California Department of Transportation

DISTRICT 12
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April 20, 2026

Mr. Izzak Mireles
Senior Planner
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

File: LDR/CEQA
SCH: 2026030917
12-ORA-2026-03063
SR-74, PM 0.0
I-5, PM 9.45

Dear Mr. Mireles,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the French Hotel. The project applicant is requesting approval to rehabilitate and develop a hotel and ancillary uses on a 1.68-acre property located at 31861-31871 Camino Capistrano in the City of San Juan Capistrano, Orange County with a proposed 70-room boutique hotel consisting of six buildings with a restaurant, event spaces, fitness center, pool area, a public gathering space, and on-site valet parking. The Project involves the restoration and rehabilitation of the Domingo Yorba and Casa Manuel Garcia Adobes, both listed on the National Register of Historic Places, for use as guest rooms and dining areas integrated within the overall hotel design.

Regional access to the Project Site would be provided by the Interstate 5 Freeway located west of the Proposed Project and would be accessed via Camino Capistrano. Interstate 5 (I-5) is located approximately .25 miles east of the Project Site and State Route 74 (SR-74) is located approximately .25 miles northeast of the Project Site. Interstate 5 and State Route 74 are under the ownership and operation of Caltrans, which acts as a commenting agency for this project. Accordingly, Caltrans has provided the following feedback:

1. Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and

congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

2. Caltrans supports local developments that are consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public and health safety. This can be achieved by promoting smart growth principles in projects which provide a diversity of housing choices and destinations accessible by active transportation (i.e. bicycle and pedestrian) and transit users.

3. Caltrans encourages the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities. Improvements may include providing secure bicycle parking, pedestrian-oriented LED lighting, wayfinding signage, and comfortable connections to nearby active transportation and/or transit facilities. Complete Streets improvements also promote regional connectivity, improve air quality, reduce congestion, promote improved first-/last-mile connections, and increase safety for all modes of transportation. Continue to incorporate Complete Streets in project development.

4. There are existing pedestrian, bicycle, and transit facilities near or adjacent to the site, including the San Juan Capistrano Amtrak Station, an existing Class III bike route along Camino Capistrano, and OCTA bus route 91. During construction, please ensure that appropriate detours and safety measures are in place that prioritize the mobility, access, and safety of bicyclists, pedestrians, and transit users. If sidewalks, bike lanes, or transit stops need to be closed during construction, please ensure that closures and detours are clearly signed.

5. The site is located on an OC Bus route (Route 91) and in close proximity to a stop for both OC Bus and the San Juan Capistrano Trolley. Caltrans recommends the project developer/hotel operator commits to ongoing

advertisement of the proximity to the San Juan Capistrano Metrolink/Amtrak Station (less than 1000 feet) and bus transit on their website in an effort to potentially reduce vehicle trips. Please consider providing improvements to the nearest bus stops in each direction, such as bus shelters and other amenities that OCTA and the City of San Juan Capistrano recommend. The developer could also consider adoption of the nearby bus stops for ongoing cleaning and maintenance.

6. The DEIR should quantify the expected number and type of freight trips, including linen services, housekeeping supply deliveries. food and beverage distribution, package delivery (parcel carriers, on demand delivery services), solid waste and recycling hauling, and event related deliveries for the barn/event space.

7. Evaluate whether the proposed 9'x19' loading zone shown in the site plan provides adequate dimensions for box trucks with 40 ft ramps and whether freight vehicles can maneuver internally without encroaching into pedestrian zones or backing onto Camino Capistrano. Confirm turning radii, sight distance, and internal staging needs to prevent conflicts with non-motorized users.

8. DEIR should evaluate whether delivery vehicles may queue or stage along Camino Capistrano or nearby residential/historic streets during unscheduled arrivals and whether early arriving trucks could idle near sensitive pedestrian areas, including the Mission district and nearby schools shown in the vicinity map.

9. DEIR should evaluate whether freight serving trips could affect queue storage at I-5 ramps, especially during event operations, interact with pedestrian oriented roadside activity on Camino Capistrano, and create incremental operational or safety considerations related to sight distance or turning movements.

10. Review truck route continuity, ramp adequacy, and local intersection performance under freight operations.

11. DEIR should address potential for pedestrian or bicycle conflict points at driveways, whether existing vegetation, adobe walls, or architectural features block truck sightlines, appropriate lighting levels at loading areas to ensure visibility and safety, and separation of activities when feasible (e.g., deliveries vs. valet operations).

12. The DEIR should discuss localized impacts to sensitive users. The vicinity map indicates the presence of schools, libraries, and dense pedestrian activity near the site. Evaluate noise and emissions from delivery vehicles near sensitive receptors, congestion effects of event related deliveries in the pedestrian focused Los Rios district, and mitigation such as green screening, delivery hour restrictions, and use of smaller or ZEV delivery vehicles where feasible.

13. Event loads may coincide with peak delivery times. Include emergency routing and congestion avoidance plans, ensuring freight operations do not obstruct emergency ingress/egress or block critical pathways during peak hotel/event activity periods.

14. Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. Prior to submitting to Caltrans Permit's branch, applicant should fill out Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed. If coordination is not required, please submit an encroachment permit application package (EPAP) through the Caltrans Encroachment Permit System (CEPS - https://ceps.dot.ca.gov/). EPAP should include application, PE signed and stamped site-specific traffic control plan, insurance, letter of authorizations as needed, and any other relevant documents. EPAP should be submitted as early as possible to avoid any delays.

15. Project plans and traffic control plans must be stamped and signed by a licensed engineer. For all plans, including traffic control plans, Caltrans R/W lines should be clearly labeled, which includes existing and proposed

(if there are any changes to Caltrans R/W), the north arrow, the edge of pavement, and edge of the sidewalk, if applicable. When submitting the application, please include final Environmental Clearance Documentation, relevant design details including design exception approvals and construction and drainage plans, traffic control plans, traffic management plan and traffic impact study if proposed traffic delay of 30 minutes above normal recurring traffic delay is anticipated, any Caltrans R/W certifications if needed, maintenance agreement as needed, shoring plans for any excavation 5-feet or more, ADA certification, and any letter of authorizations.

Caltrans' mission is to improve lives and communities through transportation. Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Arlo Phan at arlo.phan@dot.ca.gov.

Sincerely,

Scott Shelley (Apr 15, 2026 17:01:58 PDT)

Scott Shelley
Branch Chief,
Local Development Review - Climate Change - Transit Grants
Caltrans, District 12

Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Katherine M. Butler, MPH, Director
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

March 25, 2026

Izzak Mireles
Senior Planner
City of San Juan Capistrano
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San Juan Capistrano, CA 92675
imireles@sanjuancapistrano.org

RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE FRENCH HOTEL DATED MARCH 20, 2026, STATE CLEARINGHOUSE NUMBER 2026030917

Dear Izzak Mireles,

The Department of Toxic Substances Control (DTSC) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the French Hotel (Project). The Project applicant is requesting approval to rehabilitate and develop a hotel and ancillary uses on a 1.68-acre property located at 31861-31871 Camino Capistrano in the City of San Juan Capistrano, Orange County with a proposed 70-room boutique hotel consisting of six buildings with a restaurant, event spaces, fitness center, pool area, a public gathering space, and on-site valet parking. The Project involves the restoration and rehabilitation of the Domingo Yorba and Casa Manuel Garcia Adobes, both listed on the National Register of Historic Places, for use as guest rooms and dining areas integrated within the overall hotel design. DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the

presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual.

2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's PEA Guidance Manual. Furthermore, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing soil/fill is necessary. To minimize the possibility of introducing contaminated soil/fill material, there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material is suitable for the intended land use. The sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the French Hotel Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via the CEQA Review email for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor's Office of Land Use and Climate Innovation
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William Halligan

From: Joyce Perry <j.perry@kaamalam.com>
Sent: Tuesday, April 14, 2026 2:15 PM
To: Izzak Mireles
Subject: Tribal Response: French Hotel EIR
Attachments: Scanned Document 2.pdf; Mitigation Measure Draft- .pdf

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

External Sender - From: (Joyce Perry <j.perry@kaamalam.com>)
This message came from outside your organization.

Good Afternoon,

I am responding on behalf of the Juaneño Band of Mission Indians, Acjachemen Nation- Belardes to your letter pursuant to AB52 regarding the proposed French Hotel project EIR. This project is located within our territory, and a sensitive area to our tribe, with multiple known burial sites and village sites within 1 mile of the project area. We wish to consult on this project as it moves forward.

Due to the sensitivity of the area, our preliminary recommendation is that mitigation measures including native monitoring by representatives of our Tribe, and an inadvertent discovery plan are put in place to minimize the potential impacts on buried cultural resources. Please see attached recommended mitigation language.

Additionally, we ask that project plans be modified to include a clearly designated and protected reburial space within the project footprint to ensure that, should ancestors be encountered during construction, they can be respectfully and expediently reinterred in accordance with tribal direction.

Thank you and we look forward to hearing from you.

--
Joyce Stanfield Perry
Húu'uni 'óomaqati yáamaqati- Teach peace

Juaneño Band of Mission Indians, Acjachemen Nation- Belardes
Cultural Resource Director

***** Please note that email correspondence with the City of San Juan Capistrano, along with attachments, may be subject to the California Public Records Act, and therefore may be subject to disclosure unless otherwise exempt.

Mitigation Measure Draft

TCR-1: Retention of a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.

a) The Project applicant shall retain a Native American Monitor from or approved by the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes. The monitor shall be retained prior to the commencement of any ground-disturbing activity for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
b) A copy of the executed monitoring agreement shall be submitted to the (City) prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence ground disturbing activity.

c) The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant upon written request to the Tribe.

d) On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Tribe or Tribal monitoring agency from a designated point of contact for the Project applicant that all ground-disturbing activities and phases that may involve the Project are complete; or (2) a determination and written notification by the Tribe or Tribal monitoring agency to the Director of Community Development, or designee that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to
impact TCRs.

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)

a) Upon discovery of any tribal cultural resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Native American Monitor. The Tribe or Tribal monitoring agency will recover and retain

all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.

a) Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.

b) If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.

c) Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).

d) Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.

e) Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

NATIVE AMERICAN HERITAGE COMMISSION

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March 23, 2026

Izzak Mireles
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San Juan Capistrano CA 92675

Re: 2026030917 French Hotel Project, Orange County

To Whom It May Concern:

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

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

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

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

AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

a. A brief description of the project.

b. The lead agency contact information.

c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).

d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

a. Alternatives to the project.

b. Recommended mitigation measures.

c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

a. Type of environmental review necessary.

b. Significance of the tribal cultural resources.

c. Significance of the project's impacts on tribal cultural resources.

d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

a. Whether the proposed project has a significant impact on an identified tribal cultural resource.

b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@NAHC.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

UNITE HERE! LOCAL 11

April 20, 2026

VIA EMAIL: lmireles@sanjuancapistrano.org

Izzak Mireles, Senior Planner

City of San Juan Capistrano

32400 Paseo Adelanto

San Juan Capistrano, CA 92675

RE: Comments on Notice of Preparation of Draft EIR for French Hotel Project (31861 – 31871 Camino Capistrano)

Dear Mr. Mireles,

On behalf of UNITE HERE Local 11, we write to comment on the City's March 19, 2026, Notice of Preparation ("NOP") and be placed on the interest list for the Environmental Impact Report on the French Hotel Project. We thank the City for its decision, in response to our December 18, 2025, appeal, to conduct a more thorough environmental review on this project by preparing an EIR.

As noted in our previous appeal of the project, we ask that the City and applicant consider the following issues as they prepare the environmental impact report:

Historic & Tribal Resources

Previously, Building 5's roof (the parking lift) was estimated to be 14 feet taller than the historic Yorba Adobe (Building 4) next to it. As noted, the renderings were not entirely consistent. We ask that these issues be clarified and that story poles be used on site to help the public visualize the height and massing of the project, including the proximity between Building 5 and other historic structures.

Additionally, we urge you to consider preserving both the "Garage Barn" and the "White Barn" (which has been disassembled) on-site. We also ask that you preserve the mature trees on site, some which were part of a historic orchard on site. We want to particularly emphasize the remnant orchard: it is valuable both as very old living trees and as a potential historic artifact. The orchard may include plants and soils dating to the original settlement of San Juan Capistrano, and this possibility should be investigated and analyzed in the EIR, in consultation with a qualified historical horticulturist and/or archaeologist, before any ground disturbance.

We also ask that the EIR analyze the cumulative historic impacts of the previously disassembled "White Barn" (SPR 21-004), the proposed off-site relocation of the "Garage Barn" (AC 23-002), and this Project (SPR 22-002) as a single action under CEQA Guidelines § 15378, and evaluate preservation-in-place

alternatives for the Garage Barn and the orchard consistent with the Secretary of the Interior's Standards and National Park Service Preservation Brief 20.

Given the abundant evidence of prehistoric Native American life within San Juan Capistrano, we urge you to conduct meaningful AB 52 consultation with Native American tribes now, so that tribal cultural resources can be meaningfully analyzed in the Draft EIR rather than addressed after the fact.

VMT and Transportation

We also urge you to conduct a full VMT analysis and not rely on screening out the project based on mere proximity to the Metrolink station. As noted in the previous comments, screening is not justified in this case — the Project is a 100% non-residential destination hotel expected to generate 409 daily trips, and its effective FAR drops below 0.75 once the mechanical parking lift (Building 5) is excluded under Public Resources Code § 21099(a)(2) — and there is likely to be a net overall increase in VMT because of this project.

Noise, Floor Area Ratio, and Other Concerns

Please also address the possible discrepancies around FAR — specifically the apparent conflict between the General Plan's 0.75 FAR cap, the Town Center hotel-use 0.65 FAR cap under SJCMC § 9-3.524(c)(2), and the Project's reported 0.76–0.77 FAR — and consider better mitigation for potential noise issues, including (a) imposing the construction and operational noise-control measures from the existing Noise and Vibration Assessment as enforceable conditions of approval with quantified performance standards, and (b) analyzing low-frequency (dBC) noise from amplified music, events, and the distillery, which the existing NVA does not address.

Level and Type of Review

Overall, the environmental categories identified in the NOP are, for the most part, the right ones. However, we ask that the City prepare a full project-level EIR — not a narrow "focused" EIR — covering all pending entitlements (SPR, CUP, AC, TRP, SP, GPM) and the whole of the action, so that the EIR can serve as the environmental review for every subsequent discretionary approval and to avoid piecemealing. The EIR should include a reasonable range of alternatives under CEQA Guidelines § 15126.6, including at a minimum a reduced-height and reduced-massing alternative for Buildings 3 and 5 and a preservation-in-place alternative for the Garage Barn and the orchard. Mitigation must be enforceable through specific conditions of approval with quantified performance standards, and the EIR should not defer mitigation to later studies. We also request that the City use story poles during the Draft EIR public review period so the public can properly evaluate the aesthetic and historic compatibility impacts.

Conclusion and Addresses

Thank you very much for the opportunity to comment. Please notify the following people of hearings, the release of the environmental impact report, and other relevant project approvals:

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Regards,

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Attorney for UNITE HERE Local 11