga) traits, such as discoidals, cogged stones, plummet-like charm stones and cairn burials virtually disappear from the record. Mortuary practices changed to consist of primarily flexed



primary inhumations, with extended inhumations becoming less common. Settlement patterns made a shift from general use sites being common to habitation areas separate from functional work areas. Subsistence shifted from mostly collecting to increased hunting and fishing.

The Angeles Phase II is identified primarily by the appearance of a new funerary complex, with other characteristics similar to Angeles I. The complex features killed (broken) artifacts including manos, metates, bowls, mortars, pestles, points, and others plus highly fragmented cremated human bones and a variety of faunal remains. In addition to the cremains, the other material also often burned. None of the burning was performed in the burial feature.

The Angeles III Phase is the beginning of what has been known as the Late Period and is marked by several changes from Angeles I and II. These include the appearance of small projectile points, steatite shaft straighteners and increased use of asphaltum all reflecting adoption of bow and arrow technology, obsidian sources changed from mostly Coso to Obsidian Butte and shell beads from Gulf of California species began to appear. Subsistence practices continued as before and the geographic extent of the Angeles Pattern increased.

Angeles Phase IV is marked by new material items including Cottonwood points for arrows, Olivella cupped beads and Mytilus shell disks, birdstones (zoomorphic effigies with magicoreligious properties) and trade items from the Southwest including pottery. It appears that populations increased and that there was a change in the settlement pattern to fewer but larger permanent villages. Presence and utility of steatite vessels may have impeded the diffusion of pottery into the Los Angeles Basin. The settlement pattern altered to one of fewer and larger permanent villages. Smaller special-purpose sites continued to be used.

Angeles V components contain more and larger steatite artifacts, including larger vessels, more elaborate effigies and comals. Settlement locations shifted from woodland to open grasslands. The exploitation of marine resources seems to have declined and use of small seeds increased. Many Gabrielino inhumations contained grave goods while cremations did not.

The Angeles VI phase reflects the ethnographic mainland Gabrielino of the post-contact (i.e., post-A.D. 1542) period. One of the first changes in Gabrielino culture after contact was undoubtedly population loss due to disease, coupled with resulting social and political disruption. Angeles VI material culture is essentially Angeles V augmented by a number of Euroamerican tools and materials, including glass beads and metal tools such as knives and needles (used in bead manufacture). The frequency of Euroamerican material culture increased through time until it constituted the vast majority of materials used. Locally produced brownware pottery appears along with metal needle-drilled Olivella disk beads.

The ethnographic mainland Gabrielino subsistence system was based primarily on terrestrial hunting and gathering, although nearshore fish and shellfish played important roles. Sea mammals, especially whales (likely from beached carcasses), were prized. In addition, a number of European plant and



animal domesticates were obtained and exploited. Ethnographically, the mainland Gabrielino practiced interment and some cremation.

B. Ethnography

1. Juaneño Acjachemen

About 1,300 years ago the Acjachemen (Juaneño), who were hunters and gatherers of the San Luis Rey Cultural Pattern, moved into southern Orange County. The Acjachemen speak a language that is part of the Takic language family. Their traditional tribal territory was situated partly in northern San Diego County and partly in southern Orange County. The boundaries were Las Pulgas Creek (south), Aliso Creek (north), the Pacific Ocean (west) and the Santa Ana Mountains (east). Villages were mostly along San Juan Creek, Trabuco Creek and San Mateo Creek.

In prehistory, the Acjachemen had a patrilineal society and lived in groups with other relatives. These groups had established claims to places including the sites of their villages and resource areas. Marriages were usually arranged from outside villages establishing a social network of related peoples in the region. There was a well-developed political system including a hereditary chief. Religion was an important aspect of their society. Religious ceremonies included rites of passage at puberty and mourning rituals. Houses were typically conical in shape and thatched with locally available plant materials. Work areas were often shaded by rectangular brush-covered roofs (ramada). Each village had a ceremonial structure in the center enclosed by a circular fence where all religious activities were performed.

Women are known to have been the primary gatherers of plant foods, but also gathered shellfish and trapped small game animals. Men hunted large game, most small game, fished, and assisted with plant food gathering, especially of acorns. Adults were actively involved in making tools including nets, arrows, bows, traps, food preparation items, pottery and ornaments. Tribal elders had important political and religious responsibilities and were involved in education of younger members.

4.16.2 NOP/SCOPING COMMENTS AND TRIBAL OUTREACH

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to tribal cultural resources. One comment was received related to cultural resources from the Native American Heritage Commission (NAHC) on October 4, 2023. The NAHC requested that the EIR adhere to the Native American consultation requirements pursuant to Senate Bill 18 and Assembly Bill 52.

As required by Assembly Bill 52 (AB 52) and Senate Bill (SB 18), the City submitted invitations to consult with 9 Native American tribes November 14, 2023, including the following tribes:

- Juaneño Band of Mission Indians
- Juaneño Band of Mission Indians Acjachemen Nation



- La Jolla Band of Luiseno Indians
- Pala Band of Mission Indians
- Pauma Band of Luiseno Indians
- Santa Rosa Band of Cahuilla Indians
- San Luis Rey Band of Mission Indians
- Torres Martinez Desert Cahuilla Indians
- Soboba Band of Luiseño Indians

4.16.3 REGULATORY FRAMEWORK

A. Federal

1. *American Indian Religious Freedom Act*

The American Indian Religious Freedom Act (AIRFA) requires each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies also are required to maintain the confidentiality of sacred sites. Each executive branch agency with statutory or administrative responsibility for the management of Federal lands are required to implement procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites.

2. *Native American Graves Protection and Repatriation Act (NAGPRA)*

The Native American Graves Protection and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation.

One major purpose of this statute is to require that federal agencies and museums receiving Federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. Once lineal descent or cultural affiliation has been established, and in some cases the right of possession also has been demonstrated, lineal descendants, affiliated Indian Tribes, or affiliated Native Hawaiian organizations normally make the final determination about the disposition of cultural items. Disposition may take many forms from reburial to long term curation, according to the wishes of the lineal descendent(s) or culturally affiliated Tribe(s).



The second major purpose of the statute is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. NAGPRA requires that Indian tribes or Native Hawaiian organizations be consulted whenever archaeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands. Excavation or removal of any such items also must be done under procedures required by the Archaeological Resources Protection Act. This NAGPRA requirement is likely to encourage the in-situ preservation of archaeological sites, or at least the portions of them that contain burials or other kinds of cultural items.

Other provisions of NAGPRA: (1) stipulate that illegal trafficking in human remains and cultural items may result in criminal penalties; (2) authorizes the Secretary of the Interior to administer a grants program to assist museums and Indian Tribes in complying with certain requirements of the statute; (3) requires the Secretary of the Interior to establish a Review Committee to provide advice and assistance in carrying out key provisions of the statute; authorizes the Secretary of the Interior to penalize museums that fail to comply with the statute; and, (5) directs the Secretary to develop regulations in consultation with this Review Committee.

3. *Federal Antiquities Act*

The Antiquities Act is the first law to establish that archaeological sites on public lands are important public resources. It obligates federal agencies that manage the public lands to preserve for present and future generations the historic, scientific, commemorative, and cultural values of the archaeological and historic sites and structures on these lands. It also authorizes the President to protect landmarks, structures, and objects of historic or scientific interest by designating them as National Monuments.

B. State

1. *California Administrative Code, Title 14, Section 4308*

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: “No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value.”

2. *California Code of Regulations Title 14, Section 1427*

California Code of Regulations Title 14, Section 1427 provides that: “No person shall collect or remove any object or thing of archaeological or historical interest or value, nor shall any person injure, disfigure, deface or destroy the physical site, location or context in which the object or thing of archaeological or historical interest or value is found.”

3. *Traditional Tribal Cultural Places Act (SB 18)*

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places (“cultural places”) through



local land use planning. SB 18 also requires the Governor’s Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations.

The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government.

SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code § 65300 et seq.) and specific plans (defined in Government Code § 65450 et seq.). Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, existing state planning law requires local governments to use the same processes for adoption and amendment of specific plans as for general plans (see Government Code § 65453). Therefore, where SB 18 requires consultation and/or notice for a general plan adoption or amendment, the requirement extends also to a specific plan adoption or amendment.

4. *Assembly Bill 52 (AB 52)*

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

The Public Resources Code now establishes 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.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation shall begin prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, § 21080.3.1.)

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code § 21084.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid



or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015.

§ 21074 of the Public Resources Code defines “tribal cultural resources.” In brief, in order to be considered a “tribal cultural resource,” a resource must be either:

- (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource.

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe.

5. *State Health and Safety Code*

California Health and Safety Code (HSC) § 7050.5(b) requires that excavation and disturbance activities must cease “In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery...” until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. § 7051 specifies that the removal of human remains from “internment or a place of storage while awaiting internment” with the intent to sell them or to dissect them with “malice or wantonness” is a public offense punishable by imprisonment in a state prison. Lastly, HSC §§ 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that “all California Indian human remains and cultural items are to be treated with dignity and respect.” It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims.

6. *California Code of Regulations Section 15064.5*

The California Code of Regulations, Title 14, Chapter 3, § 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines § 15064.5, as follows:



- *A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).*
- *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*
- *Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:*
 - *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
 - *Is associated with the lives of persons important in our past;*
 - *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
 - *Has yielded, or may be likely to yield, information important in prehistory or history.*
- *The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.*

4.16.4 METHODOLOGY

A. Cultural Resources Study

Cogstone submitted a request for a search of the California Historical Resources Information System (CHRIS) from the South Central Coastal Information Center (SCCIC) located on the campus of California State University, Fullerton on September 2, 2021 which included the entire Project site as well as a half mile radius.

In addition to the SCCIC records search, a variety of sources were consulted in October 2021 to obtain information regarding the cultural context of the Project vicinity. Sources included the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), Built



Environment Resource Directory (BERD), California Historical Landmarks (CHL), and California Points of Historical Interest (CPHI).

Cogstone archaeologist Logan Freeberg requested a Sacred Lands File (SLF) search from the Native American Heritage Commission (NAHC) on October 29, 2021. The NAHC responded on December 14, 2021 with a positive search result indicating that a tribal cultural resource is located within the same township, range, and section as the Project site.

On November 28, 2023, a pedestrian field survey of the Project site was conducted by Cogstone archaeologist in 5-10 meter transects.

B. Native American Consultation (AB 52 and SB 18 Compliance)

As part of the mandatory AB 52 and SB 18 consultation process required by State law, the City of San Juan Capistrano sent notification of the Project to the Native American tribes with possible traditional or cultural affiliation to the area that previously requested consultation. The City of San Juan Capistrano sent notification letters of the proposed Project to Juaneño Band of Mission Indians, Juaneño Band of Mission Indians Acjachemen Nation, La Jolla Band of Luiseno Indians, Pala Band of Mission Indians, Pauma Band of Luiseno Indians, Santa Rosa Band of Cahuilla Indians, San Luis Rey Band of Mission Indians, Torres Martinez Desert Cahuilla Indians, and Soboba Band of Luiseño Indians. A summary of the AB 52 consultation process is provided under Threshold a.

4.16.5 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XVIII of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to tribal resources if the Project or any Project-related component would:

- a) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*



4.16.6 IMPACT ANALYSIS

Threshold 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: 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 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

A. Impact Analysis

1. *Sacred Lands File Search*

As stated in Subsection 4.4, *Cultural Resource* and *Appendix D1* of this EIR, 49 resources have been recorded within a half-mile radius of the Project site with 10 cultural resources identified as within the Project site. On October 29, 2021, a Sacred Lands File search was conducted by NAHC to determine if any sacred lands or traditional cultural properties had been identified near the Project site. The NAHC response identified a positive search result indicating that a tribal cultural resource is located within the same township, range, and section as the Project site, and suggested contacting for the Juaneño Band of Mission Indians Acjachemen Nation for additional information. The consultation was conducted by the City in compliance with AB 52 and SB 18, as documented below.

2. *AB 52 and SB 18 Consultation*

In accordance with AB 52 and SB 18 requirements, NAHC provided a list of tribal representatives who may have knowledge of tribal cultural resources in the project area. Under SB 18, the City must contact the tribes listed by the NAHC whenever the adoption or amendment of a general or specific plan is considered, regardless of whether a particular tribe has previously requested notice. In contrast, under AB 52, a tribe must submit a written request to the City if it wishes to be notified of future projects within its traditionally and culturally affiliated area. The City is then obligated to initiate consultation if the tribe responds in writing within 30 days of receiving a notification of a project. (Pub. Resources Code, § 21080.3.1, subd. (b).) The City sent invitation letters to representatives of the Native American contacts provided by the NAHC on November 14, 2023, formally inviting tribes to consult with the City on the proposed project. The letters identified the Project location, provided a Project description, and requested input. The intent of the consultations was to provide an opportunity for interested Native American contacts to work together with the City during the project planning process to identify and protect tribal cultural resources. Letters were sent to the following Tribes and individuals:

- Juaneño Band of Mission Indians



- Juaneño Band of Mission Indians Acjachemen Nation
- La Jolla Band of Luiseno Indians
- Pala Band of Mission Indians
- Pauma Band of Luiseno Indians
- Santa Rosa Band of Cahuilla Indians
- San Luis Rey Band of Mission Indians
- Torres Martinez Desert Cahuilla Indians
- Soboba Band of Luiseño Indians

Of the 9 tribes that were sent notifications letters, no tribes responded to the City's request for consultation.

As discussed above, 49 resources have been recorded within a half-mile radius of the Project site with 10 cultural resources identified as within the Project site. Furthermore, the Sacred Lands File search identified a positive search result indicating that a tribal cultural resource is located within the same township, range, and section as the Project site. Due to the high sensitivity of the Project area for buried historic archaeological materials and tribal cultural resources, monitoring is recommended on a full-time basis during all ground-disturbing activities. Buried tribal cultural resources may be encountered during construction, and development of the project site through grading and excavation activities could impact previously undisturbed prehistoric archaeological resources. Impacts to tribal cultural resources are potentially significant.

4.16.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development projects in the vicinity of the Project site that are in the Orange County and the traditional use of the Juaneño Band of Mission Indians, Juaneño Band of Mission Indians Acjachemen Nation, La Jolla Band of Luiseno Indians, Pala Band of Mission Indians, Pauma Band of Luiseno Indians, Santa Rosa Band of Cahuilla Indians, San Luis Rey Band of Mission Indians, Torres Martinez Desert Cahuilla Indians, and Soboba Band of Luiseño Indians.

As noted earlier in this Subsection, the City of San Juan Capistrano conducted Native American consultation with potentially culturally affiliated tribes, as required by AB 52 and SB 18. Although other development projects in the traditional use area for the above listed culturally affiliated tribes may impact significant tribal cultural resources, impacts are generally site-specific resulting from ground disturbing activities. There are no cumulative projects adjacent to the Project site that would lead to a cumulative effect. Other projects will also be required to comply with SB 18 and/or AB 52. There is no potential for the Project to contribute towards a significant cumulative impact associated with the significance of a tribal cultural resource or a collection of resources pursuant to California Code of Regulations § 15064.5. Therefore, the Project would not result in a cumulative significant impact related to tribal cultural resources.



4.16.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Potentially Significant Impact. Due to the high sensitivity of the Project area for buried historic archaeological materials and tribal cultural resources, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried in native soils at the Project site.

4.16.9 MITIGATION

Mitigation Measure MM 4.4-1 would apply, as shown below.

- MM 4.4-1 Prior to issuance of any permits allowing ground-disturbing activities for the Project, the City of San Juan Capistrano shall ensure that an archeologist who meets the Secretary of the Interior's Standards for professional archaeology has been retained for the Project and will monitor all grading and other significant ground-disturbing activities. The Qualified Archaeologist shall ensure that the following measures are followed for the Project:
- Prior to any ground disturbance, the Qualified Archaeologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should unanticipated discovery of cultural resources (tribal cultural resources or archaeological artifacts) be made during construction. Workers will be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the Project.
 - Prior to any ground disturbance, the applicant shall submit a written Project Monitoring Plan (PMP) to the City's Development Services Director for review and approval. The monitoring plan shall include monitor contact information, specific procedures for field observation, diverting and grading to protect cultural resources, and procedures to be followed in the event of significant cultural resources using professional archaeological methods and processed and curated according to the current professional repository standards.
 - During grading or trenching activities, a Native American monitor with traditional ties to the project area, retained by the Project applicant shall observe all grading and trenching activities below the original ground surface. The Native American monitor shall consult with the archaeological monitor regarding objects and remains encountered during grading or trenching activities that may be considered sacred or important.



- In the event that unanticipated cultural material is encountered during any phase of Project construction, all construction work within 50 feet (15 meters) of the cultural resources shall cease and the Qualified Archaeologist shall assess the cultural resources to determine whether it is a historical resource pursuant to CEQA Guidelines 15064.5(a) and/or a unique archaeological resource pursuant to Public Resources Code 21083.2(g). Construction activities may continue in other areas. If the discovery is determined to not be either a unique archeological or historical resource or is clearly non-significant (i.e. isolates) by the Qualified Archaeologist and the Native American monitor, work will be permitted to continue in the area.
 - If a cultural resources is determined to be a unique archeological resource, additional investigation may be warranted, or the cultural resources can be preserved in place and construction may be allowed to proceed.
 - Additional investigation work can include scientific recording and excavation of the significant portion of the cultural resources.
 - If excavation of a cultural resource occurs, the Qualified Archaeologist shall draft a report within 60 days of conclusion of excavation that identifies the cultural resources and summarizes the analysis conducted. The completed report shall be approved by the City's Development Services Director and filed with the County and with the South Central Coastal Information Center at California State University, Fullerton. The report shall prohibit the disclosure of the confidential location of tribal cultural resources.
 - Excavated cultural resources shall be curated at a repository determined by the Qualified Archaeologist in consultation with the Native American monitor and approved by the City.
- In the event that cultural resources are discovered and determined to be historically significant pursuant to CEQA Guidelines Section 15064.5(a), preservation in place shall first be considered. Preservation in place may include but is not limited to: avoidance; incorporation within parks, greenspace, or open space; covering the site with a layer of chemically stable soil prior to development; and/or deeding the site into a permanent conservation easement. If preservation in place is demonstrated to be infeasible, then data recovery through excavation shall occur following preparation and approval of a data recovery plan. The data recovery plan shall make provisions for adequately recovering and documenting the scientifically consequential information from and about the historical resource. Documentation shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may occur.



4.16.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Significant and Unavoidable Impact. Implementation of Mitigation Measure MM 4.4-1 would ensure that grading and other ground-disturbing activities during construction are monitored by a qualified archaeologist as well as tribal monitors. The mitigation measure further requires the proper treatment of any resources that may be uncovered, and the avoidance of disturbance in areas where potential resources are uncovered. With implementation of the required mitigation measure, the Project would reduce impacts to tribal cultural resources, as defined in Public Resources Code section 21074. However, if a tribal cultural resource is determined to be a historical resource and data recovery through excavation is the only feasible mitigation (e.g. if preservation in place is not feasible), then removal of the artifact may result in a significant impact. Due to the potential presence of a historically significant tribal cultural resource, even with implementation of mitigation measures, impacts would remain significant and unavoidable.



4.17 UTILITIES AND SERVICE SYSTEMS

The following analysis is based on information obtained from Santa Margarita Water District's 2020 Urban Water Management Plan (SMWD, 2021); Sewer Analysis for the Forster Mixed Use Project and the Performing Arts Center Project prepared by C3 Civil Engineering (C3 Civil) dated February 22, 2024 (*Technical Appendix L* in this EIR) (C3 Civil, 2024d); General Plan (City of San Juan Capistrano, 2002); and City of San Juan Capistrano Municipal Code (City of San Juan Capistrano, 2024). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.17.1 EXISTING CONDITIONS

A. Water and Wastewater Service

The Project site is in the service area of the Santa Margarita Water District (SMWD). The SMWD is the second largest retail water agency in Orange County. The service area covers portions of the Cities of Mission Viejo, Rancho Santa Margarita, San Clemente, San Juan Capistrano, and the communities of Coto de Caza, Esencia, Ladera Ranch, Las Flores, Trabuco Canyon, Sendero, and Wagon Wheel. Utilizing updated United States Census data from Cal State Fullerton's Center for Demographic Research, its estimated that the SMWD serves approximately 161,000 residents but in 2022 the customer base expanded to 200,000 residents with the addition of the San Juan Capistrano service area. Information on the SMWD is provided in the 2020 Urban Water Management Plan prepared for the SMWD. (SMWD, 2021)

The SMWD provides drinking water, recycled water, and wastewater services to its customers. Currently, the SMWD imports 100% of its drinking water and utilizes its network of 600+ miles of pipeline, 20+ pump stations, and approximately 1,220 AF of storage capacity to ensure that drinking water is delivered to its customers that meet or surpass all Federal and State water quality standards. The SMWD's wastewater system consists of 600+ miles of pipeline and 20+ lift stations which deliver wastewater to several treatment plants in the area. Several of these treatment plants go beyond the required treatment and produce recycled water which is vital to the SMWD's recycled water system. The SMWD's recycled water system consists of 100+ miles of pipeline, 15 pump stations, and 3 open-air reservoirs with a total storage capacity of 8,550 AF. (SMWD, 2021)

B. Stormwater

1. *Forster & El Camino Site*

The existing Forster & El Camino site drains in two general locations. The northwestern corner of the property sheet flows to the west to Camino Capistrano, where it is carried south in the street's curb and gutter. The remainder of the site is sloped towards two inlets at the southern corner of the property where it is collected in a catch basin and piped southwest in a 10" pipe to a public storm drain system in Del Obispo.

Drainage Area (DA) 1 consists of 0.271 acres which has approximately 38% impervious land cover. This land area includes the fountain at the corner of Camino Capistrano and Forster Street, and the



adjacent landscaping. Runoff sheet flows to the west and over the sidewalk along Camino Capistrano, and into the curb and gutter in the roadway. Runoff is conveyed in the curb and gutter to the south. Ultimately, runoff is collected in a public catch basin at the intersection of Camino Capistrano and Del Obispo Street.

DAs 2 and 3 consist of 2.884 acres which has approximately 87% impervious land cover. This area includes the balance of the property; the building slab, parking lot, drive aisles and other site improvements. Runoff sheet flows to two catch basins at the lower portion of the site. The higher catch basin conveys runoff via a 15" storm drain pipe to the lower catch basin. From the lower catch basin, storm water will be conveyed by a 10" pipe. The 10" storm drain line carries runoff to the west and ultimately discharges into the public storm drain system in Del Obispo Street. The storm drain main in Del Obispo St. slopes west to the intersection of Camino Capistrano and Del Obispo.

2. *Performing Arts Center Site*

Under existing conditions, there are two storm water discharge locations from the site. DA 1 consists of 1.019 acres which has approximately 10% impervious land cover. This land area includes the majority of the existing park from El Camino Real to the outdoor stage. Runoff from this area sheet flows from east to west where it discharges into the right-of-way in El Camino Real. Runoff is conveyed in the curb and gutter to the south. Ultimately, runoff from El Camino Real is conveyed to Camino Capistrano further south where it is collected in a public catch basin at the intersection of Camino Capistrano and Del Obispo Street.

DA 2 consists of 0.862 acres which has approximately 5% impervious land cover. This area includes the eastern portion of the park and part of the outdoor stage. Runoff from this area sheet flows from west to east and is captured in a concrete valet gutter along a portion of the northern and most of the eastern property lines. This v-gutter conveys runoff to the southeast corner of the site, where it is captured by a storm drain inlet on the adjacent property. This inlet conveys runoff with an underground pipe to the east to a storm drain system in Del Obispo Street. The storm drain main in Del Obispo St. slopes south to the intersection of Camino Capistrano and Del Obispo.

C. Solid Waste

CR&R Environmental Services (CR&R) provides waste and recycling collections services to the Project site. CR&R is the only legal company authorized to provide these services under a franchise agreement with the City. (City of San Juan Capistrano, n.d.) CR&R serves more than 3 million people and over 25,000 businesses throughout Orange, Los Angeles, San Bernardino, Imperial, and Riverside counties. Non-hazardous solid waste generated in the General Plan Planning Area is currently deposited in the Prima Deshecha Landfill which currently accepts public and commercial solid waste. This landfill is located at 32250 Avenida La Pata in the City of San Juan Capistrano. The Prima Deshecha Landfill property area is approximately 1,530 acres in total, with about 691 acres allocated to waste disposal. The Prima Deshecha site has a projected capacity to serve residents and businesses until approximately 2102. The landfill has a permitted disposal capacity of 4,000 tons per day.



(OCWaste, 2018) As of September 1, 2023, the Prima Deshecha Landfill has a remaining capacity of 128,800,000 cubic yards (CalRecycle, 2023a).

D. Electricity and Natural Gas

San Diego Gas & Electric (SDG&E) provides electricity and Southern California Gas Company (SoCalGas) provides natural gas to the Project site. SDG&E is a regulated public utility that provides energy service to 3.7 million people through 1.49 million electric meters and 905,000 natural gas meters in San Diego and southern Orange counties. SDG&E's service area spans 4,100 square miles. (SDG&E, 2023) SoCalGas delivers energy to 21.1 million consumers through 5.9 million meters in more than 500 communities. The service territory encompasses approximately 24,000 square miles in diverse terrain throughout Central and Southern California, from Visalia to the Mexican border. (SoCalGas, n.d.)

4.17.2 NOP/SCOPING MEETING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on October 3, 2023, and an EIR Scoping meeting was held on October 12, 2023. No comments were made during the EIR Scoping Meeting that pertain to utilities and service systems. Additionally, no comments related to utilities and service systems were received during the public scoping period.

4.17.3 REGULATORY FRAMEWORK

A. Federal

1. Water Supply Regulations

☐ ***Clean Water Act***

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters.

☐ ***Safe Drinking Water Act***

The Safe Drinking Water Act (SDWA) was established to protect the quality of drinking water in the U.S. This law focuses on all waters actually or potentially designed for drinking use, whether from



above ground or underground sources. The Act authorizes EPA to establish minimum standards to protect tap water and requires all owners or operators of public water systems to comply with these primary (health-related) standards. The 1996 amendments to SDWA require that EPA consider a detailed risk and cost assessment, and best available peer-reviewed science, when developing these standards. State governments, which can be approved to implement these rules for EPA, also encourage attainment of secondary standards (nuisance-related). Under the Act, EPA also establishes minimum standards for state programs to protect underground sources of drinking water from endangerment by underground injection of fluids.

B. State

1. Water Supply Regulations

☐ ***Water Conservation in Landscaping Act***

The Water Conservation in Landscaping Act was established to ensure adequate water supplies are available for future uses. To promote the conservation and efficient use of water, the Act requires local agencies to adopt a water efficient landscape ordinance. When such an ordinance had not been adopted, a finding as to why (based on the climatic, geologic, or topographical conditions) such an ordinance is not necessary, must be adopted. In the absence of such an ordinance or findings, the policies and requirements contained in the “model” ordinance drafted by the State of California shall apply within the affected jurisdiction. The City’s Water Efficient Landscape Ordinance is established under Chapter 20 of Title 8 of the City’s Municipal Code.

☐ ***Water Recycling in Landscaping Act***

In 2000, Senate Bill 2095 (Water Recycling in Landscaping Act) was approved by Governor Davis requiring any local public or private entity that produces recycled water and determines that within 10 years it will provide recycled water within the boundaries of a local agency, to notify the local agency of that fact. In turn, local agencies are required to adopt and enforce within 180 days a specified recycled water ordinance, unless the local agency adopted a recycled water ordinance or other regulation requiring the use of recycled water in its jurisdiction prior to January 1, 2001. SMWD has stipulated that all irrigation systems serving landscape areas must comply with its recycled water use standards and be served from separate irrigation only meters.

☐ ***Urban Water Management Planning Act***

The Urban Water Management Planning Act (UWMP Act) was proposed and adopted to ensure that water planning is conducted at the local level, as the State of California recognized that two water agencies in the same region could have very different impacts from a drought. The UWMP Act requires water agencies to develop Urban Water Management Plans (UWMPs) over a 20-year planning horizon, and further required UWMPs to be updated every five years. UWMPs are exempt from compliance with CEQA. (DWR, 2016, p. 1-2)

The UWMPs provide a framework for long term water planning and inform the public of a supplier’s plans for long-term resource planning that ensures adequate water supplies for existing and future



demands. This part of the California Water Code (CWC) requires urban water suppliers to report, describe, and evaluate:

- Water deliveries and uses;
- Water supply sources;
- Efficient water uses;
- Demand management measures; and
- Water shortage contingency planning. (DWR, 2016, p. 1-3)

The UWMP Act has been modified over the years in response to the State's water shortages, droughts, and other factors. A significant amendment was made in 2009, after the drought of 2007-2009 and as a result of the governor's call for a statewide 20 percent reduction in urban water use by the year 2020. This was the Water Conservation Act of 2009, also known as SB X7-7. This Act required agencies to establish water use targets for 2015 and 2020 that would result in statewide savings of 20 percent by 2020. Beginning in 2016, retail water suppliers are required to comply with the water conservation requirements in SB X7-7 in order to be eligible for State water grants or loans. Retail water agencies are required to set targets and track progress toward decreasing daily per capita urban water use in their service area, which will assist the State in meeting its 20 percent reduction goal by 2020. (DWR, 2016, p. 1-2)

☐ California Senate Bill 610

The California Water Code (Water Code) §§ 10910 through 10915 were amended by the enactment of SB 610 in 2002. SB 610 requires an assessment of whether available water supplies are sufficient to serve the demand generated by a proposed project, as well as the reasonably foreseeable cumulative demand in the region over the next 20 years under average normal year, single dry year, and multiple dry year conditions. Under SB 610, water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10912 [a]) subject to CEQA. For the purposes of SB 610, "project" means any of the following:

- (1) A proposed residential development of more than 500 dwelling units.
- (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
- (4) A proposed hotel or motel, or both, having more than 500 rooms.
- (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.



- (6) A mixed-use project that includes one or more of the projects specified in this subdivision.
- (7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.

Because the Project proposes the development of up to approximately 4,294 sf of retail/restaurant, approximately 3,100 sf of fitness, approximately 107,499 sf (95 units) of residential, and approximately 48,235 sf of performing arts center uses, a water supply assessment is not required.

☐ CA. Water Code § 10610 et seq. (Senate Bill 901)

Signed into law on October 16, 1995, Senate Bill (SB) 901 required every urban water supplier to identify as part of its urban water management plan, the existing and planned sources of water available to the supplier over a prescribed 5-year period. The code requires the water service purveyor to assess the projected water demand associated with a proposed project under environmental review. Later provisions of SB 901 required compliance in the event that the proposed Project involved the adoption of a specific plan, amendment to, or revision of the land use element of a general plan or specific plan that would result in a net increase in the state population density. Upon completion of the water assessment, cities and counties may agree or disagree with the conclusions of the water service purveyors, but cannot approve projects in the face of documented water shortfalls without first making certain findings.

☐ Executive Order B-29-15

Executive Order (EO) B-29-15 ordered the State Water Resources Control Board (SWRCB) to impose restrictions to achieve a 25-percent reduction in potable urban water usage through February 28, 2016; directed the California Department of Water Resources (DWR) to lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes; and directed the California Energy Commission to implement a statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.

☐ Executive Order B-37-16

Signed on May 9, 2016, EO B-37-16 established a new water use efficiency framework for California. The order bolstered the state's drought resilience and preparedness by establishing longer-term water conservation measures that include permanent monthly water use reporting, new urban water use targets, reducing system leaks and eliminating clearly wasteful practices, strengthening urban drought contingency plans, and improving agricultural water management and drought plans.

☐ Executive Order B-40-17

Signed on April 7, 2017, EO B-40-17 ended the drought state of emergency in all California counties except Fresno, Kings, Tulare, and Tuolumne, where emergency drinking water projects will continue to help address diminished groundwater supplies. It maintains water reporting requirements and



prohibitions on wasteful practices. The order was built on actions taken in Executive Order B-37-16, which remains in effect. In a related action, state agencies, including the Department of Water Resources (DWR), released a plan to continue making water conservation a way of life.

☐ Sustainable Groundwater Management Act (SGMA)

The Sustainable Groundwater Management Act (SGMA) established a new structure for managing California's groundwater resources at a local level by local agencies. SGMA required, by June 30, 2017, the formation of locally-controlled groundwater sustainability agencies (GSAs) in the State's high- and medium-priority groundwater basins and subbasins (basins). A GSA is responsible for developing and implementing a groundwater sustainability plan (GSP) to meet the sustainability goal of the basin to ensure that it is operated within its sustainable yield, without causing undesirable results. The GSP Emergency Regulations for evaluating GSPs, the implementation of GSPs, and coordination agreements were adopted by DWR and approved by the California Water Commission on May 18, 2016.

2. *Solid Waste Regulations*

☐ California Solid Waste Integrated Waste Management Act (AB 939, 1989)

The Integrated Waste Management Act (IWMA) established an integrated waste management hierarchy to guide the California Integrated Waste Management Board (CIWMB) and local agencies in implementation, in order of priority: (1) source reduction, (2) recycling and composting, and (3) environmentally safe transformation and land disposal (it should be noted that the CIWMB no longer exists, and its duties have been assumed by CalRecycle). As part of the IWMA, the CIWMB was given a purpose to mandate the reduction of disposed waste. The IWMA also required:

- The establishment of a task force to coordinate the development of city Source Reduction and Recycling Elements (SRREs) and a countywide siting element.
- Each city, by July 1, 1991, to prepare, adopt and submit a SRRE to the county which includes the following components: waste characterization; source reduction; recycling; composting; solid waste facility capacity; education and public information; funding; special waste (asbestos, sewage sludge, etc.); and household hazardous waste.
- Each county, by January 1, 1991, to prepare a SRRE for its unincorporated area, with the same components described above, and a countywide siting element, specifying areas for transformation or disposal sites to provide capacity for solid waste generated in the jurisdiction which cannot be reduced or recycled for a 15-year period.
- Each county to prepare, adopt, and submit to the Board an Integrated Waste Management Plan (IWMP), which includes all of the elements described above.



- Each city or county plan to include an implementation schedule which shows: diversion of 25 percent of all solid waste from landfill or transformation facilities by January 1, 1995 through source reduction, recycling, and composting activities; and, diversion of 50 percent of all solid waste by January 1, 2000 through source reduction, recycling, and composting activities.
- The CIWMB to review the implementation of each SRRE at least once every two years.
- The IWMA required the CIWMB, in conjunction with an inspection conducted by a Lead Enforcement Agency (LEA), to conduct at least one inspection per year of each solid waste facility in the state.

Additionally, the IWMA established a comprehensive statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities.

☐ Waste Reuse and Recycling Act (AB 1327)

The Waste Reuse and Recycling Act (WRRRA) required the CIWMB to approve a model ordinance for adoption by any local government for the transfer, receipt, storage, and loading of recyclable materials in development projects by March 1, 1993. The WRRRA also required local agencies to adopt a local ordinance by September 1, 1993 or allow the model ordinance to take effect. The WRRRA requires all development projects that are commercial, industrial, institutional, or marina in nature and where solid waste is collected and loaded, to provide an adequate area for collecting and loading recyclable materials over the lifetime of the project. The area is required to be provided before building permits are issued.

☐ Mandatory Commercial Recycling Program (AB 341)

Assembly Bill (AB) 341 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]) directed CalRecycle to develop and adopt regulations for mandatory commercial recycling. CalRecycle initiated formal rulemaking with a 45-day comment period beginning Oct. 28, 2011. The final regulation was approved by the Office of Administrative Law on May 7, 2012. AB-341 was designed to help meet California's recycling goal of 75% by the year 2020. AB 341 requires all commercial businesses and public entities that generate 4 cubic yards or more of waste per week to have a recycling program in place. In addition, multi-family apartments with five or more units are also required to form a recycling program.

☐ 2022 California Green Building Standards Code (CAL Green; Part 11 of Title 24, California Code of Regulations)

The California Green Building Standards Code—Part 11, Title 24, California Code of Regulations—known as CALGreen, is the first-in-the-nation mandatory green building standards code. In 2007, CBSC developed green building standards in an effort to meet the goals of California's landmark initiative AB 32, which established a comprehensive program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020. The most recent edition of CalGreen became effective January 1, 2023, and is applicable to the planning, design, operation, construction, use, and occupancy



of every newly constructed building or structure throughout the State of California (including residential structures and elementary schools). CalGreen Section 5.408.3 requires that 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on-site until the storage site is developed.

3. *Energy Conservation Regulations*

☐ **California Energy Efficiency Standards for Residential and Nonresidential Buildings (24 CA. Code Regs. 6)**

The Building Energy Efficiency Standards were first adopted in 1976 and have been updated periodically since then as directed by statute. In 1975 the Department of Housing and Community Development adopted rudimentary energy conservation standards under their State Housing Law authority that were a precursor to the first generation of the Standards. However, the Warren-Alquist Act was passed one year earlier with explicit direction to the Energy Commission (formally titled the State Energy Resources Conservation and Development Commission) to adopt and implement the Standards. The Energy Commission's statute created separate authority and specific direction regarding what the Standards are to address, what criteria are to be met in developing the Standards, and what implementation tools, aids, and technical assistance are to be provided.

The Standards contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. Public Resources Code Sections 25402 subdivisions (a)-(b) and 25402.1 emphasize the importance of building design and construction flexibility by requiring the Energy Commission to establish performance standards, in the form of an "energy budget" in terms of the energy consumption per square foot of floor space. For this reason, the Standards include both a prescriptive option, allowing builders to comply by using methods known to be efficient, and a performance option, allowing builders complete freedom in their designs provided the building achieves the same overall efficiency as an equivalent building using the prescriptive option. Reference Appendices are adopted along with the Standards that contain data and other information that helps builders comply with the Standards.

The 2019 update to the Building Energy Efficiency Standards focuses on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings. The most significant efficiency improvements to the residential Standards include the introduction of photovoltaic into the prescriptive package, improvements for attics, walls, water heating, and lighting. The most significant efficiency improvements to the nonresidential Standards include alignment with the ASHRAE 90.1 2017 national standards. The 2019 Standards also include changes made throughout all of its sections to improve the clarity, consistency, and readability of the regulatory language.

Public Resources Code Section 25402.1 also requires the Energy Commission to support the performance standards with compliance tools for builders and building designers. The Alternative Calculation Method (ACM) Approval Manual adopted by regulation as an appendix of the Standards establishes requirements for input, output, and calculational uniformity in the computer programs used



to demonstrate compliance with the Standards. From this, the Energy Commission develops and makes publicly available free, public domain building modeling software in order to enable compliance based on modeling of building efficiency and performance. The ACM Approval Manual also includes provisions for private firms seeking to develop compliance software for approval by the Energy Commission, which further encourages flexibility and innovation.

☐ California Solar Rights and Solar Shade Control Acts

The Solar Rights Act sets parameters for establishing solar easements, prohibits ordinances and private covenants which restrict solar systems, and requires communities to consider passive solar and natural heating and cooling opportunities in new construction. This Act is applicable to all California cities and counties. California's solar access laws appear in the state's Civil, Government, Health and Safety, and Public Resources Codes. California Pub Res Code § 25980 sets forth the Solar Shade Control Act, which encourages the use of trees and other natural shading except in cases where the shading may interfere with the use of active and passive solar systems.

C. Local

1. *City of San Juan Capistrano General Plan*

The General Plan identifies goals related to utilities and service systems through its elements. These goals and policies and a discussion of the Project's consistency are discussed in Table 4.10-1, *General Plan Consistency Analysis*, in EIR Subsection 4.10, *Land Use and Planning*.

2. *City of San Juan Capistrano Municipal Code*

The City of San Juan Capistrano identifies policies related to utilities and service systems. The specific Municipal Code policies that are applicable to the Project are as follows.

- **Title 6 – Sanitation and Health, Chapter 3 - Solid Waste.** The purpose of this chapter is to enable the City to comply with the California Integrated Waste Management Act of 1989 and SB 1383, as amended from time to time, and to better control solid waste handling services, including the handling of organic wastes and recyclable materials, within the City, the City deems it necessary to grant one solid waste enterprise the right to provide exclusive solid waste handling services within the City as provided in this chapter.
- **Title 8 – Building Regulations, Chapter 14 - Water Quality Regulations.** The intent of this chapter is to enhance and protect the water quality of the waters of the State and U.S. consistent with the CWA and State law. New development and significant redevelopment is required to submit a water quality management plan for approval by the Director or Engineering or his/her designee prior to issuance of a grading permit.



4.17.4 METHODOLOGY

The Project's potable water demand is based on 100% of wastewater generation and non-potable water demand was calculated based on the percentage split of total water demand identified in SMWD's 2020 Urban Water Management Plan, (SMWD, 2021). Based on the projected water demand from SMWD, potable water accounts for approximately 60% of total water demand and non-potable water/recycled water accounts for approximately 40%. The Project's wastewater generation was calculated using Table 4.1 of the Santa Margarita Water District Sewer Generation factors. The commercial uses and Performing Arts Center used the generation rate for neighborhood retail which is 225 gpd per thousand square feet and the residential uses used the generation rate for multiple family housing of 175 gpd per dwelling unit. (C3 Civil, 2024d)

The analysis of potential hydrology impacts is based upon the preliminary hydrology study and prepared specifically for the Project site.

The Project's construction waste generation was calculated using the United States Environmental Protection Agency's (EPA) estimated construction generation rate of 4.93 pounds per sf for residential and 4.34 pounds per sf for non-residential development. The rate combines national statistical data on industry activity with point source waste assessment data (i.e., waste sampling at construction, renovation, and demolition sites) to estimate the amount of Construction & Demolition materials produced nationally.

The Project's solid waste generation was calculated using the California's Department of Resources Recycling and Recovery (CalRecycle) estimated solid waste generation rates. Solid waste generation rates estimate the amount of waste created by residences or businesses over a certain amount of time (day, year, etc.). Waste generation includes all materials discarded, whether or not they are later recycled or disposed in a landfill. (CalRecycle, n.d.)

4.17.5 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XIX of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to utilities and service systems if the Project or any Project-related component would:

- 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;*
- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;*
- 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;*



- 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;*
- e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.*

4.17.6 IMPACT ANALYSIS

Threshold 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?*

A. Water and Wastewater Facilities

The Project would be serviced by the Santa Margarita Water District (SMWD) for both water and wastewater services. Water and wastewater service extensions from the Project site will connect to existing facilities as depicted on Figure 3-8, *Water Plan*, and Figure 3-9, *Wastewater Management Plan*. As shown in Figure 3-8, a 12-inch water main is proposed along the Forster Street extension to serve the residential portion of the Project, which would connect to the existing 8-inch water main on Del Obispo Street after pressure reduction at a proposed new above ground facility to be installed by SMWD. Additionally, a 2-inch water line is proposed from the restaurant building to the existing 8-inch water main that runs along Camino Capistrano, Forster Street, and El Camino Real. Recycled water would be used to irrigate the landscaping and park areas of the Project.

As shown in Figure 3-9, a proposed 8-inch sewer line would connect from the restaurant and residential portion of the Project through new Project sewer lines that drain to a new Project street which connects with Forster Street and to the existing sewer line at a new manhole on Forster Street. Additionally, a 6-inch sewer line is proposed to serve the performing arts center, which would connect to the existing sewer line on Forster Street. Treatment of wastewater from the Project site would be conveyed to the Jay B. Latham Regional Treatment Plant located in the City of Dana Point. The construction of the Project's water and wastewater lines necessary to serve the Project would occur within existing right of way and would not result in any significant physical effects on the environment that are not already identified and disclosed as part of this EIR. Refer to Pages 4.2-26, 4.2-28 to 4.2-29 of Subsection 4.2, *Air Quality*, of the EIR regarding construction impacts of the proposed water and wastewater lines. Impacts would be less-than-significant.

B. Stormwater Drainage Facilities

The Project would include a comprehensive stormwater management system containing drainage improvements, facilities, and programs which would act to control and treat stormwater pollutants. A stormwater detention system is included due to capacity issues of the first downstream storm pipe that conveys runoff from the property to the City's storm drain main line. It is also anticipated that the Specialty Park zone district would require a stormwater detention system. The stormwater management



system would direct runoff from the Project site to an on-site retention and treatment area. Treated storm water would then be released in a controlled manner to existing storm drains.

No new or expanded off-site storm drain facilities beyond those proposed as part of the Project are required to accommodate stormwater runoff from the Project site. The construction of the Project's storm drain facilities necessary to serve the Project would not result in any significant physical effects on the environment that are not already identified and disclosed as part of this EIR. Refer to Pages 4.2-23, 4.2-32 to 4.2-42 of Subsection 4.2, *Air Quality*, and Subsection 4.9, *Hydrology and Water Quality*, of the EIR regarding construction impacts of the proposed storm drain facilities. Impacts would be less-than-significant.

C. Electricity and Natural Gas

San Diego Gas & Electric (SDG&E) would provide electrical service to the Project site. New lines required to service the project would be placed underground. Alignment of service lines and connection to existing points of service would be provided as required by SDG&E. Any required surface-mounted equipment would be installed according to building setback requirements per the relevant service provider. Gas service within the Project site would be serviced by SoCalGas. Existing service lines would be extended to connect to proposed facilities per SoCalGas requirements.

Installation of dry utilities on the Project Site is considered an inherent component of the Project's construction process, and no significant impacts have been identified throughout this EIR specifically related to installation of dry utilities. No new or expanded off-site dry utilities are required to serve the Project, and therefore there would be no impact associated with any such facilities that could cause significant environmental effects.

D. Environmental Impacts from Utility and Infrastructure Systems

Domestic and recycled water infrastructure, sewer lines, lift station, storm drain infrastructure, and dry utilities would be installed in compliance with the requirements of the respective utility providers, and consistent with will serve letters and final plans approved by the utility providers. The installation of the proposed infrastructure improvements would occur within existing right-of-way and impacts related to installation of utilities have been included in the analyses of construction-related effects presented throughout this EIR, (e.g., air quality impacts, impacts to biological and cultural resources, water quality impacts, and noise and vibration impacts, etc.). Any applicable Project-specific mitigation measures for construction identified for each topical issue would address potential significant impacts associated with construction and installation of utilities. The Project would not 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. Therefore, impacts would be less than significant.



Threshold 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?*

SMWD is responsible for supplying potable water to the Project site. The Forster and El Camino Mixed Use Project would generate water demand for residential, restaurant, fitness center, and landscaping uses. Estimating potable water demand based on 100% of wastewater generation is conservative. Based on the projected water demand from SMWD, potable water accounts for approximately 60% of total water demand and non-potable water/recycled water accounts for approximately 40%. Therefore, assuming that potable water demand is 100% of the sewer demand, potable water demand for the residential, restaurant, and fitness uses would generate a total of 18,200 gpd or 20.39 afy¹ (see *Technical Appendix L*), while non-potable water demand for landscaping and other outdoor water uses would require approximately 12,133 gpd or 13.6 afy. Additionally, potable water demand for the Performing Arts Center would generate a total of 5,471 gpd or 6.13 afy (see *Technical Appendix L*) and the non-potable demand would be 3,647 gpd or 4.08 afy. Therefore, the Project would result in a total water demand of 39,451 gpd or 44.2 afy (26.5 afy potable water and 17.7 afy of non-potable water).

As discussed in SMWD's UWMP, the main source of water supply is imported water from the Colorado River Aqueduct (CRA) and the State Water Project (SWP) purchased from Metropolitan through MWDOC. The SMWD's total water supply to meet demands in calendar year 2020 was approximately 78% imported water 22% recycled water/non-potable water. By 2045, the SMWD's water supply portfolio is projected to transition to recycled water meeting 42% of the SMWD's projected demands. Supplies are sufficient to meet average, single-dry year, and multiple-dry years demands through year 2045 (SMWD, 2021). During normal supply years, SMWD is projected to have a surplus of 12,215 to 22,741 afy of potable water and 3,000 afy of non-potable water from 2025 to 2045 (SMWD, 2021, Tables 7-2.A and 7-2.B). During multiple dry year supplies, SMWD is projected to have a surplus of 6,559 to 11,121 afy of potable water and 32 to 2,425 afy of non-potable water from 2025 to 2045 (SMWD, 2021, Tables 7-2.A and 7-2.B). The Project's estimated potable water demand of 26.5 afy and non-potable water demand of 17.7 afy would be well within SMWD's surplus water supply for normal and multiple dry year conditions. It is appropriate to note that since acquiring the City of San Juan Capistrano service area in late 2021, SMWD has pumped an average of approximately 1.8 million gallons a day (mgd) of groundwater from the San Juan Basin Authority area for domestic water use within the City. With retrofitting or repair of existing well facilities in process, ground water pumping is anticipated to increase to approximately 4 mgd or more in the next few years. Based on the water supplies available and the estimated water demand, there is sufficient water supplies available to serve the Project during normal average, single dry, and multiple dry years. Accordingly, there

¹ According to the SMWD's 2020 Urban Water Management Plan, multi-family residential indoor and outdoor water use per household is 53 gallons per capita per day (gpcd) (SMWD, 2021). Therefore, the proposed 95 units would generate a total of 5,035 gpd, which is less than the 16,625 gpd assumed for this analysis.



would be sufficient water supplies available to serve the Project and impacts would be less than significant.

Threshold 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?

SMWD is responsible for supplying wastewater services to the Project site. SMWD generates approximately 10 mgd of wastewater and provides sewer collection service. SMWD's wastewater system includes approximately 615 miles of pipe ranging from 6 inches to 42 inches in diameter, 20 sewer lift stations, 2 District owned wastewater treatment plants, and 3 jointly owned wastewater treatment plants. The five existing wastewater treatment plants and capacities are:

- Chiquita Water Reclamation Plant: SMWD owns and operates the Chiquita Water Reclamation Plant which has a current secondary design capacity of 11 mgd and a tertiary treatment capacity of 6 mgd.
- Oso Creek Water Reclamation Plant: Oso Creek Water Reclamation Plant (OCWRP) is owned and operated by SMWD and has a design capacity of 3 million gallons per day (mgd). The current nominal capacity of the plant is 3.0 mgd with the plant typically treating 1.8 mgd. The plant is currently being re-designed to have a treatment capacity of 3.3 mgd.
- J.B. Latham Treatment Plant: J.B. Latham is a 13 mgd wastewater treatment plant that is owned and operated by South Orange County Wastewater Authority (SOCWA) that treats wastewater to secondary effluent standards prior to discharge through the San Juan Creek Ocean Outfall. SMWD has 2.25 mgd of capacity in the plant.
- Los Alisos Water Recycling Plant: The Los Alisos plant is owned and operated by Irvine Ranch Water District (IRWD) and the District has an agreement with IRWD to treat up to 0.7 mgd of wastewater.
- 3A Water Reclamation Plant: 3A WRP is a 6.0 mgd secondary wastewater treatment plant that is owned and operated by the Moulton Niguel Water District (MNWD).

In total, SMWD's wastewater system has a total capacity of 28.95 mgd (SMWD, 2021). According to the Project's Sewer Analysis (see *Technical Appendix L* in this EIR), the Forster & El Camino Mixed Use Project would generate a total of 18,200 gpd and the Performing Arts Center would generate a total of 5,471 gpd.

The amount of wastewater that would be generated by the Project is less than 0.1% of the total existing treatment capacity. Together, with the provider's existing commitments of 10 mgd, the amount of wastewater that would be treated is approximately 10.02 mpd, which is approximately 43% of the total existing treatment capacity. Therefore, sufficient wastewater treatment capacity is available to serve



the Project's projected demand in addition to the provider's existing commitments. Implementation of the Project would result in a less than significant impact.

Threshold 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?

Non-hazardous solid waste generated in the City is currently deposited in the Prima Deshecha Landfill which currently accepts public and commercial solid waste. This landfill is located at 32250 Avenida La Pata in the City of San Juan Capistrano. The Prima Deshecha Landfill property area is approximately 1,530 acres in total, with about 691 acres allocated to waste disposal. The landfill has a permitted disposal capacity of 4,000 tons per day. (OCWaste, 2018) As of September 1, 2023, the Prima Deshecha Landfill has a remaining capacity of 128,800,000 cubic yards or 180,320,000 tons and a closing date of December 31, 2102 (CalRecycle, 2023a). In 2023, the Prima Deshecha Landfill disposed a total of 817,407 tons of waste and an average daily disposal of 2,724.69 tons per day² (CalRecycle, 2023b). Therefore, the landfill currently has a remaining capacity of 1,275.31 tons per day.

1. Construction Related Impacts

Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of structures, common areas, infrastructure installation, and other Project-related construction activities. The California Green Building Standards Code (CALGreen), requires all newly constructed buildings to prepare a Waste Management Plan and divert construction waste through recycling and source reduction methods. The 2022 California Green Building Standards Code (CALGreen; Part 11 of Title 24, California Code of Regulations) requires that 65 percent of construction/demolition waste be diverted from landfills, and 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting from land clearing be reused or recycled. Mandatory compliance with CA Green solid waste requirements will ensure that construction waste impacts are less than significant.

Based on the anticipated square footage of 107,499 sf of residential uses, 58,900 sf of nonresidential uses, and the US EPA's construction waste generation factor of 4.39 pounds (lbs) per sf for residential uses and 4.34 lbs per sf for non-residential uses, the proposed Project would generate approximately 364³ tons of waste during the Project construction phase (EPA, 2009). The Project's building construction is reasonably expected to occur over a period of approximately 788 days (see Table 3-3), which corresponds to approximately 0.46⁴ tons of construction waste generated per day during the

² Average daily disposal is estimated based on 300 operating days per year. Each facility is open six days per week, Monday through Saturday, except certain holidays.

³ [(107,499 sf x 4.39 lbs/sf) + (58,900 sf x 4.34 lbs/sf)] = approximately 727,547 lbs or 364 tons

⁴ 364 tons/788 days = approximately 0.46 tons/day



building construction phase. Additional waste would be expected from infrastructure installation and other Project-related construction activities.

The landfill servicing the Project site has a permitted disposal capacity of 4,000 tons per day and a remaining capacity of 1,275.31 tons per day. Based on the approximate construction waste generated per day, demolition and construction waste generated by the Project is not anticipated to cause these landfills to exceed their maximum permitted daily disposal volume. As adequate daily surplus capacity exists at the receiving landfill, the Project would not significantly affect current operations or the expected lifetime of the landfill serving the Project area. Moreover, in accordance with CalGreen Section 5.408.3, 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting from land clearing shall be reused or recycled. Therefore, the Project would not cause a significant impact related to solid waste disposal.

2. Operational-Related Impacts

The Project would allow the development of up to approximately 4,294 sf of retail/restaurant, approximately 3,100 sf of fitness, approximately 107,499 sf (95 units) of residential, and approximately 48,235 sf of performing arts center uses. Based on the multi-family generation rate of 8.6 lbs per dwelling units per day, the residential portion of the Project would generate approximately 817 lbs of solid waste per day (~0.41 tons per day). Based on the commercial generation rate of 13 lbs per 1000 sf per day, the commercial portion of the Project would generate approximately 619.3 lbs of solid waste per day (~0.31 tons per day). Total solid waste generation of the Project is approximately 0.72 tons per day.

As previously stated, the Prima Deshecha Landfill has a permitted disposal capacity of 4,000 tons per day and a remaining capacity of 1,275.31 tons per day. The Project's estimated solid waste generation represents approximately 0.02⁵% of the landfill's capacity and therefore, would not contribute significantly to the landfill's daily capacity. Moreover, in accordance with the Waste Reuse and Recycling Act and AB 341, collection bins for recycled waste would be provided onsite. Accordingly, impacts would be less than significant.

Threshold e: Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Federal, State, and local statutes and regulations regarding solid waste generation, transport, and disposal are intended to decrease solid waste generation through mandatory reductions in solid waste quantities (e.g., through recycling and composting of green waste) and the safe and efficient transport of solid waste. The proposed Project would be required to coordinate with CR&R, the waste hauler, to develop collection of recyclable material for the Project on a common schedule in accordance with local and State programs, including AB 341, *Mandatory Commercial Recycling*, and the *California Solid Waste Reuse and Recycling Act of 1991*.

⁵ 0.72 tons per day/4,000 tons per day = ~0.02%



The California Integrated Waste Management Act (AB 939), signed into law in 1989, established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the bill established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Therefore, the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, and impacts would be less than significant.

4.17.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development within the service area for the respective utility providers or the service area for specific facilities.

As with the Project, individual development projects would require the construction of necessary infrastructure (water and wastewater lines, storm drain facilities, dry utilities, and others) to serve the projects. Each individual development project is subject to review for utility capacity to avoid unanticipated interruption of service or inadequate supplies. Coordination with the utility providers would allow for the provision of utility services to the Project and other developments. The Project and cumulative development is subject to connection and service fees to offset increased demand and assist in facility expansion and service (at the time of need). The infrastructure needed for the Project would occur within existing right-of-way and would be limited to the identified construction impact area, and no new or expanded off-site infrastructure is required for the Project. The environmental impacts associated with the construction of these facilities are addressed throughout this EIR. The Project would not result in the need for expanded service system facilities and would be less than significant. Therefore, the Project would not have a cumulatively considerable contribution to a significant cumulative impact associated with utilities and service systems.

4.17.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The installation of the utility and service system infrastructure improvements proposed by the Project Applicant would result in physical environmental impacts on the Project site inherent in the Project's construction process; however, these impacts have already been included in the analyses of construction-related effects presented throughout this EIR. Additionally, the Project would not 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. Accordingly, impacts would be less than significant.

Threshold b: Less-than-Significant Impact. Sufficient water supplies are available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Implementation of the Project would result in a less than significant impact.

Threshold c: Less-than-Significant Impact. Wastewater volumes produced by the proposed development would not significantly impact or exceed the existing sewer capacity, and the existing



sewer system has adequate capacity for the proposed development. Accordingly, impacts would be less than significant.

Threshold d: Less-than-Significant Impact. Development of the proposed Project would not significantly affect current operations or the expected lifetime of the landfill serving the Project area. Therefore, the proposed Project would not cause a significant impact related to solid waste disposal.

Threshold e: Less-than-Significant Impact. The Project would be required to comply with all applicable local, State, and federal solid waste disposal standards. This would ensure that the solid waste stream to regional landfills is reduced in accordance with existing regulations. Accordingly, impacts would be less than significant.

4.17.9 MITIGATION

Impacts would be less than significant, and mitigation is not required.

4.17.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Impacts would be less than significant, and mitigation is not required.



5.0 OTHER CEQA CONSIDERATIONS

5.1 SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

The CEQA Guidelines require that an EIR disclose the significant environmental effects of a project that cannot be avoided if the proposed project is implemented (CEQA Guidelines § 15126[b]). As analyzed in Subsections 4.1 through 4.17 of this EIR, the Project is anticipated to result in impacts to the environment that cannot be reduced to below a level of significance after compliance with applicable federal, State and local regulations; and the application of the feasible mitigation measures identified in this EIR. The impacts that cannot be mitigated to a level of less than significant are as follows:

- Cultural Resources: Due to the high sensitivity of the Project site for buried archaeological materials and the known presence of archaeological sites, the potential exists for Project-related ground-disturbing activities to result in a direct impact to unique archeological or historical resources, should such resources be discovered during Project-related ground-disturbing activities. Implementation of Mitigation Measure MM 4.4-1 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. However, due to the high sensitivity of resources on site and the potential for those resources to be historically significant, disturbance of those resources would be significant and unavoidable.
- Tribal Cultural Resources: Due to the high sensitivity of the Project area for buried historic archaeological materials and tribal cultural resources, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried in native soils at the Project site. Implementation of Mitigation Measure MM 4.4-1 would ensure that grading and other ground-disturbing activities during construction are monitored by a qualified archaeologist as well as tribal monitors. The mitigation measures require the proper treatment of any resources that may be uncovered, and the avoidance of disturbance in areas where potential resources are uncovered. However, due to the high sensitivity of resources on site and the potential for those resources to be historically significant, disturbance of those resources would be significant and unavoidable.

5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The State CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved with the proposed action should it be implemented (CEQA Guidelines § 15126.2[d]). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which



irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

Would the Project involve a large commitment of non-renewable resources?

Determining whether the Project may result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. Natural resources, in the form of construction materials and energy resources, including petroleum fuels and natural gas (for vehicle emissions, construction, and lighting) as well as lumber, sand/gravel, steel, copper, lead, and other metals (for use in building construction, piping, and roadway infrastructure), would be used in the construction of the Project. The consumption of these natural resources would represent an irreversible change to the environment. However, the development of the Project site as proposed would have no measurable adverse effect on the availability of such resources given the small scale of the Project, including resources that may be non-renewable (e.g., fossil fuels). In addition, none of the materials required to construct the Project would be rare or in highly limited supply. Further, such resources would not be used in a wasteful manner. The Project would also comply with the California Integrated Waste Management Act of 1989 (AB 939), which was enacted to reduce, recycle, and reuse solid waste generated in the State to the maximum amount feasible. Additionally, the Project is required by law to comply with the California Building Standards Code (CALGreen), which would minimize the Project's demand for energy, including energy produced from non-renewable sources. A more detailed discussion of energy consumption is provided in EIR Subsection 4.5, *Energy*.

Would the primary and secondary impacts of the Project commit future generations to similar uses?

Implementation of the Project would commit future generations to residential, mixed use, and performing arts uses for the life of the Project. As demonstrated in the analysis presented throughout EIR Section 4.0, *Environmental Analysis*, due to redevelopment of the site which is within an urban environment, construction and long-term operation of the Project would be compatible with the existing and planned land uses that surround the Project site and would not result in substantial, adverse change in the environment. All environmental impacts were determined to be less than significant or less than significant with mitigation incorporated with the exception of potential impacts to archaeological and tribal cultural resources that may be encountered during grading activities in native soils. If these resources are encountered and determined to be historically significant, disturbance of these resources would be significant and unavoidable. However, implementation of Mitigation Measure MM 4.4-1 would ensure that impacts are mitigated to the extent feasible due to proper identification and subsequent treatment. Nevertheless, if resources were encountered during grading activities, it would not commit future generations to similar uses. For this reason, the Project would not result in a significant, irreversible change to nearby, off-site properties.



Would the Project involve uses in which irreversible damage could result from any potential environmental accidents?

EIR Subsection 4.8, *Hazards and Hazardous Materials*, provides an analysis of the Project's potential to transport or handle hazardous materials which, if released into the environment, could result in potential environmental accidents. However, as concluded in the analysis, the Project would be required to comply with all federal, State, and local regulations related to hazardous materials during construction and operation to ensure that appropriate safety protocols and disposal of hazardous materials. As such, construction and long-term operation of the Project would not have the potential to cause significant irreversible damage to the environment, including damage that may result from upset or accident conditions.

Is the proposed consumption of resources not justified (e.g., the project results in the wasteful use of energy)?

Because no significant natural resources occur within the Project site, the Project would not reduce the availability of any natural resources associated with long-term operational activities. Also, as discussed under above and under Subsection 4.5, *Energy*, the Project would not result in a wasteful consumption of energy. Accordingly, the Project would not result in a significant, irreversible change to the environment related to energy use. As demonstrated in the analysis presented throughout EIR Subsections 4.2, 4.5, 4.15, and 4.17, environmental impacts related to energy, air quality, transportation, and utilities and service systems of the Project would be mitigated to less than significant; there would be not significant and unavoidable impacts. Based on the foregoing, the Project would not result in significant irreversible environmental changes pursuant to CEQA Guidelines §15126.2(d).

5.3 GROWTH INDUCING IMPACTS

CEQA requires a discussion of the ways in which the Project could be growth-inducing. The State CEQA Guidelines identify a project as growth-inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines § 15126.2[e]). New employees and new residential populations represent direct forms of growth. Direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area, placing additional demands on public services and infrastructure systems, and in the generation of a variety of environmental impacts, which are addressed in the other sections of this EIR.

The current Zoning Classification for the Project site is Town Center District (TC) to the south and Community Park District (CP) to the north. The Project site is designated under the City of San Juan Capistrano as General Commercial (GC) to the south and Specialty Park (SP) to the north. Using the employee generation factors from the City's Municipal Code, Table 3-44, Employee Generation Factors, in Section 9-3.555, Transportation Demand Management Ordinance, the non-residential uses



are expected to generate approximately 15 employees¹. Additionally, the Performing Arts Center would have approximately 10 to 63 employees on any given day depending on the scheduled performance. Therefore, a maximum of approximately 78 employees would be generated by the Project. Assuming an average of 2.89 residents per unit, based on the City's General Plan, the proposed 95 units would result in a population increase of 275 residents.

The Project would foster population and employment growth in the City by the construction of new homes and businesses. As shown in Subsection 4.12, *Population and Housing*, the Project's projected population, employment and housing is within SCAG's 2050 growth projections. The Project would not result in substantial unplanned growth in the area because it is consistent with the 2020 and 2024 RTP/SCS planned growth and the City's Housing Element, and the Project improves the City's job-housing balance by developing housing in a currently jobs-rich and housing-poor area. Additionally, the Project is included in the City's Housing Element, and is anticipated to provide up to 96 dwelling units. Accordingly, the Project would not directly promote growth either at the Project site or at the adjacent and surrounding properties that were not accounted for in the City's General Plan and SCAG's projections. However, the Performing Arts Center has the potential to result in a regional draw into the City through increased patronage to surrounding businesses in the downtown area. This regional draw could foster economic growth in the City and infuse tax base with additional dollars (e.g. sales tax, etc.).

The Project proposes a General Plan Amendment (GPA) which would amend the land use designation for the parcels designated for GC to Specific Plan/Precise Plan. Upon the approval of the GPA and Code Amendment, the Project would be consistent with the existing General Plan land use designation and Zoning classification for the Project site. The development of the proposed uses on the Project site would not reasonably or foreseeably cause the redevelopment of other properties or cause development on other properties. Furthermore, the Project's potential influence on other nearby properties to redevelop at greater intensities and/or different uses than the City's General Plan and Zoning Code allow is speculative beyond the rule of reason. However, it should be noted that the Project would not result in the approval of uses on any other property outside of the Project site. CEQA does not require the analysis of speculative effects (State CEQA Guidelines § 151454). If any other property owner were to propose redevelopment of a property in the Project vicinity or in any part of the City, the redevelopment project would require evaluation under CEQA based on its own merits, including an analysis of direct and cumulatively considerable effects.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, the growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies such as SCAG. Significant growth impacts also could occur if a project provides infrastructure or service

¹ Based on Table 3-44, Employee Generation Factors, in Section 9-3.555, Transportation Demand Management Ordinance, of the City's Municipal Code. 1 employee/500 sf for commercial uses



capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. As discussed in Subsection 4.17, *Utilities and Service Systems*, water, sewer, electricity, natural gas, and telecommunication facilities are readily available to the Project site. Additionally, as discussed in Subsection 4.13, *Public Services*, considering the existing resources available, the Project is not expected to result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impact. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment, either individually or cumulatively. As demonstrated throughout this EIR, all operational impacts would be less than significant or reduced to less than significant with mitigation measures.

5.4 IMPACTS CONSIDERED LESS THAN SIGNIFICANT

Section 15128 of the State CEQA Guidelines states that “an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR”. Based on review of the Project and supporting technical studies, it was determined that the following topical issues would result in no impact: Agricultural Resources, Mineral Resources, and Wildfire.

5.4.1 AGRICULTURE AND FORESTRY RESOURCES

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

No Impact. According to mapping information available from the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP), the Project site is mapped as Urban and Built-Up Land and does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (CDC, 2018). The nearest area of any mapped Farmland is a relatively small area of Unique Farmland located at the Devil Mountain Wholesale Nursery, approximately 0.39 miles to the northwest of the Project site. Given that the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on maps prepared pursuant to the FMMP, to non-agricultural use, no impact would occur.

Threshold b: Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project site is currently zoned as Town Center District (TC) and Community Park District (CP). The Project’s implementation does not require a zone change and would not result in a loss of land zoned for agriculture. There are no farming activities occurring at the site. The Project site is not located within any agricultural preserves, nor is the Project site subject to any Williamson Act



Contracts (CDC, 2018). As a result, the Project will not result in conflict with existing agricultural zoning or Williamson Act contracts, and no impact would occur.

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

No Impact. Under existing conditions, the Project site is located within the City of San Juan Capistrano, has a zoning designation of Town Center District (TC) and Community Park District (CP), and is not zoned as forest land, timberland, or timberland production. Accordingly, no impact to forest land or timberland would occur.

Threshold d: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project site and surrounding areas contain urbanized uses and do not consist of forest land. Therefore, the Project would not result in the loss of forest land or the conversion of forest land to non-forest use. Accordingly, no impact would occur and no further analysis of this topic is required.

Threshold e: Would the 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 previously stated, the Project site is developed with urban uses and the proposed redevelopment would not result the conversion of Farmland or forest land to non-agricultural or non-forest use. Accordingly, no impact would occur and no further analysis of this topic is required.

5.4.2 MINERAL RESOURCES

Threshold a: Would the Project result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State?

No Impact. The California Department of Conservation (DOC) Generalized Mineral Land Classification for the area shows that the Project site and surrounding areas are designated as Mineral Resource Zone 3 (MRZ-3), indicating that it is in an area containing mineral deposits of indeterminable significance (DOC, 1995). DOC does not show oil, gas, or geothermal fields underlying the Project site; and no oil or gas wells are recorded on the site in the Division of Oil, Gas, and Geothermal Resources (DOGGR) Well Finder (CDC, 2019). No mines, wells, or other resource extraction activity occur on the Project site or is known to have ever occurred on the Project site. Project development would not cause a loss of availability of mineral resources valuable to the region, and no impact would occur.



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

No Impact. As discussed above, no known valuable mineral resources exist on or near the Project site, and no mineral resource extraction activities occur on the site. Under existing conditions, the northern area of the Project site contains the Blas Aguilar Adobe Museum and Historic Town Center Park and the southern area contains disturbed lands and remnant foundations/footings from demolition of the previous office building. Thus, the Project would not result in the loss of availability of locally-important mineral resources, and no impact would occur.

5.4.3 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones:

Threshold a: *Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?*

Threshold b: *Would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations?*

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

Threshold d: *Would the Project 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?*

No Impact. Wildland fire protection in California is the responsibility of either the local government, state, or the federal government. State Responsibility Areas (SRA) are the areas where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The SRA forms one large area over 31 million acres to which the California Department of Forestry and Fire Protection (CALFIRE) provides a basic level of wildland fire prevention and protection services.

Local responsibility areas (LRA) include incorporated cities, cultivated agriculture lands, and portions of the desert. LRA fire protection is typically provided by City fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government. CAL FIRE uses an extension of the SRA Fire Hazard Severity Zone model as the basis for evaluating fire hazard in LRAs. The LRA hazard rating reflects flame and ember intrusion from adjacent wildlands and from flammable vegetation in the urban area.



The Project is not in a state or local responsibility area or land classified as a very high fire hazard severity zone (VHFSZ) (CalFire, 2025). The nearest SRA and LRA to the Project site is approximately 1.86 miles and 0.92 miles to the northeast across Interstate 5, respectively. There is also a newly constructed OCFA fire station (Fire Station 7), adjacent to the Project site to the southeast. Development of the Project would be confined to the Project site with the exception of off-site infrastructure improvements within public right-of-way. Additionally, the Project site is in an urbanized area; there are no wildlands with an increased risk of fire hazard surrounding the site. Therefore, the Project would not result in impacts to these areas. As discussed in Subsection 4.8, *Hazards and Hazardous Materials*, the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Development pursuant to the Project would not add wildland vegetation to the Project site. Development would also not change site topography (such as adding large slopes) that have the potential to exacerbate wildfire spread. Project development would involve the installation and maintenance of infrastructure including roads and power lines; however, installation of such infrastructure would not exacerbate wildfire risk. The Project would not exacerbate wildfire hazards in the Project site or expose people or structures downslope or downstream from the Project site to substantial risks resulting from wildfires, such as flooding or landslides. No impact would occur.



6.0 ALTERNATIVES

6.1 INTRODUCTION

California Environmental Quality Act (CEQA) Guidelines Section 15126.6(a) describes the scope of analysis that is required when evaluating alternatives to proposed projects, as follows:

“An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

Key provisions of the State CEQA Guidelines on alternatives (Sections 15126.6[b] – 15126.6[f]) are provided below to explain the foundation and requirements for the alternatives analysis in the EIR.

- Key provisions of the State CEQA Guidelines on alternatives (Sections 15126.6[b] – 15126.6[f]) are provided below to explain the foundation and requirements for the alternatives analysis in the EIR.
- The specific alternative of ‘no project’ shall also be evaluated along with its impact (Section 15126.6[e][1]).
- The “no project” analysis shall discuss the existing conditions at the time the Notice of Preparation is published, and at the time the environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (Section 15126.6[e][2]).
- The range of alternatives required in an EIR is governed by the “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of



the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent) (Section 15126.6[f]).

- For alternative locations, “only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR” (Section 15126.6[f][2][A]).
- If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR. For example, in some cases there may be no feasible alternative locations for a geothermal plant or mining project which must be in close proximity to natural resources at a given location (Section 15126.6[f][2][B]).
- An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative (Section 15126.6[f][3]).

As discussed in Section 4.0, *Environmental Analysis*, of this EIR, the proposed Project would result in significant and unavoidable impacts related to cultural resources and tribal cultural resources that cannot be mitigated to below levels of significance after the implementation of feasible mitigation measures. The Project’s significant and unavoidable impacts are summarized below in Section 6.1.2.

6.1.1 PROJECT OBJECTIVES

The primary goal of the El Camino Specific Plan is the redevelopment of the Project area with a complementary mix of residential, commercial, restaurant, office, and specialty park facilities in support of the greater downtown area. The following objectives have guided the design layout, and configuration of the ECSP:

1. Create a mixed-use community consistent with Southern California Association of Governments’ Connect SoCal (2025-2050 Regional Transportation Plan/Sustainable Communities Strategy) that reduces vehicle miles traveled in the region by placing development within a Transit Priority Area;
2. Encourage alternative modes of travel through enhancement of bicycle and pedestrian connectivity, and increasing the number of residents and employees within a quarter mile of the San Juan Capistrano Metrolink Station;



3. Enhance the visual quality of the project area and the greater downtown by creating development visually and culturally compatible with the City's historic downtown area;
4. Implement employment-generating and residential land uses that would create new jobs to improve and maximize the jobs to housing balance within the City and reduces the need for members of the existing local workforce to commute long distances;
5. Implement a project that seeks to balance several state and local policies such as developing needed residential adjacent to transit while striving to be complimentary to historically significant resources;
6. Deliver new housing opportunities consistent with the City's Housing Element to allow for downtown living that is complementary of the existing adjoining downtown uses; and
7. Build upon the City's culture by providing a new theatre in support of performing arts and entertainment.

6.1.2 SUMMARY OF THE PROPOSED PROJECT'S SIGNIFICANT IMPACTS

As discussed in EIR Section 4.0, *Environmental Analysis*, the proposed Project would result in significant adverse environmental effects that cannot be mitigated to below levels of significance after the implementation of Project design features, mandatory regulatory requirements, and feasible mitigation measures. The unavoidable significant impacts are as follows:

- Cultural Resources: The Project would result in significant cultural resources impacts due to the high sensitivity of the Project site for buried archaeological materials and known presence of archaeological sites in the area. Therefore, the potential exists for Project-related ground-disturbing activities to result in a direct impact to unique archeological or historical resource should such resources be discovered during Project-related ground-disturbing activities. Implementation of Mitigation Measure MM 4.4-1 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. However, due to the high sensitivity of resources on site and the potential for those resources to be historically significant, disturbance of those resources would be significant and unavoidable.
- Tribal Cultural Resources: The Project would result in significant tribal cultural resources impacts due to the high sensitivity of the Project area for buried historic archaeological materials and tribal cultural resources, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried in native soils at the Project site. Implementation of Mitigation Measure MM 4.4-1 would ensure that grading and other ground-disturbing activities during construction are monitored by a qualified archaeologist as well as tribal monitors. The mitigation measures require the proper treatment of any resources that may be uncovered, and the avoidance of disturbance in areas where



potential resources are uncovered. However, due to the high sensitivity of resources on site and the potential for those resources to be historically significant, disturbance of those resources would be significant and unavoidable.

Additionally, as discussed in EIR Section 4.0, *Environmental Analysis*, potentially significant construction-related impacts related to: Biological Resources (due to the potential to disturb nesting birds), Geology and Soils (due to the potential to encounter buried paleontological resources), and Hazards and Hazardous Materials (due to the potential to encounter contaminated soils) were identified. Mitigation measures were incorporated to reduce these impacts to less than significant.

6.2 ALTERNATIVES UNDER CONSIDERATION

CEQA Guidelines §15126.6(e) requires that an alternative be included that describes what would reasonably be expected to occur on the property in the foreseeable future if the proposed Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., “no project” alternative). For development projects that include a revision to an existing land use plan, the “no project” alternative is considered to be the continuation of the existing land use plan into the future. For projects other than a land use plan (for example, a development project on an identifiable property such as the proposed Project evaluated herein), the “no project” alternative is considered to be a circumstance under which the proposed Project does not proceed (CEQA Guidelines § 15126.6(e)(3)(A-B). Since the Project consists of both a revision to an existing land use plan and a development project, both “no project” approaches were considered. Specifically, this EIR analyzes the “No Project/No Development Alternative” and the “No Project/Existing General Plan and Zoning Alternative.”

6.2.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

The No Project/No Development Alternative assumes that no development or improvements would occur on the Project site and the previously anticipated and abandoned development would remain on the 5.65-acre site. No changes would be made to the existing Historic Town Center Park. No vehicle trips would be associated with this alternative. Under this Alternative, no improvements would be made to the Project site. This alternative is required by CEQA Guidelines Section 15126.6(e)(3)(B) to compare the environmental effects of the Project with an alternative that would leave the Project site in its existing condition (as described in EIR Section 2.0).

6.2.2 NO PROJECT/EXISTING GENERAL PLAN AND ZONING ALTERNATIVE

The No Project/Existing General Plan and Zoning Alternative would consider the development of the Project site with a use that conforms to the existing land use and zoning standards for the Project site, specifically Town Center District (TC) and Community Park District (CP). Under this alternative, two (2) two-story buildings, totaling 35,000 square feet of professional and medical offices would be constructed. Additionally, no Performing Arts Center would be constructed and the Historic Town Center Park would remain in its existing condition. This alternative would generate an estimated 380



daily trips.¹ Access to the site would be the same as the Project. Buildout of this alternative would result in an estimated 140 employees.²

6.2.3 REDUCED DEVELOPMENT AREA ALTERNATIVE

The Reduced Development Area Alternative would consider the development of only the Forster & El Camino Mixed-Use Project at the intersection of Forster Street and El Camino Real on the 3.17-acre vacant site. The Performing Arts Center would not be constructed and no changes would be made to the existing Historic Town Center Park. Access to the site would be the same as the Project. This alternative is estimated to generate a total of 628 daily trips with 41 trips (14 inbound, 27 outbound) in the AM peak hour and 68 trips (43 inbound, 25 outbound) in the PM peak hour on a “typical” weekday (see *Technical Appendix K1* in this EIR). Buildout of this alternative would result in an estimated 275 new residents and 15 employees.

6.3 ALTERNATIVES CONSIDERED BUT REJECTED

An EIR is required to identify any alternatives that were considered by the City but were rejected as infeasible. Factors described by CEQA Guidelines Section 15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR include: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant environmental impacts. With respect to the feasibility of potential alternatives to the proposed Project, CEQA Guidelines Section 15126.6(f)(1) notes:

“Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site...”

In determining an appropriate range of alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and, for a variety of reasons, rejected. Pursuant to Section 15126.6(c) of the CEQA guidelines, alternatives were rejected because: 1) they failed to meet most of the basic objectives of the Project, 2) they would not avoid significant environmental impacts, or 3) they were considered infeasible to construct or operate. A summary of the alternatives that were considered but rejected are described below.

6.3.1 ALTERNATIVE SITES

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key

¹ Institute of Transportation Engineers (ITE) 11th Edition Land Use Code 710: General Office Building

² Using the employee generation factors of 1 employee per 250 sf from the City’s Municipal Code, Section 9-3.555, Transportation Demand Management Ordinance, Table 3-44, Employee Generation Factors



question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by developing the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126[5][B][1]). In addition, an alternative site need not be considered when implementation is “remote and speculative,” such as when the alternative site is beyond the control of a project applicant.

The Project proposes to redevelop a 7.33-acre site for the development of a mixed-use community and performing arts center. The Project would result in significant and unavoidable cultural resources and tribal cultural impacts. An Alternative Site within the City would result in similar impacts related cultural and tribal cultural resources. As shown in the City’s General Plan Cultural Resources Element, Figure CR-2, Locations of Prehistoric and Historic Archaeological Resources, the vast majority of the City is located in areas that contain sensitive prehistoric and historic archaeological resources. Areas of the City that are not within an area of high archeological sensitivity are either: 1) fully developed or 2) designated as general open space, which would not allow the uses proposed by the Project. Therefore, grading activities at an Alternative Site is expected to have similar potential impacts to cultural and tribal cultural resources.

Regarding the feasibility of finding another potential location for the Project, there are no existing, undeveloped sites that are a similar size as the Project site within the downtown area and that could reasonably be controlled by the Project Applicant for the purpose of developing the Project. Although the Project Applicant has ownership or control of other parcels of land near the Project site, none of them are suitable for the development of the Project. Therefore, because an alternative location is not available that would avoid or substantially lessen the significant environmental effects of the Project, and because the Project Applicant does not have ownership control over, and cannot reasonably obtain ownership control over any other parcels of land in City that could accommodate the Project, an alternative location alternative is not feasible. Accordingly, this alternative is not further considered in this EIR.

6.4 ANALYSIS OF ALTERNATIVES

The City has identified the following alternatives as a range of reasonable alternatives to the Project in accordance with CEQA Guidelines Section 15126.6. These alternatives are described in more detail and their respective potential level of environmental effects has been compared to the Project’s environmental effects.

The following discussion compares the impacts of each alternative considered by the City with the impacts of the Project, as detailed in Section 4.0, *Environmental Analysis*, of this EIR. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), CEQA Guidelines Section 15126.6(c) requires that the discussion of alternatives focus on alternatives which are capable of avoiding or substantially lessening the significant effects of the Project. Therefore, the analysis provided herein focuses on a



comparison of the Project's significant impacts to the level of impact that would occur under each evaluated alternative. The Project's significant and unavoidable impacts fall under the topic of cultural resources and tribal cultural resources. Although the Project's less-than-significant impacts also are compared to the alternatives evaluated herein, the emphasis of the comparative discussion in this analysis relates to the significant impacts of the Project that require mitigation as required by CEQA. A conclusion is provided for each significant impact of the Project as to whether the alternative results in one of the following: (1) reduction or elimination of the Project's impact, (2) a greater impact than would occur under the Project, (3) the same impact as the proposed Project, or (4) a new impact in addition to the Project's impacts.

Table 6-1, *Comparison of Alternatives and Project-related Environmental Impacts*, at the end of this Section compares the significant impacts of the Project with the level of impact that would be caused by each of the alternatives evaluated herein. Table 6-2, *Alternatives Attainment of Project Objectives*, identifies the ability of each alternative to meet the fundamental purpose and basic objectives of the Project, listed above under 6.1.1, Project Objectives.

6.4.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

The No Project/No Development Alternative assumes that no development or improvements would occur on the Project site and the previously anticipated and abandoned development would remain on the 5.65-acre site. No changes would be made to the existing Historic Town Center Park. No vehicle trips would be associated with this alternative. Under this Alternative, no improvements would be made to the Project site. This alternative is required by CEQA Guidelines Section 15126.6(e)(3)(B) to compare the environmental effects of the Project with an alternative that would leave the Project site in its existing condition (as described in EIR Section 2.0).

A. Aesthetics

Under existing conditions, the northern area of the Project site is developed with the Blas Aguilar Adobe Museum and Historic Town Center Park. The southern area of the Project site is vacant and disturbed, wherein development was anticipated but abandoned, and includes landscaping and parking areas. The elevations of the Forster and El Camino Mixed Use Project site range from 100 feet above mean sea level (amsl) in the southeast portion of the site to 115 feet amsl in the northwest portion of the site. The average elevation of the Performing Arts Center site is approximately 112 feet amsl. The site does not feature any source of artificial light, with the exception of security and building lighting associated with the Historic Town Center Park.

The City's General Plan does not specifically designate scenic vistas or corridors. Under the No Project/No Development Alternative, the visual character and quality of the site would be maintained in its existing condition. No landform modifications would occur on the Project site under this alternative, and implementation of the Project to allow for residential uses, lighting, or landscaping would not occur. The Project site would continue to have the same lighting conditions, which generally consists of a moderate level of existing ambient nighttime light from security lighting at the park and



surrounding uses. Although the No Project/No Development Alternative would result in no changes to the Project site, the visual character and quality of the site would not benefit from the Project's improvements, particularly the southern portion of the site that consists of concrete slab foundations and parking areas from the previous demolition. Accordingly, the No Project/No Development Alternative would, strictly speaking, result in no impact related to aesthetics due to the lack of changes, but considering the Project site's current vacant and disturbed condition, retaining the Project site in its existing state results in greater negative impacts when compared to the less-than-significant impacts of the proposed Project. On balance, the No Project/No Development Alternative would result less impacts compared to the Project.

B. Air Quality

The No Project/No Development Alternative would avoid the introduction of new potential sources of short-term (construction) and long-term (operational) air pollutant emissions that would occur during the implementation of the Project. As such, all of the Project's short- and long-term air quality impacts would be avoided under this alternative, because no construction and operational activities would occur at the Project site. Accordingly, although the Project would result in less than significant impacts associated with air quality, no impacts would occur under this alternative; therefore, this alternative would have less impacts than the Project.

C. Biological Resources

The Project has the potential to impact nesting migratory birds, should habitat removal occur during the nesting season and should nesting birds be present. The No Project/No Development Alternative would leave the property in its existing condition. Under this alternative, impacts would be less than the Project because the Project site would not be disturbed compared to the permanent disturbance that would occur as a result of the Project's proposed development. Additionally, no heritage trees would be relocated. Overall, although the Project would result in less than significant biological resources impacts with incorporation of mitigation measures, the No Project/No Development Alternative would eliminate the Project's potential biological resource impacts that could occur during construction activities to nesting birds and no mitigation would be required; therefore, there would be no impact to biological resources and impacts would be less than the Project.

D. Cultural Resources

Based on a records search conducted as part of the Phase I Cultural Resources Assessment (*Technical Appendix D1* of this EIR), 10 cultural resources have been recorded within the Project site and 49 cultural resources have been previously documented within the half mile search radius of the Project site. Additionally, the historical resources evaluation Assessment (*Technical Appendix D2* of this EIR) concluded that the Project will not cause direct impacts to historical resources. It will cause limited visual impacts on nearby historical resources due to increased building heights and density in the vicinity of the resources in San Juan Capistrano's historic core; however, many of the resources in the area do not have viewsheds that are identified as character-defining and the setting aspect of integrity for these properties has changed through time as the area has evolved through phases of development.



Two historic resources outside the direct impact area may be significantly impacted by Project-related construction vibrations: the Esslinger Building and the Judge Richard Egan House. As described in Subsection 4.11, *Noise*, of this EIR, implementation of Mitigation Measure MM 4.11-1 would prohibit the use of construction equipment such as loaded trucks, heavy mobile equipment, jack hammers and vibratory rollers within 25-feet of receiver locations R5 (Judge Richard Egan House) and R7 (Esslinger Building) to ensure that vibration impacts to these historical resources are less-than-significant. The No Project/No Development Alternative would have no impacts to historical resources and no mitigation would be required; therefore, impacts would be less than the Project.

Due to the presence of cultural resources onsite, there is a potential to impact buried prehistoric archaeological resources during ground disturbance activities (i.e., grading and excavation activities) in native soils. If a unique archeological or historical resource is discovered and data recovery through excavation is the only feasible mitigation (e.g. if preservation in place is not feasible), then removal of the artifact would result in a significant unavoidable impact, even with implementation of mitigation measures. The No Project/No Development Alternative would eliminate the Project's impacts to cultural resources, and no mitigation would be required; therefore, impacts would be less than the Project.

E. Energy

Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy evidenced by compliance with applicable 2022 Title 24 Standards. Under the No Project/No Development Alternative, no new development would occur and no changes would be made to the Historic Town Center Park; therefore, the site would not require any additional near-term or long-term energy resources. Accordingly, although the Project would result in less than significant impacts associated with energy, the No Project/No Development Alternative would have no impact related to energy use and impacts would be less than the Project.

F. Geology and Soils

The No Project/No Development Alternative would result in no grading of the Project site; therefore, no impacts to geology or soils would occur. No known paleontological resources were identified as occurring within the Project site under existing conditions. However, nearby subsurface Quaternary terrace deposits have yielded remains of extinct mammoth (*Mammuthus*) from a depth of ~3 feet below the surface, suggesting that fossils may occur at shallow depths within the Project area. Late Pleistocene to Holocene Quaternary alluvial sediments are therefore assigned a low sensitivity above three feet (PFYC 2), and a moderate sensitivity (PFYC 3) below three feet. Artificial fill is expected to be present at the surface and is assigned a very low sensitivity (PFYC 1). Therefore, ground disturbing activities below three feet have potential impact to uncover paleontological resources, and the Project would result in less than significant impacts with mitigation incorporated. The No Project/No Development Alternative would avoid potential impacts associated with unearthing previously undiscovered paleontological resources during grading activities; therefore, this alternative has no potential to impact subsurface resources that may exist in undisturbed soils beneath the ground



surface. Accordingly, this alternative would eliminate the Project's potential paleontological resource impacts and no mitigation would be required; therefore, impacts would be less than the Project.

G. Greenhouse Gas Emissions

The Project would not exceed the GHG emissions significance of 3,000 MTCO₂e/yr and would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHG emissions. Under the No Project/No Development Alternative, no development would occur on the Project site; therefore, there would be no potential sources of near-term or long-term GHG emissions. Accordingly, although the Project would result in less than significant impacts associated with GHG emissions, the No Project/No Development Alternative would have no impact related to GHG emissions, and impacts would be less than the Project.

H. Hazards and Hazardous Materials

During Project construction there is potential for impacted soils to be encountered during grading activities on the Performing Arts Center site; therefore, impacts are potentially significant. Project impacts were determined to be less than significant with mitigation measures incorporated. Because no development would occur under the No Project/No Development Alternative, no impacts related to hazards or hazardous materials would occur, and no mitigation would be required. Therefore, impacts would be less than the Project.

I. Hydrology and Water Quality

The No Project/No Development Alternative would result in no grading or development of the property; therefore, the existing drainage pattern would remain the same and no impacts to hydrology or water quality would occur. Moreover, under the No Project/No Development Alternative, drainage improvements or water quality features would not be installed and runoff would continue to flow as it does under existing conditions. The bio-filtration planters, modular wetlands system, or catch basin inlets proposed under the Project remove pollutants from runoff and filter the water to meet water quality standards, would not occur. Therefore, water quality impacts, including erosion and sedimentation, would be greater under this alternative because the Project site would not receive the benefits from the stormwater drainage and water quality filtration features that would be constructed by the Project. Therefore, this alternative would result in increased impacts associated with hydrology and water quality when compared to the Project, which were determined to be less than significant.

J. Land Use and Planning

The No Project/No Development Alternative would not result in any new development that would directly or indirectly result in environmental impacts due to a conflict with an existing land use plan. In addition, the No Project/No Development Alternative would not result in any new development that would cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Accordingly, although the Project would result in less than significant impacts associated with land use and planning,



no impacts associated with land use and planning would occur under this alternative, impacts would be less than the Project.

K. Noise

The Project would not generate 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. Impacts would be less than significant. However, Project-related construction vibration impacts will be potentially significant during the construction activities at the Project site. Because no development would occur on the Project site under this alternative, no new sources of on-site stationary noise or off-site traffic-related noise generated would occur; therefore, the No Project/No Development Alternative would not contribute to the less than significant incremental increase in area-wide noise levels that would occur under the Project. The No Project/No Development Alternative also would not result in any development that would generate excessive groundborne vibration or groundborne noise levels, and it would not result in any development exposing people residing or working in the project area to excessive noise levels. Accordingly, although the Project would result in less than significant impacts related to noise with incorporation of mitigation measures, the No Project/No Development Alternative would eliminate the Project's potential construction vibration impacts that could occur and no mitigation would be required; therefore, impacts would be less than the Project.

L. Population and Housing

The Project would not induce substantial unplanned population growth and impacts would be less than significant. Population growth would not occur under the No Project/No Development Alternative because no new residences would be constructed. Accordingly, although the Project would result in less than significant impacts associated with population and housing, the No Project/No Development Alternative would have no impact related to population and housing. Therefore, impacts would be less than the Project.

M. Public Services

The Project is not expected to result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impact. Under the No Project/No Development Alternative, the Project site would remain a vacant site and no changes would not occur to the existing Historic Town Center Park. There would be no increase in demand for fire protection, police protection, schools, or libraries. Accordingly, although the Project would result in less than significant impacts associated with public services, the No Project/No Development Alternative would have no impact related to public services. Therefore, impacts would be less than the Project.

N. Recreation

The City is currently exceeding the required parkland ratio and although the Project would result in an increase in residents, there is adequate park and recreational facilities to accommodate the future



residences. Accordingly, the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, and impacts would be less than significant. Under the No Project/No Development Alternative, no new residents would be introduced to the Project, which would reduce potential impacts resulting from additional demand on parks and recreational facilities. Accordingly, although the Project would result in less than significant impacts associated with recreation, the No Project/No Development Alternative would have no impact related to recreation. Therefore, impacts would be less than the Project.

O. Transportation

The Project would not conflict with any programs, plans, ordinances, or policies addressing the circulation system including transit, roadway, bicycle, and pedestrian facilities. Additionally, the Project would not create a safety hazard and would meet the transit VMT screening criteria. The Project's transportation impacts would be less than significant. Under the No Project/No Development Alternative, no new development would occur on the Project site and no traffic would be generated at the Project site. Therefore, this alternative would have no impacts related to a conflict with a program, plan, ordinance, or policy addressing the circulation system; vehicle miles traveled; hazards due to a design feature; or emergency access. Accordingly, although the Project would result in less than significant impacts associated with transportation, the No Project/No Development Alternative would have no impact related to transportation. Therefore, impacts would be less than the Project.

P. Tribal Cultural Resources

Due to the high sensitivity of the Project area for buried historic archaeological materials and tribal cultural resources, there is a potential to encounter tribal cultural resources within the Project site during ground-disturbing construction activities on the site. Project impacts to tribal cultural resources were determined to be significant and unavoidable. The No Project/No Development Alternative would leave the Project site in its existing condition; no additional grading or disturbance of soil would occur. As such, this alternative would not result in impacts to undiscovered tribal cultural resources. Accordingly, this alternative would eliminate significant and unavoidable impacts related to tribal cultural resources and mitigation would not be required; therefore, impacts would be less than the Project.

Q. Utilities and Service Systems

The Project would not 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. Additionally, there are sufficient water supplies available to service the Project site and the Project would not impact or exceed sewer capacity. The Project's utilities and services systems impacts are less than significant. Under the No Project/No Development Alternative, the Project site would not generate any need for additional utilities and service systems, including domestic water, wastewater treatment, or solid waste disposal; therefore, the implementation of this alternative would avoid the increases in the demand for utility services that would be generated by the Project. Although the Project



would have less than significant impacts, implementation of this alternative would result in no impacts associated with utilities and service systems. Therefore, impacts would be less than the Project.

R. Conclusion

1. Avoid or Substantially Lessen the Significant Impacts of the Project

The No Project/No Development Alternative would result in no physical environmental impacts to the Project site. All impacts, whether significant and unavoidable or less than significant, of the Project related to construction activities would be eliminated by the selection of the No Project/No Development Alternative. Specifically, the Alternative would eliminate significant and unavoidable impacts related to cultural and tribal cultural resources. However, this alternative would not receive the environmental benefits from the implementation of stormwater drainage and water quality filtration features that would be constructed by the Project.

2. Attainment of Project Objectives

The No Project/No Development Alternative would fail to meet all the Project Objectives, as described in Section 6.1.1. This alternative would not meet any of the Project Objectives identified below, because it would not place residents or mixed use development near a transit priority area or the City's historic downtown area, and no residential development or the Performing Arts Center would be constructed.

- Objective 1: Create a mixed-use community consistent with Southern California Association of Governments' Connect SoCal (2025-2050 Regional Transportation Plan/Sustainable Communities Strategy) that reduces vehicle miles traveled in the region by placing development within a Transit Priority Area;
- Objective 2: Encourage alternative modes of travel through enhancement of bicycle and pedestrian connectivity, and increasing the number of residents and employees within a quarter mile of the San Juan Capistrano Metrolink Station;
- Objective 3: Enhance the visual quality of the project area and the greater downtown by creating development visually and culturally compatible with the City's historic downtown area;
- Objective 4: Implement employment-generating and residential land uses that would create new jobs to improve and maximize the jobs to housing balance within the City and reduces the need for members of the existing local workforce to commute long distances;
- Objective 5: Implement a project that seeks to balance several state and local policies such as developing needed residential adjacent to transit while striving to be complimentary to historically significant resources;



- Objective 6: Deliver new housing opportunities consistent with the City’s Housing Element to allow for downtown living that is complementary of the existing adjoining downtown uses; and
- Objective 7: Build upon the City’s culture by providing a new theatre in support of performing arts and entertainment.

6.4.2 NO PROJECT/EXISTING GENERAL PLAN AND ZONING ALTERNATIVE

The No Project/Existing General Plan and Zoning Alternative would consider the development of the Project site with a use that conforms to the existing land use and zoning standards for the Project site, specifically Town Center District (TC) and Community Park District (CP). Under this alternative, two (2) two-story buildings, totaling 35,000 square feet of professional and medical offices would be constructed. Additionally, no Performing Arts Center would be constructed and the Historic Town Center Park would remain in its existing condition. This alternative would generate an estimated 380 daily trips.³ Access to the site would be the same as the Project. Buildout of this alternative would result in an estimated 140 employees.⁴

A. Aesthetics

Under existing conditions, the northern area of the Project site is developed with the Blas Aguilar Adobe Museum and Historic Town Center Park. The southern area of the Project site is vacant and disturbed, wherein development was anticipated but abandoned, and includes landscaping and parking areas. The site does not feature any source of artificial light, with the exception of security and building lighting associated with the Historic Town Center Park.

The City’s General Plan does not specifically designate scenic vistas or corridors and the Project site does not serve as a prominent scenic vista. Redevelopment of the Project site with the Project would not substantially affect a scenic vista and the Project would comply with applicable zoning and other regulations governing scenic quality. Project impacts would be less than significant.

Under the No Project/Existing General Plan and Zoning Alternative, the visual character and quality of the Historic Town Center Park would be maintained in its existing condition. This alternative would redevelop the southern portion of the Project site which is vacant but disturbed. This alternative would be required to be developed and designed according to the existing land use and zoning standards for Town Center District (TC), which would create aesthetically pleasing buildings and site design, similar to the Project. Accordingly, implementation of the No Project/Existing General Plan and Zoning Alternative would result in less than significant impacts, similar to the Project.

³ Institute of Transportation Engineers (ITE) 11th Edition Land Use Code 710: General Office Building

⁴ Using the employee generation factors of 1 employee per 250 sf from the City’s Municipal Code, Section 9-3.555, Transportation Demand Management Ordinance, Table 3-44, Employee Generation Factors



B. Air Quality

As with the Project, construction of the No Project/Existing General Plan and Zoning Alternative has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the Project Site. In addition, fugitive dust emissions would result from demolition and construction activities. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation and, for dust, the prevailing weather conditions. Under the No Project/Existing Zoning Alternative, the overall amount of building construction would be reduced due to reduced building square footage (35,000 square feet of office use instead of 95 residences and the Performing Arts Center). Additionally, the No Project/Existing General Plan and Zoning Alternative would have a reduced development impact area when compared to the Project; therefore, the construction duration would also be reduced. However, the intensity of air emissions and fugitive dust from site preparation and construction activities would be similar on days with maximum construction activities. Because maximum daily conditions are used for measuring impact significance, regional and localized impacts on these days would be less than significant, similar to the Project.

The No Project/Existing General Plan and Zoning Alternative would decrease the number of vehicle trips, which is calculated based on land use. Under this alternative, a total of 380 daily trips is anticipated to generate, which results in a reduction of 854 trips compared to the Project's 1,234 trips. Therefore, this alternative would decrease the Project's operational air quality emissions. The No Project/Existing General Plan and Zoning Alternative would reduce operational air quality impacts compared to the Project and would be less than significant.

C. Biological Resources

The Project has the potential to impact nesting migratory birds, should habitat removal occur during the nesting season and should nesting birds be present. The No Project/Existing General Plan and Zoning Alternative would result in a decrease in development impact area as the Project. Under this alternative, impacts would be less than the Project because the Historic Town Center Park portion of the Project site would not be disturbed compared to the permanent disturbance that would occur as a result of the Project's proposed development. Additionally, no heritage trees, which are all located on the Performing Arts Center site, would be relocated. Overall, the No Project/Existing General Plan and Zoning Alternative would reduce the Project's potential biological resources impacts that could occur during construction activities to nesting birds and mitigation measures would be implemented to reduce impacts to such resources to a less than significant level; impacts would be less than the Project.

D. Cultural Resources

Based on a records search conducted as part of the Phase I Cultural Resources Assessment (*Technical Appendix D1* of this EIR), 10 cultural resources have been recorded within the Project site and 49 cultural resources have been previously documented within the half mile search radius of the Project site. Additionally, the historical resources evaluation Assessment (*Technical Appendix D2* of this EIR) concluded that the Project will not cause direct impacts to historical resources. It will cause limited



visual impacts on nearby historical resources due to increased building heights and density in the vicinity of the resources in San Juan Capistrano's historic core; however, many of the resources in the area do not have viewsheds that are identified as character-defining and the setting aspect of integrity for these properties has changed through time as the area has evolved through phases of development. Two historic resources outside the direct impact area may be significantly impacted by Project-related construction vibrations: the Esslinger Building and the Judge Richard Egan House. As described in Subsection 4.11, *Noise*, of this EIR, implementation of Mitigation Measure MM 4.11-1 would prohibit the use of construction equipment such as loaded trucks, heavy mobile equipment, jack hammers and vibratory rollers within 25-feet of receiver locations R5 (Judge Richard Egan House) and R7 (Esslinger Building) to ensure that vibration impacts to these historical resources are less-than-significant. The No Project/Existing General Plan and Zoning Alternative would have similar impacts to the Project because the distance from the development area to the Esslinger Building and the Judge Richard Egan House would be the same. Impacts to historical resources would be less than significant with incorporation of mitigation measures.

Due to the presence of cultural resources onsite, there is a potential to impact buried prehistoric archaeological resources during ground disturbance activities (i.e., grading and excavation activities) in native soils. If a unique archeological or historical resource is discovered and data recovery through excavation is the only feasible mitigation (e.g. if preservation in place is not feasible, then removal of the artifact would result in a significant unavoidable impact, even with implementation of mitigation measures. The No Project/Existing General Plan and Zoning Alternative would have a reduced development impact area compared to the Project and the development area under this alternative would have less potential to uncover significant cultural resources because the site was previously developed and disturbed. However, there is still potential encounter buried prehistoric archaeological resources during grading activities in native soils, which have the potential to be historically significant. Therefore, impacts to cultural resources from the No Project/Existing General Plan and Zoning Alternative would be significant and unavoidable with mitigation measures incorporated, but less than the Project.

E. Energy

Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy evidenced by compliance with applicable 2022 Title 24 Standards. Under the No Project/Existing General Plan and Zoning Alternative, the total building square footage and the number of daily trips would be reduced. Therefore, construction activities and facility energy demand during operation (energy consumed by building operations and site maintenance activities) associated with this alternative would be reduced when compared to the Project. Additionally, transportation fuel demands (fuel consumed by passenger car and truck vehicles accessing the Project site) would decrease under this alternative due to the decrease in vehicle trips. On balance, operational activities associated with this alternative would have decreased energy demand compared to the Project and impacts would be less than significant and less than the Project.



F. Geology and Soils

Grading and development of the Project site would still occur under the No Project/Existing General Plan and Zoning Alternative; therefore, impacts related to geology and soils would be similar to those that would be generated from the Project. The alternative would have a reduced development impact area compared to the Project and the development area under this alternative would have less potential to uncover significant paleontological resources because the site was previously developed and disturbed. However, like the Project, mitigation measures would be required to reduce potential impacts to less than significant. Therefore, impacts to paleontological resources from the No Project/Existing General Plan and Zoning Alternative would be less than significant, but less than the Project.

G. Greenhouse Gas Emissions

The Project would not exceed the GHG emissions significance of 3,000 MTCO₂e/yr and would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHG emissions. The No Project/Existing General Plan and Zoning Alternative would have a reduced amount of building square footage and development impact area when compared to the Project. Therefore, implementation of the No Project/Existing General Plan and Zoning Alternative would result in reduced impacts from construction-related GHG emissions that would occur from implementation of the Project.

The No Project/Existing General Plan and Zoning Alternative would decrease vehicle trips and would result in a net decrease of GHG emissions. Similar to the Project, this alternative would not exceed the threshold of 3,000 MTCO₂e per year. Therefore, GHG emissions impacts would be less than significant but reduced when compared to the Project.

H. Hazards and Hazardous Materials

During Project construction there is potential for impacted soils to be encountered during grading activities on the Performing Arts Center site; therefore, impacts are potentially significant. Project impacts were determined to be less than significant with mitigation measures incorporated. The No Project/Existing General Plan and Zoning Alternative would develop the southern portion of the Project site for professional and medical office uses, which would involve the same type of hazardous materials typically used for construction and operation of the Project. Similarly, the use and storage of hazardous materials would be regulated by the same federal, state, and local laws and permitting requirements as would occur with the Project. Since no development would occur on the Performing Arts Center site, the potential to uncover impacted soils due to historic heating oil storage operations would be eliminated and the need to implement a Soils Management Plan during construction would be eliminated. Therefore, under this alternative, impacts related to hazards and hazardous materials would be less than significant and no mitigation measures would be required. Therefore, impacts would be less than the Project.



I. Hydrology and Water Quality

The No Project/Existing General Plan and Zoning Alternative would result in the reduced area of impervious surfaces compared to the Project; however, regardless of the area of impervious surfaces, stormwater impacts would be similar compared to the Project due to mandatory compliance with the WQMP. Therefore, this alternative would result in similar runoff and potential for impacts to drainage, erosion, and water quality. Like the Project, this alternative would introduce new sources of water pollutants from construction and operation activities. Additionally, this alternative would be required to include storm drain facilities. The No Project/Existing General Plan and Zoning Alternative would result in similar impacts to hydrology and water quality as the Project and would be less than significant.

J. Land Use and Planning

The No Project/Existing General Plan and Zoning Alternative would not include a specific plan amendment and would not require a general plan amendment, rezone, or code amendment to implement the development. This alternative's land use was accounted for in the modeling for the SCAG's SCS/RTP. Therefore, this alternative is consistent with the SCS/RTP (Connect SoCal) policies, the City's General Plan, and Municipal Code. Therefore, the No Project/Existing General Plan and Zoning Alternative would result in a less than significant impact related to land use and planning and similar impacts compared to the Project's less than significant impacts.

K. Noise

The Project would not generate 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. Impacts would be less than significant. However, Project-related construction impacts will be potentially significant during the construction activities at the Project site. The construction noise duration would be reduced under the No Project/Existing General Plan and Zoning Alternative due to the reduction of building square footage, development impact area, and shorter construction schedule. On-site construction activities and the associated construction noise and vibration levels during maximum activity days, which are used for measuring impact significance, would be similar to those of the Project. Similar to the Project, the No Project/Existing General Plan and Zoning Alternative would result in less than significant construction-related impacts with mitigation measures incorporated.

Stationary operation noise would be reduced under this alternative. Additionally, off-site traffic operational noise would be decreased under this alternative as traffic-generated noise sources would decrease in relation to the decrease in vehicle trips. Operational noise impacts from the No Project/Existing General Plan and Zoning Alternative would be less than significant but reduced compared to the Project.



L. Population and Housing

The Project would not induce substantial unplanned population growth and impacts would be less than significant. Under the No Project/Existing General Plan and Zoning Alternative, buildout would result in a total of 140 new employees. The Project would generate a total of 275 new residents and 78 new employees. Under this alternative and similar to the Project, the population, housing, and employment at buildout would be consistent with both SCAG and City growth forecast. Overall, impacts related to population and housing would remain less than significant with this alternative, similar to the Project.

M. Public Services

The Project is not expected to result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impact. Under the No Project/Existing General Plan and Zoning Alternative, buildout would result in no residents, but an increase of 140 employees. This would result in overall reduced demands placed on public services, including fire protection and law enforcement, compared to the Project. However, as with the Project, impacts would be less than significant. Overall, impacts associated with public services under the No Project/Existing General Plan and Zoning Alternative would be less than significant but reduced when compared to the Project.

N. Recreation

The City is currently exceeding the required parkland ratio and although the Project would result in an increase in residents, there is adequate park and recreational facilities to accommodate the future residences. Accordingly, the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, and impacts would be less than significant. Under the No Project/Existing General Plan and Zoning Alternative, no new residents would be introduced to the Project, which would reduce potential impacts resulting from additional demand on parks and recreational facilities. Employees generated under this alternative would result in less demand to recreational facilities compared to residents. Overall, impacts associated with recreation under the No Project/Existing General Plan and Zoning Alternative would be less than significant but reduced when compared to the Project.

O. Transportation

The Project would not conflict with any programs, plans, ordinances, or policies addressing the circulation system including transit, roadway, bicycle, and pedestrian facilities. Additionally, the Project would not create a safety hazard and would meet the transit VMT screening criteria. The Project's transportation impacts would be less than significant. Construction and operation-related vehicle truck trips would be reduced under the No Project/Existing General Plan and Zoning Alternative. As detailed in the City of San Juan Capistrano Screening Criteria Flow Chart, one of the following five criteria is required to be met in order to qualify for VMT screening:



- **Weekday Daily Trip Assessment:** The No Project/Existing General Plan and Zoning Alternative would result in a total of 380 daily trips and would not screen out under this criterion, since it generates more than 200 daily trips.
- **Transit Assessment:** The Project is located within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor. However, the FAR under this alternative would be 0.25 which is less than the required 0.75. Therefore, the No Project/Existing General Plan and Zoning Alternative would not screen out under this criterion.
- **Local Serving Retail Assessment:** The No Project/Existing General Plan and Zoning Alternative proposes for office uses and does not propose local serving retail uses. Therefore, this alternative would not screen out under this criterion.
- **Locally Serving Public Facility Assessment:** The No Project/Existing General Plan and Zoning Alternative proposes for office uses and does not propose local serving public facilities. Therefore, this alternative would not screen out under this criterion.
- **Affordable Housing Assessment:** The No Project/Existing General Plan and Zoning Alternative proposes for office uses does not propose affordable housing units. Therefore, this alternative would not screen out under this criterion.

Based on the preceding, the No Project/Existing General Plan and Zoning Alternative would not screen out of any of the above screening criteria. Therefore, the No Project/Existing General Plan and Zoning Alternative could result in potentially greater transportation impacts compared to the Project's less than significant impacts.

P. Tribal Cultural Resources

Due to the high sensitivity of the Project area for buried historic archaeological materials and tribal cultural resources, there is a potential to encounter tribal cultural resources within the Project site during ground-disturbing construction activities on the site. Project impacts to tribal cultural resources were determined to be significant and unavoidable. The No Project/Existing General Plan and Zoning Alternative would have a reduced development impact area compared to the Project and the development area under this alternative would have less potential to uncover significant tribal cultural resources because the site was previously developed and disturbed. However, there is still potential encounter buried tribal cultural resources during grading activities in native soils, which have the potential to be historically significant. Therefore, impacts to tribal cultural resources from the No Project/Existing General Plan and Zoning Alternative would be significant and unavoidable with mitigation measures incorporated, but less than the Project.



Q. Utilities and Service Systems

The Project would not 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. Additionally, there are sufficient water supplies available to service the Project site and the Project would not impact or exceed sewer capacity. The Project's utilities and services systems impacts are less than significant. The No Project/Existing General Plan and Zoning Alternative would result in no residential units and an increase in the square footage of non-residential uses. This would reduce the number of residents on the Project site and increase the number of employees.

The Project's potable water demand is based on 100% of wastewater generation and total water demand is based on 60% potable and 40% non-potable water demand. The Project's sewer generation was calculated using Table 4.1 of the Santa Margarita Water District Sewer Generation factors. The water and wastewater generation rates are based on the residential density ranges and land uses. The commercial uses used the generation rate for neighborhood retail which is 225 gpd per thousand square feet. Based on a total square footage of 35,000, the alternative would result in a total sewer generation of 7,875 gpd compared to the Project's generation of 23,671 gpd. Additionally, this alternative would result in a total water demand of 13,125 gpd compared to the Project's water demand of 39,451 gpd.

Thus, impacts related to water supplies and wastewater that would occur from implementation of the No Project/Existing General Plan and Zoning Alternative would be less than the Project. Similarly, solid waste generation would be less than the Project and require less landfill capacity. Similar to the Project, impacts to utilities and service system would be less than significant under this alternative but less than the Project.

R. Conclusion

1. Avoid or Substantially Lessen the Significant Impacts of the Project

The No Project/Existing General Plan and Zoning Alternative would result in reduced impacts related to air quality, biological resources, cultural resources, energy, greenhouse gas emissions, hazards and hazardous materials, noise, public services, recreation, tribal cultural resources, and utilities and service systems. However, transportation impacts would be greater, and significant and unavoidable impacts related to cultural and tribal cultural resources would continue to occur from implementation of this alternative. Impacts related to aesthetics, geology and soils, hydrology and water quality, land use and planning, and population and housing would be similar to the Project.

2. Attainment of Project Objectives

The No Project/Existing General Plan and Zoning Alternative would only meet one Project objective (Objective 3: Enhance the visual quality of the project area and the greater downtown by creating development visually and culturally compatible with the City's historic downtown area). Additionally, the alternative would only partially meet most of the Project's objectives, as described in Subsection



6.1.1. This alternative would only partially meet Objectives 1, 2, and 4, identified below, because it would not place residents or mixed use development near a transit priority area.

- Objective 1: Create a mixed-use community consistent with Southern California Association of Governments' Connect SoCal (2025-2050 Regional Transportation Plan/Sustainable Communities Strategy) that reduces vehicle miles traveled in the region by placing development within a Transit Priority Area;
- Objective 2: Encourage alternative modes of travel through enhancement of bicycle and pedestrian connectivity, and increasing the number of residents and employees within a quarter mile of the San Juan Capistrano Metrolink Station;
- Objective 4: Implement employment-generating and residential land uses that would create new jobs to improve and maximize the jobs to housing balance within the City and reduces the need for members of the existing local workforce to commute long distances;

Additionally, this alternative would not meet Objectives 5, 6, and 7 identified below, because there would be no residential development and the Performing Arts Center would not be constructed.

- Objective 5: Implement a project that seeks to balance several state and local policies such as developing needed residential adjacent to transit while striving to be complimentary to historically significant resources;
- Objective 6: Deliver new housing opportunities consistent with the City's Housing Element to allow for downtown living that is complementary of the existing adjoining downtown uses; and
- Objective 7: Build upon the City's culture by providing a new theatre in support of performing arts and entertainment.

6.4.3 REDUCED DEVELOPMENT AREA ALTERNATIVE

The Reduced Development Area Alternative would consider the development of only the Forster & El Camino Mixed-Use Project at the intersection of Forster Street and El Camino Real on the 3.17-acre vacant site. The Performing Arts Center would not be constructed and no changes would be made to the existing Historic Town Center Park. Access to the site would be the same as the Project. This alternative is estimated to generate a total of 628 daily trips with 41 trips (14 inbound, 27 outbound) in the AM peak hour and 68 trips (43 inbound, 25 outbound) in the PM peak hour on a "typical" weekday (see *Technical Appendix K1* in this EIR). Buildout of this alternative would result in an estimated 275 new residents and 15 employees.



A. Aesthetics

Under existing conditions, the northern area of the Project site is developed with the Blas Aguilar Adobe Museum and Historic Town Center Park. The southern area of the Project site is vacant and disturbed, wherein development was anticipated but abandoned, and includes landscaping and parking areas. The site does not feature any source of artificial light, except for the security and building lighting associated with the Historic Town Center Park.

The City's General Plan does not specifically designate scenic vistas or corridors and the Project site does not serve as a prominent scenic vista. Redevelopment of the Project site with the Project would not substantially affect a scenic vista and the Project would comply with applicable zoning and other regulations governing scenic quality. Project impacts would be less than significant.

Under the Reduced Development Area Alternative, the visual character and quality of the Historic Town Center Park would be maintained in its existing condition. This alternative would also include design features similar to the Project to create aesthetically pleasing buildings and site design. Accordingly, implementation of the Reduced Development Area Alternative would result in less than significant impacts, similar to the Project.

B. Air Quality

As with the Project, construction of the Reduced Development Area Alternative has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the Project Site. In addition, fugitive dust emissions would result from demolition and construction activities. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation and, for dust, the prevailing weather conditions. Under the Reduced Development Area Alternative, the overall amount of building construction would be reduced due to no construction of the Performing Arts Center. The Reduced Development Area Alternative would have a reduced development impact area when compared to the Project; therefore, the construction duration would be reduced. However, the intensity of air emissions and fugitive dust from site preparation and construction activities would be similar on days with maximum construction activities. Because maximum daily conditions are used for measuring impact significance, regional and localized impacts on these days would be less than significant, similar to the Project.

The Reduced Development Area Alternative would decrease the number of vehicle trips, which is calculated based on land use. In total, the Project is anticipated to generate 1,234 two-way trip-ends per day with 63 AM peak hour trips and 170 PM peak hour trips. Under this alternative, a total of 628 daily trips is anticipated to generate, with 41 trips (14 inbound, 27 outbound) produced in the AM peak hour and 68 trips (43 inbound, 25 outbound) produced in the PM peak hour on a "typical" weekday. The Reduced Development Area Alternative would result in a reduction of 606 daily trips. Therefore, this alternative would decrease the Project's operational air quality emissions. The Reduced



Development Area Alternative would reduce operational air quality impacts compared to the Project and would be less than significant.

C. Biological Resources

The Project has the potential to impact nesting migratory birds, should habitat removal occur during the nesting season and should nesting birds be present. The Reduced Development Area Alternative would result in a decrease in development impact area as the Project. Under this alternative, impacts would be less than the Project because the Historic Town Center Park portion of the Project site would not be disturbed compared to the permanent disturbance that would occur as a result of the Project's proposed development. Additionally, no heritage trees would be relocated, which are all located on the Performing Arts Center site. Overall, the Reduced Development Area Alternative would reduce the Project's potential biological resource impacts that could occur during construction activities to nesting birds and mitigation measures would be implemented to reduce impacts to such resources to a less than significant level; impacts would be less than the Project.

D. Cultural Resources

Based on a records search conducted as part of the Phase I Cultural Resources Assessment (*Technical Appendix D1* of this EIR), 10 cultural resources have been recorded within the Project site and 49 cultural resources have been previously documented within the half mile search radius of the Project site. Additionally, the historical resources evaluation Assessment (*Technical Appendix D2* of this EIR) concluded that the Project will not cause direct impacts to historical resources. It will cause limited visual impacts on nearby historical resources due to increased building heights and density in the vicinity of the resources in San Juan Capistrano's historic core; however, many of the resources in the area do not have viewsheds that are identified as character-defining and the setting aspect of integrity for these properties has changed through time as the area has evolved through phases of development. Two historic resources outside the direct impact area may be significantly impacted by Project-related construction vibrations: the Esslinger Building and the Judge Richard Egan House. As described in Subsection 4.11, *Noise*, of this EIR, implementation of Mitigation Measure MM 4.11-1 would prohibit the use of construction equipment such as loaded trucks, heavy mobile equipment, jack hammers and vibratory rollers within 25-feet of receiver locations R5 (Judge Richard Egan House) and R7 (Esslinger Building) to ensure that vibration impacts to these historical resources are less-than-significant. The No Project/Existing General Plan and Zoning Alternative would have similar impacts to the Project because the distance from the development area to the Esslinger Building and the Judge Richard Egan House would be the same. Impacts to historical resources would be less than significant with incorporation of mitigation measures.

Due to the presence of cultural resources onsite, there is a potential to impact buried prehistoric archaeological resources during ground disturbance activities (i.e., grading and excavation activities) in native soils. If a unique archeological or historical resource is discovered and data recovery through excavation is the only feasible mitigation (e.g. if preservation in place is not feasible, then removal of the artifact would result in a significant unavoidable impact, even with implementation of mitigation



measures. The Reduced Development Area Alternative would have a reduced development impact area compared to the Project; however, there is still potential encounter buried prehistoric archaeological resources during grading activities in native soils, which have the potential to be historically significant. Therefore, impacts to cultural resources from the Reduced Development Area Alternative would be significant and unavoidable with implementation of mitigation measures, but less than the Project.

E. Energy

Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy evidenced by compliance with applicable 2022 Title 24 Standards. Under the Reduced Development Area Alternative, the total building square footage would be reduced and the amount of daily trips would be also decreased. Therefore, construction activities and facility energy demands during operation (energy consumed by building operations and site maintenance activities) associated with this alternative would be reduced compared to the Project. Additionally, transportation fuel demands (fuel consumed by passenger car and truck vehicles accessing the Project site) would also decrease under this alternative due to the reduction in vehicle trips. Therefore, operational activities associated with this alternative would have reduced energy demand compared to the Project and impacts would be less than significant and less than the Project.

F. Geology and Soils

Grading and development of the Project site would still occur under the Reduced Development Area Alternative, and therefore, impacts to geology and soils would be similar to those that would be generated from the Project. This alternative would also result in a similar potential to impact undiscovered paleontological resources during grading, as the Project. However, like the Project, mitigation measures would be required to reduce potential impacts to less than significant. Therefore, impacts to paleontological resources from the Reduced Development Area Alternative would be less than significant, similar to those of the Project.

G. Greenhouse Gas Emissions

The Project would not exceed the GHG emissions significance of 3,000 MTCO₂e/yr and would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHG emissions. The Reduced Development Area Alternative would have a reduced amount of building square footage and development impact area. Therefore, implementation of the Reduced Development Area Alternative would result in reduced impacts from construction-related GHG emissions that would occur from implementation of the Project.

The Reduced Development Area Alternative would decrease vehicle trips and would result in a net decrease of GHG emissions. Similar to the Project, this alternative would not exceed the threshold of 3,000 MTCO₂e per year. Therefore, GHG emissions impacts would be less than significant but reduced when compared to the Project.



H. Hazards and Hazardous Materials

During Project construction there is potential for impacted soils to be encountered during grading activities on the Performing Arts Center site; therefore, impacts are potentially significant. Project impacts were determined to be less than significant with mitigation measures incorporated. The Reduced Development Area Alternative would develop the southern portion of the Project site for residential and commercial uses, which would involve the same type of hazardous materials typically used for construction and operation of the Project. Similarly, the use and storage of hazardous materials would be regulated by the same federal, state, and local laws and permitting requirements as would occur with the Project. Since no development would occur on the Performing Arts Center site, the potential to uncover impacted soils due to historic heating oil storage operations would be eliminated and the need to implement a Soils Management Plan during construction would be eliminated. Therefore, under this alternative, impacts related to hazards and hazardous materials would be reduced to less than significant and no mitigation measures would be required. Therefore, impacts would be less than the Project.

I. Hydrology and Water Quality

The Reduced Development Area Alternative would result in the reduced area of impervious surfaces compared to the Project; however, regardless of the area of impervious surfaces, stormwater impacts would be similar compared to the Project due to mandatory compliance with the WQMP. Therefore, this alternative would result in similar runoff and potential for impacts to drainage, erosion, and water quality. Like the Project, this alternative would introduce new sources of water pollutants from construction and operation activities. Additionally, this alternative would be required to include storm drain facilities. The Reduced Development Area Alternative would result in similar impacts to hydrology and water quality as the Project and would be less than significant.

J. Land Use and Planning

The Reduced Development Area Alternative would require a general plan amendment, rezone, and code amendment to implement the development. This alternative would have similar consistency with the SCAG's SCS/RTP policies, the City's General Plan, and Municipal Code as the Project. Therefore, the Reduced Development Area Alternative would result in a less than significant impact related to land use and planning and similar impacts compared to the Project.

K. Noise

The Project would not generate 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. Impacts would be less than significant. However, Project-related construction impacts will be potentially significant during the construction activities at the Project site. The construction noise duration would be reduced under the Reduced Development Area Alternative due to the reduction of building square footage, development impact area, and shorter construction schedule. On-site construction activities and the associated construction noise and



vibration levels during maximum activity days, which are used for measuring impact significance, would be similar to those of the Project. Similar to the Project, the Reduced Development Area Alternative would result in less than significant construction-related impacts with mitigation measures incorporated.

Stationary operation noise and off-site traffic operational noise would be decreased under this alternative as traffic-generated noise sources would decrease in relation to the decrease in vehicle trips and the elimination of the Performing Arts Center. Noise impacts from the Reduced Development Area Alternative would be less than significant but reduced when compared to the Project.

L. Population and Housing

The Project would not induce substantial unplanned population growth and impacts would be less than significant. Under the Reduced Development Area Alternative, buildout would result in a total of 275 new residents and 15 new employees. Under this alternative and similar to the Project, the population, housing, and employment at buildout would be consistent with both SCAG and City growth forecast. Overall, impacts related to population and housing would remain less than significant with this alternative, similar to the Project.

M. Public Services

The Project is not expected to result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impact. Under the Reduced Development Area Alternative, buildout would result in a decrease of 63 employees compared to the Project. This would result in an overall reduction in demand placed on public services, including fire protection and law enforcement. However, as with the Project, impacts would be less than significant. Overall, impacts associated with public services under the Reduced Development Area Alternative would be less than significant but reduced when compared to the Project.

N. Recreation

The City is currently exceeding the required parkland ratio and although the Project would result in an increase in residents, there are adequate park and recreational facilities to accommodate the future residences. Accordingly, the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, and impacts would be less than significant. Under the Reduced Development Area Alternative, new residents would continue to be introduced, which would result in potential impacts resulting from additional demand on parks and recreational facilities. Employees generated under this alternative would result in less demand to recreational facilities compared to the Project. Overall, impacts associated with recreation under the Reduced Development Area would be less than significant but slightly reduced when compared to the Project.



O. Transportation

The Project would not conflict with any programs, plans, ordinances, or policies addressing the circulation system including transit, roadway, bicycle, and pedestrian facilities. Additionally, the Project would not create a safety hazard and would meet the transit VMT screening criteria. The Project's transportation impacts would be less than significant. Construction and operation-related vehicle truck trips would be reduced under the Reduced Development Area Alternative. Under this alternative, the Project would continue to screen out of the transit assessment VMT criteria because it is within a major transit stop and none of the exceptions apply. Therefore, the Reduced Development Area Alternative would result in less than significant transportation impacts, similar to the Project's less than significant impacts.

P. Tribal Cultural Resources

Due to the high sensitivity of the Project area for buried historic archaeological materials and tribal cultural resources, there is a potential to encounter tribal cultural resources within the Project site during ground-disturbing construction activities on the site. Project impacts to tribal cultural resources were determined to be significant and unavoidable. The Reduced Development Area Alternative would have a reduced development impact area compared to the Project and the development area under this alternative would have less potential to uncover significant tribal cultural resources because the site was previously developed and disturbed. However, there is still potential encounter buried tribal cultural resources during grading activities in native soils, which have the potential to be historically significant. Therefore, impacts to tribal cultural resources from the Reduced Development Area Alternative would be significant and unavoidable with mitigation measures incorporated, but less than the Project.

Q. Utilities and Service Systems

The Project would not 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. Additionally, there are sufficient water supplies available to service the Project site and the Project would not impact or exceed sewer capacity. The Project's utilities and services systems impacts are less than significant. The Reduced Development Area Alternative would result in a reduction of the number of employees compared to the Project.

The Project's potable water demand is based on 100% of wastewater generation and total water demand is based on 60% potable and 40% non-potable water demand. The Project's sewer generation was calculated using Table 4.1 of the Santa Margarita Water District Sewer Generation factors. The water and wastewater generation rates are based on the residential density ranges and land uses. With the elimination of the Performing Arts Center, the alternative would result in a total sewer generation of 18,796 gpd compared to the Project's demand of 23,671 gpd. Additionally, this alternative would result in a total water demand of 31,326 gpd compared to the Project's water demand of 39,451 gpd.



Thus, impacts related to water supplies and wastewater would be less than the proposed Project. Similarly, solid waste generation would be less than the Project and require less landfill capacity. Therefore, under the Reduced Development Area Alternative, impacts to utilities and service system would be less than significant but less than the Project.

R. Conclusion

1. Avoid or Substantially Lessen the Significant Impacts of the Project

The Reduced Development Area Alternative would result in reduced impacts related to air quality, biological resources, cultural resources, energy, greenhouse gas emissions, hazards and hazardous materials, noise, public services, recreation, tribal cultural resources, and utilities and service systems. However, significant and unavoidable impacts related to cultural and tribal cultural resources would continue to occur from implementation of this alternative. Impacts related to aesthetics, geology and soils, hydrology and water quality, land use and planning, population and housing, and transportation would be similar to the Project.

2. Attainment of Project Objectives

The Reduced Development Area Alternative would meet Project Objective 1, 3, 5, and 6, as identified below.

- Objective 1: Create a mixed-use community consistent with Southern California Association of Governments' Connect SoCal (2025-2050 Regional Transportation Plan/Sustainable Communities Strategy) that reduces vehicle miles traveled in the region by placing development within a Transit Priority Area;
- Objective 3: Enhance the visual quality of the project area and the greater downtown by creating development visually and culturally compatible with the City's historic downtown area;
- Objective 5: Implement a project that seeks to balance several state and local policies such as developing needed residential adjacent to transit while striving to be complimentary to historically significant resources; and
- Objective 6: Deliver new housing opportunities consistent with the City's Housing Element to allow for downtown living that is complementary of the existing adjoining downtown uses.

This alternative would partially meet Project Objective 2 and 4, as identified below, because it would reduce the number employees.



- Objective 2: Encourage alternative modes of travel through enhancement of bicycle and pedestrian connectivity, and increasing the number of residents and employees within a quarter mile of the San Juan Capistrano Metrolink Station;
- Objective 4: Implement employment-generating and residential land uses that would create new jobs to improve and maximize the jobs to housing balance within the City and reduces the need for members of the existing local workforce to commute long distances.

This alternative would only not meet Objective 7 (Build upon the City's culture by providing a new theatre in support of performing arts and entertainment), because it would not include development of the Performing Arts Center or similar entertainment use.

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires the identification of an environmentally superior alternative. Section 15126.6(e)(2) of the CEQA Guidelines states that, if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

The No Project/No Development Alternative has the least impact to the environment because it would not involve any construction activities or residential operations. In addition, it would eliminate significant impacts of the Project, including significant unavoidable impacts related to cultural and tribal cultural resources. While this alternative would avoid the significant effects of the Project, it would not receive the environmental benefits from the implementation of stormwater drainage and water quality filtration features. Additionally, none of the Project Objectives would be met.

Pursuant to Section 15126.6(e)(2), since the environmentally superior alternative is the No Project/No Development Alternative, another alternative was selected as the environmentally superior alternative, the Reduced Development Area Alternative. As shown in Table 6-1, *Comparison of Alternatives and Project-related Environmental Impacts*, the Reduced Development Area Alternative would have less impacts under twelve of the environmental topical areas. The reduction in impacts is due to the fact that the alternative would have reduced building square footage and development impact area and would generate reduced vehicular trips as compared to the proposed Project. These factors would result in a reduction in operational-related impacts, including air quality, GHG emissions, energy, noise, and transportation impacts. However, this alternative would still result in significant and unavoidable cultural and tribal cultural resources impacts. Table 6-2, *Alternatives Attainment of Project Objectives*, identifies the ability of each alternative to meet the fundamental purpose and basic objectives of the Project, listed above under 6.1.1, *Project Objectives*. The Reduced Development Area Alternative would meet four and partially meet two of the Project's objectives but would not meet Objective 7, as discussed under Subsection 6.4.3, above.



Table 6-1 Comparison of Alternatives and Project-related Environmental Impacts

Impact Area	Project	No Project/ No Development	No Project/Existing General Plan and Zoning	Reduced Development Area
Aesthetics	LTS	No Impact (less)	LTS (similar)	LTS (similar)
Air Quality				
Construction	LTS	No Impact (less)	LTS (similar)	LTS (similar)
Operation	LTS	No Impact (less)	LTS (less)	LTS (less)
Biological Resources	LTS/M	No Impact (less)	LTS/M (less)	LTS/M (less)
Cultural Resources	SU	No Impact (less)*	SU (less)	SU (less)
Energy	LTS	No Impact (less)	LTS (less)	LTS (less)
Geology and Soils	LTS/M	No Impact (less)	LTS/M (similar)	LTS/M (similar)
GHG Emissions	LTS	No Impact (less)	LTS (less)	LTS (less)
Hazards and Hazardous Materials	LTS/M	No Impact (less)	LTS (less)	LTS (less)
Hydrology and Water Quality	LTS	No Impact (greater)	LTS (similar)	LTS (similar)
Land Use and Planning	LTS	No Impact (less)	LTS (similar)	LTS (similar)
Noise				
Construction	LTS/M	No Impact (less)	LTS/M (similar)	LTS/M (similar)
On-Site Operations	LTS	No Impact (less)	LTS (less)	LTS (less)
Off-Site Traffic-Related	LTS	No Impact (less)	LTS (less)	LTS (less)
Population and Housing	LTS	No Impact (less)	LTS (similar)	LTS (similar)
Public Services	LTS	No Impact (less)	LTS (less)	LTS (less)
Recreation	LTS	No Impact (less)	LTS (less)	LTS (less)
Transportation	LTS	No Impact (less)	PS (greater)	LTS (similar)
Tribal Cultural Resources	SU	No Impact (less)*	SU (less)	SU (less)
Utilities and Service Systems	LTS	No Impact (less)	LTS (less)	LTS (less)

LTS = Less than Significant; LTS/M = Less than Significant with Mitigation; PS = Potentially Significant; SU = Significant and Unavoidable

* = Eliminates SU impact



Table 6-2 Alternatives Attainment of Project Objectives

Project Objectives	No Project/ No Development	No Project/Existing General Plan and Zoning	Reduced Development Area
1. Create a mixed-use community consistent with Southern California Association of Governments' Connect SoCal (2025-2050 Regional Transportation Plan/Sustainable Communities Strategy) that reduces vehicle miles traveled in the region by placing development within a Transit Priority Area.	Not Met	Partially Met	Met
2. Encourage alternative modes of travel through enhancement of bicycle and pedestrian connectivity, and increasing the number of residents and employees within a quarter mile of the San Juan Capistrano Metrolink Station.	Not Met	Partially Met	Partially Met
3. Enhance the visual quality of the project area and the greater downtown by creating development visually and culturally compatible with the City's historic downtown area.	Not Met	Met	Met
4. Implement employment-generating and residential land uses that would create new jobs to improve and maximize the jobs to housing balance within the City and reduces the need for members of the existing local workforce to commute long distances.	Not Met	Partially Met	Partially Met
5. Implement a project that seeks to balance several state and local policies such as developing needed residential adjacent to transit while striving to be complimentary to historically significant resources.	Not Met	Not Met	Met
6. Deliver new housing opportunities consistent with the City's Housing Element to allow for downtown living that is complementary of the existing adjoining downtown uses.	Not Met	Not Met	Met
7. Build upon the City's culture by providing a new theatre in support of performing arts and entertainment.	Not Met	Not Met	Not Met



7.0 REFERENCES

7.1 PERSONS CONTRIBUTING TO EIR PREPARATION

7.1.1 CITY OF SAN JUAN CAPISTRANO

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7.2 DOCUMENTS APPENDED TO THIS EIR

The following reports, studies, and supporting documentation were used in preparing the EIR and are bound separately as Technical Appendices. A copy of the Technical Appendices is available for review at the City of San Juan Capistrano Planning Division, located 30448 Rancho Viejo Rd. # 110, San Juan Capistrano, CA 92675.

Appendix A:	Notice of Preparation (NOP), and Written Comments on the NOP.
Appendix B1:	Air Quality Analysis.
Appendix B2:	Health Risk Assessment
Appendix C:	Biological Technical Report
Appendix D1:	Cultural and Paleontological Resources Assessment
Appendix D2:	Historical Resource Analysis
Appendix E:	Energy Analysis
Appendix F1:	Geotechnical Engineering Investigation Proposed Apartment and Retail Development



Appendix F2:	Limited Geotechnical Engineering Evaluation Proposed Performing Arts Center
Appendix G:	Greenhouse Gas Analysis
Appendix H1:	Phase I Environmental Site Assessment Report San Juan Capistrano Performing Arts Center
Appendix H2:	Phase I Environmental Site Assessment Report Forster Mixed Use Site
Appendix I1:	Preliminary Drainage Study for the Forster Mixed Use Project
Appendix I2:	Preliminary Water Quality Management Plan for the Forster Mixed Use Project
Appendix I3:	Preliminary Drainage Study for the Performing Arts Center
Appendix I4:	Preliminary Water Quality Management Plan for the Performing Arts Center
Appendix J:	Noise and Vibration Analysis
Appendix K1:	Traffic Impact Analysis Report
Appendix K2:	Vehicle Miles Traveled (VMT) Screening Assessment
Appendix L:	Sewer Analysis

7.3 DOCUMENTS INCORPORATED BY REFERENCE

The following reports, studies, and supporting documentation were used in the preparation of this EIR and are incorporated by reference within this EIR. A copy of the following reports, studies, and supporting documentation is a matter of public record and is generally available to the public at the location listed.

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BSC, n.d.	BSC, no date. California Building Standards Code. Available: https://www.dgs.ca.gov/BSC/Codes
C3 Civil, 2024a	C3 Civil Engineering LLC (C3 Civil), 2024a. <i>Preliminary Drainage Study for the Forster Mixed Use Project. Technical Appendix II.</i>
C3 Civil, 2024b	C3 Civil, 2024b. <i>Preliminary Drainage Study for the Performing Arts Center. Technical Appendix I3.</i>
C3 Civil, 2024c	C3 Civil, 2024c. <i>Preliminary Water Quality Management Plan for the Performing Arts Center. Technical Appendix I4.</i>
C3 Civil, 2024d	C3 Civil, 2024d. <i>Sewer Analysis for the Forster Mixed Use Project and the Performing Arts Center Project. Technical Appendix L.</i>
C3 Civil, 2023	C3 Civil, 2023. <i>Preliminary Water Quality Management Plan for the Forster Mixed Use Project. Technical Appendix I2.</i>



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7.4 NATIVE AMERICAN CONSULTATION COMMUNICATIONS

Juaneño Band of Mission Indians

Sonia Johnston, Chairperson

Joyce Stanfield Perry, Tribal Manager

Juaneño Band of Mission Indians Acjachemen Nation

Richard Rodman, Vice Chairman

Heidi Lucero, Chairwoman

La Jolla Band of Luiseno Indians

Norma Contreras, Chairperson

Pala Band of Mission Indians

Shasta Gaughen, Tribal Historic Preservation Officer

Pauma Band of Luiseno Indians

Temet Aguilar, Chairperson

San Luis Rey Band of Mission Indians

San Luis Rey, Tribal Council

Santa Rosa Band of Cahuilla Indians

Lavina Redner, Tribal Chair

Soboba Band of Luiseño Indians

Isaiah Vivanco, Chairperson

Joseph Ontiveros, Cultural Resource Director

Torres Martinez Desert Cahuilla Indians

Michael Mirelez, Cultural Resource Coordinator