

2. Introduction

2.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The California Environmental Quality Act (CEQA) requires that all state and local governmental agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects. This draft environmental impact report (DEIR) has been prepared to satisfy CEQA and the CEQA Guidelines. The environmental impact report (EIR) is the public document designed to provide decision makers and the public with an analysis of the environmental effects of the Proposed Project, to indicate possible ways to reduce or avoid environmental damage and to identify alternatives to the project. The EIR must also disclose significant environmental impacts that cannot be avoided; growth inducing impacts; effects not found to be significant; and significant cumulative impacts of all past, present, and reasonably foreseeable future projects.

The lead agency means “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment” (CEQA § 21067). The City of San Juan Capistrano has the principal responsibility for approval of the Creekside Specific Plan project. For this reason, the City of San Juan Capistrano is the CEQA lead agency for this project.

The intent of the DEIR is to provide sufficient information on the potential environmental impacts of the proposed Creekside Specific Plan to allow the City of San Juan Capistrano to make an informed decision regarding approval of the project. Specific discretionary actions to be reviewed by the City are described in Section 3.4, *Intended Uses of the EIR*.

This DEIR has been prepared in accordance with requirements of the:

- California Environmental Quality Act (CEQA) of 1970, as amended (Public Resources Code, §§ 21000 et seq.)
- State Guidelines for the Implementation of the CEQA of 1970 (CEQA Guidelines), as amended (California Code of Regulations, §§ 15000 et seq.)

The overall purpose of this DEIR is to inform the lead agency, responsible agencies, decision makers, and the general public about the environmental effects of the development and operation of the proposed Creekside Specific Plan project. This DEIR addresses effects that may be significant and adverse; evaluates alternatives to the project; and identifies mitigation measures to reduce or avoid adverse effects.

2. Introduction

2.2 NOTICE OF PREPARATION AND INITIAL STUDY

The City of San Juan Capistrano determined that an EIR would be required for this project and issued a Notice of Preparation (NOP) and Initial Study on April 14, 2020 (see Appendix A). A total of ten comments were received during the initial study's public review period, from April 14, 2020 to May 14, 2020 and are in Appendix B.

The NOP process helps determine the scope of the environmental issues to be addressed in the DEIR. Based on this process and the initial study for the project, certain environmental categories were identified as having the potential to result in significant impacts. Issues considered Potentially Significant are addressed in this DEIR, but issues identified as Less Than Significant or No Impact are not. Refer to the initial study in Appendix A for discussion of how these initial determinations were made.

2.3 SCOPE OF THIS DEIR

The scope of the DEIR was determined based on the City's initial study, comments received in response to the NOP, and comments received at the scoping meeting conducted by the City on April 22, 2020. Comments received raised issues regarding air quality, the Migratory Bird Treaty Act (MBTA), flooding and hydrology, noise, population and housing, fire risk, usage of Malaspina trail, and transportation and traffic. Pursuant to Sections 15126.2 and 15126.4 of the CEQA Guidelines, the DEIR should identify any potentially significant adverse impacts and recommend mitigation that would reduce or eliminate these impacts to levels of insignificance.

The information in Chapter 3, *Project Description*, establishes the basis for analyzing future, project-related environmental impacts. However, further environmental review by the City may be required as more detailed information and plans are submitted on a project-by-project basis.

2.3.1 Impacts Considered Less Than Significant

During preparation of the Initial Study, City of San Juan Capistrano determined that six environmental impact categories—Agriculture/Forestry Resources, Biological Resources, Hydrology and Water Quality, Mineral Resources, Recreation, and Wildfire—were not significantly affected by or did not affect the Proposed Project. However, comments were received on the Hydrology and Water Quality and Wildfire topics during the scoping period that required further evaluation in the DEIR. Therefore, these two environmental categories are included in the DEIR discussion and the following four categories are not discussed in detail in this DEIR.

- Agriculture/Forestry Resources
- Biological Resources
- Mineral Resources
- Recreation

2.3.2 Potentially Significant Adverse Impacts

The City of San Juan Capistrano determined that 16 environmental factors have potentially significant impacts if the Proposed Project is implemented.

2. Introduction

- Aesthetics
- Air Quality
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Noise
- Population and Housing
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

2.3.3 Unavoidable Significant Adverse Impacts

This DEIR identifies three significant and unavoidable adverse impacts, as defined by CEQA, that would result from implementation of the Proposed Project. Unavoidable adverse impacts may be considered significant on a project-specific basis, cumulatively significant, and/or potentially significant. The City must prepare a “statement of overriding considerations” before it can approve the project, attesting that the decision-making body has balanced the benefits of the Proposed Project against its unavoidable significant environmental effects and has determined that the benefits outweigh the adverse effects, and therefore the adverse effects are considered acceptable. The impacts that were found in the DEIR to be significant and unavoidable are:

- Greenhouse Gas Emissions
- Noise
- Transportation

2.4 INCORPORATION BY REFERENCE

Some documents are incorporated by reference into this DEIR, consistent with Section 15150 of the CEQA Guidelines, and they are available for review at the City of San Juan Capistrano.

- *City of San Juan Capistrano General Plan*, City of San Juan Capistrano, Adopted December 1999 (amended on May 7, 2002).

2. Introduction

2.5 FINAL EIR CERTIFICATION

This DEIR is being circulated for public review for 45 days. Interested agencies and members of the public are invited to provide written comments on the DEIR to the City address shown on the title page of this document (32400 Paseo Adelanto, San Juan Capistrano, California 92675). Upon completion of the 45-day review period, the City of San Juan Capistrano will review all written comments received and prepare written responses for each. A Final EIR (FEIR) will incorporate the received comments, responses to the comments, and any changes to the DEIR that result from comments. The FEIR will be presented to the City of San Juan Capistrano for potential certification as the environmental document for the project. All persons who comment on the DEIR will be notified of the availability of the FEIR and the date of the public hearing before the City.

The DEIR is available to the general public for review in person at the Planning Counter at City Hall (by appointment only¹) and online at the City's website:

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

2.6 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that agencies adopt a monitoring or reporting program for any project for which it has made findings pursuant to Public Resources Code Section 21081 or adopted a Negative Declaration pursuant to 21080(c). Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR or Negative Declaration.

The Mitigation Monitoring Program for the Creekside Specific Plan will be completed as part of the Final EIR, prior to consideration of the project by the City of San Juan Capistrano City Council.

¹ Information on how to schedule an appointment can be found on the City's website:
<https://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning>