

# 1. Executive Summary

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## 1.1 INTRODUCTION

This draft environmental impact report (DEIR) addresses the environmental effects associated with the implementation of the proposed Creekside Specific Plan Project. The California Environmental Quality Act (CEQA) requires that local government agencies consider the environmental consequences before taking action on projects over which they have discretionary approval authority. An environmental impact report (EIR) analyzes potential environmental consequences in order to inform the public and support informed decisions by local and state governmental agency decision makers. This document focuses on impacts determined to be potentially significant in the Initial Study completed for this project (see Appendix A).

This DEIR has been prepared pursuant to the requirements of CEQA and the City of San Juan Capistrano's CEQA procedures. The City of San Juan Capistrano, as the lead agency, has reviewed and revised all submitted drafts, technical studies, and reports as necessary to reflect its own independent judgment, including reliance on City technical personnel from other departments and review of all technical subconsultant reports.

Data for this DEIR derive from onsite field observations, discussions with affected agencies, analysis of adopted plans and policies, review of available studies, reports, data and similar literature, and specialized environmental assessments (air quality, biological resources, cultural resources, energy, geological resources, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation and traffic, and utilities and service systems).

## 1.2 ENVIRONMENTAL PROCEDURES

This DEIR has been prepared pursuant to CEQA to assess the environmental effects associated with implementation of the Proposed Project, as well as anticipated future discretionary actions and approvals. CEQA established six main objectives for an EIR:

1. Disclose to decision makers and the public the significant environmental effects of proposed activities.
2. Identify ways to avoid or reduce environmental damage.
3. Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
4. Disclose to the public reasons for agency approval of projects with significant environmental effects.
5. Foster interagency coordination in the review of projects.
6. Enhance public participation in the planning process.

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An EIR is the most comprehensive form of environmental documentation in CEQA and the CEQA Guidelines; it is intended to provide an objective, factually supported analysis and full disclosure of the environmental consequences of a Proposed Project with the potential to result in significant, adverse environmental impacts.

An EIR is one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Before approving a Proposed Project, the lead agency must consider the information in the EIR; determine whether the EIR was prepared in accordance with CEQA and the CEQA Guidelines; determine that it reflects the independent judgment of the lead agency; adopt findings concerning the project's significant environmental impacts and alternatives; and adopt a statement of overriding considerations if significant impacts cannot be avoided.

### 1.2.1 EIR Format

**Chapter 1. Executive Summary:** Summarizes the background and description of the Proposed Project, the format of this EIR, project alternatives, any critical issues remaining to be resolved, and the potential environmental impacts and mitigation measures identified for the project.

**Chapter 2. Introduction:** Describes the purpose of this EIR, background on the project, the notice of preparation, the use of incorporation by reference, and Final EIR certification.

**Chapter 3. Project Description:** A detailed description of the project, including its objectives, its area and location, approvals anticipated to be required as part of the project, necessary environmental clearances, and the intended uses of this EIR.

**Chapter 4. Environmental Setting:** A description of the physical environmental conditions in the vicinity of the project as they existed at the time the notice of preparation was published, from local and regional perspectives. These provide the baseline physical conditions from which the lead agency determines the significance of the project's environmental impacts.

**Chapter 5. Environmental Analysis:** Each environmental topic is analyzed in a separate section that discusses: the thresholds used to determine if a significant impact would occur; the methodology to identify and evaluate the potential impacts of the project; the existing environmental setting; the potential adverse and beneficial effects of the project; the level of impact significance before mitigation; the mitigation measures for the Proposed Project; the level of significance after mitigation is incorporated; and the potential cumulative impacts of the Proposed Project and other existing, approved, and proposed development in the area.

**Chapter 6. Significant Unavoidable Adverse Impacts:** Describes the significant unavoidable adverse impacts of the Proposed Project.

**Chapter 7. Alternatives to the Proposed Project:** Describes the alternatives and compares their impacts to the impacts of the Proposed Project. Alternatives include the No Project/No Development Alternative, No Project/Existing Use Alternative, Neighborhood Retail Alternative and a Reduced Density Alternative.

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**Chapter 8. Impacts Found Not to Be Significant:** Briefly describes the potential impacts of the project that were determined not to be significant by the Initial Study and were therefore not discussed in detail in this EIR.

**Chapter 9. Significant Irreversible Changes Due to the Proposed Project:** Describes the significant irreversible environmental changes associated with the project.

**Chapter 10. Growth-Inducing Impacts of the Project:** Describes the ways in which the Proposed Project would cause increases in employment or population that could result in new physical or environmental impacts.

**Chapter 11. Organizations and Persons Consulted:** Lists the people and organizations that were contacted during the preparation of this EIR.

**Chapter 12. Qualifications of Persons Preparing EIR:** Lists the people who prepared this EIR for the Proposed Project.

**Chapter 13. Bibliography:** The technical reports and other sources used to prepare this EIR.

**Appendices:** The appendices for this document (in PDF format on a CD attached to the front cover) comprise these supporting documents:

- Appendix A: Notice of Preparation (NOP)
- Appendix B: NOP Responses
- Appendix C: Air Quality/GHG Emissions Data
- Appendix D: Cultural and Paleontological Resources Assessment
- Appendix E: Geotechnical Report
- Appendix F: Environmental Site Assessments
- Appendix G: Hydrology Report
- Appendix H: Conceptual Water Quality Management Plan (CWQMP)
- Appendix I: Traffic Study
- Appendix J: Noise Data
- Appendix K: Public Services Correspondence
- Appendix L: VMT Analysis
- Appendix M: Water Analysis
- Appendix N: Sewer Study

### 1.2.2 Type and Purpose of This DEIR

This DEIR has been prepared as a “Project EIR,” defined by Section 15161 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). This type of EIR examines the environmental impacts of a specific development project and should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.

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### 1.3 PROJECT LOCATION

The 16.9-acre project site consists of a 15.3-acre parcel at 30700 Rancho Viejo Road (Assessor's Parcel Number [APN] 650-111-15) and the adjacent 1.6-acre parcel (APN 650-112-07) west of Rancho Viejo Road in the City of San Juan Capistrano, Orange County. San Juan Capistrano is surrounded by the cities of San Clemente, Dana Point, Laguna Niguel, and Mission Viejo and unincorporated Orange County. The project site is bordered by vacant area and I-5 freeway to the west, sloped open space to the east, Malaspina Road to the north, an existing industrial use (i.e., Fluidmaster) to the south. The off-site sloped open space area bordering the eastern property line is owned by the Marbella Homeowners Association (HOA), and is identified as the "extent of impact" area. A shared-driveway with Fluidmaster divides the project site and the industrial property. The project site is currently accessed via two driveways from Rancho Viejo Road and a driveway from Malaspina Road.

### 1.4 PROJECT SUMMARY

The Proposed Project involves demolition of an existing one-story vacant industrial building (approximately 123,000 square feet) and development of a 188-unit residential community with necessary roadway improvements on a site totaling 16.9 acres through implementation of the Creekside Specific Plan, in the City of San Juan Capistrano, Orange County. The Proposed Project would also require realignment of Rancho Viejo Road adjacent to the project site, impacting the 1.6-acre portion of the project site west of Rancho Viejo Road. The 188 units would consist of 107 detached single-family units and 81 multi-family attached units (townhomes). Development would follow the design guidelines chapter of the Specific Plan, which provides a design framework for streetscape, landscape, and buildings to convey a unified community character. The Proposed Project would include the following discretionary actions: (1) General Plan Amendment to change the General Plan land use designation from Industrial Park to Specific Plan/Precise Plan (GPA 18-004); (2) Zone Change from Industrial Park District to Specific Plan that allows the Applicant to create a land use plan for the project site (RZ 19-001); (3) Architectural Control for construction of the Proposed Project (AC 19-010); (4) Tentative Tract Map Approval for all subdivision creating five or more lots (TTM 19-001); (5) Grading Plan Modification to change ground elevation for primary structures of two feet or greater from what was previously approved (GPM 19-012); (6) Tree Removal Permit for the removal of any tree with a trunk diameter of six inches or greater measured at three feet above grade (TRP 19-018); (7) Adoption of the Creekside Specific Plan (SP 20-018); (8) Approval of a Development Agreement (DA 20-002); (9) Approval of a Community Facilities District; and (10) Approval of a Sign Permit (SP 20-018).

### 1.5 SUMMARY OF PROJECT ALTERNATIVES

CEQA states that an Environmental Impact Report (EIR) must address "a range of reasonable alternatives to the project, or to the location of the project, which could 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" (14 Cal. Code of Reg. 15126.6[a]). As described in Section 7.0 of this EIR, four project alternatives were identified and analyzed for relative impacts as compared to the Proposed Project:

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- No Project/No Development Alternative
- No Project/Existing Use Alternative
- Neighborhood Retail Alternative
- Reduced Density Alternative

The following presents a summary of each of the alternatives analyzed in the EIR. Please refer to Section 7.0 of this DEIR for a complete discussion of how the alternatives were selected and the relative impacts associated with each alternative.

### 1.5.1 No Project/No Development Alternative

A No Project Alternative/No Development Alternative, as required by CEQA, assumes that the 123,000 square foot industrial building would remain vacant. The roadway realignment for Rancho Viejo Road would not occur. This alternative would preclude the development of the 188 residential units and realignment of Rancho Viejo Road.

### 1.5.2 No Project/Existing Use Alternative

A No Project Alternative/Existing General Plan Alternative assumes that the 123,000 square foot industrial building (currently vacant) would be rehabilitated and occupied by a new industrial tenant. The roadway realignment for Rancho Viejo Road would not occur. This alternative would preclude the development of the 188 residential units and realignment of Rancho Viejo Road.

### 1.5.3 Neighborhood Retail Alternative

Under the Neighborhood Retail Alternative an approximately 254,433 square foot neighborhood commercial development would be constructed at the project site. The roadway realignment of Rancho Viejo Road would still occur. This alternative would require a zone change and General Plan amendment to neighborhood commercial (NC) and neighborhood commercial (NC), respectively. Other discretionary actions such as approval of architectural control, grading plan modification, and tree permit would be required, similar to the Proposed Project. However, a tentative tract map would not be required, as the project site would not be subdivided.

### 1.5.4 Reduced Density Single-Family Only Alternative

Under the Reduced Density Alternative, 150 single-family dwelling units would be provided, which represents an approximately 20 percent reduction in dwelling units compared to the Proposed Project. This alternative would also include the community pool and recreational are and roadway realignment of Rancho Viejo Road. This alternative would follow the same guidelines and development standards outlined in the Creekside Specific Plan for single-family units, including a minimum of 2,000 square feet lot area per single family unit. Similar to the Proposed Project, this alternative would require a zone change and General Plan amendment to Specific Plan and Specific Plan/Precise Plan, respectively, and would require all identified discretionary approvals

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outlined for the Proposed Project. This alternative would result in an average density of approximately 9.6 units/acre.

### 1.5.5 REDUCED DENSITY ALTERNATIVE

This alternative would provide 106 single-family detached dwelling units (37 traditional and 69 cottages) and 68 attached multi-family units for a combined total of 174 units. Therefore, it would reduce the number of single-family unit by one unit, and reduce the number of multi-family units by 13 units compared to the Proposed Project. This alternative would result in an average density of approximately 11.18 units/acre compared to the Proposed Project's average density of 12.1 units/acre. Figure 7-1, Reduced Density Alternative Site Plan, illustrates site layout for this alternative. As shown, the number of lots for multi-family units was reduced from two to one lot, and the multi-family unit layout has been modified to be clustered perpendicular to the north property line rather than the proposed parallel configuration. This alternative would provide more common open space and recreation areas with more amenities compared to the Proposed Project. This alternative would slightly modify the internal circulation pattern for the multi-family lot from the Proposed Project. Under this alternative, 348 garage spaces and 142 guest parking spaces would be provided, therefore, the required guest parking ratio of two spaces per dwelling unit and 0.8 space per dwelling unit in compliance with the SJCMC Section 9-3.535 would be met. This alternative would follow the same guidelines and development standards outlined in the Creekside Specific Plan for single-family and multi-family units. The roadway realignment of Rancho Viejo Road would still occur. As with the Proposed Project, this alternative would require a zone change and General Plan amendment to Specific Plan and Specific Plan/Precise Plan, respectively, and would require all identified discretionary approvals outlined for the Proposed Project. This alternative would reduce the overall units by approximately 7.4 percent compared to the Proposed Project. Average daily trips under this alternative would be approximately 1,518 trips, which would account for 88 fewer trips compared to the Proposed Project's 1,606 trips.

## 1.6 ISSUES TO BE RESOLVED

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR contain issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the Proposed Project, the major issues to be resolved include decisions by the lead agency as to:

1. Whether this DEIR adequately describes the environmental impacts of the project.
2. Whether the benefits of the project override those environmental impacts which cannot be feasibly avoided or mitigated to a level of insignificance.
3. Whether the proposed land use changes are compatible with the character of the existing area.
4. Whether the identified mitigation measures should be adopted or modified.
5. Whether there are other mitigation measures that should be applied to the project besides the Mitigation Measures identified in the DEIR.

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6. Whether there are any alternatives to the project that would substantially lessen any of the significant impacts of the Proposed Project and achieve most of the basic project objectives.

### **1.7 AREAS OF CONTROVERSY**

Prior to the preparation of the DEIR, a public EIR scoping meeting was held on Wednesday April 22, 2020, to determine the concerns of responsible and trustee agencies and the community regarding the Proposed Project. Issues raised during the EIR notice of preparation review period include environmental effects related to traffic and transportation, noise, nesting birds, fire suppression, drainage facilities and flooding, consistency with SCAG's RTP/SCS, air quality, demand for police services and use and maintenance of Malaspina Trail.

These and other environmental issues are fully addressed in Section 5.0 of this DEIR. No other areas of controversy are known to the Lead Agency.

### **1.8 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES, AND LEVELS OF SIGNIFICANCE AFTER MITIGATION**

Table 1-1 summarizes the conclusions of the environmental analysis contained in this EIR. Impacts are identified as significant or less than significant, and mitigation measures are identified for all significant impacts. The level of significance after imposition of the mitigation measures is also presented.

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**Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>5.1 AESTHETICS</b>			
<b>Impact 5.1-1:</b> The Proposed Project would alter the visual appearance of the Project Site, but would not substantially degrade its existing visual character or quality.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.1-2:</b> The Proposed Project would generate additional light and glare.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>5.2 AIR QUALITY</b>			
<b>Impact 5.2-1:</b> The Proposed Project is consistent with the applicable air quality management plan.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.2-2:</b> Construction activities associated with the Proposed Project would generate short-term emissions in exceedance of South Coast AQMD's threshold criteria.	Potentially Significant.	<p>AQ-1 The construction contractor(s) shall, at minimum, use equipment that meets the United States Environmental Protection Agency's (EPA) Tier 4 (Final) emissions standards for off-road diesel-powered construction equipment used for grading activities with more than 50 horsepower, unless it can be demonstrated to the City of San Juan Capistrano Building Department that such equipment is not available. Where equipment is not available, the next available engine Tier (e.g., US EPA Tier 4 Interim equipment) shall be used. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 emissions standards for a similarly sized engine, as defined by the California Air Resources Board's regulations.</p> <p>Prior to construction, the project engineer shall ensure that all plans clearly show the requirement for EPA Tier 4 emissions standards for construction equipment over 50 horsepower for the grading activities stated above. During construction, the construction contractor shall maintain a list of all operating equipment associated with grading in use on the site for verification by the City of San Juan Capistrano. The construction equipment list shall state the makes, models, and equipment identification numbers and the number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.</p>	Less than Significant.

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		AQ-2 During construction, the construction contractor(s) shall limit the hauling of soil generated from grading/excavation activities to a maximum of 96 trucks per day (192 one-way soil haul trips per day if 14 cubic yard trucks are used) assuming a one-way haul distance of 37 miles. If the truck haul distance for soil export is greater than 37 miles one way, as identified by the contractor(s), then hauling shall be restricted to no more than 7,100 miles per day. Where feasible, haul trucks with engines that are 2010 or newer shall be used for soil hauling activities. These requirements shall be noted on all construction management plans and verified by the City of San Juan Capistrano Building Department prior to issuance of any construction permits and during the soil-disturbing phases.	
<b>Impact 5.2-3:</b> Long-term operation of the project would not generate additional vehicle trips and associated emissions in exceedance of South Coast AQMD's threshold criteria.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.2-4:</b> Construction activities associated with the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.2-5:</b> Operation of the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>5.3 CULTURAL RESOURCES</b>			
<b>Impact 5.3-1:</b> Development of the Proposed Project would not impact historic resources.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.3-2:</b> Development of the Proposed Project could impact archaeological resources.	Potentially Significant.	CUL-1 Prior to ground disturbance, a qualified archaeologist shall be retained and monitor grading and earthmoving activities in undisturbed sediments. Pursuant to SB 18/AB 52 Tribal Consultation, a Native American monitor will also be on-site (see MM TCR-1). In the event of an unanticipated discovery, all work must be suspended within 50 feet of the find until a qualified archaeologist evaluates it. Construction activities may continue in other areas. If, in consultation with	Less than Significant.

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**Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>the City, the discovery is determined not to be important pursuant to State law described below, work will be permitted to continue in the area.</p> <p>If the qualified archaeologist determines a resource to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist shall coordinate with the project applicant and the City to develop a formal treatment plan. The plan should serve to reduce impacts to the resources and allow construction to proceed. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Section 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment.</p> <p>If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.</p> <p>The project applicant shall provide any historic archaeological material that is not Native American in origin for curation at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton. If no institution accepts the archaeological material, the project applicant shall donate the archaeological material to a local school or historical society in the area for educational purposes, as determined to be appropriate by the City of San Juan Capistrano.</p>	
<b>Impact 5.3-3:</b> Development of the Proposed Project would not impact human remains.	Less than Significant.	No mitigation measures are required.	Less than Significant.

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**Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>5.4 ENERGY</b>			
<b>Impact 5.4-1:</b> The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>5.5 GEOLOGY AND SOILS</b>			
<b>Impact 5.5-1:</b> The Project Site is on expansive soil, as defined in Table 18-1B of the Uniform building Code (1994), creating substantial direct or indirect risks to life or property.	Potentially Significant.	GEO-1 The project applicant shall design the foundation system to resist the impacts of expansive soils and fill settlement in accordance with the allowable deflection criteria of applicable codes and the requirements of the structural designer/architect, as described in the Geotechnical Investigation prepared for the Creekside Specific Plan project by LGC, dated July 30, 2019, or any updates therein. At the completion of grading, if soils with "very high" expansion potential are encountered by the qualified geotechnical professional, supplemental geotechnical foundations shall be provided and implemented in accordance with the California Building Code and the City of San Juan Capistrano's Grading Ordinance.	Less than Significant.
<b>Impact 5.5-2:</b> The Proposed Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Potentially Significant.	GEO-2 The project applicant shall implement a Paleontological Resource Impact Mitigation Program and conduct full-time monitoring by a qualified paleontologist when disturbing native deposits with a PFYC ranking of 3 or greater (i.e., all sediments of the middle-to-late Pleistocene old axial channel deposits, early-to-middle Pleistocene very old axial channel deposits, and the siltstone facies of the Capistrano Formation). 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 should be deposited in an accredited and permanent scientific institution. Work may resume immediately a minimum of 50 feet away from the find.	Less than Significant.

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**Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>5.6 GREENHOUSE GAS EMISSIONS</b>			
<b>Impact 5.6-1:</b> Implementation of the Proposed Project would not generate a net increase in GHG emissions, either directly or indirectly, that would have a significant impact on the environment.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.6-2:</b> Implementation of the Proposed Project would conflict with the SCAG RTP/SCS.	Potentially Significant.	No additional measures beyond the PPPs (see PPP GHG-1 and PPP GHG-2) identified in Section 5.6.3 are available.	Significant and Unavoidable.
<b>5.7 HAZARDS AND HAZARDOUS MATERIALS</b>			
<b>Impact 5.7-1:</b> Project construction and operations would not upset, emit, nor handle hazardous or acutely hazardous materials in the environment	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.7-2:</b> The Project Site is on a list of hazardous materials sites.	Potentially Significant.	HAZ-1 Prior to the issuance of the first building permit, the project applicant shall submit a written proof to the City of San Juan Capistrano from the California Department of Toxic Substances Control (DTSC) confirming a Land Use Covenant (LUC) is acceptable to manage the potential exposure to low concentrations of volatile organic compounds (VOCs) found in the soil for residential land uses.  A draft LUC is included in Appendix A to the "Revised Supplemental Soil Vapor Sampling, Regional Groundwater Evaluation, and Corrective Action Recommendation Report" dated August 2020 by Ramboll. The key land use restrictions included in the LUC are as follows: <ul style="list-style-type: none"> <li>The property shall not be used for a) a hospital for humans; 2) a public or private school for persons under 18 years of age; 3) a day care center for children.</li> <li>No structures intended for residential occupancy may be built on the property without an engineered vapor mitigation system approved by DTSC except where it can be shown through additional evaluation</li> </ul>	Less than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>approved by DTSC that there is no unacceptable risk to human health via the vapor intrusion pathway.</p> <ul style="list-style-type: none"> <li>• No activities that will disturb the soil shall be allowed at the property without a soil management plan pre-approved by DTSC in writing.</li> <li>• Any soil brought to the surface by grading, excavation, trenching, or backfilling shall be managed in accordance with all applicable provisions of state and federal law.</li> <li>• Extraction or removal of groundwater without a groundwater management plan pre-approved by DTSC in writing shall be prohibited.</li> <li>• Activity that may alter, interfere with, or otherwise affect the integrity or effectiveness of, or the access to, any investigative, remedial, monitoring, operation or maintenance system required for the project without prior written approval of DTSC shall be prohibited.</li> </ul>	
<p><b>Impact 5.7-3:</b> Project development would not affect the implementation of an emergency responder or evacuation plan.</p>	<p>Less than Significant.</p>	<p>No mitigation measures are required.</p>	<p>Less than Significant.</p>
<p><b>5.8 HYDROLOGY AND WATER QUALITY</b></p>			
<p><b>Impact 5.8-1:</b> The Proposed Project would increase the amount of impervious surfaces but would not substantially increase the rate or amount of surface runoff in a manner which would result in potential flooding on- or off-site or create runoff water that would exceed the capacity of storm drain systems.</p>	<p>Less than Significant.</p>	<p>No mitigation measures are required.</p>	<p>Less than Significant.</p>

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<b>5.9 LAND USE AND PLANNING</b>			
<p><b>Impact 5.9-1:</b> Implementation of the Proposed Project would not 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.</p>	Potentially Significant.	<p>LU-1 Prior to recordation of the final map, the project applicant shall pay fair-share contributions for all off-site transportation improvements necessary to maintain acceptable levels of service, consistent with San Juan Capistrano City Council adopted Policy Number 111. Fair-share participation will be required at the following intersections:</p> <ul style="list-style-type: none"> <li>• I-5 Southbound Ramps &amp; Junipero Serra Road (#3)</li> <li>• I-5 Northbound Ramps &amp; Junipero Serra Road (#4)</li> </ul>	Less than Significant.
<b>5.10 NOISE</b>			
<p><b>Impact 5.10-1:</b> Construction activities would result in temporary noise increases in the vicinity of the Proposed Project.</p>	Potentially Significant.	<p>N-1 The project sponsor shall incorporate the following practices into the construction contract agreement documents to be implemented by the construction contractor during the entire construction phase of the project:</p> <ul style="list-style-type: none"> <li>• The project sponsor and contractors shall prepare a Construction Noise Control Plan. The details of the Construction Noise Control Plan shall be included as part of the permit application drawing set and the construction drawing set.</li> <li>• Limit construction to daytime hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, 8:30 a.m. to 4:30 p.m. Saturdays, and prohibit construction on Sundays and national holidays.</li> <li>• At least 30 days prior to the start of construction activities, all off-site businesses and residents within 500 feet of the project site shall be notified of the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the hours when construction would occur, and the construction period's overall duration. The notification shall include the telephone numbers of the City contact and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint.</li> <li>• At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the City contact and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a</li> </ul>	Significant and Unavoidable.

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**Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>complaint, they shall investigate, take appropriate corrective action, and report the action to the City.</p> <ul style="list-style-type: none"> <li>• During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., optimized mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.</li> <li>• Require the contractor to use impact tools that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.</li> <li>• During the entire active construction period, stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.</li> <li>• Select haul routes that avoid the greatest amount of sensitive use areas.</li> <li>• Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.</li> <li>• During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.</li> </ul>	
<p><b>Impact 5.10-2:</b> Project implementation would result in long-term operational noise that would not exceed standards.</p>	<p>Less than Significant.</p>	<p>No mitigation measures are required.</p>	<p>Less than Significant.</p>



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**Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>5.11 POPULATION AND HOUSING</b>			
<b>Impact 5.11-1:</b> The Proposed Project would not 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.	No mitigation measures are required.	Less than Significant.
<b>5.12 PUBLIC SERVICES</b>			
<b>FIRE PROTECTION AND EMERGENCY SERVICES</b>			
<b>Impact 5.12-1:</b> The Proposed Project would introduce new structures and residents into the OCFA service boundaries, thereby increasing the requirement for fire protection facilities and personnel.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>POLICE PROTECTION</b>			
<b>Impact 5.12-2:</b> The Proposed Project would introduce new structures and residents into the Orange County Sheriff Department service boundaries, thereby increasing the requirement for police protection facilities and personnel.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>SCHOOL SERVICES</b>			
<b>Impact 5.12-3:</b> The Proposed Project would generate new students who could impact the school enrollment capacities of Capistrano Unified School District schools.	Less than Significant.	No mitigation measures are required.	Less than Significant.

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**Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>LIBRARY SERVICES</b>			
<b>Impact 5.12-4:</b> The Proposed Project would introduce new residents to the project site, which would increase the service needs for the Orange County Public Library's San Juan Capistrano branch library.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>5.13 TRANSPORTATION</b>			
<b>Impact 5.13-1:</b> The Proposed Project could conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.13-2:</b> The Proposed Project could conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).	Potentially Significant.	No feasible mitigation measures available to reduce Impact 5.13-2 to a less than significant level.	Significant and Unavoidable.
<b>Impact 5.13-3:</b> The Proposed Project could increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	Potentially Significant.	T-1 Prior to approval of the tentative tract map, the project applicant shall submit street improvement plans for Rancho Viejo Road, Malaspina Road, and Driveway 1, that demonstrate compliance with recommendations shown on Figure 5.13-2, <i>Site Adjacent Roadway and Site Access Recommendations</i> , to the satisfaction of the City Traffic Engineer.	Less than Significant.
<b>Impact 5.13-4:</b> The Proposed Project would not result in inadequate emergency access.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>5.14 TRIBAL CULTURAL RESOURCES</b>			
<b>Impact 5.14-1:</b> The Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource 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).	No Impact.	No mitigation measures are required.	No Impact.

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**Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p><b>Impact 5.14-2:</b> The Proposed Project could cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency to be significant pursuant to criteria in Public Resources Code section 5024.1(c).</p>	<p>Potentially Significant.</p>	<p>TCR-1 Prior to the issuance of any permits allowing ground-disturbing activities that cause excavation to depths greater than artificial fill, the City of San Juan Capistrano shall ensure that the applicant/developer retains qualified Native American monitor(s) during construction-related ground disturbance activities. The monitor(s) shall be approved by the tribal representatives of the Juaneño Band of Mission Indians Acjachemen Nation–Belardes and be present on-site during construction that involves ground-disturbing activities. The Native American monitor(s) shall be responsible for the following activities during the monitoring, as appropriate:</p> <ul style="list-style-type: none"> <li>• Complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified.</li> <li>• The on-site monitoring shall end when the Project Site grading and excavation activities are completed, or when the tribal representatives and monitor have indicated that the Project Site has a low potential for tribal cultural resources.</li> <li>• Upon discovery, the tribal and/or archaeological monitor/consultant/consultant shall immediately divert work a minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) shall then notify the tribe, the qualified lead archaeologist, and the construction manager who shall call the coroner.</li> <li>• Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the Native American Heritage Commission (NAHC), as mandated by state law, who will then appoint a Most Likely Descendent (MLD).</li> </ul> <p>If the Juaneño Band of Mission Indians Acjachemen Nation–Belardes is designated MLD, the following treatment measures shall be implemented.</p> <ul style="list-style-type: none"> <li>• Prior to the continuation of ground-disturbing activities, the applicant/developer shall arrange a designated site location within the</li> </ul>	<p>Less than Significant.</p>

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**Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>footprint of the Project Site for the respectful reburial of the human remains and/or ceremonial objects.</p> <ul style="list-style-type: none"> <li>• In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours.</li> <li>• The tribe shall make every effort to recommend diverting the development and keeping the remains in situ and protected. If the development cannot be diverted, it may be determined that the burials will be removed. The tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully.</li> <li>• If data recovery is approved by the tribe, documentation shall be taken that includes, at a minimum, detailed descriptive notes and sketches. Additional types of documentation shall be approved by the tribe for data recovery purposes.</li> <li>• Cremations will either be removed in bulk or by other means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the tribe and the NAHC.</li> <li>• Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects, and objects of cultural patrimony will be removed to a secure container on-site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project Site but at a location agreed upon between the tribe and the applicant/developer that will be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</li> </ul>	

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**Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>5.15 UTILITIES AND SERVICE SYSTEMS</b>			
<b>Impact 5.15-1:</b> Existing facilities would be able to accommodate project-generated utility demands.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.15-2:</b> Available water supplies are sufficient to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.15-3:</b> Project-generated wastewater could be adequately treated by the wastewater service provider for the project.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.15-4:</b> Existing facilities would be able to accommodate project-generated solid waste and comply with related solid waste regulations.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>5.16 WILDFIRE</b>			
<b>Impact 5.16-1:</b> The Proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.16-2:</b> The Proposed Project would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors exacerbating wildfire risks.	Less than Significant.	No mitigation measures are required.	Less than Significant.
<b>Impact 5.16-3:</b> Implementation of the Proposed Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that	Less than Significant.	No mitigation measures are required.	Less than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
may result in temporary or ongoing impacts to the environment.			
<b>Impact 5.16-4:</b> The Proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, postfire slope instability, or drainage changes.	Less than Significant.	No mitigation measures are required.	Less than Significant.