

PROGRAM ENVIRONMENTAL IMPACT REPORT  
City of San Clemente Housing and Safety Elements Update  
SCH #2021020256

July 2021





Draft  
Program Environmental Impact Report for the  
City of San Clemente Housing and Safety Elements  
Update  
SCH # 2021020256

*Prepared for*  
City of San Clemente  
Community Development Department  
910 Calle Negocio  
San Clemente, CA 92673

*Prepared by*  
RECON Environmental, Inc.  
1927 Fifth Avenue  
San Diego, CA 92101  
P 619.308.9333

RECON Number 9588  
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## List of Abbreviations/Acronyms

°C	degrees Celsius
°F	degrees Fahrenheit
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ACM	asbestos-containing materials
ADU	accessory dwelling units
AF	acre-feet
ALUCP	Airport Land Use Compatibility Plan
APS	Alternative Planning Strategy
AQMP	air quality management plan
Basin	South Coast Air Basin
BAU	business as usual
BBQ	barbecue
Bcf	billion cubic feet
BERD	Built Environment Resources Directory
BMP	best management practice
BNSF	Burlington Northern Santa Fe
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
Cal EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire
CalARP	California Accidental Release Prevention
CalARP	California Accidental Release Prevention Program
CALGreen	California Green Building Standards Code
Cal-OSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CGS	California Geologic Survey



CH <sup>4</sup>	Methane
City	City of San Clemente
CMA	Congestion Management Agency
CMP	Congestion Management Plan
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
County	Orange County
CPUC	California Public Utilities Commission
CREATE	Chicago Rail Efficiency and Transportation Efficiency
CRHR	California Register of Historic Resources
CUSD	Capistrano Unified School District
CWA	Clean Water Act
CZARA	Coastal Zone Act Reauthorization Amendments
dB	decibel
dB(A)	A-weighted decibel
DEH	Department of Environmental Health
DMR	Department of Water Resources
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
du/ac	dwelling unit per acre
DWR	Department of Water Resources
EIR	environmental impact report
EJ	Environmental Justice
EMD	Emergency Management Division
EMFAC	Emissions Factors
EO	Executive Order
EOC	Emergency Operations Center
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
ESA	Environmental Site Assessment
ESHA	environmentally sensitive habitat areas
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program (
FTA	Federal Transit Authority
GHG	greenhouse gas
GIS	geographic information system
GSA	Groundwater Sustainability Agencies

GSP	Groundwater Sustainability Plan
GWh	gigawatt-hours
GWP	global warming potential
H&SC	Health and Safety Code
HA	hydrologic area
HCD	California Department of Housing and Community Development
HCP	Habitat Conservation Plan
HPWQC	Highest Priority Water Quality Conditions
HSA	hydrologic subareas
HU	hydrologic units
HVAC	heating, ventilation, and air conditioning
I-5	Interstate 5
in/sec	inch per second
JRMP	Jurisdictional Runoff Management Plan
JRWSS	Joint Regional Water Supply System
LBP	lead-based paint
LCP	Local Coastal Plan
LCS	lead containing surfaces
L <sub>eq</sub>	hourly equivalent sound level
LHMP	Local Hazard Mitigation Plan
LIP	Local Implementation Plan
LOP	Local Oversight Program
LOS	Level of Service
L <sub>pw</sub>	sound power
LRA	Local Responsibility Area
LST	Localized Significance Threshold
LUST	leaking underground storage tank
MBTA	Migratory Bird Treaty Act
MERV	minimum efficiency reporting value
MET	Metropolitan Water District
MGD	million gallons per day
MLD	Most Likely Descendent
MMT CO <sub>2</sub> E	million metric tons of carbon dioxide equivalent
MPAH	Master Plan of Arterial Highways
mpg	miles per gallon
MPO	Metropolitan Planning Organization
MRZ	Mineral Resource Zone
MS4	Municipal Separate Storm Sewer System
MSAA	Master Streambed Alteration Agreement
MSDS	material safety data sheet
MT CO <sub>2</sub> E	metric tons of carbon dioxide equivalent
MWDOC	Municipal Water District of Orange County
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act

NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Planning
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NO <sub>2</sub>	nitrogen dioxide
NOP	Notice of Preparation
NO <sub>x</sub>	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRC	Nuclear Regulatory Commission
NRHP	National Register of Historic Places
NRHR	National Register of Historic Resources
OCFA	Orange County Fire Authority
OCPL	Orange County Public Libraries
OCSO	Orange County Sheriff's Department
OCTA	Orange County Transportation Authority
OCTAM	Orange County Transportation Authority Model
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PACE	Property Assessed Clean Energy
PAWS	Pedestrian Audible Warning Systems
Pb	lead
PCB	polychlorinated biphenyls
PCH	Pacific Coast Highway
PDP	Priority Development Projects
PEIR	Program Environmental Impact Report
PM <sub>10</sub>	particulate matter less than 10 microns in diameter
PM <sub>2.5</sub>	particulate matter less than 2.5 microns in diameter
PPV	peak particle velocity
PRC	Public Resources Code
project	City of San Clemente Housing and Safety Elements Update
PV	photovoltaic
RHNA	Regional Housing Needs Allocation
ROG	reactive organic gases
RPS	Renewable Portfolio Standard
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAP	Sustainability Action Plan
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCE	Southern California Edison
SCGC	Southern California Gas Company

SCMC	San Clemente Municipal Code
SCS	Sustainable Communities Strategy
SDG&E	San Diego Gas & Electric
SFHAs	Special Flood Hazard Areas
SGMA	Sustainable Groundwater Management Act
SIP	State Implementation Plan
SMAQMD	Sacramento Metropolitan Air Quality Management District
SMARA	Surface Mining and Reclamation Act
SMWD	Santa Margarita Water District
SO <sub>2</sub>	sulfur dioxide
SOC	Southern Orange County
SONGS	San Onofre Nuclear Generating Station
SP	service population
SR-1	State Route 1 (El Camino Real)
SSMP	Sewer System Management Plan
SWPPP	storm water pollution prevention plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TCWD	Trabuco Canyon Water District
TDM	Transportation Demand Management
TPP	Transportation Priority Projects
U.S. EPA	United States Environmental Protection Agency
U.S.C.	United States Code
UFC	Uniform Fire Code
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service
UST	underground storage tank
UWMP	Urban Water Management Plan
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	vehicle miles traveled
VOC	volatile organic compounds
WQIP	Water Quality Improvement Plan
WQMP	Water Quality Management Plan
WSA	Water Supply Assessment

## S.0 Executive Summary

### S.1 Project Synopsis

This summary provides a brief synopsis of: (1) the proposed City of San Clemente (City) Housing Element and Safety Element Updates (project), (2) the results of the environmental analysis contained within this Program Environmental Impact Report (PEIR), (3) the major areas of controversy and issues to be resolved by decision-makers, and (4) the alternatives to the project that were considered. This summary does not contain the extensive background and analysis found in the document. Therefore, the reader should review the entire document to fully understand the project and its environmental consequences.

#### S.1.1 Project Location

The City is located in the southeastern corner of Orange County, in southern California, approximately 52 miles south of Los Angeles. The City is surrounded by the Pacific Ocean to the southwest, the cities of Dana Point and San Juan Capistrano to the northwest, unincorporated areas of Orange County to the north, and San Onofre State Beach and Camp Pendleton in unincorporated San Diego County to the southeast. The proposed Safety Element Update and Housing Element Update are General Plan Elements that apply citywide. Additionally, the Housing Element includes a "Sites Inventory" that identifies the locations where housing for various income levels is anticipated. The Sites Inventory includes housing sites that were part of the prior Housing Element inventory in addition to sites that will require future rezones to implement the densities called for in the inventory.

#### S.1.2 Project Objectives

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15124, the following primary objectives support the purpose of the project, assist the lead agency in developing a reasonable range of alternatives to be evaluated in this report, and ultimately aid decision-makers in preparing findings and overriding considerations, if necessary. The project objectives are as follows:

1. Identify potential future rezone sites and obtain public feedback on the rezones that should be pursued to accommodate the Regional Housing Needs Allocation (RHNA);
2. Minimize impacts from new development on established neighborhoods;
3. Provide flexibility for implementation of rezoning adequate to meet the City's remaining RHNA allocation of 982 units;
4. Limit exposure to potential natural and human-made hazards; and
5. Effectively respond to and recover from public safety emergencies.

## S.1.3 Project Description

### S.1.3.1 Housing Element

The purpose of the 6<sup>th</sup> Cycle Housing Element Update (2021-2029) is to identify the City's housing needs and outline goals, policies, and programs to address them. The Housing Element is an eight-year plan, extending from October 15, 2021 to October 15, 2029. The primary issues addressed in the Housing Element include:

- The provision of a decent home in a healthy environment for all economic levels of society;
- Housing affordability for special needs populations;
- Assisting in the development of affordable housing;
- Implementation of housing programs; and
- Rehabilitation and preservation of existing affordable housing.

The Housing Element builds upon other general plan elements and is consistent with the land use policies set forth by the 2014 General Plan.

### S.1.3.2 Safety Element

The project includes an update to the Safety Element of the City's Centennial General Plan in order to reflect the most recent available data, in addition to incorporating new analysis and information related to wildfire and climate vulnerability in response to the latest State requirements for safety elements. Updated safety element data and mapping includes figure updates for the issues of geologic, seismic and soil hazards, flood hazards, potential tsunami inundation areas, fire hazard severity zones, critical facilities, and hazardous materials sites. Updates to the Safety Element do not affect the potential for development to occur or result in any physical change as it is a policy document.

## S.2 Summary of Significant Effects and Mitigation Measures that Reduce or Avoid the Significant Effects

Table S-1 summarizes the results of the environmental analysis including the potentially significant environmental impacts of the project and proposed mitigation measures to reduce or avoid these impacts. Impacts and mitigation measures are organized by issue as presented in Chapter 4, Environmental Analysis.

## S.3 Issues to be Addressed

The Notice of Preparation (NOP) was distributed on February 12, 2021, for a 30-day public comment period. In addition, a public scoping meeting was held on February 21, 2021. The NOP and received comment letters are included in this PEIR as Appendix A. Potentially significant impacts for the following environmental issues are analyzed in detail in the PEIR:

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

## S.4 Issues to be Resolved by the Decision-Making Body

Issues to be resolved include how to reduce programmatic significant, unavoidable adverse environmental impacts associated with the project to the maximum extent feasible while achieving project objectives, through adoption of mitigation measures and/or alternatives to the project identified in this PEIR.

## S.5 Project Alternatives

The CEQA Guidelines Section 15126.6 requires that an Environmental Impact Report (EIR) compare the effects of a “reasonable range of alternatives” to the effects of a project. The CEQA Guidelines further specify that the alternatives selected should attain most of the basic project objectives and avoid or substantially lessen one or more significant effects of the project. The “range of alternatives” is governed by the “rule of reason,” which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the lead agency, and to foster meaningful public participation (CEQA Guidelines Section 15126.6[f]). CEQA generally defines “feasible” to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, while also taking into account economic, environmental, social, technological, and legal factors.

Project alternatives are evaluated in Chapter 9.0 of this PEIR. The evaluations analyze the ability of each project alternative to further reduce or avoid the significant environmental effects of the project. The PEIR addresses two project alternatives: the No Project (Adopted Plan) Alternative and the Reduced Project Alternative.

### **S.5.1 No Project Alternative**

Under the No Project Alternative, development within the City would proceed pursuant to the adopted City General Plan and zoning map, which would have lesser overall residential development potential and would not include adoption of the Housing Element and Safety Element. Zoning changes at the rezone sites would not be contemplated and existing zoning would remain in place. Existing zoning at the rezone sites is shown in Chapter 3.0, Table 3-4. In the absence of adopting updated Housing and Safety Elements, this alternative would not implement State Housing Law requirements and legislative requirements for updated Safety Elements. The No Project Alternative would not consider future adoption of rezones necessary to achieve the City's RHNA and as a result, multi-family development potential would be reduced by approximately 502 fewer dwelling units. This alternative would not satisfy the project objectives stated in Chapter 3.0, Project Description, because buildout of the No Project Alternative would not provide enough residential units to meet the City's RHNA allocation and would not satisfy legislative mandates for updated Housing and Safety Elements.

### **S.5.2 Reduced Project Alternative**

The Reduced Project Alternative would remove rezone sites A and U (refer to Table 3-4 and Figures 3-2, 3-3, and 3-7) from consideration for a potential future rezone action and associated development with multi-family housing to achieve the City's RHNA. Site A would retain the existing Light Industrial General Plan Land Use designation and Rancho San Clemente Specific Plan (Business Park) zoning designation. Site U would retain the General Plan Open Space designation and the Talega Specific Plan (commercial) zoning designation.

Removal of these two proposed rezone sites would reduce the potential for development of approximately 323 residential units at these sites. The Reduced Project Alternative would still allow for adoption of rezones up to approximately 1,241 residential units, although rezones are only anticipated to achieve 502 units to accommodate the City's RHNA allocation. Therefore, while this alternative would provide less flexibility for potential rezone sites, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project. Therefore, the Reduced Project Alternative would meet the City's RHNA obligation of providing capacity for an additional 982 housing units over buildout of the currently adopted General Plan and Zoning. All other aspects of the project would remain the same, including adoption of the Housing and Safety Elements.

### **S.5.3 Environmentally Superior Alternative**

CEQA Guidelines Section 15126.6(e)(2) requires an EIR to identify the environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from the other alternatives. The project itself may not be identified as the environmentally superior alternative.

The Reduced Project Alternative would be the environmentally superior alternative because it would incrementally reduce significant impacts associated with aesthetics, biological resources, cultural and



tribal cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and wildfire compared to the project. However, none of the potentially significant impacts of the project would be completely avoided. Although this alternative would provide less flexibility for potential rezone sites, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project based on the ultimate selection of sites to be rezoned. As a result, this alternative would result in the same level of impacts related to air quality, GHG, land use, noise, population and housing, public services and recreation, transportation, and utilities and service system. The Reduced Project Alternative would meet most project objectives, although it would provide slightly less flexibility for implementation of rezoning adequate to meet the City's remaining RHNA allocation of 982 units (Project Objective 3).

**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
<b>4.1 Aesthetics</b>			
Would the project have a substantial adverse effect on a scenic vista?	For development of Housing Sites that would be approved with a ministerial process, adherence to regulatory requirements including the SCMC would ensure that future development would not degrade public views of scenic vistas and views. Ministerial projects would be required to adhere to the design principles contained within the City's Design Guidelines. Development of Housing Sites that would require a discretionary review would be subject to the same regulatory requirements discussed above, along with the City's design review process, in addition to General Plan policies focused on preservation of scenic vistas and views. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State Scenic Highway?	For development of Housing Sites that would be approved with a ministerial process, adherence to regulatory requirements including the SCMC would ensure that future development would not degrade scenic resources. Development of Housing Sites that would require a discretionary review would be subject to the same regulatory requirements discussed above, along with the City's provisions of the Master Landscape Plan for Scenic Corridors and applicable General Plan policies. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage points)? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	With implementation of applicable sections of the SCMC and the City's Design Guidelines, as well as land use plans that provide supplemental development regulations for those areas within City's focus areas and/or Specific Plan areas as applicable, development of the Housing Sites would not substantially degrade the existing visual character or quality of public views. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	Development of the Housing Sites would be required to comply with SCMC standards related to light and glare (Chapter 17.24.130) and General Plan Policies NR-7.1, NR-7.2, and NR-7.3, which serve to minimize light pollution and trespass in order to preserve dark skies. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
<b>4.2 Air Quality</b>			
Would the project conflict with or obstruct implementation of the applicable air quality plan?	Buildout of the project would result in an increase in emissions when compared to buildout of the adopted zoning and land use designations. Therefore, buildout of the project would exceed the assumptions used to develop the AQMP. Even with implementation of applicable General Plan policies and regulations, this impact would be significant.	No mitigation measures are available that would reduce impacts associated with inconsistency with the AQMP. The population and employment assumptions of the AQMP would continue to be exceeded until the AQMP is revised and incorporates the projections of the project.	Significant and Unavoidable
Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	The scale and extent of construction activities associated with buildout of the project could exceed the relevant SCAQMD thresholds for some projects. Additionally, buildout of the project would conflict with implementation of the AQMP. Operation of the project would result in a cumulatively considerable net increase in emissions compared to the emissions that would occur under existing land use designations.  Impacts associated with cumulative net increases in criteria pollutant emissions (construction and operation) associated with future discretionary projects within the Housing Sites would be less than significant based on application of a future discretionary review and implementation	Construction: AQ-1: Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that requires project applicants to identify the measures that would be taken at the construction site to reduce construction-related criteria air pollutants such that they do not exceed the South Coast Air Quality Management District (SCAQMD) adopted thresholds of significance. Sample measures	Construction: Construction time frames and equipment for site-specific development projects are not available at this time, and there is a potential for multiple development projects to be constructed at one time, resulting in significant construction-related emissions.

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Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
	<p>of the City's General Plan Mitigation Monitoring Requirements for air quality. The City's General Plan Mitigation Monitoring Program is incorporated by reference.</p> <p>However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements since no discretionary review would be required. Impacts related to net increases in criteria pollutant emissions associated with future ministerial development within the Housing Sites would be potentially significant.</p>	<p>that would reduce air pollutant emissions during construction activities include:</p> <ul style="list-style-type: none"> <li>• Requiring fugitive dust control measures that exceed SCAQMD's Rule 403, such as: <ul style="list-style-type: none"> <li>○ Requiring use of nontoxic soil stabilizers to reduce wind erosion.</li> <li>○ Applying water every four hours to active soil-disturbing activities.</li> <li>○ Tarping and/or maintaining a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials.</li> </ul> </li> <li>• Using construction equipment rated by the United States Environmental Protection Agency as having Tier 3 (model year 2006 or newer) emission limits, applicable for engines between 50 and 750 horsepower.</li> <li>• Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.</li> <li>• Limiting nonessential idling of construction equipment to no more than five consecutive minutes.</li> <li>• Using Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural coating materials can be found on the SCAQMD's website at: <a href="http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf">http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf</a>.</li> </ul> <p>Operation: Because the project would exceed the growth projections used to develop the AQMP, no mitigation measures are available that would reduce operational impacts below SCAQMD's thresholds.</p>	<p>Therefore, despite adherence to mitigation measure AQ-1, impacts associated with criteria pollutants during construction would remain significant and unavoidable.</p> <p>Operation: Significant and Unavoidable</p>
<p>Would the project expose sensitive receptors to substantial pollutant concentrations?</p>	<p>Buildout of the project would not result in a CO hot spot. Additionally, construction and operation of future development would not result in the exposure of sensitive receptors to TACs from construction activities, stationary sources, or mobile sources. Impacts would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?</p>	<p>Emissions from construction equipment, such as diesel exhaust, and volatile organic compounds (VOCs) from architectural coatings and paving activities may generate odors; however, these odors would be temporary, intermittent, and not expected to affect a substantial number of people. Once operational, future development implemented under this alternative would include residential and associated retail uses that are generally not a source of objectionable odors. Impacts would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p><b>4.3 Biological Resources</b></p>			
<p>Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the CDFW or USFWS?</p>	<p>Future development of Housing Sites that requires a discretionary process would be subject to future environmental review. For these projects, site specific analysis would be required to identify the presence of sensitive species and appropriate mitigation would be applied to reduce potential impacts. Application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources would</p>	<p>BIO-1: Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that ensures impacts to sensitive species are minimized, as follows:</p>	<p>Direct and indirect impacts to sensitive plants and sensitive wildlife including migratory or nesting birds within the Housing Sites would be mitigated to below a level of</p>

**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
	<p>ensure impacts are reduced to less than significant. The City's General Plan Mitigation Monitoring Program is incorporated by reference.</p> <p>However, some future development on Housing Sites may proceed with a ministerial process which would not require a subsequent environmental review. For ministerial projects, potential development could occur on lands that support sensitive species, wildlife, or nesting /migratory birds, resulting in a potentially significant impact. Additionally, indirect impacts could occur from development located adjacent to sensitive habitats.</p>	<p>a. For any development located on vacant or undeveloped land, the applicant shall be required to provide a site-specific vegetation map that identifies any sensitive habitats on-site in addition to the location of any trees that could support nesting birds.</p> <p>b. If based on the information provided in a) above, if the site supports sensitive vegetation communities and the project would impact these communities, the applicant shall provide a biological resources report that includes: (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types (including wetlands); (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If suitable habitat for sensitive species is identified based on the general biological survey, then focused presence/absence surveys shall be conducted in accordance with applicable resource agency survey protocols. If potential wetlands are identified based on the general biological survey, then a wetland delineation shall be conducted in accordance with applicable resource agency survey protocols. If potentially significant impacts to sensitive biological resources are identified, the report shall recommend appropriate mitigation to reduce the impacts to below a level of significance. If habitat-based mitigation is required, the applicant shall be required to provide evidence that the appropriate mitigation has been acquired (e.g., receipt from a mitigation bank or demonstrate appropriate habitats have been conserved on-site). If agency permits are required due to impacts to threatened and endangered species or other regulated resources, the applicant shall be required to demonstrate that agency permits have been obtained and applicable conditions of the permit have been satisfied prior to any vegetation removal or ground disturbance.</p> <p>c. If the project would result in the removal of sensitive habitats and/or trees that could support nesting birds, grading and/or vegetation removal shall be occur outside the bird breeding season (typically January 15–September 15). A qualified biologist may define the appropriate bird breeding season based on species that could be supported at the site. If grading must occur during the breeding season, the applicant shall be required to conduct pre-construction bird surveys within 3 days of the start of construction to determine the presence of active nests. If active nests are found, avoidance measures shall be</p>	<p>significance with implementation of mitigation measure BIO-1.</p>

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Summary of Environmental Impacts

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
		<p>implemented to ensure protection of the nesting birds. Avoidance measures may include a no-activity buffer zone, typically 100 feet from the area of disturbance or 500 feet for raptors, established at the discretion of the qualified biologist in consultation with the City. If activity buffer zones are not feasible, temporary noise barriers may be installed to attenuate construction noise. Noise wall height and adequacy shall be supported by a noise analysis to determine the anticipated construction noise levels with attenuation measures as recommended by the biologist and approved by the City. Accepted noise levels are species dependent and existing ambient noise levels can play a factor in establishing baseline acceptable noise.</p> <p>d. If sensitive biological resources are present within or adjacent to the proposed development project area and impacts may result from construction activities, the City may require the applicant to retain a qualified biological monitor to be present during all or a portion of the construction activities to ensure impacts to the sensitive biological resources are avoided or minimized to the extent feasible.</p> <p>e. Development on sites that are adjacent to native habitat shall include measures to minimize adverse indirect impacts to surrounding habitat as follows:</p> <ul style="list-style-type: none"> <li>• Lighting shall be of the minimum output required and shall be down-shielded to prevent excessive light bleed into adjacent areas.</li> <li>• Use native, drought resistant plant species in landscape design.</li> <li>• Construction limits shall be clearly flagged to ensure impacts to biological resources are avoided.</li> </ul>	
<p>Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS?</p>	<p>Impacts to sensitive habitats associated with future discretionary projects within the Housing Sites would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources. The City's General Plan Mitigation Monitoring Program is incorporated by reference.</p> <p>However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for biological resources since no discretionary review would be required. Potential impacts to sensitive vegetation communities resulting from ministerial development at Housing Sites would be potentially significant.</p>	<p>Refer to BIO-1.</p>	<p>Implementation of BIO-1 would ensure that future housing development allowed with a ministerial process would not have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS. Impacts would be less than significant with mitigation.</p>

**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
<p>Would the project have a have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	<p>Impacts to state or federally protected wetlands associated with future discretionary projects within the Housing Sites would be reduced to less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources. The City's General Plan Mitigation Monitoring Program is incorporated by reference.</p> <p>However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for biological resources since no discretionary review would be required. Potential impacts to state or federally protected wetlands resulting from ministerial development at Housing Sites would be potentially significant.</p>	<p>BIO-2: Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate a requirement into the Overlay Zone that ensures project applicants consult with the applicable agencies to obtain permits for projects with potential to impact jurisdictional waters, wetlands, and riparian habitat under the jurisdiction of the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and/or the Regional Water Quality Control Board. The applicant shall be required to demonstrate that agency permits have been obtained and applicable conditions of the permit have been satisfied prior to ground disturbance. Wetland buffers would normally be dictated by the permit requirements of applicable agencies; however, in the event no permit is required due to the absence of wetland impacts, the Overlay Zone shall require projects adjacent to wetland features to incorporate a wetland buffer sufficient to protect the functions and values of the wetland (typically ranging from 50 to 200 feet from the edge of the wetland), depending on site conditions and based on the recommendation of a qualified biologist. All wetlands and buffers shall be permanently conserved or protected through the application of an open space easement or other suitable device.</p>	<p>Impacts to wetlands and other jurisdictional waters associated with future ministerial development at Housing Sites would be mitigated to below a level of significance by mitigation measure BIO-2.</p>
<p>Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p>Impacts to wildlife movement corridors and native wildlife nursery sites associated with future discretionary projects within the Housing Sites would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources.</p> <p>However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for biological resources since no discretionary review would be required. Potential impacts associated with wildlife movement corridors and native wildlife nursery sites for ministerial housing located adjacent to blocks of habitat (such as rezone sites U and A), could result in indirect impacts to surrounding habitat associated with lighting or invasive species. Impacts to wildlife movement corridors and native wildlife nursery sites associated with future ministerial development within the Housing Sites would be potentially significant.</p>	<p>Refer to BIO-1.</p>	<p>With incorporation of the requirements in BIO-1, impacts would be less than significant with mitigation.</p>
<p>Would the project conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP?</p>	<p>The Safety Element is not associated with any physical development and, thus, does not have the potential to result in impacts related to biological resources. The City is one of the signatories of the HCP, but is not a participant receiving regulatory coverage for impacts to covered species. The HCP plan area is divided into four subareas. As shown in Figure 4.3-4, all of the Housing Sites are located within subarea 4. Nearly all of the important natural areas in subarea 4 have already been protected pursuant to the FESA and none of the Housing Sites are located within the HCP Reserve area which represents the areas needed for conservation to achieve the goals of the HCP. Therefore, implementation of development at the Housing Sites would not conflict with the Southern Orange County Subregional HCP.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than significant</p>

**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
<p>Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	<p>The project does not propose any activities that would conflict with local policies or ordinances protecting biological resources. Future discretionary development on Housing Sites would undergo an environmental review and would be subject to site specific mitigation measures to ensure impacts to biological resources are reduced to less than significant. As part of this discretionary review, individual projects would be reviewed for consistency with local policies and ordinances protecting biological resources. Additionally, for future development that may proceed with a ministerial approval, mitigation measures BIO-1 and BIO-2 would ensure that the City applies applicable development standards that would be applied during a discretionary process to ensure consistency with City policies for the protection of biological resources. Impacts would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than significant</p>
<p><b>4.4 Cultural and Tribal Cultural Resources</b></p>			
<p>Would the project result in a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</p>	<p>Discretionary development and redevelopment projects would evaluate the potential to impacts to known or potentially historic resources and structures through project-level CEQA documentation. Subsequent projects would also need to comply with policies of the General Plan's Historic Preservation Element that are intended to preserve significant historic resources. Both discretionary and ministerial projects would be subject to the SCMC Section 17.16.170 which requires the issuance of a Historic Demolition Permit for any building, structure or other resource located within the City which is: (1) on the City's Designated Historic Resources List; or (2) listed in or eligible for listing in the California Register of Historical Resources. Future ministerial and discretionary development and redevelopment would be required to adhere to relevant portions of the Municipal Code, City's Design Guidelines, and the Henry Lenny Architectural Design Guidelines, including requirements for projects in the Architectural Overlay District and for requirements of development within 300 feet of a historic site as specified in the SCMC. Impacts would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation would be required.</p>	<p>Less than Significant</p>
<p>Would the project result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; religious uses or tribal cultural resources?</p>	<p>Future development at rezone sites A, D, S, and U and all of the vacant and underutilized sites have a potential for subsurface archaeological deposits to be encountered during ground disturbance. Impacts to archaeological resources associated with future discretionary projects within the Housing Sites would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for archaeological resources. The City's General Plan Mitigation Monitoring Program is incorporated by reference.</p> <p>However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for archaeological resources since no discretionary review would be required. Impacts to archaeological resources associated with future ministerial development within the Housing Sites would be potentially significant.</p>	<p>CUL-1: Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts to archaeological resources. The objective standards shall require applicants to provide a study by a qualified archaeologists assessing the significance of any known archaeological resources on or next to each respective development site; and assessing the sensitivity of sites for buried archaeological resources. On properties where resources are identified, or that are determined to be moderately to highly sensitive for buried archaeological resources, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified cultural preservation expert. The mitigation plan shall include the following requirements:</p> <ol style="list-style-type: none"> <li>a. An archaeologist shall be retained for the project and will be on call during grading and other significant ground-disturbing activities.</li> <li>b. Should any cultural/scientific resources be discovered, no further grading shall occur in the area of the discovery until the</li> </ol>	<p>Implementation of CUL-1 would reduce impacts to a level less than significant.</p>

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Summary of Environmental Impacts

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
		<p>Community Development Director concurs in writing that adequate provisions are in place to protect these resources.</p> <p>c. Unanticipated discoveries shall be evaluated for significance by an Orange County Certified Professional Archaeologist. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; submit materials to the California State University Fullerton; and provide a comprehensive final report including appropriate records for the California Department of Parks and Recreation (Building, Structure, and Object Record; Archaeological Site Record; or District Record, as applicable).</p>	
<p>Would the project result in the disturbance of any human remains, including those interred outside of formal cemeteries?</p>	<p>There are no known burial sites or cemeteries within the project areas. However, human habitation in coastal Orange County is known to date to approximately 9,000 years ago. In the unlikely event that human remains are discovered, then the provisions set forth in California PRC Section 5097.98 and state Health and Safety Code Section 7050.5 would be implemented in consultation with the assigned MLD as identified by the NAHC. No further construction activities would be permitted until the coroner is contacted, as well as any applicable Native American tribes. The City shall be required to comply with the California Native American Graves Protection and Repatriation Act (2001), the federal Native American Graves Protection and Repatriation Act (1990), as well as AB 52 early consultation requirements. As regulations are in place to treat any inadvertent uncovering of human remains during grading, impacts to human remains would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, features, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <ul style="list-style-type: none"> <li>Listed or eligible for listing in the CRHR, or in a local register or</li> <li>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set form in subdivision c of PRC Section 5024.1?</li> </ul>	<p>Although the City did not receive any requests for consultation or comments, the potential to uncover buried tribal cultural resources exists where development would disturb native soils. Therefore, potential direct and/or indirect impacts to existing tribal cultural resources would be potentially significant.</p>	<p>Implementation of CUL-1, along with AB-52 consultation early during the development review process for future discretionary development, would minimize potentially significant impacts on tribal cultural resources.</p>	<p>Implementation of CUL-1, along with AB-52 consultation early during the development review process for future discretionary development, would ensure impacts on tribal cultural resources are reduced to less than significant.</p>



**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
<b>4.5 Geology/Soils</b>			
<p>Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <ul style="list-style-type: none"> <li>• Rupture of a known earthquake fault,</li> <li>• Strong seismic ground shaking,</li> <li>• Seismic-related ground failure, including liquefaction,</li> <li>• Landslides?</li> </ul> <p>or</p> <p>Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p>	<p>For development on Housing Sites that would be approved with a ministerial process, adherence to regulatory requirements including the CBC and SMC requirements for soils engineering/ engineering geology reports and erosion control plans would ensure that future development would not cause substantial adverse effects associated with fault rupture and ground shaking or liquefaction or landslides. Ministerial projects would be required to adhere to all regulations applicable to the site/zone, including Chapter 15.08 (Building Code) and Chapter 15.36 (Grading Ordinance), which include objective standards relating to the elimination or reduction of potential seismic hazards prior to the issuance of permits. Impacts associated with Seismic Hazards and Unstable Geology for ministerial projects would be less than significant.</p> <p>Additionally, development of Housing Sites that would require a discretionary review would be subject to the same regulatory requirements discussed above, in addition to General Plan policies from the Safety Element and Natural Resources Element. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project result in substantial soil erosion or the loss of topsoil?</p>	<p>Adherence to regulatory requirements including preparation of SWPPP and SMC Chapter 15.36 (Grading Ordinance) would ensure that both future ministerial and discretionary development within the Housing Sites would not result in substantial soil erosion or the loss of topsoil. Impacts associated with soil erosion would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</p>	<p>Adherence to CBC requirements as adopted by the City (SCMC Section 15.36.180) would ensure that future development would not create substantial direct or indirect risks associated with expansive soils. Additionally, future discretionary projects would be required to comply with General Plan Safety Element policies. Impacts would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</p>	<p>None of the Housing Sites would utilize septic tanks or alternative waste water disposal systems. No impact would occur.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</p>	<p>Impacts to paleontological resources associated with future discretionary projects within the Housing Sites would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for paleontological resources. The City's General Plan Mitigation Monitoring Program is incorporated by reference.</p> <p>However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for paleontological resources since no discretionary review would be required. Impacts to paleontological resources associated with future ministerial development within the Housing Sites would be potentially significant.</p>	<p>PAL-1: Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts to paleontological resources. The objective standards shall require applicants to provide information to the City regarding the paleontological sensitivity of the site. On properties determined to be moderately to highly sensitive for paleontological resources where grading would disturb sensitive formations, the ordinance shall require implementation of a mitigation plan with the following requirements:</p> <ol style="list-style-type: none"> <li>a. A paleontologist shall be retained for the project and will be on call during grading and other significant ground-disturbing activities.</li> </ol>	<p>With implementation of PAL-1, impacts to paleontological resources from ministerial projects would be less than significant.</p>

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Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
		<p>b. Should any potentially significant fossil resources be discovered, no further grading shall occur in the area of the discovery until the Community Development Director concurs in writing that adequate provisions are in place to protect these resources.</p> <p>c. Unanticipated discoveries shall be evaluated for significance by an Orange County Certified Professional Paleontologist. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; submit materials to the California State University Fullerton; and provide a comprehensive final report, including catalog with museum numbers.</p>	
4.6 Greenhouse Gas Emissions			
<p>Would the project result in GHG emissions that may have a significant impact on the environment?</p>	<p>The adoption of the Housing Element sites inventory would result in an increase in GHG emissions that exceed the 2017 Scoping Plan efficiency metrics and would result in an increase in VMT, resulting in a significant impact. While future discretionary housing development will undergo a future site-specific environmental review that would identify specific measures to reduce GHG emissions to the extent feasible, implementation of specific measures is not guaranteed to reduce the significance of impacts. Further, ministerial development would not be subject to a future discretionary review. Despite the City's continued implementation of the CAP and SAP, impacts related to GHG emissions would be significant.</p>	<p>GHG-1: Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone to ensure a reduction in GHG emissions. Objective standards may include but are not limited to implementation of applicable General Plan polices that would support multi-modal transportation improvements, implementation of applicable CAP and/or SAP measures, implementation of TDM measures, and/or providing energy efficiency in exceedance of exiting codes.</p>	<p>No additional measures beyond compliance with existing General Plan policies, SCMC, and continued implementation of the City's CAP and SAP are available that would reduce impacts associated with GHG emissions for discretionary projects. Implementation of GHG-1 would support GHG reductions for future ministerial development, but the effectiveness of measures to reduce GHG emissions to below applicable thresholds cannot be known at this program level of review. Impacts would remain significant and unavoidable.</p>
<p>Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs.</p>	<p>Development at the Housing Sites would increase GHG emissions and VMT in the City. Because of this and the resultant conflict with GHG emissions reduction plans detailed above, impacts would be significant. While future discretionary housing development will undergo a future site-specific environmental review that would identify specific measures to reduce GHG emissions to the extent feasible, implementation of specific measures is not guaranteed to reduce the significance of impacts and policy inconsistencies would remain. Further, ministerial development would not be subject to a future discretionary review. Despite the City's continued implementation of the CAP and SAP, impacts related to GHG emissions would be significant.</p>	<p>To minimize potentially significant impacts related to GHG emissions associated with future ministerial development at the Housing Sites and increase policy consistency, mitigation measure GHG-1 would be implemented.</p>	<p>No additional measures beyond compliance with existing General Plan policies, SCMC, and continued implementation of the City's CAP and SAP are available that would reduce impacts associated with GHG emissions for discretionary projects. Implementation of GHG-1 would support GHG reductions for future ministerial development, but the effectiveness of measures to reduce GHG emissions and increase policy consistency to below applicable thresholds cannot be</p>

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Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
			known at this program level of review. Impacts would remain significant and unavoidable
<b>4.7 Hazards and Hazardous Materials</b>			
<p>Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</p> <p>or</p> <p>Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p> <p>or</p> <p>Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</p>	<p>Development of the Housing Sites could result in the need to transport, use, or dispose of common hazardous materials. Regulated substances are not anticipated to be involved with development of future housing; however, potential future commercial uses associated with a mixed-use development could handle hazardous substances that are regulated by federal, state and local regulations. Both ministerial and discretionary development on Housing Sites would be subject to extensive regulatory requirements including SCMC Chapter 8.36 (Hazardous Materials), the CalARP program, and other federal and state regulations relating to hazardous materials management and the SCMC requirements for the preparation and filing of MSDS consistent with state laws. Applicable General Plan policies are implemented citywide and would further serve to minimize potential adverse effects for hazardous materials use in the City. Impacts associated with transport, use, disposal, or release of hazardous materials for ministerial projects would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than significant</p>
<p>Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?</p>	<p>Future discretionary development at Housing Sites would be subject to an environmental review under CEQA that would ensure site-specific evaluation of individual sites to ensure no hazardous conditions are present or if present, measures are taken to minimize risk. Therefore, impacts related to hazardous material sites at Housing Sites that are processed with a discretionary permit would be less than significant. However, development at Housing Sites may also process with a ministerial action in certain circumstances. As there is no requirement to investigate the potential for hazardous conditions as part of a ministerial process and development may occur on sites with historic uses that could have resulted in a release of hazardous substances, impacts related to ministerial development would be significant.</p>	<p>HAZ-1: Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts to potential contaminated sites. The objective standards shall require applicants to provide a Phase I Environmental Site Assessment in order to ascertain the potential for historic contamination that could pose a human health risk for future development. If warranted by the Phase I and Phase II investigation (if needed), the applicant shall implement measures to remediate risk under the oversight of the County of Orange, Local Oversight Program.</p>	<p>With implementation of HAZ-1, impacts related to hazardous material sites associated with future ministerial projects would be less than significant.</p>
<p>Would the project be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?</p>	<p>The City is not located within an ALUCP or within two miles of a public airport or public use airport.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p>	<p>Although development at the Housing Sites could increase population and increase demand on emergency response and evacuation, the Housing Sites are located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Development at the Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not include any</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>

**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
	features that would prevent continued implementation of these plans. Additionally, applicable General Plan policies would continue to be implemented to ensure adequate Citywide emergency response and preparedness. New Safety Element Policy S-3.06 would additionally support coordinated planning with the Orange County Sheriff's Department regarding emergency evacuation routes. Impacts of the project related to evacuation and emergency plans would be less than significant.		
Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	Although development at the Housing Sites could increase population and increase demand on emergency response and evacuation, the Housing Sites are located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Development at the Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. Additionally, applicable General Plan policies would continue to be implemented to ensure adequate Citywide emergency response and preparedness. New Safety Element Policy S-3.06 would additionally support coordinated planning with the Orange County Sheriff's Department regarding emergency evacuation routes. Impacts of the project related to evacuation and emergency plans would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
<b>4.8 Hydrology/Water Quality</b>			
Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.  or  Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	While development of the Housing Sites has the potential to increase pollutants discharged into surface waters, all future development would be subject to federal, state, and local regulations aimed at controlling water quality impacts. Both discretionary and ministerial development would be required to adhere to regulatory requirements including MS4 requirements, SCMC Chapters 13.40 (Stormwater Runoff Control), and Chapter 15.36 (Grading Ordinance), which include requirements to ensure storm water runoff is captured and treated and erosion control measures are implemented. Impacts associated with water quality would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.  or  Would the project substantially degrade groundwater quality or obstruct implementation of a sustainable groundwater management plan?	Both redevelopment and new development on vacant sites would be required to comply with applicable storm water management requirements which focuses on retention and infiltration of waters on-site. Based on the location of development at Housing Sites and applicable stormwater regulations that would prioritize infiltration, the project would not substantially interfere with groundwater recharge such that the project would impede sustainable groundwater management of the basin. Furthermore, construction of housing within existing parking areas at commercial sites would ultimately include landscaping and would be required to comply with the latest stormwater management requirements which would enhance infiltration compared to the regulations that were in place when existing development was constructed. While the City does not have a groundwater management plan as one is not required for the City's groundwater basins under the Sustainable Groundwater Management Act, the project would not obstruct implementation of ongoing sustainable use of the City's groundwater resources. Impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream	While development of the Housing Sites has the potential to alter drainage patterns resulting in increased erosion, stormwater runoff and otherwise impact the existing drainage system, all future development would be subject to federal, state, and local regulations aimed at reducing polluted storm water and avoiding overloading the City's drainage system. Both	Impacts would be less than significant. No mitigation is required.	Less than Significant

**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
<p>or river or through the addition of impervious surfaces, in a manner which would:</p> <ul style="list-style-type: none"> <li>i) result in a substantial erosion or siltation on- or off-site;</li> <li>ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</li> <li>iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</li> <li>iv) impede or redirect flood flows.</li> </ul>	<p>ministerial and discretionary development would be required to adhere to regulatory requirements including SCMC Chapter 13.40 (Stormwater Runoff Control) which includes requirements for the elimination or reduction of storm water run-off. Impacts associated with drainage patterns and storm water runoff would be less than significant.</p>		
<p>In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation.</p>	<p>Future development of the Housing Sites would be required to conform to applicable federal, state, and City regulatory standards to effectively avoid and/or address potential impacts associated with development in flood zones. Housing Sites are not within an area anticipated to be adversely affected by tsunami. Implementation of all regulatory requirements would ensure that impacts related to flood hazards would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p><b>4.9 Land Use and Planning</b></p>			
<p>Would the project physically divide an established community?</p>	<p>None of the Housing Sites would require any new major infrastructure or improvements that could physically divide an established community. Therefore, the project would not physically divide an established community, and impacts would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact?</p>	<p>Policy consistency review associated with future discretionary development at Housing Sites would ensure no conflict would occur related to policies or regulations adopted for the purpose of mitigating an environmental impact. Additionally, future discretionary projects would be subject to implementation of the City's General Plan Mitigation Monitoring Requirements to ensure environmental impacts are minimized. The City's General Plan Mitigation Monitoring Program is incorporated by reference. Environmental impacts associated with policy consistency for future discretionary development at the Housing Sites would be less than significant.</p> <p>However, future development that is allowed to proceed with a ministerial approval would not be subject to an extensive policy review for consistency with General Plan policies and/or other applicable plans. Absent this discretionary review, environmental impacts associated with future ministerial development at the Housing Sites related to policy inconsistency would be significant.</p>	<p>Throughout this EIR, mitigation measures have been identified that would require the City to adopt objective standards that could apply to future ministerial approvals. Incorporation of these mitigation measures would minimize adverse environmental impacts associated with future ministerial development at the Housing Sites and associated conflicts with policies adopted for the purpose of avoiding or mitigating an environmental impact. Although the mitigation measures in this EIR would reduce environmental impacts associated with policy consistency to the extent feasible, it cannot be ensured that all potential environmental impacts related to land use consistency can be avoided.</p>	<p>Impacts would remain significant and unavoidable.</p>
<p><b>4.10 Noise</b></p>			
<p>Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>	<p>a. Vehicle Traffic Noise</p> <p>Increase in Ambient Noise: The project-related increase in ambient noise levels over the existing condition would be less than 5 dB adjacent to all roadway segments. Thus, impacts associated with the increase in ambient noise would be less than significant.</p>	<p>a. Vehicle Traffic Noise</p> <p>Increase in Ambient Noise: Impacts would be less than significant. No mitigation is required.</p> <p>Land Use Compatibility:</p>	<p>a. Vehicle Traffic Noise</p> <p>Increase in Ambient Noise. Less than significant.</p> <p>Land Use Compatibility: With implementation of mitigation measure NOS-1, impacts associated</p>

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Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
	<p>Land Use Compatibility: Future development at the Housing Sites could expose sensitive receivers to exterior noise levels that exceed 65 CNEL. Any siting of new noise-sensitive land uses within a noise environment that exceeds the normally acceptable land use compatibility criterion represents a potentially significant impact. For discretionary projects, potential exposure of sensitive receivers from exterior noise levels would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for noise. The City's General Plan Mitigation Monitoring Program is incorporated by reference.</p> <p>However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for noise since no discretionary review would be required. Impacts related to exposure of sensitive receivers to exterior noise levels in excess of standards associated with future ministerial development within the Housing Sites would be potentially significant.</p> <p>b. Railroad Noise Railroad noise levels are projected to be less than 60 CNEL at all of the proposed house element sites. Railroad noise levels would not exceed a normally acceptable compatibility level of 65 CNEL, and impacts due to railroad activity would be less than significant.</p> <p>c. Stationary Noise The City requires that noise from new stationary sources comply with the City's Noise Ordinance, which limits the acceptable noise at the property line of an impacted property to reduce nuisances to sensitive land uses. With enforcement of the Noise Ordinance, noise impacts associated with stationary sources of noise would be less than significant.</p> <p>d. Construction Noise Future development at the Housing Sites would temporarily increase the ambient noise environment in the vicinity of each individual project. Because construction activities associated with any individual development may occur near noise-sensitive receptors and depending on the project type, noise disturbances may occur for prolonged periods of time, resulting in a significant impact. For discretionary projects, potential increases in ambient noise near sensitive receptors would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for noise. The City's General Plan Mitigation Monitoring Program is incorporated by reference.</p> <p>However, development on sites that would be allowed with a ministerial approval would not require discretionary review which could result in the inability to reduce construction level noise to less than significant levels. Impacts related to potential increases in ambient noise near sensitive receptors associated with future ministerial development within the Housing Sites would be potentially significant.</p>	<p>The following mitigation measure would address potentially significant impacts related to land use compatibility criteria associated with future ministerial development within the Housing Sites.</p> <p>NOS-1: Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts related to noise. The objective standards shall require that prior to the issuance of building permits for any project that involves a noise-sensitive use within the 65 CNEL contour (i.e., areas in or above 65 CNEL) along major roadways and freeways, the project property owner/developers shall retain an acoustical engineer to conduct an acoustic analysis and identify, where appropriate, site design features (e.g., setbacks, berms, or sound walls), and/or required building acoustical improvements (e.g., sound transmission class rated windows, doors, and attic baffling) to ensure compliance with the City's Noise Compatibility Criteria and the California State Building Code and California Noise Insulation Standards (California Code of Regulations) exterior and interior noise level requirements of 65 and 45 CNEL, respectively. Noise reduction techniques may include, but are not limited to: (1) construction of noise barriers that are free of gaps, obstructs line-of-sight between the source and receiver, and has a weight of at least 2 pounds per square foot; (2) incorporation of sound-resistant windows and doors; (3) or other noise reduction technique as applicable.</p> <p>b. Railroad Noise Impacts would be less than significant. No mitigation is required.</p> <p>c. Stationary Noise Impacts would be less than significant. No mitigation is required.</p> <p>d. Construction Noise The following mitigation measure would address potentially significant impacts related to construction noise associated with future ministerial development within the Housing Sites.</p> <p>NOS-2: Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts related to construction noise. The objective standards shall require construction activities located near sensitive receptors to incorporate noise reducing measures as needed to ensure compliance with</p>	<p>with land use noise compatibility from ministerial projects would be less than significant.</p> <p>b. Railroad Noise Less than significant.</p> <p>c. Stationary Noise Less than significant.</p> <p>d. Construction Noise Implementation of the requirements specified in mitigation measure NOS-2 would reduce construction noise exposure. However, for construction sites that are adjacent to noise-sensitive uses, there still could be a substantial temporary increase in noise levels that could lead to adverse noise-related impacts. Therefore, impacts would remain significant and unavoidable.</p>

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Summary of Environmental Impacts

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
		<p>Section 15.36 of the SCMC (Excavations and Grading) and to reduce construction noise to the FTA standard of 80 dB(A) <math>L_{eq}</math> at the property line. Measures may include installation of temporary sound barriers for construction activities that occur adjacent to occupied noise-sensitive structures, equipping construction equipment with mufflers, and reducing nonessential idling of construction equipment to no more than five minutes shall be incorporated into the construction operations to reduce construction-related noise to the extent feasible. Noise reduction measures can include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Demolition, construction, site preparation, and related activities that would generate noise perceptible at the property line of the subject property are limited to the hours between 7:00 a.m. to 6:00 p.m. from Monday through Friday and from 8:00 a.m. to 6:00 p.m. on Saturdays, excluding City-recognized holidays. Additionally, Section 15.26, states that grading and equipment operations within one-half mile of a structure for human occupancy shall not be conducted between the hours of 5:30 p.m. and 7:30 a.m. nor on Saturdays, Sundays and City-recognized holidays. The building inspector may issue an exception to this limitation on hours in cases of urgent necessity where the public health and safety will not be substantially impaired.</li> <li>2. Idling times for noise-generating equipment used in demolition, construction, site preparation, and related activities shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.</li> <li>3. Demolition, construction, site preparation, and related activities within 100 feet from the edge of properties with existing, occupied noise-sensitive uses shall incorporate all feasible strategies to reduce noise exposure for noise-sensitive uses, including: <ol style="list-style-type: none"> <li>a. Provide written notice to at least two weeks prior to the start of each construction phase of the construction schedule;</li> <li>b. Ensure that construction equipment is properly maintained and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications;</li> <li>c. Re-route construction equipment away from adjacent noise-sensitive uses;</li> <li>d. Locate noisy construction equipment away from surrounding noise-sensitive uses;</li> <li>e. Use sound aprons or temporary noise enclosures around noise-generating equipment;</li> </ol> </li> </ol>	

**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
		<ul style="list-style-type: none"> <li>f. Position storage of waste materials, earth, and other supplies in a manner that will function as a noise barrier for surrounding noise-sensitive uses;</li> <li>g. Use the quietest practical type of equipment;</li> <li>h. Use electric powered equipment instead of diesel or gasoline engine powered equipment;</li> <li>i. Use shrouding or shielding and intake and exhaust silencers/mufflers; and</li> <li>j. Other effective and feasible strategies to reduce construction noise exposure for surrounding noise-sensitive uses.</li> </ul> <p>4. For construction of buildings that require the installation of piles, an alternative to installation of piles by hammering shall be used. This could include the use of augured holes for cast-in-place piles, installation through vibration or hydraulic insertion, or another low-noise technique.</p>	
<p>Would the project result in generation of excessive groundborne vibration or ground borne noise levels?</p>	<p>a. Construction Construction details, locations, and equipment for future project-level developments under the project are not known at this time but may cause vibration impacts. For discretionary projects, potential vibration impacts would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for noise. The City's General Plan Mitigation Monitoring Program is incorporated by reference.</p> <p>However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for noise since no discretionary review would be required. Impacts related to vibration associated with future ministerial development within the Housing Sites would be potentially significant. Therefore, construction vibration impacts associated with future ministerial development would be considered potentially significant.</p> <p>b. Railroad For Category 2 land uses such as residences and buildings where people would normally sleep, the screening distance is 200 feet. The potential housing site located closest to the railroad tracks is more than 350 feet from the tracks. There are no potential housing sites located within 200 feet of the railroad tracks. Therefore, vibration impacts due to railroad activity would be less than significant.</p> <p>c. Operations Future development at the Housing Sites would include residential and retail land uses. Residential developments and retail uses do not typically include sources of substantial groundborne noise or vibration. Therefore, future development at the Housing Sites would not generate excessive groundborne noise or vibration, and impacts would be less than significant.</p>	<p>a. Construction The following mitigation measure would address potentially significant impacts related to construction vibration associated with future ministerial development within the Housing Sites,</p> <p>NOS-3: Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts related to noise. The objective standards shall require that prior to issuance of a building permit for a project requiring pile driving during construction within 135 feet of fragile structures, such as historical resources, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or within 75 feet of engineered concrete and masonry (no plaster); or a vibratory roller within 25 feet of any structure, the project applicant shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed Federal Transit Administration (FTA) architectural damage thresholds (e.g., 0.12 inches per second [in/sec] peak particle velocity [PPV] for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving and static rollers as opposed to vibratory rollers shall be used. If necessary, construction vibration monitoring shall be conducted to ensure vibration thresholds are not exceeded.</p>	<p>a. Construction With implementation of mitigation measure NOS-3, impacts would be reduced to less than significant.</p> <p>b. Railroad Impacts would be less than significant. No mitigation is required.</p> <p>c. Operations Impacts would be less than significant. No mitigation is required.</p>



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Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
		b. Railroad Impacts would be less than significant. No mitigation is required.  c. Operations Impacts would be less than significant. No mitigation is required.	
Would the project be located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and expose people residing or working in the area to excessive noise levels?	The closest airport to the project site is John Wayne Airport, approximately 25 miles northwest of the project site. The Marine Corps Air Station at Camp Pendleton is 14 miles from the City's boundary. The Southern California Edison San Onofre Nuclear Generating Station Mesa Heliport is 0.5 mile from the City's boundary. Aircraft overflights may be sporadically heard, but no portions of the City are within an airport influence area or within the Camp Pendleton projected aircraft noise zones (City of San Clemente 2013). Additionally, as stated in Safety Element Policy S-4.07, the City collaborates with Camp Pendleton to minimize the impacts of noise- or vibration-inducing activities on San Clemente residents and to inform the community in advance when such activities will be conducted. No portions of the City are within the 65 CNEL noise contours of any airport. Implementation of the project would not expose noise-sensitive land uses to incompatible levels of aircraft noise. Impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than significant
<b>4.11 Population/Housing</b>			
Would the project induce substantial unplanned population growth in an area, either directly ((for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	The project would allow for development of residential units to meet the City's future housing needs identified in the 2020 RTP/SCS. All future development at Housing Sites would be located in areas that are already served by infrastructure and would be reviewed by the appropriate service or utility provider in conjunction with their application to ensure adequate services and utilities are available. Although additional density would be accommodated by the project and programs would be implemented to facilitate additional housing production, the planned housing is intended to meet existing demand and comply with state law. Therefore, the project would not induce substantial unplanned population growth in an area, either directly or indirectly, and impacts would be less than significant.	Impacts would be less than significant. No mitigation would be required.	Less than significant
Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Implementation of the Housing Element would result in an increase in housing units in the City. Although implementation of multi-family housing at two sites with residential structures would displace existing housing; replacement housing would expand opportunities for housing in the City by providing increased density at redeveloped sites. Therefore, the project would not displace substantial numbers of existing housing or people, and impacts would be less than significant.	Impacts would be less than significant. No mitigation would be required.	Less than significant
<b>4.12 Public Services and Recreation</b>			
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Fire Protection: Development at the Housing Sites would not directly result in sufficient demand to require construction of new fire facilities, since each incremental housing development would pay its fair share toward anticipated fire facility needs. Construction of any future fire facilities would be under a separate environmental review and approval. Project impacts associated with construction of fire protection facilities would be less than significant.  Police Protection: Development at the Housing Sites would not directly result in sufficient demand to require construction of new police facilities, since each incremental housing development would pay	Impacts would be less than significant. No mitigation is required.	Less than Significant

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Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
<ul style="list-style-type: none"> <li>• Fire Protection;</li> <li>• Police Protection;</li> <li>• Schools;</li> <li>• Parks/Recreational Facilities</li> <li>• Other Public Facilities?</li> </ul>	<p>its fair share toward anticipated facility needs. Construction of any future police facilities would under a separate environmental review and approval. Project impacts associated with construction of police protection facilities would be less than significant.</p> <p>Schools: Development at the Housing Sites would not directly result in sufficient demand to require construction of new school facilities, since each incremental housing development would pay its fair share toward anticipated facility needs. Construction of any future school facilities would under a separate environmental review and approval. Payment of CUSD fees consistent with SB 50 and would ensure that impacts associated with construction of schools would be less than significant.</p> <p>Other Public Facilities: Development at the Housing Sites would not directly result in sufficient demand to require construction of new library facilities, since each incremental housing development would pay its fair share toward anticipated library facility needs. Construction of any future library facilities would under a separate environmental review and approval. Project impacts associated with construction of libraries would be less than significant.</p>		
<p>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</p> <p>or</p> <p>Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</p>	<p>Development at the Housing Sites would not directly result in sufficient demand to require construction of new park facilities, since each incremental housing development would pay its fair share toward anticipated park needs. Construction of any future parks would be under a separate environmental review and approval. Impacts associated with park and recreation facilities would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<b>4.14 Transportation</b>			
<p>Would the project conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?</p>	<p>Adoption of the Housing and Safety elements would not physically impact any existing roadway, pedestrian, bicycle, or transit facilities. Future site-specific projects at Housing Sites would be subject to an engineering and design review that would ensure consistency with applicable policies related to transit, roadway, bicycle, and pedestrian facilities. Therefore, the project would not conflict with a plan, ordinance, or policy addressing the circulation system, and impacts would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?</p>	<p>Future development of the project in conjunction with buildout of the City's General Plan land use map and transportation network would change the Citywide VMT efficiency to 29.5 compared to 30.0 under the Base Year (2016), representing a slight increase in VMT efficiency with the project. However, this VMT efficiency of 29.5 with the project represents 158 percent of the regional average for Orange County. Therefore, projected VMT generated under buildout of the project would exceed the 85 percent threshold and would be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). This would be considered a significant impact.</p>	<p>TRA-1: VMT Reduction</p> <p>Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that requires implementation of TDM measures consistent with Mobility Element Policy 1.21 to reduce single-occupant vehicles, and encourage alternative modes of</p>	<p>While TRA-1 would minimize VMT impacts associated with future development at the Housing Sites, impacts would not be fully mitigated. Therefore, impacts associated with VMT would remain significant and Unavoidable.</p>

**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
		transportation such as biking, walking, or taking transit. A list of potential TDM measures is provided below: <ul style="list-style-type: none"> <li>• Increase transit accessibility</li> <li>• Provide pedestrian network improvement along project frontage</li> <li>• Provide bicycle network improvement along project frontage</li> <li>• Provide bicycle parking and bike lockers</li> <li>• Implement subsidized or discounted transit passes</li> <li>• Provide rider-sharing programs</li> <li>• Implement commute trip reduction marketing</li> <li>• Implement school pool program</li> <li>• Implement bike-sharing or micro mobility program</li> </ul> Additional measures can be found in the California Air Pollution Control Officers Association Quantifying Greenhouse Gas Mitigation Measures report.	
Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	The project does not propose any changes to the existing roadway network. Future site-specific development would be designed consistent with established roadway design standards. Therefore, the project would not substantially increase hazards, and impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project result in inadequate emergency access?	The project does not propose any changes to the existing roadway network. Access for future site-specific development to the existing roadway network would be configured consistent with established roadway design standards that would allow for emergency access. The City would continue to implement the Multi-Hazard Emergency Plan to ensure adequate emergency access within the City. Therefore, the project would not result in inadequate emergency access, and impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
<b>4.14 Public Utilities</b>			
Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	a. Water Development anticipated in the Housing Element sites inventory and potential rezone sites would occur within areas of the City that are already served by existing water utility infrastructure. Although future housing sites would require connection to these existing facilities, water utility infrastructure improvements and relocations would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Impacts would be less than significant.  b. Wastewater Development anticipated in the Housing Element sites inventory and potential rezone sites would occur within areas of the City that are already served by existing water utility infrastructure. Although future housing sites would require connection to these existing facilities, wastewater utility infrastructure improvements and relocations would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes	Impacts would be less than significant. No mitigation is required.	Less than Significant

**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
	<p>objective standards and requirements to reduce physical impacts to the extent feasible. Impacts would be less than significant.</p> <p>c. Stormwater Development anticipated in the Housing Element sites inventory and potential rezone sites would occur within areas of the City that are already served by existing stormwater infrastructure. Although future housing sites would require connection to these existing facilities, stormwater infrastructure improvements would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible.</p> <p>As described in Section 4.8.7.1 (c) of this EIR, the City implements Public Services, Facilities and Utilities Element policies which require ongoing review and updating of the City Drainage Master Plan study in order to identify any deficiencies and needed improvements in the drainage system (Policy PSFU-6.02) and requires that adequate storm drain and flood control facilities be constructed coincident with new development (Policy PSFU-6.03). Impacts would be less than significant.</p> <p>d. Electric Power, Natural Gas, and Telecommunications Development anticipated in the Housing Element sites inventory and potential rezone sites would occur within areas of the City that are already served by existing electrical, natural gas, and telecommunications utility infrastructure. Although future housing sites would require connection to these existing facilities, utility infrastructure improvements and relocations would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Impacts would be less than significant.</p>		
<p>Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</p>	<p>The City's UWMP anticipates that it would be able to acquire necessary water supplies to meet demand through 2045. Future residential uses anticipated in the Housing Element sites inventory and potential rezone sites would accommodate future population growth within the City anticipated by SCAG and would not introduce additional housing beyond what is projected. Therefore, the project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years, and impacts would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</p>	<p>The project would facilitate housing production that has been anticipated by the City in its wastewater infrastructure planning. Increased demand for wastewater treatment would result from new development, but it would be consistent with wastewater treatment demand anticipated by service providers. There is adequate capacity to serve the projected wastewater treatment demand in addition to existing commitments. Impacts would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise</p>	<p>Adequate landfill capacity exists to serve the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites, and the City would continue to implement General Plan policies to reduce amount of material disposed at landfills in the future. Therefore, the project would not generate solid waste in</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>

**Table S-1  
Summary of Environmental Impacts**

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
<p>impair the attainment of solid waste reduction goals?</p> <p>or</p> <p>Would the project comply with federal, state, or local management and reduction statutes and regulations related to solid waste?</p>	<p>excess of state or local standards, or in excess of the capacity of local infrastructure, and would comply with federal, state, or local management and reduction statutes and regulations related to solid waste, and impacts related to solid waste would be less than significant.</p>		
<b>4.15 Wildfire</b>			
<p>Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?</p>	<p>Although development at the Housing Sites could increase population and increase demand on emergency response and evacuation, the Housing Sites are located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Development at the Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. Additionally, applicable General Plan policies would continue to be implemented to ensure adequate Citywide emergency response and preparedness. New Safety Element Policy S-3.06 would additionally support coordinated planning with the Orange County Sheriff's Department regarding emergency evacuation routes. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</p>	<p>Development of the Housing Sites, especially within or adjacent to VHFHSZ, could result in impacts related to wildfire. Future ministerial and discretionary development at Housing Sites would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the SCMC, fire and building codes, and requirements from the fire chief that would be identified during future building permit reviews. Additionally, implementation of the City's General Plan Safety Element policies supports implementation of measures that will enhance wildfire safety. Therefore, the project would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and impacts for both ministerial and discretionary development on Housing Sites would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>
<p>Would the project 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 may result in temporary or ongoing impacts to the environment?</p>	<p>Future ministerial and discretionary development at Housing Sites and associated infrastructure would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the SCMC, fire and building codes, and requirements from the fire chief that would be identified during future building permit reviews. All impacts associated with infrastructure improvements including any required measures to address fire safety would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Therefore, the project would not exacerbate fire risk or result in temporary or ongoing impacts on the environment. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.</p>	<p>Impacts would be less than significant. No mitigation is required.</p>	<p>Less than Significant</p>

Table S-1  
Summary of Environmental Impacts

Threshold	Impact Discussion	Mitigation Measure	Significance After Mitigation
Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Development of future Housing Sites would be required to comply with applicable regulations and policies related to flooding, drainage patterns, and landslides. Therefore, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, and impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant

# Chapter 1

## Introduction

### 1.1 Type of EIR

This Program Environmental Impact Report (PEIR; State Clearinghouse House [SCH] No. 2021020256) has been prepared consistent with Section 15168 of the California Environmental Quality Act (CEQA) Guidelines to address potential environmental effects associated with implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). Additionally, the PEIR evaluates potential future rezones necessary to satisfy the City's Regional Housing Needs Assessment (RHNA). In addition to adoption of the Housing and Safety Elements, the PEIR includes analysis of future actions to be taken by the City to ensure consistency between the rezones and the City's General Plan, Zoning Code, and Specific Plans and to comply with state housing goals to allow residential use and density by-right without discretionary review and remove governmental constraints to housing. Specific actions are specified in the Project Description, Section 3.5.

As described in Section 15168 of the CEQA Guidelines, program-level environmental review documents are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria. The project which is the subject of this PEIR consists of long-term plans that will be implemented as policy documents guiding future development activities and related City actions. The purpose of this PEIR is intended to inform decision-makers and the general public of the potential significant environmental impacts of the project. This PEIR also considers the availability of mitigation measures to minimize the project's significant impacts and evaluates reasonable alternatives to the project that may reduce or avoid one or more significant environmental effects.

### 1.2 List of Project Approvals

The project would require Planning Commission recommendation and City Council approval of the following two project components:

- Housing Element Update
- Safety Element Update

In addition to the adoption of the Housing and Safety Element Updates, the City will implement actions at a future date that are analyzed in this environmental document, including:

- Amend the General Plan Land Use Element for conformance.
- Amend the Zoning Code.
- Rezone the properties ultimately selected to meet RHNA obligations.
- Rezone to establish a Housing Overlay over select properties that will be allowed to process ministerially if a 20 percent affordable component is provided (low or very low income).

## **1.3 PEIR Purpose and Legal Authority**

### **1.3.1 PEIR Purpose**

In accordance with CEQA Guidelines Section 15121, the purpose of this PEIR is to provide public agency decision-makers and members of the public with detailed information about the potential significant environmental effects of the project, possible ways to reduce its significant effects, and reasonable alternatives that would reduce or avoid identified significant effects.

### **1.3.2 PEIR Legal Authority**

This PEIR has been prepared by the City as lead agency, in compliance with the criteria, standards, and procedures of CEQA of 1970 as amended (Public Resources Code, Section 21000 et seq.), and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.). The City is the lead agency for the project, pursuant to Article 4 (Sections 15050 and 15051) of the CEQA Guidelines. The lead agency, as defined by CEQA Guidelines Section 15367, is the public agency that has the principal responsibility and authority for carrying out or approving a project. As lead agency, the City conducted a preliminary review of the project and determined that a PEIR was required. The analysis and findings in this PEIR reflect the independent, impartial conclusions of the City.

## **1.4 Responsible and Trustee Agencies**

In accordance with CEQA, this PEIR is prepared for review and use by Responsible and Trustee state agencies. Responsible Agencies are defined in CEQA Guidelines Section 15381 as those agencies that have discretionary authority over one or more actions involved with project implementation. Trustee Agencies are defined by CEQA Guidelines Section 15386 as state agencies that have jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California. A brief description of some of the primary Responsible or Trustee Agencies that may have an interest in the project is provided below.

### **1.4.1 U.S. Army Corps of Engineers**

The United States Army Corps of Engineers (USACE) has jurisdiction over development in or affecting the navigable waters of the United States. All permits issued by the USACE are subject to consultation and/or review by the United States Fish and Wildlife Service (USFWS) and the United States Environmental Protection Agency (U.S. EPA). Streambeds and drainages occurring within the footprints of future Housing Sites may contain wetlands, which may be classified as jurisdictional waters of the United States. No permits from USACE are required at this time; however, future development that could occur with implementation of the project and associated discretionary actions may require review and/or USACE permits in the future.



## 1.4.2 California Department of Transportation

One California Department of Transportation (Caltrans) facility, Interstate 5 (I-5), traverses the entire length of the City in a north-south direction. No permits from Caltrans are required at this time; however, Caltrans approval would be required for any encroachments or construction of facilities in a Caltrans right-of-way associated with development of future Housing Sites.

## 1.4.3 California Department of Fish and Wildlife

An Agreement Regarding Proposed Stream or Lake Alteration (Streambed Alteration Agreement) with an agency or private party proposing to alter the bed, banks, or floor of any watercourse/stream, is under the authority of the California Department of Fish and Wildlife (CDFW) pursuant to Section 1600 et seq. of the State Fish and Game Code. The purpose of code Sections 1600-1616 is to protect and conserve fish and wildlife resources that could be substantially adversely affected by a substantial diversion or obstruction of natural flow of, or substantial change or use of material from the bed, bank, or channel of, any river, stream, or lake. Streambeds and other drainages occurring within, or adjacent to, the footprints of future Housing Sites that may contain wetlands. No permits from CDFW are required at this time; however, future development that could occur with implementation of the project and associated discretionary actions may require review and/or Streambed Alteration Agreements in the future.

## 1.4.4 California Regional Water Quality Control Board – San Diego Region

The California Regional Water Quality Control Board (RWQCB) – San Diego Region regulates water quality through the Federal Clean Water Act Section 401 certification process and oversees the National Pollutant Discharge Elimination System (NPDES), to protect water resources and control pollutants in runoff. The RWQCB is responsible for implementing permitting, compliance, and other activities to reduce pollutants in municipal, construction, and industrial storm water runoff, including overseeing the Municipal Separate Storm Sewer System (MS4) Permit (R9-2013-0001). No permits from RWQCB are required at this time; however, future development that could occur with implementation of the project and associated discretionary actions may require review and/or Section 401 certifications.

## 1.4.5 California Department of Housing and Community Development

The California Department of Housing and Community Development (HCD) plays the critical role of reviewing every local government's housing element to determine whether it complies with state law and then submits written findings back to each local government. HCD's approval is required before a local government can adopt its housing element as part of its overall General Plan.

## 1.5 PEIR Type, Scope, Organization, and Content

### 1.5.1 Type of PEIR

This EIR has been prepared as a Program EIR or PEIR, as defined in Section 15168 of the CEQA Guidelines. A PEIR is recommended for a series of actions that are related geographically, as logical parts in a chain of contemplated actions, or in connection with the issuance of plans that govern the conduct of a continuing program [per CEQA Guidelines, Section 15168(a)]. The advantages of a PEIR include the ability to provide a more exhaustive consideration of alternatives and cumulative effects than might be possible in a single project-specific PEIR; to avoid duplication of basic policy considerations; and to provide the lead agency with the ability to consider broad program-wide policies and mitigation measures that would apply to future specific projects within the overall program [CEQA Guidelines, Section 15168 (b)].

### 1.5.2 PEIR Scope

The scope of analysis for this PEIR was determined by the City as a result of initial project review, consideration of agency and public comments received in response to the Notice of Preparation (NOP) circulated on February 12, 2021, and a scoping meeting held on February 21, 2021. The NOP and letters received in response are included in Appendix A of this PEIR.

Through these scoping activities and preliminary environmental review process, the project was determined to have the potential to result in the following significant environmental impacts:

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

These issues are evaluated in Chapter 4.0 of this PEIR. Pursuant to CEQA Guidelines Section 15126.6(e)(3)(A), impacts are identified as direct or indirect, short-term or long-term, and assessed on a “plan-to-ground” basis. The “plan-to-ground” analysis addresses the changes or impacts that would result from implementation of the project compared to existing ground conditions. An analysis of the impacts of the project compared to existing adopted plans, a “plan-to-plan” analysis, is presented within Chapter 9.0, Project Alternatives, under the No Project (Adopted Plan) Alternative.

## 1.5.3 PEIR Organization and Content

### 1.5.3.1 Organization and Content

The PEIR has been organized in accordance with the most recent CEQA Guidelines. A brief summary of the organization and content of this PEIR is provided below:

- **Executive Summary** provides a brief description of the project, identification of areas of controversy, a summary of the PEIR analysis, and a summary table identifying significant impacts, proposed mitigation measures, and impact level after mitigation. A summary of the project alternatives and a comparison of the potential impacts of the alternatives with those of the project are also included.
- **Chapter 1.0, Introduction** contains an overview of the legal authority, purpose, and intended uses of the PEIR, as well as its scope and organization. It also provides a discussion of the CEQA environmental review process, including opportunities for public involvement.
- **Chapter 2.0, Environmental Setting** provides a description of the project's regional and local setting including its locational context, existing physical characteristics and land use, available public infrastructure and services, and relationship to other relevant plans.
- **Chapter 3.0, Project Description** provides a detailed description of the project, including the regulatory background, its main objectives, and key features. The discretionary actions required to implement the project are also described.
- **Chapter 4.0, Environmental Analysis** contains an evaluation of potential impacts for the environmental issues identified in the PEIR scope. Each issue evaluation includes discussion of the existing conditions, including the existing regulatory framework, identification of the thresholds and methodology for determining the significance of impacts, an assessment of potential impacts, and an evaluation of the significance of the impacts.
- **Chapter 5.0, Significant Unavoidable Environmental Effects/Significant Irreversible Environmental Changes** discusses the significant unavoidable or irreversible impacts that would occur with project implementation. This chapter also describes the potentially significant irreversible changes that may be expected with implementation of the project and addresses the use of nonrenewable resources during construction and operations of future development.
- **Chapter 6.0, Growth Inducement** evaluates the potential for the project to induce economic or population growth, either directly or indirectly, within the project area and region.
- **Chapter 7.0, Cumulative Impacts** identifies the impacts of the project in combination with other planned and future development in the region.
- **Chapter 8.0, Effects Found Not to be Significant** identifies all of the issues determined in the scoping and preliminary environmental review process to be not significant based on CEQA criteria, and briefly summarizes the basis for these determinations.

- **Chapter 9.0, Alternatives** provides a description and comparative analysis of alternatives to the project, including a No Project (Adopted Plan) Alternative and a Reduced Project Alternative. A summary and tabular comparison of the project and the alternatives is included in Chapter 9.0. Finally, as required by CEQA Guidelines Section 15126.6(e)(2), the PEIR identifies the environmentally superior alternative.
- **Chapter 10.0, References Cited** lists all of the reference materials cited in the PEIR.
- **Chapter 11.0, Individuals and Agencies Consulted** identifies all of the individuals and agencies consulted during preparation of the PEIR.
- **Chapter 12.0, Certification** identifies all of the agencies, organizations, and individuals responsible for the preparation of the PEIR.

### 1.5.3.2 Technical Appendices

Technical appendices, used as a basis for portions of the environmental analysis in the PEIR, have been summarized in the PEIR, and are included as attachments to the PEIR.

### 1.5.3.3 Incorporation by Reference

As permitted by CEQA Guidelines Section 15150, this PEIR has referenced information included in the City's 2014 Centennial General Plan and the associated Mitigation Monitoring Plan and these documents are hereby incorporated by reference. Information from this document has been briefly summarized in this PEIR, and the relationship to this PEIR described, with appropriate references cited in Chapter 10.0, References Cited. The General Plan EIR is available for review at the City Planning Services website and at the Planning Services offices at 910 Calle Negocio, Suite 100, San Clemente, California 92673.

## 1.6 PEIR Intended Use and Review Process

### 1.6.1 PEIR Intended Use

This document is intended to be used by the City, as lead agency, in evaluating the project and to ensure compliance with applicable regulations and mitigation framework included in this PEIR. As a PEIR, this document is intended to be used by the City when taking action on subsequent applications including adoption of rezones and an overlay zone to implement ministerial housing requirements, in addition to consideration of future development within the Housing Sites

### 1.6.2 PEIR Process

The PEIR review and certification process occurs in two basic stages. The first stage is the Draft PEIR, which offers agencies and the public the opportunity to comment on the document. The second stage is the Final PEIR, which provides the basis for approving the project.

### 1.6.2.1 Draft PEIR

In accordance with Sections 15085 and 15087(a)(1) of the CEQA Guidelines, upon completion of the Draft PEIR a Notice of Completion is filed with the State Office of Planning and Research and Notice of Availability of the Draft PEIR is issued in a newspaper of general circulation in the area.

The Draft PEIR is distributed for review to the public and interested and affected agencies for the purpose of providing comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (Section 15204, CEQA Guidelines).

The Draft PEIR and all related appendices are available for review during the public review period at the offices of the City of San Clemente, Planning Division, located at 910 Calle Negocio, 1<sup>st</sup> Floor, San Clemente, California. A copy of the Draft PEIR is also available for review at the San Clemente Public Library, located at 242 Avenida Del Mar, San Clemente, California. The Draft PEIR can also be viewed on the City’s website at:

<https://www.san-clemente.org/departments-services/environmental-documents-for-current-projects>

### 1.6.2.2 Final PEIR

Following public review of the Draft PEIR, the City will provide written responses to comments per CEQA Guidelines Section 15088 and will consider all comments in making its decision whether to certify the Final PEIR. Responses to the comments received during public review, associated revisions to the Draft PEIR sections, a Mitigation Monitoring and Reporting Program, Findings of Fact, and a Statement of Overriding Considerations (if applicable for any impacts identified in the Draft PEIR as significant and unmitigated), will be prepared and compiled as part of the Final PEIR. The PEIR identified significant and unavoidable impacts related to construction noise and transportation (VMT); therefore, a Statement of Overriding Considerations will be required prior to certification of the PEIR.

The culmination of this process is a public hearing where the City Council will determine whether to certify the Final PEIR as being complete and in accordance with CEQA. The Final PEIR will be available for public review at least 10 days before the City Council makes a recommendation or final determination, in order to provide commenters the opportunity to review the written responses to the PEIR comment letters.

### 1.6.3 Subsequent Environmental Review

As allowed in CEQA Guidelines Section 15168, Program EIR, future actions (e.g., rezones) and development proposals within the Housing Sites will be reviewed by the City in light of the Final PEIR. The PEIR and subsequent project review process, defined in Section 15168 of the CEQA Guidelines, allows a PEIR to serve as the basis for environmental review of subsequent projects. Sections 15182 and 15183 of the CEQA Guidelines provide additional review guidance for projects proposed in

accordance with an adopted specific plan, or consistent with an adopted community plan, general plan, or zoning.

If any future site-specific projects within the Housing Sites have potentially significant adverse environmental effects that were not examined in this PEIR, an Initial Study shall be prepared for that project, leading to the preparation of a Negative Declaration, Mitigated Negative Declaration, Focused EIR, or Supplement to this PEIR. When additional environmental documentation for a new project is necessary, this PEIR may be incorporated by reference to address regional context, secondary effects, cumulative impacts, alternatives, and other factors that apply to the program as a whole.

## Chapter 2

# Environmental Setting

### 2.1 Regional Setting

The City of San Clemente (City) is in the southeastern corner of Orange County, in southern California, approximately 52 miles south of Los Angeles. The City is surrounded by the Pacific Ocean to the southwest, the cities of Dana Point and San Juan Capistrano to the northwest, unincorporated areas of Orange County to the north, and San Onofre State Beach and Camp Pendleton in unincorporated San Diego County to the southeast (Figure 2-1). A USGS map and an aerial photograph of the City and surrounding area is shown on Figures 2-2 and 2-3. The City's incorporated boundaries encompass approximately 18.4 square miles or 11,754 acres.

### 2.2 Project Location

The proposed Safety Element Update and Housing Element Update are General Plan Elements that apply citywide. Additionally, the Housing Element includes a sites inventory that identifies the locations where housing for various income levels could be accommodated through future rezoning and construction. The Program Environmental Impact Report (PEIR) evaluates citywide implementation of the Housing and Safety Elements, and provides analysis specifically focused on sites within the Housing Element residential sites inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." The sites that require rezoning are the focus of this environmental document because the project would change development potential on these sites only.

A general overview of existing conditions in both the City and for the specific rezone sites is provided below. Chapter 4.0 provides additional existing conditions information relevant to each environmental topic.

### 2.3 Transportation

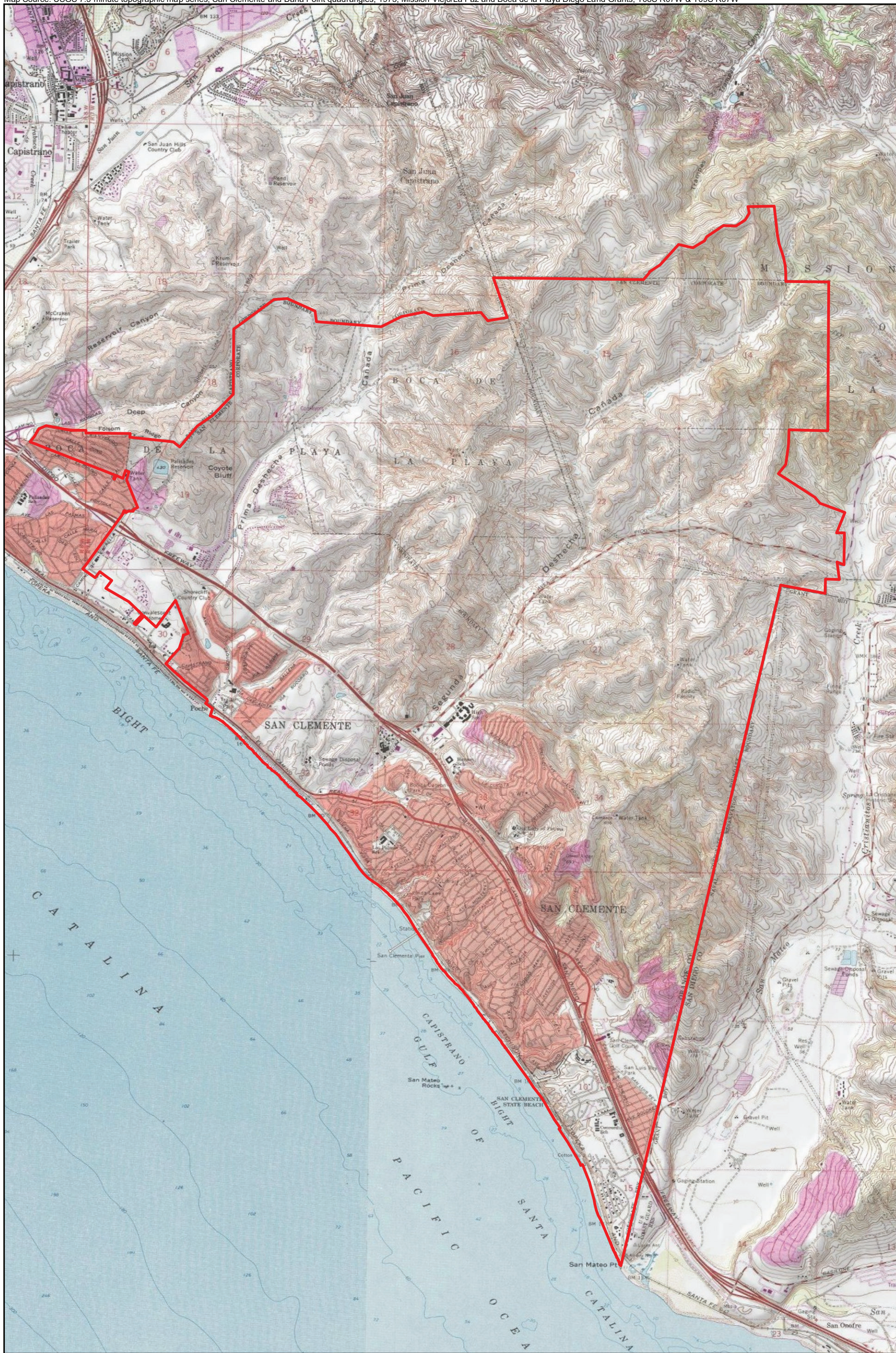
Regional access to the City is provided by Interstate 5 (I-5), which bisects the City and connects it with other Orange County communities, Los Angeles County to the northwest, and San Diego County to the southeast. A rail line used by Metrolink and Amtrak also traverses the City, parallel and adjacent to the Pacific Ocean.



 Project Boundary

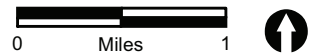
FIGURE 2-1  
Regional Location





 Project Boundary

FIGURE 2-2  
Project Location on USGS Map





-  Project Boundary
-  Arterial Roadways

FIGURE 2-3  
Project Location on Aerial Photograph

## 2.4 Existing Land Use

The City is predominately urbanized and has approximately 64,562 estimated residents (U.S. Census Bureau 2019). Land uses and transportation patterns are established. A variety of land uses, including residential, commercial, office, and industrial are present within the community. Land use is discussed in greater detail in Section 4.9 of this PEIR. As the City is primarily developed, infrastructure, including roads, water, sewer, energy, and communication facilities, is available.

## 2.5 Potential Rezone Sites

The existing conditions at each potential rezone site are discussed below. Some rezone sites are grouped due to their adjacency. Refer to Figure 2-4 for a lettered key of potential rezone sites that correspond to Photographs 1 through 9.

### 2.5.1 Potential Rezone Site A

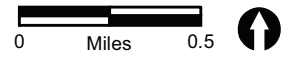
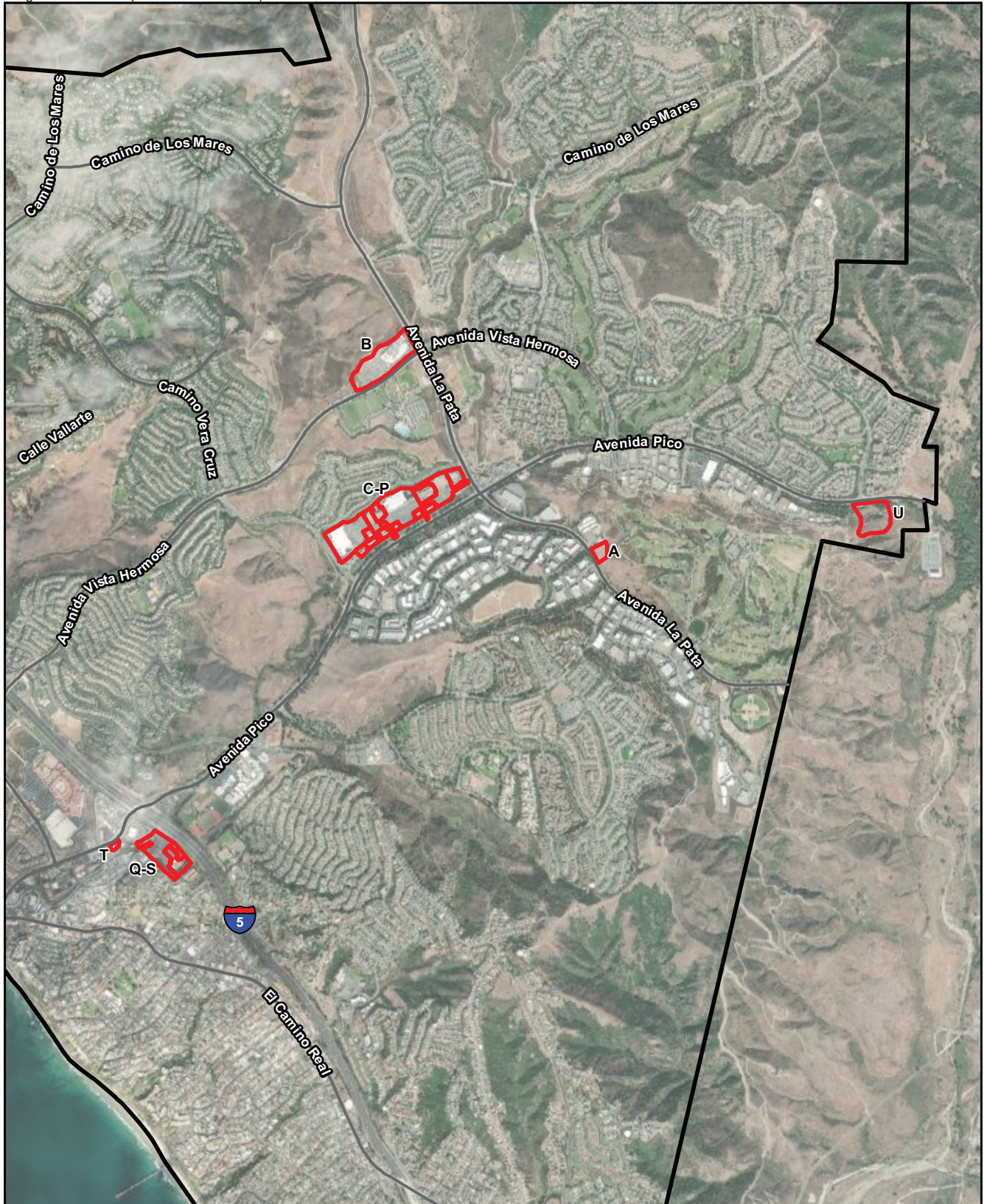
Site A is located east of I-5, along Avenida la Pata, in Rancho San Clemente Business Park. Site A is primarily composed of nonnative grassland, with landscaping along the site's northern and western boundary (see Photograph 1 and Figure 3-3). The areas north and west of the site are developed, while the land immediately south and east are undeveloped open-space areas. This site is located within the City's Emergency Shelters Overlay District (SCMC Section 17.56.100).

### 2.5.2 Potential Rezone Site B

Site B is located east of I-5, along Avenida Vista Hermosa and Avenida la Pata. While Site B is primarily developed, with a large shopping center and parking lot, it includes revegetated slopes with coastal sage scrub along the northwest boundary of the site (see Photograph 2). The area surrounding Site B is primarily undeveloped, with Vista Hermosa Sports Park immediately south of the site and open space areas to the north, east, and west (see Figure 3-4). The location of potential housing at this site would be in the existing parking areas of the site, with existing commercial to remain.

### 2.5.3 Potential Rezone Site C-P

Sites C-P are located east of I-5, along Avenida Pico, Camino Vera Cruz, and Avenida La Pata. Sites C-P encompasses the Plaza Pacifica shopping center, except the stores located in the southwest and southeast corners (see Photographs 3-6). Sites C-P are surrounded by both developed and undeveloped areas. The sites are north of Rancho San Clemente Business Park and south of a residential community. The sites are also adjacent to undeveloped open spaces to the east and west (see Figure 3-5). The location of potential housing at this site would be in the existing parking areas of the site, with existing commercial to remain.





-  Project Boundary
-  Potential Rezone Sites

FIGURE 2-4  
Photo Survey



PHOTOGRAPH 1  
Site A Looking Northeast



PHOTOGRAPH 2  
Site B Looking Southeast



PHOTOGRAPH 3  
Sites C–P: Middle of Plaza Pacifica Shopping Center



PHOTOGRAPH 4  
Sites C–P: Middle of Plaza Pacifica Shopping Center



PHOTOGRAPH 5  
Sites C–P: Western Corner of Plaza Pacifica Shopping Center



PHOTOGRAPH 6  
Sites C–P: Eastern Corner of Plaza Pacifica Shopping Center



PHOTOGRAPH 7  
Sites Q–S: Eastern Corner of Pico Plaza Shopping Center



PHOTOGRAPH 8  
Site T Looking West





PHOTOGRAPH 9  
Site U Looking East

## 2.5.4 Potential Rezone Site Q-S

Sites Q-S are located west of I-5, off East Avenida Pico, on Via Pico Plaza, in the West Pico Corridor Specific Plan area. Sites Q-S are in the Pico Plaza shopping center, which is primarily developed, with stores and a parking lot (see Photograph 7). Vegetation is along the southwestern boundary of the sites and adjacent to the northeastern boundary of the sites. Overall, the surrounding area is highly developed, with small pockets of vegetation and disturbed land scattered throughout (see Figure 3-6).

## 2.5.5 Potential Rezone Site T

Site T is located west of I-5, along East Avenida Pico, in the West Pico Corridor Specific Plan area. Site T is fully developed, with a storefront and parking lot (see Photograph 8). The surrounding area is highly developed with small pockets of vegetation and disturbed land scattered throughout (see Figure 3-6).

## 2.5.6 Potential Rezone Site U

Site U is located east of I-5, on Avenida Pico, east of Talega Business Park. Site U is primarily undeveloped with coastal sage scrub along the slopes with scattered pockets of nonnative grasses (see Photograph 9). A portion of the northeastern corner of the site is developed and includes some walking trails and dirt roads throughout the site. To the east, south, and west of the site, the surrounding areas are primarily undeveloped, open space (see Figure 3-7). A residential community is north of the site. Additionally, Site U is west of known Arroyo Willow Riparian Forest, Willow Riparian Scrub, and Coastal Live Oak Riparian Forest.

## 2.6 Vacant and Underutilized Sites

The existing uses on vacant and underutilized sites are described in Table 3-3. These sites can be generally characterized as either vacant or partially developed with underutilized structures. A number of the vacant and underutilized sites are also located within the Affordable Housing Overlay Zone, as specified in Table 3-3 and shown on Figure 3-1.

## 2.7 Planning Context

Development in the City is guided by the City's General Plan, which provides citywide and area-specific goals and policies; and more specifically by the regulations in the City's zoning ordinance, adopted Specific Plans, and the Local Coastal Program Land Use Plan.

The Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy provides regional planning and development guidance and serves as the long-term planning framework for the region based on smart growth principles.

A detailed evaluation of the project's consistency with relevant plans and ordinances is provided in Section 4.9, Land Use and Planning, of this PEIR.

## Chapter 3

# Project Description

### 3.1 Project Background and History

California state law requires each city and county to adopt a general plan for its physical development. A general plan is a key tool that addresses a variety of subject areas and expresses the community's development goals related to future land uses in the jurisdiction. The project includes an update to the City of San Clemente's (City's) Housing and Safety Elements, which are components of the City's Centennial General Plan, or General Plan. The City's existing Housing Element extends from October 15, 2013 to October 15, 2021. Because the 2013-2021 Housing Element was not adopted within 120 days of the statutory October 15, 2013 deadline, pursuant to State law, the City provided a 2017 Housing Element Midterm Update in September 2017. The existing Safety Element was adopted as a part of the City's Centennial General Plan in February 2014. Additionally, the project evaluates potential future rezones necessary to implement identified "Housing Sites."

#### 3.1.1 Housing Element

The California State Legislature has identified the attainment of decent and suitable living as a major housing goal. Recognizing the important role of local planning and housing programs in the pursuit of this goal, the legislature has mandated that all cities and counties prepare a Housing Element as part of the General Plan. Housing Element law—first enacted in 1969 and significantly strengthened since—mandates that local governments adequately plan to meet the existing and projected housing needs of everyone in the community.

The State of California determines the number of housing units required for each region, and the Southern California Association of Governments (SCAG) determines how to allocate the regional housing number to individual jurisdictions. State law requires that the City plan for its Regional Housing Needs Assessment (RHNA) allocation. The major goal of the RHNA is to ensure a distribution of housing among cities and counties within the SCAG region so that every community provides for a mix of housing for all economic segments. Allocation targets are intended to ensure that adequate sites and zoning are made available to address anticipated housing demand during the planning period.

The current RHNA for the SCAG region covers an eight-year planning period and is divided into four income categories: very low, low, moderate, and above moderate. The City's housing allocation for the current planning cycle is 982 new housing units, with the units divided among the four income categories as shown in Table 3-1.

Table 3-1 City of San Clemente 6th Cycle Housing Allocation		
Income Group	Total Housing Units Allocated	Percentage of Units
Extremely/Very Low	282	28.7%
Low	164	16.7%
Moderate	188	19.1%
Above moderate	348	35.4%
<b>Total</b>	<b>982</b>	<b>100.0%</b>

SOURCE: Southern California Association of Governments (SCAG).  
NOTE: The City has a Regional Housing Needs Assessment (RHNA) allocation of 282 very low-income units (inclusive of extremely low-income units). Pursuant to state law (Assembly Bill 2634), the City must project the number of extremely low-income housing needs based on Census income distribution or assume 50 percent of the very low-income units as extremely low. Assuming an even split, the City's RHNA allocation of 282 very low-income units may be divided into 141 very low and 141 extremely low-income units. However, for purposes of identifying adequate sites for the RHNA allocation, state law does not mandate the separate accounting for the extremely low-income category.

### 3.1.2 Safety Element

The goal of the Safety Element is to reduce the potential short- and long-term risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change, and other hazards. Other locally relevant safety issues, such as airport land use, emergency response, hazardous materials spills, and crime reduction, may also be included. Some local jurisdictions have chosen to incorporate their hazardous waste management plans into their safety elements.

State law was amended in 2018 (Senate Bill [SB] 1035) to require safety elements to be updated, specifically for flood, fire hazards, and climate adaptation, upon the next housing element update. Safety elements are now required to include goals, policies, and objectives necessary to address climate adaptation and resiliency, address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code (PRC), and land classified as very high fire hazard severity zones, as defined in Section 51177 of the PRC.

The Safety Element update reflects updated data and mapping and incorporates policies to comply with the latest requirements related to wildfire and climate vulnerability planning.

## 3.2 Project Objectives

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15124, the following primary objectives support the purpose of the project, assist the Lead Agency in developing a reasonable range of alternatives to be evaluated in this report, and ultimately aid decision-makers

in preparing findings and overriding considerations, if necessary. The project objectives are as follows:

1. Identify potential future rezone sites and obtain public feedback on the rezones that should be pursued to accommodate the RHNA;
2. Minimize impacts from new development on established neighborhoods;
3. Provide flexibility for implementation of rezoning adequate to meet the City's remaining RHNA allocation of 982 units;
4. Limit exposure to potential natural and human-made hazards; and
5. Effectively respond to and recover from public safety emergencies.

## 3.3 Project Description

### 3.3.1 Housing Element

The purpose of the 6<sup>th</sup> Cycle Housing Element Update (2021-2029) is to identify the City's housing needs and outline goals, policies, and programs to address them. The Housing Element is an eight-year plan, extending from October 15, 2021 to October 15, 2029. The primary issues addressed in the Housing Element include:

- The provision of a decent home in a healthy environment for all economic levels of society;
- Housing affordability for special needs populations;
- Assisting in the development of affordable housing;
- Implementation of housing programs; and
- Rehabilitation and preservation of existing affordable housing.

The 2021 Housing Element consists of five chapters, including: (1) Introduction; (2) Needs Assessment; (3) Resources and Opportunities; (4) Constraints; (5) Housing Action Plan; and the Appendices. The Housing Element builds upon other General Plan elements and is consistent with the land use policies set forth by the 2014 General Plan. Key components of the Housing Element that are addressed in this environmental document are described below.

#### 3.3.1.1 Residential Sites Inventory

The City has identified sites available to accommodate housing to meet the City's RHNA allocation through a combination of sources detailed in Table 3-2. Anticipated Accessory Dwelling Units (ADUs) account for approximately 160 units, existing vacant and underutilized sites are anticipated to accommodate 320 units, while the remainder of the required residential units would be achieved through implementation of future rezones. Future rezoning is needed to accommodate a minimum of 502 residential units; however, to provide flexibility in the selection of sites and to allow for public input on site selection, rezones accommodating up to 1,564 units are evaluated in this PEIR.

Table 3-2 Residential Sites Inventory Summary	
Category	Residential Units
ADUs	160
Vacant and Underutilized Sites	320
Rezoning	502 (1,564 evaluated)
<b>Total RHNA Requirement</b>	<b>982</b>
<p><sup>1</sup>Although only 502 additional potential units need to be achieved through rezoning to meet RHNA targets, excess potential rezone sites are evaluated (totaling 1,564 potential residential units as detailed in Table 3-4) in order to obtain public input on the ultimate sites selected for rezoning and to provide flexibility in implementation of the rezones required to implement RHNA. Only a subset of the total rezone sites evaluated are anticipated to ultimately be rezoned.</p> <p>NOTES: ADUs = Accessory Dwelling Units RHNA = Regional Housing Needs Assessment</p>	

### a. Vacant and Underutilized Sites

The Housing Element Residential Sites Inventory identifies the development potential of several vacant and underutilized sites that are zoned at densities sufficient to accommodate the projected increase in housing needs (Table 3-3). The vacant and underutilized sites total 12.88 acres and have the potential to yield 320 units. These sites are shown in Table 3-3 and Figure 3-1 and are organized by lot consolidation potential.

Sites were selected based on knowledge of existing conditions and development interests expressed by property owners and developers, consolidation potential, and land use compatibility. Properties in the sites inventory are grouped into sites for potential lot consolidation because of their adjacency or common ownership, which enhances the likelihood of lot consolidation. Many of the vacant and underutilized sites are within the Affordable Housing Overlay Zone as detailed in Table 3-3 and shown on Figure 3-1, which allows sites to develop with a ministerial approval process when the required affordable component is provided. Development at the vacant and underutilized sites are anticipated to produce 320 residential units, which would not be sufficient to meet the City's RHNA. Therefore, in order to accommodate RHNA allocations, the City has identified additional Housing Sites that may be rezoned in the future to provide additional residential density.

**Table 3-3  
Residential Sites Inventory - Vacant and Underutilized Sites**

Map ID	APN	Property Address	Acres	General Plan	Zone	Allowable Density	Potential Units (80%)	Potential Commercial SF <sup>1</sup>	Year Built/Existing Use	AH Overlay	5 <sup>th</sup> Cycle HE	4 <sup>th</sup> Cycle HE
1	692-131-06	Near 1201 S. El Camino Real	0.42	NC2	NC2	32.4	11	6,403	Vacant	✓	✓	✓
2	692-171-18	1430 S. El Camino Real	0.22	MU3.2	MU3.2	32.4	6	3,354	Vacant	✓	✓	✓
	692-171-19	1430 S. El Camino Real	0.22	MU3.2	MU3.2	32.4	6	3,354	Vacant	✓	✓	✓
3	690-422-03	2211 S. El Camino Real	0.1	NC1.3	NC1.3	32.4	2	1,525	Vacant	✓	✓	✓
	690-422-04	2213 S. El Camino Real	0.1	NC1.3	NC1.3	32.4	2	1,525	Vacant	✓	✓	✓
4	692-362-08	1400 Calle Mirador	0.11	NC2	NC2	32.4	3	1,677	Vacant	✓	✓	
5	692-395-27	902 N. El Camino Real	0.27	NC2	NC2	32.4	7	4,116	Built 1962 – Electrical repair shop	✓	✓	
6	692-381-25	1300 block N. El Camino Real	0.09	RM	RM	24	2		Vacant	✓	✓	✓
	692-381-26	1300 block N. El Camino Real	0.09	RM	RM	24	2		Vacant	✓	✓	✓
	692-381-27	1300 block N. El Camino Real	0.09	RM	RM	24	2		Vacant	✓	✓	✓
	692-381-28	1300 block N. El Camino Real	0.1	RM	RM	24	2		Vacant	✓	✓	✓
	692-381-29	1300 block N. El Camino Real	0.1	RM	RM	24	2		Vacant	✓	✓	✓
	692-381-30	1300 block N. El Camino Real	0.1	NC2	NC2	24	2	1,525	Vacant	✓	✓	✓
7	692-381-31	1200 N. El Camino Real	0.09	NC2	NC2	32.4	2	1,372	Built in 1954 – Small single-story building (insurance office) with 75% of lot unimproved	✓	✓	✓
	692-394-06	100 W. El Portal	0.09	NC1.2	NC1.2	32.4	2	1,372	Vacant	✓	✓	✓
	692-394-07	100 W. El Portal	0.09	NC1.2	NC1.2	32.4	2	1,372	Vacant	✓	✓	✓
8	692-394-20	100 Avenida Del Poniente	0.65	NC1.2	NC1.2	32.4	17	9,910	Built in 1957 – Low intensity strip shopping with large parking lot	✓	✓	✓
	690-445-02	2200 S. El Camino Real	0.15	NC1.3	NC1.3	32.4	2	2,287	Vacant	✓	✓	
690-445-03												
9	060-041-02	2400 & 2603 S. El Camino Real	0.15	NC1.3	NC1.3	32.4	2	2,287	Vacant	✓	✓	
	060-041-03											
10	057-151-26	111 La Ronda	0.17	RM	RM	24	3	-	Vacant		✓	✓
	057-151-04	La Ronda	0.15	RM	RM	24	2	-	Vacant		✓	✓
	057-151-05	La Ronda	0.16	RM	RM	24	2	-	Vacant		✓	✓
11	690-013-01	North La Esperanza	2.18	RM	RM	24	42	-	Vacant	✓	✓	
12	692-173-04	1502 S. El Camino Real	0.25	NC2	NC2	48.6	10	3,812	Built 1957 – Vacated & remediated gas station	✓	✓	
13	057-182-21	105 Calle De Los Molinos	0.14	MU2	MU2	36	4	2,134	Built in 1951, business not in use		✓	
	057-182-52	109 Calle De Los Molinos	0.26	MU2	MU2	36	7	3,964	Built in 1958 – two buildings used as a furniture/mattress store		✓	
	057-170-22	110 Calle De Los Molinos	0.11	MU2	MU2	36	3	1,677	Vacant		✓	
	057-182-18	111 Calle De Los Molinos	0.11	MU2	MU2	36	2	1,677	Built in 1958 – Second-hand store		✓	
	057-170-21	112 Calle De Los Molinos	0.1	MU2	MU2	36	2	1,525	Built in 1951 – Small 2-story house being used as an office		✓	
	057-170-20	114 Calle De Los Molinos	0.11	MU2	MU2	36	3	1,677	Built in 1977 – Auto repairs and paint shop		✓	
	057-182-19	115 Calle De Los Molinos	0.15	MU2	MU2	36	4	2,287	Built in 1948 – Single-story		✓	

**Table 3-3  
Residential Sites Inventory - Vacant and Underutilized Sites**

Map ID	APN	Property Address	Acres	General Plan	Zone	Allowable Density	Potential Units (80%)	Potential Commercial SF <sup>1</sup>	Year Built/Existing Use	AH Overlay	5 <sup>th</sup> Cycle HE	4 <sup>th</sup> Cycle HE
									residence			
	057-170-64	116 Calle De Los Molinos	0.22	MU2	MU2	36	6	3,354	Built in 1976 – Sheet metal business		✓	
	057-182-10	117 Calle De Los Molinos	0.08	MU2	MU2	36	2	1,220	Built in 1939 – Former repair shop, now a drivers’ education school		✓	
	057-182-11	119 Calle De Los Molinos	0.09	MU2	MU2	36	2	1,372	Built in 1965 – No building on site, parking/ salvage		✓	
	057-182-12	Calle De Los Molinos	0.1	MU2	MU2	36	2	1,525	Built in 1965 – No building on site, parking/salvage		✓	
	057-170-17	120 Calle De Los Molinos	0.11	MU2	MU2	36	3	1,677	Built in 1964 – T-shirt store)		✓	
	057-170-16	122 Calle De Los Molinos	0.11	MU2	MU2	36	3	1,677	Built in 1962 – Office building		✓	
	057-170-15	124 Calle De Los Molinos	0.11	MU2	MU2	36	3	1,677	Built in 1959 – Furniture repairs		✓	
	057-170-14	126 Calle De Los Molinos	0.11	MU2	MU2	36	3	1,677	Built in 1968 – Parking lot		✓	
	057-170-13	124 Calle De Los Molinos	0.11	MU2	MU2	36	3	1,677	Built in 1968 – Parking lot		✓	
	057-170-12	122 Calle De Los Molinos	0.11	MU2	MU2	36	3	1,677	Built in 1963 – Parking lot		✓	
	057-170-11	120 Calle De Los Molinos	0.12	MU2	MU2	36	3	1,830	Built in 1963 – Parking lot		✓	
14	057-191-57	1607 Calle Lago	0.34	LI(MU)	LI	36	10	5,184	Built in 1977 – Hair Salon		✓	
	057-191-59	108 Calle Lago	1.46	LI(MU)	LI	36	42	22,259	Built in 1997 – Warehouse		✓	
	691-433-03	1623 N El Camino Real	1.35	LI(MU)	LI	36	39	20,582	Built in 1975 – Self storage		✓	
15	058-091-16	Avenida Rosa	0.09	RM	RM	24	2	-	Vacant		✓	
	058-091-15	100 Avenida Rosa	0.09	RM	RM	24	2	-	Vacant		✓	
	058-091-14	100 Avenida Rosa	0.1	RM	RM	24	2	-	Vacant		✓	
	058-091-43	130 Avenida Rosa	0.09	RM	RM	24	2	-	Vacant		✓	
16	057-191-60	1801 N El Camino Real	0.74	MU1	MU1	36	22	11,282	Vacant			
17	057-191-31	1629 N El Camino Real	0.23	MU1	MU1	36	6	3,507	Vacant			
<b>Total</b>			<b>12.88</b>				<b>320</b>	<b>143,007</b>				

<sup>1</sup>Within zones that allow commercial use, assumes existing development will be demolished, and residential with ground-floor retail will be constructed with an FAR of 0.35.

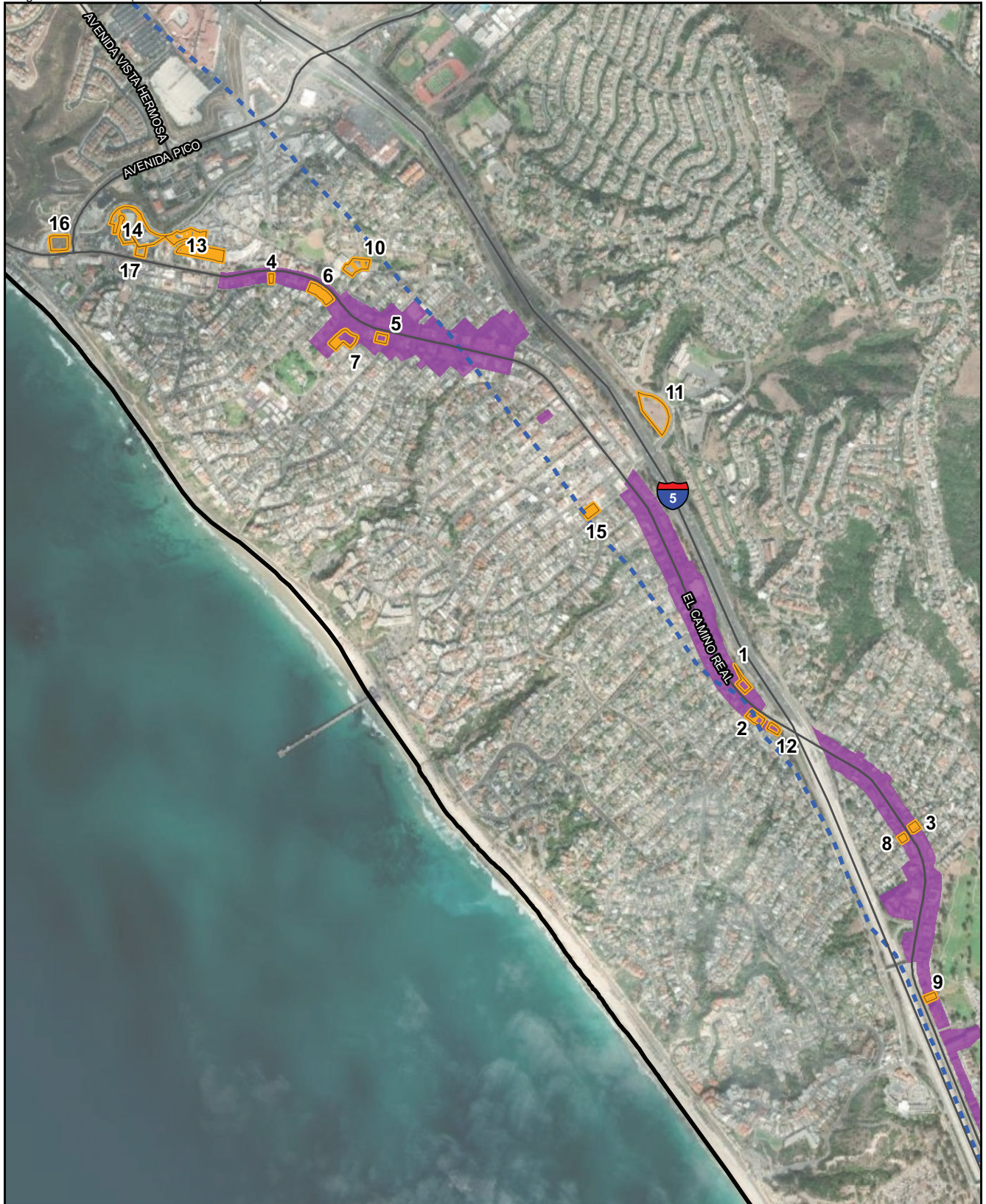
HE = Housing Element





SF = square feet

AH Overlay = Affordable Housing Overlay

Totals may not add due to rounding.





-  Project Boundary
-  Coastal Zone Boundary
-  Vacant and Underutilized Sites
-  Affordable Housing Overlay

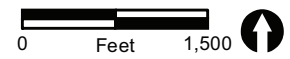


FIGURE 3-1  
Vacant and Underutilized Sites

## b. Candidate Rezone Sites

The City has identified a number of candidate rezone sites that could be subject to future rezones to residential medium (24 dwelling units per acre [du/ac]), residential medium high (30 du/ac), or residential high (40 du/ac). The City's candidate sites for rezoning total approximately 65 acres and have the potential to yield 1,564 units as detailed in Table 3-4 and Figure 3-2. Potential rezone sites have been identified in excess of what is needed to accommodate the City's RHNA allocation. Rezones are not proposed to be adopted concurrent with the Housing Element adoption. Rather, the City intends to collect public input regarding the rezone sites evaluated in this document and is anticipated to implement rezones of selected sites within three years of Housing Element adoption. Therefore, only a subset of the rezone sites identified in this EIR would be rezoned to provide the sufficient density to accommodate the RHNA targets. Figures 3-3 through 3-7 provide an aerial image of each rezone site. As shown, a majority of the potential rezone sites (Sites B through T) are located within existing developed commercial areas. Any future housing is anticipated to be accommodated within surface parking areas and the existing commercial uses are anticipated to remain. It is also anticipated that existing commercial on Sites Q through T would be removed and that future housing would be accommodated with or without new commercial. Site A is a vacant disturbed site and Site U is also largely vacant with a utility structure near the project frontage. Detailed descriptions of the existing setting for each of the candidate rezone sites are provided in Section 2.5.

### 3.3.1.2 Ministerial Development

The Housing Element includes a program that would implement Assembly Bill (AB) 1397, passed in 2017, which requires by-right approval of housing development that includes 20 percent of the units as housing affordable to lower income households, on the following types of sites:

- Sites being used to meet the 6th Cycle RHNA that represent a "reuse" of sites previously identified in the 4th Cycle and 5th Cycle Housing Element. The "reuse" sites are specifically identified in Table 3-3.
- Candidate sites that are rezoned within three years from the statutory deadline of the 6th Cycle Housing Element, which includes the potential rezone sites listed in Table 3-4.

To implement this program, the City intends to amend its Zoning Ordinance by the end of 2022 to establish by-right approval process as required by AB 1397. The ministerial process is planned to be implemented through a Housing Overlay. The Housing Overlay will provide objective development standards for future development projects in addition to the same architectural and design review process used for projects in the Affordable Housing Overlay Zone as detailed in the following section. The environmental analysis in Section 4.0 assists the City in identifying standards that will need to be incorporated into the Housing Overlay in order to minimize adverse environmental impacts from development.

**Table 3-4  
Candidate Sites for Rezoning<sup>1</sup>**

Map ID	APN	Address	Existing Use	Acres	Current Zoning	Current General Plan Designation	Proposed General Plan/Zoning Changes		Potential Commercial SF <sup>3</sup>
							Zone (du/ac)	Potential Units <sup>2</sup>	
A	688-161-04	190 Avenida La Pata	Vacant	2.17	RSCSP (Business Park)	LI	RMH (30.0)	52	33,084
B	678-161-02	990 Avenida Vista Hermosa	Commercial building and surface parking	15.13	FRSP (NC)	NC1.2	RMH (30.0)	38 <sup>4</sup>	-
C	688-021-36	907 Avenida Pico	Commercial building and surface parking	10.75	RSCSP (MU)	NC1.2	RSCSP RM (15.0)	129	-
D	688-021-37	Avenida Pico	Parking lot	0.83	RSCSP (MU)	NC1.2	Housing Overlay RM (24.0)	16	-
E	688-021-33	911 Avenida Pico	Commercial building and surface parking	0.69	RSCSP (MU)	NC1.2	Housing Overlay RM (24.0)	13	-
F	688-021-34	915 Avenida Pico	Commercial building and surface parking	0.68	RSCSP (MU)	NC1.2	Housing Overlay RM (24.0)	13	-
G	688-021-30	937 Avenida Pico	Commercial building and surface parking	2.36	RSCSP (MU)	NC1.2	RSCSP RM (15.0)	28	-
H	688-021-14	957 Avenida Pico	Commercial building and surface parking	0.79	RSCSP (MU)	NC1.2	Housing Overlay RM (24.0)	15	-
I	688-021-31	943 Avenida Pico	Commercial building and surface parking	2.18	RSCSP (MU)	NC1.2	RSCSP RM (15.0)	26	-
J	688-021-15	951 Avenida Pico	Commercial building and surface parking	10.48	RSCSP (MU)	NC1.2	RSCSP RM (15.0)	126	-
K	688-021-16	959 Avenida Pico	Commercial building and surface parking	0.53	RSCSP (MU)	NC1.2	Housing Overlay RM (24.0)	10	-
L	688-021-17	963 Avenida Pico	Commercial building and surface parking	0.56	RSCSP (MU)	NC1.2	Housing Overlay RM (24.0)	11	-
M	688-131-22	979 Avenida Pico	Commercial building and surface parking	2.43	RSCSP (MU)	NC1.2	Housing Overlay RM (24.0)	47	-
N	688-131-21	989 Avenida Pico	Commercial building and surface parking	6.42	RSCSP (MU)	NC1.2	Housing Overlay RM (24.0)	123	-
O	688-021-18	965 Avenida Pico	Commercial building and surface parking	0.74	RSCSP (MU)	NC1.2	Housing Overlay RM (24.0)	14	-
P	688-131-20	993 Avenida Pico	Commercial building and surface parking	2	RSCSP (MU)	NC1.2	Housing Overlay RM (24.0)	38	-

**Table 3-4  
Candidate Sites for Rezoning<sup>1</sup>**

Map ID	APN	Address	Existing Use	Acres	Current Zoning	Current General Plan Designation	Proposed General Plan/Zoning Changes		Potential Commercial SF <sup>3</sup>
							Zone (du/ac)	Potential Units <sup>2</sup>	
Q	692-351-09	101 Pico Plaza	Commercial building	7.46	WPCSP (CC2)	CC2-PB	Housing Overlay RMH (30.0)	178	113,735
R	692-351-05	85 Pico Plaza	Shopping center and surface parking	3.03	WPCSP (CC2)	CC2-PB	Housing Overlay RMH (30.0)	73	46,195
S	692-351-10	91 Pico Plaza	Surface parking	0.37	WPCSP (CC2)	CC2-PB	Housing Overlay RMH (30.0)	9	5,641
T	057-020-68	416 E Ave Pico	Commercial building and surface parking	0.48	WPCSP (CC2)	CC2-PB	Housing Overlay RMH (30.0)	12	7,318
U	701-043-09	Pico	Vacant	8.46	TSP (C )	OS2	TSP RH (40.0)	271	-
<b>Total</b>				<b>78.41</b>				<b>1,564</b>	<b>205,973</b>

<sup>1</sup>Although only 541 additional potential units need to be achieved through rezoning to meet RHNA targets, excess potential rezone sites are evaluated in order to obtain public input on the ultimate sites selected for rezoning and to provide flexibility in implementation of the rezones required to implement RHNA. Only a subset of the total rezone sites evaluated are anticipated to ultimately be rezoned.

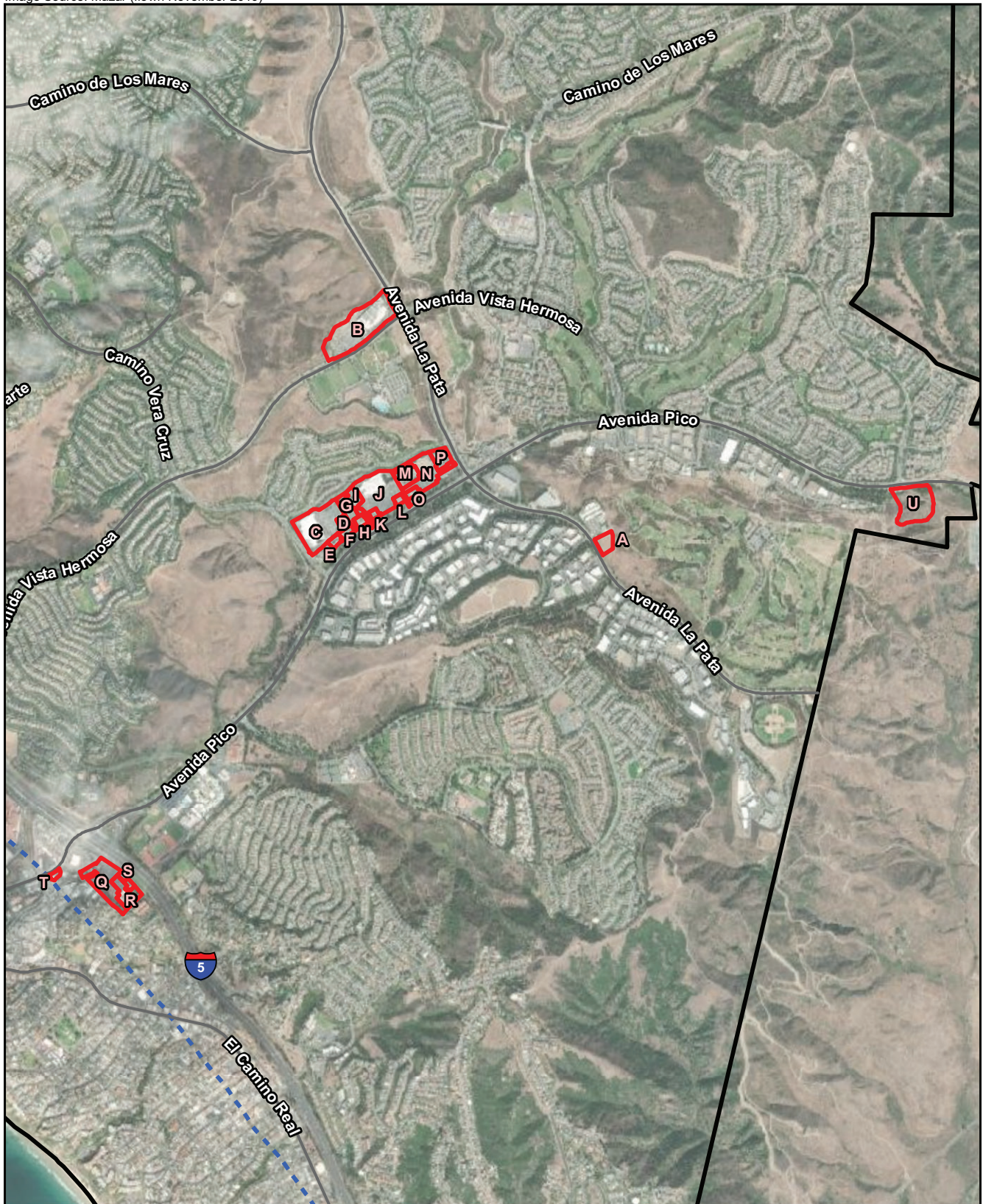
<sup>2</sup>Potential units are 80% of maximum allowable units.




<sup>3</sup>Where no commercial SF shown, assumes existing commercial will remain and residential only will be added to the developed sites. Commercial assumptions at vacant site A assumes ground-floor retail with an FAR of 0.35. Sites Q through T assumes existing structures are demolished and residential provided with ground-floor commercial with an FAR of 0.35.

<sup>4</sup>Potential units calculated using 1.6 acres (surface parking only) due to the existing commercial use.

SF = square feet

Totals may not add due to rounding.



-  Project Boundary
-  Potential Rezone Sites
-  Coastal Zone Boundary

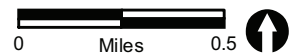
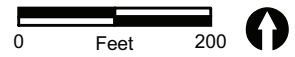


FIGURE 3-2  
Potential Rezone Sites




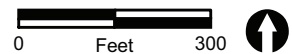
 Potential Rezone Sites

FIGURE 3-3  
Potential Rezone Site A




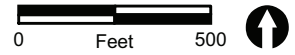
 Potential Rezone Sites

FIGURE 3-4  
Potential Rezone Site B




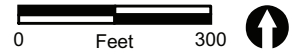
 Potential Rezone Sites

FIGURE 3-5  
Potential Rezone Sites C-P






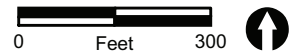
 Potential Rezone Sites

FIGURE 3-6  
Potential Rezone Sites Q-T





-  Project Boundary
-  Potential Rezone Sites

FIGURE 3-7  
Potential Rezone Site U

### a. Affordable Housing Overlay Zone

Sites within the Affordable Housing Overlay Zone (see Figure 3-1) may develop housing subject to a ministerial process under existing regulations. A number of sites in the Residential Sites Inventory are located in the Affordable Housing Overlay Zone as detailed in Table 3-3. These sites are proximate to services and transportation corridors and benefit from development incentives for mixed-use development contained in the General Plan that allows for increased floor area ratio (FAR) when mixed-use is proposed and allows for an additional story for sites larger than 12,000 square feet in most mixed-use zones. While implementation of the Housing Element would not change existing regulations or development potential related to the Affordable Housing Overlay Zone, the regulations are summarized here as the processing of projects in the Affordable Housing Overlay Zone will likely mirror the proposed Housing Overlay that will be implemented to provide a ministerial process for other Housing Sites.

The Affordable Housing Overlay Zone was established in 2006 along El Camino Real. The overlay zone allows stand-alone mixed-income housing to be built in NC 1.2, NC 1.3, NC 2, NC 3, MU 3, and MU 5.1 zoned properties along El Camino Real provided at least 51 percent of the units are affordable to households earning up to 50 percent of area median income and a minimum density of 20 units per acre is required. The intent of this overlay zone is to facilitate the development of affordable rental and for sale housing in the City's commercial and mixed-use zones.

Mixed-income housing meeting affordable requirements of the Affordable Housing Overlay Zone is a permitted use by right subject to the following minimum standards:

- NC 1.2, NC 1.3, NC 2, NC 3 (Neighborhood Commercial) Zone. Affordable housing projects located in NC commercial zones shall conform to the same development standards as RM (Residential Medium Density), with the exception of incentives, concessions, and density bonuses as required by government.
- MU 3 and MU 5.1 (Mixed-Use) Zone. Affordable housing projects located in the MU 3 and MU 5.1 mixed-use zones shall conform to the same development standards for mixed-use projects in the MU 3 and 5.1 mixed-use zones, respectively.

An Architectural Permit is required, with the intent to preserve and strengthen the City's unique Spanish village character. The Design Review Subcommittee reviews the application and makes recommendations to the Planning Commission, the final authority. The specific required findings for new structures are:

- The architectural treatment of the project complies with the San Clemente General Plan;
- The architectural treatment of the project complies with any applicable specific plan and this title in areas including, but not limited to, height, setback color, etc.;
- The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines;

- The general appearance of the proposal is in keeping with the character of the neighborhood; and
- The proposal is not detrimental to the orderly and harmonious development of the City.

The City's Design Guidelines focus on physical design features such as site design, architectural character, landscape character, parking facilities, and building equipment and services. The Design Guidelines are online and staff is available to provide assistance. As long as the development proposals adhere to the City's Design Guidelines, review by the Design Review Subcommittee usually results in only minor modifications. The typical processing time is 14 weeks from a complete application.

## **b. Density Bonus Ordinance**

California Government Code Section 65915 provides that a local government shall grant a density bonus, and additional incentives or concessions to facilitate affordable housing development. The City adopted a Density Bonus Ordinance and periodically amends this ordinance (most recently in 2018) to comply with updates to state requirements. The state has recently passed several bills that made further changes to the State Density Bonus law, including:

- AB 1763 (Density Bonus for 100 Percent Affordable Housing) (2019) – Density bonus and increased incentives for 100 percent affordable housing projects for lower income households.
- SB 1227 (Density Bonus for Student Housing) (2018) - Density bonus for student housing development for students enrolled at a full-time college, and to establish prioritization for students experiencing homelessness.
- AB 2345 (Increase Maximum Allowable Density) (2020) - Revised the requirements for receiving concessions and incentives, and the maximum density bonus provided.

The project includes planned future amendments to the Zoning Ordinance and Density Bonus Ordinance to comply with these new provisions of state law. A number of other housing programs as detailed in the Housing Element will continue to be implemented to facilitate housing implementation.

## **3.3.2 Safety Element**

The project includes an update to the Safety Element of the City's Centennial General Plan in order to reflect the most recent available data, in addition to incorporating new analysis and information related to wildfire and climate vulnerability in response to the latest state requirements for safety elements. Updated safety element data and mapping includes figure updates for the issues of geologic, seismic and soil hazards, flood hazards, potential tsunami inundation areas, fire hazard severity zones, critical facilities, and hazardous materials sites. Updates to the Safety Element do not affect the potential for development to occur or result in any physical change as it is a policy document. Specific changes to the Safety Element are summarized below.

### **3.3.2.1 Wildfire**

The updated Safety Element includes new policies that address fire hazard planning. Policies address siting new development and critical facilities outside of Very High Fire Hazard Severity Zones, adherence to fire and building codes and fire safe development practices, and ensuring new development provides sufficient fire access and defensible space. The Safety Element additionally includes a policy for the City to develop an emergency evacuation program in coordination with the Orange County Sheriff's Department.

### **3.3.2.2 Climate Change Vulnerability Assessment and Adaptation Strategies**

Climate change adaptation and resilience has been added to the Safety Element in order to comply with state requirements. Updates to the Local Hazard Mitigation Plan (LHMP) that are currently in process will additionally address climate change adaptation and resiliency in more detail and will be incorporated by reference into the Safety Element.

In 2019, the City adopted a Sea Level Rise Vulnerability Assessment for the Local Coastal Program. In 2014, the City adopted a Climate Action Plan concurrent with the adoption of the Centennial General Plan. Both of these documents have been incorporated by reference into the Safety Element.

A discussion of climate adaptation planning has been added to the text of the element, in addition to new goals and policies that address issues related to more frequent storm events, rising temperatures, drought, and increasing incidence of wildfire.

### **3.3.2.3 Local Hazard Mitigation Plan**

Concurrent with the Safety Element update, the City is in the process of updating its LHMP. Although not a part of this project, a number of updates will be included in the LHMP that relate to Safety Element topics. The Safety Element will incorporate the LHMP by reference, thereby incorporating applicable LHMP policies and information into the Safety Element once adopted.

## **3.3.3 Environmental Justice**

Senate Bill 1000, known as the Planning for Healthy Communities Act, was signed into law in 2016. Under SB 1000, cities and counties in California with "disadvantaged communities" are required to adopt an Environmental Justice (EJ) element into their General Plan, or integrate EJ-related policies, objectives, and goals throughout other elements of the General Plan. The law defines environmental justice as "the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." The City does not have any mapped disadvantaged communities and is therefore not required to comply with this rule. However, the City has incorporated policies and programs within the revised Housing and Safety Elements that address EJ issues. Specifically, the Safety Element incorporates policy S-8.05 Resilient Community, which states, "We increase community resilience to climate change and protect vulnerable populations, including older adults and those with disabilities." Additionally, key goals in the Housing Element support providing equitable housing. Applicable goals include providing adequate opportunities for new

housing for all economic levels and those with special needs, providing equal opportunity housing, and maintaining existing housing, especially affordable units, shelters, and properties owned by lower income residents. For each housing goal, a number of programs are identified that would support its implementation.

## **3.4 Buildout Projections for the Housing Element Residential Sites Inventory**

A “project” as defined by CEQA Guidelines Section 15378(a) “means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” While the project will not implement rezones concurrent with adoption of the Housing Element, the environmental analysis includes the potential future rezone sites in order to account for reasonably foreseeable physical changes in the environment, and to allow future rezone actions to rely on this environmental document. While adoption of rezones is not associated with any site development or construction plans, the analysis includes development assumptions in order to provide a reasonable estimate of potential future development intensities and characterize the associated potential impacts. Future development would occur on rezone sites only as market conditions allow and at the discretion of the individual property owners.

### **3.4.1 Buildout Yield Methodology**

In order to analyze the potential impacts, the future potential development must be quantified in terms of residential units and non-residential land use acreages. The quantification must be based on reasonable assumptions per CEQA. The buildout approach is to analyze buildout of the currently planned land uses by acreage for all non-residential land uses (e.g., commercial) with the addition of the potential multi-family units. This approach provides a maximum buildout scenario. The buildout year assumed in the environmental analysis is 2045.

### **3.4.2 Future Residential Units**

In estimating the capacity of the City’s Residential Sites Inventory, including rezone sites, the potential number of units assumes 80 percent of allowable density. This assumption is based on a reasonable estimate of actual development yield considering recent projects in the City that included affordable housing and the associated unit yields. Additionally, the environmental analysis is considering buildout of all of the identified rezone sites, which is a conservative analysis since only a subset of the rezone sites are needed to achieve the RHNA targets. Accordingly, only a subset of the rezone sites will ultimately be rezoned. Assumed development yield is shown in Tables 3-3 and 3-4.

### **3.4.3 Future Commercial Intensity**

A number of the rezone sites are located on parcels with existing commercial development. For these rezone sites (see Table 3-4, sites B through P), it was assumed that the existing commercial would remain and new residential would be constructed within parking areas. For these sites, no additional

commercial component was assumed. For other potential rezone sites and vacant and underutilized sites that would allow commercial use, it was assumed that the first floor would develop commercial land uses. Assumptions for the square footage of commercial development was based on assumptions from the San Clemente Inclusionary Housing Program Update Report (Economic & Planning Systems, Inc. 2021), which assumed 15,246 square feet of commercial development could be accommodated on a one-acre site (a 0.35-acre commercial floor area ratio). This assumption was scaled to apply to the Housing Sites. Due to location and slope constraints at rezone Site U, no commercial component was assumed. Specific commercial assumptions are shown in Tables 3-3 and 3-4.

## 3.5 Discretionary Actions

In addition to adoption of the Housing and Safety elements, the City will undertake actions to ensure consistency between the rezones and the City's General Plan, Zoning Code, and Specific Plans and to comply with state housing goals to allow residential use and density by right without discretionary review and remove governmental constraints to housing. Discretionary actions are those actions taken by an agency that call for the exercise of judgment in deciding whether to approve or how to carry out a project. The following discretionary actions would be taken by the City as part of the current action:

- Amend the General Plan to adopt the 6<sup>th</sup> Cycle Housing Element Update (2021-2029)
- Amend the General Plan to adopt the revised Safety Element.
- Certify the Program Environmental Impact Report (PEIR), Adopt the Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

After adoption of the Housing and Safety Elements and certification of the PEIR, the City will collect additional public input regarding the potential rezone sites evaluated in this EIR. Based on public input received and further analysis by the City, the City will select a subset of the rezone sites to be rezoned, sufficient to meet the City's RHNA obligations. Adoption of future rezones will require the following additional discretionary actions at a later date:

- Amend the General Plan Land Use Element and/or applicable Specific Plans for conformance with the rezone sites ultimately selected. General Plan land use changes required for consistency with each potential rezone sites are specified in Table 3-4.
- Amend the Zoning Code.
- Rezone the properties ultimately selected to meet RHNA obligations.
- Rezone to establish a Housing Overlay over select properties that will be allowed to process ministerially if a 20 percent affordable component is provided (low or very low income).

## 3.6 Future Development

Future development of housing consistent with the Residential Sites Inventory will be processed either:

- Ministerially, using the City's existing Affordable Housing Overlay Zone. These sites would be subject to the design review requirements described in Section 3.3.1.2.a.
- Ministerially, for sites within the Housing Overlay that provide a minimum of 20 percent of the units to affordable households (low or very low income). These sites would be subject to architectural and design review, in addition to other objective development standards.
- With a discretionary permit for sites that do not provide 20 percent of units as affordable to low or very low-income households. These proposals would be subject to subsequent environmental review and permitting required by the City's Municipal Code.

Future uses would be those permitted by the underlying zone and applicable overlays. Conditionally permitted uses would require the approval of a Conditional Use Permit or Minor Use Permit.

### 3.6.1 Subdivisions

Subdivisions would be reviewed and approved in accordance with Title 16 Subdivision Regulations and the Subdivision Map Act.

### 3.6.2 Subsequent Environmental Review

Subsequent environmental review is required for all subsequent discretionary actions to entitle future development, including but not limited to certain subdivision actions and use permits. Subsequent discretionary actions must be examined in the light of the PEIR to determine whether an additional environmental document needs to be prepared.

Subsequent projects may tier from this PEIR or the City may make a finding that sufficient environmental clearance occurred with the PEIR for the Housing Element (CEQA Guidelines Sections 15152, 15162 and 15168). The purpose in using a PEIR is to comprehensively consider a series of related projects and to streamline subsequent review of development projects.



## Chapter 4

# Environmental Analysis

The following sections analyze the potential environmental impacts that may occur as a result of project implementation, including adoption of the Housing Element, Safety Element, buildout of the proposed Housing Element sites inventory, adoption of potential future rezones, and associated discretionary actions (project). Buildout of the Housing Element sites inventory is anticipated to occur over a 20+ year horizon while adoption of potential future rezones must occur within three years of adoption of the Housing Element. Although only a portion of the sites inventory requires a rezone for implementation, the analysis evaluates the potential for any of the Housing Element Sites to develop with a ministerial action if the project sets aside 20 percent of the units as affordable to lower income residences.

Potential impacts are assessed against the current on-the-ground condition; therefore, due to the long-term buildout horizon, circumstances and in-turn potential impacts have the potential to change over time. The environmental issues subject to detailed analysis in the following sections include those identified as potentially significant during the environmental review process. Fifteen environmental issues are addressed in the following sections, in accordance with the California Environmental Quality Act (CEQA) Guidelines and Statutes. The remaining three environmental issues were found to be less than significant and are addressed in a more abbreviated manner in Chapter 8.

Each issue analysis section is formatted to include a summary of existing conditions, including the regulatory context; the significance determination thresholds and methodology; an evaluation of potential project impacts; a mitigation framework to address potentially significant impacts; and a conclusion of significance after mitigation.

## 4.1 Aesthetics

This section analyzes potentially significant impacts related to visual quality and aesthetics that could result from implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." The analysis is based on secondary source information, review of applicable City policies and design guidelines, review of aerial photography, and a photo survey of selected sites.

### 4.1.1 Existing Conditions

#### 4.1.1.1 Landforms

The City lies in the northern part of the Peninsular Ranges Geomorphic Province, which is characterized by northwest-trending mountains and valleys extending from the Los Angeles Basin to the northwest and southeast into Baja California. The province is bounded by the San Andreas fault zone on the east and extends offshore to the west. Most of the City consists of hills and canyons. These landforms generally feature gentler grades northwest of the Interstate 5 (I-5) and steeper grades northeast of the I-5. In addition to coastal canyons, the topography of northwest of the I-5 is notable for the high bluffs separating the community from the beach below (City of San Clemente 2013).

#### 4.1.1.2 Scenic Resources

The dominant visual characteristics in the City are the canyons and ridgelines of the Santa Ana Mountain foothills and their transition into the coastal bluffs, canyons, and beaches (City of San Clemente 2013). The City is framed by the Pacific Ocean to the west with coastal bluffs and beaches, and hillsides and ridgelines to the north and east. Although the City is mostly built-out, a number of winding canyons and expanses of open space provide relief from the built environment (City of San Clemente 2014, Natural Resources Element).

##### a. Scenic Highways

The City is served by the I-5 freeway which traverses the City from the northwest to the southeast, linking the City to the rest of Orange County to the north and San Diego County to the south. This segment of the freeway has not been officially designated a scenic highway by the California Department of Transportation (Caltrans; 2019). However, in many locations, it affords scenic vistas of the City, ridgelines, and ocean.

South Orange County is also served by State Route 1 (SR-1), otherwise called El Camino Real or "the King's Highway" within the City. El Camino Real winds through the City roughly parallel to I-5, but also edges near the beach at the City's northwestern boundary. The roadway links the City to the beach cities of Dana Point, Laguna Beach, and Newport Beach to the northwest, travels through the

Downtown portion of the City, and terminates near the City's southeastern edge. El Camino Real is an officially designated scenic highway. Unique among scenic highways, land uses along the roadway are heavily urbanized, especially in and near the Downtown area (City of San Clemente 2013).

Pursuant to the City's General Plan Mobility and Complete Streets Element, the following roadways are identified as Major and Minor scenic corridors:

### *Major Scenic Corridors*

- Avenida Vista Hermosa
- Avenida La Pata
- Avenida Pico

### *Minor Scenic Corridors*

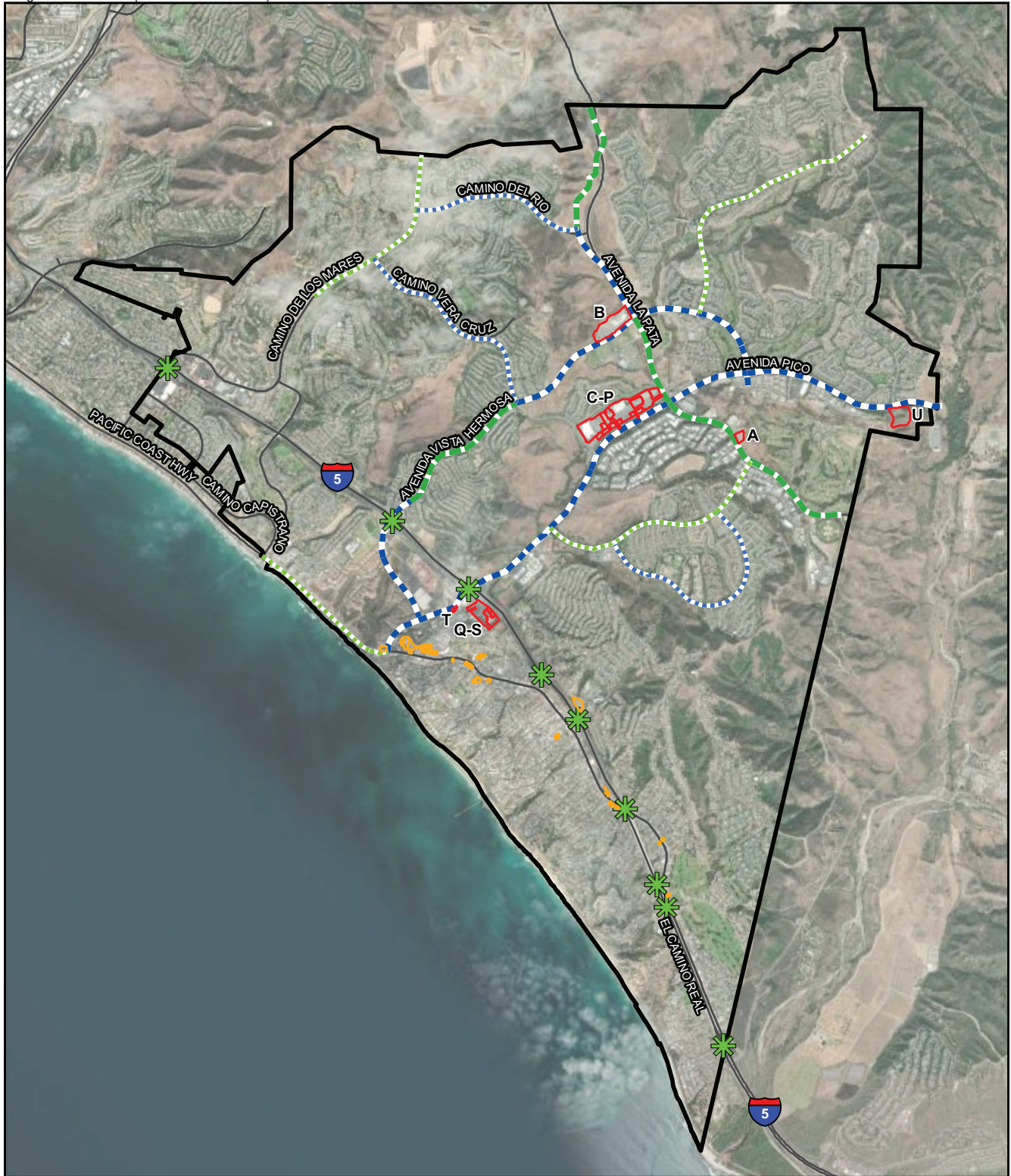
- El Camino Real/Pacific Coast Highway
- Ola Vista
- El Camino Real
- Camino De Los Mares
- Camino Vera Cruz
- Camino Del Rio
- Calle del Cerro
- Avenida Vista Montana
- Avenida Talega

Figure 4.1-1 shows the City's Scenic Corridor's Map with key entry points to each corridor.

## **b. Scenic Corridors**

Scenic resources in the City include public view of the natural landforms, the City's Spanish Village by the Sea urban form and colors, natural vegetation colors and textures, and the shoreline and the Pacific Ocean. The City seeks to preserve these scenic corridors which allow views of coastal bluffs, beaches, visually significant ridgelines, and coastal canyons (City of San Clemente 2014, Natural Resources Element).

Figure 4.1-2a shows the view corridors as identified in the City's General Plan. Figure 4.1-2b and 4.1-2c show specific public views associated with North Beach, and Pier Bowl Area, respectively.



- Project Boundary
- Arterial Roadways
- Vacant and Underutilized Sites
- Potential Rezone Sites
- ✱ Freeway Gateways
- Scenic Corridors
- Major Urban Corridors
- Minor Urban Corridors
- Major Recreation Corridors
- Minor Recreation Corridors

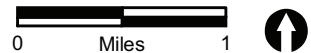
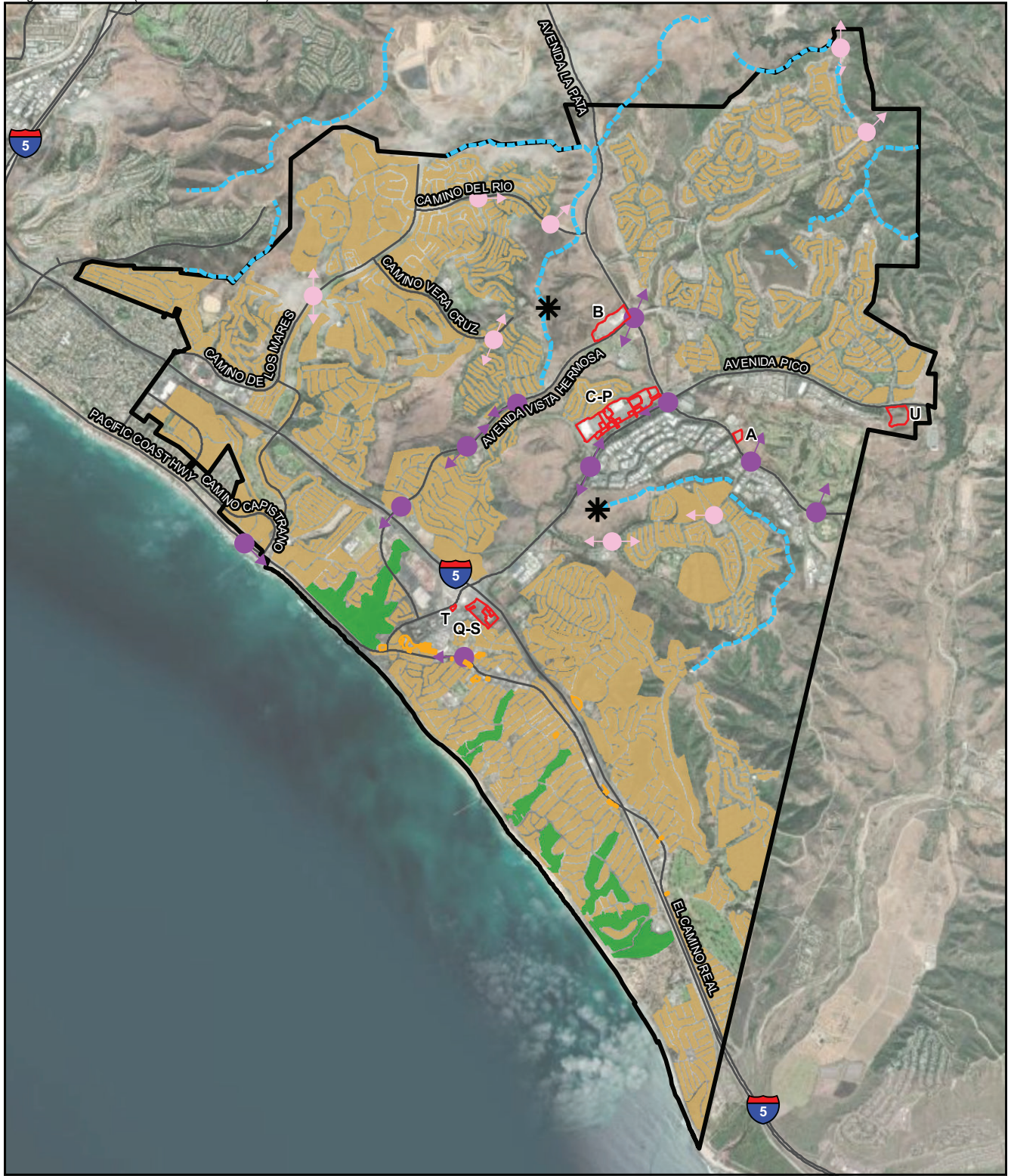
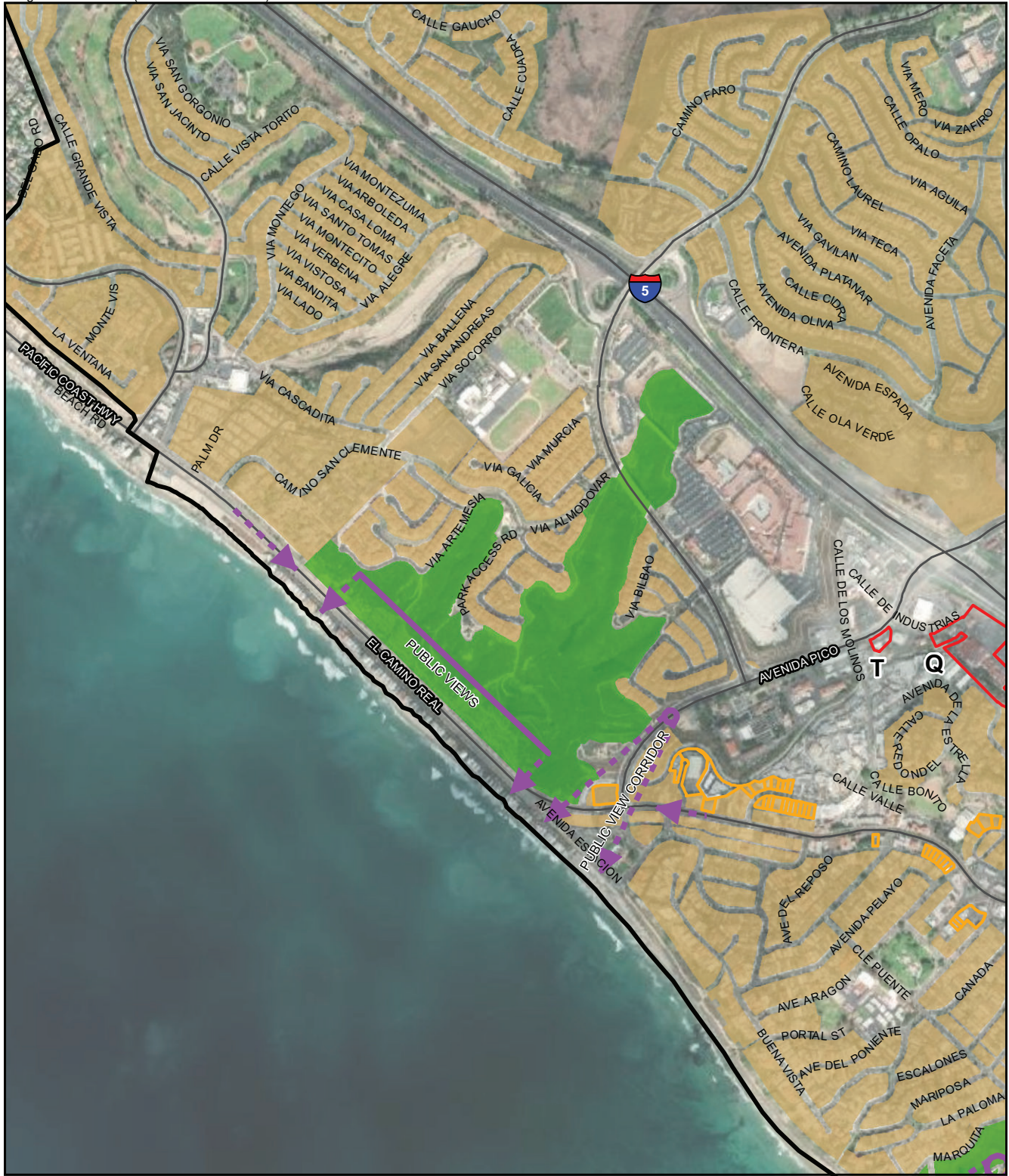


FIGURE 4.1-1  
General Plan Scenic Corridors



- |                                |                     |                        |
|--------------------------------|---------------------|------------------------|
| Project Boundary               | Scenic Vistas       | Significant Ridgelines |
| Arterial Roadways              | Major View Corridor | Coastal Canyons        |
| Vacant and Underutilized Sites | Minor View Corridor | Residential Land Use   |
| Potential Rezone Sites         |                     |                        |

FIGURE 4.1-2a  
Public View Corridors



- Project Boundary
- Arterial Roadways
- Vacant and Underutilized Sites
- Potential Rezone Sites
- ▶ Public View Corridor
- Coastal Canyons
- Residential Land Use



FIGURE 4.1-2b  
Public View Corridors: North Beach



- Project Boundary
- Arterial Roadways
- Vacant and Underutilized Sites
- ▶ Public View Corridor
- Coastal Canyons
- Residential Land Use

FIGURE 4.1-2c

Public View Corridors: Pier Bowl Area

### c. Urban Form

In addition to the natural features, the City fabric itself contains numerous unique scenic resources due to its distinctive urban character. The City's historic core is identified as a "Spanish Village by the Sea," a theme first selected for the community by the City's founder, Ole Hanson in the 1920s. Examples of this include the terminus of Avenida del Mar at San Clemente's historic City Hall, the terminus of West El Portal at Max Berg Plaza Park, and the orientation of Downtown's major streets toward the public pier and "Pier Bowl" area. The Spanish Village theme also provides additional scenic resources, including a prevalence of streets lined with tall palm trees and historic Ole Hanson-era homes (City of San Clemente 2013).

The City's urban design compliments its natural resources and includes public places, gateways, architecture, landscaping, and an urban forest. Each of these elements enhance the City's natural and historic resources. Ole Hanson's vision guides the City's urban design by emphasizing the integration of buildings and landscape maintaining the characteristics of the City. Building architecture and landscape design are intended to fit the surrounding context and complement the City's natural and historical landscape setting and plantings (City of San Clemente 2013).

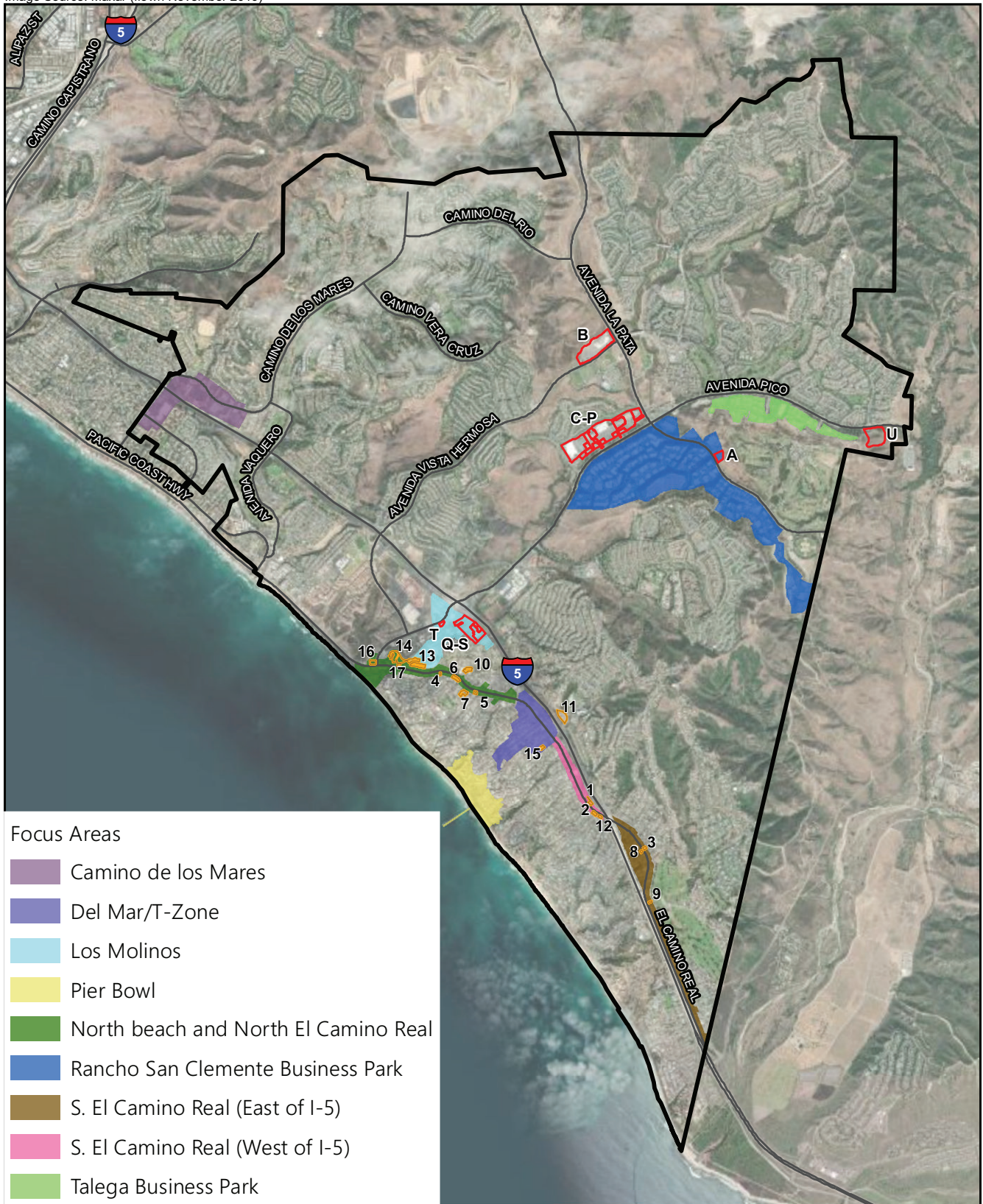
#### 4.1.1.3 Light and Glare

Sources of light and glare in the City include building lights (interior and exterior), security lights, sign illumination, and parking-area lighting. Other sources of nighttime light and glare include street lights and vehicular traffic along surrounding roadways. Additionally, a significant amount of ambient lighting comes from surrounding communities and roadways. However, because of the City's unique geographic location, nighttime ambient lighting from surrounding communities is not as pronounced as in other urbanized areas of Orange County. San Clemente's night skies benefit from being surrounded by uses that emit little or no light: the Pacific Ocean, Camp Pendleton, and the open space lands to the east. In addition, land uses that generate significant amounts of light pollution, such as shopping centers, are limited to only a few areas in the City (City of San Clemente 2013).

#### 4.1.1.4 Visual Characteristics of Focus Areas

The City is comprised of various neighborhoods and communities that vary in terms of their uses, types of development and architectural character. The Focus Areas, as listed in the City's General Plan, Land Use Element, are shown on Figure 4.1-3. Development within each Focus Area is governed by area-specific policies beyond those policies and design guidelines that are applicable Citywide (City of San Clemente 2014 [Land Use Element]). Focus Areas with proposed Housing Sites are discussed below.





- Focus Areas
- Camino de los Mares
  - Del Mar/T-Zone
  - Los Molinos
  - Pier Bowl
  - North beach and North El Camino Real
  - Rancho San Clemente Business Park
  - S. El Camino Real (East of I-5)
  - S. El Camino Real (West of I-5)
  - Talega Business Park

Project Boundary
  Vacant and Underutilized Sites
  Arterial Roadways
  Potential Rezone Sites

0 Miles 1

FIGURE 4.1-3  
 General Plan Focus Areas

### **a. Rancho San Clemente Business Park**

The Rancho San Clemente Business Park is a primary hub for large-scale industrial and office uses, and for vehicle (including marine) sales and services. This Focus Area lies within the valley floor surrounded by public views and located adjacent to designated scenic corridors. Additional development requirements for this Focus Area is contained within the Rancho San Clemente Specific Plans. Potential rezone site A is located within this area.

### **b. Los Molinos**

The area generally west of Calle Industrias and southeast of Avenida Pico is primarily an industrial area. It is envisioned as the heart of a thriving, creative business incubator district that builds upon its industrial and surf heritage. Vehicle and marine sales and services are also accommodated in this area. The largely commercial area east of Calle Industrias and adjacent to I-5 is envisioned as an institution-anchored employment center offering learning, employment and housing opportunities. This area is envisioned to support an eclectic mix of architectural styles, colors, materials, landscaping and public art throughout the area (City of San Clemente 2014 [Land Use Element]). Potential rezone sites Q, R, S, T and vacant and underutilized site 13 are located in this area.

### **c. North Beach/North El Camino Real**

The North Beach/North El Camino Real Focus Area is a unique, community- and coastal visitor-oriented entertainment hub and recreation area. It is an important City gateway along the historic El Camino Real/Pacific Coast Highway from beach cities to the north. Visually, the area's assets include views of the ocean, convenient beach access, and an inventory of historic buildings. The maintenance of pedestrian-welcoming streetscapes and paseos are encouraged throughout this area (City of San Clemente 2014 [Land Use Element]). Vacant and underutilized sites 4, 5, 6, 14, 16, and 17 are located in this area.

### **d. Del Mar/T-Zone Focus Area and Downtown Core**

These areas are the City's historic core and the heart of the Downtown area. It is the City's most diverse, pedestrian-oriented commercial district, offering retail shops, commercial services, eating and drinking places, offices and dwellings. These areas are characterized by a village charm through its Spanish Colonial Revival architecture, pedestrian orientation, and ocean views (City of San Clemente 2014 [Land Use Element]). Vacant and underutilized site 15 is located in this area.

### **e. South El Camino Real (West of I-5)**

The South El Camino Real Area extends along El Camino Real, west of I-5, from Avenida Rosa to Avenida Valencia and the I-5 overpass. I-5 borders the area on the east and residential neighborhoods border it on the west. The area provides a transitional area between I-5 and the Del Mar/T-Zone, featuring ocean views, mixed-use housing with local-serving commercial uses, restaurants, and hotels. Design guidelines focus on maintenance of a gateway to the City (City of

San Clemente 2014 [Land Use Element]). Vacant and underutilized sites 1, 2 and 12 are located in this area.

#### **f. South El Camino (East of I-5)**

This area, along South El Camino Real, is located east of the southernmost I-5 overpass and extends to the southern City limits near Avenida Santa Margarita. The area is characterized by a mix of restaurants, small hotels, offices, and residential uses. Areas furthest south have a more residential character, with larger multi-family buildings lining El Camino Real and small, mostly detached houses on streets to the east. Design guidelines focus on maintenance of a gateway which recognizes the surf culture of the area along with additional regulations (e.g., visual buffering, noise attenuation) relating to residential development in proximity to the I-5 (City of San Clemente 2014 [Land Use Element]). Vacant and underutilized sites 3, 8, and 9 are located in this area.

#### **4.1.1.5 Specific Plan Areas**

In addition to the City's Design Guidelines, development within the following areas are guided by specific plans which provide supplemental regulations relating to construction, site design, and development standards within each Specific Plan Area.

- Rancho San Clemente Specific Plan
- West Pico Corridor Specific Plan
- Pier Bowl Specific Plan
- Talega Specific Plan
- Marblehead Coastal Specific Plan
- Marblehead Inland Specific Plan
- Forster Ranch Specific Plan

### **4.1.2 Regulatory Framework**

#### **4.1.2.1 State**

##### **a. State Scenic Highway Program**

California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from change, which would diminish the aesthetic value of lands adjacent to highways. The only designated scenic highway in the City is El Camino Real (SR-1). Although not considered state scenic highways, the City identifies major and minor urban corridors including Avenida Pico, Avenida Vista Hermosa, and Avenida la Plata (see Figure 4.1-1).

## 4.1.2.2 Local

### a. City of San Clemente Design Guidelines

The City Design Guidelines were adopted in 1991. The Design Guidelines are used to evaluate proposed development projects that require design review and a discretionary approval (public hearing process). When a project does not require a discretionary permit, then the Design Guidelines are used to show which design principles are recommended for projects to incorporate. These principles include site design, architectural character, and landscape requirements.

With respect to sites identified as historic, or sites located adjacent to historic sites, the Design Guidelines contain specific guidance to be applied, in addition to the general design standards.

### b. Specific Plan Design Guidelines

There are several areas of the City that are regulated by Specific Plans, including Forster Ranch, Marblehead Coastal, Marblehead Inland, Pier Bowl, Rancho San Clemente, Talega, and West Pico Corridor. These Specific Plans typically include additional design guidelines for these areas. New developments in Specific Plan Areas are evaluated for consistency with design guidelines in the applicable specific plans.

### c. City of San Clemente Master Landscape Plan for Scenic Corridors

The Master Landscape Plan for Scenic Corridors was adopted in 1989 and revised in 1992. Its purpose is to establish a unified landscape program for the scenic corridors within the City that link coastal areas of the City with inland master-planned areas. The plan determines specific plant materials along specific scenic corridors. It is the intent of the plan to provide objective design and evaluation criteria to utilize when landscaping land adjacent to or affecting scenic corridors.

### d. City of San Clemente Municipal Code (SCMC)

#### *Chapter 8.52 Regulation of Nuisances*

Chapter 8.52 of the SCMC addresses the mitigation of nuisances and includes provisions aimed at protecting the visual quality of neighborhoods. These regulations (Chapters 8.52.20 and 8.52.30) require the proper maintenance of buildings and property, including the abatement of overgrown vegetation, accumulation of debris, general neglect of property, and other visual nuisances.

#### *Chapter 15.40 Hillside Development Ordinance*

The Zoning Ordinance (Title 17) establishes development standards (e.g., building heights, setbacks, parking requirements, allowed and prohibited specific uses, etc.) for land within the City's boundaries. In addition to development standards in the City's zoning ordinance, the City also maintains and implements a Hillside Development Ordinance (Chapter 15.40). The Hillside Development Ordinance requires primary ridgelines to be preserved in their natural state and seeks to protect natural systems and resources associated with hillside environments.

### *Chapter 17.24 General Development Standards*

Part of the broader Title 17 (Zoning Code), the intent of this chapter is to provide general development standards, resulting in new development that is harmonious with existing and potential development in the surrounding area. Standards include provisions addressing aesthetic concerns such as the preservation of topographical features (Chapter 17.24.60) and light and glare impacts (Chapter 17.24.130).

### *Chapter 17.68 Landscape Standards*

Also included in the City's Zoning Code, this chapter establishes landscaping standards for private property that enhance the appearance of developments; increase the compatibility between different land uses; reduce the heat and glare generated by development; and protect public health, safety, and welfare by minimizing the impacts of soil erosion and visual pollution and promoting water conservation.

## **e. City of San Clemente General Plan**

The Coastal Element is intended to protect the City's natural habitats, natural resources, coastal canyons, and the marine and shoreline environment. The Coastal Element includes goals and policies that guide and encourage the protection of both visual and physical access to the coastline.

**GOAL:** Create and maintain outstanding public access.

**Policies:**

**C-1.03. *Where Public Access is Required.*** New developments lying between the first public roadway and the shoreline shall provide both physical and visual access to the coastline.

**GOAL:** Continue to be a community that places high priority on the preservation and enjoyment of the City's scenic and cultural resources.

**Policies:**

**C-3.01. *Visual Character and Aesthetic Resources Preservation.*** We preserve the visual character and aesthetic resources of the City, including coastal bluffs, visually significant ridgelines, and coastal canyons, open spaces, prominent, mature trees on public lands, and designated significant public views.

**C-3.02. *Scenic View Corridors and Public Views.*** We identify and designate the location and orientation of significant designated scenic view corridors and significant public views. (See Glossary for definitions of "significant view corridors" and "significant public views.")

The Mobility and Complete Street Element includes visual and aesthetic related goals and policies that focus on the character of City roadways and the maintenance of the City's transportation system in a way that does not adversely affect public views.

**GOAL:** Create a balanced transportation network that provides mobility and access for all modes of travel.

### Policies

**M-1.31. *Building Heights and Setbacks.*** We review the heights and setbacks of all structures to ensure the preservation of visual corridors and the maintenance of an open, scenic quality within each corridor.

**M-1.32. *Compatible Landscaping.*** We require development to provide landscaping themes that are compatible with and reinforce the visual character of adjacent, designated scenic corridors.

The Natural Resources Element establishes goals and policies aimed at preserving and enhancing the City's aesthetic resources.

**GOAL:** Preserve natural aesthetic resources of the City, including coastal bluffs, beaches, visually significant ridgelines, coastal canyons and significant public view corridors.

### Policies

**NR-2.01. *Hillside Development and Ridgeline Protection.*** We require that development in hillside areas comply with the Hillside Development Ordinance.

**NR-2.04. *Public View Corridors of Ocean.*** We preserve designated public view corridors to the ocean.

**NR-2.07. *Underground Utilities.*** The City will develop and implement a utilities undergrounding plan to avoid the adverse impacts to aesthetic resources caused by public utilities and unmanned telecommunications facilities, where feasible and where costs of such undergrounding does not pose economic hardship. Where undergrounding is determined by the City to not be physically possible, such features shall be located and designed to reduce their visibility and in developed areas, consistent with prevailing architectural character and scale. In beaches, parks and open spaces areas, such facilities shall be designed and located to blend in with natural colors, textures and landforms.

**NR-2.08. *Trees as Screening Tool.*** Where screening of public utilities and/or telecommunication facilities is determined by the City to be desirable, the strategic location, selection, planting and maintenance of trees or other plant materials will be considered as a tool for screening or redirecting views.

**NR-2.09. *Public View Corridors.*** The City will preserve and improve the view corridors and encourage other agencies with jurisdiction to do so. Specifically, in its capital improvement programs and discretionary approvals, the City will seek to ensure that:

- a. Development projects shall require a view analysis to ensure they do not negatively impact a public view corridor.

- b. Utilities, traffic signals, and public and private signs and lights shall not obstruct or clutter views, consistent with safety needs.
- c. Where important vistas of distant landscape features occur along streets, street trees shall be selected and planted so as to facilitate viewing of the distant features.

The Historic Preservation Element intends to preserve, rehabilitate, restore and adaptively reuse buildings, features, sites, and districts with archaeological, historical, architectural, or cultural significance.

**GOAL:** Minimize light trespass and pollution caused by public and private structures, new development, and public facilities to ensure safety, protection of the natural environment, and preservation of dark nighttime skies.

### Policies

**NR-7.01. *New Residential Development and Remodeling Projects.*** We require development projects and major remodel projects to minimize light pollution and trespass while enhancing safety and aesthetics.

**NR-7.02. *Public Facilities, Buildings and Streets.*** We use outdoor light shielding measures to minimize light trespass and glare while enhancing safety and aesthetics.

**NR-7.03. *Commercial and Industrial Buildings.*** We require that site lighting for commercial and industrial uses be unobtrusive and constructed or located so that only the intended area is illuminated, off-site glare is minimized, and adequate safety is provided.

**GOAL:** Ensure the preservation, rehabilitation, restoration and adaptive reuse of buildings, sites, places, and districts with archaeological, historical, architectural, or cultural significance to San Clemente.

### Policy

**HP-2.06. *New Development.*** We require that all new single-family and multifamily residential development abutting historic resources, and new commercial and multi-family development of three or more units within a 300-foot radius from a historic resource be compatible with the historic resource in terms of scale, massing, building materials and general architectural treatment.

The Land Use Element contains numerous goals and policies relating to aesthetics and visual resources. In particular, policies in the General Plan address preservation of scenic views, architectural and streetscape design, design of City gateways, landscaping quality, aesthetic compatibility of land uses, and general visual character. Likewise, the Urban Design Element intends to create and enhance a high-quality, built environment that protects and enhances the City's treasured natural and historical resources, maintains the City's small town beach character, provides accessibility to residents, employees and visitors, and distinguishes the City as the Spanish Village by the Sea. Goals and policies within the Urban Design Element address numerous visual issues including, but not

limited to, site design, landscape, streetscape, public view corridors, architecture, and visual screening.

### 4.1.3 Significance Determination Thresholds

Consistent with Appendix G of the CEQA Guidelines, impacts related to aesthetics would be significant if the project would:

- 1) Have a substantial adverse effect on a scenic vista;
- 2) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- 3) Substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or
- 4) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

### 4.1.4 Methodology

Information presented in this section is based on a review of policies and regulations relevant to the protection of aesthetic resources in the City; identification of designated or valued scenic views, and scenic resources throughout the City; and analysis of potential development within the Housing Sites in relation to the surrounding area.

### 4.1.5 Issue 1: Scenic Vistas

*Would the project have a substantial adverse effect on a scenic vista?*

#### 4.1.5.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to scenic vistas. Although the City is mostly built out, implementation of housing anticipated in the Housing Element could result in new development or redevelopment at the Housing Sites. Some development within the Housing Sites could result in mixed-use projects with a ground floor commercial component, the heights of which could exceed the existing conditions. Therefore, development of the Housing Sites could result in the degradation of scenic views. As shown in Figure 4.1-2a, development within rezone sites C through P would be visible along the view corridors through Avenida Pico, and development of vacant and underutilized sites would be visible along El Camino Real (SR-1). However, future



ministerial and discretionary development would be required to adhere to relevant portions of the SCMC which contains regulations that require retention of important natural features, preservation of views, and new development and landscaping that is sensitive to visual resources. In particular, the Hillside Development Ordinance (Chapter 15.40) includes provisions requiring the preservation of ridgelines in their natural state. Additional sections of the SCMC that address the preservation of vistas and scenic resources are included in Title 17: General Development Standards (Chapter 17.24), and Landscape Standards (Chapter 17.68). Likewise, future development would be required to follow the guidance contained in the City's Design Guidelines. The Design Guidelines are used to evaluate proposed development projects that require design review and a discretionary approval (public hearing process). When a project does not require a discretionary permit, then the Design Guidelines are used to show which design principles are recommended for projects to incorporate.

Additionally, development within the City's Focus Areas and/or Specific Plan Areas would be required to adhere to the land use plans that provide supplemental development regulations for those areas. Policies of the City's General Plan support the preservation of scenic vistas, including the Coastal, Mobility and Complete Streets, Natural Resources, and Historic Preservation Elements. Examples of applicable policies that ensure consideration is given to all aspects of a project to protect public views include C-1.03 (maintain visual access to the shoreline), C-3.02, M-1.31, NR-2.09 (preservation of scenic view corridors), and NR 2.04 (preserve public access to ocean views).

#### 4.1.5.2 Significance of Impacts

For development of Housing Sites that would be approved with a ministerial process, adherence to regulatory requirements including the SCMC would ensure that future development would not degrade public views of scenic vistas and views. Ministerial projects would be required to adhere to the design principles contained within the City's Design Guidelines. Development of Housing Sites that would require a discretionary review would be subject to the same regulatory requirements discussed above, along with the City's design review process, in addition to General Plan policies focused on preservation of scenic vistas and views. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.

#### 4.1.5.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.1.6 Issue 2: Scenic Resources

*Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State Scenic Highway?*

#### 4.1.6.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element

policies by the City would not have an adverse effect related to scenic vistas. The only designated scenic highway in the City is El Camino Real (SR-1). The segment of I-5 that traverses the central portion of the City is not an officially designated scenic highway; however, I-5 and El Camino Real (SR-1) are both highways within the City that afford scenic views of hillsides, ridgelines, the City, and the ocean (City of San Clemente 2013). Figure 4.1-1 shows the City's scenic corridors as identified by the City's General Plan. As shown in Figure 4.1-1, Housing Sites are located within major urban and recreational corridors, as well as El Camino Real (SR-1). Development within these sites could result in impacts to the scenic corridor as a result of changes to the bulk, scale, height or use of the future construction. However, future development within a scenic corridor would be required to adhere to relevant provisions of the SCMC including restrictions in grading as detailed in Chapter 15.40, Hillside Development Ordinance. Additionally, development within the scenic corridors would be subject to provisions of the Master Landscape Plan for Scenic Corridors and applicable General Plan policies, including Policy M-1.26, Major and Minor Scenic Corridors, which requires that specific roadways be maintained and preserved as major or minor scenic corridors.

Future development of the Housing Sites would not result in damage to any rock outcroppings. Future development of the Housing Sites would not result in damage to any historic buildings; however, if any of the Housing Sites are located within 300 feet of a historic building, changes within the site could impact the historic site or building. Future projects located within 300 feet of a historic building would adhere to General Plan Policy HP-2.06, which requires all new single-family and multi-family residential (three or more units) development abutting historic resources be compatible with the historic resource in terms of scale, massing, building materials, and general architectural treatment.

#### **4.1.6.2 Significance of Impacts**

For development of Housing Sites that would be approved with a ministerial process, adherence to regulatory requirements including the SCMC would ensure that future development would not degrade scenic resources. Development of Housing Sites that would require a discretionary review would be subject to the same regulatory requirements discussed above, along with the City's provisions of the Master Landscape Plan for Scenic Corridors and applicable General Plan policies such as HP-2.06. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.

#### **4.1.6.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.

## 4.1.7 Issue 3: Visual Character and Quality

*Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

### 4.1.7.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to visual character or quality. The vacant and underutilized sites are primarily located within urbanized areas that are surrounded by residential development. Development of these Housing Sites would be consistent with the visual quality and character of surrounding residential development. Additionally, some of underutilized sites consist of aging structures with poor visual quality, and redevelopment of these structures would result in new residential structures developed consistent with the visual requirements of the SCMC. Furthermore, development of vacant and underutilized sites within the City's Focus Areas and/or Specific Plan Areas would be required to adhere to the land use plans that provide supplemental development regulations of those sites.

Development of housing at rezone sites B, and C through P (which contain existing shopping centers), would result in the addition of residential housing within the parking areas of the existing shopping centers. While the addition of housing would further densify these sites, the sites are completely developed with commercial structures and surface parking. The addition of residential use would change the intensity of land uses at the sites but would not degrade the existing visual character of the site or surroundings based on application of City design guidelines. Development at potential rezone sites Q through T would convert existing commercial structures and associated parking lots to residential uses, which would activate the sites with new development that would be subject to all of the latest design and landscape standards, compared to the existing condition.

Development at rezone sites would be subject to relevant portions of the SCMC and the City's Design Guidelines, as well as land use plans that provide supplemental development regulations for those areas within City's Focus Areas and/or Specific Plan Areas as applicable. Development of rezone sites A and U would convert undeveloped land to residential uses, which alter the existing visual character of the sites. However, development of rezone sites A and U would be subject to the relevant portions of the SCMC, including Chapter 15.40, Hillside Development Ordinance, as well as the City's Design Guidelines.

### 4.1.7.2 Significance of Impacts

With implementation of applicable sections of the SCMC and the City's Design Guidelines, as well as land use plans that provide supplemental development regulations for those areas within City's Focus Areas and/or Specific Plan Areas as applicable, development of the Housing Sites would not

substantially degrade the existing visual character or quality of public views. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.

### 4.1.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

## 4.1.8 Issue 4: Light and Glare

*Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

### 4.1.8.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to light or glare. Development of the Housing Sites could introduce new sources of light and glare, including night lighting for buildings and security lighting for first-floor commercial units. However, the proposed Housing Sites would be primarily located in urbanized areas with similar sources of light in the existing condition. Additionally, development of future Housing Sites would be required to comply with SCMC standards related to light and glare (Chapter 17.24.130), which requires that outdoor lighting be directed downward and away from adjoining properties and public rights-of-way. Development of the Housing Sites would also be subject to General Plan Policies NR-7.1, NR-7.2, and NR-7.3, which serve to minimize light pollution and trespass in order to preserve dark skies.

### 4.1.8.2 Significance of Impacts

Development of the Housing Sites would be required to comply with SCMC standards related to light and glare (Chapter 17.24.130) and General Plan Policies NR-7.1, NR-7.2, and NR-7.3, which serve to minimize light pollution and trespass in order to preserve dark skies. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.

### 4.1.8.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

## 4.2 Air Quality

This section addresses the potential air quality impacts associated with the emission of air pollutants associated with implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." Complete air quality modeling data are contained in Appendix B of this Program Environmental Impact Report (PEIR) and include criteria pollutant emission data calculated using the California Emissions Estimator Model (CalEEMod) and Vehicle Miles Traveled (VMT)/Emissions Factors (EMFAC) data from both the project Transportation Impact Study (Appendix E) and the California Air Resources Board (CARB).

### 4.2.1 Existing Conditions

#### 4.2.1.1 Regional Setting

The City lies within the South Coast Air Basin (Basin), which is under the jurisdiction of the SCAQMD. The 6,745-square-mile Basin encompasses Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, and is bound by the Pacific Ocean to the west, the San Gabriel, San Bernardino, and Jacinto mountains to the north and east, respectively, and San Diego County to the south.

The general region lies in the semipermanent high-pressure zone of the eastern Pacific. As a result, the climate is mild, tempered by cool sea breezes. This usually mild weather pattern is interrupted infrequently by periods of extremely hot weather, winter storms, and Santa Ana winds.

#### 4.2.1.2 Air Pollutants of Key Concern

The U.S. Environmental Protection Agency (U.S. EPA) has identified six pollutants of key concern known as "criteria pollutants." These criteria pollutants are each common in outdoor environments across the United States and each pose a threat to human health. Criteria pollutants include ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and lead (Pb). The following is a discussion of the criteria air pollutants (U.S. EPA 2021).

##### a. Ozone

Ozone is the primary component of smog. Ozone is not directly emitted into the air but is formed through complex chemical reactions between precursor emissions of oxides of nitrogen (NO<sub>x</sub>) and reactive organic gases (ROGs) (also known as volatile organic chemicals [VOC] or reactive organic compounds [ROC]) in the presence of sunlight. The adverse health effects associated with exposure to ozone pertain primarily to the respiratory system. Scientific evidence indicates that ambient levels of ozone affect not only sensitive receptors, such as asthma sufferers and children, but healthy adults as well. Exposure to ozone has been found to significantly alter lung functions by increasing

respiratory rates and pulmonary resistance, decreasing tidal volumes (the amount of air inhaled and exhaled), and impairing respiratory mechanics. Symptomatic responses include throat dryness, chest tightness, headache, and nausea. About half of smog-forming emissions come from automobiles.

### **b. Carbon Monoxide**

Carbon monoxide is a colorless, odorless gas that is formed when carbon in fuel is not burned completely. It is a component of motor vehicle exhaust, which contributes about 56 percent of all CO emissions nationwide. CO enters the bloodstream through the lungs by combining with hemoglobin, which normally supplies oxygen to the cells. However, CO combines with hemoglobin much more readily than oxygen does, resulting in a drastic reduction in the amount of oxygen available to the cells. Adverse health effects associated with exposure to CO concentrations include such symptoms as dizziness, headaches, and fatigue. CO exposure is especially harmful to individuals who suffer from cardiovascular and respiratory diseases.

Small-scale, localized concentrations of CO above the federal and state Ambient Air Quality Standards (AAQS) may occur at intersections with stagnation points such as those that occur on major highways and heavily traveled and congested roadways. Localized high concentrations of CO are referred to as "CO hotspots" and are a concern at congested intersections, where automobile engines burn fuel less efficiently and their exhaust contains more CO.

### **c. Nitrogen Dioxide**

Nitrogen dioxide is a brownish, highly reactive gas that is present in all urban environments. The major human-made sources of NO<sub>2</sub> are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. Inhalation is the most common route of exposure to NO<sub>2</sub>. Because NO<sub>2</sub> has relatively low solubility in water, the principal site of toxicity is in the lower respiratory tract. The severity of the adverse health effects depends primarily on the concentration inhaled rather than the duration of exposure. An individual may experience a variety of acute symptoms, including coughing, difficulty with breathing, vomiting, headache, and eye irritation during or shortly after exposure. After a period of approximately 4 to 12 hours, an exposed individual may experience chemical pneumonitis or pulmonary edema with breathing abnormalities, cough, cyanosis, chest pain, and rapid heartbeat.

### **d. Sulfur Dioxide**

Sulfur dioxide is a combustion product, with the primary source being power plants and heavy industries that use coal or oil as fuel. SO<sub>2</sub> is also a product of diesel engine combustion. The health effects of SO<sub>2</sub> include lung disease and breathing problems for people with asthma. SO<sub>2</sub> in the atmosphere contributes to the formation of acid rain.

### **e. Inhalable Coarse Particles**

PM<sub>10</sub> is particulate matter with an aerodynamic diameter of 10 microns or less. Ten microns is about one-seventh of the diameter of a human hair. Particulate matter is a complex mixture of very tiny

solid or liquid particles composed of chemicals, soot, and dust. Under typical conditions (i.e., no wildfires) particles classified under the PM<sub>10</sub> category are mainly emitted directly from activities that disturb the soil including travel on roads and construction, mining, or agricultural operations. Other sources include windblown dust, salts, brake dust, and tire wear.

Health studies have shown a significant association between exposure to particulate matter and premature death in people with heart or lung diseases. Other important effects include aggravation of respiratory and cardiovascular disease, lung disease, decreased lung function, asthma attacks, and certain cardiovascular problems such as heart attacks and irregular heartbeat.

#### **f. Inhalable Fine Particles**

Airborne, inhalable particles with aerodynamic diameter of 2.5 microns or less have been recognized as an air quality concern requiring regular monitoring. Federal regulations required that PM<sub>2.5</sub> monitoring begin January 1, 1999. Similar to PM<sub>10</sub>, PM<sub>2.5</sub> is also inhaled into the lungs and causes serious health problems.

#### **g. Lead**

Lead is a metal found naturally in the environment as well as in manufactured products. At high levels of exposure, lead can have detrimental effects on the central nervous system. The major sources of lead emissions have historically been mobile and industrial sources. As a result of the phase out of leaded gasoline, metal processing is currently the primary source of lead emissions.

### **4.2.1.3 Toxic Air Contaminants**

A toxic air contaminant (TAC) is any air pollutant which may cause or contribute to an increase in mortality or serious illness or which may pose a present or potential hazard to human health. CARB lists approximately 800 compounds that are assessed under its Air Toxics Hot Spots Program; these compounds may be carcinogenic or may cause acute or chronic non-cancer health problems. Of note, diesel-exhaust particulate matter (DPM) has been determined to be carcinogenic and therefore is categorized as a TAC.

### **4.2.1.4 Local Air Pollution Sources**

#### **a. Stationary Air Pollution Sources**

##### *Regulated Stationary Sources*

Air pollutant emissions originate from a wide variety of stationary sources such as factories, power plants, gasoline stations, and other businesses and industrial operations. The local air district, South Coast Air Quality Management District (SCAQMD) is responsible for monitoring air quality and developing plans to reduce air pollution in the Basin. The SCAQMD's Annual Emissions Reporting Program collects emissions data and makes it available to the public. Permitted stationary sources in the City include:

- Rainbow Sandals Corporation at 326 Calle de los Molinos
- Frank's Auto Body and Paint at 2101 South El Camino Real
- Frank's Auto Collision Center at 1510 Avenida de la Estrella
- City of San Clemente Wastewater Division at 380 Avenida Pico

### *Unregulated Stationary Sources*

In April 2005, CARB published the *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB 2005). The term "sensitive receptor" refers to a person in the population who is more susceptible to health effects due to exposure to an air contaminant than the population at large or to a land use that may reasonably be associated with such a person. Examples include residences, schools, playgrounds, childcare centers, churches, athletic facilities, retirement homes, and long-term health care facilities. The handbook makes recommendations directed at protecting sensitive receptors from air pollutant emissions. As stated in the handbook, the concern is generally limited to siting new sensitive land uses within 50 feet of a gas station or constructing a new gas station within 50 feet of existing sensitive land use (CARB 2005).

### **b. Mobile Source Air Pollution**

As discussed in Section 4.2.1.3, CARB has identified DPM as a carcinogenic TAC. Vehicle traffic is responsible for the majority of DPM emissions in California as well as several other carcinogens, CARB recommends caution when siting sensitive land uses near heavily traveled roadways. Specific recommendations from CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* include maintaining a 500-foot buffer zone between sensitive receptors and freeways, urban road with 100,000 or more vehicles per day or rural road with 50,000 vehicles per day whenever possible (CARB 2005). The Orange County Master Plan of Arterial Highways indicates that the only local roadways that can accommodate 50,000 vehicles per day or greater are six or eight divided lanes. Roadways with this capacity include:

- Interstate 5 throughout City limits
- Avenida Pico between Via Pico Plaza and eastern City limits

### **4.2.1.5 Local Air Quality**

The state of California is divided geographically into 15 air basins for the purpose of managing the air resources of the state on a regional basis. Areas within each air basin are considered to share the same air masses and, therefore, are expected to have similar ambient air quality. The City is located within the southwestern portion of the Basin, which encompasses Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties.

Air quality is commonly expressed as the number of days in which air pollution levels exceed state standards set by the CARB or federal standards set by the U.S. EPA. The local air district, SCAQMD, is responsible for monitoring air quality and developing plans to reduce air pollution in the Basin. The SCAQMD air pollutant monitoring stations in Orange County are located in La Habra, Anaheim, and Mission Viejo. Measurements are then used by scientists to help forecast daily air pollution levels.



The nearest monitoring station is the Mission Viejo monitoring station at 26081 Via Pera, which is approximately 10.5 miles north of the City. The Mission Viejo monitoring station measures ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. Table 4.2-1 provides a summary of measurements for the years 2015 through 2019.

Table 4.2-1 Ambient Air Quality Measurements					
Pollutant/Standard	2015	2016	2017	2018	2019
<b>Ozone</b>					
Federal Max 8-hr (ppm)	0.088	0.093	0.083	0.088	0.087
Days 2015 Federal 8-hour Standard Exceeded (0.07 ppm)	8	13	25	9	11
Days 2008 Federal 8-hour Standard Exceeded (0.075 ppm)	3	6	14	2	7
State Max 8-hr (ppm)	0.088	0.094	0.084	0.088	0.088
Days State 8-hour Standard Exceeded (0.07 ppm)	8	13	27	10	11
Max. 1-hr (ppm)	0.099	0.122	0.103	0.121	0.106
Days State 1-hour Standard Exceeded (0.09 ppm)	2	5	3	2	3
<b>PM<sub>10</sub>*</b>					
Federal Max. Daily (µg/m <sup>3</sup> )	49.0	59.0	58.2	55.6	45.1
Measured Days Federal 24-hour Standard Exceeded (150 µg/m <sup>3</sup> )	--	0.0	0.0	0.0	0.0
Calculated Days Federal 24-hour Standard Exceeded (150 µg/m <sup>3</sup> )	0	0	0	0	0
Federal Annual Average (µg/m <sup>3</sup> )	18.0	21.0	18.8	19.5	17.1
State Max. Daily (µg/m <sup>3</sup> )	48.0	59.3	58.2	55.6	44.2
Measured Days State 24-hour Standard Exceeded (50 µg/m <sup>3</sup> )	0	1	1	1	0
Calculated Days State 24-hour Standard Exceeded (50 µg/m <sup>3</sup> )	--	--	6.5	6.0	0.0
State Annual Average (µg/m <sup>3</sup> )	--	--	18.8	19.1	16.7
<b>PM<sub>2.5</sub>*</b>					
Federal Max. Daily (µg/m <sup>3</sup> )	31.5	24.7	19.5	38.9	20.8
Measured Days Federal 24-hour Standard Exceeded (35 µg/m <sup>3</sup> )	0	0	0	1	0
Calculated Days Federal 24-hour Standard Exceeded (35 µg/m <sup>3</sup> )	0.0	0.0	--	--	0
Federal Annual Average (µg/m <sup>3</sup> )	7.0	7.3	--	--	7.1
State Max. Daily (µg/m <sup>3</sup> )	31.5	24.7	19.5	38.9	20.8
State Annual Average (µg/m <sup>3</sup> )	7.1	7.3	--	--	--
SOURCE: CARB 2021a. ppm = parts per million; µg/m <sup>3</sup> = micrograms per cubic meter; -- = Not available. * Calculated days value. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. The number of days above the standard is not necessarily the number of violations of the standard for the year.					

## 4.2.2 Regulatory Framework

### 4.2.2.1 Federal Air Quality Regulations

AAQS represent the maximum levels of background pollution considered safe, with an adequate margin of safety, to protect the public health and welfare. The federal Clean Air Act (CAA) was enacted in 1970 and amended in 1977 and 1990 (42 United States Code [USC] 7401) for the purposes of protecting and enhancing the quality of the nation's air resources to benefit public health, welfare, and productivity. In 1971, in order to achieve the purposes of Section 109 of the CAA (42 USC 7409), the U.S. EPA developed primary and secondary National AAQS (NAAQS).

Six criteria pollutants of primary concern have been designated: ozone, CO, SO<sub>2</sub>, NO<sub>2</sub>, Pb, and PM<sub>10</sub> and PM<sub>2.5</sub>. The primary NAAQS “. . . in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health . . . ” and the secondary standards “. . . protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air” (42 USC 7409[b][2]). The primary NAAQS were established, with a margin of safety, considering long-term exposure for the most sensitive groups in the general population (i.e., children, senior citizens, and people with breathing difficulties). The NAAQS are presented in Table 4.2-2.

If an air basin is not in either federal or state attainment for a particular pollutant, the basin is classified as non-attainment area for that pollutant (there is also a marginal classification for federal nonattainment areas). Once a nonattainment area has achieved the air quality standards for a particular pollutant, it may be redesignated to an attainment area for that pollutant. To be redesignated, the area must meet air quality standards and have a 10-year plan for continuing to meet and maintain air quality standards, as well as satisfy other requirements of the federal CAA. Areas that have been redesignated to attainment are called maintenance areas. The Basin is currently classified as a federal non-attainment area for ozone and PM<sub>2.5</sub>.

#### 4.2.2.2 State Air Quality Regulations

##### a. California Ambient Air Quality Standards

The U.S. EPA allows states the option to develop different (stricter) standards. The State of California has developed the California AAQS (CAAQS) and generally has set more stringent limits on the criteria pollutants (see Table 4.2-2). In addition to the federal criteria pollutants, the CAAQS also specify standards for visibility-reducing particles, sulfates, hydrogen sulfide, and vinyl chloride (see Table 4.2-2). Similar to the federal CAA, the state classifies specific geographic areas as either “attainment” or “nonattainment” areas for each pollutant based on the comparison of measured data with the CAAQS. The Basin is a non-attainment area for the state ozone standards, the state PM<sub>10</sub> standard, and the state PM<sub>2.5</sub> standard.

Table 4.2-2 Ambient Air Quality Standards						
Pollutant	Averaging Time	California Standards <sup>1</sup>		National Standards <sup>2</sup>		
		Concentration <sup>3</sup>	Method <sup>4</sup>	Primary <sup>3,5</sup>	Secondary <sup>3,6</sup>	Method <sup>7</sup>
Ozone <sup>8</sup>	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Ultraviolet Photometry	–	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.07 ppm (137 µg/m <sup>3</sup> )		0.070 ppm (137 µg/m <sup>3</sup> )		
Respirable Particulate Matter (PM <sub>10</sub> ) <sup>9</sup>	24 Hour	50 µg/m <sup>3</sup>	Gravimetric or Beta Attenuation	150 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>		–		
Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>9</sup>	24 Hour	No Separate State Standard		35 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	Gravimetric or Beta Attenuation	12 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	Non-dispersive Infrared Photometry	35 ppm (40 mg/m <sup>3</sup> )	–	Non-dispersive Infrared Photometry
	8 Hour	9.0 ppm (10 mg/m <sup>3</sup> )		9 ppm (10 mg/m <sup>3</sup> )	–	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m <sup>3</sup> )		–	–	
Nitrogen Dioxide (NO <sub>2</sub> ) <sup>10</sup>	1 Hour	0.18 ppm (339 µg/m <sup>3</sup> )	Gas Phase Chemi- luminescence	100 ppb (188 µg/m <sup>3</sup> )	–	Gas Phase Chemi- luminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )		0.053 ppm (100 µg/m <sup>3</sup> )	Same as Primary Standard	
Sulfur Dioxide (SO <sub>2</sub> ) <sup>11</sup>	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	Ultraviolet Fluorescence	75 ppb (196 µg/m <sup>3</sup> )	–	Ultraviolet Fluorescence; Spectro- photometry (Pararosaniline Method)
	3 Hour	–		–	0.5 ppm (1,300 µg/m <sup>3</sup> )	
	24 Hour	0.04 ppm (105 µg/m <sup>3</sup> )		0.14 ppm (for certain areas) <sup>11</sup>	–	
	Annual Arithmetic Mean	–		0.030 ppm (for certain areas) <sup>11</sup>	–	
Lead <sup>12,13</sup>	30 Day Average	1.5 µg/m <sup>3</sup>	Atomic Absorption	–	–	High Volume Sampler and Atomic Absorption
	Calendar Quarter	–		1.5 µg/m <sup>3</sup> (for certain areas) <sup>12</sup>	Same as Primary Standard	
	Rolling 3-Month Average	–		0.15 µg/m <sup>3</sup>		
Visibility Reducing Particles <sup>14</sup>	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Ion Chroma- tography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Ultraviolet Fluorescence			
Vinyl Chloride <sup>12</sup>	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	Gas Chroma- tography			

See footnotes on next page.

**Table 4.2-2  
Ambient Air Quality Standards**

ppm = parts per million; ppb = parts per billion;  $\mu\text{g}/\text{m}^3$  = micrograms per cubic meter; – = not applicable.

- <sup>1</sup> California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- <sup>2</sup> National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM<sub>10</sub>, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150  $\mu\text{g}/\text{m}^3$  is equal to or less than one. For PM<sub>2.5</sub>, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
- <sup>3</sup> Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- <sup>4</sup> Any equivalent measurement method which can be shown to the satisfaction of the Air Resources Board to give equivalent results at or near the level of the air quality standard may be used.
- <sup>5</sup> National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- <sup>6</sup> National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- <sup>7</sup> Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
- <sup>8</sup> On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
- <sup>9</sup> On December 14, 2012, the national annual PM<sub>2.5</sub> primary standard was lowered from 15  $\mu\text{g}/\text{m}^3$  to 12.0  $\mu\text{g}/\text{m}^3$ . The existing national 24-hour PM<sub>2.5</sub> standards (primary and secondary) were retained at 35  $\mu\text{g}/\text{m}^3$ , as was the annual secondary standards of 15  $\mu\text{g}/\text{m}^3$ . The existing 24-hour PM<sub>10</sub> standards (primary and secondary) of 150  $\mu\text{g}/\text{m}^3$  also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
- <sup>10</sup> To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national standards are in units of ppb. California standards are in units of ppm. To directly compare the national standards to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- <sup>11</sup> On June 2, 2010, a new 1-hour SO<sub>2</sub> standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO<sub>2</sub> national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated non-attainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.  
Note that the 1-hour national standard is in units of ppb. California standards are in units of ppm. To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- <sup>12</sup> The Air Resources Board has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- <sup>13</sup> The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5  $\mu\text{g}/\text{m}^3$  as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated non-attainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- <sup>14</sup> In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

SOURCE: CARB 2016.

## b. State Implementation Plan

The State Implementation Plan (SIP) is a collection of documents that sets forth the state's strategies for achieving the NAAQS. In California, the SIP is a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district rules, state regulations, and federal controls. The CARB is the lead agency for all purposes related to the SIP under state law. Local air districts and other agencies, such as the Department of Pesticide Regulation and the Bureau of Automotive Repair, prepare SIP elements and submit them to CARB for review and approval. The CARB then forwards SIP revisions to the U.S. EPA for approval and publication in the *Federal Register*. All of the items included in the California SIP are listed in the Code of Federal Regulations (CFR) at 40 CFR 52.220.

## c. Toxic Air Contaminants

The public's exposure to TACs is a significant public health issue in California. DPM emissions have been established as TACs. In 1983, the California State Legislature enacted a program to identify the health effects of TACs and to reduce exposure to these contaminants to protect the public health (Assembly Bill [AB] 1807: Health and Safety Code Sections 39650–39674). The California State Legislature established a two-step process to address the potential health effects from TACs. The first step is the risk assessment (or identification) phase. The second step is the risk management (or control) phase of the process.

The California Air Toxics Program establishes the process for the identification and control of TACs and includes provisions to make the public aware of significant toxic exposures and for reducing risk. Additionally, the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly Bill) was enacted in 1987 and requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

The Children's Environmental Health Protection Act, California Senate Bill 25 (Chapter 731, Escutia, Statutes of 1999), focuses on children's exposure to air pollutants. The act requires CARB to review its air quality standards from a children's health perspective, evaluate the statewide air quality monitoring network, and develop any additional air toxic control measures needed to protect children's health. Locally, toxic air pollutants are regulated through the SCAQMD Regulation XIV. Of particular concern statewide are DPM emissions. DPM was established as a TAC in 1998, and is estimated to represent a majority of the cancer risk from TACs statewide (based on the statewide average). Diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB and are listed as carcinogens either under the state's Proposition 65 or under the federal Hazardous Air Pollutants program.

Following the identification of DPM as a TAC in 1998, CARB has worked on developing strategies and regulations aimed at reducing the risk from DPM. The overall strategy for achieving these reductions is found in the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled

Engines and Vehicles (CARB 2000). A stated goal of the plan is to reduce the statewide cancer risk arising from exposure to DPM by 85 percent by 2020. To monitor the effectiveness of these efforts, CARB has supported field campaigns that measure real-world emissions from heavy-duty vehicles, and results indicate that regulations aimed at reducing emissions of DPM have been successful.

As an ongoing process, CARB continues to establish new programs and regulations for the control of diesel-particulate and other air-toxics emissions as appropriate. The continued development and implementation of these programs and policies will ensure that the public's exposure to DPM will continue to decline.

### 4.2.2.3 Local Air Quality Regulations

#### a. South Coast Air Quality Management District

The SCAQMD is the air pollution control agency in the Basin. The role of the local SCAQMD is to protect the people and the environment of the Basin from the effects of air pollution. As the SCAQMD is designated as a nonattainment area for state air quality standards for 8-hour ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, SCAQMD periodically prepares air quality management plans (AQMPs) outlining measures to reduce these pollutants. The most recent AQMP is the *2016 Air Quality Management Plan* (2016 AQMP).

The SCAQMD has prepared the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, dated May 6, 2005. The SCAQMD has made this document available to local governments as a tool to assist in the development of their General Plans and other planning decisions. Implementation of the suggested strategies throughout the region will strengthen the local government partnership with the SCAQMD to achieve state and federal clean air standards and demonstrate efforts taken to provide environmental equity and protect public health.

The involvement of local governments to establish public policies that support SCAQMD strategies is essential for this region to meet state and federal air quality goals. Since the General Plan is the foundation for all local planning and development decisions, it is the most important tool in the implementation of local government policies and programs necessary to achieve clean air standards. Local governments work with their Council of Governments and the SCAQMD to improve air quality through a variety of programs, including regulatory actions, policy making, and education programs. The City can address air quality issues through ordinances, local circulation systems, transportation services, energy, and land use. Design standards such as requirements for bicycle racks and bicycle paths may result in reduced motor vehicle trips and decreased levels of air pollutants. The SCAQMD Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning (dated May 6, 2005) suggests policies and strategies which are intended to guide local governments in developing approaches to reduce exposure to source-specific air pollution and lower health risk associated with cumulative air pollution impacts.

#### b. City of San Clemente General Plan

The City's General Plan Natural Resources Element includes policies relating to air quality; these policies are listed below.

**GOAL:** Reduce levels of air pollution and greenhouse gas emissions so that the City meets or exceeds regional, state, and federal mandates.

**NR-5.01. *New Development.*** We require new development to utilize appropriate SCAQMD air quality mitigation measures.

**NR-5.02. *Sensitive Land Uses.*** We prohibit the future siting of sensitive land uses, within distances defined by the California Air Resources Board for specific source categories, unless such uses include sufficient mitigation.

**NR-5.03. *Greenhouse Gases (GHG) Emissions Reductions.*** We will reduce GHG emissions in accordance with regional, State and Federal regulations, consistent with the adopted Climate Action Plan.

**NR-5.04. *Indoor Air Quality.*** We comply with State Green Building Codes relative to indoor air quality.

**NR-5.05. *Transportation.*** We provide non-motorized, multi-modal mobility options (e.g., pedestrian and bicycle facilities) and work with other agencies and organizations to provide transit opportunities to reduce air pollutant emissions.

**NR-5.06. *Particulate Matter.*** We support efforts to reduce particulate matter to meet State and Federal Clean Air Standards.

**NR-5.07. *Street Trees.*** We maintain a healthy stock of park, public area and street trees and encourage the planting of trees with significant canopies that provide numerous benefits, including reduced urban heat gain, natural shading and wind screening, air filtration, and oxygen production.

**NR-5.08. *Beach Fire Pits.*** We oppose (AQMD) efforts to prohibit the use or reduce the number of fire pits existing in 2014 on San Clemente's public beaches.

### 4.2.3 Significance Determination Thresholds

Consistent with Appendix G of the California Environmental Quality Act (CEQA) Guidelines, impacts related to air quality would be significant if implementation of the project would:

- 1) Conflict with or obstruct implementation of the applicable air quality plan;
- 2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
- 3) Expose sensitive receptors to substantial pollutant concentrations; or
- 4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

### 4.2.3.1 SCAQMD Significance Thresholds

The SCAQMD is the air pollution control agency responsible for protecting the people and the environment of the Basin from the effects of air pollution. Therefore, project air quality emissions are evaluated based on the quantitative emission thresholds originally established by the SCAQMD (SCAQMD 2019) presented in Table 4.2-3.

Pollutant	Emissions (pounds)	
	Construction	Operational
Oxides of Nitrogen (NO <sub>x</sub> )	100	55
Volatile Organic Compounds (VOC)	75	55
Coarse Particulate Matter (PM <sub>10</sub> )	150	150
Fine Particulate Matter (PM <sub>2.5</sub> )	55	55
Oxides of Sulfur (SO <sub>x</sub> )	150	150
Carbon Monoxide (CO)	550	550
Lead (Pb)*	3	3

SOURCE: SCAQMD Air Quality Significance Thresholds (SCAQMD 2019).

### 4.2.3.2 SCAQMD Localized Significance Thresholds

The SCAQMD utilizes Localized Significance Thresholds (LSTs) to evaluate localized air quality impact to sensitive receptors (SCAQMD 2008). LSTs represent the maximum emissions of NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> from a project that would not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard at the nearest residence or sensitive receptor. Localized air quality impacts would occur if pollutant concentrations at sensitive receptors exceeded applicable NAAQS or CAAQS.

The City is located in Source Receptor Area 21. As stated in the Final LST Methodology, LSTs are applicable at the project-specific level and generally are not applicable to regional projects such as local General Plans and their constituent elements including Housing Elements unless specific projects are identified in the General Plans. Therefore, although LSTs may be used to determine the significance of air quality impacts from subsequent projects under the Housing Element Update, they are not appropriate for determining significance of the project. This includes the sample project analyzed below as its footprint would be greater than five acres in size.

## 4.2.4 Methodology

Air quality impacts can result from the construction and operation of a project. Construction impacts are short term and result from fugitive dust, equipment exhaust, and indirect effects associated with construction workers and deliveries. Operational impacts can occur on two levels: regional impacts resulting from development or local effects stemming from sensitive receivers being placed close to



roadways or stationary sources. Approval of the project would not specifically permit the construction of an individual project, and no specific development details are available at this program level of analysis. For the purposes of this analysis, emissions were calculated for the existing condition and for buildout of the project as well as buildout of the existing zoning and land use designations.

#### 4.2.4.1 Construction Emissions

Construction-related activities are temporary, short-term sources of air emissions. Sources of construction-related air emissions include the following:

- Fugitive dust from grading activities;
- Construction equipment exhaust;
- Construction-related trips by workers, delivery trucks, and material-hauling trucks; and
- Construction-related power consumption.

Air pollutants generated by future development within the City would vary depending upon the number of projects occurring simultaneously and the size of each individual project. While the exact number and timing of all development projects that could occur under project buildout are unknown, it is expected that development will occur intermittently over time. Construction-related emissions are likely to occur over time in locations dispersed throughout the City. As construction emissions create temporary, short-term sources of air emissions, evaluation of emissions of buildout of all Housing Sites would not provide a reasonable estimation of construction emissions. Additionally, since all construction emissions will not occur at once, it would overestimate emissions at any one time. In order to consider the potential impact associated with construction emissions resulting from development at the Housing Sites, a hypothetical project construction emission scenario was evaluated based on development of a large-scale project (270 multi-family unit project on a seven-acre site). This analysis scenario would capture both emissions of a large individual construction project occurring at one time, in addition to several smaller construction projects occurring simultaneously in the same area. Since impacts of construction emissions are associated with emissions potentially exceeding thresholds in a localized area, affecting nearby sensitive receptors, this analysis approach would effectively characterize construction emissions associated with the project over time as housing is developed.

Construction emissions were calculated using CalEEMod 2016.3.2 (CAPCOA 2017). The CalEEMod program is a tool used to estimate air emissions resulting from land development projects based on California-specific emission factors. The model estimates mass emissions from two basic sources: construction sources and operational sources (i.e., area and mobile sources). CalEEMod can estimate the required construction equipment when project-specific information is unavailable. The estimates are based on surveys performed by the SCAQMD and the Sacramento Metropolitan Air Quality Management District (SMAQMD) of typical construction projects, which provide a basis for scaling equipment needs and schedule with a project's size. Air emission estimates in CalEEMod are based on the duration of construction phases; construction equipment type, quantity, and usage; grading area; season; and ambient temperature, among other parameters.

As the project does not specifically identify any specific development project, CalEEMod default estimates were used to develop the construction scenarios. Where applicable, inputs were modified to reflect local ordinances and regulations. Construction operations are subject to the requirements established by the SCAQMD including Rule 403, Fugitive Dust. Rule 403 requires the use of best available control measures for fugitive dust. CalEEMod modeling output files for construction activities are included in Appendix B.

#### 4.2.4.2 Operational Emissions

Operation emissions are long term and include mobile, energy, and area sources. Sources of operational emissions associated with future development under the project include the following:

- Vehicle traffic;
- Natural gas consumption; and
- Area sources including architectural coatings, consumer products, and landscaping equipment.

Air pollutants generated by all land uses within the City were calculated for the existing condition and for buildout of the project as well as buildout of the existing zoning and land use designations. Actual emissions would vary depending on future projects.

Vehicle traffic is the main source of emissions in the City. Regional mobile-source emissions were estimated based on CARB's Emission Factor model (EMFAC2021; CARB 2021b) and the VMT for the project (CR Associates 2021). The City generates 2,171,399 VMT in the existing condition, and buildout of the existing zoning and land use designations would generate 2,207,178 VMT. In comparison, buildout of the project (including implementation of all potential rezones) would generate 2,427,974 VMT, which would be greater than buildout of the existing zoning and land use designations. This increase is due to the increase in housing development potential associated with the project.

An area source associated with development includes natural gas used in space and water heating. Other area sources of emissions associated with development include architectural coatings, consumer products, and landscape equipment. Emissions due to these area sources were calculated using CalEEMod 2016.3.2. All CalEEMod defaults associated with these area sources were used. It should be noted that the transportation emissions calculated in this analysis are based on the City-wide VMT, while the energy and area sources, and construction emissions calculated in this analysis are based on development of the potential Housing Sites only and not other existing or future development throughout the City not associated with the project.

### 4.2.5 Issue 1: Consistency with Air Quality Plans

*Would the project conflict with or obstruct the implementation of the applicable air quality plan?*

#### 4.2.5.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element

policies by the City would not have an adverse effect related to consistency with air quality plans as they would provide policies supporting wildfire safety and climate resiliency.

The California CAA requires air basins that are designated nonattainment of state AAQS for criteria pollutants prepare and implement plans to attain the standards by the earliest practicable date. The Basin is designated as in attainment or unclassifiable attainment (expected to be meeting the standard despite a lack of monitoring data) for all federal air quality standards except for the 8-hour ozone and PM<sub>2.5</sub> standards. The Basin is also designated as in nonattainment for state air quality standards for 8-hour ozone and PM<sub>2.5</sub>, and additionally is in nonattainment of state PM<sub>10</sub> standards. The regional air quality plan, the 2016 AQMP, outlines measures to reduce emissions of ozone and PM<sub>2.5</sub>. Reducing PM concentrations is achieved by reducing emissions of PM<sub>2.5</sub> to the atmosphere; reducing ozone concentrations is achieved by reducing the precursors of photochemical formation of ozone, VOC, and NO<sub>x</sub>.

The growth forecasting for the AQMP is based in part on the land uses established by local general plans. These emissions budgets are used in statewide air quality attainment planning efforts. As such, projects that propose development at an intensity equal to or less than population growth projections and land use intensity are inherently consistent with the AQMP. Amending the adopted land uses to change development potential would not necessarily result in an inconsistency between the current air quality plans (that are based on the existing zoning and land use designations) and the project. Projects that propose a different land use than is identified in the local General Plan may also be considered consistent with the AQMP if the proposed land use is less intensive than buildout under the current designation. For projects that propose a land use that is more intensive than the current designation, more detailed analysis is required to assess conformance with the AQMP. Consistency with the AQMP is further evaluated by comparing emissions that would occur under buildout of the adopted zoning and land use designations and buildout of the project.

The two principal criteria for conformance with an AQMP are:

1. Whether the project would exceed the assumptions in the AQMP.
2. Whether the project would result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timeline attainment of air quality standards.

When compared to the existing zoning and land use designations, the project would increase the development potential of the rezone sites, which would increase the regional VMT per capita. Operational emissions were calculated using the methodology discussed in Section 4.2.4. Existing and future emissions are summarized in Table 4.2-4. Calculations are provided in Appendix B.

Table 4.2-4 Total Operational Emissions						
Source	Pollutant (pounds per day)					
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
EXISTING BASELINE (2016)						
Area	18	<1	<1	<1	<1	<1
Energy	<1	<1	<1	<1	<1	<1
Mobile	234	1,740	7,981	19	30	29
<b>TOTAL</b>	<b>251</b>	<b>1,740</b>	<b>7,981</b>	<b>19</b>	<b>30</b>	<b>29</b>
EXISTING ZONING AND LAND USE DESIGNATIONS (2045)						
Area	33	<1	34	<1	<1	<1
Energy	<1	2	1	<1	<1	<1
Mobile	32	211	2,326	13	5	5
<b>TOTAL</b>	<b>66</b>	<b>213</b>	<b>2,361</b>	<b>13</b>	<b>5</b>	<b>5</b>
PROPOSED PROJECT (2045)						
Area	86	2	204	<1	1	1
Energy	1	8	4	<1	1	1
Mobile	36	232	2,559	14	6	5
<b>TOTAL</b>	<b>123</b>	<b>242</b>	<b>2,766</b>	<b>14</b>	<b>7</b>	<b>7</b>
<i>Change (Project – Adopted)</i>	<i>57</i>	<i>29</i>	<i>405</i>	<i>1</i>	<i>2</i>	<i>2</i>

#### 4.2.5.2 Significance of Impacts

As shown in Table 4.2-4, buildout of the project would result in an increase in emissions when compared to buildout of the adopted zoning and land use designations. Therefore, buildout of the project would exceed the assumptions used to develop the AQMP. Even with implementation of applicable General Plan policies and regulations, this impact would be significant.

#### 4.2.5.3 Mitigation Framework

The project would be inconsistent with the AQMP because buildout under the plan would exceed the population estimates assumed for the AQMP and would cumulatively contribute to the nonattainment designations of the Basin. Future discretionary development would be reviewed for conformance with Mobility and Complete Streets Element Policies 1.01 through 1.16, 1.19 through 1.25, 2.01 through 2.54, 3.01 through 3.07, and 4.07. Implementation of these policies would reduce VMT throughout the City. Specifically, Mobility Element Policy 1.21, calls for the use of Transportation Demand Management (TDM) measures to reduce single-occupant vehicles, and encourage alternative modes of transportation such as biking, walking, or taking transit. Incorporation of General Plan policies as well as mitigation measure AQ-1 discussed under Issue 2 into future development projects for the operation phase would contribute to reduced criteria air pollutant emissions associated with buildout of the project. Goals and policies included in the General Plan would facilitate continued City cooperation with SCAQMD and Southern California Association of Governments (SCAG) to achieve regional air quality improvement goals, promotion of energy conservation design and development techniques, encouragement of alternative transportation modes, and implementation of transportation demand management strategies. However, no

mitigation measures are available that would reduce impacts associated with inconsistency with the AQMP. The population and employment assumptions of the AQMP would continue to be exceeded until the AQMP is revised and incorporates the projections of the project. Therefore, impacts would remain significant and unavoidable.

#### 4.2.5.4 Significance After Mitigation

Impacts would remain significant and unavoidable.

### 4.2.6 Issue 2: Cumulative Net Increases of Criteria Pollutants

*Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

#### 4.2.6.1 Impact Analysis

Air quality impacts can result from the construction and operation of a project. Construction impacts are short term and result from fugitive dust, equipment exhaust, and indirect effects associated with construction workers and deliveries. Operational impacts can occur on two levels: regional impacts resulting from development or local effects stemming from sensitive receivers being placed close to roadways or stationary sources. In the case of the project, operational impacts would primarily be due to emissions from mobile sources associated with vehicular travel along the roadways.

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to increases in criteria pollutants as the updates would not be associated with air emissions.

##### a. Construction

As discussed in Section 4.2.4.1 above, a 270-unit multi-family development project was modeled to illustrate potential construction-related air quality impacts associated with future development under the project. Since construction at all Housing Sites would not occur at the same time, this modeling scenario represents construction emissions that may occur at a point in time. The results are summarized in Table 4.2-5. CalEEMod output is contained in Appendix B.

Table 4.2-5 Construction Emissions – 270-Unit Project						
Construction Phase	Pollutant (pounds per day)					
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Demolition	3	31	22	<1	2	1
Site Preparation	4	41	22	<1	20	12
Grading	2	25	16	<1	8	4
Building Construction	3	21	24	<1	3	2
Paving	1	11	15	<1	1	1
Architectural Coatings	85	2	3	<1	1	<1
<b>Maximum Daily Emissions</b>	<b>85</b>	<b>41</b>	<b>24</b>	<b>&lt;1</b>	<b>20</b>	<b>12</b>
<i>SCAQMD Significance Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>

Note that the emissions summarized in Table 4.2-5 are the maximum emissions for each pollutant and that they may occur during different phases of construction. They would not necessarily occur simultaneously. For assessing the significance of the air quality emissions resulting during construction of the hypothetical project, the construction emissions were compared to the SCAQMD Significance Thresholds. As shown in Table 4.2-5, the hypothetical project would exceed the significance threshold for ROG. This is due to the VOC content of architectural coatings. Additionally, if several of these projects were to occur simultaneously, there is the potential to exceed significance thresholds.

Future development would be required to implement construction Best Management Practices (BMPs) at all construction sites consistent with SCAQMD rules and regulations. The following regulatory requirements would be required for all construction activities:

- Construction activities will be conducted in compliance with California Code of Regulations, Title 13, Section 2449, which requires that nonessential idling of construction equipment be restricted to five minutes or less.
- Construction activities will be conducted in compliance with any applicable SCAQMD rules and regulations, including but not limited to:
  - Rule 403, Fugitive Dust, for controlling fugitive dust and avoiding nuisance.
  - Rule 402, Nuisance, which states that a project shall not “discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.”
  - Rule 1113, which limits the volatile organic compound content of architectural coatings.
  - Rule 1466, Soil Disturbance. Projects that involve earth-moving activities of more than 50 cubic yards of soil with applicable toxic air contaminants are subject to this rule.

The modeled project is illustrative only. Approval of the project would not specifically permit the construction of an individual project, and no specific development details are available at this program level of analysis. The thresholds presented above would be applied to future development within the City on a project-by-project basis and are not used for assessment of regional planning impacts. The information is presented to illustrate the potential scope of air impacts for a site-specific project that could be developed in the future. Additionally, the regulations at the federal, state, and local level provide a framework for developing project-level air quality protection measures for future projects.

The City's process for the evaluation of future discretionary projects would include environmental review and documentation pursuant to CEQA, as well as an analysis of those site-specific projects for consistency with the goals, policies and recommendations of the General Plan. In addition to regulatory measures outlined above, mitigation imposed at the project-level may include extension of construction schedules and/or use of special equipment and emission control measures. However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for air quality since no discretionary review would be required, resulting in a significant impact.

While individual site-specific projects may not exceed the SCAQMD regional significance thresholds (demonstrated in Table 4.2-5), the scale and extent of construction activities associated with buildout of the City may result in some instances where future development would exceed the relevant SCAQMD thresholds. Therefore, construction-related regional air quality impacts would be potentially significant.

## **b. Operation**

Pollutant emissions from buildout of the project would far exceed project-level SCAQMD Significance Thresholds (see Table 4.2-3). However, project-level standards are not appropriate for a program-level analysis, as the thresholds are conservative and intended to ensure many individual projects would not obstruct the timely attainment of the national and state ambient air quality standards. Generally, discretionary, program-level planning activities, such as general plans, community plans, specific plans, etc., are evaluated for consistency with the local air quality plan. In contrast, project-level thresholds are applied to individual project-specific approvals, such as a proposed development project. Therefore, the analysis of the project is based on the future emissions estimates and related to attainment strategies derived from the adopted land use plan. At the program level, the analysis compares emissions generated by project buildout to emissions generated under buildout of the existing zoning designations to determine if the emissions would exceed the emissions estimates included in the AQMP, and to determine whether it would obstruct attainment, or result in an exceedance of AAQS. As such, this analysis evaluates the potential for future development within the City to result in a cumulatively considerable net increase in emissions based on the change in pollutant emissions that would result from buildout of the existing zoning and land use designations in the year 2045 compared to buildout of the project in the year 2045. As shown in Table 4.2-4, buildout of the project would result in an increase in emissions.

The regulations at the federal, state, and local levels provide a framework for developing project-level air quality protection measures for future site-specific projects that could be developed in the

future. The City's process for evaluation of future discretionary projects that could be implemented under the project would also include environmental review and documentation pursuant to CEQA, as well as an analysis of those site-specific projects for consistency with the goals, policies, and recommendations of the General Plan. However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for air quality since no discretionary review would be required. At the program level, because the project would conflict with implementation of the AQMP, air quality impacts related to the cumulative net increase in criteria pollutants would be significant.

#### 4.2.6.2 Significance of Impacts

The scale and extent of construction activities associated with buildout of the project could exceed the relevant SCAQMD thresholds for some projects. Additionally, buildout of the project would conflict with implementation of the AQMP. Operation of the project would result in a cumulatively considerable net increase in emissions compared to the emissions that would occur under existing land use designations.

Impacts associated with cumulative net increases in criteria pollutant emissions (construction and operation) associated with future discretionary projects within the Housing Sites would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for air quality. The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements since no discretionary review would be required. Impacts related to net increases in criteria pollutant emissions associated with future ministerial development within the Housing Sites would be potentially significant.

#### 4.2.6.3 Mitigation Framework

To reduce potentially significant impacts related to cumulative net increases in criteria pollutant emissions associated with future ministerial development within the Housing Sites, the following mitigation measure would be implemented by the City.

**AQ-1:** Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that requires project applicants to identify the measures that would be taken at the construction site to reduce construction-related criteria air pollutants such that they do not exceed the South Coast Air Quality Management District (SCAQMD) adopted thresholds of significance. Sample measures that would reduce air pollutant emissions during construction activities include:

- Requiring fugitive dust control measures that exceed SCAQMD's Rule 403, such as:



- Requiring use of nontoxic soil stabilizers to reduce wind erosion.
- Applying water every four hours to active soil-disturbing activities.
- Tarping and/or maintaining a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials.
- Using construction equipment rated by the United States Environmental Protection Agency as having Tier 3 (model year 2006 or newer) emission limits, applicable for engines between 50 and 750 horsepower.
- Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.
- Limiting nonessential idling of construction equipment to no more than five consecutive minutes.
- Using Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural coating materials can be found on the SCAQMD's website at: [http://www.aqmd.gov/prdas/brochures/Super-Compliant\\_AIM.pdf](http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf).

In regards to operational emissions, goals and policies are included in the General Plan that would reduce air pollutant emissions. Measures included as part of the Climate Action Plan, such as expansion of the pedestrian and bicycle networks, installation of electric vehicle charging stations, and development of policy in implementing energy-efficient retrofits for residential and commercial buildings, would also reduce criteria air pollutants within the City. However, because the project would exceed the growth projections used to develop the AQMP, no mitigation measures are available that would reduce impacts below SCAQMD's thresholds.

#### 4.2.6.4 Significance After Mitigation

Buildout of the project would occur over a period of approximately 25 years or longer. Construction activities associated with buildout of the project could generate short-term emissions that exceed the SCAQMD's significance thresholds during this time and cumulatively contribute to the nonattainment designations of the Basin. Implementation of mitigation measure AQ-1 would reduce criteria air pollutant emissions from construction-related activities to the extent feasible. However, construction time frames and equipment for site-specific development projects are not available at this time, and there is a potential for multiple development projects to be constructed at one time, resulting in significant construction-related emissions. Therefore, despite adherence to mitigation measure AQ-1, impacts associated with criteria pollutants would remain significant and unavoidable.

For operational emissions, because the significant air quality impact stems from an inconsistency between the project and the adopted land use plan upon which the AQMP is based, impacts would remain significant and unavoidable.

## 4.2.7 Issue 3: Sensitive Receptors

*Would the project expose sensitive receptors to substantial pollutant concentrations?*

### 4.2.7.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City provides policy support for placing land uses in appropriate places to protect people from wildfire and climate change. Implementation of the Safety Element would not have an adverse effect related to exposure of sensitive receptors to pollutant concentrations.

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. Sensitive receptors include children, the elderly, and the acutely and chronically ill, especially those with cardiorespiratory diseases. Sensitive land uses include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities. This section discusses the potential effects associated with placing sensitive land uses in the vicinity of existing sources of air pollution and discloses the maximum potential health risks (residential and worker) within the project areas due to these sources.

The SCAQMD has identified local community risks from air pollutants to include exposure to pollutants such as TACs and PM<sub>2.5</sub> concentrations. TACs are a defined set of airborne pollutants that may pose a present or potential hazard to human health and PM<sub>2.5</sub> can cause a wide range of health effects (e.g., aggravating asthma and bronchitis, causing visits to the hospital for respiratory and cardiovascular systems, and contributing to heart attacks and deaths). Common stationary source types of TAC and PM<sub>2.5</sub> emissions include gasoline stations, dry cleaners, and diesel backup generators, which are subject to SCAQMD permit requirements. The other, often more significant, common source type is on-road motor vehicles on freeways and roads such as trucks and cars, and off-road sources such as construction equipment, ships, and trains. The project includes future development of residential and associated commercial uses which are generally not a source of TACs. However, implementation of the project would have the potential siting of new sensitive receptors, such as new homes in close proximity to existing sources of TAC and PM<sub>2.5</sub> emissions, such as near I-5. The following discussion provides an analysis of the potential for the project to result in CO hot spots and expose sensitive receptors to TACs resulting from potential construction activities.

#### a. Localized Carbon Monoxide Hot Spots

A CO hot spot is an area of localized CO pollution that is caused by severe vehicle congestion on major roadways, typically near congested intersections where idling and queuing occurs. Due to increased requirements for cleaner vehicles, equipment, and fuels, CO levels in the state have dropped substantially. All air basins are attainment or maintenance areas for CO. In 2007, the Basin was designated in attainment for CO under both the CAAQS and NAAQS. The CO hotspot analysis conducted by the SCAQMD for the CO attainment did not predict a violation of CO standards at the busiest intersections in Los Angeles during the peak morning and afternoon periods (Los Angeles

represents a conservative comparison for San Clemente). The SCAQMD's 2003 AQMP and the 1992 Federal Attainment Plan for CO indicate that peak CO concentrations in the years before the attainment redesignation were a result of unusual meteorological and topographical conditions and not of congestion at a particular intersection (SCAQMD 1992, 2003). Under existing and future vehicle emission rates, the Bay Area Air Quality Management District found that a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to generate a significant CO impact (Bay Area Air Quality Management District 2017). Peak hour intersection turning movements were calculated for the 10 busiest intersections in the City with buildout of the project. Since peak traffic volumes and intersection volumes would be far less than the volumes described above, there would be no roadway or intersection in the City that would result in CO concentrations in violation of standards. Therefore, new development adjacent to heavily traveled streets or intersections would not expose sensitive receptors to substantial pollutant concentrations associated with CO hot spots, and impacts would be less than significant.

## **b. Toxic Air Emissions**

### *Construction*

Construction of future development and associated infrastructure implemented under the project would result in short-term diesel exhaust emissions from on-site heavy-duty equipment. Construction would result in the generation of diesel- exhaust DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities and on-road diesel equipment used to bring materials to and from project sites.

Generation of DPM from construction projects typically occurs in a single area for a short period. According to the Office of Environmental Health Hazard Assessment, health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the project (Office of Environmental Health Hazard Assessment 2015). Therefore, if the duration of proposed construction activities near any specific sensitive receptor were a year, the exposure would be three percent of the total exposure period used for health risk calculation. Considering this assessment methodology, the highly dispersive nature of DPM, and the fact that construction activities would occur intermittently and at various locations over the lifetime of project buildout, DPM generated by construction would not create conditions where the probability is greater than 10 in 1 million of developing cancer for the Maximally Exposed Individual, or to generate ground-level concentrations of non-carcinogenic TACs that exceed a Hazard Index greater than 1 for the Maximally Exposed Individual. Additionally, with ongoing implementation of U.S. EPA and CARB requirements for cleaner fuels; off-road diesel engine retrofits; and new, low-emission diesel engine types; the DPM emissions of individual equipment would be substantially reduced over the years as project buildout continues. Therefore, the project would not expose sensitive receptors to toxic air emissions during construction of future development at the Housing Sites, and impacts would be less than significant.

### *Stationary Sources*

The project would not result in the construction and operation of a stationary source of TACs. Various uses, such as dry cleaners and gasoline-dispensing facilities, have the potential to be substantial stationary sources that would require a permit from the SCAQMD. Future residential uses could be located near these types of facilities. However, emissions of TACs from these types of facilities are regulated by SCAQMD through permitting and monitoring requirements. The California Air Toxics Program establishes the process for the identification and control of TACs and includes provisions to make the public aware of significant toxic exposures and for reducing risk. In accordance with AB 2588, if adverse health impacts exceeding public notification levels are identified, the facility would provide public notice, and if the facility poses a potentially significant public health risk, the facility would be required to submit a risk reduction audit and plan to demonstrate how the facility would reduce health risks. Therefore, adherence with this regulatory framework would ensure that future development would not expose sensitive receptors to TACs associated with stationary sources within the project area, and impacts would be less than significant.

### *Mobile Sources*

In April 2005, CARB published the Air Quality and Land Use Handbook: A Community Health Perspective (CARB 2005). The handbook makes recommendations directed at protecting sensitive land uses from air pollutant emissions, while balancing a myriad of other land use issues (e.g., housing, transportation needs, economics, etc.). It notes that the handbook is not regulatory or binding on local agencies and recognizes that application takes a qualitative approach. As reflected in the CARB Handbook, there is currently no adopted standard for the significance of health effects from mobile sources. Therefore, the CARB has provided guidelines for the siting of land uses near heavily traveled roadways. Of pertinence to this impact analysis, the CARB guidelines indicate that siting new sensitive land uses within 500 feet of a freeway or urban roads with 100,000 or more vehicles per day or rural road with 50,000 vehicles per day should be avoided when possible.

I-5 extends north-south along the western city boundary and Avenida Pico extends east-west through the center of the city. There are potential Housing Sites located within 500 feet of I-5 and Avenida Pico. Specifically, sites within a 500-foot buffer from I-5 include Rezone Sites Q, R, and S and Vacant/Underutilized Sites 1, 2, 9, 11, and 12. Sites within a 500-foot buffer from Avenida Pico include Rezone Sites C through Q, T, and U and Vacant/Underutilized 14 and 16 (refer to Figures 3-1 and 3-2). However, CARB notes that these recommendations are advisory and should not be interpreted as defined "buffer zones," and that local agencies must balance other considerations such as transportation needs, the benefits of urban infill, community economic development priorities, and other quality-of-life issues. With careful evaluation of exposure, health risks, and affirmative steps to reduce risk, where necessary, CARB's position is that infill development, mixed-use, higher-density, transit-oriented development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level. Additionally, measures can be incorporated into future site-specific project design that would reduce the level of exposure for future residents. The CAPCOA published a guidance document, *Health Risk Assessments for Proposed Land Use Projects*, which provides recommended measures that reduce concentrations of DPM (CAPCOA 2009). These include planting vegetation between the receptor and the freeway, constructing barriers between the receptor and the freeway, and installing newer

electrostatic filters in adjacent receptor buildings. Application of appropriate screening measures would be ensured through a site-specific environmental review for discretionary projects. Additionally, for ministerial and discretionary projects, the City's Design Guidelines would apply which includes requirements for landscape screening along street edges and at front, rear, and side yard setbacks, in addition to landscaping at outdoor group open space areas. Additionally, the 2019 California Building Code – Title 24 requires that all new residential uses include improved air filtration systems. Filters are categorized according to minimum efficiency reporting value (MERV) rating. The higher the MERV rating, the better the filtration. MERV-13 filters are effective at filtering DPM. 2019 Title 24 requires the installation of MERV-13 filters or greater. Therefore, with application of the City's landscaping requirements for new development in addition to application of the 2019 Title 24 requirements for air filtration, future residential uses would not be exposed to substantial levels of DPM from proximity to freeways and busy roadways. The project would not expose sensitive receptors to substantial pollutant concentrations associated with mobile source emissions and impacts would be less than significant.

#### 4.2.7.2 Significance of Impacts

Buildout of the project would not result in a CO hot spot. Additionally, construction and operation of future development would not result in the exposure of sensitive receptors to TACs from construction activities, stationary sources, or mobile sources. Impacts would be less than significant.

#### 4.2.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

#### 4.2.7.4 Significance After Mitigation

Impacts would be less than significant. No mitigation is required.

### 4.2.8 Issue 4: Odors

*Would the project create objectionable odors affecting a substantial number of people?*

#### 4.2.8.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to creation of objectionable odors as no land use change would result from adoption of the element.

In the context of land use planning, one of the most important factors influencing the potential for an odor impact to occur is the distance between the odor source and receptors. The City considers prudent land use planning as the key mechanism to avoid odor impacts. The greater the distance between an odor source and receptor, the less concentrated the odor emission would be when it

reaches the receptor. Odors can be generated from a variety of source types including both construction and operational activities. Although less common, construction activities that include the operation of a substantial number of diesel-fueled construction equipment and heavy-duty trucks can generate odors from diesel exhaust emissions. A project's operations, depending on the project type, can generate a large range of odors that can be considered offensive to receptors. Examples of common land use types that typically generate significant odor impacts include, but are not limited to:

- Wastewater treatment plants
- Sanitary landfills
- Composting/green waste facilities
- Recycling facilities
- Petroleum refineries
- Chemical manufacturing plants
- Painting/Coating operations
- Rendering plants
- Food packaging plants

When land uses such as these or other odor-generating land uses are sited proximate to sensitive receptors, odor impacts may occur and further analysis of the nature of the odor source, the prevailing wind patterns, number of potentially effected receivers and other considerations would be warranted.

Emissions from construction equipment, such as diesel exhaust, and VOCs from architectural coatings and paving activities may generate odors; however, these odors would be temporary, intermittent, and not expected to affect a substantial number of people. Additionally, noxious odors would be confined to the immediate vicinity of construction equipment. By the time such emissions reach a receptor (e.g., people in residential units, day care centers, schools, nursing homes, etc.), they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of the odor-producing materials. Therefore, construction would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people, and impacts would be less than significant.

Once operational, future development implemented under the project would include residential and associated commercial uses that are generally not a source of objectionable odors. Therefore, project operation would not result in odors affecting a substantial number of people, and impacts would be less than significant.

#### **4.2.8.2 Significance of Impacts**

The project would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people, and impacts would be less than significant.

#### **4.2.8.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.

#### 4.2.8.4 Significance After Mitigation

Impacts would be less than significant. No mitigation is required.

## 4.3 Biological Resources

This section analyzes potentially significant impacts related to biological resources that could result from implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." The section focuses on potential biological resources on and adjacent to the Housing Sites in terms of vegetation communities and sensitive species. Information presented in this section was obtained from existing aerial maps, the California Natural Diversity Data Base (CNDDDB), the Southern Orange County Subregion Habitat Conservation Plan (HCP; U.S. Fish and Wildlife Service [USFWS] 2006), and additional secondary source documentation, as available (State of California 2016a-d; City of San Clemente 2013).

### 4.3.1 Existing Conditions

#### 4.3.1.1 Vegetation Communities

The vegetation data contained herein is only intended for use as a tool, as site-specific surveys were not conducted in conjunction with project. The City of San Clemente is highly developed with a mixture of small areas of disturbed and undeveloped lands. The coastal zone is largely developed, while east of Interstate 5 (I-5) is developed with interspersed undeveloped canyons and ridgelines. Along Avenida Pico and Avenida Vista Hermosa, there is a diversity of developed land and undeveloped canyons and ridgelines.

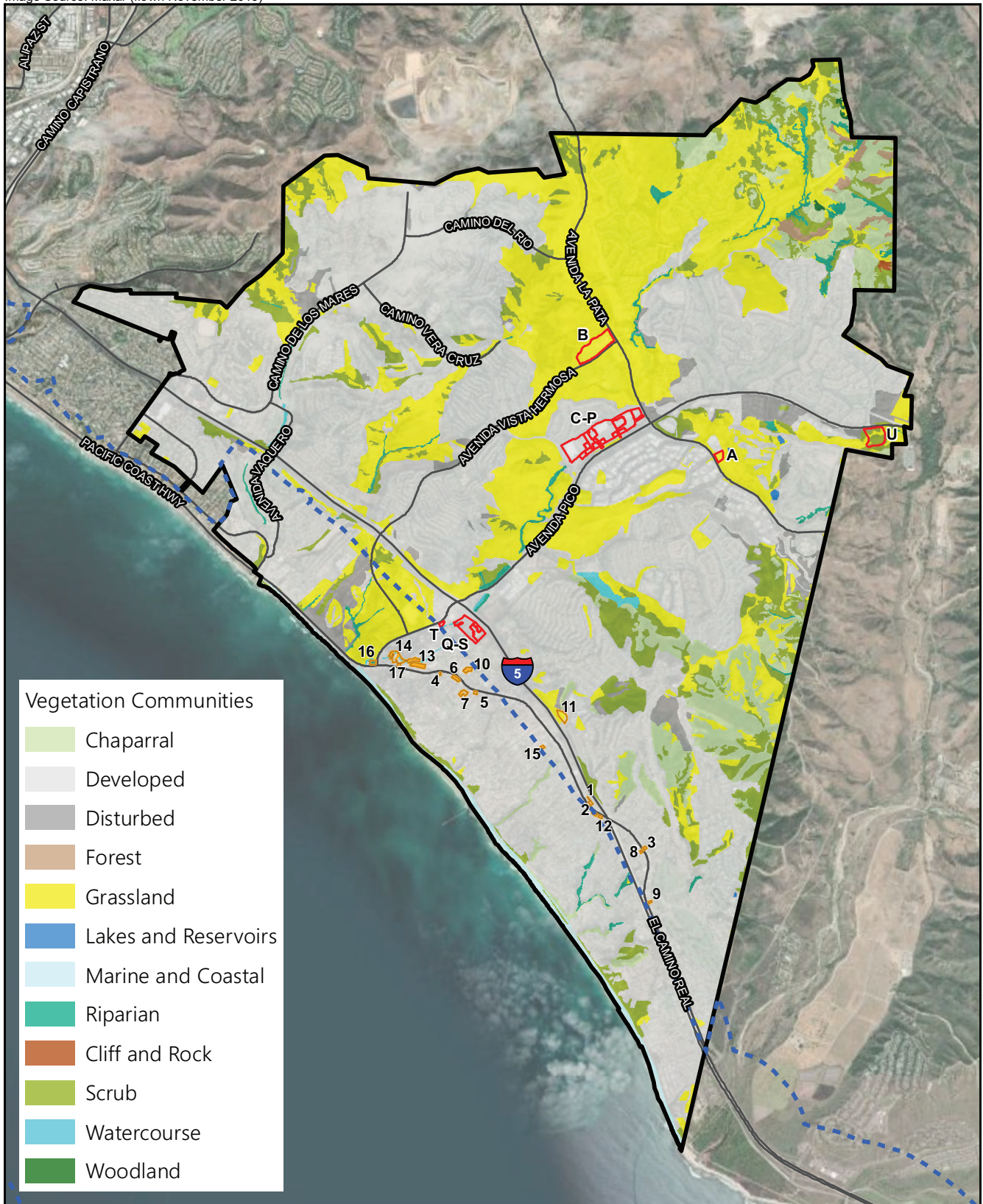
##### a. Coastal Sage Scrub

Coastal sage scrub (scrub) is dominated by aromatic, drought-deciduous shrubs and subshrub species generally one to six feet tall; although a few species reach the size of small trees. As shown in Figure 4.3-1 and identified in Table 4.3-1, scrub is mapped within potential rezone site U.

##### b. Grasslands

Grasslands in the City are annual grasslands containing a mix of native and introduced species. As shown in Figure 4.3-1 and identified in Table 4.3-1, some grasslands are mapped within vacant and underutilized site 11 and potential rezone sites A, B, I, J, and U. It should be noted that potential rezone site B was developed since the date of the vegetation mapping and is now largely developed with manufactured slopes now supporting some revegetated scrub.





Vegetation Communities

- Chaparral
- Developed
- Disturbed
- Forest
- Grassland
- Lakes and Reservoirs
- Marine and Coastal
- Riparian
- Cliff and Rock
- Scrub
- Watercourse
- Woodland

Project Boundary
  Vacant and Underutilized Sites
  Potential Rezone Sites

Arterial Roadways
  Coastal Zone Boundary

0 Miles 1
 ↑

FIGURE 4.3-1  
Vegetation Communities

### **c. Watercourse**

The San Clemente Municipal Code (SCMC) defines watercourse as a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. There are small, mostly ephemeral, watercourses scattered throughout the City, with the highest number generally in the western and lower-elevation parts of the City. Related to the Housing Sites, sites 13, 14, and site Q identify watercourse on-site; however, these watercourses are entirely engineered water conveyances without riparian or other natural features.

### **d. Disturbed Land**

Disturbed land includes cleared or graded, burned, and mined areas. Disturbed land may be barren or support ruderal (weedy) vegetation.

### **e. Developed Land**

As shown in Figure 4.3-1, the majority of the Housing Sites fall within the developed category. Developed land includes all urban areas, road, non-natural parks, and cleared and graded areas. This land cover type comprises many of the project areas, as the City has experienced increased development along Avenida Pico and Avenida Vista Hermosa. Developed land is the most common land use type identified on the majority of Housing Sites.

#### **4.3.1.2 Sensitive Vegetation Communities**

Sensitive vegetation communities are communities that are of highly limited distribution and are those considered sensitive by resource agencies (i.e., California Department of Fish and Wildlife [CDFW] and the USFWS). Reasons for the sensitive status of vegetation communities include restricted range, cumulative losses throughout the region, and a high number of endemic sensitive plant and wildlife species that occur in the vegetation communities. As summarized above, non-native grasslands and wetland communities are considered sensitive whether or not they have been disturbed. Sensitive plant communities identified in the City's General Plan FEIR (City of San Clemente 2013) are coastal sage scrub, arroyo willow riparian forest, coast live oak riparian forest, southern willow scrub, southern arroyo willow riparian forest, and valley needlegrass grassland.

Sensitive vegetation communities found within the proposed Housing Sites are listed in Table 4.3-1 and shown in Figure 4.3-1. In addition to the sites listed in Table 4.3-1, other vacant and underutilized sites not mapped as containing sensitive vegetation may also support sensitive vegetation communities based on vegetation changes over time.

Table 4.3-1 Housing Sites Identified as Containing or with Potential to Contain Sensitive Vegetation Communities	
Vacant and Underutilized Sites	Sensitive Vegetation <sup>1</sup>
11	Grassland
13	Watercourse <sup>2</sup>
14	Watercourse <sup>2</sup>
16	Riparian
Potential Rezone Sites	Sensitive Vegetation <sup>1</sup>
A	Grassland
B	Grassland <sup>3</sup>
I	Grassland
J	Grassland
Q	Watercourse <sup>2</sup>
U	Grassland, Scrub
<sup>1</sup> Based on GIS mapping from the City. <sup>2</sup> While watercourse is mapped at this site, the watercourse is entirely channelized at sites 13 and 14 and undergrounded through Pico Plaza (site Q). <sup>3</sup> GIS mapping does not reflect current development of the site with a Target shopping center. The site is primarily developed, with surrounding manufactured slopes now supporting some revegetated scrub. NOTE: Sites not listed do not support sensitive vegetation communities based on City mapping.	

### 4.3.1.3 Sensitive Species

For purposes of this Program EIR, a species is considered sensitive if it is: (1) listed by state or federal agencies as threatened or endangered or are proposed for listing (State of California 2016a, 2016b, 2016c, 2016d); or (2) on California Rare Plant Rank 1B (considered endangered throughout its range) or California Rare Plant Rank 2 (considered endangered in California but more common elsewhere) of the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants of California ([Inventory]; 2021). Noteworthy plant species are considered to be those that are on California Rare Plant Rank 3 (more information about the plant's distribution and rarity needed) and California Rare Plant Rank 4 (plants of limited distribution) of the CNPS Inventory (2021).

The sensitive plant and wildlife species below are known to occur within the vicinity of the undeveloped project areas based on information obtained from a records search of the CNDDDB (State of California 2016a and 2016b), Orange County Southern Section HCP (USFWS 2006), and USFWS (2015) databases. Project areas that are comprised completely of developed land were excluded. Precise locations of sensitive plant and wildlife species are not known at this time and would be identified through on-site reconnaissance and project-level analysis in conjunction with future development.

#### a. Sensitive Plants

Based on the HCP sensitive plant maps, sensitive plants occur primarily within the northeastern corner of the City and no sensitive plant species are known to historically (within the last 50 years)

occur within the vicinity of the undeveloped project areas. Although they were not identified in the HCP, sensitive plants have the potential to occur throughout undeveloped sites. Project areas that are undeveloped have the potential to support sensitive plant species.

## b. Sensitive Wildlife

A total of 14 sensitive wildlife species are known to historically (within the past 50 years) occur within one mile of the Housing Sites. These wildlife species and their status are summarized below:

### *Federal and/or State Listing*

1. Coastal California gnatcatcher (*Polioptila californica californica*)
2. Least Bell's vireo (*Vireo bellii pusillus*)
3. Southwestern willow flycatcher (*Empidonax traillii extimus*)
4. Arroyo toad (*Anaxyrus californicus*)

### *Federal and/or State Species of Special Concern*

1. Coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*)
2. Loggerhead shrike (*Lanius ludovicianus*)
3. Rufous-crowned sparrow (*Aimophila ruficeps canescens*)
4. Tricolored blackbird (*Agelaius tricolor*)
5. White tailed kite (*Elanus leucurus*)
6. Yellow-breasted chat (*Icteria virens*)
7. Red-diamond rattlesnake (*Crotalus ruber*)
8. Blainville's horned lizard (*Phrynosoma blainvillii*)

Undeveloped Housing Sites have a potential to support sensitive wildlife species.

## 4.3.1.4 Jurisdictional Waters

As shown on Figure 4.3-2, the project areas are mapped as having the potential for jurisdictional waters (non-wetland waters of the U.S.). There are no large rivers within the City, but there are known seasonal and ephemeral streams throughout that would be considered Waters of the State and/or U.S.

Housing Sites that are undeveloped or have a substantial portion of the site unimproved may have the potential to contain unmapped jurisdictional wetlands or waters. Undeveloped Housing Sites with the potential for unmapped jurisdictional wetlands or waters occur along Avenida Pico, Avenida Vista Hermosa, and East Avenida Pico. Additionally, Housing Sites identified as containing, or with the potential to contain jurisdictional waters are shown in Figure 4.3-2. All wetland areas, wetland buffer areas, and non-wetland waters of the U.S. are considered sensitive. Wetland resources within the City are regulated by the U.S. Army Corps of Engineers (USACE), CDFW, and Regional Water Quality Control Board (RWQCB). The respective role each agency plays with respect to wetland resources is described in Section 4.3.2, Regulatory Framework.

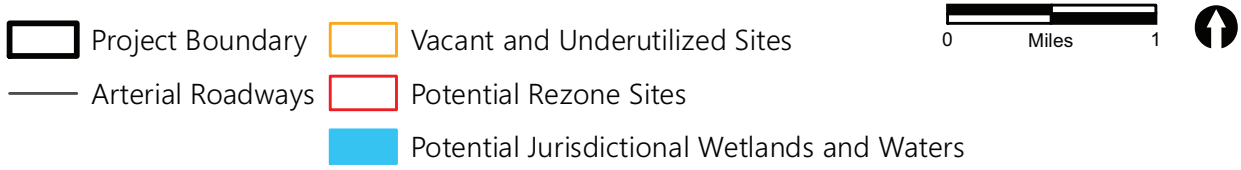
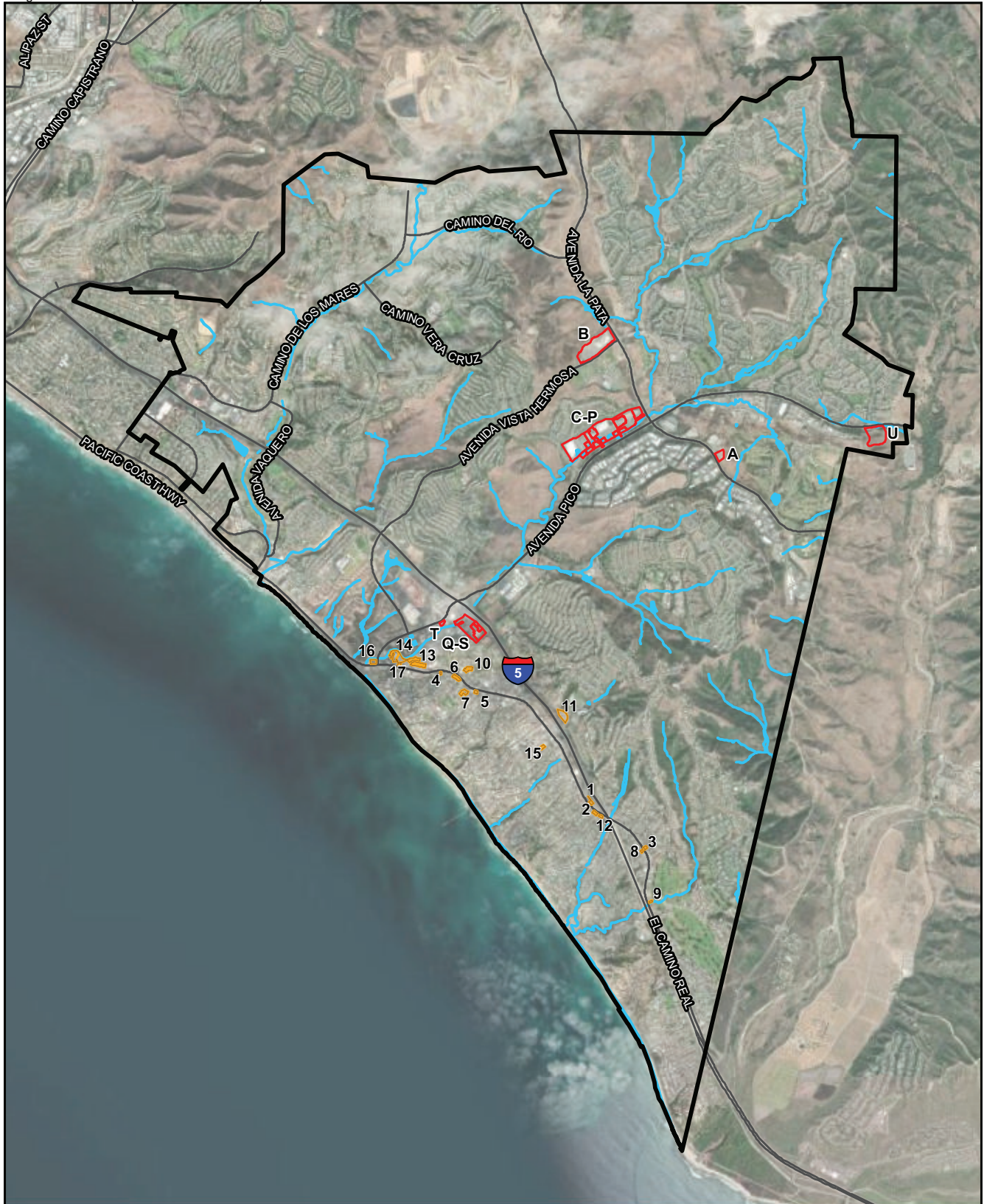


FIGURE 4.3-2

Potential Jurisdictional Wetlands and Waters

### 4.3.1.5 Wildlife Movement and Corridors

Habitat linkages and wildlife corridors are defined as areas that connect suitable wildlife habitat in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Habitat linkages and wildlife corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations. Wildlife movement corridors are considered sensitive by resource and conservation agencies.

The HCP analysis identified three major habitat linkages within the City. The Cristianitos Canyon, Gabino Canyon, and Trampas Canyon are known wildlife corridors.

- Habitats occurring in the hills west of Trampas Canyon (San Juan Capistrano) down to the northeastern corner of San Clemente support dispersal for coastal California gnatcatchers and other species between Chiquita Ridge, San Juan Capistrano and San Clemente, as well as eastward dispersal between Trampas Canyon and the Talega development to the Rancho Mission Viejo Conservancy, Cristianitos Canyon, and Camp Pendleton.
- Cristianitos Canyon, which serves as an important habitat linkage for coastal California gnatcatchers, links San Juan Creek with lower Gabino Creek and Camp Pendleton along lower Cristianitos Creek/San Mateo Creek.
- Gabino Canyon provides a habitat linkage between the San Clemente sphere of influence area, adjoining areas to the east, and Cleveland National Forest. This linkage supports movement by large mammals and possibly cactus wren and other species.

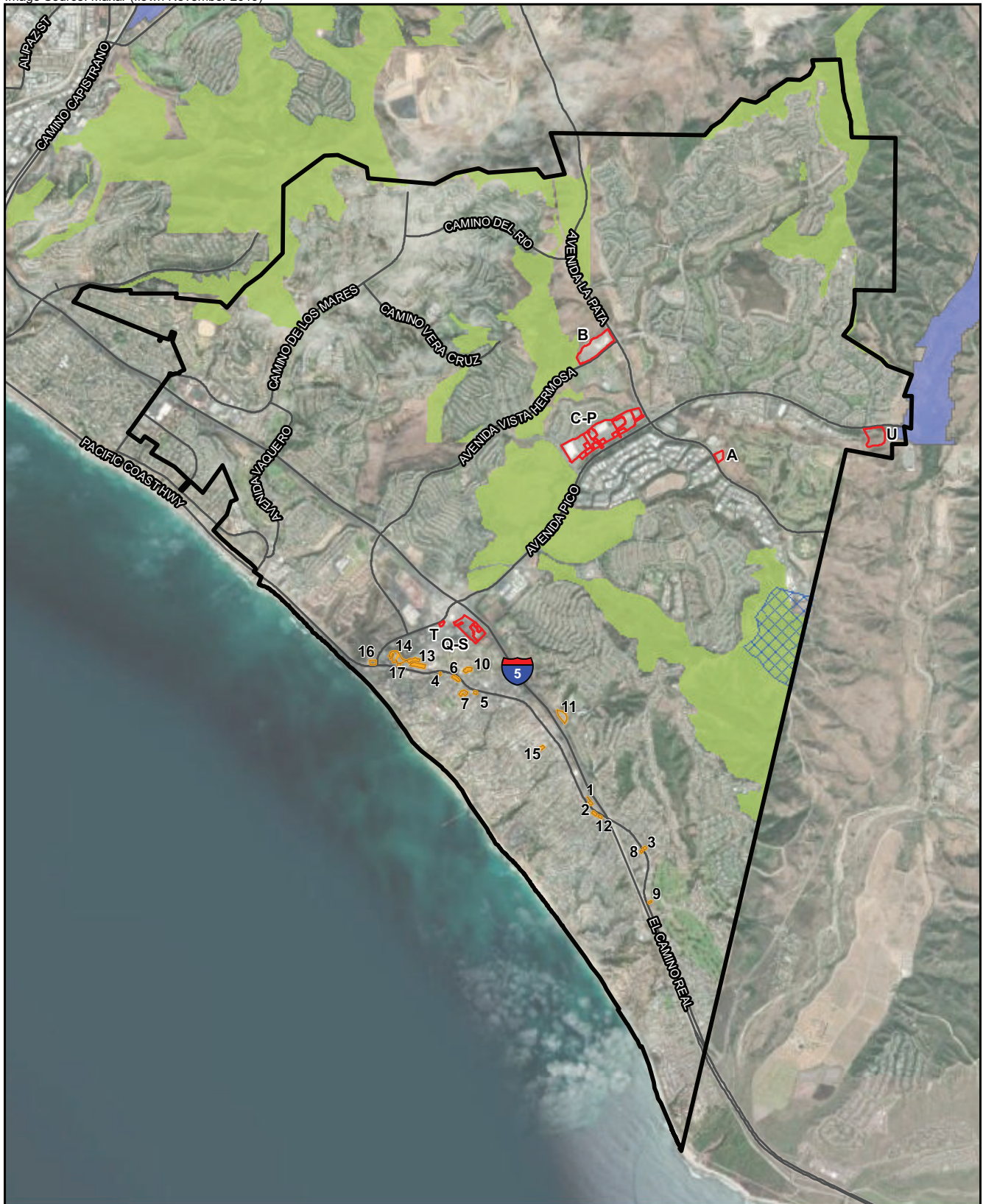
## 4.3.2 Regulatory Framework

Several federal, state, and local regulations govern impacts associated with biological resources. The following is a summary of the regulatory framework that provides the context for preservation of biological resources within the City.

### 4.3.2.1 Federal

#### a. Federal Endangered Species Act

The federal Endangered Species Act (FESA) of 1973, as amended, 16 United States Code (USC) 1531 et seq., provides for listing of endangered and threatened species of plants and animals and designation of critical habitat for listed animal species. The FESA also prohibits all persons subject to U.S. jurisdiction from "taking" endangered species, which includes any harm or harassment. Section 7 of the FESA requires that federal agencies, prior to project approval, consult with USFWS to ensure adequate protection of listed species that may be affected by the project. As shown in Figure 4.3-3, none of the Housing Sites are located within designated critical habitats.



- |                                |                                |
|--------------------------------|--------------------------------|
| Project Boundary               | Critical Habitats              |
| Arterial Roadways              | Arroyo Toad                    |
| Vacant and Underutilized Sites | Riverside Fairy Shrimp         |
| Potential Rezone Sites         | Coastal California Gnatcatcher |

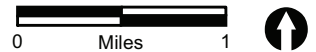


FIGURE 4.3-3  
Critical Habitats

## b. Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC 703 et seq.) is a federal statute that implements treaties with several countries on the conservation and protection of migratory birds. The number of bird species covered by the MBTA is extensive and listed in Title 50 Code of Federal Regulations (CFR) 10.13. The regulatory definition of “migratory bird” is broad and includes any mutation or hybrid of a listed species and includes any part, egg or nest of such bird (50 CFR 10.12). Migratory birds are not necessarily sensitive species, such as federally listed endangered or threatened birds under the FESA. The MBTA, which is enforced by USFWS, makes it unlawful “by any means or in any manner, to pursue, hunt, take, capture, [or] kill” any migratory bird, or attempt such actions, except as permitted by regulation. The applicable regulations prohibit the take, possession, import, export, transport, sale, purchase, barter or offering of these activities, except under a valid permit or as permitted in the implementing regulations (50 CFR 21.11).

## c. Clean Water Act of 1972

The purpose of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of all waters of the U.S. In accordance with Section 404 of the Clean Water Act (CWA), USACE regulates the discharge of dredged or fill material into waters of the U.S. Permitting is required for filling waters of the U.S. (including wetlands). Permits may be issued on an individual basis, or may be covered under approved nationwide permits. The term “waters of the United States” is defined as:

- All waters currently used, or used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds; the use, degradation, or destruction of which could affect foreign commerce including any such waters: (1) which could be used by interstate or foreign travelers for recreational or other purposes; or (2) from which fish or shell fish are, or could be taken and sold in interstate or foreign commerce; or (3) which are used or could be used for industries in interstate commerce.
- All other impoundments of waters otherwise as defined as waters of the United States under the definition;
- Tributaries of waters identified above;
- The territorial seas; and
- Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in the paragraphs above.



### 4.3.2.2 State

#### a. California Endangered Species Act

Similar to the FESA, the California ESA (CESA) provides protection to species considered threatened or endangered by the state of California. The CESA recognizes the importance of threatened and endangered fish, wildlife, and plant species and their habitats, and prohibits the taking of any endangered, threatened or rare plant and/or animal species unless specifically permitted for education or management purposes.

#### b. California Fish and Game Code, Section 1600

Under Section 1602 of the Fish and Game Code, CDFW regulates activities that would divert or obstruct the natural flow of or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. CDFW has jurisdiction over riparian habitats associated with watercourses. Jurisdictional waters are delineated by the outer edge of riparian vegetation or at the top of the bank of streams or lakes, whichever is wider.

#### c. California Coastal Act

The California Coastal Act applies to all Coastal Zone areas in the state. Coastal Act policies are carried out on a local level through Local Coastal Plans (LCPs), which implement the Coastal Act taking local conditions into consideration. LCPs consist of land use plans that govern the types and intensities of allowable uses, as well as the applicable parts of the zoning code that carry out the land use plan, consistent with the Coastal Act. Section 30253 of the Coastal Act requires new development to assure stability and structural integrity, and to not require shoreline protective devices that will alter natural landforms along bluffs and cliffs. In other words, new development must be safe from coastal hazards.

#### *San Clemente Coastal Element, Environmentally Sensitive Habitat Areas*

According to the Coastal Element, which serves as an LCP for San Clemente under the California Coastal Act, the environmentally sensitive habitat areas (ESHA) in San Clemente's Coastal Zone are limited to the few remaining undeveloped areas in the Coastal Zone:

- Limited amounts of wetlands, riparian, native grasses, and coastal sage scrub on the 253-acre Marblehead Coastal site. The Marblehead Coastal Specific Plan designates 95 acres of Canyon Open Space as part of 125 acres of total open space, including passive and active open spaces (City of San Clemente 2007).
- Coastal bluffs, vertical cliffs marking the inland margin of the beach. Some coastal bluffs have been developed; others have been graded for safety purposes.
- Eight coastal canyons, each surrounded by residential development (from north to south): Marblehead Coastal Canyons, Palizada Canyon, Trafalgar Canyon, Toledo Canyon, Lobos Marinos Canyon, Riviera Canyon, Montalvo Canyon, and Calafia Canyon.

None of the Housing Sites overlap with any of the City's ESHA including coastal canyon and coastal bluff areas.

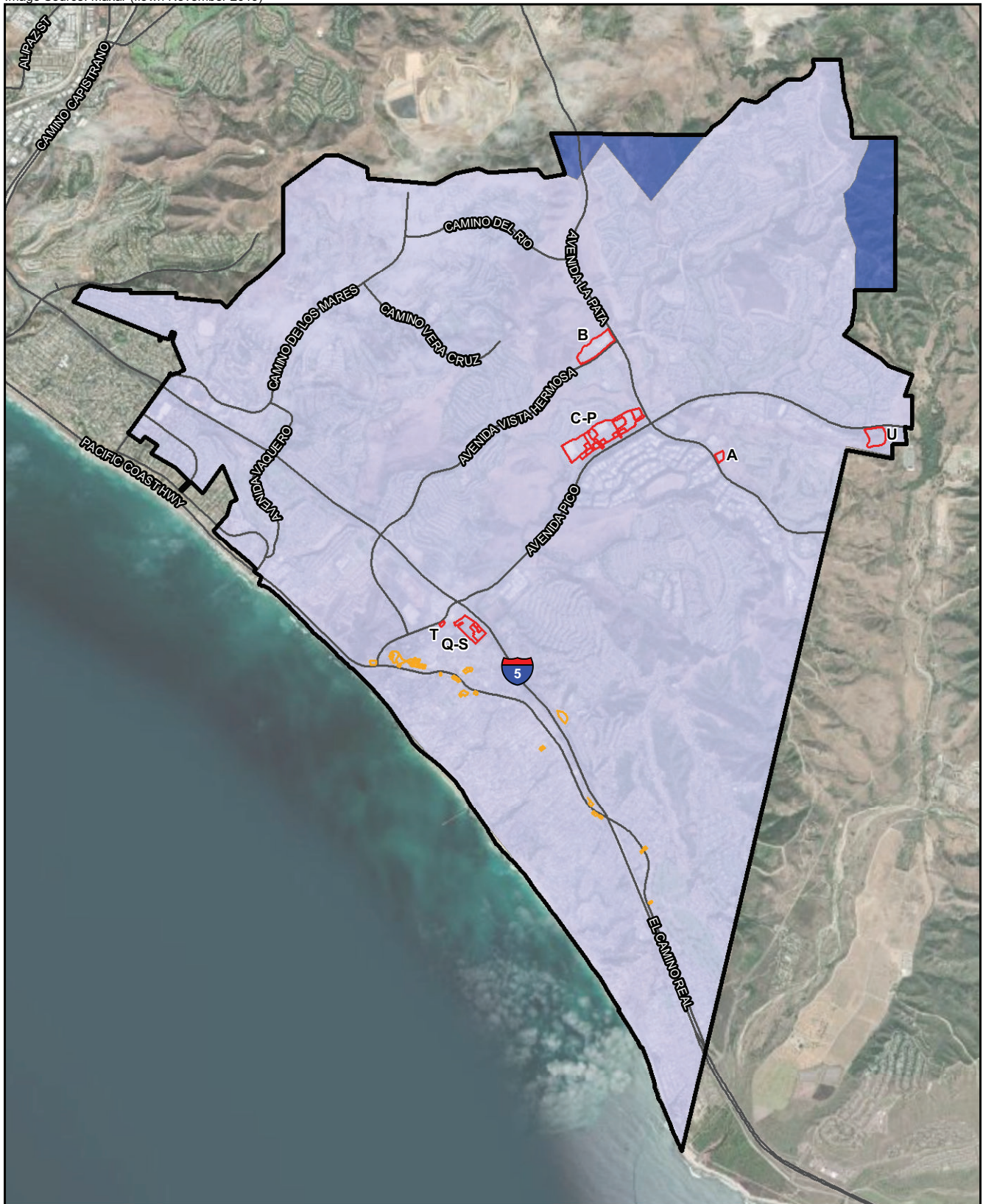
### 4.3.2.3 Regional

#### a. Southern Orange County Subregional NCCP/MSAA/HCP

As part of the implementation of the Natural Community Conservation Plan (NCCP), Orange County, along with other local agencies, have prepared an HCP and Master Streambed Alteration Agreement (MSAA). The goal of the HCP is to maintain and enhance biological diversity in the region and maintain viable populations of endangered, threatened, and key sensitive species and their habitats while promoting regional economic viability through streamlining the land use permit process. The HCP protects 32 covered species, including seven federally listed species and ten vegetation communities. As shown in Figure 4.3-4, the entirety of the City falls within the HCP plan area. A small portion of the City falls within subarea 1 and the rest falls within subarea 4.

The HCP was approved by USFWS in 2007. The three currently participating landowners in the HCP are the County of Orange, the Santa Margarita Water District, and the Rancho Mission Viejo Company. The City is one of the signatories to the HCP's enrollment agreement, but is not currently a participant receiving regulatory coverage for impacts to covered species. However, the HCP provides for the participation of other non-permittee entities such as the City by way of a certificate of inclusion or other appropriate mechanism as set forth in the HCP and the Implementation Agreement.

In addition, the Southern Orange County Subregional HCP has not been approved by CDFW as a NCCP. Therefore, applicants for projects with impacts to state listed species must apply to CDFW for incidental take permits, as authorized under Sections 2081(b) and (c) of the California Fish and Game Code, separately from coverage under the FESA through the HCP. CDFW issues some programmatic CESA permits to developers and other entities such as public utilities covering multiple species under California Fish and Game Code Section 2081(b). Programmatic CESA permits can include species under review for CESA listing; upon listing of such a species, the permittee must consult with CDFW regarding mitigation of impacts to that species.



Project Boundary

Arterial Roadways

Vacant and Underutilized Sites

Potential Rezone Sites

Southern Orange Subregion HCP Subareas

Subarea 1

Subarea 4



FIGURE 4.3-4  
Habitat Conservation Plan

#### 4.3.2.4 Local

##### a. City of San Clemente Municipal Code (SCMC)

###### *Chapter 13.40 Stormwater Runoff Control*

The person in charge of each construction site must comply with all conditions of the state general permit and implement best management practices (BMPs) to prohibit all discharges except for the stormwater and non-stormwater discharges specifically authorized by such permit. BMPs must be site-specific, seasonally appropriate, and construction phase appropriate. Dry season BMP implementation must plan for and address unseasonal rain events. At a minimum, BMPs must be selected and implemented in accordance with the Orange County Drainage Area Management Plan and jurisdictional runoff management plan. For those construction sites that are tributary to impaired water bodies and/or are within or directly adjacent to or discharging directly to receiving waters within environmentally sensitive areas, BMPs must include such additional controls as the authorized enforcement staff may require.

###### *Chapter 15.36 Excavations and Grading*

No person shall alter an existing watercourse, channel or revetment by excavating, or placing fill, rock protection or structural improvements without a valid grading permit unless waived by the City Engineer or performed as interim protection under emergency flood fighting conditions.

###### *Chapter 15.40 Hillside Development*

Significant natural systems and resources associated with hillside environments, including but not limited to primary and secondary ridgelines, significant vegetation and wildlife habitat, special geological features, natural drainage swales and canyons, steep slopes, and important historic or cultural manmade features, shall be maintained and/or restored.

###### *Chapter 17.56 Coastal Zone Overlay District*

The purpose of the Coastal Zone (-CZ) Overlay is to provide standards which preserve and protect the coastal resources within San Clemente and implement the coastal policies in the City's Coastal Element and the California Coastal Act (Division 20 of the Public Resources Code). The Coastal Zone is an overlay which may be combined with any other zone that lies within the Coastal Zone of San Clemente. The Coastal Zone Overlay provides setback standards for development along beaches and coastal canyons and provides regulations applicable to development near coastal bluffs, canyons or cliff edges. None of the Housing Sites overlap with any of the City's coastal canyon or coastal bluff areas.

##### b. General Plan

The City of San Clemente's General Plan contains policies related to protection and preservation of sensitive biological resources. Pertinent goals and policies related to sensitive biological resources are listed below.

**GOAL:** Preserve natural aesthetic resources of the City, including coastal bluffs, beaches, visually significant ridgelines, coastal canyons and significant public view corridors.

**Policy NR-2.01. *Hillside Development and Ridgeline Protection.*** We require that development in hillside areas comply with the Hillside Development Ordinance.

**Policy NR-2.02. *Coastal Canyon Areas Protection.*** We preserve designated, undeveloped "natural" coastal canyon areas that were originally intended to be open space buffers, pursuant to the Coastal Element.

**Policy NR-2.03. *Coastal Canyon Areas Restoration.*** We promote the restoration of coastal canyons as a visual resource in a manner that is consistent with the goals of the California Coastal Commission and the City's Coastal Element.

**Policy NR-2.04. *Public View Corridors of Ocean.*** We preserve designated public view corridors to the ocean.

**Policy NR-2.05. *Street Design.*** We respect and enhance public view corridors in the design and layout of new streets.

**Policy NR-2.06. *Parks and Trails.*** We locate and design parks and trails to take advantage of ocean, canyon and hillside views.

**Policy NR-2.07. *Underground Utilities.*** The City will develop and implement a utilities undergrounding plan to avoid the adverse impacts to aesthetic resources caused by public utilities and unmanned telecommunications facilities, where feasible and where costs of such undergrounding does not pose economic hardship. Where undergrounding is determined by the City to not be physically possible, such features shall be located and designed to reduce their visibility and in developed areas, consistent with prevailing architectural character and scale. In beaches, parks and open spaces areas, such facilities shall be designed and located to blend in with natural colors, textures and landforms.

**Policy NR-2.08. *Trees as Screening Tool.*** Where screening of public utilities and/or telecommunication facilities is determined by the City to be desirable, the strategic location, selection, planting and maintenance of trees or other plant materials will be considered as a tool for screening or redirecting views

### c. Local Coastal Program

Based on California Coastal Act requirements, local governments are required to create a LCP, which must implement the policies and requirements of the Coastal Act on a local level. LCPs consist of land use plans that govern the types and intensities of allowable uses, as well as the applicable parts of the zoning code that carry out the land use plan, consistent with the Coastal Act. The City's 2018 Land Use Plan was certified by the California Coastal Commission . The Coastal Land Use Plan has goals and policies for: coastal land use, shoreline access, recreational facilities, coastal visual and historic resources, water and marine resources, and environmentally sensitive habitat areas. The

Coastal Zone boundary runs alternatively along or several hundred feet west of I-5 for nearly the whole length of the City from southeast to northwest (see Figure 4.3-1).

### 4.3.3 Significance Determination Thresholds

Consistent with Appendix G of the California Environmental Quality Act (CEQA) Guidelines, impacts related to biological resources would be significant if the project would:

- 1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- 2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS;
- 3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- 4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- 5) Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), NCCP, or other approved local, regional, or state HCP; or
- 6) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

### 4.3.4 Methodology

The biological resources documented in this section were determined through an extensive review of the most current biological literature and geographical information systems (GIS) data available for the City in addition to inspection of recent aerial photographs and field verification. The biological impact analysis contained herein evaluates impacts associated with adoption of the Housing Element and Safety Element.

### 4.3.5 Issue 1: Sensitive Species

*Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?*

#### 4.3.5.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to sensitive species. Sensitive vegetation communities which exist or have the potential to exist on Housing Sites include riparian habitat, watercourse, scrub, and grassland as detailed in Table 4.3-1 and Figure 4.3-1. Other vacant and underutilized sites not mapped as containing sensitive vegetation may also support sensitive vegetation communities based on vegetation changes over time. Vegetation communities are considered sensitive due to their limited occurrence and ability to support diverse and sensitive species. The project does not propose grading or construction activities, but future development of Housing Sites with sensitive habitat could impact sensitive species. Additionally, development on sites with mature trees could impact nesting birds.

Direct impacts to sensitive plant and wildlife species could potentially result from the removal of occupied habitat within undeveloped Housing Sites through grading and other land development activities. Additionally, indirect impacts to sensitive plant or wildlife species could also result from excess noise, lighting, or runoff generated during project construction. Generally, compliance with applicable stormwater treatment requirements effectively addresses potential impacts from polluted runoff and/or drainage changes.

Direct impacts to nesting or migratory birds, including raptors (as protected under the MBTA), could potentially result from the removal of mature trees and/or native vegetation within project areas during the typical bird breeding season (January 15–September 15). Due to the potential for mature trees and/or native/non-native vegetation to support nesting birds, future development of Housing Sites has the potential to directly impact nesting or migratory bird species should vegetation clearing and/or project construction occur during the general bird breeding season.

Housing Sites anticipated to result in impacts to sensitive habitats include rezone sites A and U, vacant and underutilized site 16, in addition to other Housing Sites that may contain non-native grassland. Site specific evaluation would be required to verify the presence of sensitive habitats.

#### 4.3.5.2 Significance of Impacts

Future development of Housing Sites that requires a discretionary process would be subject to future environmental review. For these projects, site specific analysis would be required to identify the presence of sensitive species and appropriate mitigation would be applied to reduce potential impacts. Application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources would ensure impacts are reduced to

less than significant. The City's General Plan EIR found that impacts to sensitive species would be reduced to less than significant through implementation of the City's Mitigation Monitoring Program measures 3-1 and 3-2. Measure 3-1 which requires applicants for development projects that would disturb vacant land to prepare a biological resources survey that addresses the potential for sensitive species, requires species surveys where appropriate, and requires implementation of measures to avoid or minimize impacts to the extent feasible. Measure 3-2 requires applicants with the potential to affect listed species to obtain written authorization from the USFWS demonstrating the activity is in compliance with regulations for "take" of listed species and requires implementation of mitigation as defined by the USFWS permit process. The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, some future development on Housing Sites may proceed with a ministerial process which would not require a subsequent environmental review. For ministerial projects, potential development could occur on lands that support sensitive species, wildlife, or nesting /migratory birds, resulting in a potentially significant impact. Additionally, indirect impacts could occur from development located adjacent to sensitive habitats.

### 4.3.5.3 Mitigation Framework

**BIO-1:** Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that ensures impacts to sensitive species are minimized, as follows:

- a) For any development located on vacant or undeveloped land, the applicant shall be required to obtain a qualified biologist to prepare a site-specific vegetation map that identifies any sensitive habitats on-site in addition to the location of any trees that could support nesting birds.
- b) If based on the information provided in a) above, the site supports sensitive vegetation communities and the project would impact these communities, the applicant shall provide a biological resources report prepared by a qualified biologist that includes: (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types (including wetlands); (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project.

If suitable habitat for sensitive species is identified based on the general biological survey, then focused presence/absence surveys shall be conducted in accordance with applicable resource agency survey protocols. If potential wetlands are identified based on the general biological survey, then a wetland delineation shall be conducted in accordance with applicable resource agency survey protocols.



If potentially significant impacts to sensitive biological resources are identified, the report shall recommend appropriate mitigation to reduce the impacts to below a level of significance. If habitat-based mitigation is required, the applicant shall be required to provide evidence that the appropriate mitigation has been acquired (e.g., receipt from a mitigation bank or demonstrate appropriate habitats have been conserved on-site). If agency permits are required due to impacts to threatened and endangered species or other regulated resources, the applicant shall be required to demonstrate that agency permits have been obtained and applicable conditions of the permit have been satisfied prior to any vegetation removal or ground disturbance.

- c) If the project would result in the removal of sensitive habitats and/or trees that could support nesting birds, grading and/or vegetation removal shall occur outside the bird breeding season (typically January 15–September 15). A qualified biologist may define the appropriate bird breeding season based on species that could be supported at the site. If grading must occur during the breeding season, the applicant shall be required to conduct pre-construction bird surveys within 3 days of the start of construction to determine the presence of active nests. If active nests are found, avoidance measures shall be implemented to ensure protection of the nesting birds. Avoidance measures may include a no-activity buffer zone, typically 100 feet from the area of disturbance or 500 feet for raptors, established at the discretion of the qualified biologist in consultation with the City. If activity buffer zones are not feasible, temporary noise barriers may be installed to attenuate construction noise. Noise wall height and adequacy shall be supported by a noise analysis to determine the anticipated construction noise levels with attenuation measures as recommended by the biologist and approved by the City. Accepted noise levels are species dependent and existing ambient noise levels can play a factor in establishing baseline acceptable noise.
- d) If sensitive biological resources are present within or adjacent to the proposed development project area and impacts may result from construction activities, the City shall require the applicant to retain a qualified biological monitor to be present during all or a portion of the construction activities to ensure impacts to the sensitive biological resources are avoided or minimized to the extent feasible.
- e) Development on sites that are adjacent to native habitat shall include measures to minimize adverse indirect impacts to surrounding habitat as follows:
  - Lighting shall be of the minimum output required and shall be down-shielded to prevent excessive light bleed into adjacent areas.
  - Use native, drought resistant plant species in landscape design.
  - Construction limits shall be clearly flagged to ensure impacts to biological resources are avoided.

#### 4.3.5.4 Significance after Mitigation

Direct and indirect impacts to sensitive plants and sensitive wildlife including migratory or nesting birds within the Housing Sites would be mitigated to below a level of significance with implementation of mitigation measure BIO-1.

### 4.3.6 Issue 2: Sensitive Vegetation Communities

*Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS?*

#### 4.3.6.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to sensitive vegetation communities as policies are focused on ensuring development occurs in a safe manner. While the project does not specifically propose vegetation removal, future development of the Housing Sites has the potential to directly impact sensitive vegetation communities. Sensitive vegetation communities may occur at rezone sites A and U, and vacant and underutilized site 16, in addition to other vacant or partially vacant Housing Sites that may contain non-native grassland or other sensitive vegetation. Site specific evaluation would be required to verify the presence of sensitive habitats. Direct impacts to sensitive vegetation communities would be potentially significant.

#### 4.3.6.2 Significance of Impacts

Impacts to sensitive habitats associated with future discretionary projects within the Housing Sites would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources. The City's General Plan EIR found that impacts to sensitive habitats would be reduced to less than significant through implementation of the City's Mitigation Monitoring Program measure 3-1. Measure 3-1, which requires applicants for development projects that would disturb vacant land to prepare a biological resources survey that addresses the potential for sensitive habitat, requires implementation of measures to avoid or minimize impacts to the extent feasible. The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for biological resources since no discretionary review would be required. Potential impacts to sensitive vegetation communities resulting from ministerial development at Housing Sites would be potentially significant.

### 4.3.6.3 Mitigation Framework

Refer to mitigation measure BIO-1.

### 4.3.6.4 Significance after Mitigation

Implementation of mitigation measure BIO-1 would reduce impacts to sensitive vegetation communities associated with ministerial development to less than significant. Specifically, mitigation measure BIO-1 requires the applicant to provide evidence that the appropriate mitigation has been acquired (e.g., receipt from a mitigation bank or demonstrate appropriate habitats have been conserved on-site) prior to vegetation removal or ground disturbance. Additionally, if agency permits are required due to impacts to regulated species or resources, the applicant is required to demonstrate that agency permits have been obtained and applicable conditions of the permit have been satisfied prior to vegetation removal or ground disturbance. Implementation of mitigation measure BIO-1 would ensure that future housing development allowed with a ministerial process would not have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS. Impacts would be less than significant with mitigation.

## 4.3.7 Issue 3: Wetlands

*Would the project have a have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

### 4.3.7.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to wetlands as policies are focused on ensuring development occurs in a safe manner. While future development at most Housing Sites is unlikely to involve impacts to wetlands, site-specific surveys have not been completed to delineate wetlands. As detailed in Table 4.3-1, several sites are mapped as having watercourses; however, these are engineered water conveyances that lack biological value. Additionally, Chapter 15.36.090 of the SCMC requires that no person shall alter an existing watercourse, channel or revetment by excavating, or placing fill, rock protection or structural improvements without a valid grading permit unless waived by the City Engineer or performed as interim protection under emergency flood fighting conditions.

Vacant and underutilized site 16 (refer to Figure 3-1) is the site with the most potential to involve wetland impacts; however, a specific jurisdictional delineation would be required to verify resources present. Based on the potential for resources to be present at vacant and underutilized site 16 and the potential for other sites to support wetland resources upon site-specific evaluation, future

development at Housing Sites has the potential to directly or indirectly impact jurisdictional waters or wetlands by vegetation removal and/or grading activities associated with development.

### 4.3.7.2 Significance of Impacts

Impacts to state or federally protected wetlands associated with future discretionary projects within the Housing Sites would be reduced to less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources. The City's General Plan EIR found that impacts to wetlands would be reduced to less than significant through implementation of the City's Mitigation Monitoring Program measures 3-1, 3-3, and 3-4. Measure 3-1 which requires applicants for development projects that would disturb vacant land to prepare a biological resources survey that addresses the potential for impacts to all biological resources, including wetlands, and requires and requires implementation of measures to avoid or minimize impacts to the extent feasible. Measure 3-3 requires preparation of a jurisdictional delineation for any projects with the potential to affect jurisdictional waters of the U.S. pursuant to the Clean Water Act. The delineation requires mapping of wetlands and non-wetland waters and must be incorporated into the CEQA document prepared for the project. Measure 3-4 requires applicants to obtain permits for development projects with the potential to impact jurisdictional waters, wetlands, and riparian habitat under the jurisdiction of the USACE, CDFW, and/or the RWQCB. Applicable conditions of the permit including minimization and mitigation measures shall be implemented. The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for biological resources since no discretionary review would be required. Potential impacts to state or federally protected wetlands resulting from ministerial development at Housing Sites would be potentially significant.

### 4.3.7.3 Mitigation Framework

**BIO-2:** Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate a requirement into the Overlay Zone that ensures project applicants consult with the applicable agencies to obtain permits for projects with potential to impact jurisdictional waters, wetlands, and riparian habitat under the jurisdiction of the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and/or the Regional Water Quality Control Board. The applicant shall be required to demonstrate that agency permits have been obtained and applicable conditions of the permit have been satisfied prior to ground disturbance.

Wetland buffers would normally be dictated by the permit requirements of applicable agencies; however, in the event no permit is required due to the absence of wetland impacts, the Overlay Zone shall require projects adjacent to wetland features to incorporate a wetland buffer sufficient to protect the functions and values of the wetland (typically ranging from 50 to 200 feet from the edge of the wetland), depending on site conditions and based on the recommendation of a qualified

biologist. All wetlands and buffers shall be permanently conserved or protected through the application of an open space easement or other suitable device.

#### 4.3.7.4 Significance after Mitigation

Impacts to wetlands and other jurisdictional waters associated with future ministerial development at Housing Sites would be mitigated to less than significant by mitigation measure BIO-2.

### 4.3.8 Issue 4: Wildlife Corridors

*Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

#### 4.3.8.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to wildlife corridors. Wildlife corridors are natural areas that connect blocks of habitat and support frequent movement of a wide range of animals. As detailed in the City's 2013 General Plan EIR, small coastal canyons that occur west of I-5 support local movement of urban wildlife, but wildlife movement between the coastal plains west of I-5 and the upland areas to the east are greatly impeded by I-5. Open space areas inland of I-5 generally remain connected to the large open space areas in the inland foothills, including those in the City's sphere of influence and adjoining areas to Cleveland National Forest. Within the open space areas of the City, species such as mule deer, bobcat, and coyote would generally move along ridgelines, drainage bottoms, and unpaved access roads (including fire roads and fire breaks). The South Orange County HCP identifies three major habitat linkages, which are depicted on Figure 5.3-6 of the City's General Plan EIR. Linkages are located north and east of the City outside of any proposed Housing Site. . With the exception of rezone sites U and A, all Housing Sites would be located within existing development lands or on land that is substantially surrounded by development. The Housing Sites are primarily located within existing developed areas that would not interfere with movement of native resident or migratory fish or wildlife species or corridors. However, Housing Sites located adjacent to natural areas could result in indirect impacts to surrounding habitat that could adversely affect wildlife use of the area.

#### 4.3.8.2 Significance of Impacts

Impacts to wildlife movement corridors and native wildlife nursery sites associated with future discretionary projects within the Housing Sites would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources. The City's General Plan EIR found that impacts related to wildlife corridors would be reduced to less than significant through implementation of the City's Mitigation Monitoring Program measures 3-1 and 3-5. Measure 3-1 which requires applicants for

development projects that would disturb vacant land to prepare a biological resources survey that addresses the potential for impacts to all biological resources and requires implementation of measures to avoid or minimize impacts to the extent feasible. Measure 3-5 requires applicants of development projects within designated open space or identified as a major linkage/corridor to prepare a habitat connectivity evaluation to be incorporated into the biological resource report. The evaluation requires design features to be incorporated to reduce potential impacts and maintain functionality of habitat and connectivity for wildlife movement. The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for biological resources since no discretionary review would be required. Potential impacts associated with wildlife movement corridors and native wildlife nursery sites for ministerial housing located adjacent to blocks of habitat (such as rezone sites U and A), could result in indirect impacts to surrounding habitat associated with lighting or invasive species. Impacts to wildlife movement corridors and native wildlife nursery sites associated with future ministerial development within the Housing Sites would be potentially significant.

#### 4.3.8.3 Mitigation Framework

Refer to mitigation measure BIO-1.

#### 4.3.8.4 Significance after Mitigation

Implementation of mitigation measure BIO-1 would reduce impacts to wildlife corridors associated with ministerial development to less than significant. Specifically, mitigation measure BIO-1 requires future ministerial projects to incorporate measures that will minimize adverse impacts to surrounding biological resources including:

- Requiring biological monitoring where construction occurs adjacent to sensitive biological resources.
- Ensuring lighting uses the minimum output required and is down-shielded to prevent excessive light bleed into adjacent areas.
- Using native, drought resistant plant species in landscape design.
- Requiring construction limits to be clearly flagged to ensure impacts to biological resources are avoided.

With incorporation of the requirements in BIO-1, impacts would be less than significant with mitigation.

### 4.3.9 Issue 5: Habitat Conservation Planning

*Would the project conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP?*

#### 4.3.9.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to habitat conservation planning. The City is one of the signatories of the HCP, but is not a participant receiving regulatory coverage for impacts to covered species. The HCP plan area is divided into four subareas. As shown in Figure 4.3-4, all of the Housing Sites are located within subarea 4. Nearly all of the important natural areas in subarea 4 have already been protected pursuant to the FESA and none of the Housing Sites are located within the HCP Reserve area which represents the areas needed for conservation to achieve the goals of the HCP. Therefore, implementation of development at the Housing Sites would not conflict with the Southern Orange County Subregional HCP.

#### 4.3.9.2 Significance of Impacts

Implementation of the project would not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP. Impacts would be less than significant.

#### 4.3.9.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.3.10 Issue 6: Policies and Ordinances Protecting Biological Resources

*Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

#### 4.3.10.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to policies and ordinances protecting biological resources. The project does not propose any activities that would conflict with local policies or ordinances protecting biological resources. Future discretionary development on Housing Sites would undergo an environmental review and would be subject to site specific mitigation measures to ensure impacts to biological resources are reduced to less than significant. As part of this

discretionary review, individual projects would be reviewed for consistency with local policies and ordinances protecting biological resources detailed in Section 4.3.2 above. Additionally, for future development that may proceed with a ministerial approval, mitigation measures BIO-1 and BIO-2 would ensure that the City applies applicable development standards that would be applied during a discretionary process to ensure consistency with City policies for the protection of biological resources.

#### **4.3.10.2 Significance of Impacts**

Potential impacts associated with conflicts with local policies or ordinances protecting biological resources would be less than significant.

#### **4.3.10.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.



## 4.4 Cultural and Tribal Cultural Resources

This section analyzes potentially significant impacts that could result from implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element residential sites inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." This analysis relies on secondary source information and the review of existing cultural and tribal cultural resources databases and literature.

### 4.4.1 Existing Conditions

#### 4.4.1.1 Cultural Setting

##### a. Prehistoric Period

The prehistoric cultural sequence in coastal Orange County is generally conceived as comprising three basic periods: the Paleoindian, dated between about 11,500 and 8,500 years ago and manifested by the artifacts of the San Dieguito Complex; the Archaic, lasting from about 8,500 to 1,500 years ago (A.D. 500) and manifested by the cobble and core technology; and the Late Prehistoric, lasting from about 1,500 years ago to historic contact (i.e., A.D. 500 to 1769) and represented by the San Luis Rey Complex.

The Paleoindian Period in Orange County is most closely associated with the San Dieguito Complex. The San Dieguito assemblage consists of well-made scraper planes, choppers, scraping tools, crescentics, elongated bifacial knives, and leaf-shaped points. The San Dieguito Complex is thought to represent an early emphasis on hunting.

The Archaic or Millingstone Period brings an apparent shift toward a more generalized economy and an increased emphasis on seed resources, small game, and shellfish. Large deposits of marine shell at coastal sites indicate the importance of shellfish gathering to the coastal Archaic economy (Moratto 1984). The material culture includes flaked cobble tools, basin metates, manos, cogstones, discoids, and flexed burials. The majority of settlements centered near productive estuaries and bays at the beginning of this period and shifted somewhat around 4,000 years ago along smaller water systems during the last Holocene sea level rise resulting in siltation of coastal lagoons. Recent research demonstrates that larger drainage systems were not abandoned but continuously occupied into the Late Prehistoric Period (Byrd and Raab 2007; Gallegos 1987; Warren et al. 1993). The Late Prehistoric archaeology of the coast of Orange County is represented by the San Luis Rey Complex. The San Luis Rey Complex is thought to represent the ancestors of the ethnographic Luiseño (True 1966, 1980), who arrived in northern San Diego and Orange counties as part of the large series of coastward migrations of Shoshonean speakers, sometimes called the Takic Wedge (Meighan 1954; Waugh 1986). San Luis Rey I is characterized by slab metates and mortars, both of which can be found in shaped and unshaped, bedrock and portable configurations. Cremations, bone awls, and stone and shell ornaments are also prominent in the material culture. In the San Luis Rey II

assemblage, pottery cooking and storage vessels, cremation urns, and polychrome pictographs appear. Chipped stone arrowpoints are dominated by the Cottonwood Triangular series but Desert side-notched, Dos Cabezas serrated, leaf-shaped, and stemmed styles also occur.

## b. Ethnohistoric Period

The Luiseño/Juaneño are the most southwesterly of the Shoshonean or Uto-Aztecan speakers. The Luiseño occupied northern San Diego, southern Orange, and southeastern Riverside counties. The term referred to those people associated with the San Luis Rey Mission, while the Juaneño/Ajachemen refers to Shoshonean speakers associated with the San Juan Capistrano Mission. These people are linguistically and culturally related to the Tongva/Gabrielino and Cahuilla and appear to be the direct descendants of Late Prehistoric populations. The basic unit of Luiseño social structure was the clan triblet, which was composed of patrilineally related people who were politically and economically autonomous from neighboring triblets. Unlike other Takic-speaking tribes that surrounded them, the Luiseño do not appear to have been organized into exogamous moieties, but may have been loosely divided into mountain-oriented groups and ocean-oriented groups (Bean and Shipek 1978). One or more clans would have resided together in a village (Oxendine 1983).

Luiseño settlement systems consisted of units, each of which contained at least one village and was referred to by the Spanish term *rancheria* (Bean and Shipek 1978; Kroeber 1925; Sparkman 1908; White 1963). Each *rancheria* on average was 30 square miles and all parts could be reached within a half a day's walk from the village (White 1963). Unit (*rancherias*) were guarded and bands were expected not to trespass on other bands' territories. Trespassing was cause for war (Bean and Shipek 1978). Each *rancheria* owned territory in a contiguous strip leading from the valley bottom to upland areas. This vertical pattern of *rancheria* territory facilitated gathering plant foods through the year (White 1963).

A wide variety of plants growing in the various biotic communities between the coast and mountains were utilized by the Luiseño, including acorns, annual grasses, seeds, yucca, sage, chia, lemonade berry, manzanita, and other wild greens and fruits (Kroeber 1925). These resources become available at different times of the year, prompting moves to different campsites. In early spring, tubers and berries first ripened along the watercourse below the *rancheria*. As spring turned to summer, chaparral plants near the *rancheria* became ripe. Later, those at a higher elevation above the *rancheria* ripened. In fall, people moved temporarily to higher elevations (e.g., Palomar Mountain) for the acorn harvest (White 1963). Each band had its own territory on Palomar Mountain. According to most ethnographic accounts, acorns were considered the most important food source (Bean and Shipek 1978). In addition to plant-associated moves, trips to coastal camps to exploit marine resources such as shellfish, fish, and marine mammals would take place (White 1963).

## c. Historic Period

The Spanish Period in Alta California (1769–1821) represents a time of European exploration and settlement. Military and religious contingents established the San Diego Presidio and the San Diego Mission in 1769. Mission San Juan Capistrano was founded in 1776 as the seventh mission in California. In 1798, Mission San Luis Rey de Francia was founded on the San Luis Rey River in the

present-day city of Oceanside. The mission system also introduced horses, cattle, sheep, and agricultural goods and implements as well as new construction methods and architectural styles.

During the Mexican period (1821–1848), the missions were secularized, opening vast tracts of former mission lands for private use and settlement. The numerous grants dramatically expanded the rancho system. Felipe Carrillo, part of one of California's earliest families, was granted Rancho Los Desechos, most of present-day San Clemente, that was surrounded by Rancho Mission Viejo and Rancho Santa Margarita, present-day Camp Pendleton. Rancho Boca de la Playa also encompassed present-day San Clemente (Historic Resources Group 2006). The southern California economy became increasingly based on cattle ranching. The Mexican period ended when Mexico signed the Treaty of Guadalupe Hidalgo on February 2, 1848, concluding the Mexican-American War (1846–1848; Rolle and Verge 2008). California became a state in 1850.

The great influx of Americans and Europeans, beginning with the Gold Rush in the summer of 1848, eliminated many remaining vestiges of Native American culture. The American homestead system encouraged settlement beyond the coastal plain into areas where Native Americans had retreated to avoid the worst of Spanish and Mexican influences (Carrico 1987; S.F. Cook 1976). Some ranchos in present-day Orange County were sold to American owners such as Abel Stearns, Thomas Flint, Llewellyn Bixby, and James Irvine. Cattle economy switched to sheep ranching, wine and raisin grapes, wheat, barley, and corn crops. New irrigation systems were built to expand agricultural operations. The County of Orange was established in 1889 (Orange County Historical Society 2021, Kao 2021).

The City of San Clemente was among the first master planned communities in the United States (<https://www.san-clemente.org/about-us/city-information/history>). In the late 1920s Ole Hansen had a vision of a Spanish village by the sea. He laid out a master plan based on the Spanish Colonial architectural style including restaurants, a clubhouse, residences, public parks, a public pool, a fishing pier, and equestrian trails. Within six months, Hansen had set a record by selling 1,200 lots. The City incorporated in 1928. Development in the City was halted during the Great Depression. However, as with other southern Californian cities, post-World War II resulted in a development boom. The completion of Interstate 5 in 1960 made the City more accessible; the hills above the City opened for large-scale housing tracts. In 1969 Former President Richard Nixon purchased the Cotton Estate, rehabilitated and renamed it La Casa Pacifica, and returned in 1974 after his resignation.

#### 4.4.1.2 Existing Historic and Prehistoric Resources

Archaeological resources typically include prehistoric and historic archaeological sites, buildings, structures, features (including significant trees or other landscaping), places, or other objects of historical, archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of San Clemente and the region. Examples would include prehistoric habitation debris, temporary camps, lithic and ceramic scatters, quarries, and trails.

Historic archaeological sites typically consist of trash dumps/scatters, but may also include structure remains. Historic structures may include houses, apartment buildings, commercial buildings, bridges, towers, and other standing structures over 50 years of age.

Undeveloped sites have the potential for the presence of unknown archaeological resources as the likelihood of encountering archaeological resources is greatest on sites that have been minimally excavated in the past (e.g., undeveloped parcels, vacant lots, and lots containing undeveloped areas). Previously excavated areas are generally considered to have a low potential for archaeological resources, since the soil containing the archaeological resources has been removed or previously disturbed.

### a. Historic Resources

Review of the Draft Centennial General Plan EIR (City of San Clemente 2013) identified five properties listed on the National Register of Historic Places (NRHP) and one is a California Point of Historical Interest (Table 4.4-1). None are within any of the Housing Sites.

Address	Name	National Register of Historic Places	California Point of Historical Interest
415 Avenida Granada	Casa Romantica	Yes	-
101 El Camino Real	Easley, Oscar, Block	Yes	-
243 Avenida La Cuesta	Goldschmidt House	Yes	-
114 Avenida Del Mar	Hotel San Clemente	Yes	-
105 W. Avenida Pico	San Clemente Beach Club/ Ole Hanson Beach Club	Yes	
100 S. El Camino Real	Bartlett Building	-	Yes

SOURCE: City of San Clemente 2013.

### *City of San Clemente Local Landmarks*







The City has 22 listed properties and 3 proposed landmarks (Table 4.4-2). None of these properties are within the project areas. However, the San Onofre Inn is within 300 feet of vacant and underutilized site 4 and Casino San Clemente and the San Clemente Theatre are within 300 feet of vacant and underutilized site 16.

Table 4.4-2 Local City Landmarks		
Address	Name	Year Constructed
304 Avenida Cabrillo	L. S. Frasier House	1938, one of few remaining adobes
Avenida de las Palmeras	Cotton Estate Gate	1928
114 Avenida Del Mar	Hotel San Clemente*	1927
415 Avenida Granada	Casa Romantica*	1928
233 Avenida la Cuesta	Campbell House	1941
243 Avenida La Cuesta	Goldschmidt House*	1928
105 W. Avenida Pico	San Clemente Beach Club/ Ole Hanson Beach Club*	1927
140 W. Avenida Pico	Casino San Clemente	1936
611 Avenida Victoria	Municipal Pier	1928
4100 Calle Isabella	Casa Pacifica	1926
100 N. Calle Seville	Community Center/Ole Hanson Room	1927
412 Cazador Lane	Warner House	1929
100 S. El Camino Real	Bartlett Building	1926
101 El Camino Real	Easley, Oscar, Building*	1929
104-118 N. El Camino Real	Administration Building	1926
1426 N. El Camino Real	San Onofre Inn	1928
408 N. El Camino Real	Old City Hall	1928
1209 Buena Vista	Moulton House	1929
418 Cazador Lane	Residence	1926
420 Cazador Lane	Ann Harding House	1926
230 W. Marquita	Swigart House	1929
202 Avenida Aragon	St. Clement's Church	1930
<i>1700 N. El Camino Real</i>	<i>San Clemente Theatre</i>	<i>1937</i>
<i>529-533 Avenida Victoria</i>	<i>Beachcomber Motel</i>	<i>1947</i>
<i>402-404 Pasadena Court</i>	<i>Sea Cliff Villas (Robison House)</i>	<i>1927</i>
*Sites also included on the NRHP list. NOTES: Italicized sites are proposed only and not listed sites. SOURCE: San Clemente Historical Society 2021.		

### *City of San Clemente Designated Historic Resources*

A total of 203 properties and 7 objects and sites (such as the municipal pier, golf course, and the Max Berg Park) are listed in the City's list of designated historic resources (Figure 4.4-1). The list includes the 22 landmarks in addition to the 3 proposed landmarks shown in italics in Table 4.4-2. None of the designated historic resources are located within the Housing Sites. Additionally, no potential rezone sites are within a 300-foot buffer of a designated historic resource. As detailed in Figure 4.4-1, a total of 37 of the vacant and underutilized parcels are within a 300-foot buffer of a designated historic resource. Additionally, vacant and underutilized site 16 is located adjacent to the recently designated North Beach Historic District. North Beach Historic District was listed in January 2021 on the National Register of Historic Places at the local level of significance under Criterion A in the areas of Community Planning and Development and Entertainment/Recreation.



-  Project Boundary
-  Sites within 300 feet of Historic Structure
-  Historic Structures
-  Sites Requiring Historic Evaluation
-  Vacant Sites
-  Architectural Design Overlay (A)


0 Feet 1,500 

FIGURE 4.4-1  
Historic Structures in Vicinity of  
Vacant and Underutilized Sites

The City's Spanish Colonial Revival Architectural Overlay (SCMC Chapter 17.56 Overlay Districts and Standards) requires new buildings and major remodels to be designed to reflect the City's Spanish Colonial Revival architecture. As detailed in Figure 4.4-1, a total of 11 of the vacant and underutilized parcels are within this overlay.

### *Historic Resources within City Limits*

The online Built Environment Resources Directory (BERD) identified 237 properties within the City. Seven are listed as local City landmarks (Appendix C-1). A total of 152 are recommended eligible for the California Register of Historic Resources (CRHR) but the majority have not been evaluated for the California Environmental Quality Act (CEQA) or local significance. Significance criteria and eligibility definitions are provided in Section 4.4.2.2 below.

### *Archaeological Resources*

Because the land underlying the Housing Sites has been used for thousands of years, it can be assumed prehistoric and historic archaeological resources may be present in the project area. Some areas have likely been surveyed over the years and survey results can be obtained from the South Central Coastal Information Center (SCCIC). However, at this programmatic level of review, it is assumed that all vacant project areas have the potential for significant archaeological resources that may qualify for listing on the National Register of Historic Resources (NRHR), CRHR, or City's designated historic resources list.

### *Historic Aerial Photographs Review*

Historic aerial photographs were reviewed from [historicaerials.com](http://historicaerials.com) dating back to 1938 and include photographs from 1946, 1952, 1953, 1967, 1980, 1989, 1991, 1993, 1997, 1998, 2000, 2002-2005, 2009, 2010, 2012, 2014, and 2016. Rezone site A is currently vacant, graded and cleared of vegetation. The parcel was vacant until 1994 when it was cleared of vegetation and then graded in 1998. By 2000, the current building north-northwest of vacant lot had been constructed. Since then, the parcel has remained a vacant lot that is routinely mowed. Rezone site B supports a commercial building and parking lot. The parcel was vacant land until 2003 when grading for the existing commercial building occurred. The parcel remained vacant until 2012 when the existing building appeared on the photograph. Rezone sites C through P have several commercial buildings and a parking lot. The parcels appear to have been vacant until 1989 when the roadway for Avenida Pico was constructed and the parcels appear to be in agricultural use. Mowing or vegetation clearing of the parcels is noted in the 1997 photograph. The parcels were graded in 1998 photograph with the central building completed in 2000. The remaining buildings were completed by 2002. Rezone sites Q through S contain various commercial buildings and a parking lot. Before 1980 the parcels remained vacant. By 1980, the existing buildings and parking lot had been constructed and no changes have occurred since. Rezone site T currently has a commercial building and parking lot. The parcel was vacant in 1938; some grading can be seen in the 1946 photograph. The existing building and parking lot may have been constructed as early as 1980 (the quality of the photograph is poor). The 1989 photograph clearly displays the existing configuration with no changes until present. Rezone site U is currently vacant. The parcel has been vacant since 1938. The existing east/west dirt road can be seen in the 1938 photograph. The smaller northwest/southeast road on west side is noted in the 1989

photograph. The dirt road on the north side first appears in the 2003 photograph. In summary, Rezone sites A and U are vacant while the remaining rezone sites were developed post 1980.

Eleven of the 17 vacant and underutilized sites are vacant, including sites 1, 2, 3, 4, 8, 9, 10, 11, 15, 16, and 17. The majority have been vacant since 1938 and appear to have minimal ground disturbances based on review of historic aerial photographs. The following sites have had some ground disturbances as described below. Vacant and underutilized site 1 appears to have had some grading or soil disturbance in the 1953 photograph. In the 1967 photograph, a paved road bisects the site. Vacant and underutilized site 2 contained buildings in the 1953 and 1967 photographs. By the 2009 photograph, the buildings are gone and the site is vacant. At vacant and underutilized site 3 a structure or parking area at the southeast corner can be seen in the 1953 photograph. Ground disturbance in the southeast corner continues until present. Vacant and underutilized site 9 appeared to have disturbed soils in 1938 and by 1967 was vacant with no additional disturbances. In the 1946 and 1967 photographs, dirt roads bisect vacant and underutilized site 11. Vacant and underutilized site 15 currently has an old asphalt parking lot and based on the 1938 photograph, may have had previous buildings, which are non-existent in the 1989 photograph. Some grading may have occurred as noted in the 2002 and 2012 photographs.

The remaining six vacant and underutilized sites (5, 6, 7, 12, 13, and 14) have been developed through the years. Vacant and underutilized site 5 currently has a building constructed in 1962 and parking lot. Trees fronted North El Camino Real in the 1938 photograph. The majority of vacant and underutilized site 6 is currently vacant with one building constructed in 1954 at the south end. Vacant and underutilized site 7 currently contains strip-mall buildings built in 1957, a parking lot, and a partially vacant portion. Trees fronted West El Portal in the 1938 photograph. Vacant and underutilized site 12 currently includes a paved lot and building constructed in 1957. Vacant and underutilized site 13 currently has various buildings constructed between 1948 and 1977. Trees fronted Calle de los Molinos in the in 1938 photograph. Vacant and underutilized site 14 currently has existing buildings constructed between 1975 and 1977 and associated parking lots. In summary, six of the vacant and underutilized sites have structures/buildings that are over 50 years that will require significance evaluation.

## **b. Tribal Cultural Resources**

Although there are no known tribal resources occurring within the project areas, there is potential for tribal resources to occur. Tribal cultural resources may include sacred lands, burial grounds, archaeological sites, and other areas of cultural significance. Pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18, California Native American tribes identified by the Native American Heritage Commission (NAHC) were contacted by the City on March 16, 2021 to participate in the early stages of the planning process in order to ensure the protection of tribal cultural resources. A sample consultation letter with the NAHC contact list is presented in Appendix C-2.

RECON requested a records search with a one-mile-radius buffer of the project areas from the California Historical Resources Information System, SCCIC. There have been 20 cultural resource investigations within the one-mile search area. SCCIC identified nine prehistoric resources within the one-mile search radius (Table 4.4-3). These sites include: two lithic scatters, two lithic scatters with



hearths, two lithic scatters with habitation debris, one burial, one marine shell deposit, and one isolated flake.

Primary Number	Trinomial	Age	Site Type	Recording Events
P-30-000635	CA-ORA-000635	Prehistoric	Lithic scatter	1977 (LANGENWALTER, Pacific Bioarchaeology Laboratory); 1985 (Cameron, Constance, CSUF)
P-30-000636	CA-ORA-000636	Prehistoric	Lithic scatter; Habitation debris	1977 (Langenwalter; McKenzie, Pacific Bioarchaeology Laboratory)
P-30-000637	CA-ORA-000637	Prehistoric	Lithic scatter	1977 (LANGENWALTER, Pacific Bioarchaeology Laboratory); 1985 (Cameron, Constance, CSUF)
P-30-000638	CA-ORA-000638	Prehistoric	Lithic scatter; Habitation debris	1977 (Langenwalter, PE and RE, Pacific Bioarchaeology Laboratory)
P-30-001053	CA-ORA-001053	Prehistoric	Lithic scatter, ground stone; hearths/pits; Other - shell pendant	1984 (Scroth; Cooley, CSUF)
P-30-001056	CA-ORA-001056	Prehistoric	Lithic scatter, ground stone; hearths/pits	1984 (Schroth; Cooley, CSUF)
P-30-001579	CA-ORA-001579	Prehistoric	Other - shell deposit	2000 (S. Andrews, ASM Affiliates)
P-30-001715		Prehistoric	Burials	2011 (Sarah Williams, Michael Brandman Associates)
P-30-100185		Prehistoric	Isolate - flake	1996 (J. Brown, RMW Paleo Associates)

## 4.4.2 Regulatory Framework

### 4.4.2.1 Federal

#### a. National Register of Historic Places

Federal criteria are those used to determine eligibility for the NRHP. The NRHP was established by the National Historic Preservation Act enacted in 1966 and is the official list of sites, buildings, structures, districts, and objects significant in American History, architecture, archaeology, engineering, and culture. The NRHP criteria state that the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- A. Are associated with events that have made a significant contribution to the broad patterns our history;
- B. Are associated with the lives of persons important in our past;

- C. Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

Certain properties are usually not considered for eligibility for the NRHP. These include ordinary cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved or reconstructed, properties primarily commemorative in nature or properties that have become significant within the last 50 years. These types of properties can qualify if they are an integral part of a district that does meet the criteria, or if they fall within certain specific categories relating to architecture, or association with historically significant people or events. The vast majority of archaeological sites that qualify for listing do so under criterion D, which yields information or research potential.

### **b. Federal Native American Graves Protection and Repatriation Act**

The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal law that was established in 1990. NAGPRA provides a process for museums and federal agencies to return certain Native American cultural items – human remains, funerary objects, sacred objects, or objects of cultural patrimony – to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA includes provisions for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on federal and tribal lands, and penalties for noncompliance and illegal trafficking in these items. Implementation of the proposed project would be conducted in compliance with NAGPRA. On March 15, 2010, the Department of the Interior issued a final rule on 43 Code of Federal Regulations (CFR) Part 10, of the NAGPRA Regulations – Disposition of Culturally Unidentifiable Human Remains. The final rule implements NAGPRA by adding procedures for the disposition of culturally unidentifiable Native American human remains in the possession or control of museums or federal agencies. The rule also amends sections related to purpose and applicability of the regulations, definitions, inventories of human remains and related funerary objects, civil penalties, and limitations and remedies. The rule became effective on May 14, 2010.

Federal curation regulations are also provided in 36 CFR 79, which apply to collections that are excavated or removed under the authority of the Antiquities Act (16 United States Code [USC] 431-433), the Reservoir Salvage Act (16 USC 469-469c), Section 110 of the NHPA (16 USC 470h-2), or the Archaeological Resources Protection Act (16 USC 470aa-mm). Such collections generally include those that are the result of a prehistoric or historic resources survey, excavation or other study conducted in connection with a federal action, assistance, license or permit.

### **c. Archaeological Resources Protection Act**

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands.

## 4.4.2.2 State

### a. CEQA Guidelines and California Register of Historical Resources

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

- A resource listed in, or determined to be eligible by, the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resources Code [PRC] §5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC, or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (PRC §5024.1, Title 14 CCR, Section 4852) including the following:

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the U.S.
2. Is associated with the lives of persons important to the nation or to California's past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history of the state or nation.

The fact that a resource is not listed in, or determined to be eligible for listing in, the CRHR, not included in a local register of historical resources (pursuant to section 5020.1(k) of the PRC), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the PRC) does

not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

The California Register may also include properties listed in local registers of historic properties. A "local register of historic resources" is broadly defined in Section 5020.1(k) as "a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." Local registers of historic properties come in two forms: (1) surveys of historic resources conducted by a local agency in accordance with Office of Historic Preservation procedures and standards, adopted by the local agency and maintained as current and (2) landmarks designated under local ordinances or resolutions (PRC Sections 5024.1, 21804.1, and 15064.5). The minimum age criterion for the California Register is 50 years. Properties less than 50 years old may be eligible for listing on the California Register, if "it can be demonstrated that sufficient time has passed to understand its historical importance" [Chapter 11, Title 14, Section 4842(d)(2)].

A tribal cultural resource may be considered significant if it is included in a local or state register of historical resources or determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1; is a geographically defined cultural landscape that meets one or more of these criteria; or is a historical resource described in PRC Section 21084.1, a unique archaeological resource described in PRC Section 21083.2, or a non-unique archaeological resource if it conforms with the above criteria.

#### **b. California Health and Safety Code Sections 7050.5, 7051, and 7054**

These sections collectively address the illegality of interference with human burial remains, as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures. Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98 (refer to second paragraph below). The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric (Native American), the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification, and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials.

#### **c. Native American Historic Cultural and Sanctified Cemetery Sites (PRC Section 5097 et seq.)**

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to a year in jail to deface or destroy an Indian historic or cultural site that is listed or may be eligible for listing in the CRHR. In the fall of 2006, the law was amended to revise the process for the discovery

of Native American remains during land development. The revisions encourage culturally sensitive treatment of Native American remains, and to require meaningful discussions and agreements concerning treatment of the remains at the earliest possible time. The intent is to foster the preservation and avoidance of human remains during development. The changes in the law allow additional time to notify, consult, and confer with the Most Likely Descendent/Native American representatives on any given project. In addition, the new language provides more protection for reinterment sites.

Specifically, PRC Section 5097.9 states that no public agency, and no private party using or occupying public property or operating on public property, shall interfere with the free expression or exercise of Native American religion, nor shall any such agency cause severe or irreparable damage to any Native American Sanctified Cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require.

#### **d. Assembly Bill 52**

As of July 1, 2015, PRC Section 21084.2 establishes that “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment.” AB 52 requires lead agencies to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. If a project will result in an adverse effect to tribal cultural resources, the lead agency must consider measures to mitigate the impact.

#### **e. Senate Bill 18**

As of March 1, 2005, SB 18 permits California Native American tribes recognized by the NAHC to hold conservation easements on terms mutually satisfactory to the tribe and the landowner. The term “California Native American tribe” is defined as “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.” The bill also requires that, prior to the adoption or amendment of a city or county’s general plan, the city or county consult with California Native American tribes for the purpose of preserving specified places, features, and objects located within the city or county’s jurisdiction. SB 18 also applies to the adoption or amendment of specific plans. This bill requires the planning agency to refer to the California Native American tribes specified by the NAHC and to provide them with opportunities for involvement.

#### **f. Mills Act**

Under the Mills Act, California Government Code Section 50280 et seq., a city or county may contract with the owner of any qualified historical property to restrict the use of the property.

#### **g. 2019 California Historic Building Code**

The 2019 California Historic Building Code - California Code of Regulations, Title 24, Part 8 – provides regulations for the preservation, restoration, rehabilitation, relocation, or reconstruction of buildings

or properties designated as qualified historic buildings or properties. The intent is to facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for persons with disabilities.

### 4.4.2.3 Local Regulations

#### a. City of San Clemente Municipal Code (SCMC) – Zoning Ordinance

##### *Chapter 17.56 – Overlay Districts and Standards*

Chapter 17.56 Overlay Districts and Standards identifies areas with distinctive characteristics and establishes special development standards or guidelines beyond those for the underlying zone designation. The purpose of Section 17.56.020 – Architectural (-A) Overlay District is to maintain and enhance the unique “Spanish-Village-by-the-Sea” character. The overlay requires new buildings and major remodels to be designed to reflect the City’s Spanish Colonial Revival architecture. Development in areas with this overlay designation are subject to architectural review for compliance with the City’s Design Guidelines.

Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits are required for different types of projects within the City, including projects affecting the City’s cultural and historic resource and projects within the Architectural Overlay District. City Municipal code Section 17.16.100 describes requirements for these permits.

##### *SCMC Section 17.16.160 et seq.: Historic Resources List and Historic Landmarks*

For the Designated Historic Resources List, the criteria to be used in determining historical, cultural, or special character or interest is that the place, site, building, structure, object, or improvement is at least 50 years old, or less than 50 years old with exceptional importance, possesses integrity or location, design, setting, materials, and workmanship; and meets one or more of the following:

- a) Is associated with events that have made a significant contribution to the pattern of local, state, or national history, specifically the 1925-1936 Ole Hanson period or the 1950s and 1960s post-World War II period.
- b) Is associated with the lives of persons or institutions significant to local, state, or national history, specifically the 1925-1936 Ole Hanson period, or buildings and structures associated with President Richard Nixon.
- c) Embodies the distinctive characteristics of an architectural style, type, material, or use of indigenous materials or craftsmanship, or is the work of an architect, designer, or building significant to local, state, or national history. Periods for San Clemente with distinctive characteristics, consist of: 1925-1936 Ole Hanson period of Spanish Colonial Revival; the 1937-1949 period of non-Spanish Colonial Revival; the 1950s and 1960s Mid-Century, Modern-style commercial buildings, and 1950s buildings in general.
- d) Retains character-determining architectural features and materials.

- e) Exhibits Spanish Colonial Revival architectural style.

For the designation of City Landmarks, the City criteria used in determining special historical, cultural, architectural, archaeological, social, or aesthetic character or value is that the Landmark shall be on the Designated Historic Resources List and meet one or more of the following:

- a) Associated with events that have made a significant contribution to the broad patterns of the City, state, or nation.
- b) Associated with persons significant in the history of the City, state, or nation.
- c) Embodies distinctive characteristics of style, type, period, or method of construction. Of primary importance is the Spanish Colonial Revival architecture.
- d) Exemplifies the best remaining building type or architectural style in a neighborhood.
- e) Is essential to the integrity of another landmark.
- f) Is integral to maintaining a natural or cultural landscape that strongly contributes to the well-being of the people of the City, state, or nation.
- g) Has a unique location, singular physical characteristic(s), or is a landscape, view, or vista representing an established and familiar visual feature of a neighborhood, community, or of the City.

#### ***SCMC 17.16.100 et seq.: Architectural Permits/Cultural Heritage Permits***

Architectural Permits and Cultural Heritage Permits are issued by the City and authorized under SCMC 17.16.100 et seq. which provides for review of projects affecting the City's cultural and/or historic resources. The code sections describe the buildings for which Architectural and Cultural Heritage Permits are required and size thresholds for additions and new construction requiring permits.

### **b. City of San Clemente General Plan**

#### ***Historic Preservation Element***

The City's Historic Preservation Element of the General Plan contains goals and policies related to preserving or reusing historic buildings, creating a preservation ethic, communicating how preservation enriches our lives and sharing our legacy with future generations.

**GOAL:** Ensure the preservation, rehabilitation, restoration and adaptive reuse of buildings, sites, places, and districts with archaeological, historical, architectural, or cultural significance to San Clemente.

**HP-2.06. *New Development.*** We require that all new single-family and multifamily residential development abutting historic resources, and new commercial and multi-family development of three or more units within a 300-foot radius from a historic resource be compatible with the

historic resource in terms of scale, massing, building materials and general architectural treatment.

### Additional General Plan Policies

The Coastal Element and Natural Resources Element of the General Plan also include policies to protect historic, archaeological, and cultural resources. Applicable policies include:

**GOAL:** Continue to be a community that places high priority on the preservation and enjoyment of our scenic and cultural resources.

#### Policy:

**C-3.03. *Architectural, Historical, Archaeological and Cultural Resource Preservation and Restoration.*** We provide for the preservation and restoration of the sites, structures, districts and cultural landscapes which have architectural, historical, archaeological, and/or cultural significance as described in the Historic Preservation Element and the Natural Resources Element, Archaeological and Paleontological Resources Section.

**GOAL:** Preserve natural aesthetic resources of the City, including coastal bluffs, beaches, visually significant ridgelines, coastal canyons and significant public view corridors.

#### Policy:

**NR-2.01. *Hillside Development and Ridgeline Protection.*** We require that development in hillside areas comply with the Hillside Development Ordinance.

The Hillside Development Ordinance requires that the important historic and cultural features among other things be maintained.

### c. Design Guidelines

The City's design guidelines are used to evaluate proposed development projects subject to Design Review. Guidelines for site design, relationship to neighboring development architectural and landscape character, parking facilities, and building equipment and services are presented. Additional guidelines are listed for commercial and mixed-use, multi-family residential, and industrial developments and for special districts and sites. The City's Design Guidelines includes requirements applicable to Historically Significant Sites and additionally requires discretionary Design Review where development proposals are located within 300 feet of a designated Historically Significant Site.

In addition, the Henry Lenny Architectural Design Guidelines, specifically for the Architectural Overlay District, assist the public by clarifying design criteria and procedures for the Architectural Overlay District. The Henry Lenny Architectural Design Guidelines and City Design Guidelines are used to determine if projects enhance and preserve San Clemente's historical and architectural tradition.



### 4.4.3 Significance Determination Thresholds

Consistent with Appendix G of the CEQA Guidelines, impacts related to cultural and tribal cultural resources would be significant if the project would:

- 1) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;
- 2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; religious uses or tribal cultural resources;
- 3) Result in the disturbance of any human remains, including those interred outside of formal cemeteries; or
- 4) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, features, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the CRHR, or in a local register or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set form in subdivision c of PRC Section 5024.1.

### 4.4.4 Methodology

Preparation of this EIR section began with a review of cultural resources information from the 2013 City of San Clemente General Plan Program EIR, the online Office of Historic Preservation BERD and historic aerial photographs. This existing data was used to determine the potential to impact existing cultural resources within and surrounding the Housing Sites. In addition, the City completed consultation with local Native American tribes, consistent with AB 52 and SB 18 requirements.

### 4.4.5 Issue 1: Historic Resources

*Would the project result in a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*

#### 4.4.5.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to historic resources as Safety Element policies would support City efforts to ensure development is safe and would not conflict with City policies or regulations protecting historic resources.

None of the known historic resources are located within the Housing Sites; however, 10 of the vacant and underutilized sites (3, 4, 6, 8, 10, and 13 through 17) are within 300 feet of known historic resources (see Figure 4.4-1; Table 4.4-4). Per policy HP-2.06, new developments within a 300-foot radius of designated historic resources are required to be compatible with historic resources in terms of scale, massing, building materials, and general architectural treatment. Future development at the Housing Sites could result in indirect impacts related to visibility of historic resources or altering their surrounding visual character. Additionally, six vacant and underutilized sites (5, 6, 7, 12, 13, and 14) have structures/buildings that are over 50 years that require significance evaluation per Sections 17.16.160, Designated Historic Resources List and Historic Landmarks as indicated in Table 4.4-4. Finally, 11 vacant and underutilized sites (1, 2, 5, 6, 7, 12 through 17) are within the Spanish Colonial Revival Architectural Overlay that requires new developments be designed to reflect the City's Spanish Colonial Revival architecture (see Figure 4.1-1 and Table 4.4-4).

Vacant and Underutilized Site #	# of Parcels	Within 300 feet of a Historic Structure	Sites with Buildings over 50 years old - Requires Historic Evaluation <sup>1</sup>	Sites within Architectural Overlay subject to Architectural Permit
1				X
2				X
3	1	X		
4	1	X		x
5			X	x
6	6	X	X	x
7			X	
8	2	X		
9				
10	1	X		
11				
12			X	x
13	18	X	X	x
14	2	X	X	x
15	4	X		x
16	1	X		x
17	1	X		x
<b>Total</b>	<b>37</b>	<b>10</b>	<b>6</b>	<b>11</b>

NOTE: Refer to Figure 4.4-1 for site numbering.  
<sup>1</sup>Buildings noted are currently over 50 years old, requiring a historic evaluation prior to modification to a structure; however, additional sites could require historic evaluation if structures become over 50 years depending on the timing of development.

Development at the Housing Sites would occur over 20+ years and may impact structures that, while currently not considered historic, could meet the National Register or the City's Landmark or Designated Historic Resources criteria upon reaching 50 years of age. Therefore, future development at the Housing Sites would have the potential to impact historic resources, as defined in the CEQA Guidelines Section 15064.5. These may be direct impacts caused by physical demolition, destruction,

relocation, or alteration of potential historical resources, or indirect impacts related to visibility of the resource or altering the surrounding visual character.

Subsequent discretionary development and redevelopment projects would evaluate the potential of impacts to known or potentially historic resources and structures through project-level CEQA documentation. Subsequent projects would also need to comply with policies of the General Plan's Historic Preservation Element that are intended to preserve significant historic resources. Such policies include the requirement for mitigation of significant, adverse impacts to onsite and nearby historic resources (Policy HP-2.03), adaptive reuse of historic resources to preserve them and prevent architecturally inappropriate changes, disrepair and demolition (HP-2.04), adherence to Secretary of Interior Standards for the Treatment of Historic Properties and standards and guidelines prescribed by the State Office of Historic Preservation (HP-2.05), and requiring that all new development adjacent to or within a 300-foot radius of a historic resource must be compatible with the historic resource in terms of scale, massing, building materials, and general architectural treatment (HP-2.06).

Both discretionary and ministerial projects would be subject to the SCMC Section 17.16.170 which requires the issuance of a Historic Demolition Permit for any building, structure or other resource located within the City which is: (1) on the City's Designated Historic Resources List; or (2) listed in or eligible for listing in the California Register of Historical Resources. The issuance of a Historic Demolition Permit is required by the City's Building Department prior to issuance of a permit to demolish any building, structure or other resource located within the City of San Clemente which is: (1) on the City's Designated Historic Resources List; or (2) listed in or eligible for listing in the California Register of Historical Resources. Application of these regulations would ensure adverse impacts to designated or eligible Historic Resources would be avoided.

Additionally, future ministerial and discretionary development and redevelopment would be required to adhere to relevant portions of the Municipal Code including Section 17.56.020 which requires future projects within the Architectural Overlay District to be designed to reflect the City's Spanish Colonial Revival architecture. Municipal Code Section 17.16.160, Designated Historic Resources List and Historic Landmarks, provides the criteria for future projects to be evaluated for landmarks, and designated on the historic resources list. Future projects involving significant historic structures or buildings listed on these lists would require a Cultural Heritage Permit to restore, rehabilitate, alter, develop, construct, demolish, remove, or change the appearance.

#### **4.4.5.2 Significance of Impacts**

Application of the City's Design Guidelines and the Henry Lenny Architectural Design Guidelines including requirements for projects in the Architectural Overlay District and for requirements of development within 300 feet of a historic site as specified in the SCMC would ensure impacts related to historic resources for both ministerial and discretionary projects would be less than significant.

#### **4.4.5.3 Mitigation Framework**

Impacts would be less than significant based on compliance with the SCMC and applicable design guidelines. No mitigation would be required.

## 4.4.6 Issue 2: Archaeological Resources

*Would the project result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; religious uses or tribal cultural resources?*

### 4.4.6.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to archaeological resources as Safety Element policies would support City efforts to ensure development is safe and would not conflict with the protection of archaeological resources.

Adoption of the Housing Element does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with state Housing Element Law. However, future development at Housing Sites located within undeveloped land, and redevelopment projects that would require depths of excavation that would reach undisturbed land, would have the potential to unearth previously unknown archaeological resources. Any grading, excavation, and other ground disturbing activities associated with future development that could expose buried archaeological resources or features, including sacred sites or tribal cultural resources would be considered a significant impact.

Vacant lots include rezone sites A and U in addition to 11 vacant and underutilized sites (1, 2, 3, 4, 8, 9, 10, 11, 15, 16, and 17). Since these sites have not been subject to significant ground disturbance, future development has the potential to impact undisturbed native soils that could contain archaeological resources.

Rezone sites D and S are parking lots which may have had shallow excavations and minimal ground disturbance; therefore, development at these sites would likely require disturbance to native soils.

The remaining vacant and underutilized sites (5, 6, 7, 12, 13, and 14) were developed or minimally impacted prior to CEQA Guidelines and mitigation measures and modern grading practices; therefore, future development could disturb previously undisturbed native soils with the potential to contain archaeological resources.

The remaining rezone sites have commercial buildings and/or buildings with parking lots developed post 1980 and are assumed to have been mitigated for impacts to cultural resources based on the more recent timing of development that would have used modern grading practices that includes grading and backfill typically at depths that would disturb native soils.

Therefore, rezone sites A, D, S, and U and all of the vacant and underutilized sites have a potential for subsurface archaeological deposits.

### 4.4.6.2 Significance of Impacts

Future development at rezone sites A, D, S, and U and all of the vacant and underutilized sites have a potential for subsurface archaeological deposits to be encountered during ground disturbance. Impacts to archaeological resources associated with future discretionary projects within the Housing Sites would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for archaeological resources. The City's General Plan EIR found that impacts related to archaeological resources would be reduced to less than significant through implementation of the City's Mitigation Monitoring Program measure 4-1 which requires applicants for development permits to provide a study by a qualified archaeologist assessing the cultural and historic significance of any known archaeological resource on or adjacent to the development site, assess sensitivity of the site, and if resources are identified, prepare and implement a mitigation plan including monitoring and data recovery and/or in situ preservation. The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for archaeological resources since no discretionary review would be required. Impacts to archaeological resources associated with future ministerial development within the Housing Sites would be potentially significant.

### 4.4.6.3 Mitigation Framework

To reduce potentially significant impacts to undiscovered archaeological resources associated with future ministerial development within the Housing Sites, the following mitigation measure would be implemented by the City.

- CUL-1** Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts to archaeological resources. The objective standards shall require applicants to provide a study by a qualified archaeologist assessing the significance of any known archaeological resources on or next to each respective development site; and assessing the sensitivity of sites for buried archaeological resources. On properties where resources are identified, or that are determined to be moderately to highly sensitive for buried archaeological resources, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified cultural preservation expert. The mitigation plan shall include the following requirements:
- a. An archaeologist shall be retained for the project and will be on call during grading and other significant ground-disturbing activities.

- b. Should any cultural/scientific resources be discovered, no further grading shall occur in the area of the discovery until the Community Development Director concurs in writing that adequate provisions are in place to protect these resources.
- c. Unanticipated discoveries shall be evaluated for significance by an Orange County Certified Professional Archaeologist. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; submit materials to the California State University Fullerton; and provide a comprehensive final report including appropriate records for the California Department of Parks and Recreation (Building, Structure, and Object Record; Archaeological Site Record; or District Record, as applicable).

#### 4.4.6.4 Significance after Mitigation

Implementation of mitigation measure CUL-1 would reduce impacts to a level less than significant.

#### 4.4.7 Issue 3: Human Remains

*Would the project result in the disturbance of any human remains, including those interred outside of formal cemeteries?*

##### 4.4.7.1 Impact Analysis

There are no known burial sites or cemeteries within the project areas. However, human habitation in coastal Orange County is known to date to approximately 9,000 years ago and there is a potential to discover human remains when disturbing native soils. The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to the disturbance of human remains as Safety Element policies would support City efforts to ensure development is safe and would not prevent implementation regulations discussed below that ensure protection of human remains.

In the unlikely event that human remains are discovered during future development at Housing Sites, then the provisions set forth in California PRC Section 5097.98 and state Health and Safety Code Section 7050.5 would be implemented in consultation with the assigned MLD as identified by the NAHC. No further construction activities would be permitted until the coroner is contacted, as well as any applicable Native American tribes. The City shall be required to comply with the California Native American Graves Protection and Repatriation Act (2001), the federal Native American Graves Protection and Repatriation Act (1990), as well as AB 52 early consultation requirements. As regulations are in place to treat any inadvertent uncovering of human remains during grading, impacts to human remains would be less than significant.

#### 4.4.7.2 Significance of Impacts

Potential impacts to human remains would be less than significant.

#### 4.4.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.4.8 Issue 4: Tribal Cultural Resources

*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, features, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

*Listed or eligible for listing in the CRHR, or in a local register or*

*A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set form in subdivision c of PRC Section 5024.1?*

#### 4.4.8.1 Impact Analysis

The Housing and Safety Elements are policy documents that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to tribal cultural resources as Safety Element policies. While adoption of the Housing Element will not permit development, it identifies sites where future development will be located and identifies potential future rezones to be adopted.

Development at Housing Sites has the potential to encounter buried resources associated with the material culture of traditional cultural territory used by the Luiseño/Juaneño tribes for thousands of years. Often tribal cultural resources as defined in CEQA PRC Section 21074 are associated with or in proximity to significant archaeological resources.

According to AB 52 and PRC 21080.3.1, the City must consult with traditionally and culturally affiliated Native American tribes to determine if a project will result in a substantial adverse change to tribal cultural resources. In an effort to determine the future potential impacts to tribal cultural resources, listed California Native American tribes that are traditionally and culturally affiliated with the geographic area of the City were engaged for input regarding tribal cultural resources not yet formally recorded that could be impacted by subsequent projects. The City sent letters to the following tribes informing them of the project consistent with the requirements of AB-52:

- Campo Band of Diegueno Mission Indians
- Ewiiapaayp Band of Kumeyaay Indians
- Juaneno Band of Mission Indians

- Juaneno Band of Mission Indians Acjachemen Nation
- La Jolla Band of Luiseno Indians
- La Posta Band of Diegueno Mission Indians
- Manzanita Band of Kumeyaay Nation
- Mesa Grande Band of Diegueno Mission Indians
- Pala Band of Mission Indians
- Pauma Band of Luiseno Indians
- Pechanga Band of Luiseno Indians
- Rincon Band of Luiseno Indians
- San Luis Rey Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Soboba Band of Luiseno Indians
- Sycuan Band of the Kumeyaay Nation

Although the City did not receive any requests for consultation or comments, the potential to uncover buried tribal cultural resources exists where development would disturb native soils. Therefore, potential direct and/or indirect impacts to existing tribal cultural resources would be potentially significant.

#### **4.4.8.2 Significance of Impacts**

Although the City did not receive any requests for consultation or comments, the potential to uncover buried tribal cultural resources exists where development would disturb native soils. Therefore, potential direct and/or indirect impacts to existing tribal cultural resources would be potentially significant.

#### **4.4.8.3 Mitigation Framework**

Implementation of mitigation measure CUL-1, along with AB-52 consultation early during the development review process for future discretionary development, would minimize potentially significant impacts on tribal cultural resources.

#### **4.4.8.4 Significance after Mitigation**

Implementation of mitigation measure CUL-1, along with AB-52 consultation early during the development review process for future discretionary development, would ensure impacts on tribal cultural resources are reduced to less than significant.



## 4.5 Geology and Soils

This section analyzes potentially significant impacts related to geology and soils that could result from implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." The section focuses on potential hazards caused by geological conditions including seismic activity/ground shaking, landslides, soil erosion, liquefaction, and/or expansive soils. This section also analyzes potential impacts to paleontological resources.

### 4.5.1 Existing Conditions

#### 4.5.1.1 Regional Geology

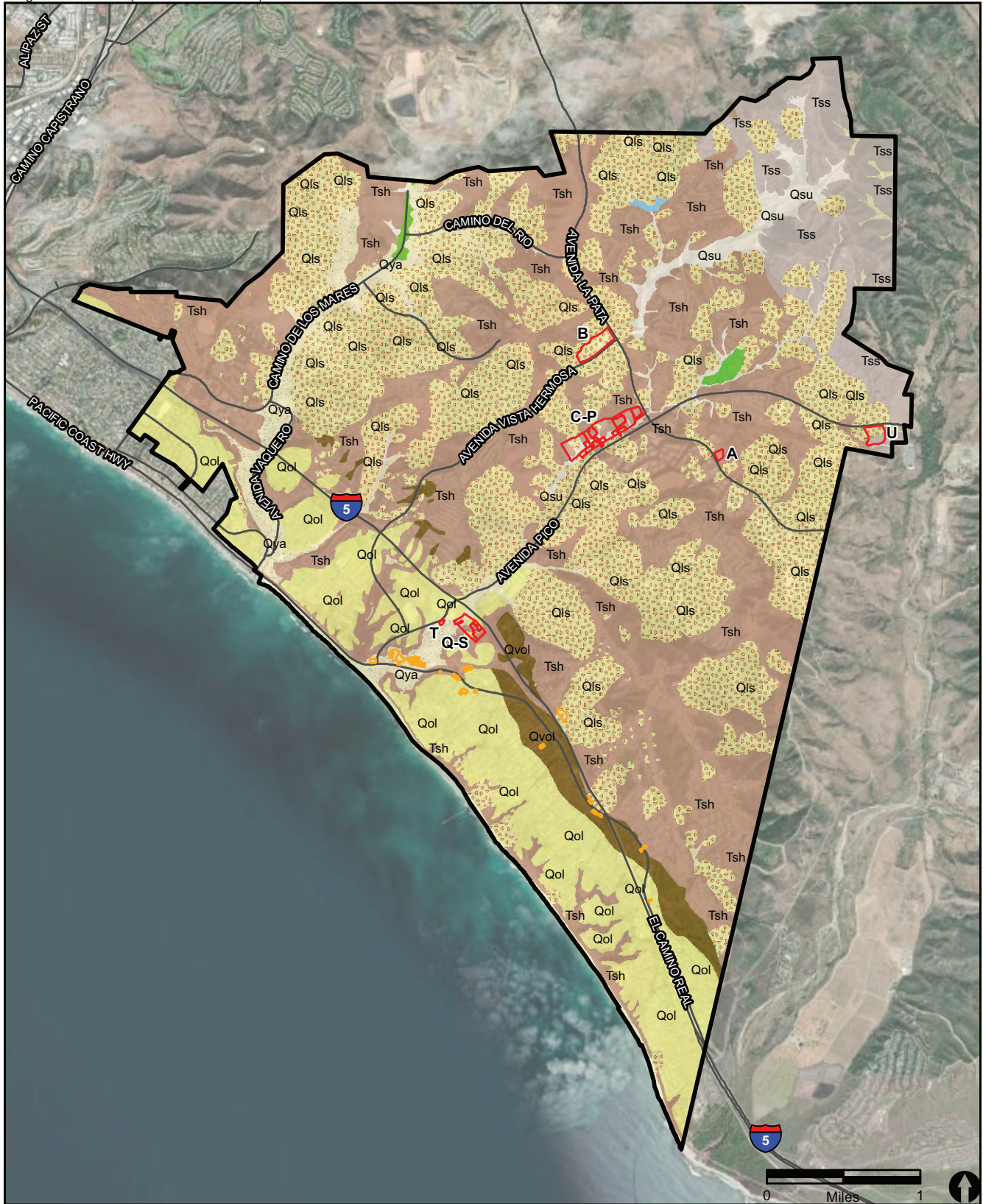
The City is located within the northern portion of the Peninsular Ranges Geomorphic Province of California. The Peninsular Ranges encompass an area that roughly extends from the Transverse Ranges and the Los Angeles Basin, south to the Mexican border, and beyond another approximately 800 miles to the tip of Baja California. The geomorphic province varies in width from approximately 30 to 100 miles, most of which is characterized by northwest-trending mountain ranges separated by subparallel fault zones. In general, the Peninsular Ranges are underlain by Jurassic-age metavolcanic and metasedimentary rocks and by Cretaceous-age igneous rocks of the southern California batholith.

#### 4.5.1.2 Local Geological Conditions

Generalized geological units in the City are shown in Figure 4.5-1. The units are categorized as follows: QB - Beach Deposits; Qls - Landslide Deposits, may include debris flows and older landslides; Qoa - Old Alluvial Valley Deposits; Qol - Old Lacustrine, Playa and Estuarine (Paralic) Deposits; Qsu - Undifferentiated Surficial Deposits, includes colluvium, slope wash, talus deposits, and other surface deposits of all ages; Qvol - Very Old Lacustrine, Playa and Estuarine (Paralic) Deposits; Qw - Alluvial Wash Deposits; Qya - Young Alluvial Valley Deposits; Tsh - Fine-grained Tertiary age formations of sedimentary origin; Tss - Coarse-grained Tertiary age formations of sedimentary origin.

#### 4.5.1.3 Seismicity

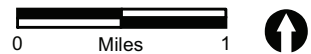
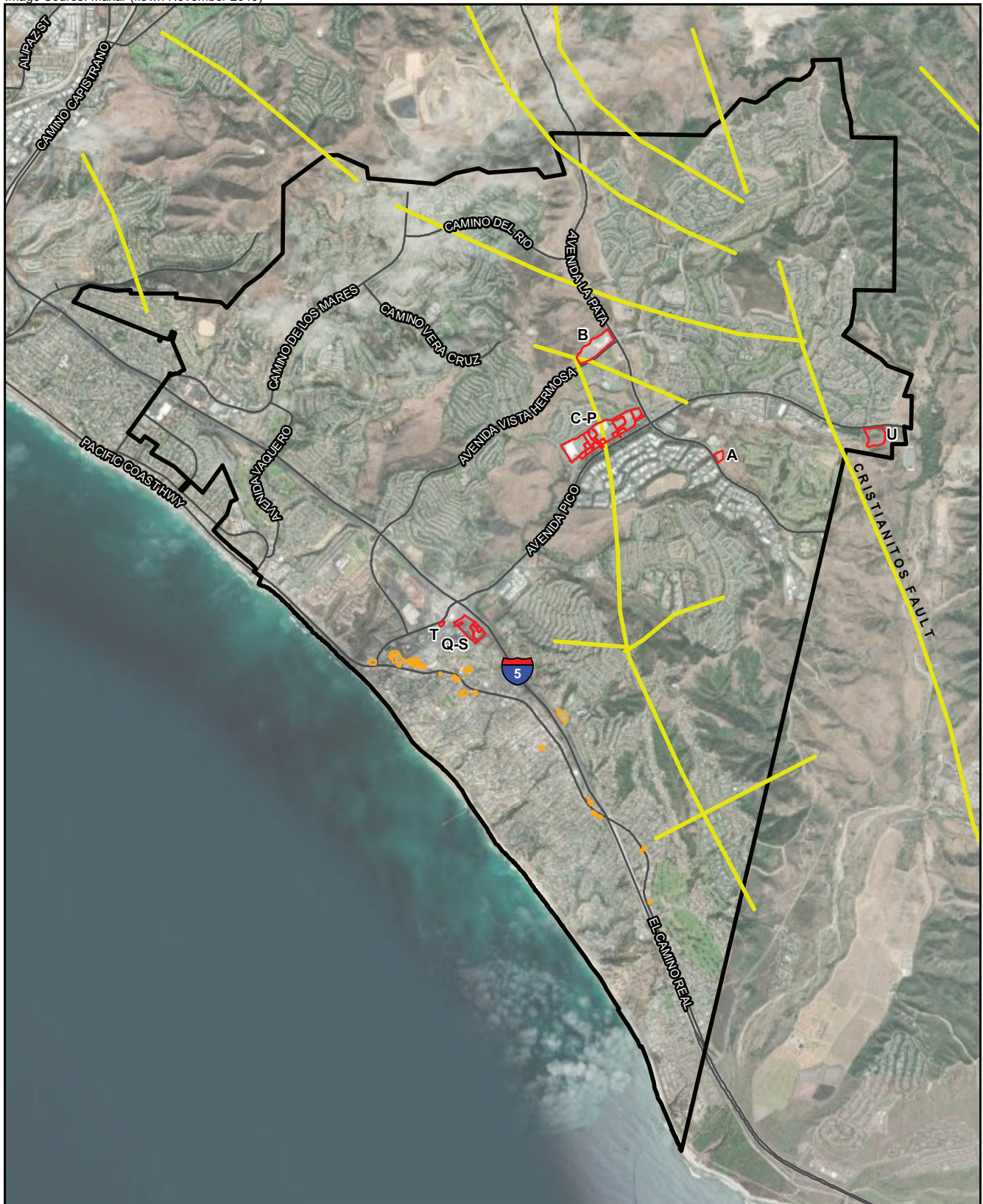
Structurally, the Peninsular Ranges are traversed by several major active faults. An active fault is defined by the California State Mining and Geology Board as one that has experienced surface displacement within the Holocene epoch, i.e., during the last 11,000 years. There are no active faults within the City. Figure 4.5-2 shows several fault lines which lie within the vicinity of the Housing Sites; however, the largest one known as the Cristianitos Fault, which extends roughly north-south through the northeast part of the City, is not classified active. There are also several smaller faults mapped in the City.



- |                                |                       |     |       |
|--------------------------------|-----------------------|-----|-------|
| Project Boundary               | Geological Formations | Qw  | Qvol  |
| Arterial Roadways              | Qsu                   | Qya | Tss   |
| Vacant and Underutilized Sites | Qls                   | Qoa | Tsh   |
| Potential Rezone Sites         | Qb                    | Qol | water |

FIGURE 4.5-1

Geological Formations



-  Project Boundary
-  Vacant and Underutilized Sites
-  Arterial Roadways
-  Potential Rezone Sites
-  Faults

FIGURE 4.5-2  
Faults

The two nearest active faults to the City are the Glen Ivy North Fault in the Elsinore fault zone about 17 miles northeast of the City, and an unnamed offshore fault 11 miles southwest of the City. Additionally, a segment of the Newport-Inglewood Fault is 19 miles northwest of the City, and a segment of the Newport Inglewood–Rose Canyon Fault is 19 miles south-southeast of the City (City of San Clemente 2013).

Like most of southern California, the project area is subject to potential ground shaking caused by seismic activity along regional and local faults. Ground shaking during an earthquake can vary depending on the overall magnitude, distance to the fault, and type of soils and geologic material underlying the area. The composition of underlying soils, even those relatively distant from faults, can intensify ground shaking.

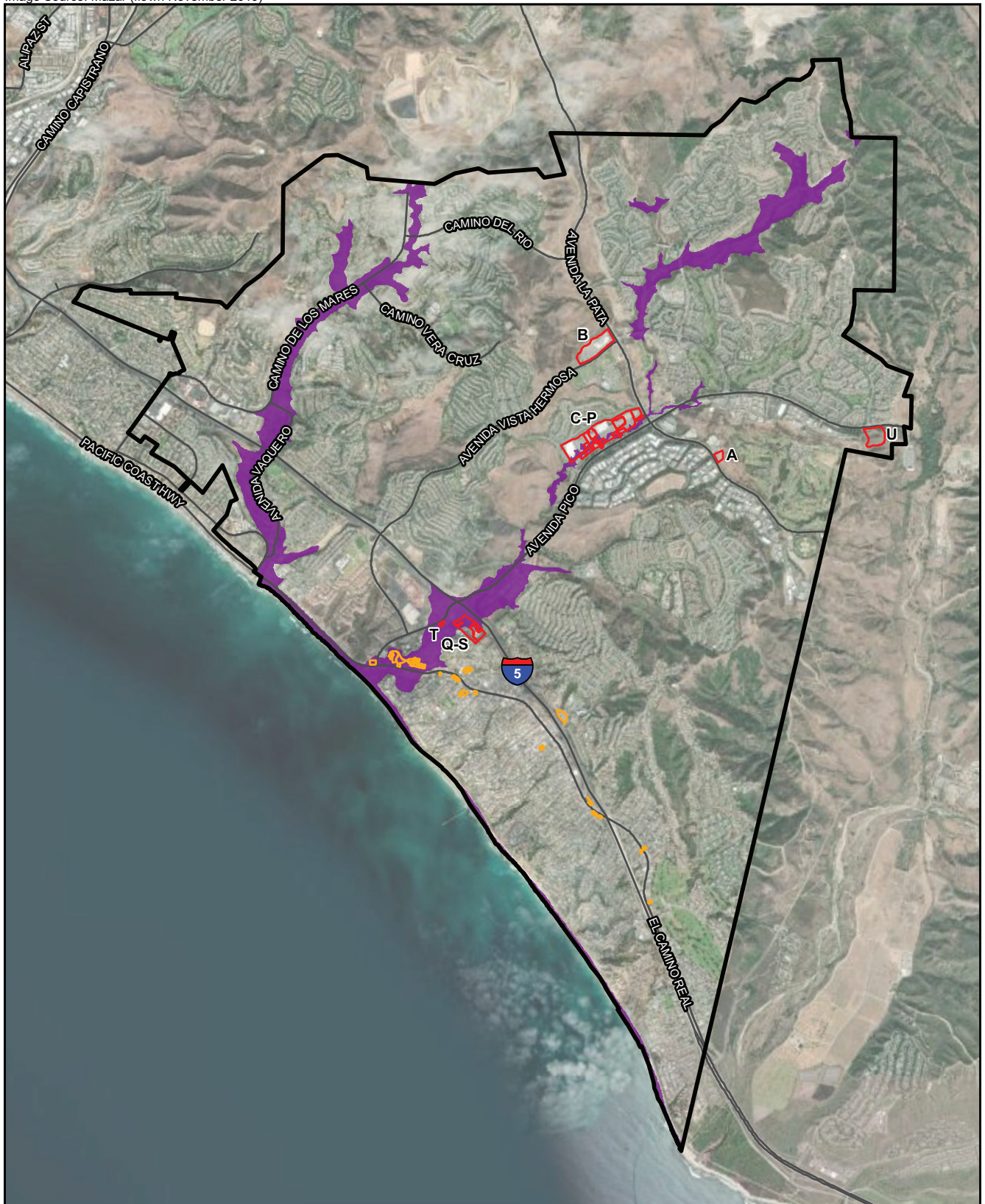
Ground shaking is the effect of surface motion generated by an earthquake that results in most of the damage during seismic events. Several factors control how ground motion interacts with structures, making the hazard of ground shaking difficult to predict. Seismic waves propagating through the Earth's crust are responsible for the ground vibrations normally felt during an earthquake. Structures throughout the Housing Sites could be affected by ground shaking during a seismic event associated with the fault zones.

#### 4.5.1.4 Liquefaction

Liquefaction is a seismic phenomenon in which loose, saturated, granular soils behave similarly to a fluid when subject to high intensity ground shaking. Liquefaction occurs when three general conditions exist: (1) shallow groundwater; (2) low density non-cohesive (granular) soils; and (3) high intensity ground motion. The relatively rapid loss of soil shear strength during strong earthquake shaking results in a temporary, fluid-like behavior of the soil. Soil liquefaction causes ground failure that can damage roads, pipelines, underground cables, and buildings with shallow foundations. Studies indicate that saturated, loose to medium dense, near surface cohesionless soils exhibit the highest liquefaction potential, while dry, dense, cohesionless soils and cohesive soils exhibit low to negligible liquefaction potential.

Figure 4.5-3 presents the areas in the City where historic occurrence of liquefaction, or local geological, geotechnical, and groundwater conditions indicate a potential for permanent ground displacements such that a geotechnical report and associated mitigation as defined in Public Resources Code Section 2693(c) would be required. Liquefaction potential in the San Clemente and Dana Point quadrangles were evaluated by the California Geologic Survey (CGS) during preparation of the Seismic Hazard Zone Reports for the two quadrangles in 2002 and 2001, respectively. The CGS designated zones or portions of the City where further liquefaction investigation would be required including near the beach along Prima Deshecha Canyon, Segunda Deshecha Canyon, and Cristianitos Canyon; and in some tributary canyons to those three canyons (City of San Clemente 2013).

As shown in Figure 4.5-3, several of the Housing Sites are located within liquefaction areas.



-  Project Boundary
-  Vacant and Underutilized Sites
-  Arterial Roadways
-  Potential Rezone Sites
-  Liquefaction Zones

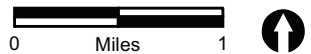


FIGURE 4.5-3  
Liquefaction Areas

### 4.5.1.5 Soil Instability, Erosion and Expansive Soils

Twelve soil associations occur in the location of the Housing Sites. The location of each soil category within the City is shown in Figure 4.5-4, with the twelve soil associations occurring in the Housing Site areas briefly described below.

**Alo Clay soils 9 to 50 percent slopes:** Consists of moderately deep, well drained soils. They formed in material weathered from shale or sandstone on mountains. These soils are present at approximately 18 percent of the Housing Sites acreage.

**Balcom Clay Loam, 15 to 30 percent slopes:** Consists of moderately deep, well drained soils that formed in material that weathered from soft, calcareous shale and sandstone. These soils are present in less than 1 percent of the Housing Sites acreage.

**Bosanko Clay, 9 to 50 percent slopes:** Gently sloping to moderately steep and are in the uplands at elevations of about 300 to 2,500 feet. The soils formed in residuum weathered from igneous rocks of granitic nature. Approximately 20 percent of the Housing Sites are underlain with Bosanko Clay soils.

**Calleguas Clay Loam, 50 – 75 percent slopes, eroded:** Consists of very shallow and shallow, well drained soils formed on uplands, hills and mountains in material weathered from sedimentary rocks. Approximately 31 percent of the Housing Sites are underlain with Calleguas Clay Loam soils.

**Capistrano Sandy Loam 9 to 15 percent slopes:** Consists of very deep, well drained soils that formed in alluvium from sedimentary or granitic sources. Capistrano soils are on alluvial fans and flood plains in small valleys. Approximately 3 percent of the Housing Sites are underlain with Capistrano Sandy Loam soils.

**Cieneba Sandy Loam, 30 to 75 percent slopes, eroded:** Consists of very shallow and shallow, somewhat excessively drained soils that formed in material weathered from granitic rock. Cieneba soils are located on hills and mountains. Approximately 3 percent of the Housing Sites are underlain with Cieneba Sandy Loam soils.

**Corralitos Loamy Sand:** Consists of deep, somewhat excessively drained soils that formed in recent sandy alluvium derived from acid sandstone and related rocks. Corralitos soils are on alluvial fans and in small valleys and have slopes of 0 to 15 percent. Could be subject to localized flooding and deposition. Approximately 4 percent of the Housing Sites are underlain with Corralitos Loamy Sand soils.

**Cropley Clay, 2 to 9 percent slopes:** Consists of very deep, moderately well and well drained soils that formed in alluvium from mixed rock sources. Cropley soils are on alluvial fans, floodplains and in small basins. Approximately 5 percent of the Housing Sites are underlain with Cropley Clay soils.

**Myford Sandy Loam, 2 to 30 percent slopes:** Deep, moderately well drained soils formed on terraces. Less than 2 percent of the Housing Sites are underlain with Myford Sandy Loam soils.

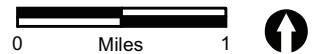
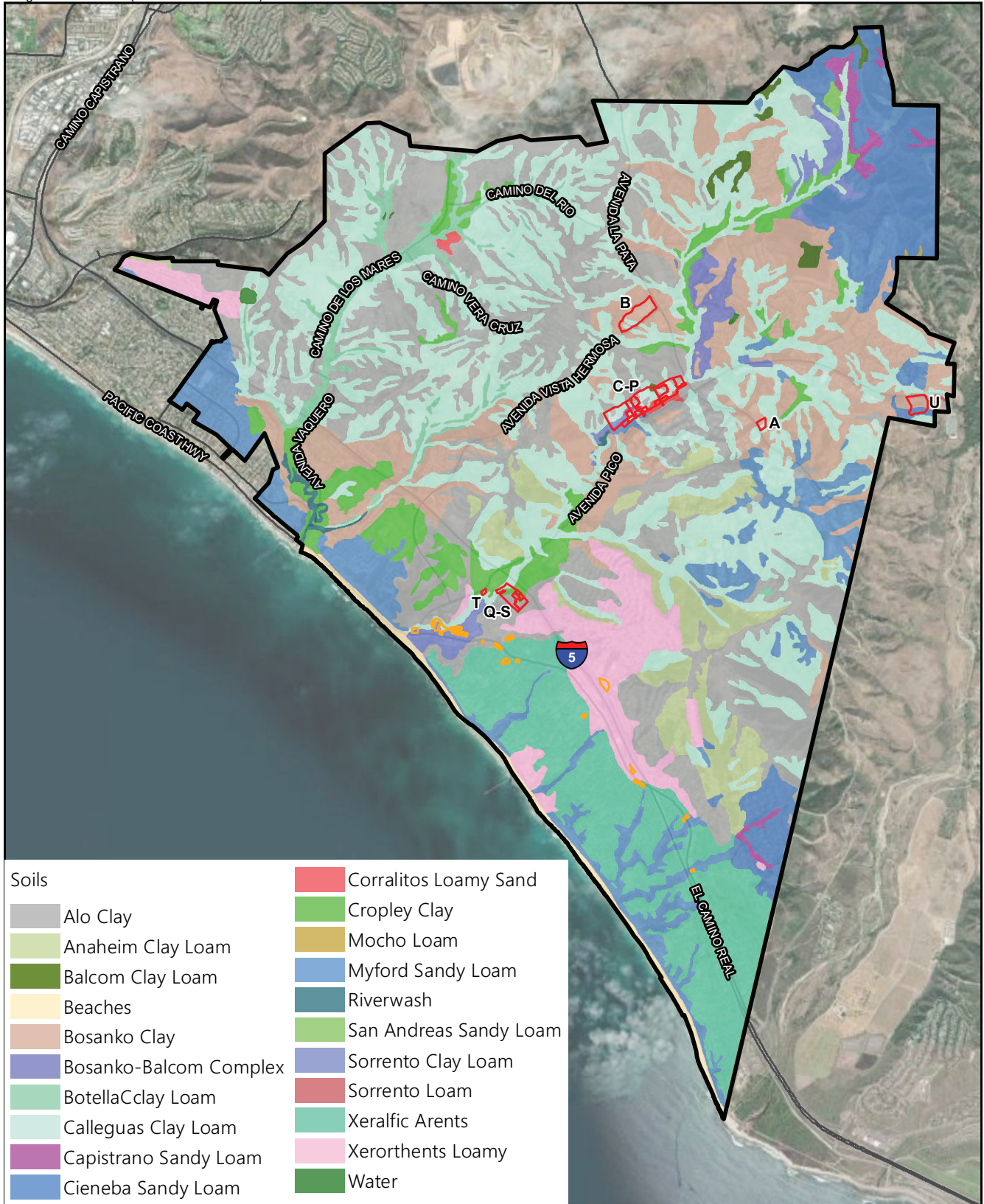


FIGURE 4.5-4  
On-site Soils

Sorrento Clay Loam: Consists of very deep, well drained soils that formed in alluvium mostly from sedimentary rocks. Sorrento soils are on alluvial fans and stabilized floodplains and have slopes of 0 to 15 percent. Approximately 9 percent of the Housing Sites are underlain with Sorrento Clay Loam soils.

Xeralific Arens Loamy, 2 to 9 percent slopes: Less than 3 percent of the Housing Sites are underlain with Xeralific Arens Loamy soils.

Xerorthents Loamy, cut and fill areas, 9 to 30 percent slopes: Less than 3 percent of the Housing Sites are underlain with Xerorthents Loamy soils.

Some of the soils which occur within the Housing Sites have poor to fair stability and are potentially expansive. Expansive soils are prone to collapse and are commonly associated with wind-laid sands and silts, and alluvial fan and mudflow sediments deposited during flash floods. Surface soils and sediments in the City include unconsolidated clay, silt, sand, and gravel. The fine-grained clay and silt are mainly derived from the weathering and erosion of the principal rock formation in the area, the Capistrano Formation. These clays and silts are highly expansive, creep prone, and responsible for much of the earth movements that occur on slopes and bluffs (City of San Clemente 2013). Coarse silt, sand, and gravel deposits are mainly found in ephemeral or seasonal stream channels. Heavy storm flows can transport large amounts of silt, sand, and gravel downstream. Some of these flood deposits eventually contribute to beach sands.

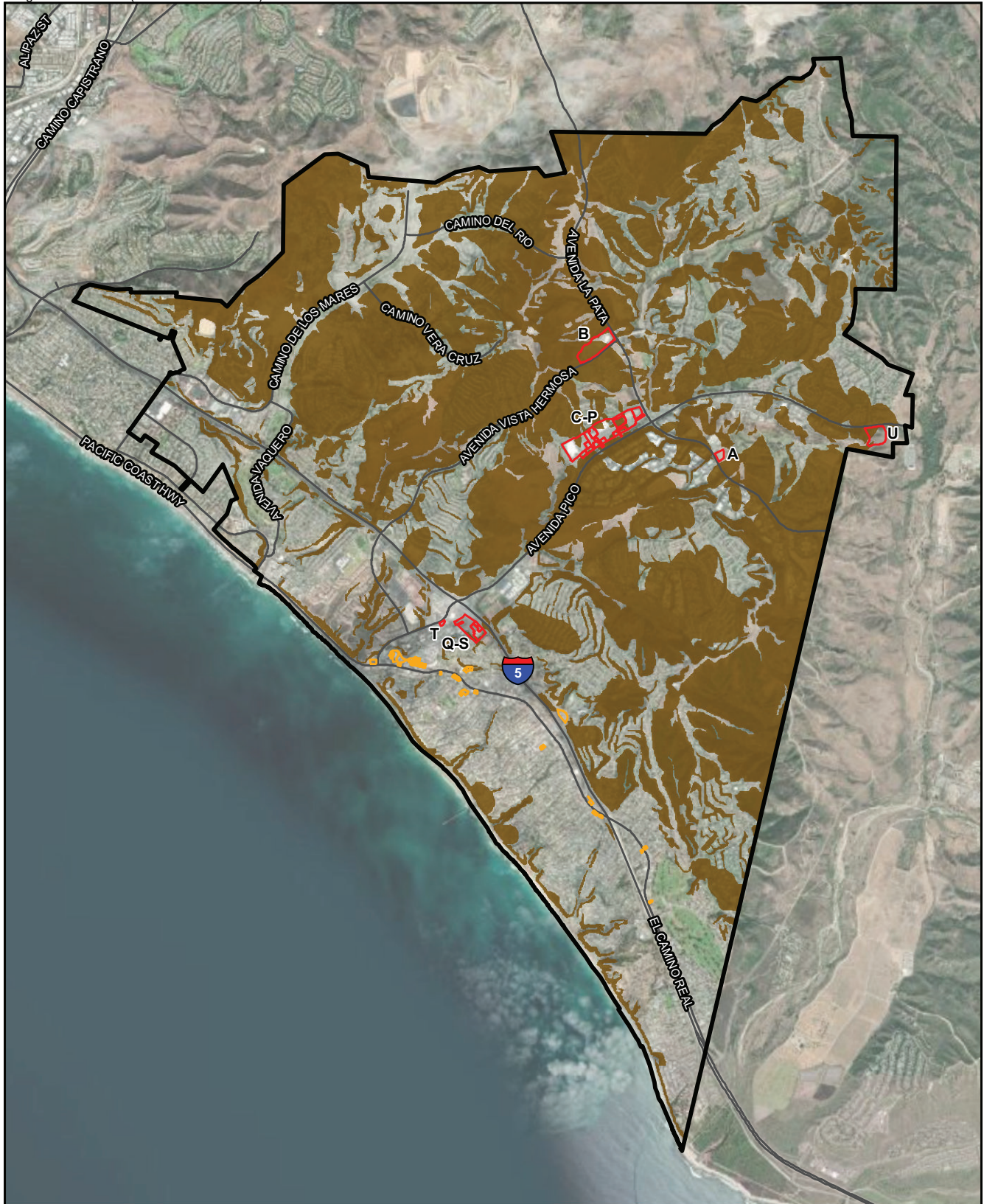
#### 4.5.1.6 Landslides

Known landslide areas are shown in Figure 4.5-5. These are areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical, and subsurface water conditions indicate a potential for permanent ground displacements such that a geotechnical report and associated mitigation would be required as defined in Public Resources Code Section 2693(c). As shown, landslides cover much of the surface of the City, especially the parts of the City northeast of Interstate 5. Existing landslides can be reactivated by earthquake movements; much of the City are in zones of required investigation for earthquake-induced landslides designated by the CGS (City of San Clemente 2013). As shown in Figure 4.5-5, several Housing Sites are located within landslide zones.

#### 4.5.1.7 Paleontological Resources

Paleontological resources are fossils, that is, recognizable remains or evidence of past life on earth, including bones, shells, leaves, tracks, burrows, and impressions. Abundant fossils occur in several rock formations in San Clemente, including the Capistrano Formation, which is present across much of the City. This formation has produced numerous important animal fossil specimens in recent years. The Monterey, Sespe, and Vaqueros formations in the northeastern portions part of the City also contain abundant fossils. Therefore, the City may contain significant, nonrenewable, paleontological resources and is considered to have high sensitivity (City of San Clemente 2013).





-  Project Boundary
-  Vacant and Underutilized Sites
-  Potential Rezone Sites
-  Landslide Zones
-  Arterial Roadways

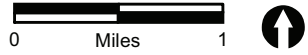


FIGURE 4.5-5  
Landslide Areas

## 4.5.2 Regulatory Framework

### 4.5.2.1 State Regulations

#### a. Earthquake Fault Zoning Act (Alquist-Priolo Act)

The State of California Alquist-Priolo Earthquake Fault Zoning Act (1972) was established to mitigate the hazard of surface faulting to structures for human occupancy. Pursuant to the act, the State Geologist has established regulatory zones (known as earthquake fault zones) around surface traces of active faults. These have been mapped for affected cities, including San Diego. Application for a development permit for any project within a delineated earthquake fault zone shall be accompanied by a geologic report, prepared by a geologist registered in the State of California, that is directed to the problem of potential surface fault displacement through a project site.

#### b. California Code of Regulations

##### *California Building Standards Code (Title 24)*

Title 24 of the California Code of Regulations (CCR) provides state regulations that govern the design and construction of buildings, associated facilities, and equipment. These regulations are also known as building standards (reference California Health and Safety Code §18909). Cities and counties are required by state law to enforce CCR Title 24 and may adopt ordinances making more restrictive requirements than provided by CCR Title 24 due to local climatic, geological, or topographical conditions.

##### *Natural Resources (Title 14)*

Section 3724 provides specific criteria for approval of projects located within seismic hazard zones. Specifically, a project shall be approved only when the nature and severity of the seismic hazards at the site have been evaluated in a geotechnical report and appropriate mitigation measures have been proposed.

#### c. California Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act, passed in 1990, addresses non-surface fault rupture earthquake hazards, including liquefaction and seismically induced landslides. Under this act, seismic hazard zones are to be mapped by the State Geologist to assist local governments in land use planning. The act states that it is a necessity to identify and map seismic hazards so that cities and counties can adequately prepare the safety element of their general plan as well as encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety. According to Section 2697(a) of the act, cities and counties shall require a geotechnical report defining and delineating any seismic hazard related to a project, prior to the approval of any project located in a seismic hazard zone.

#### **d. Statewide General Construction Activity Permit and Storm Water Pollution Prevention Plan**

The State Water Resources Control Board (SWRCB) issued a statewide general National Pollution Discharge Elimination System (NPDES) Permit for storm water discharges from construction sites (NPDES No. CAS000002) in 2009. Under this statewide General Construction Activity permit, discharges of storm water from construction sites with a disturbed area of one or more acres are required to either obtain individual NPDES permits for storm water discharges or to be covered by the General Permit. Each applicant under the General Construction Activity Permit must develop and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to grading activities. The SWPPP must list Best Management Practices (BMPs) implemented on the construction site to protect soil erosion and storm water runoff.

#### **4.5.2.2 Local Regulations**

##### **a. City of San Clemente Multi-Hazard Emergency Plan**

One of the City's primary tools for preparing and responding to hazards is the San Clemente Multi-Hazard Emergency Plan dated December 2003. This comprehensive tool identifies key response resources, assigns emergency planning and response responsibilities to City of San Clemente and supportive agency staff, establishes communication protocols, outlines preplanned response actions by hazard type, and provides the basis for personnel training and ongoing maintenance of the City's emergency preparedness programs.

##### **b. City of San Clemente Natural Hazard Mitigation Plan**

Adopted by the City in 2005 pursuant to the Disaster Mitigation Act of 2000, the Natural Hazard Mitigation Plan includes resources and information to assist City residents, public and private sector organizations, and others interested in participating in planning for natural hazards. The Plan also includes a Mitigation Action Plan providing a list of activities that may assist the City in reducing risk and preventing loss from future natural hazard events. The action items address multi-hazard issues, as well as activities for earthquakes, landslides, flooding, tsunamis, wildfires and nuclear.

The Plan discusses specific hazards including the mapping of faults, seismic zones, liquefaction, and landslide areas. The Plan assesses vulnerability and risk related to each potential hazard and identifies existing mitigation activities and creates a list of additional action items to provide guidance on suggesting specific activities that agencies, organizations, and residents in the City can undertake to reduce risk and prevent loss from natural disasters. The City is in the process of updating the Natural Hazard Mitigation Plan, which serves as the City's Local Hazard Mitigation Plan (LHMP). The updated plan will include evacuation routes including their capacity, safety, and viability under a range of emergency scenarios, will include a new section on climate change vulnerability and adaptation, and will provide new information and analysis related to wildfire including identification of residential developments in hazard areas that do not have at least two emergency evacuation routes.

### c. City of San Clemente Municipal Code (SCMC)

#### *Chapter 15.08 Building Code*

The City adopted the California Building Code (CBC), 2019 edition, to regulate the “erection, construction, enlargement, alteration, replacement, repair, improvement, removal, movement, conversion, demolition, use and occupancy, equipment, height, location, maintenance, and areas of every building or structure or any appurtenances connected or attached to such building or structure in the City” (SCMC Section 15.08.010).

#### *Chapter 15.36 Grading Ordinance*

Pursuant to the Grading Ordinance, all projects subject to a grading permit are required to submit a soil engineering and engineering geology report identifying potential geological or flood hazards and recommend corrective work to eliminate or sufficiently reduce hazards (SCMC Section 15.36.180).

The Grading Ordinance also requires the development of Erosion Control Plans for projects that meet minimum requirements relating to quantity of grading work and on-site slopes (SCMC Section 15.36.320).

### d. City of San Clemente General Plan

The Safety Element of the City’s General Plan intends to protect the community from hazards related to geologic, seismic, and soil hazards. While the Safety Element is being updated as part of the project, including an update to the Geologic, Seismic, and Soil Hazards map, there are no proposed changes to policies relating to geologic, seismic, and soil hazards. Therefore, the following goals and policies would be applicable to future development in the City.

**GOAL:** Minimize risk to life, property, economic and social dislocation and disruption of vital services that could result from geologic and seismic hazards.

#### **Policies:**

**S-1.01. *Up to Date Information.*** We collect and maintain relevant data on fault locations, soils reports and other information that can help identify seismic or liquefaction potential and areas at risk of landslides.

**S-1.02. *Alquist-Priolo Act.*** If active or potentially active faults are identified, we will implement mandatory development restrictions and investigation requirements pursuant to the Alquist-Priolo Act.

**S-1.03. *Unreinforced Masonry Buildings.*** We require the retrofitting of unreinforced masonry buildings during remodels to minimize hazards to life and property due to an earthquake or other geologic hazards.

**S-1.04. *Landslide Risk.*** Where development is proposed on unstable terrain, excessively steep slopes and other areas deemed hazardous due to landslide risk, it is prohibited unless acceptable mitigation measures are implemented.

**S-1.05. *Assessment and Mitigation.*** Where appropriate, we require new development to assess the potential for liquefaction, slope instability and landslides and require that appropriate measures be incorporated into the project to mitigate such hazards.

The Natural Resources Element of the City's General Plan establishes goals and policies aimed at preserving and enhancing the City's natural resources which includes archeological and paleontological resources.

**GOAL:** Protect archaeological and paleontological resources in a manner which preserves history or cultural traditions, provides scientific or cultural knowledge or provides educational value.

**Policies:**

**NR-3.01. *Project Impacts.*** We require assessment and mitigation of potential impacts to archaeological and paleontological resources as part of applications for general plan amendments, zoning changes, or any projects requiring environmental review per the California Environmental Quality Act (CEQA).

**NR-3.02. *Notification.*** We require the notification of cultural organizations, including California Native American organizations, of proposed projects that have the potential to adversely impact archaeological or cultural resources.

**NR-3.03. *Inventory of Archeological and Paleontological Resources.*** We maintain up-to-date information regarding archaeological and paleontological resources and contact information for responsible organizations and qualified individuals who can analyze, record, and preserve findings.

### 4.5.3 Significance Determination Thresholds

Consistent with Appendix G of the CEQA Guidelines, impacts related to geology and soils would be significant if implementation of the project would:

- 1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42);
  - ii) Strong seismic ground shaking;
  - iii) Seismic-related ground failure, including liquefaction;
  - iv) Landslides;
- 2) Result in substantial soil erosion or the loss of topsoil;

- 3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;
- 4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; or
- 5) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
- 6) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

## 4.5.4 Methodology

This analysis relies on secondary source information including but not limited to geologic and soils data from the CGS and United States Geological Survey. Additionally, information from City documents, including the Natural Hazard Mitigation Plan and the Environmental Impact Report (EIR) for the 2013 Centennial General Plan are used as source data.

The Safety Element is a policy document that is not associated with any physical development and, thus, does not have the potential to result in impacts related to geology and soils.

## 4.5.5 Issues 1 and 3: Seismic Hazards and Unstable Geology

*Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42); (ii) strong seismic ground shaking? (iii) seismic-related ground failure, including liquefaction; or (iv) landslides?*

*Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

### 4.5.5.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to seismic hazards or unstable geology as Safety Element policies would support City efforts to ensure development is safe from geologic hazards. The Housing Sites are underlain by several geological formations and soil associations that could result in instability during a seismic event. Although there are no active faults that exist within the City limits, due to its location within southern California, and the proximity of major fault lines, impacts associated with seismic events could occur.

### **a. Fault Rupture and Ground Shaking**

There is no Alquist-Priolo Earthquake Zone within close proximity to the City; however, several active faults are located within 20 miles of the City, rupture of which could result in damage to structures and residents. Development and/or redevelopment within the Housing Sites would increase the number of residential units throughout the City and future rezones needed to meet RHNA targets would increase planned residential densities. All future development would be required to comply with seismic safety provisions of the CBC, CCR, and SCMC requiring a project-specific geotechnical investigation to be conducted during the building permit review process. The geotechnical investigation would calculate seismic design parameters pursuant to all requirements, and would include foundation and structural design recommendations, as needed, to reduce hazards to people and structures arising from ground shaking.

### **b. Liquefaction and Landslide**

Areas of the City susceptible to liquefaction are concentrated along the coast and in lower-elevation portions of Cristianitos, Prima Deshecha, and Segunda Deshecha Canyons, and some tributary canyons to those three canyons (City of San Clemente 2013). Additionally, much of the City (primarily northeast of Interstate 5) are susceptible to earthquake-induced landslides. Implementation of the project could increase the number of residents within Housing Sites located within the mapped liquefaction and landslide areas.

All future development would be required to meet the most current seismic safety requirements in the CBC, as adopted by the City, including design and construction measures intended to resist potential earthquake damage. The SCMC requires, prior to issuance of grading permits, the submission of a soil engineering and engineering geology report identifying potential geological hazards and recommendations for eliminating or reducing those hazards. Additionally, future discretionary development would be required to adhere to the City's General Plan (Safety Element) policies S-1.04 and S-1.05, which require an assessment of liquefaction and landslide risk and prohibit the development unless acceptable measures to reduce potential danger are implemented.

#### **4.5.5.2 Significance of Impacts**

For development on Housing Sites that would be approved with a ministerial process, adherence to regulatory requirements including the CBC and SCMC requirements for soils engineering/engineering geology reports and erosion control plans would ensure that future development would not cause substantial adverse effects associated with fault rupture and ground shaking or liquefaction or landslides. Ministerial projects would be required to adhere to all regulations applicable to the site/zone, including Chapter 15.08 (Building Code) and Chapter 15.36 (Grading Ordinance), which include objective standards relating to the elimination or reduction of potential seismic hazards prior to the issuance of permits. Impacts associated with Seismic Hazards and Unstable Geology for ministerial projects would be less than significant.

Development of Housing Sites that would require a discretionary review would be subject to the same regulatory requirements discussed above, which would ensure impacts would be reduced to less than significant. In addition, discretionary projects would be subject to General Plan policies from

the Safety Element and Natural Resources Element. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.

### 4.5.5.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

## 4.5.6 Issue 2: Soil Erosion

*Would the project result in substantial soil erosion or the loss of topsoil?*

### 4.5.6.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to soil erosion or the loss of topsoil. As detailed in Section 4.5.1.5, the Housing Sites contain some soil types that are relatively stable, while others may be susceptible to collapse and may pose a hazard to new development or result in soil erosion. Grading, excavation, demolition, and construction activities associated with future development within the Housing Sites would increase the potential to expose topsoil to erosion. Future development which involves grading greater than allowed would be subject to erosion control measures set forth in SCMC Section 15.36, including submittal of an Erosion Control Plan documenting how cut-and-fill slopes and project sites would be prepared and maintained to control against erosion (City of San Clemente 2013). Additionally, construction projects on sites of one acre or larger are required to prepare and implement a SWPPP specifying BMPs that would be used by the construction phase of each affected project to minimize water pollution, including pollution with sediment. Measures implemented to avoid or reduce erosion and sedimentation effects are discussed in Section 4.8, Hydrology and Water Quality.

Short-term erosion and sedimentation impacts would be addressed through conformance with the NPDES permitting requirements and associated SCMC requirements. These regulations require erosion and sedimentation control during construction and implementation of BMPs to avoid erosion and off-site drainage. SCMC Section 15.36 provides guidance for erosion control.

### 4.5.6.2 Significance of Impacts

Adherence to regulatory requirements including preparation of SWPPP and SCMC Chapter 15.36 (Grading Ordinance) would ensure that both future ministerial and discretionary development within the Housing Sites would not result in substantial soil erosion or the loss of topsoil. Impacts associated with soil erosion would be less than significant.

### 4.5.6.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.



## 4.5.7 Issue 4: Expansive Soils

*Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

### 4.5.7.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to expansive soils. As described in Section 4.5.1.5, above, some of the soils that occur within the Housing Sites have poor to fair stability and are potentially expansive, especially clay soils derived from Capistrano Formation rock, which underlies much of the City (City of San Clemente 2013). Development within these soils could result in a significant impact due to the soils inability to support proposed structures, especially during major rain events and/or flash floods. Future discretionary development within the Housing Sites would be required to adhere to General Plan Safety Element Policy S-1.05, which requires the assessment of unstable terrain and the inclusion of measures to avoid or reduce potential risk. Additionally, all future development (ministerial and discretionary) would be required to submit geotechnical investigations consistent with the CBC, as adopted by the City, identifying potential geological hazards from expansive soils and recommendations for eliminating or reducing those hazards.

### 4.5.7.2 Significance of Impacts

Adherence to CBC requirements as adopted by the City (SCMC Section 15.36.180) would ensure that future ministerial and discretionary development would not create substantial direct or indirect risks associated with expansive soils. Impacts would be less than significant.

### 4.5.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

## 4.5.8 Issue 5: Septic Systems

*Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

### 4.5.8.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to septic systems or alternative wastewater disposal systems. Furthermore, the City is entirely served by sewer. All Housing Sites

would be served by existing wastewater treatment providers and would connect to existing wastewater treatment infrastructure.

#### 4.5.8.2 Significance of Impacts

None of the Housing Sites would utilize septic tanks or alternative waste water disposal systems. No impact would occur.

#### 4.5.8.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.5.9 Issue 6: Paleontological Resources and Unique Geology

*Would the project directly or indirectly destroy a unique paleontological resource or unique geologic feature?*

#### 4.5.9.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to paleontological resources or unique geology. Much of the City is underlain by Capistrano Formation which is considered to have high potential to support significant, nonrenewable, paleontological resources (City of San Clemente 2013). Ground disturbance resulting from future development and redevelopment projects within the Housing Sites could damage fossils buried in on-site soils. Future discretionary development would be required to comply with General Plan Natural Resources Element Policies NR-3.01, 3.02, and 3.03 which address the management of discovered artifacts and the notification and inventory of archeological and paleontological resources. Specifically, the Natural Resources Element Policy NR-3.01 states, "Project Impacts. We require assessment and mitigation of potential impacts to archaeological and paleontological resources as part of applications for general plan amendments, zoning changes, or any projects requiring environmental review per the California Environmental Quality Act (CEQA)." Application of this policy for future discretionary development on the Housing Sites would ensure that adverse impacts related to paleontological resources are avoided, as the City would apply measures identified in the General Plan EIR Mitigation Monitoring Program to minimize adverse impacts to paleontological resources. However, future ministerial development would not be subject to a subsequent discretionary review and there would be no associated mechanism to apply the General Plan EIR mitigation measures related to paleontological resources. Therefore, future project-specific construction-related ground-disturbing activities associated with ministerial projects could result in the loss of nonrenewable paleontological resources.

### 4.5.9.2 Significance of Impacts

Impacts to paleontological resources associated with future discretionary projects within the Housing Sites would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for paleontological resources. The City's General Plan EIR found that impacts to paleontological resources would be reduced to less than significant through implementation of the City's Mitigation Monitoring Program measure 4-2 which requires paleontological monitoring by a professional paleontologist. This measure would reduce impacts by ensuring that paleontological resources are recovered during construction in order to capture available scientific information through data recovery and archiving resources in an appropriate institution. The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for paleontological resources since no discretionary review would be required. Impacts to paleontological resources associated with future ministerial development within the Housing Sites would be potentially significant.

### 4.5.9.3 Mitigation Framework

To reduce potentially significant impacts to undiscovered paleontological resources associated with future ministerial development within the Housing Sites, the following mitigation measure would be implemented by the City.

- PAL-1:** Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts to paleontological resources. The objective standards shall require applicants to provide information to the City regarding the paleontological sensitivity of the site. On properties determined to be moderately to highly sensitive for paleontological resources where grading would disturb sensitive formations, the ordinance shall require implementation of a mitigation plan with the following requirements:
- a. A paleontologist shall be retained for the project and will be on call during grading and other significant ground-disturbing activities.
  - b. Should any potentially significant fossil resources be discovered, no further grading shall occur in the area of the discovery until the Community Development Director concurs in writing that adequate provisions are in place to protect these resources.
  - c. Unanticipated discoveries shall be evaluated for significance by an Orange County Certified Professional Paleontologist. If significance criteria are met, then the project shall be required to perform data recovery, professional identification,

radiocarbon dates as applicable, and other special studies; submit materials to the California State University Fullerton; and provide a comprehensive final report, including catalog with museum numbers.

#### **4.5.9.4 Significance after Mitigation**

Projects subject to future discretionary actions and associated environmental review would be required to implement the City's existing General Plan Mitigation Monitoring Requirements for paleontological resources. Implementation of development through a ministerial process will be subject to the requirements of the City's Housing Overlay which will include measures to minimize adverse impacts to paleontological resources, detailed in mitigation measure PAL-1 above. With implementation of mitigation measure PAL-1, future ministerial development would be subject to objective standards that would minimize adverse impacts to paleontological resources. With implementation of mitigation measure PAL-1, impacts to paleontological resources from ministerial projects would be less than significant.

## 4.6 Greenhouse Gas Emissions

This section evaluates potential greenhouse gas (GHG) emissions impacts associated with the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element residential sites inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." Complete GHG modeling data are contained in Appendix B of this Program Environmental Impact Report (PEIR).

### 4.6.1 Existing Conditions

#### 4.6.1.1 Environmental Setting

##### a. Understanding Global Climate Change

To evaluate the incremental effect of the project on statewide GHG emissions and global climate change, it is important to have a basic understanding of the nature of the global climate change problem. Global climate change is a change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation and temperature. The earth's climate is in a state of constant flux with periodic warming and cooling cycles. Extreme periods of cooling are termed "ice ages," which may then be followed by extended periods of warmth. For most of the earth's geologic history, these periods of warming and cooling have been the result of many complicated interacting natural factors that include volcanic eruptions that spew gases and particles (dust) into the atmosphere; the amount of water, vegetation, and ice covering the earth's surface; subtle changes in the earth's orbit; and the amount of energy released by the sun (sun cycles). However, since the beginning of the Industrial Revolution around 1750, the average temperature of the earth has been increasing at a rate that is faster than can be explained by natural climate cycles alone.

With the Industrial Revolution came an increase in the combustion of carbon-based fuels such as wood, coal, oil, natural gas and biomass. Industrial processes have also created emissions of substances not found in nature. This in turn has led to a marked increase in the emissions of gases shown to influence the world's climate. These gases, termed "greenhouse" gases, influence the amount of heat trapped in the earth's atmosphere. Because recently observed increased concentrations of GHGs in the atmosphere are related to increased emissions resulting from human activity, the current cycle of "global warming" is generally believed to be largely due to human activity. Of late, the issue of global warming or global climate change has arguably become the most important and widely debated environmental issue in the United States and the world. Because it is the collective of human actions taking place throughout the world that contributes to climate change, it is quintessentially a global or cumulative issue.

## b. Greenhouse Gases of Primary Concern

There are numerous GHGs, both naturally occurring and manmade. Each GHG has variable atmospheric lifetime and global warming potential (GWP). The atmospheric lifetime of the gas is the average time a molecule stays stable in the atmosphere. Most GHGs have long atmospheric lifetimes, staying in the atmosphere hundreds or thousands of years. GWP is a measure of the potential for a gas to trap heat and warm the atmosphere. Although GWP is related to its atmospheric lifetime, many other factors including chemical reactivity of the gas also influence GWP. GWP is reported as a unitless factor representing the potential for the gas to affect global climate relative to the potential of carbon dioxide (CO<sub>2</sub>). Because CO<sub>2</sub> is the reference gas for establishing GWP, by definition its GWP is 1. Although methane (CH<sub>4</sub>) has a shorter atmospheric lifetime than CO<sub>2</sub>, it has a 100-year GWP of 28; this means that CH<sub>4</sub> has 28 times more effect on global warming than CO<sub>2</sub> on a molecule-by-molecule basis.

GHG emissions estimates are typically represented in terms of metric tons of carbon dioxide equivalent (MT CO<sub>2</sub>E). CO<sub>2</sub>E emissions are the product of the amount of each gas by its GWP. The effects of several GHGs may be discussed in terms of MT CO<sub>2</sub>E and can be summed to represent the total potential of these gases to warm the global climate. Table 4.6-1 summarizes some of the most common GHGs.

Gas	Atmospheric Lifetime (years)	100-year GWP	20-year GWP
Carbon dioxide (CO <sub>2</sub> )	50–200	1	1
Methane (CH <sub>4</sub> )*	12.4	28	84
Nitrous oxide (N <sub>2</sub> O)	121	265	264
HFC-23	222	12,400	10,800
HFC-32	5.2	677	2,430
HFC-125	28.2	3,170	6,090
HFC-134a	13.4	1,300	3,710
HFC-143a	47.1	4,800	6,940
HFC-152a	1.5	138	506
HFC-227ea	38.9	3,350	5,360
HFC-236fa	242	8,060	6,940
HFC-43-10mee	16.1	1,650	4,310
CF <sub>4</sub>	50,000	6,630	4,880
C <sub>2</sub> F <sub>6</sub>	10,000	11,100	8,210
C <sub>3</sub> F <sub>8</sub>	2,600	8,900	6,640
C <sub>4</sub> F <sub>10</sub>	2,600	9,200	6,870
c-C <sub>4</sub> F <sub>8</sub>	3,200	9,540	7,110
C <sub>5</sub> F <sub>12</sub>	4,100	8,550	6,350
C <sub>6</sub> F <sub>14</sub>	3,100	7,910	5,890
SF <sub>6</sub>	3,200	23,500	17,500

SOURCE: Intergovernmental Panel on Climate Change (IPCC) 2014.

All of the gases in Table 4.6-1 are produced by both biogenic (natural) and anthropogenic (human) sources. These are the GHGs of primary concern in this analysis. CO<sub>2</sub> emissions would result from buildout of the project due to the combustion of fossil fuels in vehicles (including construction), from electricity generation and natural gas consumption, water use and from solid waste disposal. Smaller amounts of CH<sub>4</sub> and nitrous oxide (N<sub>2</sub>O) emissions would also be associated with those sources.

### c. Implications of Climate Change

The primary effect of global climate change has been a rise in average global tropospheric temperature of 0.2 degrees Celsius (°C) per decade, determined from meteorological measurements worldwide between 1990 and 2005. Climate change modeling using emission rates from the year 2000 shows that further warming will occur, which will induce further changes in the global climate system during the current century. The increase in the earth's temperature is expected to have wide-ranging effects on the environment.

Although global climate change is anticipated to affect all areas of the globe, there are numerous implications of direct importance to California. Statewide average temperatures are anticipated to increase by between 4.7 and 10.5 degrees Fahrenheit (°F) by 2100 (California Energy Commission [CEC] 2006). According to the California Air Resources Board (CARB), some of the potential impacts in California of global warming may include loss in snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years (CEC 2016). Several recent studies have attempted to explore the possible negative consequences that climate change, left unchecked, could have in California. These reports acknowledge that climate scientists' understanding of the complex global climate system, and the interplay of the various internal and external factors that affect climate change, remains too limited to yield scientifically valid conclusions on such a localized scale. Substantial work has been done at the international and national level to evaluate climatic impacts, but far less information is available on regional and local impacts.

### d. Greenhouse Gas Emissions

#### *Statewide GHG Emissions*

CARB performs statewide GHG inventories. The inventory is divided into nine broad sectors of economic activity: agriculture, commercial, electricity generation, forestry, high GWP emitters, industrial, recycling and waste, residential, and transportation. Emissions are quantified in million metric tons of CO<sub>2</sub> equivalent (MMT CO<sub>2</sub>E). Table 4.6-2 shows the estimated statewide GHG emissions for the years 1990, 2009, and 2018.

Sector	1990 Emissions in MMT CO <sub>2</sub> E (% total) <sup>1,2</sup>	2009 Emissions in MMT CO <sub>2</sub> E (% total) <sup>2</sup>	2018 <sup>3</sup> Emissions in MMT CO <sub>2</sub> E (% total) <sup>2</sup>
Electricity Generation	110.6 (25.9%)	101.6 (22.3%)	63.3 (14.9%)
Transportation	150.7 (35.3%)	173.1 (38.1%)	173.8 (40.9%)
Industrial	103.0 (24.2%)	97.4 (21.4%)	101.3 (23.8%)
Commercial	14.4 (3.4%)	18.6 (4.1%)	23.9 (5.6%)
Residential	29.7 (7.0%)	31.1 (6.8%)	30.5 (7.2%)
Agriculture & Forestry	16.9 (4.0%)	32.9 (7.2%)	32.6 (7.7%)
Not Specified	1.3 (0.3%)	--	--
<b>Total<sup>4</sup></b>	<b>426.6</b>	<b>454.6</b>	<b>425.3</b>

SOURCE: CARB 2007 and 2020.  
<sup>1</sup>1990 data was obtained from the CARB 2007 source and are based on IPCC fourth assessment report GWPs (IPCC 2007).  
<sup>2</sup>Percentages may not total 100 due to rounding.  
<sup>3</sup>2009 and 2018 data was retrieved from the CARB 2020 source and are based on IPCC fourth assessment report GWPs.  
<sup>4</sup>Totals may vary due to independent rounding.

As shown in Table 4.6-2, statewide GHG source emissions totaled approximately 427 MMT CO<sub>2</sub>E in 1990, 455 MMT CO<sub>2</sub>E in 2009, and 425 MMT CO<sub>2</sub>E in 2018. Many factors affect year-to-year changes in GHG emissions, including economic activity, demographic influences, environmental conditions such as drought, and the impact of regulatory efforts to control GHG emissions. Transportation-related emissions consistently contribute the most GHG emissions, followed by electricity generation and industrial emissions.

### *Local GHG Emissions*

The City adopted a Climate Action Plan (CAP) in 2014. The CAP inventories existing GHG emissions within the City and outlines measures to reduce emissions. The CAP included a baseline 2009 GHG inventory. The results for the community inventory are summarized in Table 4.6-3.

Source	2009 Baseline Emissions	
	MT CO <sub>2</sub> E	%
Transportation	417,740	67%
Energy		
Electricity	106,871	17%
Natural Gas	67,249	11%
Water	16,350	3%
Solid Waste	6,115	1%
Wastewater	5,699	1%
<b>Total</b>	<b>620,024</b>	

SOURCE: City of San Clemente 2014.



## 4.6.2 Regulatory Framework

### 4.6.2.1 Federal

The federal government, U.S. Environmental Protection Agency (U.S. EPA), and other federal agencies have many federal level programs and projects to reduce GHG emissions. In June 2012, the Council on Environmental Quality (CEQ) revised the Federal Greenhouse Gas Accounting and Reporting Guidance originally issued in October 2010. The CEQ guidance identifies ways in which federal agencies can improve consideration of GHG emissions and climate change for federal actions. The guidance states that National Environmental Policy Act documents should provide decision makers with relevant and timely information and should consider (1) GHG emissions of a Proposed Action and alternative actions and (2) the relationship of climate change effects to a Proposed Action or alternatives. Specifically, if a Proposed Action would be reasonably anticipated to cause direct emissions of 25,000 MT CO<sub>2</sub>E GHG emissions on an annual basis, agencies should consider this as an indicator that a quantitative assessment may be meaningful to decision makers and the public (CEQ 2012).

#### a. U.S. Environmental Protection Agency

The U.S. EPA has many federal level programs and projects to reduce GHG emissions. The U.S. EPA provides technical expertise and encourages voluntary reductions from the private sector. One of the voluntary programs applicable to the project is the Energy Star program. Energy Star products such as appliances, building products, heating and cooling equipment, and other energy-efficient equipment may be utilized by the project.

Energy Star is a joint program of U.S. EPA and the U.S. Department of Energy, which promotes energy-efficient products and practices. Tools and initiatives include the Energy Star Portfolio Manager, which helps track and assess energy and water consumption across an entire portfolio of buildings, and the Energy Star Most Efficient 2020, which provides information on exceptional products which represent the leading edge in energy-efficient products in the year 2020 (U.S. EPA 2021a).

The U.S. EPA also collaborates with the public sector, including states, tribes, localities, and resource managers, to encourage smart growth, sustainability preparation, and renewable energy and climate change preparation. These initiatives include the Clean Energy – Environment State Partnership Program, the Climate Ready Water Utilities Initiative, the Climate Ready Estuaries Program, and the Sustainable Communities Partnership (U.S. EPA 2021b).

#### b. Corporate Average Fuel Economy Standards

The project would generate vehicle trips. These vehicles would consume fuel and would result in GHG emissions. The federal Corporate Average Fuel Economy (CAFE) standards determine the fuel efficiency of certain vehicle classes in the U.S. The first phase of the program applied to passenger cars, new light-duty trucks, and medium-duty passenger cars with model years 2012 through 2016 and required these vehicles to achieve a standard equivalent to 35.5 miles per gallon (mpg). The second phase of the program applies to model years 2017 through 2025 and increased the standards

to 54.5 mpg. Separate standards were also established for medium- and heavy-duty vehicles. The first phase applied to model years 2014 through 2018 and the second phase applies to model years 2018 through 2027. With improved gas mileage, fewer gallons of transportation fuel would be combusted to travel the same distance, thereby reducing nationwide GHG emissions associated with vehicle travel.

#### 4.6.2.2 State

##### a. Statewide GHG Emission Targets

###### *S-3-05 – Statewide GHG Emission Targets*

This executive order (EO) establishes the following GHG emissions reduction targets for the state of California:

- by 2010, reduce GHG emissions to 2000 levels;
- by 2020, reduce GHG emissions to 1990 levels; and
- by 2050, reduce GHG emissions to 80 percent below 1990 levels.

This EO also directs the Secretary of the California EPA to oversee the efforts made to reach these targets, and to prepare biannual reports on the progress made toward meeting the targets and on the impacts to California related to global warming, including impacts to water supply, public health, agriculture, the coastline, and forestry. With regard to impacts, the report shall also prepare and report on mitigation and adaptation plans to combat the impacts. The first Climate Action Team Assessment Report was produced in March 2006 and has been updated every two years.

###### *B-30-15 – 2030 Statewide GHG Emission Goal*

This EO, issued on April 29, 2015, establishes an interim GHG emission reduction goal for the state of California by 2030 of 40 percent below 1990 levels. This EO also directed all state agencies with jurisdiction over GHG emitting sources to implement measures designed to achieve the new interim 2030 goal, as well as the pre-existing, long-term 2050 goal identified in EO S-3-05. Additionally, this EO directed CARB to update its Climate Change Scoping Plan to address the 2030 goal.

##### b. Assembly Bill 32 – California Global Warming Solutions Act of 2006

In response to EO S-3-05, the California Legislature passed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, and thereby enacted Sections 38500–38599 of the California Health and Safety Code. The heart of AB 32 is its requirement that CARB establish an emissions cap and adopt rules and regulations that would reduce GHG emissions to 1990 levels by 2020. AB 32 also required CARB to adopt a plan by January 1, 2009, indicating how emission reductions would be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

### c. Senate Bill 32 – California Global Warming Solutions Act Update

Approved in September 2016, Senate Bill (SB) 32 updates the California Global Warming Solutions Act of 2006. Under SB 32, the state would reduce its GHG emissions to 40 percent below 1990 levels by 2030. In implementing the 40 percent reduction goal, CARB is required to prioritize emissions reductions to consider the social costs of the emissions of GHGs; where “social costs” is defined as “an estimate of the economic damages, including, but not limited to, changes in net agricultural productivity; impacts to public health; climate adaptation impacts, such as property damages from increased flood risk; and changes in energy system costs, per metric ton of greenhouse gas emission per year.”

### d. Climate Change Scoping Plan

As directed by the California Global Warming Solutions Act of 2006, CARB adopted the *Climate Change Scoping Plan: A Framework for Change (Scoping Plan)* in 2008, which identifies the main strategies California will implement to achieve the GHG reductions necessary to reduce forecasted business as usual (BAU) emissions in 2020 to the state’s historic 1990 emissions level (CARB 2008). In November 2017, CARB released the 2017 Climate Change Scoping Plan Update, the Strategy for Achieving California’s 2030 Greenhouse Gas Target (2017 Scoping Plan; CARB 2017). The 2017 Scoping Plan identifies state strategies for achieving the state’s 2030 interim GHG emissions reduction target codified by SB 32. Measures under the 2017 Scoping Plan Scenario build on existing programs such as the Low Carbon Fuel Standard, Advanced Clean Cars Program, Renewables Portfolio Standard (RPS), Sustainable Communities Strategy (SCS), Short-Lived Climate Pollutant Reduction Strategy, and the Cap-and-Trade Program. Additionally, the 2017 Scoping Plan proposes new policies to address GHG emissions from natural and working lands.

### e. Regional Emissions Targets – SB 375

SB 375, the 2008 Sustainable Communities and Climate Protection Act, was signed into law in September 2008 and requires CARB to set regional targets for reducing passenger vehicle GHG emissions in accordance with the Scoping Plan. The purpose of SB 375 is to align regional transportation planning efforts, regional GHG reduction targets, and fair-share housing allocations under state housing law. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy or Alternative Planning Strategy to address GHG reduction targets from cars and light-duty trucks in the context of that MPO’s Regional Transportation Plan.

Southern California Association of Governments (SCAG) is the region’s MPO. In 2018, CARB updated targets for the SCAG region; as compared to 2005 GHG emissions per capita from automobiles and light-duty trucks, updated targets are to achieve an 8 percent reduction by 2020 and a 19 percent reduction by 2035.

### f. Renewables Portfolio Standard

The RPS promotes diversification of the state’s electricity supply and decreased reliance on fossil fuel energy sources. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. Originally adopted in 2002 with a goal

to achieve a 20 percent renewable energy mix by 2020 (referred to as the “Initial RPS”), the goal has been accelerated and increased by EOs S-14-08 and S-21-09 to a goal of 33 percent by 2020. In April 2011, SB 2 (1X) codified California’s 33 percent RPS goal. SB 350 (2015) increased California’s renewable energy mix goal to 50 percent by year 2030. SB 100 (2018) further increased the standard set by SB 350 establishing the RPS goal of 44 percent by the end of 2024, 52 percent by the end of 2027, and 60 percent by 2030.

### **g. California Building Standards Code (Title 24)**

The California Code of Regulations (CCR), Title 24, is referred to as the California Building Code, or CBC. It consists of a compilation of several distinct standards and codes related to building construction including, plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility and so on. Of particular relevance to GHG emissions reductions are the CBC’s energy efficiency and green building standards as outlined below.

#### ***Title 24, Part 6 - Energy Code***

CCR, Title 24, Part 6 is the California Energy Efficiency Standards for Residential and Nonresidential Buildings (also known as the California Energy Code). This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California’s energy consumption. The Energy Code is updated periodically to incorporate and consider new energy-efficient technologies and methodologies as they become available, and incentives in the form of rebates and tax breaks are provided on a sliding scale for buildings achieving energy efficiency above the minimum standards.

The current version of the Energy Code, known as the 2019 Energy Code, was adopted on May 9, 2018, and took effect on January 1, 2020. The 2019 Energy Code includes provisions for smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and non-residential ventilation requirements, and non-residential lighting requirements. The Energy Code aims to reduce energy use in new homes by requiring that all new homes include individual or community solar photovoltaic (PV) systems or community shared battery storage system that achieves equivalent time-dependent value energy use reduction. Accounting for solar PV requirements, the CEC’s preliminary estimates indicate that homes built consistent under the 2019 Energy Code will result in 53 percent less energy use than those built under the 2016 standards.

#### ***Part 11 – California Green Building Standards Code***

The California Green Building Standards Code, referred to as CALGreen, was added to Title 24 as Part 11 first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 CBC). The most recent 2019 CALGreen institutes mandatory minimum environmental performance standards for all ground-up new construction of non-residential and residential structures. Local jurisdictions must enforce the minimum mandatory Green Building Standards and may adopt additional amendments for stricter requirements.

The mandatory standards require:

- Outdoor water use requirements as outlined in local water efficient landscaping ordinances or current model water efficient landscape ordinance standards, whichever is more stringent;
- Requirements for water conserving plumbing fixtures and fittings;
- 65 percent construction/demolition waste diverted from landfills;
- Infrastructure requirements for electric vehicle charging stations;
- Mandatory inspections of energy systems to ensure optimal working efficiency; and
- Requirements for low pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards.

Similar to the reporting procedure for demonstrating Energy Code compliance in new buildings and major renovations, compliance with the CALGreen water reduction requirements must be demonstrated through completion of water use reporting forms for new low-rise residential and non-residential buildings.

### 4.6.2.3 Regional

#### a. SCAG Regional Transportation Plan/Sustainable Communities Strategy

The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), known as Connect SoCal, is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The Connect SoCal plan identifies land use strategies focusing on new housing and job growth in areas rich with destinations and mobility options, consistent with a land use development pattern that supports and complements the proposed transportation network. The overarching strategy in Connect SoCal is to provide for a plan that allows the southern California region to grow in more compact communities in transit priority areas and priority growth areas; provide neighborhoods with efficient and plentiful public transit; establish abundant and safe opportunities to walk, bike, and pursue other forms of active transportation; and preserve more of the region's remaining natural lands and farmlands (SCAG 2020). Within the plan, SCAG has identified a number of growth priority areas. The following growth priority areas as defined in Table 2.1 of the RTP/SCS are located within the City:

- High quality transit areas - Generally a walkable transit village or corridor, consistent with the adopted RTP/SCS, and within 1/2-mile of a transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours, excluding freeway transit corridors with no bus stops on the freeway alignment.
- Neighborhood mobility areas - Areas with high intersection density, low to moderate traffic speeds, and robust residential retail connections that can support the use of Neighborhood Electric Vehicles or active transportation modes for short trips).

- Job centers - Areas with significantly higher employment density than surrounding areas which capture density peaks and locally significant job centers throughout all six counties in the region.

Figure 4.6-1 identifies the location of these growth priority areas in relation to Housing Sites.

#### 4.6.2.4 Local

##### a. City of San Clemente Sustainability Action Plan and Climate Action Plan

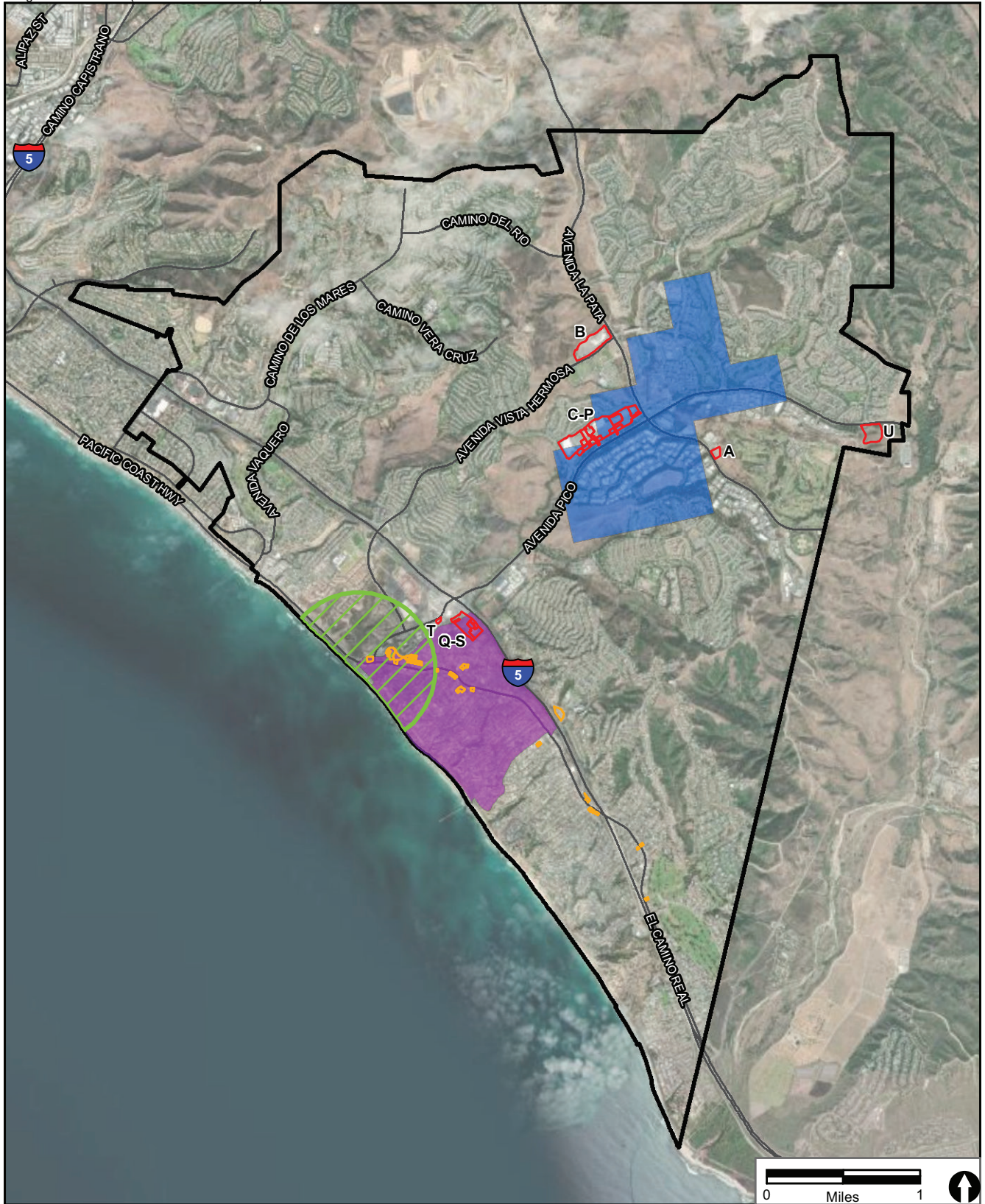
The City's Centennial General Plan, Sustainability Action Plan (SAP) and CAP were prepared concurrently (City of San Clemente 2014a, 2010, and 2014b, respectively). The SAP serves as an overall roadmap to increase sustainability; it includes an existing practices and opportunities assessment that illustrates the feasibility, cost, and benefit of various sustainability efforts as well as a timeline for the City to develop and implement policies or ordinances related to increased sustainability. The CAP represents further implementation of SAP goals, and includes emissions inventories, forecasts, and emissions reduction measures that can be implemented by the City.

Many reduction measures from the SAP and CAP have already been implemented as well; continuing measures with an implementation timeframe beyond 2020 include:

- Incorporation of the Bike Lane Street Design from the San Clemente Bicycle and Pedestrian Master Plan;
- Continued implementation of the voluntary Energy Efficiency Conservation Policy to retrofit an additional 5 percent of homes and non-residential buildings to achieve 30 percent greater energy efficiency (increasing from 10 to 15 percent) by 2030;
- Promotion of solar water heating incentive programs from the California Solar Initiative; and,
- Implementation of the Waste Diversion Ordinance which requires 90 percent solid waste diversion by 2030 (up from 75 percent in 2020).

##### b. South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) is the agency responsible for air quality planning and regulation in the South Coast Air Basin (Basin). The SCAQMD addresses the impacts to climate change of projects subject to SCAQMD permit as a lead agency if they are the only agency having discretionary approval for the project and acts as a responsible agency when a land use agency must also approve discretionary permits for the project. The SCAQMD acts as an expert commenting agency for impacts to air quality. This expertise carries over to GHG emissions, so the agency helps local land use agencies through the development of models and emission thresholds that can be used to address GHG emissions.



- Project Boundary
- Arterial Roadways
- Vacant and Underutilized Sites
- Potential Rezone Sites
- High Quality Transit Areas
- Neighborhood Mobility Area
- Job Centers

FIGURE 4.6-1

SCAG Priority Growth Areas

In 2008, SCAQMD formed a Working Group to identify GHG emissions thresholds for land use projects that could be used by local lead agencies in the Basin. The Working Group developed several different options that are contained in the SCAQMD Draft Guidance Document – *Interim CEQA GHG Significance Thresholds for Stationary Sources, Rules, and Plans*, that could be applied by lead agencies. The working group met again in 2010 to review the guidance. The SCAQMD Board has not approved the thresholds; however, the Guidance Document provides substantial evidence supporting the approaches to significance of GHG emissions that can be considered by the lead agency in adopting its own threshold. The current interim thresholds consist of the following tiered approach (SCAQMD 2008, 2010):

Tier 1 – The project is exempt from the California Environmental Quality Act (CEQA).

Tier 2 – The project is consistent with an applicable regional GHG emissions reduction plan. If a project is consistent with a qualifying local GHG reduction plan, it does not have significant GHG emissions.

Tier 3 – Project GHG emissions represent an incremental increase below or mitigated to less than significance screening levels, where:

- Residential/Commercial Screening Level
  - Option 1: 3,000 MT CO<sub>2</sub>E screening level for all residential/commercial land uses
  - Option 2: Screening level thresholds for land use type acceptable if used consistently by a lead agency:
    - Residential: 3,500 MT CO<sub>2</sub>E
    - Commercial: 1,400 MT CO<sub>2</sub>E
    - Mixed-Use: 3,000 MT CO<sub>2</sub>E
- 10,000 MT CO<sub>2</sub>E is the Permitted Industrial Screening Level

Tier 4 – The project achieves performance standards, where performance standards may include:

- Option 1: Percent emission reduction target. SCAQMD has no recommendation regarding this approach at this time.
- Option 2: The project would implement substantial early implementation of measures identified in the CARB's Scoping Plan. This option has been folded into Option 3.
- Option 3: SCAQMD Efficiency Targets:
  - 2020 Targets: 4.8 MT CO<sub>2</sub>E per service population (SP) for project-level analyses or 6.6 MT CO<sub>2</sub>E per SP for plan level analyses where service population includes residential and employment populations provided by a project.
  - 2035 Targets: 3.0 MT CO<sub>2</sub>E per SP for project-level analyses or 4.1 MT CO<sub>2</sub>E per SP for plan level analyses.



Tier 5 – Offsets along or in combination with the above target significance screening level. Offsets must be provided for a 30-year project life, unless the project life is limited by permit, lease, or other legally binding condition.

If a project complies with any one of these tiers, its impacts related to GHG emissions would be considered less than significant.

The SCAQMD's interim thresholds used the Executive Order S-3-05 year 2050 goal as the basis for the Tier 3 screening level. Achieving the EO's objective would contribute to worldwide efforts to cap CO<sub>2</sub> concentrations at 450 parts per million, thus stabilizing global climate.

### c. City of San Clemente Municipal Code (SCMC)

#### *Chapter 17.76 Trip Reduction and Travel Demand Management*

The City's Travel Demand Management Ordinance applies to all discretionary commercial, industrial, and mixed-use development projects that are estimated to employ a total of 100 or more persons. Refer to Section 4.13.2.3 of this PEIR for additional details about this regulation.

### d. City of San Clemente General Plan

The purpose of the Mobility and Complete Streets Element of the City's General Plan is to create a comprehensive, multimodal transportation system that provides all users with safe connections to homes, commercial centers, job centers, schools, community centers, open spaces, recreation areas and visitor destinations.

**GOAL:** Create a balanced transportation network that provides mobility and access for all modes of travel, including motor vehicles, transit, bicyclists, pedestrians, and rail traffic.

#### **Policies:**

**M-101.a Roadway System.** We require the City's roadways to accommodate public transit, motor vehicles, bicyclists, skateboarders and pedestrians within the public right-of-way wherever feasible

**M-1.02. Transportation Infrastructure.** Traffic control devices and transportation infrastructure operate to serve the needs of all roadway users, including motorists, public transit, pedestrians and cyclists.

**M-1.04. Level of Service.** When the City determines there is a suitable tool available, we will measure and evaluate roadway performance from a multimodal, Complete Streets perspective.

**M-1.06. Intersection Improvements.** We evaluate impacts of intersection improvements on all modes of travel, including bicyclists, pedestrians, and transit.

**M-1.07. Driveway Access Points.** We require the number of driveway access points onto arterial roadways to be minimized and located to ensure the smooth and safe flow of vehicles and bicycles.

**M-1.09. Transportation Mode Choice.** We actively work to reduce automobile use and improve the efficiency of the roadways based on locally collected data and on goals set through a collaborative process involving City staff, residents and other stakeholders.

**M-1.13. Design Integration.** City supports development that is designed and/or retrofitted to incorporate, and be efficiently served by, public transit, pedestrian and bicycle facilities

**M-1.17. Alternative Paving Treatments.** We support the use of alternate paving materials for public streets, highways, rail beds and other transportation corridors where they can help achieve other General Plan goals, such as noise reduction, beautification, and improved fuel efficiency.

**M-1.19. Traffic Calming.** We design the circulation system serving new developments, and retrofit existing streets, where feasible, to control traffic speeds and maintain safety in all residential neighborhoods, in accordance with the City's Street Design Standards and Traffic Calming Manual.

**M-1.20. Street Redesign.** We seek opportunities to redesign streets so that they are compatible with the surrounding neighborhood context and the Community's vision of the future, and only consider street widening or intersection expansions after considering multi-modal alternative improvements to non-automotive facilities

**M-1.21. Regional Transportation Demand Management (TDM).** We support regional efforts by the South Coast Air Quality Management District (AQMD), OCTA, and other agencies to maintain and expand regional programs designed to reduce commuting by single driver automobiles.

**M-1.22. TDM Financial Incentives.** We encourage businesses to offer financial incentives to their employees, including subsidized transit, carpool/vanpool programs, bike-to-work programs, parking cash-out programs, or a combination of incentives.

**M-1.23. Telecommuting.** We support the use of private "tele-work" centers, satellite offices, or other forms of virtual work environments.

**M-1.24. TDM in Development Review.** We encourage on-site features in all new non-residential developments that support Transportation Demand Management (TDM). Potential features may include preferred rideshare parking, car sharing vehicles, on-site food service and exercise facilities.

**GOAL:** Create an interconnected network of bicycle, pedestrian, skateboard, rail and transit facilities that encourage non-automotive travel.

**Policies M-2.01 through M-2.54.** This section of the Mobility and Complete Streets Element includes a number of policies intended to support a transportation system that meets all users' needs including bicycle, pedestrian, rail and public transit facilities.

**GOAL:** Create a balanced transportation system that facilitates safe travel by all modes of travel.

**Policies M-3.01 through M-3.03.** This section of the Mobility and Complete Streets Element includes a number of policies intended to encourage safe transportation facilities for all modes, using a combination of roadway improvements, urban design strategies, quality bicycle and pedestrian facilities, education/awareness programs and traffic code enforcement.

**GOAL:** Create a circulation-driven parking system which provides an appropriate level of multi-modal parking and helps reduce traffic congestion.

**Policies M-4.01 through M-4.06.** This section of the Mobility and Complete Streets Element includes a number of policies related to parking. The location, design and availability can influence travel choices. For example, reducing the level of available parking has been shown to reduce vehicle travel and increase biking, walking, and transit use. To strike a balance between the provision of adequate parking to meet residential and business needs and the goal of improving non-motorized travel options, San Clemente strives to provide an appropriate level of "right-sized" parking facilities.

### 4.6.3 Significance Determination Thresholds

Consistent with Appendix G of the CEQA Guidelines, impacts related to GHG emissions would be significant if the project would:

- 1) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
- 2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

The GHG emissions of individual projects do not generate sufficient GHG emissions to have a substantial effect on global climate change (South Coast Air Quality Management District 2008; San Joaquin Valley Air Pollution Control District 2009). However, continued development may contribute to the cumulative global accumulation of GHG emissions that could result in an adverse effect on the current climate. In the context of CEQA, "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective" (CAPCOA 2008). While the geographic extent of the cumulative contributions to GHGs and climate change is worldwide, relating the contribution of a single project to cumulative global emissions marginalizes project impacts. This makes it difficult to assess the significance of a single project, particularly one designed to accommodate anticipated population growth.

When determining appropriate GHG significance thresholds for CEQA, the CEQA Guidelines allow lead agencies to develop their own significance threshold and/or to consider thresholds of significance adopted or recommended by other public agencies, or recommended by experts, provided the thresholds are supported by substantial evidence. The City has not adopted its own GHG significance thresholds for CEQA and there are no state-mandated GHG reduction targets for individual jurisdictions.

AB 32 directs CARB to develop and implement plans to reduce statewide GHG emissions to 1990 levels by 2020. Additionally, EO S-3-05 and EO B-30-15 provide targets for 2050 and 2030, respectively. While not codified, EO B-30-15 identifies an interim GHG emission reduction goal of reducing statewide GHG emissions 40 percent below 1990 levels by 2030.

As discussed in Section 4.6.2.3(b), the SCAQMD developed several different significance thresholds that are contained in the SCAQMD Draft Guidance Document – *Interim CEQA GHG Significance Thresholds for Stationary Sources, Rules, and Plans*, that could be applied by lead agencies. For projects that are not exempt or where no qualifying GHG reduction plans are directly applicable, SCAQMD requires an assessment of GHG emissions. SCAQMD is proposing a “bright-line” screening-level threshold of 3,000 MT CO<sub>2</sub>E annually for all land use types or the following land-use-specific thresholds: 1,400 MT CO<sub>2</sub>E for commercial projects, 3,500 MT CO<sub>2</sub>E for residential projects, or 3,000 MT CO<sub>2</sub>E for mixed-use projects. These bright-line thresholds are based on a review of the Governor’s Office of Planning and Research database of CEQA projects. Based on their review of 711 CEQA projects, 90 percent of CEQA projects would exceed the bright-line thresholds identified above. Therefore, at the project level, projects that do not exceed the bright-line threshold would have a nominal, and therefore less than cumulatively considerable impact on GHG emissions.

Per CARB, local actions—such as general plans and climate action plans—are essential tools for the State to meet its GHG emission reduction goals. At the plan level, according to the Scoping Plan, local agencies should target total emissions of no more than six MT CO<sub>2</sub>e per capita per year by 2030 and no more than two MT CO<sub>2</sub>e per capita by 2050 to be consistent with the 2017 Scoping Plan and the state’s long-term goals.

## 4.6.4 Methodology

For informational purposes, GHG emissions associated with the project were quantified. Emission estimates were calculated for the three GHGs of primary concern (CO<sub>2</sub>, CH<sub>4</sub> and N<sub>2</sub>O) that would be emitted from construction and the five primary operational sources that would be associated with project buildout: mobile sources, energy use, area sources, water use and solid waste disposal. The CARB’s EMFAC2021 model was used to calculate transportation emissions, and CalEEMod 2016.3.2 (CAPCOA 2017) was used to calculate GHG emissions associated with energy use, area sources, water use and solid waste disposal. As project-level details are not available at this time, operational emissions estimates are generally based on default operational parameters for mid-rise apartments and retail uses. The parameters, such as the energy use, water use, solid waste generation, etc. are based on surveys performed by SCAQMD. Appendix B contains the modeling parameters and detailed model outputs.

### 4.6.4.1 Transportation

Vehicle traffic is the main source of emissions in the City. Regional mobile-source emissions were estimated based on CARB’s Emission Factor model (EMFAC2021; CARB 2021) and the vehicle miles traveled (VMT) for the project (CR Associates 2021). The City generates 2,171,399 VMT in the existing condition, and buildout of the existing zoning and land use designations would generate 2,207,178 VMT. In comparison, buildout of the project would generate 2,427,974 VMT, which would be greater than buildout of the existing zoning and land use designations. This increase is due to the increase

in housing development potential associated with the project and represents maximum buildout potential under the project. The transportation analysis also calculated that the resident-based VMT with buildout of the project would be 29.5 VMT per capita. Multiplying this by the projected population increase of 5,954 results in a total project-related VMT of 175,643 miles.

#### 4.6.4.2 Energy

GHGs are emitted as a result of activities in buildings for which electricity and natural gas are used as energy sources. GHGs are emitted during the generation of electricity from fossil fuels off-site in power plants. These emissions are considered indirect but are calculated in association with a building's overall operation. Electric power generation accounts for the second largest sector contributing to both inventoried and projected statewide GHG emissions. Combustion of fossil fuel emits criteria pollutants and GHGs directly into the atmosphere. When this occurs in a building, it is considered a direct emissions source associated with the building. CalEEMod estimates emissions from the direct combustion of natural gas for space and water heating.

CalEEMod estimates GHG emissions from energy use by multiplying average rates of residential and non-residential energy consumption by the quantities of residential units and non-residential square footage entered in the land use module to obtain total projected energy use. This value is then multiplied by electricity and natural gas GHG emission factors applicable to the project location and utility provider.

Energy consumption values are based on the CEC sponsored California Commercial End Use Survey and Residential Appliance Saturation Survey studies, which identify energy use by building type and climate zone. Because these studies are based on older buildings, adjustments have been made in CalEEMod to account for changes to Title 24 Building Codes. As discussed, the 2019 Title 24 energy code is the current version of the code, and will result in increased energy efficiency compared to the previous version of the code. However, as a conservative analysis, GHG emissions were calculated assuming the default 2016 Title 24 energy code standards.

#### 4.6.4.3 Area Source

Area sources include GHG emissions that would occur from the use of landscaping equipment. The use of landscape equipment emits GHGs associated with the equipment's fuel combustion. The landscaping equipment emission values were derived from the 2011 In-Use Off-Road Equipment Inventory Model (CARB 2011).

#### 4.6.4.4 Water and Wastewater

The amount of water used and wastewater generated by a project has indirect GHG emissions associated with it. These emissions are a result of the energy used to supply, distribute, and treat the water and wastewater. In addition to the indirect GHG emissions associated with energy use, wastewater treatment can directly emit both CH<sub>4</sub> and N<sub>2</sub>O.

The indoor and outdoor water use consumption data for each land use subtype comes from the Pacific Institute's Waste Not, Want Not: The Potential for Urban Water Conservation in California

2003 (as cited in CAPCOA 2017). Based on that report, a percentage of total water consumption was dedicated to landscape irrigation, which is used to determine outdoor water use. Wastewater generation was similarly based on a reported percentage of total indoor water use (CAPCOA 2017).

#### 4.6.4.5 Solid Waste

The disposal of solid waste produces GHG emissions from anaerobic decomposition in landfills, incineration, and transportation of waste. To calculate the GHG emissions generated by disposing of solid waste for the project, the total volume of solid waste was calculated using waste disposal rates identified by California Department of Resources Recycling and Recovery (CalRecycle). The methods for quantifying GHG emissions from solid waste are based on the Intergovernmental Panel on Climate Change method, using the degradable organic content of waste. GHG emissions associated with the project's waste disposal were calculated using these parameters.

#### 4.6.4.6 Construction

Construction activities emit GHGs primarily through combustion of fuels (mostly diesel) in the engines of off-road construction equipment and through combustion of diesel and gasoline in on-road construction vehicles and the commute vehicles of the construction workers. Smaller amounts of GHGs are also emitted through the energy use embodied in water use for fugitive dust control.

Every phase of the construction process, including demolition, grading, paving, and building, emits GHGs in volumes directly related to the quantity and type of construction equipment used when building the project. GHG emissions associated with each phase of project construction are calculated by multiplying the total fuel consumed by the construction equipment and worker trips by applicable emission factors. The number and pieces of construction equipment are calculated based on the project-specific design. In the absence of project-specific construction information, equipment for all phases of construction is estimated based on the project size.

The exact number and timing of all development projects that could occur under project buildout are unknown. As such, construction-related emissions cannot be accurately determined at the program level of analysis. However, construction emissions were calculated using CalEEMod default construction equipment, phasing, and duration assuming total buildout of the project. Based on guidance from the SCAQMD, total construction GHG emissions resulting from a project should be amortized over 30 years and added to operational GHG emissions to account for their contribution to GHG emissions over the lifetime of a project (SCAQMD 2009).

### 4.6.5 Issue 1: GHG Emissions

*Would the project result in GHG emissions that may have a significant impact on the environment?*

#### 4.6.5.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's Regional Housing Needs Assessment (RHNA) allocation obligations for the 6th Cycle Housing Element Update. As the Safety

Element update is a policy document that does not have the potential to add growth or population to the City, it would not generate GHG emissions and impacts related to the Safety Element would be less than significant. The purpose of the Housing Element update is to provide additional housing opportunities consistent with the RHNA. Because implementation of the Housing Element would ultimately result in increased density on sites that are currently developed as well as the development of parcels that are currently vacant, GHG emissions would increase upon project implementation. Approval of the project would not specifically permit the construction of an individual project, and no specific development details are available at this program level of analysis. For the purposes of this analysis, emissions were calculated for buildout of the project. The results are summarized in Table 4.6-4.

Source	Annual GHG Emissions (2045)
Vehicles	105,389
Energy	9,275
Area	43
Water	1,964
Waste	1,192
Construction (amortized over 30 years)	87
<b>TOTAL</b>	<b>117,950</b>
Project Population	5,954
Emissions per Capita	19.8

As shown, buildout of the project would result in annual GHG emissions of 117,950 MT CO<sub>2</sub>E, or 19.8 MT CO<sub>2</sub>E per capita which would exceed the recommended 2017 Scoping Plan efficiency thresholds. While the project would result in an increase in GHG emissions, climate change is occurring on a global scale; therefore, it is not possible to quantify the true effect of new GHG emissions caused by a single project or whether a project's net increase in GHG emissions, when combined with other activities in the region, is cumulatively considerable. GHG emissions would be expected to decrease over the life of the Housing Element as compared to existing conditions due to the fact that mobile emissions would decrease over time due to a more fuel-efficient vehicle fleet mix in the project area over the life of Housing Element implementation. When compared to the no project scenario, the project would result in an increase in GHG emissions due to the fact that the Housing Element proposes an increase in land use density at potential rezone sites which would involve emissions associated with energy and water use, waste generation, and an increase in VMT. Table 4.6-5 summarizes the results of the VMT analysis.

Scenario	Home-Based VMT per Capita	Total VMT
Existing (2016)	30.0	2,171,399
Existing Zoning and Land Use Designations (2045)	28.9	2,207,178
Proposed Project (2045)	29.5	2,427,974
SOURCE: Appendix B.		

In addition to the full buildout analysis provided above, an additional analysis is provided for informational purposes, that considers the likely emissions from a hypothetical project consisting of approximately 270 multi-family units. This was analyzed in order to consider potential project-level construction and operational impacts of development of a larger housing site in order to illustrate the high-end of future potential emissions for a specific project. Construction impacts include emissions associated with site grading/preparation, utilities installation, construction of a building, and paving. Operational impacts include emissions associated with the long-term operation project, including traffic, at full build-out. GHG emissions were calculated using CalEEMod defaults.

The hypothetical project would generate an estimated total of approximately 668 MT CO<sub>2</sub>E emissions during construction. The SCAQMD recommends amortizing construction emissions over a period of 30 years to estimate the contribution of construction emissions to operational emissions over the project lifetime. Amortized over 30 years, the construction of the project will generate approximately 22 MT CO<sub>2</sub>E on an annualized basis.

Based on the results of the CalEEMod calculations, the hypothetical project would generate a total of 2,467 MT CO<sub>2</sub>E emissions annually from operations. By adding the amortized construction emissions results with the operational annual emissions, the project will produce 2,489 MT CO<sub>2</sub>E annually. This cumulative level is below the SCAQMD's recommended Tier 3 threshold of 3,000 MT CO<sub>2</sub>E emissions for residential and commercial land uses. Therefore, the hypothetical project would not be expected to have a significant cumulative impact on GHG emissions.

As detailed in Table 4.6-5 and in the CalEEMod model outputs (see Appendix B), at buildout in 2045 the Housing Element sites inventory would generate an increase in GHG emissions. Although annual GHG emissions associated with development at the Housing Sites would continue to decline over the life of the project as a result of federal, state, and local implementation measures, such as increased fuel efficiency standards and requirements to increase the mix of renewable energy sources in accordance with the state's RPS mandate, emissions increases would be significant.

Future discretionary development at the Housing Sites would be reviewed for conformance with Mobility and Complete Streets Element Policies discussed in Section 4.6.2.3 above. Implementation of these policies would reduce VMT throughout the City. Specifically, Mobility Element Policy 1.21, calls for the use of TDM measures to reduce single-occupant vehicles, and encourage alternative modes of transportation such as biking, walking, or taking transit. Incorporation of General Plan policies and CAP measures into future development projects would contribute to reduced GHG emissions associated with buildout of the project. Goals and policies included in the General Plan and CAP would facilitate continued City cooperation with SCAQMD and SCAG to achieve regional air quality improvement/GHG reduction goals, promotion of energy conservation design and development techniques, encouragement of alternative transportation modes, and implementation of transportation demand management strategies. Applicable mixed-use development that employs 100 or more persons would also be subject to the City's Trip Reduction and TDM Ordinance (SCMC Chapter 17.76).

Additionally, the Housing Element includes a goal for energy conservation in residential developments as part of its Housing Action Plan. As part of this program, the City is committed to promoting sustainable design policies, standards and codes that result in attractive, energy efficient



neighborhoods. The City would continue to implement its Sustainability Action Plan which includes a series of sustainable Urban Design targets and actions and would continue to promote resident participation of Property Assessed Clean Energy (PACE) programs.

#### 4.6.5.2 Significance of Impacts

The adoption of the Housing Element sites inventory would result in an increase in GHG emissions that exceed the 2017 Scoping Plan efficiency metrics and would result in an increase in VMT, resulting in a significant impact. While future discretionary housing development will undergo a future site-specific environmental review that would identify specific measures to reduce GHG emissions to the extent feasible, implementation of specific measures is not guaranteed to reduce the significance of impacts. Further, ministerial development would not be subject to a future discretionary review. Despite the City's continued implementation of the CAP and SAP, impacts related to GHG emissions would be significant.

#### 4.6.5.3 Mitigation Framework

To minimize potentially significant impacts related to GHG emissions associated with future ministerial development at the Housing Sites, the following mitigation measure would be implemented by the City.

**GHG-1:** Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone to ensure a reduction in GHG emissions. Objective standards shall include but are not limited to implementation of applicable General Plan polices that would support energy efficiency and multi-modal transportation improvements (e.g., NR-6.02, NR-6.10, M-1.13, M-1.22, M-1.24, M-2.10, M-2.11, and M-2.12) implementation of applicable CAP and/or SAP measures, implementation of TDM measures, and/or providing energy efficiency in exceedance of existing codes.

#### 4.6.5.4 Significance After Mitigation

No additional measures beyond compliance with existing General Plan policies, SCMC, and continued implementation of the City's CAP and SAP are available that would reduce impacts associated with GHG emissions for discretionary projects. Implementation of mitigation measure GHG-1 would support GHG reductions for future ministerial development, but the effectiveness of measures to reduce GHG emissions to below applicable thresholds cannot be known at this program level of review. Impacts would remain significant and unavoidable.

## 4.6.6 Issue 2: Policies, Plans, and Regulations Intended to Reduce GHG Emissions

*Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?*

### 4.6.6.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's RHNA allocation obligations for the 6th Cycle Housing Element Update. As the Safety Element update is a policy document that does not have the potential to add growth or population to the City, it would not generate GHG emissions and would not conflict with plans, policies or regulations intended to reduce GHG emissions. The Safety Element includes a discussion of adaptation strategies related to climate change that would support City efforts to plan for the effects of climate change. Impacts related to the Safety Element would be less than significant.

The following analysis is based on whether development at the Housing Sites would conflict with policies, plans, or regulations adopted for the purposes of reducing the emissions of GHG, thereby creating a condition in which in the policy, plan, or regulation would not be implemented and the goals cannot be achieved.

#### a. State Plans

EO S-3-05 establishes GHG emission reduction targets for the state, and AB 32 launched the Climate Change Scoping Plan that outlines the reduction measures needed to reach these targets. CARB adopted the 2017 Scoping Plan which provided an updated framework for actions to reduce statewide GHG emissions. The 2017 Scoping Plan builds on existing programs and requires CARB and other state agencies to adopt regulations and incentives to reduce GHG emissions. As such, the Scoping Plan is not directly applicable to City planning efforts and projects, although there are several regulatory measures aimed at the identification and reduction of GHG emissions.

Most of these regulatory measures focus on area source emissions (e.g., energy usage, high-global warming-potential GHGs in consumer products) and changes to the vehicle fleet (e.g., more fuel-efficient vehicles, reduced VMT, fuel economy). This includes EO N-19-19 that redoubles the State's efforts to lower GHG emissions specifically through VMT reductions. Out of the recommended actions contained in CARB's Scoping Plan, the actions that are most applicable to the proposed project would be those that are aimed at efficiency of utilities, and adoption of more stringent building and appliance standards.

As noted in Section 2.6.2.2(d), the 2017 Scoping Plan identifies state strategies for achieving the state's 2030 interim GHG emissions reduction target codified by SB 32. Measures under the 2017 Scoping Plan scenario build on existing programs such as the Low Carbon Fuel Standard, Advanced Clean Cars Program, RPS, Sustainable Communities Strategy, Short-Lived Climate Pollutant Reduction Strategy, and the Cap-and-Trade Program. The project would comply with all applicable

provisions contained in the 2017 Scoping Plan since the adopted regulations would apply to new development or the emission sectors associated with new development.

- **Transportation** – State regulations and 2017 Scoping Plan measures that would reduce the project’s mobile source emissions include the California Light-Duty Vehicle GHG Standards (AB 1493/Pavley I and II), the Low Carbon Fuel Standard, and the heavy-duty truck regulations. These measures are implemented at the state level and would result in the reduction of project-related mobile source GHG emissions associated with the project.
- **Energy** – State regulations and 2017 Scoping Plan measures that would reduce the project’s energy-related GHG emissions include RPS, Title 24 Energy Efficiency Standards, and CALGreen. The project would be served by San Diego Gas & Electric (SDG&E), which has achieved 44 percent renewables as of 2017. The project’s energy related GHG emissions would decrease as SDG&E increases its renewables procurement beyond 2020 towards the 2030 goal of 60 percent. Additionally, future development would be constructed in accordance with energy efficiency standards effective at the time building permits are issued. The current 2019 Energy Code will result in more energy efficient development compared previous versions of the Energy Code and requires that solar photovoltaic systems be installed on all residential development.
- **Water** – State regulations and 2017 Scoping Plan measures that would reduce the project’s electricity consumption associated with water supply, treatment, and distribution, and wastewater treatment include RPS, CALGreen, and the Model Water Efficient Landscape Ordinance. The project would be required to reduce indoor water consumption by 20 percent in accordance with CALGreen. Additionally, the project would be subject to all City landscaping ordinance requirements.
- **Waste** – State regulations and 2017 Scoping Plan measures that would reduce the project’s solid waste-related GHG emissions are related to landfill methane control, increased efficiency of landfill methane capture, and high recycling/zero waste. The project would be subject to CALGreen, which requires a diversion of construction and demolition waste from landfills. Additionally, the project would include recycling storage and would divert waste from landfills in accordance with AB 341.

Future housing development implemented under the proposed project would require compliance with the State Building Code energy efficiency and applicable green building standards. Additionally, development plans would be reviewed at project intake to ensure the inclusion of all applicable energy efficiency and applicable green building requirements of the applicable building and energy codes.

However, as discussed above, the adoption of the Housing Element sites inventory would result in an increase in GHG emissions that exceed the 2017 Scoping Plan efficiency metrics and an increase in VMT. Although future development would generally be consistent with Scoping Plan measures, because GHG emissions would exceed the recommended efficiency thresholds, impacts would be significant.

## **b. Sustainable Communities Strategy**

The project would increase the City's housing potential in line with RHNA allocations. As discussed in Section 4.6.5.3, future discretionary development would be reviewed for conformance with Mobility and Complete Streets Element Policies 1.01 through 1.16, 1.19 through 1.25, 2.01 through 2.54, 3.01 through 3.07, and 4.07. Implementation of these policies would reduce VMT throughout the City. Goals and policies included in the General Plan and CAP would facilitate continued City cooperation with SCAQMD and SCAG to achieve regional air quality improvement/GHG reduction goals.

As shown in Figure 4.6-1, a majority of Housing Sites are located in growth priority areas identified by SCAG including high-quality transit areas, neighborhood mobility areas, and job centers. A number of vacant and underutilized sites have been selected along El Camino Real near the San Clemente Metrolink Station, a High Quality Transit Area identified by SCAG. Housing Sites have been largely selected to align with goals of SCAG's Connect SoCal by siting housing in proximity to City job centers and commercial areas and locating sites within walking distance to transit, neighborhood mobility areas, and within walking distance to San Clemente's High Quality Transit Areas. However, because the project would result in an increase in per capita VMT, the project would potentially conflict with Connect SoCal.

## **c. City of San Clemente Centennial General Plan**

The City's current general plan addresses GHG emissions reductions goals in the Natural Resources Element, specifically Policy NR-5.03, *Greenhouse Gases (GHG) Emissions Reductions*. This policy states that the City will strive to reduce GHG emissions via the implementation of the Climate Action Plan, discussed below.

## **d. City of San Clemente Climate Action Plan**

The City of San Clemente has adopted a CAP which sets GHG reduction targets for the City to achieve. Additionally, the CAP includes measures for the City to implement in support of achieving the reduction targets. The City's CAP would ensure that GHG emissions from buildout of the proposed General Plan would be minimized. However, additional statewide measures would be necessary to reduce GHG emissions under the proposed General Plan to meet the long-term GHG reduction goals under EO S-03-05, which identified a goal to reduce GHG emissions to 80 percent of 1990 levels by 2050. CARB is currently updating the Scoping Plan to identify additional measures to achieve the long-term GHG reduction targets. At this time, there is no plan past 2020 that achieves the long-term GHG reduction goal established under EO S-03-05. As identified by the California Council on Science and Technology, the state cannot meet the 2050 goal without major advancements in technology. Since no additional statewide measures are currently available, this impact would remain significant and unavoidable as the GHG analysis discussed above would lead to an increase in GHG emissions compared to buildout of adopted land uses.

### 4.6.6.2 Significance of Impacts

As shown, development at the Housing Sites would increase GHG emissions and VMT in the City. Because of this and the resultant conflict with GHG emissions reduction plans detailed above, impacts would be significant. While future discretionary housing development will undergo a future site-specific environmental review that would identify specific measures to reduce GHG emissions to the extent feasible, implementation of specific measures is not guaranteed to reduce the significance of impacts and policy inconsistencies would remain. Further, ministerial development would not be subject to a future discretionary review. Despite the City's continued implementation of the CAP and SAP, impacts related to GHG emissions would be significant.

### 4.6.6.3 Mitigation Framework

To minimize potentially significant impacts related to GHG emissions associated with future ministerial development at the Housing Sites and increase policy consistency, mitigation measure GHG-1, described in Section 4.6.5.3, would be implemented.

### 4.6.6.4 Significance After Mitigation

No additional measures beyond compliance with existing General Plan policies, SCMC, and continued implementation of the City's CAP and SAP are available that would reduce impacts associated with GHG emissions for discretionary projects. Implementation of GHG-1 would support GHG reductions for future ministerial development, but the effectiveness of measures to reduce GHG emissions and increase policy consistency to below applicable thresholds cannot be known at this program level of review. Impacts would remain significant and unavoidable.

## 4.7 Hazards and Hazardous Materials

This section analyzes potentially significant impacts related to hazards and hazardous materials that could result from implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." The section focuses on potential hazards caused by the routine transport, use, storage, or disposal of hazardous materials; the potential release of hazardous materials into the environment; and the potential to emit hazardous emissions or handle hazardous materials within one-quarter mile of a school; and wildfires. The section also addresses potential impacts associated with development with hazardous materials waste sites.

### 4.7.1 Existing Conditions

#### 4.7.1.1 Hazardous Materials

Like most cities, hazardous materials are used throughout the City for a variety of purposes including manufacturing, service industries, various small businesses, medical uses, schools, and households. San Clemente's industrial and manufacturing uses contribute to the City's prosperity. However, these uses can pose hazards related to the use and storage of toxic materials and the creation of toxic waste as byproducts. The storage, transportation, and disposal of these materials are sensitive processes. Accidents can occur in the production, use, transport, and disposal of these hazardous materials. The probability of accidental spills is accentuated by the fact that the region is susceptible to earthquakes. The transportation of hazardous materials is of particular concern due to the rail route and Interstate 5, a major north-south corridor for California. Figure S-7 of the City's Safety Element shows the numerous businesses and facilities that have some type of hazardous material use, storage, or transport and are registered with one of several agencies that track and provide oversight for such facilities.

#### 4.7.1.2 Hazardous Materials Sites

##### a. Hazardous Waste and Substances Sites (EnviroStor Database)

The State of California Hazardous Waste and Substances Site List (also known as the Cortese List) is a planning document used by state and local agencies to comply with the California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials sites. The California Department of Toxic Substances Control (DTSC) is responsible for preparing a portion of the information that comprises the Cortese List, through its EnviroStor database of sites listed pursuant to Section 25256 of the Health and Safety Code. This includes a listing of hazardous substance release sites selected for, and subject to, a response action. EnviroStor must update the list of sites at least annually to reflect new information regarding previously listed sites or the addition of new sites requiring a response action.

## b. Underground Storage Tanks (GeoTracker Database)

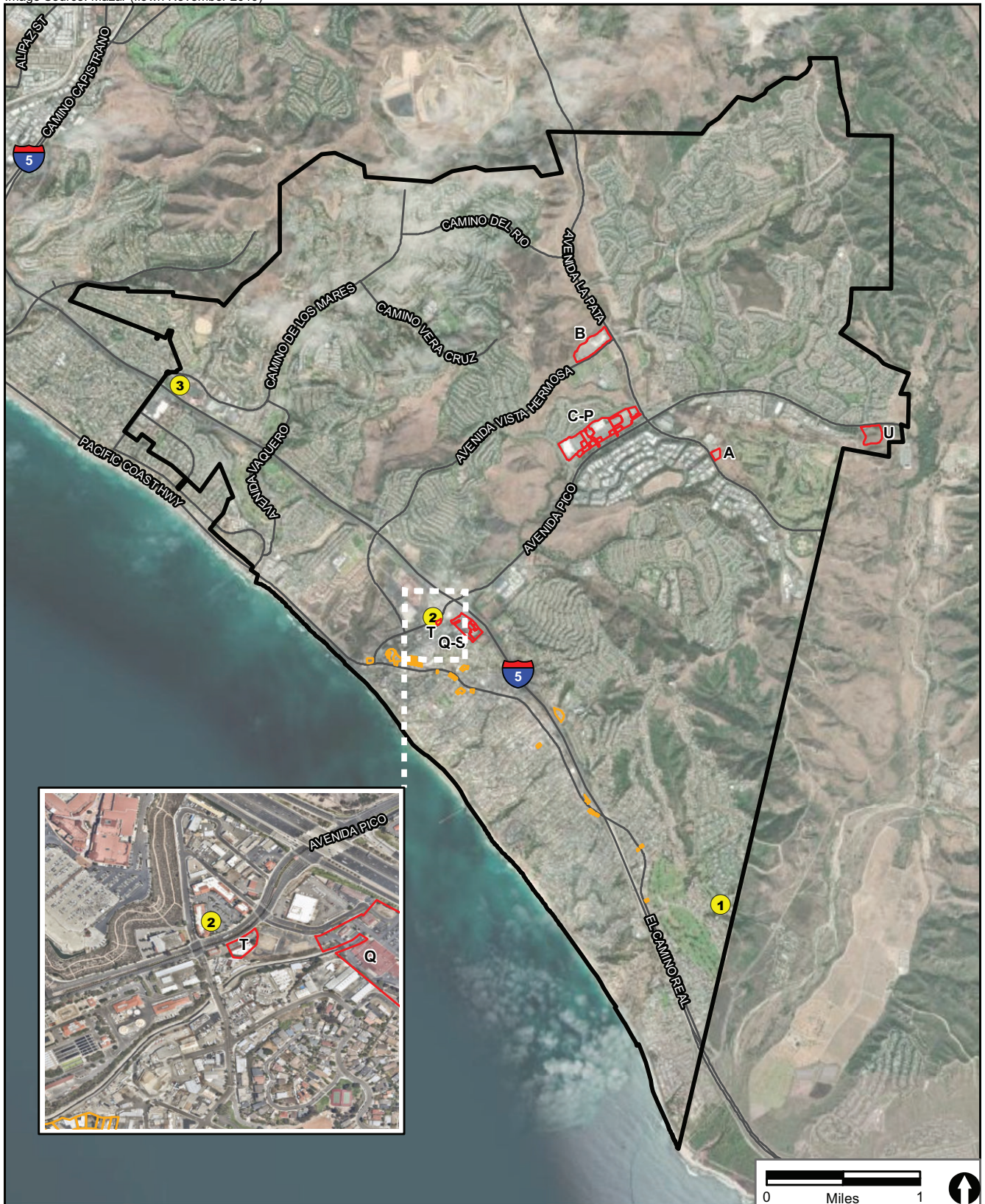
The GeoTracker database is the State Water Resources Control Board (SWRCB) data management system for managing sites that impact groundwater, especially those that require groundwater cleanup (leaking underground storage tanks [LUSTs], Department of Defense, Site Cleanup Program) as well as permitted facilities such as operating underground storage tanks (USTs) and land disposal sites.

LUSTs are a significant source of petroleum impacts to groundwater and can also result in potential threats to health and safety. The SWRCB records soil and/or groundwater contamination caused by LUSTs in its GeoTracker database.

## c. Database Search Results

An environmental database record search was completed for the City and within ¼ mile from the city-limits in June 2021. Using the EnviroStor and GeoTracker databases, three open cases were identified with locations within the City. Table 4.7-1 lists the hazardous materials sites that are currently open, or under ongoing investigation or monitoring. Figure 4.7-1 shows these sites mapped within the City.

Table 4.7-1 List of Hazardous Sites		
#	Source Database	Site Description
1	SWRCB GeoTracker	San Clemente Burn Dump Vista Bahia Park Former municipal waste burn dump. This site is open only due to ongoing monitoring. Potential soil contamination includes copper, lead, other metal, and polynuclear aromatic hydrocarbons (PAHs). GeoTracker (ca.gov)
2	Envirostor	Former Reeves Rubber Inc at 415 Avenida Pico Active Voluntary cleanup case Since 1989, the site has been occupied by the Pico Pavilion Shopping Center (Pico Pavilion). Environmental assessment activities have identified a vapor intrusion concern. A Voluntary Cleanup Agreement was finalized with DTSC on March 13, 2019. Fieldwork to conduct supplemental Investigation is scheduled to include soil gas sampling and indoor air screening. EnviroStor (ca.gov)
3	Envirostor Database	Plaza by the Sea at 616 Camino de los Mares Active Voluntary cleanup case Environmental investigations conducted in 2017 indicated that the Site has been occupied by dry cleaning operations since 1980 and that chlorinated volatile organic compounds (VOCs), predominantly tetrachloroethene (PCE), are present in soil gas in the vicinity of the dry cleaner's adjoining sanitary sewer. Prior environmental investigations did not identify contamination in soil or groundwater. Two rounds of indoor air sampling was conducted. EnviroStor (ca.gov)
SOURCE: DTSC 2021, SWRCB 2021.		



- Project Boundary
- Arterial Roadways
- Vacant and Underutilized Sites
- Potential Rezone Sites
- 1 San Clemente Burn Dump (SWRCB GeoTracker)
- 2 Former Reeves Rubber Inc. (Envirostor)
- 3 Plaza by the Sea, Former Dry Cleaner (Envirostor)

FIGURE 4.7-1  
Hazardous Materials Sites



## d. Older Structures

Hazardous materials are commonly found in the building materials of structures, including residential structures, built prior to approximately 1978. Buildings constructed prior to 1978 potentially contain hazardous building materials such as asbestos-containing materials (ACMs), lead containing surfaces (LCSs) including lead-based paint (LBP), and other toxic materials such as mercury, polychlorinated biphenyls (PCBs), and freon.

### 4.7.1.3 Emergency Response

#### a. City of San Clemente

The City of San Clemente Emergency Planning Program's responsibilities include:

- Preparing and maintaining the City of San Clemente's Multi-Hazard Emergency Plan
- Maintaining the City Emergency Operations Center and communications equipment
- Training City staff who may be called upon to serve in time of disaster
- Conducting emergency exercises in coordination with county, state, and federal agencies
- Working with other government agencies to develop and maintain integrated emergency plans for response to an incident at the San Onofre Nuclear Generating Station (SONGS).

#### b. County of Orange

The City of San Clemente is a member jurisdiction of the Orange County Operational Area. The Orange County Sheriff's Department Emergency Management Division (EMD) is responsible for emergency planning in the Operational Area. EMD would coordinate emergency response assistance to the City as needed (City of San Clemente 2013).

The Orange County Health Care Agency's Health Disaster Management Division provides disaster preparedness training. All fire departments in Orange County participate in an automatic aid agreement to ensure that the closest resources are dispatched to an emergency. Automatic aid includes engines, trucks, paramedics, and battalion chiefs. The Orange County Fire Authority (OCFA) provides fire protection to San Clemente (City of San Clemente 2013).

### 4.7.1.4 Wildland Fire

#### a. Wildland Fires

Wildfires are of particular concern during Santa Ana wind events, when forceful winds blow dry air from the east to the west. They create extremely dry conditions in which wildfires can easily develop due to natural or human causes. Historically, wildfire is one of the most destructive hazards in the City, affecting homes, businesses, the natural environment, and human lives. The potential for wildland fires represents a hazard where development is adjacent to open space or within close proximity to wildland fuels, such

as the Richard and Donna O’Neill Conservancy to the north and east of City limits, and San Onofre State Beach and Camp Pendleton to the south (City of San Clemente 2013). Steep hillsides and varied topography within portions of the City also contribute to the risk of wildland fires. Parts of the City are mapped within areas designated as Very High Fire Hazard Severity Zone (VHFHSZ) by the California Department of Forestry and Fire Prevention (CAL FIRE; Figure 4.7-2).

### 4.7.1.5 Radiological Hazards

The SONGS is the only nuclear power plant in southern California, but has not been operational since 2011 and is in the process of decommissioning. It is located in San Diego County, approximately three miles south of the City. SONGS is primarily owned by Southern California Edison (SCE), which is overseeing decommissioning of the plant. The decommissioning process is regulated by the Nuclear Regulatory Commission (NRC). Decommissioning involves safely transferring the used nuclear fuel into storage, followed by the eventual removal and disposal of radioactive components and materials from the site. Any residual radioactivity will be reduced in a manner and to a level that is safe for unrestricted use by SCE’s employees and the public. This will support the termination of SCE’s NRC license and return of site to its owner, the U.S. Navy (SCE 2021). Dismantlement began first quarter 2020 and will involve the deconstruction of above-grade structures associated with Units 2 and 3 in compliance with NRC requirements, as well as the partial removal of offshore undersea conduits (large pipes) and offshore buoys and anchors. Coordination of policies and procedures for radiological hazards will continue to be relevant to the City.

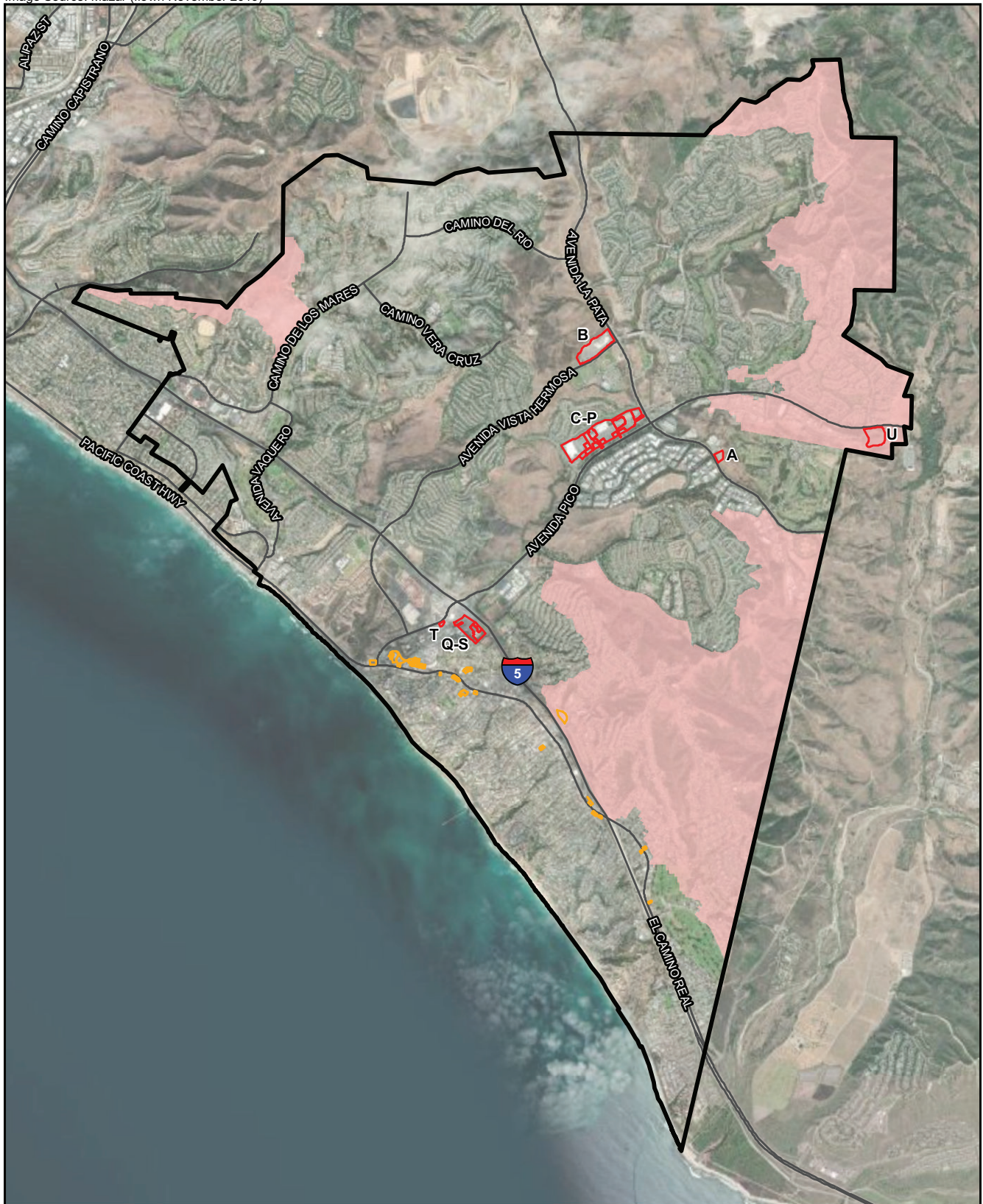
## 4.7.2 Regulatory Framework






### 4.7.2.1 Federal

Numerous federal, state, and local laws and regulations regarding hazardous materials have been developed with the intent of protecting public health, the environment, surface water, and groundwater resources. Over the years, the laws and regulations have evolved to deal with different aspects of the handling, treatment, storage, and disposal of hazardous substances. Applicable regulatory agencies have also kept records on hazardous materials storage, use, and disposal, and made these lists publicly available. The most relevant federal, state, and local regulations are described below.

#### a. Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 is also known as “Superfund,” and the Superfund Amendments and Reauthorization Act (SARA) of 1986 amended CERCLA (CERCLA, SARA Title III). CERCLA, SARA Title III provides a federal framework for setting priorities for cleanup of hazardous substances releases to air, water, and land. This framework provides for the regulation of the cleanup process, cost recovery, response planning, and communication standards. SARA Title III authorized the Emergency Planning and Community Right-to-Know Act (EPCRA). EPCRA is intended to reduce disaster through the reporting of hazardous and toxic chemicals, or the “community right-to-know.” The community right-to-know enables public knowledge by providing information about facilities’ use of chemicals and any release into the environment.



-  Project Boundary
-  Vacant and Underutilized Sites
-  Arterial Roadways
-  Potential Rezone Sites
-  CalFire Very High Fire Hazard Severity Zone

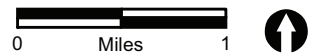


FIGURE 4.7-2

Very High Fire Hazard Severity Zone

## **b. Resource Conservation and Recovery Act**

The federal Resource Conservation and Recovery Act (RCRA) of 1976 established the authority of the U.S. Environmental Protection Agency (EPA) to develop regulations to track and control hazardous substances from their production, through their use, to their disposal. The U.S. EPA has the authority under RCRA to authorize states to implement RCRA, and California is an RCRA authorized state. Title 40 California Code of Regulations (CCR), Part 290 establishes technical standards and corrective action requirements for owners and operators of USTs under RCRA.

## **c. Nuclear Regulatory Commission**

The U.S. NRC was created as an independent agency by Congress in 1974 to ensure the safe use of radioactive materials for beneficial civilian purposes while protecting people and the environment. Following safety regulations set by the NRC, the SONGS will be dismantled with all radiological material properly handled and disposed.

### **4.7.2.2 State**

#### **a. California Environmental Protection Agency**

The California Environmental Protection Agency (Cal EPA) and the SWRCB establish rules governing the use of hazardous materials and the management of hazardous waste. There are many plans and policies that govern hazards and hazardous substances.

#### **b. State Water Resources Control Board**

The SWRCB maintains the GeoTracker database; a data management system used for managing sites that impact groundwater, especially those that require groundwater cleanup from LUSTs as well as permitted facilities such as operating USTs and land disposal sites. LUSTs are a significant source of petroleum impacts to groundwater and can also result in potential threats to health and safety. The LUST Information System has been integrated into the GeoTracker database and can be accessed through the SWRCB website as well.

The Underground Storage of Hazardous Substances Act, implemented by the SWRCB (California Health and Safety Code, Section 25280-25299.8) regulates underground tanks containing hazardous substances and outlines the management and clean-up of hazardous substances when public health, domestic livestock, wildlife, and the environment are threatened.

#### **c. Department of Toxic Substances Control**

Within Cal EPA, the DTSC has primary regulatory responsibility, with delegation of enforcement to local jurisdictions that enter into agreements with the state agency, for the management of hazardous materials and the generation, transport, and disposal of hazardous waste under the authority of the Hazardous Waste Control Law.

The DTSC regulates hazardous waste primarily under the authority of the federal RCRA and Title 22 of the California Public Health and Safety Code. The DTSC regulates hazardous waste, maintains a public database (EnviroStor) of potentially contaminated properties, cleans up existing contamination, and researches ways to reduce the hazardous waste produced in California.

The California Hazardous Waste Control Law (California Health and Safety Code, Section 25100 et seq.) is intended to protect the public health and the environment and to regulate hazardous waste generation and hazardous waste management practices. The DTSC is responsible for the enforcement of this act and lists chemicals and materials that may be hazardous. It also establishes criteria for identification for packaging and labeling of hazardous waste, management controls, and permit requirements for treatment, storage, disposal, and transportation.

#### **d. Health and Safety Code and Occupational Safety and Health Administration**

The California Health and Safety Code (H&SC) is the collection of state laws that govern the handling of hazardous waste, corrective action (remediation), and permitted facilities. Chapter 6.7 of the H&SC outlines the requirements for USTs, identifies requirements for corrective actions, cleanup funds, liability, and the responsibilities of owners and operators of USTs. The LUST Information System maintained by the SWRCB is available to determine if LUSTs have been reported within or near a specified property.

The California Occupational Safety and Health Administration, or Cal-OSHA, defines and enforces worker safety standards and requires proper handling and disposal of hazardous materials including asbestos containing materials and lead containing surfaces according to Occupational Safety and Health Act (OSHA) and EPA regulations. The OSHA/EPA Occupational Chemical Database compiles information from several government agencies and organizations. This database provides reports on physical properties, exposure guidelines, and emergency response information, including the U.S. Department of Transportation (DOT) emergency response guide.

#### **e. California Accidental Release Prevention Program**

The California Accidental Release Prevention (CalARP) Program intends to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws.

#### **f. The Uniform Fire Code**

The Uniform Fire Code (UFC) is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The UFC regulates the use, handling, and storage requirements for hazardous materials at stationary facilities. The UFC uses a hazard classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the UFC employs a permit system based on hazard classification.

The 2013 California Fire Code establishes the minimum requirements consistent with best practices to safeguard public health and safety from fire and explosive hazards and dangerous conditions in new and existing development throughout California.

Jurisdictions may choose to adopt the 2013 California Fire Code as an enforceable set of regulations for safeguarding life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, material and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises. Chapter 8.16 of the City's Municipal Code adopts the 2018 California Fire Code.

### **g. Landscape/Brush Management Regulations**

The California Code of Regulations Title 19 Public Safety, Division 1 State Fire Marshal, (Chapter and Subchapter 1, Article 3) Section 3.07(b) requires that a distance of not less than 30 feet be kept clear of all flammable vegetation or combustible growth around all buildings and structures. If conditions are considered a high fire danger, a distance of 30 feet to 100 feet should be kept clear of all bush, flammable vegetation, or combustible growth around all buildings and structures.

### **h. Fire Hazard Severity Zones**

To assist each fire agency in addressing its responsibility area, CAL FIRE uses a severity classification system to identify areas or zones of severity for fire hazards within the state. CAL FIRE is required to map these zones for State Responsibility Areas and identify VHFHSZ for Local Responsibility Areas (LRAs). CAL FIRE developed Fire Hazard Severity Zone maps to reflect revised VHFHSZ for LRAs throughout the state.

Fire Hazard Severity Zone maps identify moderate, high, and very high hazard severity zones using a science-based and field-tested computer model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Factors considered include fire history, existing and potential fuel (natural vegetation), flame length, blowing embers, terrain, and typical weather for the area.

## **4.7.2.3 Local**

### **a. County of Orange Emergency Management Division**

As detailed in the City's Centennial General Plan EIR, the County of Orange Sheriff's Department's Emergency Management Division (EMD) coordinates the overall County response to disasters. EMD is responsible for notifying appropriate agencies when a disaster occurs; coordinating all responding agencies; ensuring resources are available and mobilized; developing plans and procedures for response to and recovery from disasters; and developing and providing preparedness materials for the public. The Emergency Operations Center (EOC) is a central facility that provides regional coordinated emergency response.

The City is a participant of Prepare OC, the County of Orange Incident Preparedness, Response & Recovery Program. Prepare OC is the County of Orange's comprehensive incident preparedness,

response, and recovery program. The goal of Prepare OC is to develop a coordinated approach to preparedness planning for county government, local governments and organizations, and the county's constituents.

The City is also a member jurisdiction of the Orange County Operational Area. The EMD is responsible for emergency planning in the Operational Area. EMD would coordinate emergency response assistance to the City as needed. The Orange County Health Care Agency's Health Disaster Management Division provides disaster preparedness training. All fire departments in Orange County participate in an automatic aid agreement to ensure that the closest resources are dispatched to an emergency. Automatic aid includes engines, trucks, paramedics and battalion chiefs.

### **b. County of Orange Environmental Health Local Oversight Program**

Since April 1988, the State Water Resources Control Board has contracted with the County of Orange to provide regulatory oversight for cleanup of LUSTs under the Local Oversight Program (LOP) contract. The program services all the cities and unincorporated areas of Orange County except for the cities of Anaheim, Fullerton and Santa Ana.

LOP staff evaluate site contaminant data provided by the site investigation and discuss site cleanup goals considered protective of public health. Typically, this risk assessment evaluation includes identification of potential exposure pathways (water, air, and direct contact) and quantitative prediction of exposure levels at human receptors. In general, soil cleanup goals for the protection of groundwater resources are not established. Guidance for groundwater cleanup goals are found in the most recent low-risk guidance documents distributed by the Santa Ana and San Diego Regional Water Quality Control Boards (RWQCBs).

Once Environmental Health determines that site assessment is adequate, a corrective action plan, designed to mitigate the harmful effects of the release, will be requested when necessary. The corrective action plan may be included with the site assessment report; however, where Environmental Health staff does not agree that site assessment is complete or that the corrective action plan adequately addresses the site's remedial requirements, a revised site assessment report or a revised remedial action plan will be requested (County of Orange 2021).

### **c. City of San Clemente Multi-Hazard Emergency Plan**

The City's Multi-Hazard Emergency Plan provides the framework for responding to major emergencies or disasters. The goals of this plan are to outline a strategy to prepare for, respond to, and recover from an emergency or disaster that affects the City. In order to facilitate meeting these goals, the plan identifies potential hazards that form the basis for the emergency plan, identifies authorities and assigns responsibilities to the appropriate agencies, identifies other jurisdictions and organizations with which planning and emergency response activities are coordinated, establishes an organizational structure to manage the emergency response, outlines preplanned response actions to be taken by emergency personnel to mitigate the effects of a disaster, outlines a process of disseminating emergency information and instructions to the public, describes the resources available to support emergency response activities, establishes responsibilities for maintaining the

overall City emergency preparedness program, and provides the basis for initial training and subsequent retraining of emergency workers (City of San Clemente 2013).

#### **d. City of San Clemente Municipal Code (SCMC)**

##### ***Chapter 8.12 Emergency Services***

This chapter outlines the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency and to provide for the coordination of the emergency functions of this City with all other public agencies and affected private persons, corporations and organizations (Chapter 8.12.010).

##### ***Chapter 8.16 Fire Code***

The California Fire Code, based on the International Fire Code, 2018, as amended, is adopted by the City, for the purpose of prescribing regulations governing conditions hazardous to the life and property from fire or explosion (Chapter 8.16.010). The Fire Code is enforced by the Orange County Fire Authority, which operates under the Fire Chief of the Orange County Fire Authority. The Fire Code provides requirements for weed abatement, placement and guidance for outdoor cooking devices, and construction and interior fire protection.

Additionally, Chapter 8.16.120 addresses requirements for fire protection measures within Wildland-Urban Interface Fire Areas (areas adjacent to expansive open space).

##### ***Chapter 8.22 Very High Fire Hazard Severity Zones***

The City designates those areas identified on the City's VHFHSZ map (see Figure 4.7-2) as attached Exhibit "A" to City Ordinance No. 1547 adopted by the City Council of the City of San Clemente on January 3, 2012.

##### ***Chapter 8.36 Hazardous Materials***

This chapter provides guidance relating to the handling and storage of hazardous materials requiring filing of hazardous materials disclosure forms and material safety data sheet (MSDS) consistent with state law (Chapters 8.36.030 and 8.36.080).

#### **e. City of San Clemente General Plan**

The Safety Element of the City's General Plan intends to protect the community from hazards related to hazardous materials; radiological hazards; and wildfire. While the Safety Element is being updated, there are no proposed changes to policies relating to hazardous materials. New policies are proposed relating to fire safety which are discussed under Section 4.7.9, below. The following are existing General Plan goals and policies that would be applicable to future development in the City.



**GOAL:** Minimize risk to life, property, economic and social dislocation and disruption of vital services due to uncontrolled fire.

**Policies:**

**S-3.01. *Fire and Building Codes.*** We coordinate with Orange County Fire Authority to proactively mitigate or minimize the adverse effects of structural fires, wildfires and related hazards like erosion, hazardous materials release and structural collapse by implementing appropriate fire and building codes.

**S-3.07<sup>1</sup> (formerly 3.01). *Public Education.*** We coordinate with Orange County Fire Authority to provide public education tools to increase awareness of fire prevention measures.

**S-3.08 (formerly S-3.02). *Orange County Fire Authority.*** We contract with Orange County Fire Authority to maintain fire stations, equipment, and staffing to effectively respond to emergencies.

**S-3.09 (formerly S-3.03). *Peak Water Supply.*** We maintain an adequate peak water supply for fire suppression, per the San Clemente Urban Water Management Plan and funding available for implementation.

**S-3.10 (formerly S-3.04). *Evaluation.*** We coordinate with the Orange County Fire Authority to evaluate the effectiveness of fire safety strategies and implementation measures.

**S-3.11 (formerly S-3.05). *Balance Between Goals.*** We balance the need for fire safety and defensible landscape perimeters with biological and open space preservation goals, where applicable, consistent with the Coastal Conservation Plan.

**GOAL:** Protect life, property, and the natural environment by minimizing the potential for exposure to and contamination from hazardous materials and waste.

**S-6.01. *Public Maps.*** We publicize areas of known hazardous materials contamination to reduce risk to public health, safety, and welfare.

**S-6.02. *Remediation Plans.*** We require owners of contaminated sites to develop a remediation plan with the assistance of the County of Orange and State and Federal government agencies.

**S-6.03. *Coordinated Response.*** We coordinate effective responses to hazardous materials incidents with other appropriate jurisdictions and agencies.

**S-6.04. *Local and Regional Participation.*** We participate in local and regional efforts to mitigate the potential for land, water, and air contamination from hazardous materials or waste, and work to help ensure clean-up of contaminated areas if a release occurs.

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<sup>1</sup>The policy numbers referenced are those identified in the Safety Element Update which reflect the addition of new policies, discussed in Section 4.7.9.

**S-6.05. *Disclosure Laws.*** Working with other public agencies, we help enforce disclosure laws that require the users, producers, and transporters of hazardous materials and waste to clearly identify these items.

**S-6.06. *Public Education.*** Working with other public agencies, we help disseminate information to the public about the proper disposal of household hazardous materials and waste, and encourage the use of non-toxic alternatives

**GOAL:** Continue to be a safe, disaster-resilient community that is prepared through effective community outreach, proactive monitoring, and efficient emergency services, response, recovery and mitigation

**S-7.01. *Staffing, Facilities and Supplies.*** We ensure adequate staffing, facilities and supplies for our police, fire, marine safety and emergency medical services, and emergency planning to provide appropriate and timely response to emergency needs.

**S-7.02. *Hazard Prevention Funding.*** We give high priority to strategies and funding for hazard-prevention services, training, educational materials, and facilities.

**S-7.03. *Outreach and Education.*** We provide community-based outreach and educational efforts to enable our residents to prepare for and respond appropriately in emergency situations, and to contribute to the overall safety of the community.

**S-7.04. *Interdepartmental and Interagency Collaboration.*** We collaborate among City departments and with organizations outside of the City for a comprehensive approach to emergency services and disaster preparedness, response and recovery, including continuity of operations (e.g., information technology and financial services).

**S-7.05. *Partnerships.*** We partner with other local, State and Federal emergency services agencies to enhance safety resources in the City of San Clemente.

**S-7.06. *Performance Measurement.*** We periodically analyze public safety data to evaluate the effectiveness of our strategies and allocate resources accordingly.

**S-7.08. *Management Programs and Warning Systems.*** We maintain emergency management programs and warning systems that meet State and Federal requirements.

**S-7.09. *Training.*** We regularly conduct training exercises to prepare for and evaluate emergency and disaster response and recovery procedures.

**S-7.10. *Outreach.*** We reach out to the community to educate, train and establish volunteer programs, to enhance the safety and disaster resilience of our community through volunteer programs, such as the Community Emergency Response Team (CERT) Program, Retired Senior Volunteer Program (RSVP), Explorer Scouts, and Neighborhood Watch and Radio Amateur Citizen Emergency Services (RACES).

### 4.7.3 Significance Determination Thresholds

Consistent with Appendix G of the CEQA Guidelines, impacts related to hazards and hazardous materials would be significant if the project would:

- 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- 4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment;
- 5) For a project located within an Airport Land Use Compatibility Plan (ALUCP) or, where such plan has not been adopted, within two miles of a public airport or public use airport, would result in a safety hazard or excessive noise for people residing or working in the project area;
- 6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- 7) Expose people or structures either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas, within brush fire management zones, or where residences are intermixed with wildlands.

### 4.7.4 Methodology

A review of secondary sources, including published hazardous materials databases, was conducted to determine potential hazards and hazardous materials present within the Housing Sites. The review included: (1) the EnviroStor database; (2) the GeoTracker database; and (3) the City's adopted VHFHSZ Map. No site-specific surveys were conducted; instead, analysis relied on the use of existing information.

### 4.7.5 Issues 1, 2, and 3: Transport, Use, or Disposal of Hazardous Materials/Accidental Release/Emissions Near a School

*Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

*Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

*Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

#### 4.7.5.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to the transport, use, or disposal of hazardous materials as policy implementation would promote safety related to hazardous materials use. Hazardous materials are any substance or combination of substances that may pose a risk to human health and safety or to the environment. Hazardous materials include toxic, corrosive, infectious, flammable, explosive, and radioactive materials. Businesses, public or private institutions, and private households all use or generate hazardous materials to some extent. Hazardous materials are routinely manufactured, used, stored, or transported in nearly every community and therefore risk of upset or discharge could occur within the City, resulting in potential exposure near Housing Sites and other areas within the City. The City's industrial and manufacturing uses involve use, storage, and transport of toxic materials which can create a risk to the environment. City General Plan policies listed in Section 4.7.2.3.e, specifically Policies S-6.01 through S-6.05, describe citywide efforts to minimize the risk of accidental emissions or accidents involving hazardous materials. Additionally, development within the Housing Sites may involve demolition of older, existing buildings that contain ACM or LBP. Future development requiring demolition would be required to comply with OSHA, and other regulations related to removal of ACMs and LBPs. Compliance would require the preparation LBP and ACM surveys for any building demolitions and appropriate remediation measures for removal of LBP and ACM during demolition activities.

Potential hazardous material transport, use, or disposal associated with the Housing Sites would be limited to those commonly used in residential and commercial areas (e.g., pool cleaning agents, disinfectants, fertilizers, herbicides, pesticides).

All uses of hazardous chemicals in the City would be subject to compliance with various state and federal regulations that promote public health and safety by governing the transport, use and disposal of hazardous materials. Hazardous materials are managed in accordance with state law and CalARP. The CalARP program maintains inventories of chemicals stored, handled, and used within the City and coordinates hazardous materials emergency plans. Additionally, SCMC Chapter 8.36

requires filing of hazardous material disclosure forms for applicable businesses and facilities. The City's General Plan also contains policies and programs to ensure compliance with federal, state, and local regulations relating to hazardous wastes (see Policies S-6.01 through 6.06). Although schools are located throughout the City as shown in Figure 4.12-1 and could be located within a one-quarter mile of Housing Sites, the proposed uses (residential and/or residential mixed-use) would be subject to the regulatory requirements described above, which would prevent exposure of hazardous materials to all sensitive receptors, including schools.

#### 4.7.5.2 Significance of Impacts

Development of the Housing Sites could result in the need to transport, use, or dispose of common hazardous materials. Regulated substances are not anticipated to be involved with development of future housing; however, potential future commercial uses associated with a mixed-use development could handle hazardous substances that are regulated by federal, state and local regulations. Both ministerial and discretionary development on Housing Sites would be subject to extensive regulatory requirements including SCMC Chapter 8.36 (Hazardous Materials), the CalARP program, and other federal and state regulations relating to hazardous materials management and the SCMC requirements for the preparation and filing of MSDS consistent with state laws. Applicable General Plan policies S-6.01 through S-6.06 are implemented citywide and would further serve to minimize potential adverse effects for hazardous materials use in the City. Impacts associated with transport, use, disposal, or release of hazardous materials for ministerial projects would be less than significant.

#### 4.7.5.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.7.6 Issue 4: Hazardous Materials—Sites

*Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment?*

#### 4.7.6.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to hazardous materials sites. As shown on Figure 4.7-1, there are three sites with open listings in hazardous material databases. Sites 1 and 3 are not located in proximity to Housing Sites. Additionally, the former San Clemente Burn Dump (Site 3) located at Vista Bahia Park is an open site due to ongoing monitoring but does not represent a hazard to the public as evidenced by its current use as a public park. These sites would not represent a potential hazard to future development at Housing Sites. Site 2 is located just across Avenida Pico, north of Housing Site T. This site is listed as having an active voluntary cleanup case associated with potential soil vapor intrusion resulting from historic uses. Vapor intrusion occurs

when there is a migration of vapor-forming chemicals from any subsurface source into an overlying building. A Voluntary Cleanup Agreement was finalized with DTSC on March 13, 2019 and ongoing investigation is scheduled to include soil gas sampling and indoor air screening. Although this site is being investigated under the oversight of the DTSC, the investigations and ultimate remediation, if needed, is not complete. Due to the proximity of Housing Site T to this hazardous materials site, there is potential for site hazards such as soil vapors to also pose a risk at Housing Site T. Similarly, as other sites are redeveloped in the City that may have had historic uses that involved releases of hazardous materials, there is the potential for unknown contamination to be present in soils or groundwater that could present a hazard to future development.

Additionally, accidental release of hazardous materials could result from properties that contain on-site contaminants in the form of building materials or underground contaminants from LUST, accidents causing a "spill" of a hazardous materials, and/or natural disasters causing the unauthorized release of a substance. If not cleaned up immediately and completely, accidental release of hazardous materials could cause contamination of soil, surface water and groundwater, in addition to any toxic fumes that might be generated. Human exposure to contaminated soil or water could have potential health effects depending on a variety of factors, including the nature of the contaminant and the degree of exposure.

Future development at Housing Sites that would be subject to a future discretionary review would be subject to environmental review under CEQA that would ensure site-specific evaluation of individual sites to ensure no hazardous conditions are present. However, for sites that develop ministerially, a subsequent environmental review would not be required. In these instances, there is a potential for unknown contamination to present a risk to future occupants. Impacts associated with hazardous material sites for future ministerial development would be potentially significant.

#### 4.7.6.2 Significance of Impacts

Future discretionary development at Housing Sites would be subject to an environmental review under CEQA that would ensure site-specific evaluation of individual sites to ensure no hazardous conditions are present or if present, measures are taken to minimize risk. Therefore, impacts related to hazardous material sites at Housing Sites that are processed with a discretionary permit would be less than significant. However, development at Housing Sites may also process with a ministerial action in certain circumstances. As there is no requirement to investigate the potential for hazardous conditions as part of a ministerial process and development may occur on sites with historic uses that could have resulted in a release of hazardous substances, impacts related to ministerial development would be significant.

#### 4.7.6.3 Mitigation Framework

To reduce potentially significant impacts related to redevelopment on sites with potential historic contamination concerns associated with future ministerial development within the Housing Sites, the following mitigation measure would be implemented by the City.

**HAZ-1:** Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City

shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts to potential contaminated sites. The objective standards shall require applicants to provide a Phase I Environmental Site Assessment in order to ascertain the potential for historic contamination that could pose a human health risk for future development. If warranted by the Phase I and Phase II investigation (if needed), the applicant shall implement measures to remediate risk under the oversight of the County of Orange, Department of Environmental Health (DEH), Local Oversight Program, consistent with applicable laws, regulations, and industry standards. California Health and Safety Code Section 25296.10 provides local Departments of Environmental Health authority to require corrective action and related reports. California Code of Regulations, Title 23, Sections 2652-2654 and 2721-2728 specify the responsibilities of a responsible party in response to an unauthorized release from a petroleum Underground Storage Tank (UST) system and requires compliance with the DEH request for a technical report, workplan, or related document. Health and Safety Code Sections 101480 through 101490, under a Volunteer Remedial Action Agreement, require corrective action and related reports.

#### 4.7.6.4 Significance after Mitigation

Implementation of development through a ministerial process will be subject to the requirements of the City's Housing Overlay, which will include measures to minimize adverse impacts related to potential hazardous sites, detailed in mitigation measure HAZ-1 above. With implementation of mitigation measure HAZ-1, future ministerial development would be required to minimize any potential hazards associated with existing contamination. With implementation of mitigation measure HAZ-1, impacts related to hazardous material sites associated with future ministerial projects would be less than significant.

#### 4.7.7 Issue 5: Airport Hazards

*For a project located within an ALUCP or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

##### 4.7.7.1 Impact Analysis

The City is not located within an ALUCP or within two miles of a public airport or public use airport.

##### 4.7.7.2 Significance of Impacts

No impact related to airport hazards would occur.

##### 4.7.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

## 4.7.8 Issue 6: Emergency Response

*Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

### 4.7.8.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would support effective emergency response actions in coordination with local fire protection agencies and would not have an adverse effect related to emergency response.

While the Housing Element Update does not propose any changes in the City's existing circulation network, future development of the Housing Sites would increase density resulting in greater population concentrations throughout the City. This could result in an increase in demand on emergency response and evacuation. Disaster preparedness throughout the City is managed by the City Multi-Hazard Emergency Plan, implemented by the Emergency Planning Program. This office is responsible for preparing the community for all potential disasters, and maintains the City's Emergency Operations Center which coordinates planning, communication, and specific organized responses to emergencies, including evacuation routes. The City also works with associated government agencies in response to potential incidents at SONGS, and participates in Prepare OC and Alert OC, regionwide response and notification systems.

Additionally, the Orange County Fire Authority Emergency Command Center provides emergency response services to the City, including hazardous materials emergency response (City of San Clemente 2013). Potential emergency response related to SONGS during the decommissioning is managed by the SCE, which implements safety policies to ensure risk-informed emergency planning related to SONGS.

SCMC Chapter 8.12 regulates emergency services, focusing on the preparation and maintenance of emergency safety plans and programs. Additionally, the City General Plan Safety Element Policies S-7.01 through 7.10 ensure adequate staffing within emergency response agencies, encourage ongoing training and education for emergency preparedness, guidance for the collaboration with other state, local, and regional agencies, and maintain performance measures to evaluate the effectiveness of emergency response programs and strategies.

Although development at the Housing Sites could increase population and increase demand on emergency response and evacuation, the Housing Sites are located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Development at the Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not prevent continued implementation of these plans.

Regarding the Safety Element, the proposed revisions include a new policy (S-3.06) that would require the City to "work with the Orange County Sheriff's Department (OCSD) to develop, implement and maintain an effective evacuation program, identify residential development with



inadequate access and/or without a secondary emergency evacuation route, and prepare improvement plans and mitigation measures in order to be prepared in the event of a natural or human-caused disaster, through our Local Hazard Mitigation Plan.” Therefore, implementation of the Safety Element update would provide additional opportunities for coordinated planning of evacuation routes in the City.

#### 4.7.8.2 Significance of Impacts

Although development at the Housing Sites could increase population and increase demand on emergency response and evacuation, the Housing Sites are located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Development at the Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. Additionally, General Plan policies S-7.01 through 7.10 would continue to be implemented to ensure adequate Citywide emergency response and preparedness. New Safety Element Policy S-3.06 would additionally support coordinated planning with the Orange County Sheriff’s Department regarding emergency evacuation routes. Impacts of the project related to evacuation and emergency plans would be less than significant.

#### 4.7.8.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.7.9 Issue 7: Wildland Fires

*Would the project expose people or structures either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas, within brush fire management zones, or where residences are intermixed with wildlands?*

#### 4.7.9.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City focuses on increasing wildfire safety through increased coordination with fire protection agencies, using the latest mapping to determine wildfire risks, and supporting efforts to evaluate wildfire evacuation and safety planning. There would be no impact related to wildland fires associated with implementation of the Safety Element.

Most of the eastern boundary of the City is located within the City and CAL FIRE’s designated VHFHSZ. The maps are based on data and models of potential fuels over a 30- to 50-year time horizon and their associated expected fire behavior, and expected burn probabilities to quantify the likelihood and nature of vegetation fire exposure (including firebrands) to buildings (CAL FIRE 2011). The mapped VHFHSZ is located in undeveloped areas and developed lands near native vegetation. Areas include steep hillsides and varied topography such as canyons. As shown in Figure 4.7-2, one

vacant and underutilized Housing Site and one potential rezone site (Site U) are located within areas mapped as VHFHSZ. To avoid the risk from wildland fire, future development located within the VHFHSZ would be required to adhere to the City's building and fire codes. The fire chief may also use their authority to require additional building, planning, or landscaping requirements that provide enhanced fire protection. Consistent with SCMC, Chapter 8.16 (Fire Code), the fire chief may require the removal of brush in an area 10 feet from a structure and from a road or open space with the exception of single specimen trees, ornamental shrubbery or cultivated ground cover. Additionally, SCMC Section 8.16.120 specifies that within wildland-urban interface fire areas, hazardous vegetation and fuels around all applicable buildings and structures shall be maintained in accordance with

- Public Resources Code, Section 4291.2.
- California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation "General Guideline to Create Defensible Space").
- California Government Code, Section 51182.4.
- California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
- OCFA Guideline C-05 "Vegetation Management Guideline - Technical Design for New Construction Fuel Modification Plans and Maintenance Program."

As described in the OCFA Vegetation Management Guideline (OCFA 2015), a typical fuel modification installation consists of a level 20-foot structure setback zone (Zone A), a minimum 50-foot irrigated zone (Zone B), with an additional 100-foot minimum of vegetation thinning zones (Zones C and D). The minimum width of a fuel modification area is 170 feet and in some cases the width increases due to type of terrain and/or type and mass of vegetation. The project also includes an update to the City's General Plan Safety Element. Specifically, the Element has added a new map showing the location of the City's critical facilities in the VHFHSZs on the City's land use map. The following policies are proposed to be included in the Safety Element Update that would further protect land uses within the VHFHSZ:

**S-3.02. *Land Use and Zoning.*** Development proposals and applicants will minimize new residential development in the VHFHSZs, and locate future public facilities, including new essential and sensitive facilities, outside of VHFHSZs when possible.

**S-3.03. *Fire and Building Codes.*** We adhere to all Orange County Fire Authority regulations and guidelines for fire safe development practices, vegetation management, and maintenance in the City, including in the VHFHSZ's.

**S-3.04. *Fire and Building Codes.*** We ensure that all new development and redevelopment in the VHFHSZs will comply with the Board of Forestry and Fire Protection Fire Safe Regulations, and the most current version of the California Building Codes and California Fire Code.

**S-3.05. *Fire and Building Codes.*** In coordination with Orange County Fire Authority, we will condition development to incorporate fire safe design, including sufficient ingress/egress,

evacuation routes, emergency vehicle access, defensible space, visible home addressing and signage, and fuel modification zones.

**S-3.06. *Emergency Evacuation Routes.*** We will work with the Orange County Sheriff's Department (OCSD) to develop, implement and maintain an effective evacuation program, identify residential development with inadequate access and/or without a secondary emergency evacuation route, and prepare improvement plans and mitigation measures in order to be prepared in the event of a natural or human-caused disaster, through our Local Hazard Mitigation Plan. Policies have been added cultivated ground cover California Fire Code Title 19, Division 1, Section 3.07(b), requiring a minimum 30-foot brush clearance around structures for fire safety. Discretionary projects are reviewed by the Building Official/Fire Marshal. Adherence to these regulations would reduce risks in conjunction with future development related to wildland fire. Thus, impacts associated with risk of wildland fires would be less than significant.

While most Housing Sites are located within existing developed areas outside of fire hazard areas, at least two sites are located in an area of mapped fire risk. However, existing building and fire code regulations are in place that would ensure future development is constructed in a manner that would minimize adverse fire risk.

#### **4.7.9.2 Significance of Impacts**

Development of the Housing Sites, especially within or adjacent to VHFHSZ, could result in impacts related to wildfire. Future ministerial and discretionary development at Housing Sites would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the SCMC, fire and building codes, and requirements from the fire chief that would be identified during future building permit reviews. Additionally, implementation of policies S-3.02 through S.3.06 proposed in the City's General Plan Safety Element Update would further protect land uses within the VHFHSZ and enhance wildfire safety. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.

#### **4.7.9.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.

## 4.8 Hydrology and Water Quality

This section analyzes potentially significant impacts related to hydrology and water quality that could result from implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." The section focuses on issues related to water quality standards, drainage, and flood hazards.

### 4.8.1 Existing Conditions

#### 4.8.1.1 Watersheds and Water Quality

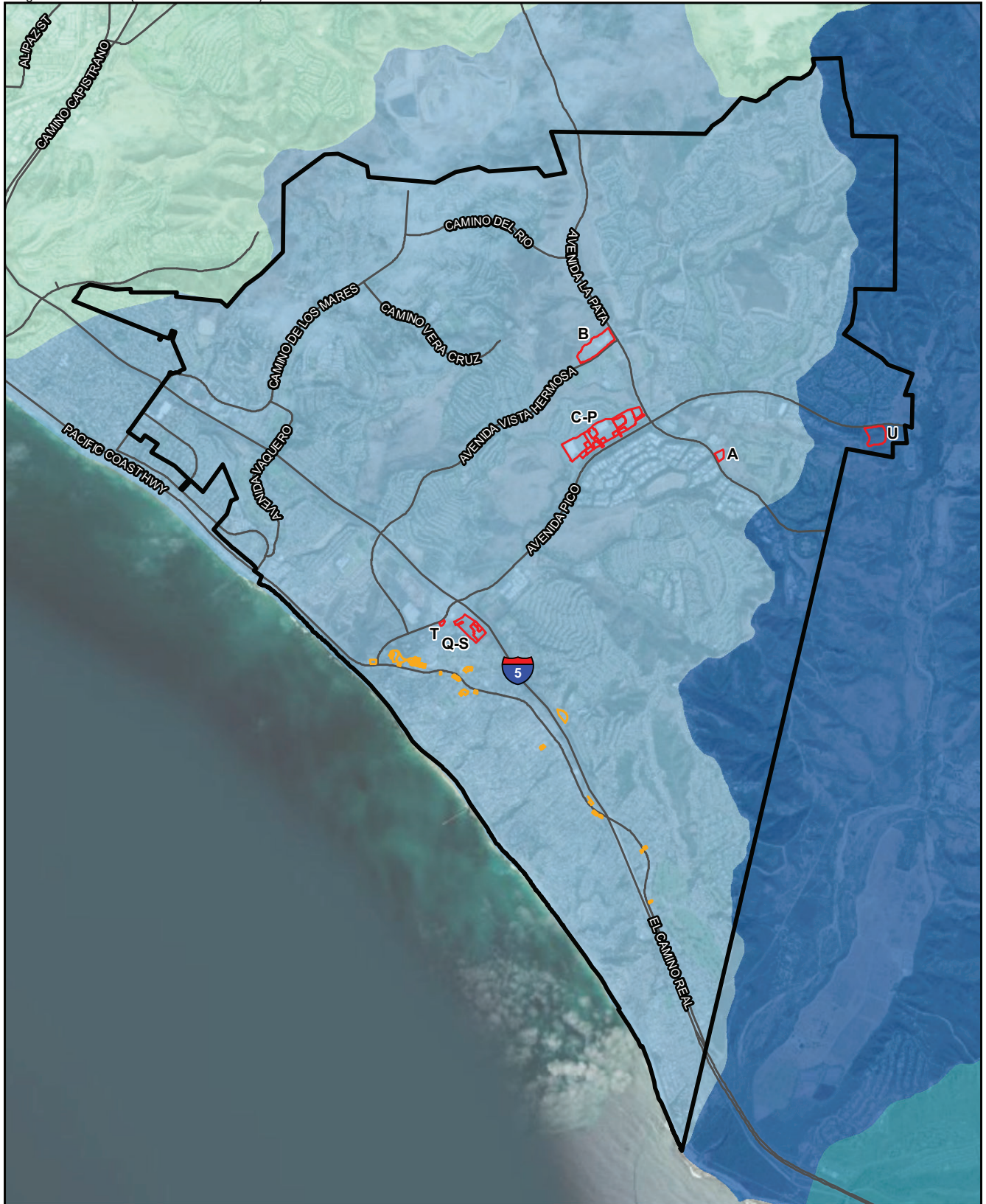
Regional boundaries of surface water are defined in the California Regional Water Quality Control Board Water Quality Plan for the San Diego Basin (Basin Plan; see Section 4.8.2.2b). Hydrologic Units (HUs) are the entire watershed of one or more streams; Hydrologic Area (HAs) are major tributaries and/or major groundwater basins within the HU; and hydrologic subareas (HSAs) are major subdivisions of HAs including both water-bearing and nonwater-bearing formations (Regional Water Quality Control Board [RWQCB] 2016).





The City is located within the San Diego Basin, is primarily within the San Clemente HA of the San Juan HU, a watershed of approximately 500 square miles. A small portion of the City is within the San Mateo Canyon HA. As detailed in Figure 4.8-1, surface waters within the San Clemente HA include Prima Deshecha Cañada and Segunda Deshecha Cañada, along with unnamed intermittent coastal streams. These surface waters ultimately discharge into the Pacific Ocean at Poche Beach and North Beach, respectively.





Section 303(d) of the federal Clean Water Act (CWA) defines water quality standards as consisting of both the uses of surface waters (beneficial uses) and the water quality criteria applied to protect those uses (water quality objectives). Overall, the water quality objectives are necessary to protect the beneficial uses designated by the Basin Plan. Beneficial uses for San Clemente HA, which have been assigned in the Basin Plan, include Agricultural Supply, Contact Water Recreation, Non-Contact Water Recreation, Warm Freshwater Habitat, and Wildlife Habitat. General water quality objectives for each listed beneficial use are listed in Chapter 3 of the Basin Plan.

The San Clemente HA is noted to be impaired for bacteria within the beaches and creeks. Reducing bacteria loading in urban runoff has been a focal point in the City (RWQCB 2016) and the City has made significant efforts to reduce bacteria in urban runoff. Specifically, runoff may be a transport for bacteria during dry weather and the City has worked with local water purveyors to curb irrigation and excess runoff through pollution prevention awareness as well as implementing water restrictions (City of San Clemente 2013).

Specific water quality objectives also apply to all groundwaters of the San Diego region.



-  Project Boundary
-  Arterial Roadways
-  Vacant and Underutilized Sites
-  Potential Rezone Sites

- Hydrologic Areas
-  Mission Viejo
-  San Clemente
-  San Mateo Canyon
-  San Onofre

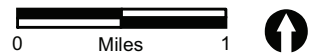


FIGURE 4.8-1  
Hydrologic Areas

### 4.8.1.2 Storm Water Drainage Systems

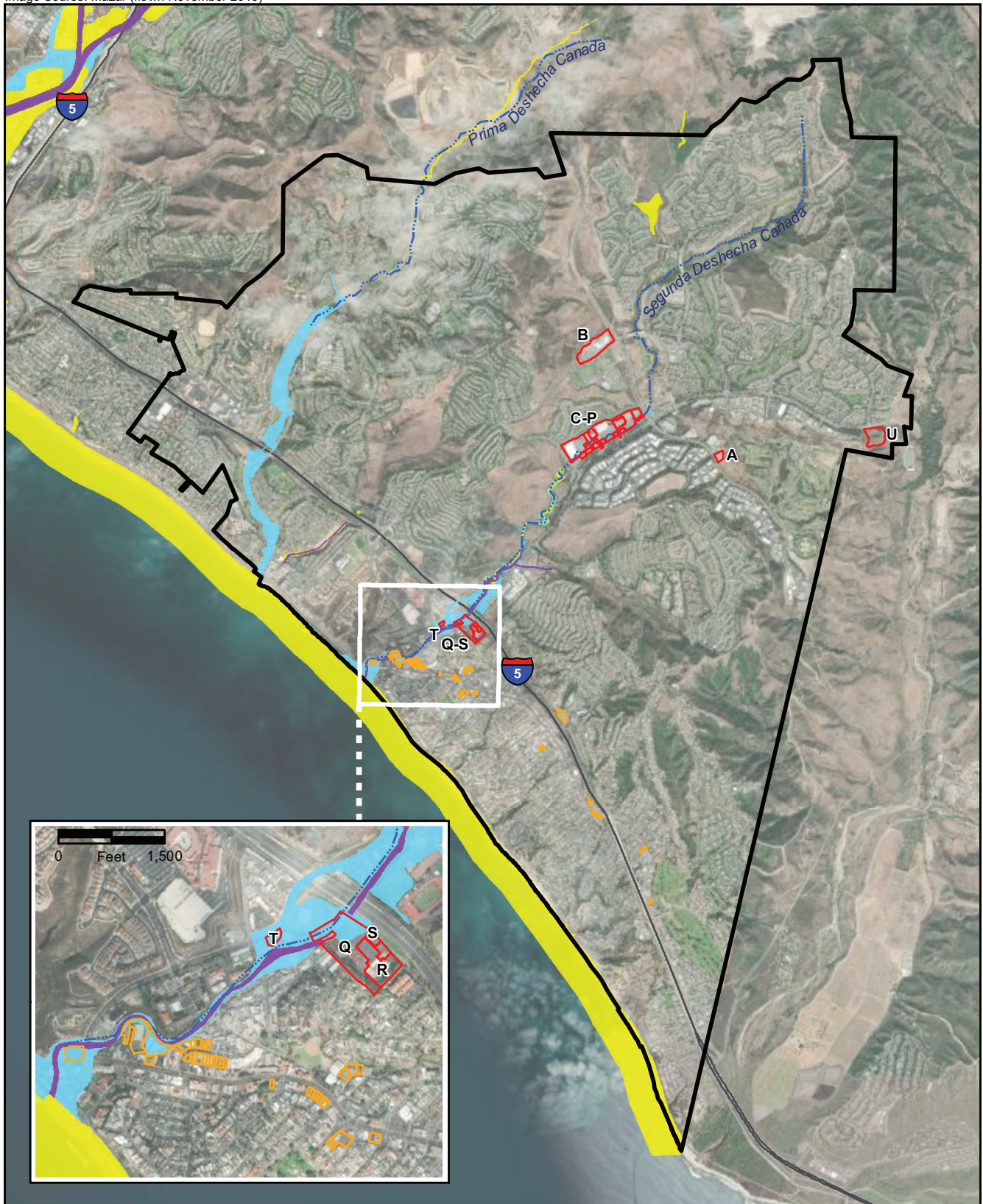
A citywide master drainage plan was initially prepared in 1982 and updated in 2005. The plan identified storm drain systems required to support the ultimate buildout of the City based on maximum development under General Plan at that time. The 1982 plan projected an ultimate population of 66,058 and development of five major master planned developments within the City, including Rancho San Clemente, Talega, Marblehead Inland, Marblehead Coastal, Forster Ranch, and several additional isolated tracts and infill projects. Since 1982, all of these areas have been fully entitled and developed, with the latest major development occurring at Marblehead Coastal, which included a water quality system that exceeds the California Coastal Commission's capture and treatment standards, including rainwater capture systems, restoration of wetlands, vegetated bioswales, and other features to protect the Pacific Ocean from pollutants. The City's drainage systems are fully constructed and based on the most recent population estimate for the City of 64,558 (U.S. Census Bureau 2019), the planned drainage systems within the 1982 plan (updated 2005) support current needs.

The City has constructed all major components of the master drainage plan over a period of time concurrent with development. All drainage facilities are adequately sized to accommodate peak flows based on existing land use conditions, and no major flooding occurs due to insufficient capacity (City of San Clemente 2013). The City has also retrofitted a number of structural best management practices (BMPs) along the coastline to reduce polluted run-off from entering the ocean.

### 4.8.1.3 Flood and Tsunami Hazards

Figure 4.8-2 illustrates Federal Emergency Management Agency (FEMA) mapping of flood prone areas throughout the City, including the 100-year floodplain (1 percent annual chance of flood), the 500-year floodplain (0.2 percent annual chance of flood), and the regulatory floodway. The regulatory floodway is the channel of a river or other waterway and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations. Approximately 2.3 acres of the total Housing Sites acreage (Housing Sites west of Interstate 5 along the Segunda Deshecha Cañada Channel) is subject to a 500-year flood, meaning a flood with a 0.2 percent chance of occurring in any given year.

A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes. Areas of the City that would be flooded by a tsunami are limited to the beach and adjoining low-lying areas as shown in Figure 4.8-3.

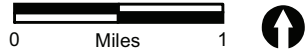
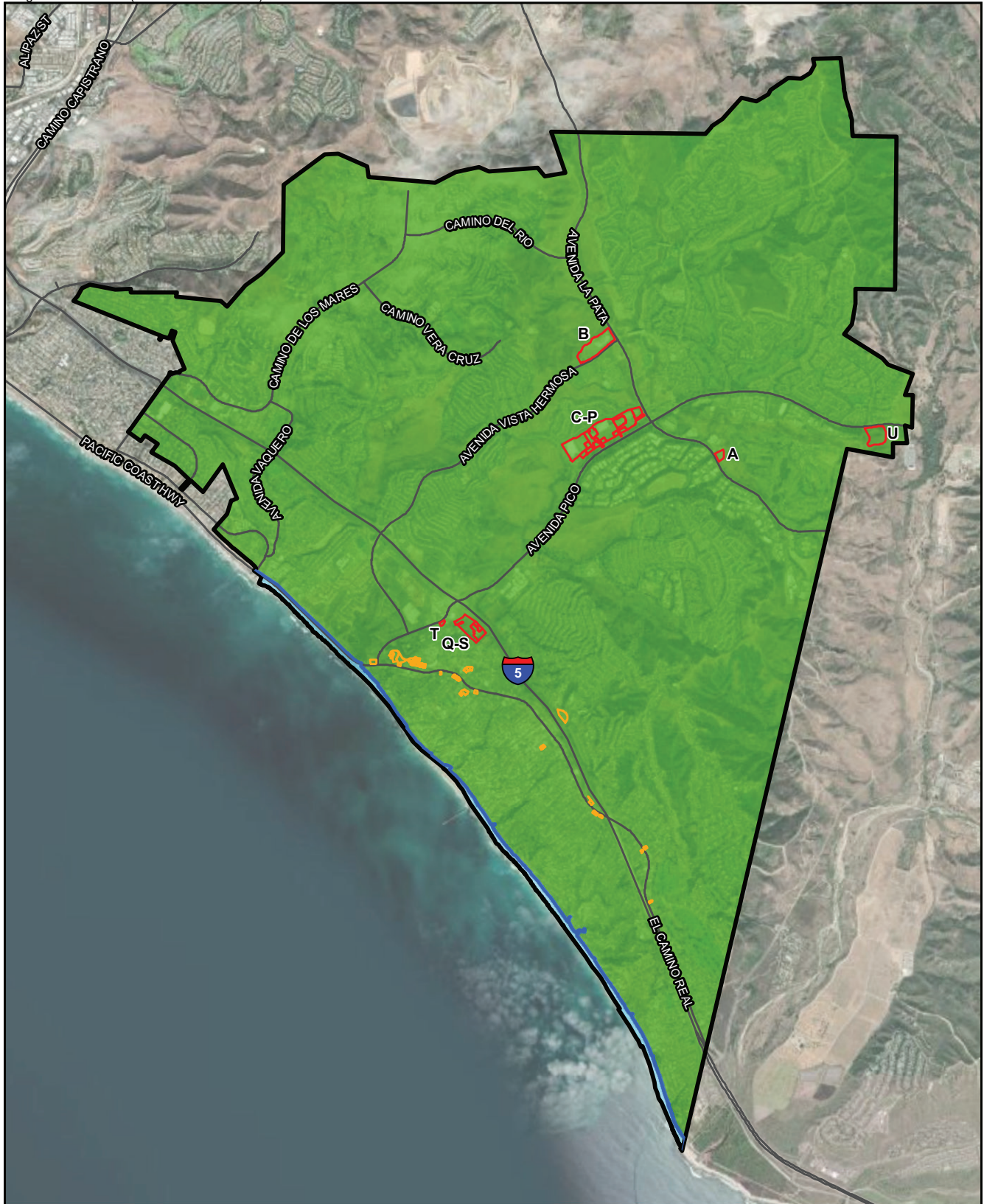


- Project Boundary
- Vacant and Underutilized Sites
- Potential Rezone Sites
- Waterways

- Flood Hazard Zones
- 1% Annual Chance Flood Hazard
  - 0.2% Annual Chance Flood Hazard
  - Floodway



FIGURE 4.8-2  
Flood Hazards



- Project Boundary
- Arterial Roadways
- Vacant and Underutilized Sites
- Potential Rezone Sites
- 2021 Tsunami Hazard Area
- Outside 2021 Hazard Area

FIGURE 4.8-3  
Tsunami Zone



### 4.8.1.4 Groundwater

According to the City's 2013 General Plan EIR, only small areas of the City in Cristianitos Canyon and some of its tributary canyons, are underlain by a groundwater basin (the San Mateo Groundwater Basin). Extraction of groundwater for municipal use only occurs in the San Clemente subbasin near the east City boundary in the southeast part of the City. A majority of the City's water is sourced from imported and recycled water, with approximately 5 percent of the City's water supply portfolio for Fiscal Year 2019-2020 pumped for municipal use through two groundwater wells (wells #6 and #8) (City of San Clemente 2021). The City has established a safe pumping yield of 500 acre-feet per year to prevent seawater intrusion and basin overdraft. Water pumped from the basin meets drinking water standards. Regarding groundwater quality, the City has historically experienced issues with seawater intrusion; however, well #6 has produced relatively high-quality groundwater that is not impacted by saline water. At well #8, salinity and chloride in the water has increased between 2009 and 2012, indicating the initial stages of intrusion by formational saline water. A recently completed capital improvement project sealed off the lower levels of the screened area in well #8, which is anticipated to improve water quality and potentially increase annual production within the well. The City also rehabilitated well #5 and Calafia Well for the purpose of monitoring water quality within the aquifer (City of San Clemente 2021).

### 4.8.1.5 Sea Level Rise

The City prepared a Sea Level Rise Vulnerability Assessment in October 2019. The purpose of the Sea Level Rise Vulnerability Assessment was to identify areas and resources in the City that may be vulnerable to rising seas in the future, so the City may begin to consider ways to improve and enhance coastal resiliency for the long term. The study identifies the City's sea level rise related vulnerabilities from coastal hazards and introduces a range of potential adaptation strategies. The City will also prepare a companion Coastal Resiliency Plan which will contain a discussion of potential adaptation strategies that the City can implement over time to improve coastal resiliency. The Coastal Resiliency Plan will identify more focused municipal actions, regional actions, coordination activities, and various sea level rise adaptation strategies for various areas in the City. (City of San Clemente 2019). None of the Housing Sites are located within areas anticipated to be affected by any of the sea level rise scenarios.

## 4.8.2 Regulatory Framework

### 4.8.2.1 Federal

#### a. Clean Water Act

The federal Water Pollution Control Act (CWA) establishes a broad national program for protecting water quality and regulating discharges of waste and pollutants into waters of the United States (Title 33, United States Code, Section 1251 et seq.). It provides authority for establishment of water quality standards and waste discharge limits for point source discharges (such as those from industrial facilities, sewage treatment plants, and storm water). The act also prohibits discharges of pollutants

without a permit or other authorization and allows authorized states to implement provisions of the act in lieu of the U.S. Environmental Protection Agency (EPA).

### ***Section 401 Water Quality Certification***

Section 401 of the CWA requires that any applicant for a federal permit to conduct any activity, including the construction or operation of a facility, which may result in the discharge of any pollutant, must obtain certification from the state. This process is known as the Water Quality Certification.

### ***Section 402 National Pollutant Discharge Elimination System General Construction Storm Water Permit***

Section 402 of the CWA establishes the National Pollutant Discharge Elimination System (NPDES) permit program to regulate the discharge of pollutants from point sources and discharge pollutants into waters of the United States. In the state of California, the EPA has authorized the State Water Resources Control Board (SWRCB) permitting authority to implement the NPDES program and issue permits, develop waste discharge requirements, administer 401 certifications and provide enforcement. In general, the SWRCB issues two baseline general permits: one for industrial discharges and one for construction activities. Rather than setting numeric effluent limitations for storm water and urban runoff, CWA regulation calls for the implementation of BMPs to reduce or prevent the discharge of pollutants from these activities to the Maximum Extent Practicable for urban runoff and meeting the Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology standards for construction storm water. Regulations and permits have been implemented at the federal, state, and local level to form a comprehensive regulatory framework to serve and protect the quality of the nation's surface water resources.

## **b. National Flood Insurance Act**

The National Flood Insurance Act (1968) established the National Flood Insurance Program (NFIP), which is based on the minimal requirements for floodplain management and is designed to minimize flood damage within Special Flood Hazard Areas (SFHAs). FEMA administrates the NFIP. SFHAs are defined as areas that have a 1 percent chance of flooding within a given year. This is also referred to as the 100-year flood. Flood Insurance Rate Maps (FIRMs) were developed to identify areas of flood hazards within a community.

## **c. National Flood Insurance Program**

The NFIP is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the federal government that states if a community will adopt and enforce a floodplain management ordinance to reduce future flood risks to new construction in SFHAs, the federal government will make flood insurance available within the community as a financial protection against flood losses.

In support of the NFIP, FEMA identifies flood hazard areas throughout the United States and its territories by producing Flood Hazard Boundary Maps, FIRMs, and Flood Boundary and Floodway Maps. Several areas of flood hazards are commonly identified on these maps. One of these areas is the SFHA or high risk area defined as any land that would be inundated by the 100-year flood – the flood having a 1 percent chance of occurring in any given year (also referred to as the base flood).

#### **4.8.2.2 State**

##### **a. Porter–Cologne Water Quality Control Act, as amended**

The Porter–Cologne Water Quality Control Act was established to protect the water quality and beneficial uses of waters of the state (California Water Code, Division 7, Section 13000 et seq.). The law gives broad authority to the SWRCB and nine RWQCBs to establish water quality standards and discharge prohibitions, issue waste discharge requirements, and implement provisions of the federal CWA. Under the Porter-Cologne Act, “waters of the state” include both surface and groundwater. Any entity or person proposing to discharge waste within any region of the state must file a Report of Waste Discharge with the appropriate regional board.

##### **b. State Water Resources Control Board and Regional Water Resources Control Boards**

In California, the SWRCB and local RWQCBs have assumed the responsibility of implementing the EPA’s NPDES program and other programs under the CWA. In addition to its permitting programs, the SWRCB, through its nine RWQCBs, developed Basin Plans that designate beneficial uses and water quality objectives for California’s surface waters and groundwater basins, as mandated by both the CWA and the state’s Porter-Cologne Act. Water quality standards are thus established in these Basin Plans and provide the foundation for the regulatory programs implemented by the state.

The San Diego Basin encompasses approximately 3,900 square miles, including most of San Diego County and portions of southwestern Riverside and Orange counties, including the City. The Basin Plan provides all relevant information necessary to carry out federal mandates for the anti-degradation policy, CWA Section 303(d) listing of impaired waters, and provides information relative to NPDES permit limits.

##### **c. State General Construction Permit**

During the construction phase, any redevelopment project that is one acre or greater in size, or that is less than one acre in size but is part of a larger common plan of development, is subject to the requirements of the General Construction Permit, or a future SWRCB Order re-issuing the General Construction Permit. The General Construction Permit was adopted by the SWRCB on September 2, 2009, became effective July 1, 2010, and is due to be renewed. In order to be covered by the General Construction Permit, the Legally Responsible Person for the project is required to submit to the SWRCB Permit Registration Documents. Permit Registration Documents include, but are not limited to a Notice of Intent, site maps, a site-specific Risk Assessment, and a Storm Water Pollution Prevention Plan (SWPPP) describing BMPs to be used during construction to prevent the discharge

of sediment and other pollutants in storm water runoff from the project. Depending on the site-specific risk determination, additional requirements may apply.

Projects that are less than one acre in size and not part of a larger common plan of development are not subject to the requirements of the General Construction Permit. However, in the City, construction storm water requirements apply to all new development and redevelopment activities based on the City's Storm Water Management and Discharge Control Ordinance (Municipal Code Ordinance 13.28). Projects less than one acre are required to comply with the minimum pollution prevention measures applicable during construction activities per the City's Jurisdictional Runoff Management Plan (JRMP).

#### **d. Sustainable Groundwater Management Act**

The Sustainable Groundwater Management Act (SGMA) requires local Groundwater Sustainability Agencies (GSAs) in high- and medium-priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or to develop Alternatives to GSPs. GSPs provide a roadmap for how groundwater basins will reach long-term sustainability. GSPs for critically overdrafted high- and medium-priority basins were initially due to California Department of Water Resources (DWR) by January 31, 2020. GSPs for the remaining high- and medium-priority basins are due to DWR by January 31, 2022. The City's groundwater basins are not required to implement GSPs (DWR 2021).

### **4.8.2.3 Regional**

#### **a. County of Orange Municipal Storm Water Permit**

Pursuant to the CWA, the City and 20 other jurisdictions in the region were issued a NPDES Municipal Storm Water Permit Stormwater (MS4 Permit) on January 31, 2019, by the San Diego RWQCB (Order No. R9-2013-0001). The MS4 Permit implements a regional strategy for water quality and related concerns and mandates a watershed-based approach that often encompasses multiple jurisdictions allowing the co-permittees to focus their efforts and resources on achieving identified goals and improving water quality, rather than just completing individual actions (which may not adequately reflect identified goals). Under this approach, the co-permittees are tasked with prioritizing their individual water quality concerns, as well as providing implementation strategies and schedules to address those priorities.

#### **b. South Orange County Watershed Management Area Water Quality Improvement Plan**

The City, along with the cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, and San Juan Capistrano, the County of Orange and the Orange County Flood Control District have lead in the development of the Water Quality Improvement Plan (WQIP) for the Southern Orange County (SOC) Watershed Management Area.

The SOC WQIP furthers the CWA's primary objective to protect, preserve, enhance, and restore the water quality and designated beneficial uses of Orange County's creeks streams and coastal waters.

The WQIP focuses on priority areas and constituents, integration of data from multiple sources, and shifts analysis from a strictly discharge-specific approach to a risk-based prioritization approach. Specifically, the plan identifies Highest Priority Water Quality Conditions (HPWQCs) for all coastal and inland waters and sets goals for each; each goal is supported by strategies and schedules for achieving the set goals. The assessment of HPWQC identifies that bacteria are the predominant water quality issue along the coastal waters.

Water quality improvement strategies identified in the WQIP are categorized as either non-structural or structural BMPs. Non-structural BMPs are management actions or programs designed to reduce or eliminate pollutant loading at the source. Non-structural BMPs can be municipal programmatic or regulatory measures, public education and outreach, financial incentives, or other source management programs designed to effect behavioral changes. Structural BMPs include treatment or volume measures implemented at the neighborhood, parcel or site scale.

Hydromodification, which is caused by both altered stormwater flow and altered sediment flow regimes, is largely responsible for degradation of creeks, streams, and associated habitats in Orange County. The purpose of the hydromodification management requirements in the WQIP is to maintain or restore more natural hydrologic flow regimes to prevent accelerated, unnatural erosion in downstream receiving waters. In some cases, priority development projects may be exempt from hydromodification management requirements if the project site discharges runoff to receiving waters that are not susceptible to erosion (e.g., a lake, bay, or the Pacific Ocean) either directly or via hardened systems including concrete-lined channels or existing underground storm drain systems.

#### 4.8.2.4 Local

##### a. City of San Clemente Water Quality Management Plan

In California, the regulation, protection and administration of water quality are carried out by the SWRCB (State Board) and nine California RWQCBs. Each of the nine regional boards is required to adopt a Water Quality Control Plan, or Basin Plan, which recognizes and reflects regional differences in existing water quality, the beneficial uses of ground and surface waters, and local water quality conditions and problems. The Basin Plan contain five policy statements:

- Policy One: Water quality objectives, beneficial uses, and water quality control plans and policies adopted by the SWRCB and the RWQCB shall be an integral part of the basis for water quality management.
- Policy Two: Water shall be reclaimed and reused to the maximum extent feasible.
- Policy Three: Point sources and nonpoint sources of pollution shall be controlled to protect designated beneficial uses of water.
- Policy Four: Instream beneficial uses shall be maintained, and when practical, restored, and enhanced.
- Policy Five: A detailed and comprehensive knowledge of the beneficial uses, water quality and activities affecting water quality throughout the region shall be maintained.

The Basin Plan contains actions necessary to implement the policies needed to protect the beneficial uses and obtain the water quality objectives set for each waterbody. The Basin Plan includes strategies for the control of both point source pollutants (discharged from a discrete source, i.e., pipeline) and non-point source pollutants (source of pollutant is non-specific, i.e., transport of contaminants by rain or irrigation systems).

### **b. San Clemente Jurisdictional Runoff Management Program**

The JRMP or Stormwater Local Implementation Plan (LIP) is the City's approach to improving surface water quality through reducing discharges of pollutants to the MS4 (City of San Clemente 2017). Under the MS4 Permit, co-permittees must reduce, to the maximum extent possible, the pollutants discharged from their respective storm drain systems. Each co-permittee must implement the requirements of the MS4 Permit across two broad levels of responsibility for water quality impacts from urbanization within their (1) jurisdiction and (2) watershed(s). The MS4 Permit reflects these two broad levels of responsibility, in that it requires implementation of a comprehensive JRMP at the jurisdictional level and a WQIP at the watershed level (see Section 4.8.2.3).

The JRMP outlines the approach taken by the City to improve water quality through reducing pollutants discharged to the MS4. The JRMP established design standards for new development and significant redevelopment projects that require implementation of BMPs including Low Impact Development (LID) techniques, hydromodification controls, source controls and treatment controls (City of San Clemente 2017).

New Development (all public and private residential (whether single family, multi-unit or planned unit development), industrial, commercial, retail, and other nonresidential construction projects, or grading for future construction, for which either a discretionary land use approval, grading permit, building permit or nonresidential plumbing permit is required) and Priority Development Projects (PDPs; projects where 5,000 square feet or more of impervious surface area will be created or added on to an existing developed site) are required to incorporate post-construction BMPs into the project design and prepare project-specific Water Quality Management Plans (WQMPs) to document appropriate BMPs that will be incorporated into project designs to address stormwater quality and quantity.

### **c. City of San Clemente Municipal Code (SCMC)**

#### ***Chapter 13.40 Stormwater Runoff Control***

The purpose of Chapter 13.40 is to protect health and safety, and promote the welfare of the community by:

- Effectively prohibiting non-stormwater discharges into the stormwater drainage system.
- Reducing pollutants in surface runoff, including those pollutants contained in stormwater as it flows over City streets.

- Establishing minimum requirements for surface runoff management, including source control requirements to prevent and reduce pollution, and requirements for development and redevelopment projects.

The intent of Chapter 13.40 is to protect and enhance the water quality of receiving waters in a manner pursuant to and consistent with the CWA and Porter-Cologne. The chapter also provides guidance relating to the planning, installation, and maintenance of BMPs.

Pursuant to Chapter 13.40.070, every PDP must prepare and submit to the City a WQMP including proposed BMPs as specified in the NPDES permit, and the WQMP must be prepared in conformance with the JRMP. Likewise, all projects requiring construction and grading permits are required to submit a pollution control plan, construction BMP plan, and/or an erosion and sediment control plan (SCMC Section 13.40.080).

### *Chapter 15.36 Grading Ordinance*

The purpose of this chapter is to regulate grading on private property throughout the City, setting forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments. SCMC Chapter 15.36.320 establishes requirements for the control of erosion and maintenance of water quality standards. Requirements of Erosion Control Plans are detailed in SCMC Sections 15.36.330 and 15.36.340.

#### **d. City of San Clemente General Plan**

The primary goals of the Coastal Element of the City's General Plan intend to protect the City's coastal zone so it continues to:

- Sustain healthy natural habitats, natural resources, coastal canyons and the marine and shoreline environment;
- Protect and enhance water quality;
- Sustain adequate beach sand for recreation, flood protection, environmental and visual quality;
- Be accessible to residents and visitors;
- Be a valued and cherished scenic resource;
- Reflect the City's cultural and historical identity;
- Preserve the coastal zone as a key part of the City's beach culture;
- Provide recreational and visitor-serving opportunities; and
- Be characterized by land uses and development that follow the City's Local Coastal Program and are consistent with the Coastal Act.

The following are existing General Plan goals and policies relevant to hydrology and water quality. New goals and policies proposed as part of the Safety Element update relating to sea level rise are addressed in Section 4.8.8, below.

**GOAL:** Continue to be a community that minimizes its exposure to coastal hazards and plans for emergency response and recovery from hazardous events.

**Policies:**

**C-4.04. *Sea Level Rise Monitoring.*** We monitor the issue of potential future sea level rise, both in the short term via permitting actions and in the long-term to address future development impacts along the shoreline.

**C-4.05. *Sea Level Rise Protection.*** We require shoreline development and necessary bluff retention devices to be sited and designed to take into account predicted future changes in sea level. New structures shall be set back a sufficient distance landward or be designed to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise, as established by Federal or State authorities, over the expected economic life of the structure.

**C-4.06. *Ongoing Study.*** We support efforts by other agencies to study the potential impacts of continued and accelerated sea level rise and flooding of waterways on existing or proposed structures within all development zones, including impacts to development zones, traffic flow, public access, natural areas and water quality.

The Safety Element of the City's General Plan intends to protect the community from hazards related to flooding and marine hazards. While the Safety Element is being updated as part of the project (including an update to the Flood Hazards Map), there are no proposed changes to policies relating to flooding.

**GOAL:** Minimize risk to life, property, economic and social dislocation, disruption of vital services and environmental effects cause by flooding, tsunami, and sea level rise.

**Policies:**

**S-2.01. *Flood Control Channels.*** Whenever feasible, we support the restoration of concrete lined flood control channels back to natural earthen channels.

**S-2.02. *Drainage Obstruction.*** We require that property owners along canyons and watercourses keep natural drainage courses on their sites free of obstructions, such as debris, structures and dams, which may adversely affect flooding on the site or on downstream properties.

**S-2.03. *100-Year Flood Zone.*** We prohibit development within the 100-year flood zone unless adequate mitigation is provided against flood hazards.

The Public Services, Facilities, and Utilities Element intends to assist the City in providing a diverse range of effective public services, high quality public facilities, and efficient public utilities that meet local needs.



**GOAL:** Establish and maintain adequate planning, construction, maintenance, and funding for storm drain and flood control facilities to support permitted land uses and preserve the public safety; upgrade existing deficient systems and expand them, where necessary, to accommodate new permitted development and to protect existing development in the City. Pursue public funding sources (e.g., grants) to reduce fiscal impacts of implementation to the City.

**Policies:**

**PSFU-6.01. *Construction, Inspection and Maintenance.*** Provide for ongoing inspection and maintenance of existing public storm drains and flood control facilities and for the construction of upgraded and expanded storm drain and flood control facilities, where necessary, to protect existing and accommodate new permitted development.

**PSFU-6.02. *Drainage Master Plan.*** Provide for the review and, if necessary, update of the existing City Drainage Master Plan study in order to identify any deficiencies and needed improvements in the drainage system.

**PSFU-6.03. *Requirement for New Facilities.*** Require that adequate storm drain and flood control facilities be constructed coincident with new development.

**PSFU-6.04. *New Development Limitation.*** Limit new development, when necessary, until adequate flood control facilities are constructed to protect existing development and accommodate the new development runoff, or until mitigation is provided in accordance with the Growth Management Element.

**PSFU-6.05. *Development Review.*** Review development proposals for projects within the City's Sphere of Influence and encourage the County to disapprove any project which cannot be accommodated with an adequate drainage system.

**PSFU-6.07. *Funding Requirement.*** Require improvements to existing storm drain and flood control facilities necessitated by a new development proposal be borne by the project proponent; either through the payment of fees, or by the actual construction of the improvements in accordance with State Nexus Legislation.

**PSFU-6.10. *Low Impact Design Strategies.*** We require the use of low-impact site development designs and strategies to slow urban runoff, improve filtration, and reduce the volume of discharges through best management practices.

### 4.8.3 Significance Determination Thresholds

Consistent with Appendix G of the California Environmental Quality Act (CEQA) Guidelines, impacts related to hydrology and water quality would be significant if the project would:

- 1) Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality;

- 2) Substantially decrease groundwater supplies or interfere substantially with ground water recharge such that the project may impede sustainable groundwater management of the basin;
- 3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:
  - i) result in a substantial erosion or siltation on- or off-site;
  - ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
  - iii) create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
  - iv) impede or redirect flows.
- 4) In a flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- 5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

#### 4.8.4 Methodology

The potential for significant impacts associated with the project has been determined based upon review of existing secondary source information and data relative to the available hydrology and water quality data, plans and policies applicable to the City.

#### 4.8.5 Issues 1 and 5: Water Quality

*Would the project violate any water quality standards, or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality?*

*Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

##### 4.8.5.1 Impact Analysis

The groundwater components of Issues 1 and 5 are addressed in Section 4.8.6 below.

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element

policies by the City would not have an adverse effect related to water quality. Future development within the Housing Sites would entail grading and other earth-moving activities during construction. Exposed soils could be eroded and deposited into the surrounding water bodies, increasing the amount of sediment and turbidity in these water bodies. Additionally, chemicals or fuels could accidentally spill and be released into receiving waters, which could adversely alter water chemistry.

Buildout of the Housing Sites could result in the generation of runoff pollutants such as sediments, oils and grease, heavy metals, pesticides, fertilizers, trash and debris, oxygen-demanding substances, and bacteria and viruses, which are typical for residential and mixed uses. In addition, the increase in density that would result from additional residences would result in greater vehicular use of roadways, potentially increasing contaminants that would be carried in runoff and discharged into receiving waters.

Future development must adhere to applicable water quality standards as provided in various water quality regulations and plans described in Section 4.8.2 above. Future projects within the Housing Sites would incorporate source control and site design BMPs as project design features and adhere to all applicable standards and requirements detailed in the SCMC, JRMP (including WQIP and MS4 Permit), and NPDES General Construction Permit. The General Construction Permit requires preparation and implementation of a SWPPP, which must include erosion and sediment control BMPs that would meet or exceed measures required by the NPDES General Permit, as well as BMPs that control hydrocarbons, trash and debris, and other potential construction-related pollutants.

#### **4.8.5.2 Significance of Impacts**

While development of the Housing Sites has the potential to increase pollutants discharged into surface waters, all future development would be subject to federal, state, and local regulations aimed at controlling water quality impacts. Both discretionary and ministerial development would be required to adhere to regulatory requirements including MS4 requirements, SCMC Chapters 13.40 (Stormwater Runoff Control), and Chapter 15.36 (Grading Ordinance), which include requirements to ensure storm water runoff is captured and treated and erosion control measures are implemented. Impacts associated with water quality would be less than significant.

#### **4.8.5.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.

## 4.8.6 Issue 2: Groundwater

*Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

*Would the project substantially degrade groundwater quality or obstruct implementation of a sustainable groundwater management plan? (see groundwater portions of issue questions 1 and 5)*

### 4.8.6.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to groundwater. Development at the Housing Sites would primarily occur as redevelopment of existing developed sites that have existing impervious surfaces, although a few sites current are undeveloped with pervious surfaces that would allow for groundwater infiltration. Both redevelopment and new development on vacant sites would be required to comply with applicable storm water management requirements which focuses on retention and infiltration of waters on-site. Redevelopment at Housing Sites with existing development would not result in a substantial change in impervious surfaces as these sites already support some level of development. Additionally, development at all Housing Sites would be required to comply with current stormwater regulations that prioritize infiltration and treatment of stormwater and generally require increased on-site infiltration and higher standards of water quality protection compared to water quality standards that would have been implemented on existing developed sites. Therefore, the project would not substantially interfere with groundwater recharge such that the project would impede sustainable groundwater management of the basin. Furthermore, construction of housing within existing parking areas at commercial sites would ultimately include landscaping and would be required to comply with the latest stormwater management requirements which would enhance infiltration compared to the regulations that were in place when existing development was constructed. While the City does not have a groundwater management plan as one is not required for the City's groundwater basins under the Sustainable Groundwater Management Act, the project would not obstruct implementation of ongoing sustainable use of the City's groundwater resources because it would not interfere or conflict with continued pumping of the City's existing wells as described in Section 4.8.1.4.

### 4.8.6.2 Significance of Impacts

Development of the Housing Sites would not adversely affect groundwater recharge or obstruct implementation of a sustainable groundwater management plan. Impacts would be less than significant.

### 4.8.6.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.8.7 Issue 3: Drainage Patterns/Storm Water Runoff

*Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in a substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows?*

#### 4.8.7.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to drainage patterns and stormwater runoff. Impacts related to drainage patterns and stormwater runoff associated with the Housing Element Update are evaluated below.

##### a. Erosion or Siltation

Development generally has the potential to alter drainage patterns by increasing impervious surfaces (e.g., streets, sidewalks and parking lots), which have a lower absorption rate for rainfall than that of vacant natural lands. Based on the location of Housing Sites largely within existing developed areas, the potential for alterations in drainage patterns is low. For the few sites that occur on vacant undeveloped land, development would be required to comply with applicable storm water management requirements which focuses on retention and infiltration of waters on-site and avoidance of changes to drainage velocities.

Consistent with the SCMC (Stormwater Runoff Control and Grading Ordinance), all future development would be required to ensure the control of erosion and maintenance of water quality standards through Erosion Control Plans. Additionally, individual WQMPs would include specific BMPs aimed at minimizing erosion and removing sedimentation from surface runoff. Specifically, erosion control measures would ensure that surface water runoff flows leaving future development sites would not carry substantial amounts of sediment to downstream waters. All future development proposing one acre or greater of grading, would be required to prepare a construction SWPPP describing specific construction BMPs that address pollutant source reduction, and provide erosion control measures necessary to mitigate potential pollutant sources.

##### b. Increase Surface Runoff

Development generally has the potential to increase surface runoff when new impervious surfaces (e.g., streets, sidewalks and parking lots) are constructed, which have a lower absorption rate for rainfall than that of vacant natural lands. Based on the location of Housing Sites largely within existing developed areas, the potential increases in surface runoff is low. For the few sites that occur on

vacant undeveloped land, development would be required to comply with applicable storm water management requirements which focuses on retention and infiltration of waters on-site and avoidance of changes to drainage velocities.

Consistent with the SCMC (Stormwater Runoff Control and Grading Ordinance), all future development would be required to ensure the control of erosion and maintenance of water quality standards through implementation of applicable storm water BMPs and erosion control measures to retain flows on-site and minimize the velocity of storm water runoff. Such BMPs could include on-site drainage swales, bioretention features, use of permeable pavers in parking areas and streets, or infiltration basins which also serve as a means for pollutant removal. Additionally, applicable projects would be required to include LID BMPs as discussed in the JRMP to treat potentially polluted runoff prior to entering the public storm drain system. Project-specific studies would be required to ensure that volume-based treatment LID BMPs are properly sized to infiltrate, filter, or treat the remaining portion of the runoff volume that was not retained or treated by other BMPs. Future development would also be required to adhere to SCMC Chapter 13.40 (Stormwater Runoff Control), which requires surface runoff management.

### **c. Exceed Capacity of Stormwater System**

Future development of the Housing Sites would contribute runoff to the existing storm water drainage system. The major components of the City's 1982 Drainage Master Plan have been implemented since its approval and based on expected population within the City, the facilities would be adequately sized to accommodate peak flows. Additionally, as detailed in the Public Services, Facilities and Utilities Element, the City requires ongoing review and updating of the City Drainage Master Plan study in order to identify any deficiencies and needed improvements in the drainage system (Policy PSFU-6.02) and requires that adequate storm drain and flood control facilities be constructed coincident with new development (Policy PSFU-6.03).

### **d. Impede or Redirect Flows**

As described in Section 4.8.7.1 (b) above, future development would be required to implement applicable storm water BMPs and erosion control measures to retain flows on-site and minimize the velocity of storm water runoff. As described in Section 4.8.7.1 (c) above, the City would continue to review and update the City Drainage Master Plan study in order to identify any deficiencies and needed improvements in the drainage system (Policy PSFU-6.02) and would require that adequate storm drain and flood control facilities be constructed coincident with new development (Policy PSFU-6.03).

## **4.8.7.2 Significance of Impacts**

While development of the Housing Sites has the potential to alter drainage patterns resulting in increased erosion, stormwater runoff and otherwise impact the existing drainage system, all future development would be subject to federal, state, and local regulations aimed at reducing polluted storm water and avoiding overloading the City's drainage system. Both ministerial and discretionary development would be required to adhere to regulatory requirements including SCMC Chapter 13.40 (Stormwater Runoff Control) which includes requirements for the elimination or reduction of storm

water run-off. Impacts associated with drainage patterns and storm water runoff would be less than significant.

### 4.8.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

## 4.8.8 Issue 4: Flood Hazard/Tsunami Inundation

*In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?*

### 4.8.8.1 Impact Analysis

#### a. Flood Hazards

As shown in Figure 4.8-2, a few Housing Sites are located within flood hazard areas of the Segunda Deshecha Cañada channel. Riverine flooding impacts could occur from increases in the amount of runoff delivered to the creeks or river, causing an increase to the total flow in the creeks or river from alterations to local drainage patterns. In general, the potential for riverine flooding impacts is addressed through management of local surface runoff. Additionally, the potential for flooding impacts from direct alterations to the creeks or river is managed through the adoption of development regulations for SFHAs or areas mapped as 100-year flood hazard areas on federal FIRMs, where the NFIP's management regulations must be enforced. These regulations address placement of fill, housing, and structures in areas mapped as SFHAs. While none of the Housing Sites are located within 100-year flood hazard areas, if development were proposed within flood hazard zones it would be required to demonstrate consistency with the NFIP requirements including obtaining, where applicable, FEMA's comment on whether a proposed project would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations, or the SFHA. Where applicable, the FEMA process would require development to incorporate measures or design features to ensure the project would not affect the conveyance of flood waters. This could be accomplished through elevated building pads and/or other compliance measures as specified by FEMA. Policy S-2.03 of the Safety Element reinforces application of these regulations a prohibition of development within a flood zone unless adequate assurances are provided against flood hazards.

#### b. Tsunami

As shown in Figure 4.8-3, the coastal portion of the City is located within a tsunami inundation zone. Although no Housing Sites are currently located within the Tsunami Zone, future sea level rise could cause the zone to move further inland. Currently, the projected tsunami inundation area and inundation line are well below the majority of the developable land use areas and primarily affect open space land uses and existing beachfront properties (City of San Clemente 2013). Nonetheless, the City's Coastal Hazard Element includes policies applicable to future actions within the coastal areas to prevent danger and damage from potential tsunamis. Specifically, Policy C-4.04 requires the

City to monitor the potential for future sea level rise and its effect on development permits. Additionally, Policy C-4.06 requires ongoing studies into the potential impacts of continued and accelerated sea level rise on all development zones, including impacts to development zones, traffic flow, public access, natural areas, and water quality. The updated Safety Element contains additional discussion related to sea level rise as it may be affected by global climate change. It is noted that shoreline erosion is expected to accelerate with sea level rise which could result in increased coastal flooding; however, the City recently adopted a Sea Level Rise Vulnerability Plan and is in the process of preparing a Coastal Resiliency Plan that will identify actions and adaptation strategies that can be taken to improve coastal resiliency. The proposed Safety Element update includes policies supporting implantation of adaptation strategies and incorporates the City's Sea Level Rise Vulnerability Assessment and the future Coastal Resiliency Plan by reference. None of the Housing Sites are within areas anticipated to be affected by tsunami or future sea level rise scenarios.

#### **4.8.8.2 Significance of Impacts**

Future development of the Housing Sites would be required to conform to applicable federal, state, and City regulatory standards to effectively avoid and/or address potential impacts associated with development in flood zones. Housing Sites are not within an area anticipated to be adversely affected by tsunami. Implementation of all regulatory requirements would ensure that impacts related to flood hazards would be less than significant.

#### **4.8.8.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.



## 4.9 Land Use and Planning

This section analyzes the potentially significant impacts related to land use that could result from implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites."

### 4.9.1 Existing Conditions

The Housing Element Residential Sites Inventory identifies the development potential of several vacant and underutilized sites that are zoned at densities sufficient to accommodate the projected increase in housing needs (see Table 3-3). The existing land use at these sites is provided in Table 3-3 and their location is shown on Figure 3-1. The project does not propose to change the development potential at these sites, but these sites are included as part of the Housing Element sites inventory as locations where future housing could be accommodated to meet the City's RHNA.

Additionally, the City has identified a number of candidate rezone sites that could be subject to future rezones to provide density sufficient to accommodate the City's RHNA. The potential rezone sites have the potential to yield 1,564 units as detailed in Table 3-4 and Figure 3-2. The existing land uses at these sites is described in Section 2.5. The location of these sites is shown on Figure 2-4 and depicted in Photographs 1 through 9 in Chapter 2.0.

Title 17 (Zoning) of the City of San Clemente Municipal Code provides the basis for current zoning in the City. The City's official zoning map has eight general zoning designations: residential, commercial, mixed commercial and residential, industrial, institutional, public and parking, open space, and specific plans and study areas. Existing zoning for the Housing Sites is provided in Tables 3-3 and 3-4.

### 4.9.2 Regulatory Framework

#### 4.9.2.1 State

##### a. State Housing Element Law

State Housing Element Law requires cities to regularly update their housing elements to identify and analyze housing need; establish reasonable goals based on those needs; and set forth a comprehensive list of actions to achieve those goals. In the face of mounting housing costs and the lack of affordable housing throughout the state, the legislature has prioritized the provision of a decent home and suitable living environment to each Californian, with particular focus on housing affordable to low and very low-income households. As a result, State Housing Element Law (Government Code Section 65583 et seq.) now requires all incorporated cities and unincorporated

counties to regularly update their General Plan Housing Element to ensure each city and county in the state provides its fair share of housing at all economic levels.

State law further requires that jurisdictions demonstrate in their Housing Element that the land inventory is adequately zoned to accommodate that jurisdiction's share of the regional growth. In accordance with state law, a zoning density of 30 residential units per acre is deemed appropriate to accommodate housing for lower income households within suburban jurisdictions such as San Clemente.

## **b. Senate Bill 375 – Sustainable Communities and Climate Protection Act**

The Sustainable Communities and Climate Protection Act of 2008, also known as Senate Bill (SB) 375 (2008) requires Southern California Association of Governments (SCAG) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) to address greenhouse gas (GHG) reduction targets from cars and light-duty trucks in the context of its Regional Transportation Plan (RTP). SB 375 requires local governments to make their housing elements consistent with their region's SCS.

SB 375 requires the SCS to show how GHG reduction targets could be achieved; and recommended the integration of transportation and residential land use as one of the most impactful strategies for reducing GHG emissions from vehicles. Higher-density infill development located near transit that emphasizes proximity and connectivity to public transit, employment and service centers, walkable areas, and amenities, can reduce vehicle GHG emissions by reducing vehicle trip number and length (assuming travelers are using some other form of non-vehicle mobility).

SB 375 also streamlines the California Environmental Quality Act (CEQA) process by removing project-by-project CEQA review for qualifying projects, relying instead on prior analysis that exempts projects already considered in the broader analysis. There are, essentially, two approaches that SB 375 takes to reducing project-by-project review, which are similar to those identified below for SB 743:

- **Exemptions:** The first type of CEQA streamlining included in SB 375 provides for a reduced requirement to conduct a CEQA analysis for Transportation Priority Projects (TPPs) that are consistent with the SCS or APS. In addition to consistency, these projects must meet three additional requirements: (1) contain at least 50 percent residential use; commercial use, if any, must have floor area ratio (FAR) of not less than 0.75; (2) have a minimum net density of 20 units per acre; and (3) be located within one-half mile of a major transit stop or high quality transit corridor included in an RTP.
- **Tiering:** The other streamlining measure in SB 375 applies to projects that have already been analyzed under a CEQA assessment that was conducted for the SCS or APS. For a project deemed consistent with the SCS or APS, the lead agency is not required to reference, describe, or discuss growth inducing environmental impacts, project-specific cumulative impacts, or a reduced residential density alternative. (More specifically, a residential or mixed-use project which is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in an SCS.)

### c. SB 743 – Environmental Quality

State Senate Bill 743 (SB 743; 2013) created a process to change the way projects analyze transportation impacts pursuant to CEQA. Environmental review of transportation impacts typically focuses on the delay that vehicles experience at intersections and on roadway segments. That delay is often measured using a metric known as “level of service,” or LOS. Under SB 743, the focus of transportation analysis shifts from driver delay to reduction of GHG emissions, creation of multimodal networks and promotion of a mix of land uses. SB 743 requires the Governor’s Office of Planning and Research to amend the CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts. The alternative criteria must promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses (Governor’s Office of Planning and Research 2014). Once the CEQA Guidelines are amended to address the new transportation methodologies, auto delay will no longer trigger an impact finding under CEQA. This change will occur at least within transit priority areas, and possibly throughout the state.

According to the legislative intent contained in SB 743, changes to current transportation impact evaluation practice are necessary to more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health (through active transportation), and reduction of GHG emissions. Thus, SB 743 expresses the need to evaluate transportation impacts based on land use efficiency, rather than road capacity, where land use efficiency is measured by how well-connected and integrated various land uses are so as to eliminate the need for individual vehicle travel or to shorten vehicle trip lengths and frequency.

SB 743 also creates a new exemption from CEQA for certain projects that are consistent with a specific plan. The exemption applies if a project meets all of the following criteria:

- It is a residential, employment center, or mixed-use project;
- It is located within a transit priority area;
- The project is consistent with a specific plan for which an environmental impact report was certified; and
- It is consistent with an adopted sustainable communities strategy or alternative planning strategy.

An “employment center project” means “a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area.” A “transit priority area” means “an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” A “major transit stop” means “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.”

The exemption cannot be applied if the project would cause new or worse significant impacts compared to what was analyzed in the environmental impact report for the specific plan. In that case, supplemental environmental review must be prepared.

In addition to the new exemption for projects that are consistent with specific plans, SB 743 also eliminates the need to evaluate aesthetic and parking impacts of a project if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.

An “infill site” means “a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.”

### 4.9.2.2 Regional

#### a. Southern California Association of Governments

SCAG is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. SCAG is the federally recognized metropolitan planning organization (MPO) for this region, which encompasses over 38,000 square miles. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and state law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the southern California region’s MPO, SCAG cooperates with the South Coast Air Quality Management District (SCAQMD), the California Department of Transportation (Caltrans), and other agencies in preparing regional planning documents. SCAG has developed regional plans to achieve specific regional objectives. The plans most applicable to the proposed project are discussed below. The City’s Centennial General Plan is considered a project of regionwide significance pursuant to the criteria outlined in SCAG’s Intergovernmental Review Procedures Handbook (November 1995) and Section 15206 of the California Environmental Quality Act (CEQA) Guidelines. Therefore, this section addresses the proposed project’s consistency with the applicable SCAG regional planning guidelines and policies.

#### *Sustainable Communities Strategy*

SB 375 requires each MPO to add a broader vision for growth to its transportation plan through development of an SCS. The SCS must lay out a plan to meet the region’s transportation, housing, economic, and environmental needs in a way that enables the area to lower GHG emissions. The SCS should integrate transportation, land use, and housing policies to plan for achievement of the emissions target for each region.

SCAG’s Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), also known as “Connect SoCal” was adopted in 2020. The Connect SoCal plan identifies that land use strategies that focus on new housing and job growth in areas rich with destinations and mobility options would

be consistent with a land use development pattern that supports and complements the proposed transportation network. The overarching strategy in Connect SoCal is to provide for a plan that allows the southern California region to grow in more compact communities in transit priority areas and priority growth areas; provide neighborhoods with efficient and plentiful public transit; establish abundant and safe opportunities to walk, bike, and pursue other forms of active transportation; and preserve more of the region's remaining natural lands and farmlands (SCAG 2020).

## **b. Southern Orange County Subregion NCCP/MSAA/HCP**

As part of the implementation of the Natural Community Conservation Plan (NCCP), Orange County, along with other local agencies, have prepared a Habitat Conservation Plan (HCP) and Master Streambed Alteration Agreement (MSAA). The goal of the HCP is to maintain and enhance biological diversity in the region and maintain viable populations of endangered, threatened, and key sensitive species and their habitats while promoting regional economic viability through streamlining the land use permit process. The Southern Orange County Subregion Natural Community Conservation Plan/Master Streambed Alteration Agreement/Habitat Conservation Plan (Orange County Southern Subregion NCCP/MSAA/HCP) study area covers the southernmost 132,000 acres of Orange County, including all of the City. NCCP/MSAA/HCP habitat reserves and impact analysis areas overlap with the City near its northern boundary, north and east of the Talega community. The NCCP/MSAA/HCP covers 32 animal species and 10 vegetation communities. Seven federally listed species are covered by the plan, including the thread-leaved brodiaea, Riverside fairy shrimp, southwestern willow, coastal California gnatcatcher, arroyo toad, and least Bell's vireo.

The HCP was approved by the U.S. Fish and Wildlife Service (USFWS) in 2007. The three currently participating landowners in the HCP are the County of Orange, the Santa Margarita Water District, and the Rancho Mission Viejo Company. The City is one of the signatories to the HCP's enrollment agreement, but is not currently a participant receiving regulatory coverage for impacts to covered species. However, the HCP provides for the participation of other non-permittee entities such as the City by way of a certificate of inclusion or other appropriate mechanism as set forth in the HCP and the Implementation Agreement.

In addition, the Southern Orange County Subregional HCP has not been approved by the California Department of Fish and Wildlife (CDFW) as a NCCP. Therefore, applicants for projects with impacts to state listed species must apply to CDFW for incidental take permits, as authorized under Sections 2081(b) and (c) of the California Fish and Game Code, separately from coverage under the Federal Endangered Species Act through the HCP. CDFW issues some programmatic California Endangered Species Act (CESA) permits to developers and other entities such as public utilities covering multiple species under California Fish and Game Code Section 2081(b). Programmatic CESA permits can include species under review for CESA listing; upon listing of such a species, the permittee must consult with CDFW regarding mitigation of impacts to that species.

### 4.9.2.3 Local

#### a. City of San Clemente Municipal Code (SCMC)

The SCMC contains the primary zoning implementation mechanisms for the General Plan Land Use Element. The policies contained in the zoning ordinances classify and regulate the uses of land and structures within the City, consistent with the General Plan. The Zoning Code (Title 17) is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City. The City's Zoning Code also regulates the physical development of land by imposing minimum standards on lot size, lot width and depth, and setbacks, and by placing maximum limits on lot coverage and floor area ratio. These development standards are intended to control for unacceptable mass and bulk, ensure proper scale of development, provide minimum light, air, and open space for every lot, and minimize the potential for spillover and edge effects between uses.

##### *Affordable Housing Overlay District (SCMC Section 17.56.090)*

The City established an Affordable Housing Overlay District (see Figure 3-1) in 2006 along El Camino Real. The overlay zone allows stand-alone mixed-income housing to be built in NC 1.2, NC 1.3, NC 2, NC 3, MU 3, and MU 5.1 zoned properties along El Camino Real provided at least 51 percent of the units are affordable to households earning up to 50 percent of area median income and a minimum density of 20 units per acre is required. The intent of this overlay zone is to facilitate the development of affordable rental and for sale housing in the City's commercial and mixed-use zones. Refer to Section 3.3.1.2.a for more information about the Affordable Housing Overlay District. Figure 3-1 depicts the location of the Affordable Housing Overlay District in relation to vacant and underutilized Housing Sites.

##### *Emergency Shelters Overlay District (SCMC Section 17.56.100)*

The emergency shelters overlay district was established to meet the requirements of State law (SB 2) by designating specific areas where emergency shelters, also referred to as "homeless shelters", may be established and operated by right, to meet the shelter needs based on homeless population estimates established by current reliable information and in the City's General Plan Housing Element. The Emergency Shelters Overlay District is located within the Rancho San Clemente Business Park, in the area south of the intersection of Avenida Pico and Avenida La Pata, with a few parcels located along the northeast side of Avenida La Pata, south of Avenida Pico. Rezone Site A is located within the Emergency Shelters Overlay District.

The goals for areas with this designation are as follows:

1. To facilitate efforts to address the needs of homeless persons in the City of San Clemente by identifying locations where emergency shelters are allowed by right and by establishing objective development and operation standards for emergency shelters.
2. To protect public safety, maintain land use compatibility, and preserve property values, neighborhood quality and economic vitality while addressing an identified humanitarian need.

3. To locate such facilities, to the maximum extent possible, close to public transportation, public and community services, near job centers, away from residential neighborhoods, schools and parks.
4. To allow small-scale, family-oriented emergency shelters as an accessory use to churches and other religious institutions.
5. To ensure that emergency shelters are designed in accordance with applicable standards, as allowed under State law, and that they comply with City standards and guidelines applying to all other uses in the zone.
6. To ensure that emergency shelters are operated in a responsible and community-sensitive manner that prevents and avoids impacts to adjacent neighborhoods and enables residents, businesses and property owners to support, monitor, communicate with shelter operators, and seek City action to protect public health, safety and welfare.
7. To achieve a Housing Element which complies with State law and that fully addresses all housing needs in the community while balancing other important community needs and goals, to protect public safety, neighborhood peace and aesthetics, and economic vitality.

## **b. General Plan**

The General Plan was updated in 2014 and is comprised of the following 13 elements: Land Use; Urban Design; Historical Preservation; Economic Development; Mobility & Complete Streets; Beaches Parks & Recreation; Natural Resource; Coastal; Safety; Public Services, Facilities & Utilities; Growth Management; Governance; and 2017-2021 Housing. Each element contains citywide goals, objectives, and policies to implement the City's development strategy. The General Plan's objectives are statements that are subordinate to the goals but more closely define a particular area of interest or course of action. The policies are specific courses of action, which directly assist in implementing the objectives and goals of the General Plan. As set forth by state law, the General Plan serves as the primary land use planning document for the City and all subordinate plans and implementing ordinances are required to be consistent with the General Plan.

### ***General Plan Land Use Element***

The primary goals of the Land Use Element seek to achieve the City's vision by establishing and maintaining balance of uses that provides:

1. A diversity of residential neighborhoods and housing opportunities;
2. Distinct and vibrant commercial and industrial areas offering a range of retail, service and employment uses that complement rather than compete with one another;
3. A mix of passive and active recreational areas available to all of our residents, employees and visitors;
4. Access to a host of historic, cultural and social amenities and resources;

5. Protected open space and natural resource areas that offer solitude and a respite from urban life, recreation and views, diverse and healthy natural habitats for a variety of plant and animal species, and distinct community edges.
6. A mix of public and institutional uses that provide lifelong learning opportunities, places of worship and City facilities offering a wide range of services and cultural amenities.

The following are existing General Plan goals and policies relevant to the future Housing Sites.

**GOAL:** Achieve a mix of residential neighborhoods and housing types that meets the diverse economic and physical needs of residents, that is compatible with existing neighborhoods and the surrounding environmental setting, and that reflects community expectations for high quality.

**Policies:**

**LU-1.01. *General.*** We accommodate the development of a variety of housing types, styles, tenure and densities that are accessible to and meet preferences for different neighborhood types (e.g., mixed use pedestrian environments and traditional suburban neighborhoods), physical abilities and income levels, pursuant to the Land Use Plan and Housing Element.

**LU-1.02. *Access to Amenities.*** We require residential developments to be designed to promote safe and convenient access to nearby commercial centers, community facilities, parks, open space, transit facilities, bikeways, trails and other amenities, as applicable.

**LU-1.03. *Maintenance of Neighborhood Character.*** We maintain elements of residential streets that unify and enhance the character of neighborhoods, including parkways, street trees, and compatible setbacks.

**LU-1.05. *Multi-Family Residential Uses.*** We require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character in accordance with the Urban Design Element and Zoning Code. New multi-family housing development projects shall:

- a. use building materials, colors, and forms which complement the neighborhood, while allowing flexibility for distinctive, high-quality design solutions;
- b. design all building elevations to convey the visual character of individual units rather than a single, continuous building mass and volume;
- c. visually hide or buffer subterranean parking garages;
- d. use a well-defined roofline;
- e. include separate, well-defined entries to convey the visual character of individual identity of each residential unit. Entries may be developed onto exterior facades, interior courtyards, and/or common areas;
- f. locate and design parking areas and garages to be architecturally integrated with and complementary to the main structure;
- g. use generous site landscaping, consistent with City Landscape Standards;



- h. include setbacks, consistent with the surrounding neighborhood, along the street frontage containing landscaping. Building entries shall be connected to public sidewalks to encourage safe and convenient pedestrian access; and
- i. minimize the total area of driveway paving in relation to landscaping.
- j. provide on-site open space amenities that are accessible and of sufficient size to be usable by tenants, in common areas and/or with individual units pursuant to the Zoning Code.

**LU-1.06. Residential Infill.** We require that new residential development be compatible with adjacent structures and land uses and we require:

- a. mitigation of noise, traffic (automobile and truck), and lighting impacts of abutting commercial uses, where applicable;
- b. use of complementary building materials, colors, and forms, while allowing flexibility for distinguished design solutions.

**GOAL:** Promote and support development in areas designated for Mixed Use that is attractively designed, adds vitality and pedestrian activity, enhances economic opportunities, reduces vehicle trips and associated air pollution and offers convenient and affordable housing opportunities for all income levels.

**Policies:**

**LU-3.01. *Horizontal and Vertical Mix.*** We permit a range of horizontally and vertically mixed uses appropriate to key areas of the City.

**LU-3.02. *Flexibility.*** We apply flexible development standards to respond to changing market demands, where it can be demonstrated that by doing so, the proposed development or land use will help achieve General Plan goals.

**LU-3.03. *Ground Floor Retail.*** In pedestrian-oriented environments, we require retail uses to be located on the ground floor to provide convenience and good visibility for shoppers. Whenever possible, we require off-street parking to be screened and located on the side or at the rear of buildings.

**LU-3.04. *Upper Floors.*** Where buildings over two stories are allowed, we require building facades above the second floor to be set back from lower, street-facing facades to minimize building height and bulk, pursuant to the Design Guidelines and applicable Specific Plans.

**LU-3.05. *Stand Alone Residential Uses.*** In Mixed Use areas MU3.1, MU3.3, and MU5, stand alone residential uses are permitted. In these areas, we require stand alone dwellings to be compatible with adjacent commercial and mixed uses and with adjacent neighborhoods. Such developments shall:

- a. buffer the residential use from abutting commercial uses;
- b. adequately mitigate the noise, traffic, parking (automobile and truck), and lighting impacts of abutting commercial use;
- c. locate and design dwellings to provide adequate security and privacy for residents; and

- d. minimize, to the extent practical, adverse impacts on the integrity and continuity of nearby commercial uses by considering the long term needs of commercial and residential uses, such as commercial loading, solid waste and recycling storage, private open space, landscape buffers, noise and odors.

### c. Focus Areas

The City's General Plan identifies Focus Areas that have the most potential for change and identifies policies specific to these areas. Refer to Figure 4.1-3 for a map of the Focus Areas in relation to the Housing Sites. The Focus Areas with proposed Housing Sites are described below.

#### *Rancho San Clemente Business Park*

The Rancho San Clemente Business Park is governed by the Rancho San Clemente Specific Plan. The Rancho San Clemente Specific Plan is both a planning and a regulatory document to implement the goals, policies, and objectives of the San Clemente General Plan. The provisions of this Specific Plan apply to all real property within the area known as Rancho San Clemente. The plan's objectives are to provide planning and design concepts for Rancho San Clemente consistent with the General Plan; to provide for the implementation of the City's Inclusionary Housing Program, Growth Management Program, Urban Design Program, and Master Landscape Plan for Scenic Corridors; to provide a set of development standards; to regulate land uses and development in conformance with the City's Zoning Ordinance and Hillside Development Ordinance; provide a balance of land uses within the Specific Plan Area, including a wide range of housing opportunities, educational, institutional, open space, and recreational uses, with a substantial employment center including commercial, business park, and industrial park in close proximity to residential areas; to phase development in step with provision for the infrastructure and services needed to support the new development; and to reduce intrusion on the natural topography and open space by preserving the primary ridgeline, gateway knoll, and perimeter open space areas (City of San Clemente 2021). The City's Emergency Shelter Overlay overlaps with the Rancho San Clemente Business Park and potential rezone site A is located within this area.

#### *Los Molinos*

The area generally west of Calle Industrias and southeast of Avenida Pico is primarily an industrial area. It is envisioned as the heart of a thriving, creative business incubator district that builds upon its industrial and surf heritage. Vehicle and marine sales and services are also accommodated in this area. The largely commercial area east of Calle Industrias and adjacent to Interstate 5 (I-5) is envisioned as an institution-anchored employment center offering learning, employment and housing opportunities. This area is envisioned to support an eclectic mix of architectural styles, colors, materials, landscaping and public art throughout the area (City of San Clemente 2014 [Land Use Element]). Most the Los Molinos area is governed by the West Pico Corridor Specific Plan. Potential rezone sites Q, R, S, T and vacant and underutilized site 13 are located in this area.

### ***North Beach/North El Camino Real***

The North Beach/North El Camino Real Focus Area is a unique, community- and coastal visitor-oriented entertainment hub and recreation area. It is an important City gateway along the historic El Camino Real/Pacific Coast Highway from beach cities to the north. Visually, the area's assets include views of the ocean, convenient beach access, and an inventory of historic buildings. The maintenance of pedestrian-welcoming streetscapes and paseos are encouraged throughout this area (City of San Clemente 2014 [Land Use Element]). Vacant and underutilized sites 4, 5, 6, 14, 16, and 17 are located in this area.

### ***Del Mar/T-Zone Focus Area and Downtown Core***

These areas are the City's historic core and the heart of the Downtown area. It is the City's most diverse, pedestrian-oriented commercial district, offering retail shops, commercial services, eating and drinking places, offices and dwellings. These areas are characterized by a village charm through its Spanish Colonial Revival architecture, pedestrian orientation, and ocean views (City of San Clemente 2014 [Land Use Element]). Vacant and underutilized site 15 is located in this area.

### ***South El Camino Real (West of I-5)***

The South El Camino Real area extends along El Camino Real, west of I-5, from Avenida Rosa to Avenida Valencia and the I-5 overpass. I-5 borders the area on the east and residential neighborhoods border it on the west. The area provides a transitional area between I-5 and the Del Mar/T-Zone, featuring ocean views, mixed-use housing with local-serving commercial uses, restaurants, and hotels. Design guidelines focus on maintenance of a gateway to the City (City of San Clemente 2014 [Land Use Element]). Vacant and underutilized sites 1, 2, and 12 are located in this area.

### ***South El Camino Real (East of I-5)***

This area, along South El Camino Real, is located east of the southernmost I-5 overpass and extends to the southern City limits near Avenida Santa Margarita. The area is characterized by a mix of restaurants, small hotels, offices, and residential uses. Areas furthest south have a more residential character, with larger multi-family buildings lining El Camino Real and small, mostly detached houses on streets to the east. Design guidelines focus on maintenance of a gateway which recognizes the surf culture of the area along with additional regulations (e.g., visual buffering, noise attenuation) relating to residential development in proximity to the I-5 (City of San Clemente 2014 [Land Use Element]). Vacant and underutilized sites 3, 8, and 9 are located in this area.

### 4.9.3 Significance Determination Thresholds

Consistent with Appendix G of the CEQA Guidelines, impacts related to land use would be significant if the project would:

- 1) Physically divide an established community; or
- 2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

### 4.9.4 Methodology

The land use analysis in this section evaluates the potential for the project to cause an inconsistency with applicable plans and policies or to physically divide an established community, which could result in environmental impacts. The land use analysis relies upon and land use data and secondary source information including but not limited to the adopted General Plan, various Specific Plans, and Municipal Code regulations. Land use impacts would be significant if the project were to conflict with any applicable adopted land use plan, policy, or regulation, and the conflict were to result in or relates to a significant environmental effect.

### 4.9.5 Issue 1: Physically Divide an Established Community

*Would the project physically divide an established community?*

#### 4.9.5.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not physically divide an established community. All future Housing Sites would be located in urbanized areas that are already served by infrastructure. The vacant and underutilized sites are primarily located within urbanized areas that are surrounded by residential development. Development of housing at rezone sites B, and C through P (which contain existing shopping centers), would result in the addition of residential housing within the parking areas of the existing shopping centers. Although the addition of residential use would change the intensity of land uses at the sites, they would constitute infill development and would not divide an established community. Similarly, development of rezone site A would be located adjacent to existing urban uses. Site U is the most remote of all potential rezone sites; but the site is still adjacent to existing transportation infrastructure and development at this location would not physically divide a community. Additionally, the project would not include new major infrastructure such as a freeway that could physically divide an established community. Furthermore, development of Housing Sites within the City's Focus Areas and/or Specific Plan Areas would be required to adhere to the land use plans that provide supplemental development regulations of those sites.

### 4.9.5.2 Significance of Impacts

None of the Housing Sites would require any new major infrastructure or improvements that could physically divide an established community. Therefore, the project would not physically divide an established community, and impacts would be less than significant.

### 4.9.5.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

## 4.9.6 Issue 2: Conflicts with Plans and Policies

*Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact?*

### 4.9.6.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element. Adoption of the Safety Element will ensure the City's General Plan is consistent with recently adopted regulations that required Safety Elements to include new policy and analysis. Specifically, state law was amended in 2018 (SB 1035) to require safety elements to be updated, specifically for flood, fire hazards, and climate adaption, upon the next housing element update. The Safety Element is required to include goals, policies, and objectives necessary to address climate adaptation and resiliency, address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code (PRC), and land classified as very high fire hazard severity zones, as defined in Section 51177 of the PRC. Adoption of the Safety Element will ensure consistency with state law and will provide additional policy in the City's General Plan for the purpose of avoiding environmental impacts related to wildfire and climate change including sea level rise. Therefore, land use consistency impacts associated with adoption of the Safety Element would be less than significant.

Adoption of the Housing Element and rezoning required to meet the City's RHNA is needed in order to comply with state housing mandates. A majority of the Housing Sites have been located in areas consistent with SCAG priority growth areas including within High Quality Transit Areas, Neighborhood Mobility Areas, and Job Centers, as identified by SCAG (refer to Figure 4.6-1). All of the vacant and underutilized sites identified in the Housing Element would be developed consistent with existing zoning and General Plan land uses. However, the potential future rezone sites would introduce potential changes in land uses and density increases. As detailed in Chapter 3.0 and throughout this EIR, future development at the Housing Sites may occur either with a discretionary action, or with a ministerial approval for projects that meet certain criteria including providing at least 20 percent of the housing as affordable to lower income residents. Future development on Housing Sites that would require a discretionary review would be subject to a site-specific environmental review that considers consistency with all applicable plans, including the City's General Plan. Additionally, development within the City's Focus Areas and/or Specific Plan Areas would be required to adhere to the land use plans that provide supplemental development regulations for

those areas. Both future ministerial and discretionary review would be subject to review for consistency with the City's Design Guidelines in addition to applicable regulations in the SCMC that serve to reduce or avoid environmental impacts.

#### **4.9.6.2 Significance of Impacts**

Policy consistency review associated with future discretionary development at Housing Sites would ensure no conflict would occur related to policies or regulations adopted for the purpose of mitigating an environmental impact. Additionally, future discretionary projects would be subject to implementation of the City's General Plan Mitigation Monitoring Requirements to ensure environmental impacts are minimized. The City's General Plan Mitigation Monitoring Program is incorporated by reference. Environmental impacts associated with policy consistency for future discretionary development at the Housing Sites would be less than significant.

However, future development that is allowed to proceed with a ministerial approval would not be subject to an extensive policy review for consistency with General Plan policies and/or other applicable plans. Absent this discretionary review, environmental impacts associated with future ministerial development at the Housing Sites related to policy inconsistency would be significant.

#### **4.9.6.3 Mitigation Framework**

Throughout this EIR, mitigation measures have been identified that would require the City to adopt objective standards that could apply to future ministerial approvals. Incorporation of these mitigation measures would minimize adverse environmental impacts associated with future ministerial development at the Housing Sites and associated conflicts with policies adopted for the purpose of avoiding or mitigating an environmental impact. Although the mitigation measures in this EIR would reduce environmental impacts associated with policy consistency to the extent feasible, it cannot be ensured that all potential environmental impacts related to land use consistency can be avoided. Therefore, impacts would be significant and unavoidable after mitigation.

## 4.10 Noise

This section evaluates potential noise impacts due to implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." Specifically, this section addresses potential noise impacts related to compliance with applicable noise ordinance standards, generation of groundborne noise and vibration, and temporary and permanent increases in ambient noise levels. Complete noise modeling data are contained in Appendix D of this Program Environmental Impact Report (PEIR).

### 4.10.1 Existing Conditions

#### 4.10.1.1 Fundamentals of Noise and Vibration

##### a. Fundamentals of Noise

Sound levels are described in units called the decibel (dB). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used for earthquake magnitudes. Thus, a doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; a halving of the energy would result in a 3 dB decrease.

Additionally, in technical terms, sound levels are described as either a "sound power level" or a "sound pressure level," which while often confused, are two distinct characteristics of sound. Both share the same unit of measure, the dB. However, sound power, expressed as  $L_{pw}$ , is the energy converted into sound by the source. The  $L_{pw}$  is used to estimate how far a noise will travel and to predict the sound levels at various distances from the source. As sound energy travels through the air, it creates a sound wave that exerts pressure on receivers such as an ear drum or microphone and is the sound pressure level. Noise measurement instruments only measure sound pressure, and noise level limits used in standards are generally sound pressure levels.

The human ear is not equally sensitive to all frequencies within the sound spectrum. To accommodate this phenomenon, the A-scale, which approximates the frequency response of the average young ear when listening to most ordinary everyday sounds, was devised. When people make relative judgments of the loudness or annoyance of a sound, their judgments correlate well with the A-scale sound levels of those sounds. Therefore, the "A-weighted" noise scale is used for measurements and standards involving the human perception of noise. Noise levels using A-weighted measurements are designated with the notation dB(A).

The impact of noise is not a function of loudness alone. The time of day when noise occurs and the duration of the noise are also important. Additionally, most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors has been developed. The noise descriptors used for this study are the one-hour equivalent noise level ( $L_{eq}$ ) and the

community noise equivalent level (CNEL). The CNEL is a 24-hour equivalent sound level. The CNEL calculation applies a 5 dB(A) penalty to noise occurring during evening hours, between 7:00 p.m. and 10:00 p.m., and a 10 dB(A) penalty is added to noise occurring during the night, between 10:00 p.m. and 7:00 a.m. These increases for certain times are intended to account for the added sensitivity of humans to noise during the evening and night.

Sound from a small, localized source (approximating a "point" source) radiates uniformly outward as it travels away from the source in a spherical pattern, known as geometric spreading. The sound level decreases or drops off at a rate of 6 dB(A) for each doubling of the distance.

Traffic noise is not a single, stationary point source of sound. The movement of vehicles makes the source of the sound appear to emanate from a line (line source) rather than a point when viewed over some time interval. The drop-off rate for a line source is 3 dB(A) for each doubling of distance.

The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site (such as parking lots or smooth bodies of water) receives no additional ground attenuation, and the changes in noise levels with distance (drop-off rate) are simply the geometric spreading of the source. A soft site (such as soft dirt, grass, or scattered bushes and trees) receives an additional ground attenuation value of 1.5 dB(A) per doubling of distance. Thus, a point source over a soft site would attenuate at 7.5 dB(A) per doubling of distance.

Human perception of noise has no simple correlation with acoustical energy. A change in noise levels is generally perceived as follows: 3 dB(A) barely perceptible, 5 dB(A) readily perceptible, and 10 dB(A) perceived as a doubling or halving of noise (California Department of Transportation [Caltrans] 2013).

Noise-sensitive receptors are associated with land uses wherein indoor and/or outdoor human activities may be subject to stress and/or significant interference from noise. They include residential (single- and multi-family dwellings, mobile home parks, dormitories and similar uses); transient lodging (which are sensitive at night including hotels, motels and similar uses); hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care; and public or private educational facilities, libraries, churches and other places of public gathering. In addition to buildings, exterior use areas may also be considered noise-sensitive receptors. Exterior use areas are areas where frequent human use for prolonged periods (at least an hour) may reasonably occur. Common examples of exterior use areas include residential backyards, multi-family communal areas, patios, picnic areas, recreation areas, playgrounds, active sports areas, and parks.

## **b. Fundamentals of Vibration**

Vibration consists of energy waves transmitted through solid material (Federal Transit Administration [FTA] 2018). Groundborne vibration propagates from the source through the ground to adjacent buildings by surface waves. Vibration may be composed of a single pulse, a series of pulses, or a continuous oscillatory motion. The frequency of a vibrating object describes how rapidly it is oscillating, measured in hertz (Hz). The normal frequency range of most groundborne vibration that can be felt generally starts from a low frequency of less than 1 Hz to a high of about 200 Hz (FTA 2018).



Groundborne vibration is measured by its peak particle velocity (PPV), which is normally described in inches per second (in/sec). PPV is appropriate for determining potential structure damage but does not evaluate human response to vibration. The ground motion caused by vibration may also be described in decibel notation (vibration decibels), referenced as VdB, which serves to compress the range of numbers required to describe vibration relative to human response. The general human response to different levels of groundborne vibration velocity levels is described in Table 4.10-1.

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.
SOURCE: FTA 2018. VdB = vibration decibel	

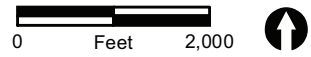
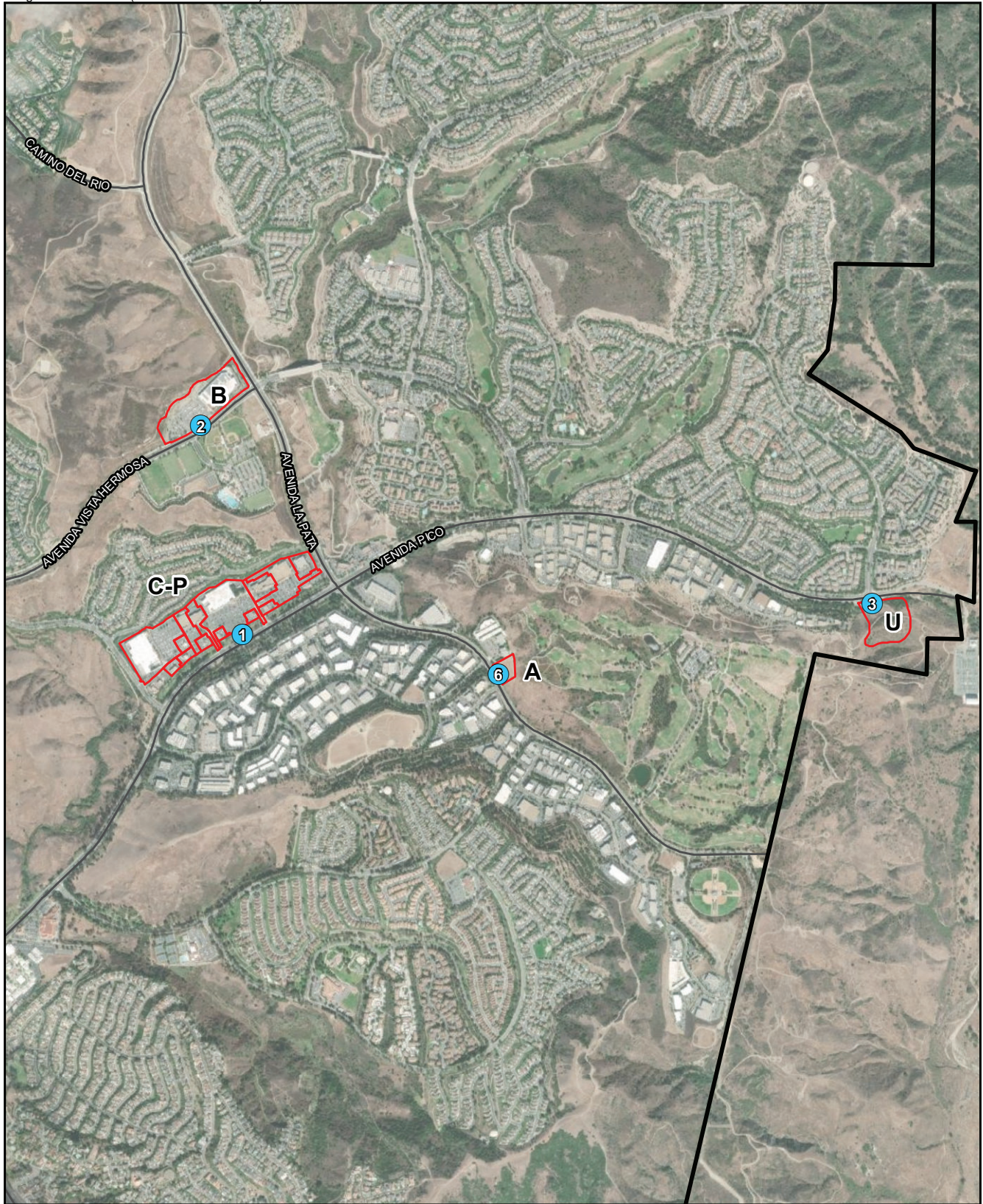
Vibration energy spreads out as it travels through the ground, causing the vibration amplitude to decrease with distance away from the source. The way in which vibration is transmitted through the earth is called propagation. As vibration waves propagate from a source, the energy is spread over an ever-increasing area such that the energy level striking a given point is reduced with the distance from the energy source. This geometric spreading loss is inversely proportional to the square of the distance. Wave energy is also reduced with distance as a result of material damping in the form of internal friction, soil layering, and void spaces. The amount of attenuation provided by material damping varies with soil type and condition as well as the frequency of the wave.

Groundborne vibration can be a concern for nearby residents along a transit system route or maintenance facility, causing buildings to shake and rumbling sounds to be heard. Groundborne vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. Some common sources of groundborne vibration are trains; buses on rough roads; and construction activities such as blasting, pile-driving, and operating heavy earth-moving equipment.

### 4.10.1.2 Environmental Setting

#### a. Existing Noise Levels

Ambient noise levels were measured at six locations throughout the City on June 16, 2021 to provide a characterization of the variability of noise. Noise measurements were taken with a Larson-Davis LxT Type 1 Integrating Sound Level Meter, serial number 3829. Measurement locations are shown in Figures 4.10-1a and b. A summary of the measurements is provided in Table 4.10-2. Based on these measurements, daytime noise levels in the project area range from 56 to 64 dB(A)  $L_{eq}$  and are typical of an urban environment.








- Project Boundary
- Potential Rezone Sites
- Arterial Roadways
- Noise Measurement Locations

FIGURE 4.10-1a

Noise Measurement Locations



-  Project Boundary
-  Vacant and Underutilized Sites
-  Potential Rezone Sites
-  Noise Measurement Locations
-  Arterial Roadways

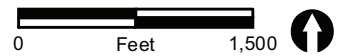


FIGURE 4.10-1b  
Noise Measurement Locations

I.D.	Location	Date/Time	Noise Level [dB(A) $L_{eq}$ ]	Notes/Noise Sources
1	50 feet north of Avenida Pico, adjacent to shopping center	12:16 p.m. – 12:31 p.m.	60.8	Vehicle traffic on Avenida Pico
2	50 feet north of Avenida Vista Hermosa, adjacent to shopping center	1:01 p.m. – 1:16 p.m.	63.9	Vehicle traffic on Avenida Vista Hermosa
3	50 feet south of Avenida Pico at intersection with Camino la Pedriza	2:02 p.m. – 2:17 p.m.	56.9	Vehicle traffic on Avenida Pico and Camino la Pedriza; pump station
4	Vacant lot at end of Calle de Industrias, south of Interstate 5 (I-5)	10:14 a.m. – 10:29 a.m.	58.2	Parking lot activity and vehicle traffic on I-5
5	Vacant lot, 50 feet north of El Camino Real	11:19 a.m. – 11:34 a.m.	58.9	Vehicle traffic on El Camino Real
6	Open space, 50 feet northeast of Avenida La Pata	2:36 p.m. – 2:51 p.m.	59.1	Vehicle traffic on Avenida La Pata

NOTES: Noise measurement data provide in Appendix D.

## 4.10.2 Regulatory Framework

### 4.10.2.1 Federal

#### a. Construction Noise

The FTA provides financial and technical assistance to local public transit systems, including buses, subways, light rail, commuter rail, trolleys and ferries. FTA also oversees safety measures. The FTA's Transit Noise and Vibration Impact Assessment manual indicates that 80 dB(A)  $L_{eq}$  is reasonable criteria for assessing construction noise levels at residential uses (FTA 2018).

#### b. Vibration

The FTA provides criteria for acceptable levels of groundborne vibration for various types of buildings. Structures amplify groundborne vibration; wood-frame buildings, such as typical residential structures, are more affected by ground vibration than heavier buildings. The level at which groundborne vibration is strong enough to cause architectural damage has not been determined conclusively, but the standards recommended by the FTA are shown in Table 4.10-3.

Building/Structural Category	PPV (in/sec)	Approximate VdB
I. Reinforced-concrete, steel or timber (no plaster)	0.5	102
II. Engineered concrete and masonry (no plaster)	0.3	98
III. Non-engineered timber and masonry buildings	0.2	94
IV. Buildings extremely susceptible to vibration damage	0.12	90

SOURCE: FTA 2018.  
 PPV = peak particle velocity  
 in/sec = inch per second  
 VdB = vibration decibel

The FTA also provides guidance for assessing vibration impacts from railroad operations. The criteria for determining the significance of impacts are presented in Table 4.10-4.

Land Use Category	Groundborne Vibration Impact Levels (VdB re 1 micro-inch per second)			Groundborne Noise Impact Levels (dB re 20 micro Pascals)		
	Frequent Events	Occasional Events	Infrequent Events	Frequent Events	Occasional Events	Infrequent Events
Category 1: Buildings where low ambient vibration is essential for interior operations (research & manufacturing facilities with special vibration constraints)	65 VdB	65 VdB	65 VdB	N/A	N/A	N/A
Category 2: Residences and buildings where people normally sleep (hotels, hospitals, residences, & other sleeping facilities)	72 VdB	75 VdB	80 VdB	35 dB(A)	38 dB(A)	43 dB(A)
Category 3: Institutional land uses with primarily daytime use (schools, churches, libraries, other institutions, & quiet offices)	75 VdB	78 VdB	83 VdB	40 dB(A)	43 dB(A)	48 dB(A)

SOURCE: FTA 2018.  
 VdB = vibration decibel; re = relative; N/A = not applicable  
 "Frequent Events" is defined as more than 70 vibration events per day. Most rapid transit projects fall into this category.  
 "Occasional Events" is defined as 30 to 70 vibration events per day. Most commuter trunk links fall into this category  
 "Infrequent Events" is defined as fewer than 70 vibration events per day. This category includes most commuter rail systems.

For Category 1 uses such as vibration sensitive equipment, the screening distance from the right-of-way is 600 feet. For Category 2 land uses such as residences and buildings where people would normally sleep, the screening distance is 200 feet. The screening distance for Category 3 land uses such as institutional land uses with primarily daytime uses, is 120 feet.

## 4.10.2.2 State

### a. General Plan Guidelines

The State of California, through its General Plan Guidelines, discusses how ambient noise should influence land use and development decisions and includes a table (Table 4.10-5) of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable uses at different noise levels, expressed in CNEL (Governor's Office of Planning and Research 2017). This table provides a tool to gauge the compatibility of land uses relative to existing and future noise levels. It provides land use compatibility guidelines that local jurisdictions can use as a guide for establishing its own General Plan noise compatibility levels that reflect the noise-control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. The compatibility guidelines identify normally acceptable, conditionally acceptable, and clearly unacceptable noise levels for various land uses. A conditionally acceptable designation implies new construction or development should be undertaken only after detailed analysis of the noise reduction requirements for each land use, and needed noise insulation features are incorporated in the design. By comparison, a normally acceptable designation indicates that standard construction can occur with no special noise reduction requirements. Of pertinence to the project, multi-family uses

are considered normally acceptable up to 65 CNEL, conditionally acceptable up to 70 CNEL, normally unacceptable from 70 to 75 CNEL, and clearly unacceptable above 75 CNEL.

Table 4.10-5 Community Noise Compatibility Matrix							
	Community Noise Exposure (CNEL)						
	55	60	65	70	75	80	
Residential – Low Density Single Family Duplex, Mobile Homes							
Residential – Multiple Family							
Transient Lodging – Motels, Hotels							
Schools, Libraries, Churches, Hospitals, Nursing Homes							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arena, Outdoor Spectator Sports							
Playgrounds, Neighborhood Parks							
Golf Courses, Riding Stables, Water Recreation, Cemeteries							
Office Buildings, Business Commercial and Professional							
Industrial, Manufacturing, Utilities, Agriculture							

Table 4.10-5 Community Noise Compatibility Matrix	
	<p><b>Normally Acceptable:</b> Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.</p>
	<p><b>Conditionally Acceptable:</b> New construction or development should be undertaken only after a detailed analysis of the noise reduction requirement is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.</p>
	<p><b>Normally Unacceptable:</b> New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.</p>
	<p><b>Clearly Unacceptable:</b> New construction or development should generally not be undertaken.</p>

## b. California Code of Regulations

Interior noise levels for residential habitable rooms are regulated by Title 24 of the California Code of Regulations California Noise Insulation Standards. Title 24, Chapter 12, Section 1206.4, of the 2019 California Building Code requires that interior noise levels attributable to exterior sources not exceed 45 CNEL in any habitable room (California Code of Regulations 2019). A habitable room is a room used for living, sleeping, eating, or cooking. Bathrooms, closets, hallways, utility spaces, and similar areas are not considered habitable rooms for this regulation (Title 24 California Code of Regulations, Chapter 12, Section 1206.4).

For non-residential structures, Title 24, Chapter 12, Section 1207.5 refers to 2019 California Green Building Standards, Chapter 5 – Nonresidential Mandatory Measures, Division 5.5 – Environmental Quality, Section 5.507 – Environmental Comfort, Subsection 5.507.4 – Acoustical Control. Pursuant to these standards, all non-residential building construction shall employ building assemblies and components that achieve a composite sound transmission class rating of at least 50 or shall otherwise demonstrate that exterior noise shall not result in interior noise environment where noise levels exceed 50 dB(A)  $L_{eq}$  in occupied areas during any hour of operation.

### 4.10.2.3 Local

#### a. City of San Clemente Municipal Code (SCMC)

##### *Exterior Noise Standards*

SCMC Section 8.48.050 establishes exterior noise level limits for various land uses including residential and residential portions of mixed-use land uses. These standards apply to all noise sources other than transportation (rail, aircraft, street, etc.) and construction equipment. SCMC exterior noise level limits are shown in Table 4.10-6.

Table 4.10-6 Exterior Noise Level Limits		
Land Use	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential	55 dB(A)	50 dB(A)
Residential portions of mixed-use, or residences located on property zoned for commercial, industrial or manufacturing land use	60 dB(A)	50 dB(A)
Commercial	65 dB(A)	60 dB(A)*
Industrial or Manufacturing	70 dB(A)	70 dB(A)*
*Standard only applies if commercial, industrial or manufacturing buildings are occupied during these hours. SOURCE: SCMC Section 8.48.050.		

Noise level limits established in Table 4.10-6 are the maximum 30-minute sound level limits as measured at the property line. It is also unlawful for any person to create noise which exceeds:

- The noise standard plus 5 dB(A) for 15 minutes in any hour;
- The noise standard plus 10 dB(A) for 5 minutes in any hour;
- The noise standard plus 15 dB(A) for 1 minutes in any hour; or
- The noise standard plus 20 dB(A) for any period of time.

##### *Interior Noise Standards*

SCMC Section 8.48.060 establishes interior noise level limits for residential land uses, inclusive of residential uses on non-residential zones and residential components of mixed-use developments. The SCMC exterior noise level limits are shown in Table 4.10-7.

Table 4.10-7 Interior Noise Level Limits		
Land Use	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential, including residential portions of mixed-use	50 dB(A)	40 dB(A)
SOURCE: SCMC Section 8.48.060.		



Additionally, it is also unlawful for any person to create noise which exceeds:

- The noise standard plus 5 dB(A) for 5 minutes in any hour;
- The noise standard plus 10 dB(A) for 1 minutes in any hour; or
- The noise standard plus 15 dB(A) for any period of time.

### *Construction Activity*

Noise associated with construction activity is exempt from exterior noise standards provided that construction activities take place between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Friday, between the hours of 8:00 a.m. and 6:00 p.m. on Saturday, excluding City-recognized holidays.

Additionally, SCMC Section 15.36, states that grading and equipment operations within one-half mile of a structure for human occupancy shall not be conducted between the hours of 5:30 p.m. and 7:30 a.m. nor on Saturdays, Sundays and City-recognized holidays.

## **b. City of San Clemente General Plan**

The Safety Element of the General Plan establishes policies to protect residents from noise. Goals and policies related to noise in the Safety Element and the Land Use Element are detailed below.

**GOAL:** Minimize exposure to excessive noise levels by taking appropriate actions to avoid or mitigate the detrimental effects of exposure to excessive noise levels on humans and animals and in particular, on sensitive land uses.

**S-4.01. Noise Control.** We effectively control ambient and stationary noise conditions by maintaining baseline information, monitoring conditions, following State guidelines, and enforcing locally adopted ordinances and building codes.

**S-4.02. Street Design.** We consider noise impacts when designing new streets.

**S-4.03. Interagency Collaboration.** We encourage and collaborate with local, regional, and statewide transportation agencies to minimize transportation-related noise impacts and provide appropriate mitigation measures that also consider impacts to community character and on natural resources (e.g., views).

**S-4.04. Balance Between Noise Control and View Protection.** We will continue to work with local, State, and Federal agencies to reduce highway- and railroad-generated noise levels to within acceptable levels identified in the General Plan, while seeking to re-establish ocean views blocked by noise barriers on Interstate 5.

**S-4.05. Rail-related Noise.** We minimize the noise impact of passenger and freight rail service on sensitive land uses by coordinating with rail authorities to effectively manage train noise and by aggressively pursuing noise mitigation measures that apply to rail uses.

**S-4.06. Truck Routes.** To minimize truck traffic noise impacts to sensitive land uses, we designate areas where truck traffic is prohibited.

**S-4.07. Collaboration with Camp Pendleton.** We collaborate with the United States Marine Corps, Camp Pendleton, to minimize the impacts of noise- or vibration-inducing activities on San Clemente residents and to inform the community in advance when such activities will be conducted.

**S-4.08. Live Entertainment.** We control live entertainment noise conditions by requiring best management practices that minimize impacts on residential and other sensitive uses and ensure compliance with the City's adopted Noise Ordinance.

**GOAL:** Achieve a mix of residential neighborhoods and housing types that meets the diverse economic and physical needs of residents, that is compatible with existing neighborhoods and the surrounding environmental setting, and that reflects community expectations for high quality.

**LU-1.06. Residential Infill.** We require that new residential development be compatible with adjacent structures and land uses and we require:

- a. mitigation of noise, traffic (automobile and truck), and lighting impacts of abutting commercial uses, where applicable;
- b. use of complementary building materials, colors, and forms, while allowing flexibility for distinguished design solutions.

**GOAL:** Achieve and maintain a healthy employment base with diverse retail, office, and service uses that: (1) meet citizens' needs; (2) help generate municipal revenues that improve quality of life; (3) are compatible with adjacent residential neighborhoods; and (4) support the goals and policies of the Economic Development Element.

**LU-2.03. Neighborhood Compatibility.** We require that commercial projects abutting residential neighborhoods be designed and operated to protect residents from the effects of noise, light, odors, vibration traffic, parking and other operational impacts.

**GOAL:** Promote and support development in areas designated for Mixed Use that is attractively designed, adds vitality and pedestrian activity, enhances economic opportunities, reduces vehicle trips and associated air pollution and offers convenient and affordable housing opportunities for all income levels.

**LU-3.05. Stand Alone Residential Uses.** In Mixed Use areas MU3.1, MU3.3, and MU5, stand alone residential uses are permitted. In these areas, we require stand alone dwellings to be compatible with adjacent commercial and mixed uses and with adjacent neighborhoods. Such developments shall:

- a. buffer the residential use from abutting commercial uses;
- b. adequately mitigate the noise, traffic, parking (automobile and truck), and lighting impacts of abutting commercial use;
- c. locate and design dwellings to provide adequate security and privacy for residents; and
- d. minimize, to the extent practical, adverse impacts on the integrity and continuity of nearby commercial uses by considering the long term needs of commercial and residential uses,

such as commercial loading, solid waste and recycling storage, private open space, landscape buffers, noise and odors

### 4.10.3 Significance Determination Thresholds

Consistent with Appendix G of the California Environmental Quality Act Guidelines, impacts related to noise would be significant if implementation of the project would result in any of the following:

- 1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- 2) Generation of excessive groundborne vibration or ground borne noise levels; or
- 3) Be located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and expose people residing or working in the area to excessive noise levels.

### 4.10.4 Methodology

#### 4.10.4.1 Vehicle Traffic Noise

The project does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with the Regional Housing Needs Assessment (RHNA). Thus, while adoption of the Housing Element does not propose specific development, this analysis assesses the noise impacts from future development and potential future rezone sites. Full buildout of the Housing Element sites inventory to accommodate the City's 982 6<sup>th</sup> Cycle housing units is anticipated to occur in 2045.

Future development at the Housing Sites would be exposed to noise from a variety of sources including transportation sources such as vehicle traffic and railway use. Methods used to assess noise from each of these sources are discussed below.

#### a. Land Use Compatibility

Traffic noise occurs adjacent to every roadway and is directly related to the traffic volume, speed, and mix of vehicles. Interstate 5 (I-5) is a north-south freeway with four lanes of travel in each direction that runs through the City. Other major thoroughfares in the City are Avenida Vista Hermosa, Camino de Estrella, Camino de Los Mares, Avenida Pico, Avenida La Pata, Camino Vera Cruz, and El Camino Real. The Federal Highway Administration (FHWA) Traffic Noise Model algorithms were used to calculate distances to noise contours for each roadway. The FHWA model takes into account traffic mix, speed, and volume; roadway gradient; relative distances between sources, barriers, and sensitive receptors; and shielding provided by intervening terrain or structures. The analysis of the noise environment considered that the topography was flat with no intervening terrain between sensitive land uses and roadways. Because modeled predicted noise levels do not account for obstructions, they are higher than those which would actually occur. In actuality,

buildings and other obstructions along the roadways would shield distant receivers from the traffic noise. All noise levels were modeled at 50 feet from the roadway.

For the purpose of the future traffic noise compatibility analysis, the noisiest condition is represented as the maximum level of service (LOS) C traffic volume. This condition represents a condition where the maximum number of vehicles are using the roadway at the maximum speed. LOS A and B categories allow full travel speed but do not have as many vehicles, while LOS E and F have a greater number of vehicles, but due to the traffic volume travel at reduced speeds, thus generating less noise. The roadway system classifications include Major Arterial, Primary Arterial, Secondary Arterial, Divided Collector, and Collector. The maximum LOS C traffic volume along with the posted speed limit was used to model future traffic noise levels for this roadway system. For I-5, the future General Plan buildout traffic volumes and a speed of 65 miles per hour were modeled.

The vehicle classification mix of 93.0 percent automobiles, 3.6 percent medium trucks, and 3.4 percent heavy trucks on I-5 was obtained from the Caltrans truck counts (Caltrans 2019). A vehicle classification mix of 95.0 percent automobiles, 3.0 percent medium trucks, and 2.0 percent heavy trucks was modeled for the Arterials, and a vehicle classification mix of 97.0 percent automobiles, 2.0 percent medium trucks, and 1.0 percent heavy trucks was modeled for the Collectors.

The vehicle traffic parameters used to model noise contour distances are summarized in Table 4.10-8. Vehicle traffic noise calculations are provided in Appendix D.

Roadway	Modeled Volume (ADT) <sup>1</sup>	Vehicle Classification (Percent)		
		Automobiles	Medium Trucks	Heavy Trucks
I-5				
Southern City Limits to El Camino Real	250,000			
El Camino Real to Avenida Presidio	257,000	93.0	3.6	3.4
Avenida Presidio to Avenida Pico	283,000			
Avenida Pico to Northern City Limits	294,000			
Major Arterial	50,600	95.0	3.0	2.0
Primary Arterial	33,800	95.0	3.0	2.0
Secondary Arterial	22,500	95.0	3.0	2.0
Collector	11,300	97.0	2.0	1.0

<sup>1</sup>SOURCE: City of San Clemente 2013.

## b. Increase in Ambient Noise

The project does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with the RHNA. Future development as a result of the project would increase traffic volumes on local roadways. Noise level increases would be greatest nearest the project areas, where the greatest concentration of project-related traffic would occur, and would diminish at greater distances from these areas. While changes in noise levels would occur along any roadway where project-related traffic occurs, for ambient noise assessment

purposes, noise level increases are assumed to be greatest nearest the Housing Sites, as these locations would represent the greatest concentration of project-related traffic. To determine the increase in ambient noise levels due to vehicle traffic, traffic volumes for the roadway segments nearest to the Housing Sites were modeled, and existing and future noise levels were calculated using the FHWA traffic noise model. All noise levels were modeled at 50 feet from the roadway. Table 4.10-9 summarizes the existing and future roadway segment volumes used for calculating the increase in ambient noise levels.

Roadway	Existing Volume (Year 2016)	Future No Project Volume (Year 2045)	Future Project Volume (Year 2045)
<b>Avenida Vista Hermosa</b>			
Avenida Pico to I-5	2,698	6,504	7,549
I-5 to Calle Frontera	20,167	26,227	28,167
Calle Frontera to Camino Vera Cruz	1,726	855	857
Camino Vera Cruz to Avenida La Pata	9,420	21,012	21,696
Avenida La Pata to Avenida Talega	7,793	10,513	11,970
Avenida Talega to Avenida Pico	8,784	7,653	8,062
<b>Avenida Pico</b>			
El Camino Real to Avenida Vista Hermosa	2,659	1,959	2,092
Avenida Vista Hermosa to I-5	4,658	6,032	6,760
I-5 to Calle Frontera	40,266	37,250	39,839
Calle Frontera to Camino Vera Cruz	37,019	34,214	36,518
Camino Vera Cruz to Avenida La Pata	25,608	22,905	26,889
Avenida La Pata to Avenida Vista Hermosa	15,784	14,313	15,681
Avenida Vista Hermosa to Camino La Pedriza	10,085	16,880	18,111
<b>Camino Vera Cruz</b>			
Avenida Vista Hermosa to Avenida Pico	6,191	16,619	16,634
<b>Avenida La Pata</b>			
Camino Del Rio to Avenida Vista Hermosa	19,090	24,871	25,914
Avenida Vista Hermosa to Avenida Pico	11,339	8,976	9,225
Avenida Pico to Calle del Cerro	11,456	10,767	11,070
<b>El Camino Real</b>			
Avenida Pico to Calle de los Molinos	8,965	9,577	10,101
Calle de los Molinos to Calle Valle	15,750	16,792	17,366
Calle Valle to El Portal	20,365	21,309	21,759

A noise increase greater than 5 dB(A) is readily perceptible to the average human ear and is the level which is considered a substantially higher noise increase. If the future noise compared to base year conditions results in a 5 dB(A) increase and the future noise level is in excess of 65 CNEL, there would be a significant noise impact.

#### 4.10.4.2 Railroad Noise

The Pacific Surfliner route is a major rail line serving the City, used by both Amtrak and Metrolink. The track portion within the City is owned by Orange County Transportation Authority (OCTA), and

the maximum speed within the City is 40 miles per hour. The two passenger rail services operate separate stations in San Clemente at two different locations. The Amtrak station is located at San Clemente Pier (shared with Metrolink), while the Metrolink station is located at the North Beach area and has limited service. Currently, according to published train schedules, there are 12 daily Amtrak trains (six in each direction) that pass through the City on weekdays and weekends, and 10 Metrolink trains (five in each direction) on the weekdays, and 8 Metrolink trains (four in each direction) on weekends and holidays. It is anticipated that the number of daily trains in the Pacific Surfliner route will reach 18 daily trains (City of San Clemente 2013). The same rail line that supports passenger services also supports freight services. Burlington Northern Santa Fe (BNSF) operates freight trains on the same rail line that connects Orange County to San Diego County. According to the State Rail plan, this line carries fewer than 10 freight trains per day (Caltrans 2013). Future railroad noise contours used in this analysis are based on the future contour distances calculated for the City's General Plan EIR. Noise associated with railroad operations was modeled in the General Plan EIR using the FTA recommended Chicago Rail Efficiency and Transportation Efficiency (CREATE) railroad noise model (Harris Miller & Hanson, Inc. 2006). Noise contour distances were calculated assuming flat-site conditions and no intervening buildings that would provide noise attenuation.

#### 4.10.4.3 Stationary Noise

Stationary sources of noise include activities associated with a given land use. The City includes multiple land uses, including residential, commercial, industrial, and mixed-use land uses. Various land uses contain on-site stationary noise sources, including rooftop heating, ventilation, and air conditioning (HVAC) equipment; mechanical equipment; emergency electrical generators; parking lot activities; loading dock operations; and recreation activities. Stationary noise is considered a "point source" and attenuates over distance at a rate of 6 dB(A) for each doubling of distance. The exact location and nature of future stationary noise sources is not known at this time, and therefore cannot be calculated in this analysis. Impacts were assessed in this analysis by identifying potential types of stationary sources and locations of mixed-use land use interfaces and identifying applicable regulations and mitigation framework for addressing impacts.

#### 4.10.4.4 Construction Noise

Construction noise has the potential to result in temporary ambient noise increase due to construction activities. Construction noise is generated by diesel-powered construction equipment used for site preparation and grading, removal of existing structures and pavement, loading, unloading, and placing materials and paving. Diesel engine-driven trucks also bring materials to the site and remove the spoils from excavation. Table 4.10-10 summarizes typical construction equipment noise levels.

Construction equipment would generate maximum noise levels between 70 and 95 dB(A)  $L_{max}$  at 50 feet from the source when in operation. During excavation, grading, and paving operations, equipment moves to different locations and goes through varying load cycles, and there are breaks for the operators and for non-equipment tasks, such as measurement. Average construction noise levels were calculated for the simultaneous operation of three common pieces of construction equipment: backhoe, excavator, and loader. The usage factors were applied to the maximum noise level at 50 feet for each piece of equipment, and then noise levels were added logarithmically. Hourly

average noise levels would be approximately 83 dB(A)  $L_{eq}$  at 50 feet from the center of construction activity when assessing three pieces of common construction equipment working simultaneously. Noise levels would vary depending on the nature of the construction including the duration of specific activities, nature of the equipment involved, location of the particular receiver, and nature of intervening barriers.

Table 4.10-10 Typical Construction Equipment Noise Levels		
Equipment	Noise Level at 50 Feet [dB(A) $L_{eq}$ ]	Typical Duty Cycle
Auger Drill Rig	85	20%
Backhoe	80	40%
Blasting	94	1%
Chain Saw	85	20%
Clam Shovel	93	20%
Compactor (ground)	80	20%
Compressor (air)	80	40%
Concrete Mixer Truck	85	40%
Concrete Pump	82	20%
Concrete Saw	90	20%
Crane (mobile or stationary)	85	20%
Dozer	85	40%
Dump Truck	84	40%
Excavator	85	40%
Front End Loader	80	40%
Generator (25 kilovolt ampts or less)	70	50%
Generator (more than 25 kilovolt amps)	82	50%
Grader	85	40%
Hydra Break Ram	90	10%
Impact Pile Driver (diesel or drop)	95	20%
In situ Soil Sampling Rig	84	20%
Jackhammer	85	20%
Mounted Impact Hammer (hoe ram)	90	20%
Paver	85	50%
Pneumatic Tools	85	50%
Pumps	77	50%
Rock Drill	85	20%
Roller	74	40%
Scraper	85	40%
Tractor	84	40%
Vacuum Excavator (vac-truck)	85	40%
Vibratory Concrete Mixer	80	20%
Vibratory Pile Driver	95	20%
SOURCE: FHWA 2006. dB(A) = A-weighted decibels. $L_{eq}$ = one-hour equivalent noise level.		

### 4.10.4.5 Vibration

Potential sources of groundborne vibration include construction activities, railroad activities, and stationary sources. Table 4.10-11 lists vibration levels for construction equipment.

Equipment	Approximate PPV Vibration Level at 25 feet (inch/second)
Pile Driver, Impact (Upper Range)	1.518
Pile Drive, Impact (Typical)	0.644
Pile Driver, Sonic (Upper Range)	0.734
Pile Drive, Sonic (Typical)	0.170
Vibratory Roller	0.210
Large Bulldozer	0.089
Caisson Drilling	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozer	0.003
SOURCE: FTA 2018. PPV = peak particle velocity	

Vibration impacts due to construction equipment were evaluated using these source vibration levels and the FTA criteria shown in Table 4.10-3. Vibration impacts due to railroad operations were evaluated using the FTA criteria shown in Table 4.10-4 and the FTA screening distances for each land use category. Vibration impacts due to stationary sources were addressed qualitatively.

## 4.10.5 Issue 1: Noise Standards

*Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

### 4.10.5.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to noise standards. Impacts related to noise standards associated with the Housing Element Update are evaluated below.



## a. Vehicle Traffic Noise

### *Increase in Ambient Noise*

A noise increase greater than 5 dB(A) is readily perceptible to the average human ear and is the level which is considered a substantially higher noise increase. Long-term traffic noise that affects sensitive land uses would be considered substantial and constitute a significant noise impact if the future noise compared to base year conditions results in a 5 dB(A) increase and the future noise level is in excess of 65 CNEL.

The noise analysis is based on the baseline (year 2016) and future (year 2045) traffic volume data (see Table 4.10-9). Impacts were determined by comparing baseline noise levels to future project buildout noise levels. Noise levels associated with buildout of the No Project scenario were also calculated for informational purposes. Table 4.10-12 summarizes the existing and future noise levels as well as the increase in ambient noise levels. Noise calculations are provided in Appendix D.

Table 4.10-12 Existing and Future Traffic Noise Levels and Ambient Noise Increase (CNEL)					
Roadway	Existing Noise Level	Future No Project Noise Level	Future Project Noise Level	Project Increase Over Existing Condition	Project Increase Over Future No Project Condition
<b>Avenida Vista Hermosa</b>					
Avenida Pico to I-5 <sup>1</sup>	62.0	65.8	66.5	4.5	0.7
I-5 to Calle Frontera	70.8	71.9	72.2	1.4	0.3
Calle Frontera to Camino Vera Cruz	60.1	57.0	57.0	-3.1	0.0
Camino Vera Cruz to Avenida La Pata	68.7	72.2	72.3	3.6	0.1
Avenida La Pata to Avenida Talega	67.9	69.2	69.7	1.8	0.5
Avenida Talega to Avenida Pico	68.4	67.8	68.0	-0.4	0.2
<b>Avenida Pico</b>					
El Camino Real to Avenida Vista Hermosa	60.6	59.3	59.6	-1.0	0.3
Avenida Vista Hermosa to I-5	63.0	64.2	64.7	1.7	0.5
I-5 to Calle Frontera	72.4	72.1	72.4	0.0	0.3
Calle Frontera to Camino Vera Cruz	74.6	74.3	74.6	0.0	0.3
Camino Vera Cruz to Avenida La Pata	73.8	73.3	74.0	0.2	0.7
Avenida La Pata to Avenida Vista Hermosa	72.7	72.3	72.7	0.0	0.4
Avenida Vista Hermosa to Camino La Pedriza	70.7	73.0	73.3	2.6	0.3
<b>Camino Vera Cruz</b>					
Avenida Vista Hermosa to Avenida Pico	65.8	70.1	70.1	4.3	0.0
<b>Avenida La Pata</b>					
Camino Del Rio to Avenida Vista Hermosa	73.9	75.1	75.3	1.4	0.2
Avenida Vista Hermosa to Avenida Pico	69.5	68.5	68.6	-0.9	0.1
Avenida Pico to Calle del Cerro	69.5	69.3	69.4	-0.1	0.1
<b>El Camino Real</b>					
Avenida Pico to Calle de los Molinos	65.9	66.2	66.4	0.5	0.2
Calle de los Molinos to Calle Valle	68.3	68.6	68.7	0.4	0.1
Calle Valle to El Portal	69.4	69.6	69.7	0.3	0.1
NOTE: Noise levels are modeled based on traffic volume data only and do not account for ambient noise from I-5, which is a conservative analysis.					
<sup>1</sup> This segment currently exceeds 65 CNEL due to vehicle traffic on I-5.					

As shown, the project increase in ambient noise levels over the existing condition would be less than 5 dB adjacent to all roadway segments. The roadway segment of Avenida Vista Hermosa between Avenida Pico and I-5 shows an increase from less than 65 CNEL to over 65 CNEL; however, the existing noise level in the vicinity of this roadway segment is dominated by vehicle traffic on I-5 and currently exceeds 65 CNEL based on the existing noise contours provided in Figure S-5 of the General Plan. Further, the noise level increase adjacent to this segment would be less than 5 dB. Therefore, noise level increase adjacent to all modeled roadway segments would be less than significant.

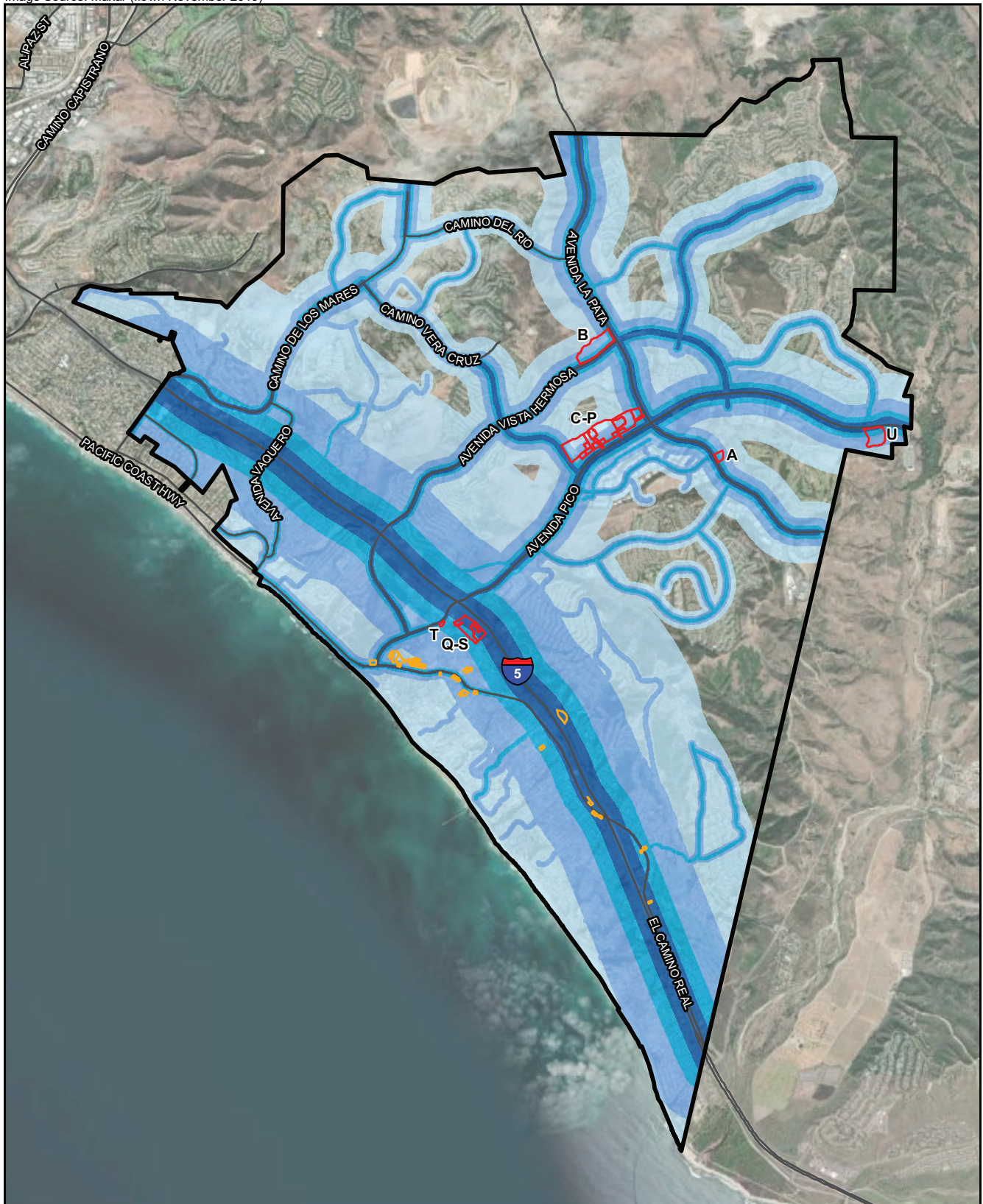
### *Land Use Compatibility*









The City's General Plan does not provide land use compatibility standards for future development. Based on state guidance (see Table 4.10-5), multi-family uses are considered normally acceptable up to 65 CNEL, conditionally acceptable up to 70 CNEL, normally unacceptable from 70 to 75 CNEL, and clearly unacceptable above 75 CNEL. Vehicle traffic noise contours are shown in Figure 4.10-2. As shown, due to the proximity to heavily traveled roadways, exterior noise levels are projected to exceed 65 CNEL at all the potential sites. It should be noted that at any specific location the actual existing noise would depend upon not only the source noise level but also the nature of the path from the source to the sensitive receptor. Buildings, walls, dense vegetation, and other barriers would block the direct line of sight and reduce noise levels at the receptor. As an example, a first row of buildings would reduce traffic noise levels at receptors by 3 to 5 dB(A) behind those structures depending on the building-to-gap ratio. Large continuous structures can provide substantially greater attenuation of traffic noise. Additionally, due to the provision of common exterior use areas, multi-family residential land uses can generally provide greater shielding to these areas, thus providing exterior use areas that comply with the compatibility guidelines.

Any siting of new noise-sensitive land uses within a noise environment that exceeds the normally acceptable land use compatibility criterion represents a potentially significant impact and would require a separate noise study through the development review process to determine the level of impacts and required mitigation. New noise-sensitive land uses would also be required to be developed consistent with General Plan policies in the Safety Element (S-4.01 through S-4.08) and the Land Use Element (LU-1.06, LU-2.03, and LU-3.05). Additionally, as required by the California Code of Regulations (see Section 4.10.2.2(b)), future ministerial and discretionary projects would be required to demonstrate that interior noise levels would be reduced to 45 CNEL or less. With implementation of mitigation measure NOS-1, and implementation of the General Plan policies listed above, impacts from transportation noise sources would be reduced less than significant.

### **b. Railroad Noise**

Noise from trains is generated by warning horns and crossing bells at at-grade crossings, and train noise. Warning bells and train horn noise are typically significant contributors to the noise environment. Trains are required by the Federal Railroad Administration to sound a warning horn at one-quarter mile from all at-grade crossings and at a maximum 110 dBA, as measured at 100 feet, except in those areas that have established a Quiet Zone. A Quiet Zone is a segment of rail line where locomotive horns are not routinely sounded.



- |  |   |
|--|---|
|  Project Boundary               | Noise Contours  |
|  Arterial Roadways              |  60 CNEL |
|  Potential Rezone Sites         |  65 CNEL |
|  Vacant and Underutilized Sites |  70 CNEL |
|  |  75 CNEL |

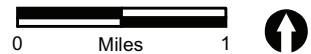


FIGURE 4.10-2  
Vehicle Traffic Noise Contours

The City has been working on the implementation of quiet zone throughout the City. North Beach has a quiet zone designation; trains will generally not sound their horns at the North Beach pedestrian crossing at the end of Avenida Estacion, and at the vehicular crossing at Senda de la Playa next to the North Beach Metrolink Station. The remaining pedestrian and vehicular crossings were improved with supplemental safety measures that include Pedestrian Audible Warning Systems (PAWS). As of April 2021, the City was granted a waiver to allow the use of PAWS instead of train horns at seven pedestrian and private grade crossings.

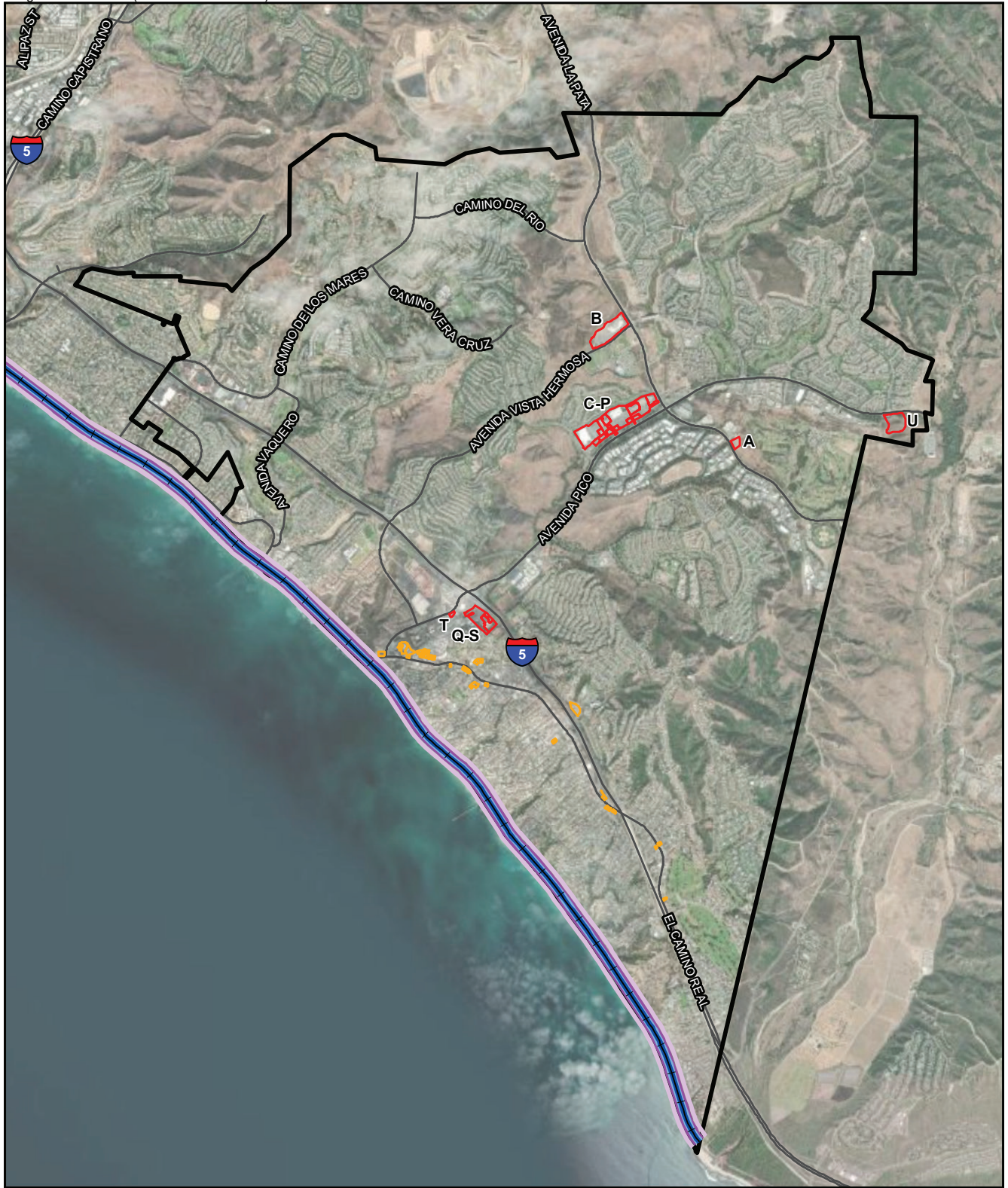
Future rail noise was modeled with the FTA's CREATE noise model in the City's General Plan EIR. Based on the rail activity described in Section 4.10.4.2, the noise contours along the railroad segment that passes through the City were calculated for future conditions. For future conditions, with the anticipated increase in rail activity, the 75 CNEL noise level contour would be contained within 29 feet of the railroad tracks, and the 70, 65, and 60 CNEL noise level contours would be within 62, 133, and 287 feet of the railroad tracks, respectively. Railroad noise contours are shown in Figure 4.10-3.

As shown, railroad noise levels are projected to be less than 60 CNEL at all of the proposed Housing Sites. Railroad noise levels would not exceed a normally acceptable compatibility level of 65 CNEL, and impacts due to railroad activity would be less than significant.

### c. Stationary Noise

A significant impact would occur if implementation of the project resulted in the exposure of people to noise levels that exceed the exterior and interior noise level limits established in SCMC Sections 8.48.050 and 8.48.060. Stationary sources of noise include activities associated with a given land use. For example, noise sources from residential land uses would include vehicles arriving and departing, landscaping activities, and HVAC equipment, and noise sources from commercial land uses would include fast food restaurants, parking lots, truck loading/unloading activities, and HVAC equipment. Noise generated by residential or commercial uses is generally short-lived and intermittent, and are not a substantial source of noise. Potential noise conflicts could occur in mixed-use areas where residential uses are located in close proximity to commercial and retail uses.

Noise levels within the City are currently dominated by vehicle traffic on I-5 and heavily traveled area roadways, and would continue to be the primary source of noise under project buildout. Therefore, future noise levels from residential and commercial stationary sources throughout the City would not be expected to increase the hourly or daily average sound level with respect to current conditions. The City requires that noise from new stationary sources comply with the City's Noise Ordinance, which limits the acceptable noise at the property line of an impacted property to reduce nuisances to sensitive land uses. The City Police or Code Enforcement Officer enforces the noise limitation of the SCMC. Noise that exceeds the limitations of the SCMC is considered a noise nuisance by the City, and violations are punishable by a fine for each day a violation occurs and may be subject to abatement by restraining order or injunction. Consequently, stationary-source noise from these types of proposed land uses would not substantially increase the noise environment, and impacts would be less than significant.



- |                                |                |
|--------------------------------|----------------|
| Project Boundary               | Noise Contours |
| Arterial Roadways              | 60 CNEL        |
| Railroad                       | 65 CNEL        |
| Potential Rezone Sites         | 70 CNEL        |
| Vacant and Underutilized Sites | 75 CNEL        |

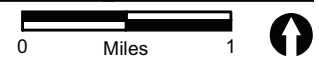


FIGURE 4.10-3  
Railroad Noise Contours

#### d. Construction Noise

Future development implemented under the project could result in a temporary ambient noise increase due to construction activities. Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g., demolition; land clearing, grading, and excavation; erection). Construction noise would be short term and would include noise from activities such as site preparation, truck hauling of material, pouring of concrete, and the use of power tools. Noise would also be generated by construction equipment use, including earthmovers, material handlers, and portable generators, and could reach high noise levels for brief periods.

As discussed in Section 4.10.4.4, hourly average noise levels would be approximately 83 dB(A)  $L_{eq}$  at 50 feet from the center of construction activity when assessing three pieces of common construction equipment working simultaneously. Noise levels would vary depending on the nature of the construction activities including the duration of specific activities, the equipment involved, the location of the sensitive receivers, and the presence of intervening barriers.

SCMC Section 15.36.190 allows for grading, right-of-way encroachment, and landscaping/irrigation construction under permit only, during specific hours. These permitted activities can occur between 7:30 a.m. to 5:30 p.m., Monday through Friday. Approval to conduct these activities beyond this time period, or on Saturday, Sunday, or during recognized holidays must be pre-approved by the City Engineer through a written request submitted by the contractor. However, construction activities may occur outside of these hours if the City determines that the maintenance, repair, or improvement is necessary to maintain public services or cannot feasibly be conducted during normal business hours, or if construction activities comply with the stationary source noise standards of the SCMC.

Significant noise impacts may occur from operation of heavy earthmoving equipment and truck haul that would occur with construction of individual development projects. Implementation of the project anticipates an increase in development intensity. Because specific project-level information is not available at this time, it is not possible to quantify the construction noise impacts at specific sensitive receptors. Construction of individual developments associated with potential future development of Housing Sites would temporarily increase the ambient noise environment in the vicinity of each individual project. Because construction activities associated with any individual development may occur near noise-sensitive receptors and depending on the project type noise disturbances may occur for prolonged periods of time, construction noise impacts associated with potential future development of Housing Sites are considered significant.

#### 4.10.5.2 Significance of Impacts

##### a. Vehicle Traffic Noise

###### *Increase in Ambient Noise*

The project-related increase in ambient noise levels over the existing condition would be less than 5 dB adjacent to all roadway segments. Thus, impacts associated with the increase in ambient noise would be less than significant.

### *Land Use Compatibility*

Future development at the Housing Sites could expose sensitive receivers to exterior noise levels that exceed 65 CNEL. Any siting of new noise-sensitive land uses within a noise environment that exceeds the normally acceptable land use compatibility criterion represents a potentially significant impact. For discretionary projects, potential exposure of sensitive receivers from exterior noise levels would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for noise. The City's General Plan EIR found that impacts to sensitive land uses would be reduced to less than significant through implementation of the City's Mitigation Monitoring Program measure 10-1. Measure 10-1 requires that project property owner/developers of any project that involves a noise-sensitive use within the 65 dB(A) CNEL contour (i.e., areas in or above 65 dB(A) CNEL) retain an acoustical engineer to conduct an acoustic analysis and identify, where appropriate, site design features to ensure compliance with the City's Noise Compatibility Criteria and the California State Building Code and California Noise Insulation Standards (Title 24 and 21 of the California Code of Regulations). The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for noise since no discretionary review would be required. Impacts related to exposure of sensitive receivers to exterior noise levels in excess of standards associated with future ministerial development within the Housing Sites would be potentially significant.

#### **b. Railroad Noise**

Railroad noise levels are projected to be less than 60 CNEL at all of the proposed house element sites. Railroad noise levels would not exceed a normally acceptable compatibility level of 65 CNEL, and impacts due to railroad activity would be less than significant.

#### **c. Stationary Noise**

The City requires that noise from new stationary sources comply with the City's Noise Ordinance, which limits the acceptable noise at the property line of an impacted property to reduce nuisances to sensitive land uses. With enforcement of the Noise Ordinance, noise impacts associated with stationary sources of noise would be less than significant.

#### **d. Construction Noise**

Future development at the Housing Sites would temporarily increase the ambient noise environment in the vicinity of each individual project. Because construction activities associated with any individual development may occur near noise-sensitive receptors and depending on the project type, noise disturbances may occur for prolonged periods of time, resulting in a significant impact. For discretionary projects, potential increases in ambient noise near sensitive receptors would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for noise. The City's General Plan EIR found that impacts to sensitive land uses would be reduced to less than significant through implementation

of the City's Mitigation Monitoring Program measure 10-2. Measure 10-2 requires that construction activities associated with new development that occurs near sensitive receptors be evaluated for potential noise impacts and incorporate noise reduction measures to reduce construction-related noise to the extent feasible. The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, development on sites that would be allowed with a ministerial approval would not require discretionary review which could result in the inability to reduce construction level noise to less than significant levels. Impacts related to potential increases in ambient noise near sensitive receptors associated with future ministerial development within the Housing Sites would be potentially significant.

### 4.10.5.3 Mitigation Framework

The following mitigation measure would address potentially significant impacts related to land use compatibility criteria associated with future ministerial development within the Housing Sites.

**NOS-1:** Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts related to noise. The objective standards shall require that prior to the issuance of building permits for any project that involves a noise-sensitive use within the 65 CNEL contour (i.e., areas in or above 65 CNEL) along major roadways and freeways, the project property owner/developers shall retain an acoustical engineer to conduct an acoustic analysis and identify, where appropriate, site design features (e.g., setbacks, berms, or sound walls), and/or required building acoustical improvements (e.g., sound transmission class rated windows, doors, and attic baffling) to ensure compliance with the City's Noise Compatibility Criteria and the California State Building Code and California Noise Insulation Standards (California Code of Regulations) exterior and interior noise level requirements of 65 and 45 CNEL, respectively. Noise reduction techniques may include, but are not limited to: (1) construction of noise barriers that are free of gaps, obstructs line-of-sight between the source and receiver, and has a weight of at least 2 pounds per square foot; (2) incorporation of sound-resistant windows and doors; (3) or other noise reduction technique as applicable.

The following mitigation measure would address potentially significant impacts related to construction noise associated with future ministerial development within the Housing Sites.

**NOS-2:** Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts related to construction noise. The objective standards shall require construction activities located near sensitive receptors to incorporate noise reducing measures as needed to ensure compliance with Section 15.36 of the SCMC (Excavations and Grading) and to reduce construction noise to the FTA



standard of 80 dB(A)  $L_{eq}$  at the property line. Measures may include installation of temporary sound barriers for construction activities that occur adjacent to occupied noise-sensitive structures, equipping construction equipment with mufflers, and reducing nonessential idling of construction equipment to no more than five minutes being incorporated into the construction operations to reduce construction-related noise to the extent feasible. Noise reduction measures can include, but are not limited to, the following:

1. Demolition, construction, site preparation, and related activities that would generate noise perceptible at the property line of the subject property are limited to the hours between 7:00 a.m. to 6:00 p.m. from Monday through Friday and from 8:00 a.m. to 6:00 p.m. on Saturdays, excluding City-recognized holidays. Additionally, Section 15.26, states that grading and equipment operations within one-half mile of a structure for human occupancy shall not be conducted between the hours of 5:30 p.m. and 7:30 a.m. nor on Saturdays, Sundays and City-recognized holidays. The building inspector may issue an exception to this limitation on hours in cases of urgent necessity where the public health and safety will not be substantially impaired.
2. Idling times for noise-generating equipment used in demolition, construction, site preparation, and related activities shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.
3. Demolition, construction, site preparation, and related activities within 100 feet from the edge of properties with existing, occupied noise-sensitive uses shall incorporate all feasible strategies to reduce noise exposure for noise-sensitive uses, including:
  - a. Provide written notice to applicable noise-sensitive land uses at least two weeks prior to the start of each construction phase of the construction schedule;
  - b. Ensure that construction equipment is properly maintained and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications;
  - c. Re-route construction equipment away from adjacent noise-sensitive uses;
  - d. Locate noisy construction equipment away from surrounding noise-sensitive uses;
  - e. Use sound aprons or temporary noise enclosures around noise-generating equipment;
  - f. Position storage of waste materials, earth, and other supplies in a manner that will function as a noise barrier for surrounding noise-sensitive uses;

- g. Use the quietest practical type of equipment;
  - h. Use electric powered equipment instead of diesel or gasoline engine powered equipment;
  - i. Use shrouding or shielding and intake and exhaust silencers/mufflers; and
  - j. Other effective and feasible strategies to reduce construction noise exposure for surrounding noise-sensitive uses.
4. For construction of buildings that require the installation of piles, an alternative to installation of piles by hammering shall be used. This could include the use of augured holes for cast-in-place piles, installation through vibration or hydraulic insertion, or another low-noise technique.

#### 4.10.5.4 Significance After Mitigation

Mitigation measures NOS-1 and NOS-2 would require the City to incorporate the stated requirements into their Overlay Zone to ensure future ministerial development at the Housing Sites reduces noise impacts. Implementation of the controls outlined in mitigation measure NOS-1 would reduce potential transportation noise exposure for future ministerial housing approvals. Consistent with City General Plan policies, noise-attenuating measures would be required where potential exposure would exceed 65 CNEL. Impacts associated with land use noise compatibility would be less than significant with implementation of mitigation measure NOS-1.

Implementation of the requirements specified in mitigation measure NOS-2 would reduce construction noise exposure. However, for construction sites that are adjacent to noise-sensitive uses, there still could be a substantial temporary increase in noise levels that could lead to adverse noise-related impacts. Therefore, impacts would remain significant and unavoidable.

#### 4.10.6 Issue 2: Groundborne Noise and Vibration

*Would the project result in generation of excessive groundborne vibration or ground borne noise levels?*

##### 4.10.6.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to groundborne noise and vibration. Impacts related to groundborne noise and vibration associated with the Housing Element Update are evaluated below.

### **a. Construction**

Construction activities may include demolition of existing structures, site preparation work, excavation of parking and subfloors, foundation work, and building construction. Demolition for an individual site may last several weeks to months and may produce substantial vibration. Excavation for underground levels could also occur on some development sites, and vibratory pile driving could be used to stabilize the walls of excavated areas. Piles or drilled caissons may also be used to support building foundations.

As with any type of construction, vibration levels during any phase may at times be perceptible. However, non-pile driving or foundation work construction phases that have the highest potential of producing vibration (such as jackhammering and other high power tools) would be intermittent and would only occur for short periods of time for any individual development site. By use of administrative controls, such as scheduling construction activities with the highest potential to produce perceptible vibration to hours with least potential to affect nearby properties, perceptible vibration can be kept to a minimum and as such would result in a less than significant impact with respect to perception.

Pile driving has the potential to generate the highest groundborne vibration levels and is the primary concern for structural damage when it occurs within close proximity of structures. As shown in Table 4.10-11, vibration generated by construction equipment has the potential to be substantial, since it has the potential to exceed the FTA criteria for architectural damage (e.g., 0.12 PPV for fragile or historical resources, 0.2 PPV for non-engineered timber and masonry buildings, and 0.3 PPV for engineered concrete and masonry). Construction details and equipment for future project-level development is not known at this time. Therefore, construction vibration impacts would be considered potentially significant.

### **b. Railroad**

As discussed in Section 4.10.4.2, the Pacific Surfliner route is a major rail line serving the City, used by both Amtrak and Metrolink as well as freight trains. Vibration impacts due to the proximity of land uses to the rail corridor were analyzed using the FTA criteria shown in Table 4.10-4 and recommended screening distances.

For Category 2 land uses such as residences and buildings where people would normally sleep, the screening distance is 200 feet. The potential Housing Site located closest to the railroad tracks is more than 350 feet from the tracks. There are no potential Housing Sites located within 200 feet of the railroad tracks. Therefore, vibration impacts due to railroad activity would be less than significant.

### **c. Operations**

Future development at the Housing Sites would include residential and commercial land uses. Residential developments and commercial uses do not typically include sources of substantial groundborne noise or vibration. Therefore, future development at the Housing Sites would not generate excessive groundborne noise or vibration.

### 4.10.6.2 Significance of Impacts

Construction details, locations, and equipment for future project-level developments under the project are not known at this time but may cause vibration impacts. For discretionary projects, potential vibration impacts would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for noise. The City's General Plan EIR found that impacts related to construction vibration would be reduced to less than significant through implementation of the City's Mitigation Monitoring Program measure 10-4. Measure 10-4 requires that projects that use vibration-intensive construction activities near sensitive receptors be evaluated for potential vibration impacts. If construction-related vibration is determined to be perceptible at vibration-sensitive uses, additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction. The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for noise since no discretionary review would be required. Impacts related to vibration associated with future ministerial development within the Housing Sites would be potentially significant. Therefore, construction vibration impacts associated with future ministerial development would be considered potentially significant.

Vibration impacts due to railroad activities and stationary sources would be less than significant.

### 4.10.6.3 Mitigation Framework

The following mitigation measure would address potentially significant impacts related to construction vibration associated with future ministerial development within the Housing Sites.

**NOS-3:** Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that minimizes adverse impacts related to noise. The objective standards shall require that prior to issuance of a building permit for a project requiring pile driving during construction within 135 feet of fragile structures, such as historical resources, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or within 75 feet of engineered concrete and masonry (no plaster); or a vibratory roller within 25 feet of any structure, the project applicant shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed Federal Transit Administration (FTA) architectural damage thresholds (e.g., 0.12 inches per second [in/sec] peak particle velocity [PPV] for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving and

static rollers as opposed to vibratory rollers shall be used. If necessary, construction vibration monitoring shall be conducted to ensure vibration thresholds are not exceeded.

#### 4.10.6.4 Significance After Mitigation

Implementation of the controls outlined in mitigation measure NOS-3 would require the City incorporate a requirement into their Overlay Zone that would ensure future ministerial projects that may generate substantial vibration or be exposed to substantial vibration demonstrate potential impacts would be less than significant. Impacts would be reduced to less than significant.

#### 4.10.7 Issue 3: Aircraft Noise

*Would the project be located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and expose people residing or working in the area to excessive noise levels?*

##### 4.10.7.1 Impact Analysis

The Safety Element is a policy document that would not result in any physical development. Updates to the Safety Element include updated wildfire and evacuation policies and mapping in addition to discussion of sea level rise and climate adaptation planning. Implementation of Safety Element policies by the City would not have an adverse effect related to aircraft noise. The closest airport to the project site is John Wayne Airport, approximately 25 miles northwest of the project site. The Marine Corps Air Station at Camp Pendleton is 14 miles from the City's boundary. The Southern California Edison San Onofre Nuclear Generating Station Mesa Heliport is 0.5 mile from the City's boundary. Aircraft overflights may be sporadically heard, but no portions of the City are within an airport influence area or within the Camp Pendleton projected aircraft noise zones (City of San Clemente 2013). Additionally, as stated in Safety Element Policy S-4.07, the City collaborates with Camp Pendleton to minimize the impacts of noise- or vibration-inducing activities on San Clemente residents and to inform the community in advance when such activities will be conducted. No portions of the City are within the 65 CNEL noise contours of any airport. Implementation of the project would not expose noise-sensitive land uses to incompatible levels of aircraft noise.

##### 4.10.7.2 Significance of Impacts

No portions of the City are within the 65 CNEL noise contours of any airport. Implementation of the project would not expose noise-sensitive land uses to incompatible levels of aircraft noise.

##### 4.10.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

## 4.11 Population and Housing

This section addresses the potential for significant impacts associated with population and housing to result from implementation of City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory (existing vacant and underutilized sites) in addition to potential future rezone sites, collectively referred to as "Housing Sites."

### 4.11.1 Existing Conditions

#### 4.11.1.1 Population and Housing Trends

The Southern California Association of Governments (SCAG) is the metropolitan planning organization responsible for developing and adopting regional population and housing growth forecasts for six Southern California counties, including Orange County (County), and 191 cities including the City. Additionally, the California Department of Finance provides population and census data. The regional, County, and City population and housing trends are discussed further below.

##### a. Population

###### *Region*

The SCAG region had an estimated population of 19,518,000 in 2020, which is projected to increase to 22,504,000 by 2045 (SCAG 2020a). Orange County had an estimated population of 3,268,000 in 2020, which is projected to increase to 3,535,000 in 2045 (SCAG 2020a).

###### *City of San Clemente*

The California Department of Finance estimated that the City had a population of 64,581 in 2020 (Department of Finance 2020). SCAG projects that the City's population would increase to 69,600 people by the year 2045 (SCAG 2020a).

##### b. Housing

###### *Region*

The SCAG region had an estimated 6,333,000 households in 2020, which is projected to increase to 7,170,000 by 2045 (SCAG 2020a). The County had an estimated 1,065,000 households in 2020, which is projected to increase to 1,125,000 in 2045 (SCAG 2020a).

###### *City of San Clemente*

The SCAG local profile completed in 2019 estimated that the City had approximately 26,402 housing units, consisting of 17,678 single-family (67 percent), 8,125 multi-family (31 percent), and 599

(2 percent) mobile homes in 2018 (SCAG 2019). The American Community Survey 2014-2018 prepared by the United States Census Bureau estimated that the City had approximately 24,530 households in 2018 (U.S. Census Bureau 2019). The City's average household size in 2018 was 2.7, which was lower than the County average of 3.1 (SCAG 2019). The average household size in San Clemente was 2.64 persons per household in 2018, which was lower than the County average of 3.02 persons per household in 2018 (U.S. Census Bureau 2019).

## 4.11.2 Regulatory Framework

### 4.11.2.1 Senate Bill 375

Senate Bill 375 (SB 375), the Sustainable Communities and Climate Protection Act, was approved in 2008. SB 375 focuses on reducing greenhouse gas emissions, as discussed further in Section 4.6. As a part of this effort, SB 375 requires each Metropolitan Planning Organization to add a broader vision for growth to its transportation plan through development of a Sustainable Communities Strategy (SCS). The SCS must lay out a plan to meet the region's transportation, housing, economic, and environmental needs in a way that enables the area to lower greenhouse gas emissions. The SCS should integrate transportation, land use, and housing policies to plan for achievement of the emissions target for each region. The latest SCAG Regional Transportation Plan/SCS (RTP/SCS) was adopted in 2020. SB 375 also requires the Regional Housing Needs Assessment (RHNA) be completed every eight years and, if a jurisdiction does not meet this requirement, penalties may be incurred in accordance with SB 375 and Assembly Bill 1233.

### 4.11.2.2 Regional Housing Needs Assessment

In response to a growing population, combined with high housing costs, California has enacted a law that requires SCAG and other councils of governments to periodically distribute the state-identified housing needs for their region. Local jurisdictions are required by state law (Government Code Section 65580 et seq.) to plan for their fair share of projected housing construction needs in their region over a specified planning period.

The 6<sup>th</sup> Cycle for the Southern California region covers an eight-year period from 2021 to 2029. The 6<sup>th</sup> Housing Element Cycle (2021–2029) RHNA (SCAG 2020b) identifies an additional 1,341,834 housing units will be needed within the Southern California region to provide adequate housing through 2050. This regional housing need includes 558,384 units of lower income housing. The City's RHNA allocation for the 6<sup>th</sup> Cycle Housing Element Update is a total of 982 units of total new construction, allocated by income level categories as detailed in the Project Description, Chapter 3.0, Table 3-1.

## 4.11.3 Significance Determination Thresholds

Thresholds used to evaluate impacts related to housing and population are based on applicable criteria in the California Environmental Quality Act Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact would occur if the project would:

- 1) 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); or
- 2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

#### 4.11.4 Methodology

The potential for significant population and housing impacts was evaluated through a comparison of project buildout with data derived from 2020 SCAG RTP/SCS in addition to analysis of the project's potential to exceed thresholds stated above.

#### 4.11.5 Issue 1: Induce Unplanned Population Growth

*Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

##### 4.11.5.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's RHNA allocation obligations for the 6<sup>th</sup> Cycle Housing Element Update, which is a total of 982 units of total new construction. The Safety Element update is a policy document that does not have the potential to add growth or population to the City. No impacts related to unplanned population growth would result from adoption of the Safety Element. Regarding the Housing Element, the City has identified sites available to accommodate housing to meet the City's RHNA allocation through a combination of sources detailed in Chapter 3.0, Table 3-2. Approximately 160 accessory dwelling units are anticipated to be developed in the City over the 6<sup>th</sup> Cycle planning horizon, approximately 320 units are anticipated to be constructed on existing vacant and underutilized sites consistent with existing zoning, and another 502 units would be achieved through future rezoning of parcels within the City. Future rezoning is needed to accommodate a minimum of 502 residential units; however, to provide flexibility in the selection of sites and to allow for public input on site selection, rezones accommodating up to 1,564 units are evaluated in this Program Environmental Impact Report (PEIR). Construction of the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites would meet the City's future housing needs and meet the City's RHNA allocation provided by SCAG.

All future housing anticipated in the Housing Element would be located in areas that are already served by infrastructure. As described in Section 4.14, utility infrastructure improvements and relocations associated with the future Housing Sites would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to minimize physical impacts on the environment. Ultimately, all future development



would be reviewed by the appropriate service or utility provider in conjunction with their application to ensure adequate services and utilities are available.

#### 4.11.5.2 Significance of Impacts

The project would allow for development of residential units to meet the City's future housing needs identified in the 2020 RTP/SCS. All future development at Housing Sites would be located in areas that are already served by infrastructure and would be reviewed by the appropriate service or utility provider in conjunction with their application to ensure adequate services and utilities are available. Although additional density would be accommodated by the project and programs would be implemented to facilitate additional housing production, the planned housing is intended to meet existing demand and comply with state law. Therefore, the project would not induce substantial unplanned population growth in an area, either directly or indirectly, and impacts would be less than significant.

#### 4.11.5.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.11.6 Issue 2: Displace People or Housing

*Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

#### 4.11.6.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's RHNA allocation obligations for the 6<sup>th</sup> Cycle Housing Element Update, which is a total of 982 units of total new construction. The Safety Element update is a policy document that does not have the potential to redevelop existing housing. No impacts related to displacement of substantial numbers of existing people or housing would result from adoption of the Safety Element. The vacant and underutilized Housing Sites identified in Figure 3-1 were selected due to their potential for redevelopment. A number of sites are vacant and would not displace any housing. Some sites contain older commercial uses that are in disrepair or are no longer operating. Development at these sites would not displace existing housing. Only two of the vacant and underutilized sites are currently configured with residential uses (see Table 3-3, Sites M31 and M33). Site M31 is a small two-story house that is currently being used as an office and Site M33 is a single-story residence constructed in 1948. Although implementation of multi-family housing at these sites would displace existing housing; replacement housing would expand opportunities for housing in the City by providing increased density at redeveloped sites.

#### 4.11.6.2 Significance of Impacts

Implementation of the Housing Element would result in an increase in housing units in the City. Although implementation of multi-family housing at two sites with residential structures would

displace existing housing; replacement housing would expand opportunities for housing in the City by providing increased density at redeveloped sites. Therefore, the project would not displace substantial numbers of existing housing or people, and impacts would be less than significant.

#### **4.11.6.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.

## 4.12 Public Services and Recreation

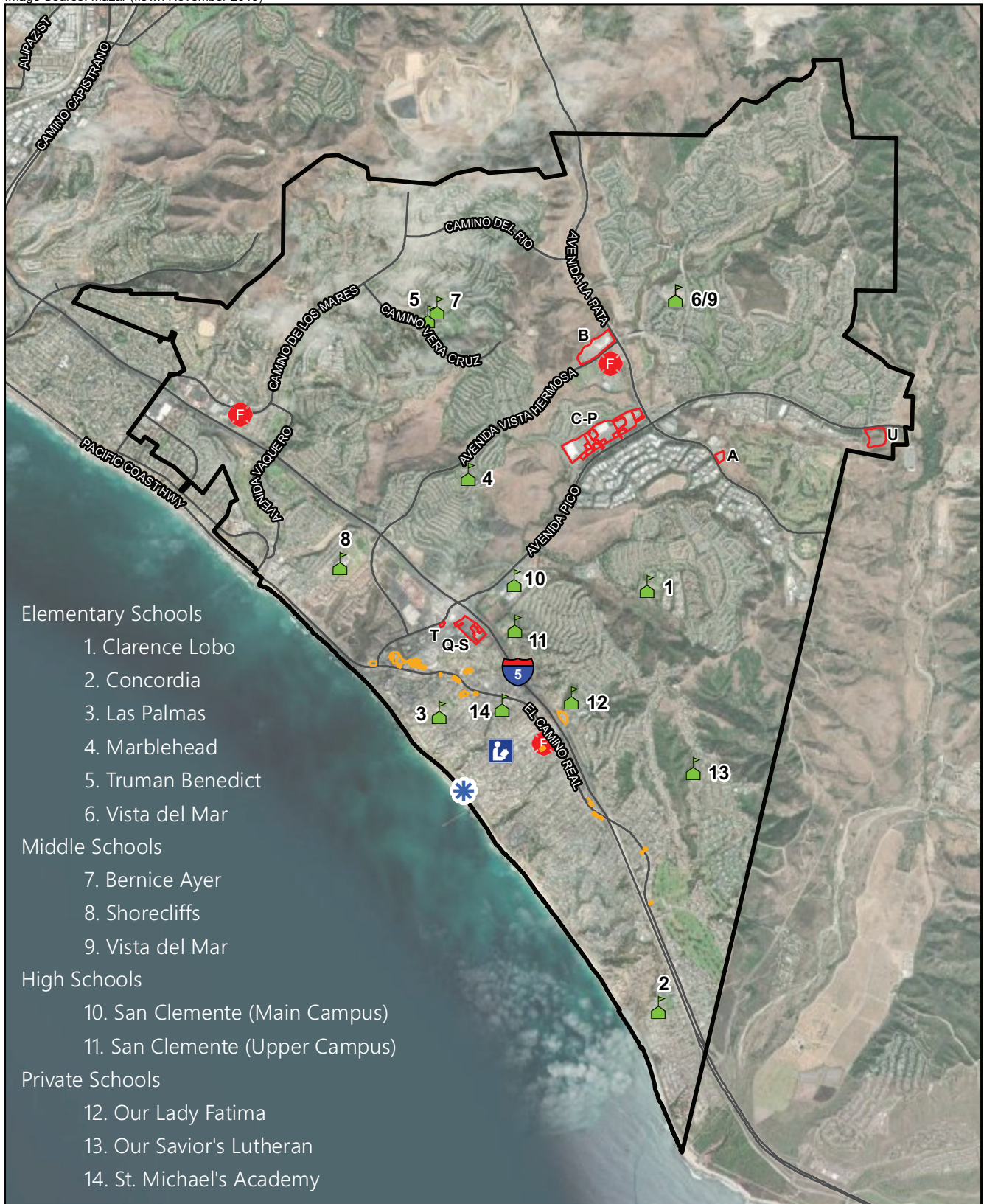
This section evaluates potential impacts related to public services and recreation due to implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites."

### 4.12.1 Existing Conditions

#### 4.12.1.1 Fire Protection and Emergency Medical Services

As detailed in the 2013 City's Centennial General Plan (General Plan) Environmental Impact Report (EIR), fire protection services are provided by the Orange County Fire Authority (OCFA), who operate three fire stations in the City. Figure 4.12-1 presents the locations of these three fire stations and Table 4.12-1 lists the address, equipment and staffing for all three stations. The three fire stations located within the City belong to OCFA Division 3, whose Battalions 6 and 7 also provide fire protection and emergency medical services to the nearby cities of Dana Point and San Juan Capistrano, as well as the portions of unincorporated Orange County (County) adjacent to the City. All fire departments in the County participate in an automatic aid agreement to ensure that the closest resources are dispatched to an emergency. Automatic aid includes engines, trucks, paramedics, and battalion chiefs. All agencies also participate in the statewide master mutual aid system for response during major emergencies (City of San Clemente 2013).

Fire Station and Address	Equipment	Daily Staff
Station #50 670 Camino De Los Mares	1 fire engine and 1 ambulance	1 captain, 1 engineer, 2 firefighters
Station #59 48 Avenida La Pata	1 paramedic assessment unit fire truck	1 captain, 1 engineer, and 2 firefighters
Station #60 121 Avenida Victoria	1 fire engine	1 captain, 1 engineer, and 2 firefighters
SOURCE: OCFA 2021.		



Elementary Schools

- 1. Clarence Lobo
- 2. Concordia
- 3. Las Palmas
- 4. Marblehead
- 5. Truman Benedict
- 6. Vista del Mar

Middle Schools

- 7. Bernice Ayer
- 8. Shorecliffs
- 9. Vista del Mar

High Schools

- 10. San Clemente (Main Campus)
- 11. San Clemente (Upper Campus)

Private Schools

- 12. Our Lady Fatima
- 13. Our Savior's Lutheran
- 14. St. Michael's Academy

- Project Boundary
- Arterial Roadways
- Vacant and Underutilized Sites
- Potential Rezone Sites
- Fire Station
- Library
- Marine Safety
- School

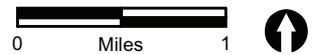


FIGURE 4.12-1  
Public Facilities

OCFA provides fire suppression, emergency medical, rescue and fire prevention, hazardous materials coordination, and wildland management services. OCFA is one of the largest regional fire service organizations in California. OCFA's goals for the provision of fire services are listed below. Response times are from receipt of the call to on-scene of the call:

- First-in engines should arrive on-scene to medical aids and/or fires within 7 minutes and 20 seconds 80 percent of the time.
- First-in truck companies should arrive on-scene to fires within 12 minutes 80 percent of the time.
- First-in paramedic companies should arrive on-scene at all medical aids within 10 minutes 80 percent of the time.

The National Fire Protection Association (NFPA) Fire Code section 1710 recommends that a first-responder unit arrive at the fire scene in 6 minutes or less at least 90 percent of the time, measured from the 911 call. The NFPA recommends that full response to a structural fire occur within 10 minutes of the 911 call at least 90 percent of the time. The NFPA also recommends a 6-minute response for basic life support and 10-minute response for advanced life support at least 90 percent of the time.

#### 4.12.1.2 Police Services

The Orange County Sheriff's Department (OCSD) provides law enforcement services to the City through the San Clemente Police Services. Law enforcement services include patrol, investigations, traffic enforcement, parking enforcement, community support, crime prevention, and police records services. The San Clemente Police Service includes five sergeants, four investigators, and thirty-five patrol deputies (OCSD 2021). The Police Station is located at City Hall, 910 Calle Negocio, San Clemente.

OCSD emergency response time requirements are classified by call priority. Priority 1 calls are life threatening or in-progress felony incidents, and the industry standard response time is 4 to 5 minutes from the time the call is received to the deputy's on-scene time. Priority 2 calls are in-progress misdemeanors (vandalism, disturbances, burglary alarms), and the industry standard response time is 15 minutes or less. OCSD's response time goal is to respond to Priority 1 calls within 5 minutes (City of San Clemente 2013). Response times for the City and adjacent cities as reported in the City's General Plan EIR are summarized in Table 4.12-2. As indicated, response times for the City for both Priority 1 (i.e., red light/siren) and Priority 2 (i.e., urgent – no lights/siren) are within industry standard response times.

City	Priority 1 Response Time (Minutes)	Priority 2 Response Time (Minutes)
Mission Viejo	4.92	9.11
Laguna Niguel	4.16	8.11
San Clemente	4.21	6.47
Dana Point	3.52	6.78
San Juan Capistrano	3.47	6.76
SOURCE: City of San Clemente 2013.		

### 4.12.13 Schools

The City is served by the Capistrano Unified School District (CUSD) for Kindergarten (K) through 12 public education. The CUSD currently operates 64 schools in the cities of Aliso Viejo, Dana Point, Laguna Niguel, Mission Viejo, San Clemente, and San Juan Capistrano. A total of 50,419 students were enrolled in the CUSD's schools during the 2020/2021 school year (California Department of Education 2021). Ten of the CUSD's schools are located in the City, serving 8,408 students (California Department of Education 2021). Additionally, three private schools are located within the City including Our Lady Fatima, Our Savior's Lutheran, and St. Michael's Academy. Figure 4.12-1 presents the locations of existing public schools within the City. Table 4.12-3 provides a list of the current enrollment, as well as capacity within these schools.

School	Address	2020/2021 Enrollment	Current Capacity <sup>1</sup>	Remaining Capacity
<b>Elementary Schools (Grades K-5)</b>				
Clarence Lobo	200 Avenida Vista Montana	340	945	605
Concordia	3120 Avenida del Presidente	434	1,015	581
Las Palmas	1101 Calle Puente	801	1,085	284
Marblehead	2410 Via Turqueza	270	840	570
Truman Benedict	1251 Sarmentoso	632	1,050	418
Vista del Mar (K-8)	1130 Avenida Talega	1,386	2,345 <sup>2</sup>	959
<b>Middle Schools (Grades 6-8)</b>				
Bernice Ayer	1271 Sarmentoso	831	1,190	359
Shorecliffs	240 Via Socorro	766	1,680	914
Vista del Mar	1130 Avenida Talega	See Above		
<b>High School (Grades 9-12)</b>				
San Clemente <sup>3</sup>	700 Avenida Pico	2,948	3,640	692
<b>Total</b>	-	<b>8,408</b>	<b>13,790</b>	<b>5,382</b>
SOURCE: City of San Clemente 2013; CDOE 2021; Education Data Partnership 2021				
<sup>1</sup> The current capacity is based on data from the 2013 General Plan EIR.				
<sup>2</sup> Includes the total current capacity for Vista del Mar Middle School.				
<sup>3</sup> Includes San Clemente Main Campus and Upper Campus.				

Although Table 4.12-3 indicates that public schools serving the City currently have unused excess classroom capacity, many of these schools have facilities that are inadequate to serve current needs. Based on the analysis in CUSD's Facilities Master Plan, City schools are currently deficient in "core facilities," which include administrative office space, libraries, multipurpose rooms, and athletic facilities (City of San Clemente 2013). In particular, library space is inadequate at all the schools in Table 4.12-3 except for Bernice Ayer Middle School and Vista del Mar Elementary/Middle School. In 2017, CUSD authorized Kitchell to conduct a series of facilities condition assessments to obtain a complete building and property deficiency evaluations, propose corrective and maintenance recommendations and prepare budget estimates for the corrective work for each campus. The findings, which were prepared independently of the CUSD by engineers and architects, are being used as a basis for developing a strategy to implement necessary repairs, alterations, and improvements.

#### 4.12.1.4 Library Services

The City is served by one public library located at 242 Avenida del Mar. The San Clemente Library is operated by the Orange County Public Libraries (OCPL), which has 32 branches. Members of the system have access to the network's entire holdings.

The OCPL uses a performance standard of 0.2 square feet per capita for library space and 1.3 volumes per capita for library collections (City of San Clemente 2013). Work to expand the San Clemente Library to meet the performance standard for library space was completed in 2015. The total library increased from 9,856 square feet to 14,252 square feet, representing 0.22 square feet per capita for the current population of 64,581 people. The library's total number of volumes is 90,370, which is 1.4 volumes per capita.

#### 4.12.1.5 Beaches, Parks, and Recreational Facilities

An ideal parks and open space system is composed of different types of recreational opportunities. Separately, each type of park may serve only one function but collectively it will serve the entire range of community needs. The City's Beaches, Parks and Recreation Department oversees 324 acres of recreational space including 23 parks, 25.9 miles of hiking trails, and 2 miles of public beaches. It also manages the use of a 133-acre golf course. Additional recreational amenities in the City are provided by privately-owned golf courses, including Bella Collina, Shorecliffs, and Talega golf clubs.

##### a. Parks

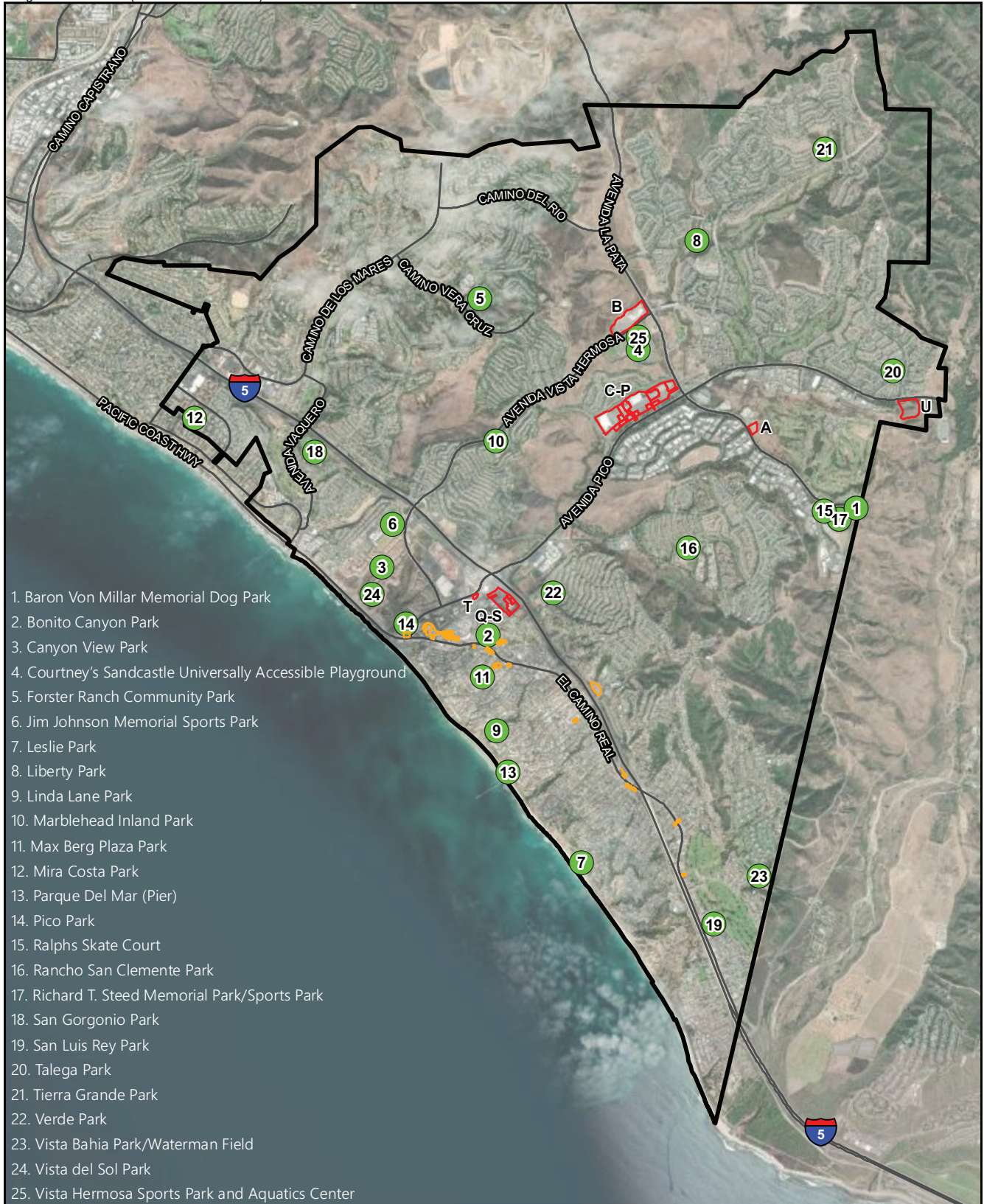
City parks are depicted in Figure 4.12-2 and described in Table 4.12-4. The City utilizes the following park classification system:

- Neighborhood parks are designed to serve the needs of the local neighborhoods. They are generally less than 10 acres in size. Typical facilities in these parks include children's play areas, picnic areas, restroom buildings, sports courts, exercise areas, and open grass areas. The Master Plan for City Facilities states that the intention of the Beaches, Parks, and Recreation Master Plan is for neighborhood parks to be built and maintained as part of new residential development.

- Community parks are designed to serve larger portions of the City or the entire City. They are generally over 10 acres in size and include major sports facilities such as baseball, softball, soccer, football, tennis, and basketball facilities. Such facilities generally include field lighting and parking lots to accommodate high use. Neighborhood park amenities (picnic areas and children's play areas) are also included, since community parks are also designed to serve neighborhood park needs. Community parks are considered a basic service that is provided by the City. Similar to neighborhood parks, community parks will be built and maintained as part of new residential development.
- Special use parks are designed to serve large portions of the City or the entire City, as community parks do. However, these parks are also designed to meet specific needs of the City. The size of a special use park can vary from a couple of acres to over 100 acres. Examples of special use parks include the beach, Community Center/Senior Center/Library, Ole Hanson Beach Club and pools, and San Clemente Municipal Golf Course. The City of San Clemente Beaches, Parks, and Recreation Master Plan specifies that special use parks be built when proposed improvements are justified. Further, voter approval must be obtained if the City cannot finance the development without additional tax burden.

The City utilizes a parkland standard of 5 acres per 1,000 residents. Based on the City's existing 324 acres of recreational space and current population of 64,581 people, the City is slightly exceeding their parkland requirement of 323 acres. The City also provides additional recreational opportunities in the form of public beaches and hiking trails beyond the required parkland requirement.





- Project Boundary
- Vacant and Underutilized Sites
- Arterial Roadways
- Potential Rezone Sites
- Parks

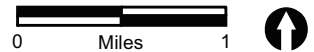


FIGURE 4.12-2  
Parks

Table 4.12-4 City Parks			
# <sup>1</sup>	Park	Location	Amenities
1	Baron Von Millard Memorial Dog Park	301 Avenue La Pata	Dog Park, Drinking Fountain
2	Bonito Canyon Park	1304 Calle Valle	Lighted Basketball Courts, One Lighted Baseball/Softball Field, Boys & Girls Club Building, Children's Play Area, Drinking Fountains, Exercise Course, Grassy Area, Picnic Area/Tables/Benches, Restrooms, Lighted Tennis Courts
3	Canyon View Park	18 Via Artemesia	Barbecue (BBQ)/Fire ring, Children's Play Area, Drinking Fountain, Ocean View, Picnic Tables, Restrooms
4	Courtney's Sandcastle Universally Accessible Playground	987 Avenida Vista	Children's Play Area, Drinking Fountain, Picnic Tables, Restrooms
5	Forster Ranch Community Park	3207 Camino Vera Cruz	Unlighted Baseball/Softball Field, Children's Play Area, Drinking Fountains, Grassy Area, Multi-Purpose Field, Running Track, Unlighted Soccer Fields, Picnic Area/Tables/Benches, Restrooms, Amphitheater/Plaza, Tennis Courts (Lighted), BBQs
6	Jim Johnson Memorial Sports Park	450 West Avenida Vista Hermosa	Basketball Court, Children's Play Area, Drinking Fountain, Multi-Purpose/Soccer Field, Picnic Tables, Restrooms, Synthetic Turf
7	Leslie Park	1800 Los Alamos	Grassy area, Benches
8	Liberty Park	390 Calle Saluda	Unlighted Baseball Fields, Lighted Basketball/Tennis Courts, Children's Play Area, Multi-Purpose Field, Picnic Areas/Tables/Benches, Restrooms, Drinking Fountains, BBQs
9	Linda Lane Park	400 Linda Lane	Beach Access, Children's Play Area, Drinking Fountain, Grassy Area, Picnic Area/Tables/Benches, BBQs
10	Marblehead Inland Park	2400 Via Turqueza	Amphitheater, Lighted Basketball Court, BBQs, Children's Play Area, Drinking Fountain, Exercise Course, Grassy Area, Picnic Area/Tables/Benches, Restrooms, Tennis Courts
11	Max Berg Plaza Park	1100 Calle Puente	Amphitheater, BBQs, Children's Play Area, Grassy Area, Picnic Area/Tables/Benches, Restrooms, Rose Garden, Drinking Fountain
12	Mira Costa Park	34001 Camino Mira Costa	Children's Play Area, Drinking Fountain, Dogs Allowed on Leash, Grassy Area, Picnic Area/Tables/Benches
13	Parque Del Mar (Pier)	622 Ave. Del Mar	Beach Access, Grassy Area, Picnic Area/Tables/Benches
14	Pico Park	315 Avenida Pico	Basketball Court, BBQ/Fire Ring, Children's Play Area, Drinking Fountain, Ocean View, Picnic Tables, Restrooms
15	Ralphs Skate Court	247 Avenida La Pata	Unlighted Skate Court, Drinking Fountains, Food Concession, Picnic Area/Tables/Benches, Restrooms

Table 4.12-4 City Parks			
# <sup>1</sup>	Park	Location	Amenities
16	Rancho San Clemente Park	150 Calle Aguila	Unlighted Basketball Courts, BBQs, Children's Play Area, Exercise Course, Grassy Area, Picnic Area/Tables/Benches, Restrooms, Volleyball Courts, Drinking Fountain
17	Richard T. Steed Memorial Park/ Sports Park	247 Avenida La Pata	Four Lighted Baseball/Softball Fields, Batting Cages/Pitching Throw, Drinking Fountains, Food Concession, Picnic Area/Tables/Benches, Restrooms, Unlighted Skate Court, Trail Access
18	San Gorgonio Park	2916 Via San Gorgonio	Basketball Courts, Lighted Baseball/Softball Fields BBQs, Children's Play Area, Drinking Fountains, Grassy Area, Multi-Purpose Field, Picnic Area/Tables/Benches, Restrooms, Unlighted Tennis Courts
19	San Luis Rey Park	109 Avenida San Luis Rey	Children's Play Area, Drinking Fountains, Grassy Area, Lawn Bowling Facility, Picnic Area/Tables/Benches, Restrooms, Lighted Tennis Courts
20	Talega Park	179 Corte Cristianitos	Unlighted Basketball Courts, Unlighted Baseball/Softball Field, BBQs, Children's Play Area, Drinking Fountain, Grassy Area, Multi-Purpose Field, Picnic Area/Tables/Benches, Restrooms, Trail Access
21	Tierra Grande Park	399 Camino Tierra Grande	Unlighted Softball Fields, Children's Play Area, Multi-Purpose Field, Picnic Area/Tables/Benches, Restrooms, Drinking Fountains, Horseshoe Pits, BBQs, Three Lighted Basketball Courts
22	Verde Park	301 Calle Escuela	Children's Play Areas, Drinking Fountain, Grassy Area, Picnic Area/Tables/Benches, Dogs Allowed on Leash, Unlighted Tennis Courts
23	Vista Bahia Park/ Waterman Field	402 Calle Bahia	Lighted Baseball Fields, Batting Cages/Pitching Throw, Drinking Fountain, Food Concession, Grassy Area, Picnic Area/Tables/Benches, Restrooms
24	Vista del Sol Park	111 Avenida Costa Azul	BBQ/Fire Ring, Drinking Fountain, Ocean View, Picnic Tables, Restrooms
25	Vista Hermosa Sports Park and Aquatics Center	987 Avenida Vista Hermosa	50-meter X 25-yard Competition Pool with two 1-meter Diving Boards, 25-yard Recreation and Teaching Pool, Zero-Depth Entry Play Area, Water Play Structure, Pool House with Locker Rooms and Meeting Room, Rentable Event Space with Picnic Tables and BBQ, Shaded Spectator Bleachers, Shade Cabanas, Chaise Lounges/Tables and Chairs
SOURCE: City of San Clemente 2021.			
<sup>1</sup> Refer to Figure 4.12-2 for park locations referenced by number.			

## b. State and City Beaches

City residents have immediate access to eleven City beaches and three state beaches. Two of the City-operated beaches, Calafia Beach and Riviera Beach, are on state park property. Table 4.12-5 presents the locations and amenities for all beaches within the City.

Table 4.12-5 State and City Beaches		
Beach	Location	Amenities
<b>City-operated Beaches</b>		
Calafia (State Beach)	243 Avenida Calafia	Access by Stairs, Concessions, Restrooms
Corto Lane	Corto Lane	Access by Stairs, Restrooms, Volleyball Court
Dije Court	1409 Buena Vista	Access by Stairs
El Portal	1101 Buena Vista	Access by Stairs
Lasuen ("Lost Winds")	2006 Calle de Los Alamos	Access by Stairs, Volleyball Court
Linda Lane	400 Linda Lane	Americans with Disabilities Act (ADA) Access, Metered Parking, Restrooms
Mariposa	260 W. Escalones	Access by Stairs
North Beach	1850 Avenida Estacion	ADA Access, BBQ/Fire Ring, Metered Parking, Restrooms, Train Station
Pier	622 Avenida Del Mar	ADA Access, BBQ/Fire Ring, Concessions, Metered Parking, Restrooms, Train Station
Riviera (State Beach)	2312 Plaza a la Playa	Access by Stairs
T-Street	339 West Paseo de Cristobal	Access by Stairs, BBQ/Fire Ring, Concessions, Metered Parking, Restrooms
<b>State Beaches</b>		
San Clemente State Beach	225 Avenida Calafia	157-space Campground, Hiking Trails, Picnic Areas
San Onofre State Beach	Old Pacific Highway	Two Campgrounds, Hiking Trails
Doheny State Beach	Dana Point	122-space Campground, Picnic Facilities, Volleyball Courts

SOURCE: City of San Clemente 2013, 2021.

## c. Hiking Trails

As detailed in the City's General Plan EIR (City of San Clemente 2013), the City has six major trail networks—Rancho San Clemente Ridgeline Trail, Forster Ranch Ridgeline, Prima Deshecha Regional, Cristianitos Regional, Talega Trail, and San Clemente Coastal Trail—providing 13.8 miles (22 acres) of trails, ranging from easy to difficult levels. Some networks connect with trails managed by other communities (such as San Juan Capistrano at the Forster Ridge trail junction in the north) and public agencies (such as the California Department of Parks and Recreation for eastern trails that connect to San Onofre State Beach Park). The only trail west of Interstate 5 is the San Clemente Beach Trail, a popular 2.3-mile-long path that connects North Beach, the Pier, and Calafia Beach. The City maintains its local trails; regional trails are the responsibility of the County. The Donna O'Neill Land Conservancy is a nonprofit organization representing the County, the City, and Rancho Mission Viejo

that oversees stewardship of a 1,200-acre wilderness reserve in South Orange County. Approximately 175 acres of the Donna O'Neill Land Conservancy property is within the City.

## 4.12.2 Regulatory Framework

### 4.12.2.1 State

#### a. Fire Protection

The California Fire and Building Codes address general and specialized fire safety requirements for buildings. Topics addressed in the code include, but are not limited to, fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions to protect and assist first responders, and industrial processes.

#### b. Schools

Senate Bill (SB) 50 created various methods of generating revenue to pay for school construction and remodeling. These methods consist of state school bond funds, local school bonds, and developer fees. There are three levels of developer fees: Level I, Level II, and Level III. Level I fees are set by law but can be adjusted for inflation. Level II fees require that developers pay for the entire local share of construction costs, which is 50 percent of total construction costs. Level II fees may be imposed by a school district on a yearly basis, but only if certain conditions are met. Level III fees require developers to pay for 100 percent of construction costs and are imposed if the state is no longer allocating bond funds. SB 50 stipulates that if a school district conducts a School Facilities Needs Analysis and meets certain other requirements, it may impose a statutory developer fee that may be significantly higher than the previously permitted.

#### c. Parks and State Beaches

The 1975 Quimby Act authorizes cities and counties to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities (California Government Code 66477). California state park general plans direct the long-term development and management of each park by providing policy and program guidance. A state park must have an approved general plan before any major park facilities are developed. The San Clemente State Beach General Plan was published in February 1970 and amended in February 1983; the San Onofre State Beach General Plan was published in March 1984; and the Doheny State Beach General Plan was published in October 1972 and amended in February 2004 (California Department of Parks and Recreation 2021). No plans or actions are currently in progress for state parks in or near the city.

## 4.12.2.2 Local

### a. City of San Clemente General Plan

Pertinent General Plan goals, objectives, and policies related to public services and facilities are listed below.

**GOAL:** Continue to be a safe, disaster-resilient community that is prepared through effective community outreach, proactive monitoring, and efficient emergency services, response, recovery and mitigation.

**Policies:**

**S-7.01. *Staffing, Facilities and Supplies.*** We ensure adequate staffing, facilities and supplies for our police, fire, marine safety and emergency medical services, and emergency planning to provide appropriate and timely response to emergency needs.

**S-7.07. *Crime Prevention Through Environmental Design.*** We require new development to incorporate Crime Prevention Through Environmental Design features in the orientation and design of sites, buildings, streetscapes, and open spaces.

**GOAL:** Provide and maintain parks and recreation facilities with adequate spaces and amenities to meet the recreational and relaxation needs of existing and future residents.

**Policies:**

**BPR-1.01. *Programming.*** We program our parks and other recreation facilities for efficient and creative uses, consistent with the type of facility, user groups served and community needs, and with the Beaches, Parks and Recreation Master Plan.

**BPR-2.01. *Parkland and Beaches Standard.*** We apply a standard of at least five acres of improved parkland and beaches per 1,000 residents and seek to meet residents' needs in underserved areas.

**BPR-2.02. *Evaluation of User Needs.*** We evaluate user feedback, track facility use, and utilize projections to understand park and recreation facility needs and plan for future acquisition and development.

**BPR-2.04. *Master Plan.*** We focus parkland acquisition and development efforts in accordance with the Beaches, Parks and Recreation Master Plan and with the Master Plan for City Facilities.

**BPR-2.05. *Master Plan Maintenance.*** We maintain and update the Beaches, Parks and Recreation Master Plan at least every 10 years to strategically plan for future park and recreation needs.

**BPR-2.06. *Parkland Acquisitions.*** We require parkland acquisitions to be beneficial to the community. In acquiring parkland, the City considers short-term land and construction costs and long-term operations and maintenance costs.

**BPR-2.07. *Planning for Local Context.*** We plan park features and facilities that meet the recreational preferences of residents and the land uses the park is intended to serve. We consider the impacts of such facilities on surrounding uses.

**BPR-2.08. *Future Park Sites.*** When selecting specific park sites or designing park facilities, we identify park type and future user needs.

**BPR-2.09. *Joint Use Agreements.*** We maintain and improve joint-use recreational space agreements with public agencies and seek new opportunities for joint recreational uses.

**BPR-2.10. *Universal Access.*** We seek to provide, where feasible, inclusive recreation facilities that meet or exceed accepted standards for Universal Access.

**BPR-2.11. *Structured and Unstructured Recreation Opportunities.*** We plan, acquire and develop recreational facilities to provide a balanced range of structured and unstructured recreation opportunities.

**GOAL:** Provide safe, high-quality beaches that protect natural resources, support and encourage recreational activities, promote economic development and contribute to San Clemente's culture and character. Protect and create spaces and places to enjoy a memorable beach experience on and off the sand.

**Policies:**

**BPR-3.05. *Pedestrian and Bicycle Connectivity.*** We encourage connectivity by developing and maintaining pedestrian and bicycle trails, where appropriate, along our coastline, including designated railroad crossings for pedestrians.

**BPR-3.06. *Pier Bowl and North Beach.*** We enhance the Pier Bowl and North Beach areas to function as recreational, cultural and economic hubs. We also maximize accessibility for residents, visitors and commuters, including train passengers, to create easy and natural transitions between the beach, beach trail and local businesses or cultural attractions.

**BPR-3.08. *Relocation of Railroad Right-of-Way.*** We support the potential relocation of the railroad right-of-way away from the beach to the vicinity of the Interstate 5 freeway.

**GOAL:** Provide a safe, environmentally sustainable and attractive open space and trails network, including walking, bicycling, hiking and equestrian trails, that connects key open space areas and recreational amenities.

**Policies:**

**BPR-4.01. *Open Space Preservation.*** We encourage and support the preservation of open space within and adjacent to the City.

**BPR-4.02. *Trails and Staging Areas.*** We support the development, maintenance and enhancement of local trails and staging areas using best sustainable practices.

**BPR-4.04. *Trail Connections.*** We collaborate with other public agencies and private parties to establish connections between trails.

**BPR-4.07. *Master Plan.*** We maintain and update the Beaches, Parks and Recreation Master Plan and Bicycle and Pedestrian Master Plan to strategically plan new trails and related facilities.

**BPR-4.08. *Standards.*** We maintain multi-purpose trails to Council-adopted community standards.

**BPR-4.09. *Measure V Initiative.*** We require voter approval of City Council actions related to changing an Open Space land use designation to a Non-Open Space designation, according to Ordinance 1475 ("Measure V" Voter Initiative), adopted by the City Council in September 2007.

**GOAL:** Provide beaches, parks and recreation facilities that are financed, acquired, developed, operated, and maintained to meet community needs and standards, in balance with the City's fiscal resources.

**Policies:**

**BPR-7.01. *Funding Support.*** We aggressively pursue Federal, State, County, private foundation and endowment support to assist in the acquisition, development, programming, operations, and maintenance of beaches, park and recreation facilities.

**BPR-7.05. *Private Facilities.*** We encourage the development of private recreational facilities, where appropriate, that provide services or facilities that are not provided by the City.

**BPR-7.07. *Park In-Lieu Fees.*** We will periodically update the park in-lieu fee required for new development to establish appropriate rates.

**GOAL:** Provide and promote the most effective and highest quality educational opportunities to residents of all ages, incomes and abilities through public and private schools, vocational training and City and private educational programs.

**Policies:**

**PSFU-1.01. *Educational Partners.*** We partner with public and private schools, other public agencies, nonprofit organizations, and businesses throughout the region to expand and promote the range and quality of educational offerings available to the community.



**PSFU-1.02. *Joint Use of Facilities.*** We partner with public and private educational institutions to jointly use facilities for both community and educational purposes, such as afterschool recreation, community gatherings and cultural events.

**PSFU-1.03. *Access to Schools.*** We work with local and regional partners to maintain safety in and around schools and to improve access to schools and community services.

**PSFU-1.04. *School Facilities.*** We plan and coordinate with CUSD and private educational institutions for designing and locating school facilities to meet the City's goals, such as for health, walkability and safety, and to maintain neighborhood compatibility.

**PSFU-1.05. *CUSD Master Plan.*** We work with the CUSD to ensure their Master Plan fosters a strong sense of community in San Clemente neighborhoods (e.g., decisions regarding school facilities enhance neighborhood quality of life) and adheres to the educational facility standards provided in Orange County's Growth Management Plan.

**PSFU-1.06. *City Advocacy Role.*** We work with CUSD to advocate high academic and facility standards, and we will help identify areas of common interest, such as educational or training opportunities programs, facilities and areas meriting attention or improvement.

**GOAL:** Achieve a library system that meets the community's changing needs for library services, including a wide variety of outstanding educational and training opportunities to foster reading, personal growth, knowledge and technical skills for all residents.

**Policies:**

**PSFU-2.01. *Library Services.*** We coordinate with the County of Orange to provide adequate library services and facilities that fulfill the needs of San Clemente residents and meet or exceed the County of Orange's minimum library standards.

**PSFU-2.02. *Educational Programming.*** We encourage the County of Orange to provide reading and literacy programs and other educational programs at the local library branch or via other means for those who cannot visit library facilities.

**PSFU-2.03. *Funding.*** We support County of Orange efforts to provide adequate funding for improvements to local library facilities and programs through County, State and Federal funding, private and corporate donations or other resources.

**PSFU-2.04. *Technology.*** We encourage the adoption of technological advances that can provide improved access to library resources.

**PSFU-2.05. *Volunteers.*** We work with non-profit organizations, businesses and other public agencies to explore opportunities for grants and other special project funding for our local library.

**PSFU-2.06. *Focal Point of the Community.*** We coordinate with the County of Orange and Friends of the Library to promote and use the library for community meetings and events.

**PSFU-2.07. *Specialized Libraries.*** We encourage and support, where possible, specialized libraries that provide public benefits and access.

## **b. City of San Clemente Municipal Code (SCMC)**

The following chapters of the SCMC address public facilities:

### ***Chapter 8.16 California Fire Code***

The 2019 California Fire Code is adopted through Chapter 8.16 in order to protect the interests of health, life, and safety as they relate to the use or occupancy of buildings or premises.

### ***Chapter 15.52 Public Facilities Construction Fund Fee***

The City Council has determined that a public facilities construction fund fee is needed to finance improvements to beach parking areas to mitigate the impacts of new development on beach parking, municipal office space, and public safety services.

### ***Chapter 17.44 Open-Space Zones and Standards***

Is used to implement the open space provisions in the general plan and to protect and preserve open space land by developing regulations that allow a range of passive and active open-space opportunities, the preservation of environmental and aesthetic resources including topographical features, and protection of life and property from environmental hazards.

## **c. Beaches, Parks and Recreation Master Plans**

The City Beaches, Parks and Recreation Master Plan (City of San Clemente 2018) sets a framework for planning, maintenance, and development and/or rehabilitation of the City's beaches, parks, and recreation facilities. This Master Plan also provides guidance for site-specific master planning, which is currently underway for Bonito Canyon Park, Linda Lane Park, Richard T. Steed Park/Baron Von Willard Park, San Gorgonio Park, and San Luis Rey Park.

### 4.12.3 Significance Determination Thresholds

Consistent with Appendix G of the California Environmental Quality Act Guidelines, impacts related to public services would be significant if implementation of the project would result in any of the following:

- 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
  - Fire protection
  - Police protection
  - Schools
  - Parks
  - Other public facilities;
- 2) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated; or
- 3) Necessitate the construction or expansion of recreational facilities in order to maintain performance objectives and thereby would result in an adverse physical effect on the environment.

### 4.12.4 Methodology

The impact analysis in the following subsections evaluates whether the project would result in the need for substantial alterations or expansions to existing public services or facilities (e.g., new fire stations or parks) or the construction of new facilities; and if the expansion or construction of new facilities necessitated by the project would result in environmental impacts.

#### 4.12.5 Issue 1a: Fire Protection

*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities in order to maintain service ratios, response times, or other performance objectives, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?*

##### 4.12.5.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's Regional Housing Needs Assessment (RHNA) allocation obligations for the 6<sup>th</sup> Cycle Housing Element Update, which is a total

of 982 units. The Safety Element update is a policy document that does not have the potential to add growth or population to the City. No impacts related to fire protection would result from adoption of the Safety Element. Regarding the Housing Element, construction of the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites would accommodate future population growth within the City anticipated by the Southern California Association of Governments (SCAG). Construction of these residential units could potentially increase demand for fire protection facilities.

Staffing levels for fire protection services within the City would continue to be established by the OCFA based on its contract with the City. Expansion of additional facilities would be funded through the City's General Fund that collects development impact fees to fund capital facilities and infrastructure projects. Future residential units developed under the project would pay these development impact fees to the City's General Fund, and thereby contribute their fair share to future fire protection facilities. Development at the Housing Sites would not directly result in sufficient demand to require construction of new fire facilities, since each incremental housing development would pay its fair share toward anticipated fire facility needs. At the time future fire facilities are proposed, they would require a separate environmental review and compliance with regulations in existence at that time would address potential environmental impacts related to the construction and operation of new fire facilities.

#### 4.12.5.2 Significance of Impacts

Development at the Housing Sites would not directly result in sufficient demand to require construction of new fire facilities, since each incremental housing development would pay its fair share toward anticipated fire facility needs. Construction of any future fire facilities would be under a separate environmental review and approval. Project impacts associated with construction of fire protection facilities would be less than significant.

#### 4.12.5.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.12.6 Issue 1b: Police Protection

*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities in order to maintain service ratios, response times, or other performance objectives, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?*

#### 4.12.6.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's RHNA allocation obligations for the 6<sup>th</sup> Cycle Housing Element Update, which is a total of 982 units. The Safety Element update is a policy document that does not have the potential to add growth or population to the City. No

impacts related to police protection would result from adoption of the Safety Element. Regarding the Housing Element, construction of the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites would accommodate future population growth within the City anticipated by SCAG. Construction of these residential units could potentially increase demand for police protection facilities.

Staffing levels for police protection services within the City would continue to be established by the OCSD based on its contract with the City. Expansion of additional facilities would be funded through the City's General Fund that collects development impact fees to fund capital facilities and infrastructure projects. Future residential units developed under the project would pay these development impact fees to the City's General Fund, and thereby contribute their fair share to future police protection facilities. Development at the Housing Sites would not directly result in sufficient demand to require construction of new police facilities, since each incremental housing development would pay its fair share toward anticipated facility needs. At the time future police facilities are proposed, they would require a separate environmental review and compliance with regulations in existence at that time would address potential environmental impacts related to the construction and operation of new police facilities.

#### 4.12.6.2 Significance of Impacts

Development at the Housing Sites would not directly result in sufficient demand to require construction of new police facilities, since each incremental housing development would pay its fair share toward anticipated facility needs. Construction of any future police facilities would under a separate environmental review and approval. Project impacts associated with construction of police protection facilities would be less than significant.

#### 4.12.6.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.12.7 Issue 1c: Schools

*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities in order to maintain service ratios, response times, or other performance objectives, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?*

#### 4.12.7.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's RHNA allocation obligations for the Sixth Cycle Housing Element Update, which is a total of 982 units. The Safety Element update is a policy document that does not have the potential to add growth or population to the City. No impacts related to schools would result from adoption of the Safety Element. Regarding the Housing Element, construction of the approximately 982 residential units (up to 1,564 residential units)

anticipated in the Housing Element sites inventory and potential rezone sites would accommodate future population growth within the City anticipated by SCAG. Construction of these residential units could potentially increase demand for schools.

Although CUSD schools within the City have excess capacity (see Table 4.12-3), development of future residential units would have the potential to generate students that would place additional demand on school facilities. Future residential units developed under the project would be required to make payments to CUSD for the construction of new schools based on current school fees in place at the time of building permit issuance. Payment of such fees would support necessary school improvements. Development at the Housing Sites would not directly result in sufficient demand to require construction of new school facilities, since each incremental housing development would pay its fair share toward anticipated facility needs. At the time future schools are proposed, they would require a separate environmental review and compliance with regulations in existence at that time would address potential environmental impacts related to the construction and operation of new school facilities.

#### 4.12.7.2 Significance of Impacts

Development at the Housing Sites would not directly result in sufficient demand to require construction of new school facilities, since each incremental housing development would pay its fair share toward anticipated facility needs. Construction of any future school facilities would be under a separate environmental review and approval. Payment of CUSD fees consistent with SB 50 and would ensure that impacts associated with construction of schools would be less than significant.

#### 4.12.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.12.8 Issue 1d: Library Services

*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities in order to maintain service ratios, response times, or other performance objectives, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?*

#### 4.12.8.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's RHNA allocation obligations for the Sixth Cycle Housing Element Update, which is a total of 982 units. The Safety Element update is a policy document that does not have the potential to add growth or population to the City. No impacts related to library services or facilities would result from adoption of the Safety Element. Regarding the Housing Element, construction of the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites would

accommodate future population growth within the City anticipated by SCAG. Construction of these residential units could potentially increase demand for library services.

Funding of new library facilities in the OCPL system requires the beneficiary municipality (the City) to fund new or expanded facilities and requires preparation of a library funding/service plan for the new facility to determine if OCPL has the ability to fund staffing, operation, and maintenance needs of the facility (City of San Clemente 2013). Revenue sources that contribute to funding the City's General Fund, including property and sales taxes, would be expected to grow, and these tax revenues could be used to fund further expansion of the San Clemente Library and/or additional materials and resources. Additionally, a portion of property tax revenues collected by the County are specifically allocated for capital improvement and operating costs for the OCPL system. Development at the Housing Sites would not directly result in sufficient demand to require construction or expansion of a library, since each incremental housing development would pay its fair share toward anticipated library facility needs. At the time future libraries are proposed, they would require a separate environmental review and compliance with regulations in existence at that time would address potential environmental impacts related to the construction and operation of new library facilities.

#### 4.12.8.2 Significance of Impacts

Development at the Housing Sites would not directly result in sufficient demand to require construction of new library facilities, since each incremental housing development would pay its fair share toward anticipated library facility needs. Construction of any future library facilities would under a separate environmental review and approval. Project impacts associated with construction of libraries would be less than significant.

#### 4.12.8.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.12.9 Issues 2 and 3: Parks and Recreational Facilities

*Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

*Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

#### 4.12.9.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's RHNA allocation obligations for the Sixth Cycle Housing Element Update, which is a total of 982 units. The Safety Element update is a policy document that does not have the potential to add growth or population to the City. No impacts related to parks and recreation would result from adoption of the Safety Element. Regarding the Housing Element, construction of the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites would

accommodate future population growth within the City anticipated by SCAG. Construction of these residential units would increase use of existing park facilities and increase demand for additional park and recreation facilities. However, future residential units developed under the project would be required to pay in-lieu fees consistent with the Quimby Act to pay for additional park facilities within the City. Payment of such fees would allow the City to continue to implement numerous General Plan policies in place to maintain park and recreation facilities within the City (BPR-1.01. Programming; BPR-2.02. Evaluation of User Needs; BPR-2.04. Master Plan; BPR-2.05. Master Plan Maintenance; and BPR-2.06. Parkland Acquisitions). Development at the Housing Sites would not directly result in sufficient demand to require construction of new parks, since each incremental housing development would pay its fair share toward anticipated park needs. At the time future parks are proposed, they would require a separate environmental review and compliance with regulations in existence at that time would address potential environmental impacts related to the construction and operation of new parks.

#### **4.12.9.2 Significance of Impacts**

Development at the Housing Sites would not directly result in sufficient demand to require construction of new park facilities, since each incremental housing development would pay its fair share toward anticipated park needs. Construction of any future parks would be under a separate environmental review and approval. Impacts associated with park and recreation facilities would be less than significant.

#### **4.12.9.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.



## 4.13 Transportation

This section evaluates potential impacts related to transportation due to implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." This section is based on the results of the San Clemente Housing Element Update Transportation Impact Study prepared for the project (Appendix E).

### 4.13.1 Existing Conditions

#### 4.13.1.1 Existing Street System

##### a. Roadway Network

The City is connected to the regional transportation network by Interstate 5 (I-5), which is a north-south freeway that traverses the entire length of the City. The City's existing roadway network includes a series of major arterials, primary arterials, secondary roads, local collectors, and local residential roads as shown in Figure 4.13-1. Major and primary arterials within the City include the following:

- **Avenida Vista Hermosa** is an east-west arterial beginning at the I-5 freeway and extending north-east to end at Avenida Pico. Avenida Vista Hermosa is mainly a primary arterial with four lanes of travel with raised medians throughout the street. Avenida Vista Hermosa turns into a major arterial with six to seven lanes of travel and a raised median between Calle Frontera and I-5.
- **Camino de Estrella** is an east-west primary arterial with four lanes of travel and a divided roadway from Camino Capistrano to I-5. Camino de Estrella is located west of the I-5 and turns into Camino de Los Mares east of the I-5.
- **Camino de Los Mares** is an east-west arterial with four to six lanes of travel from I-5 to Portico del Norte. Camino de Los Mares starts as a major arterial from the I-5 with six lanes of travel and continues to Calle Vaquero. It then becomes a secondary arterial from Calle Vaquero to Portico del Norte with four lanes of travel.
- **Avenida Pico** is an east-west arterial with four to six lanes of travel from El Camino Real to Camino Pedriza. Avenida Pico is a primary arterial with four lanes of travel from El Camino Real to I-5 freeway. From the I-5 freeway, Avenida Pico widens out to a major arterial with six lanes of travel and a raised median extending easterly until Camino La Pedriza.

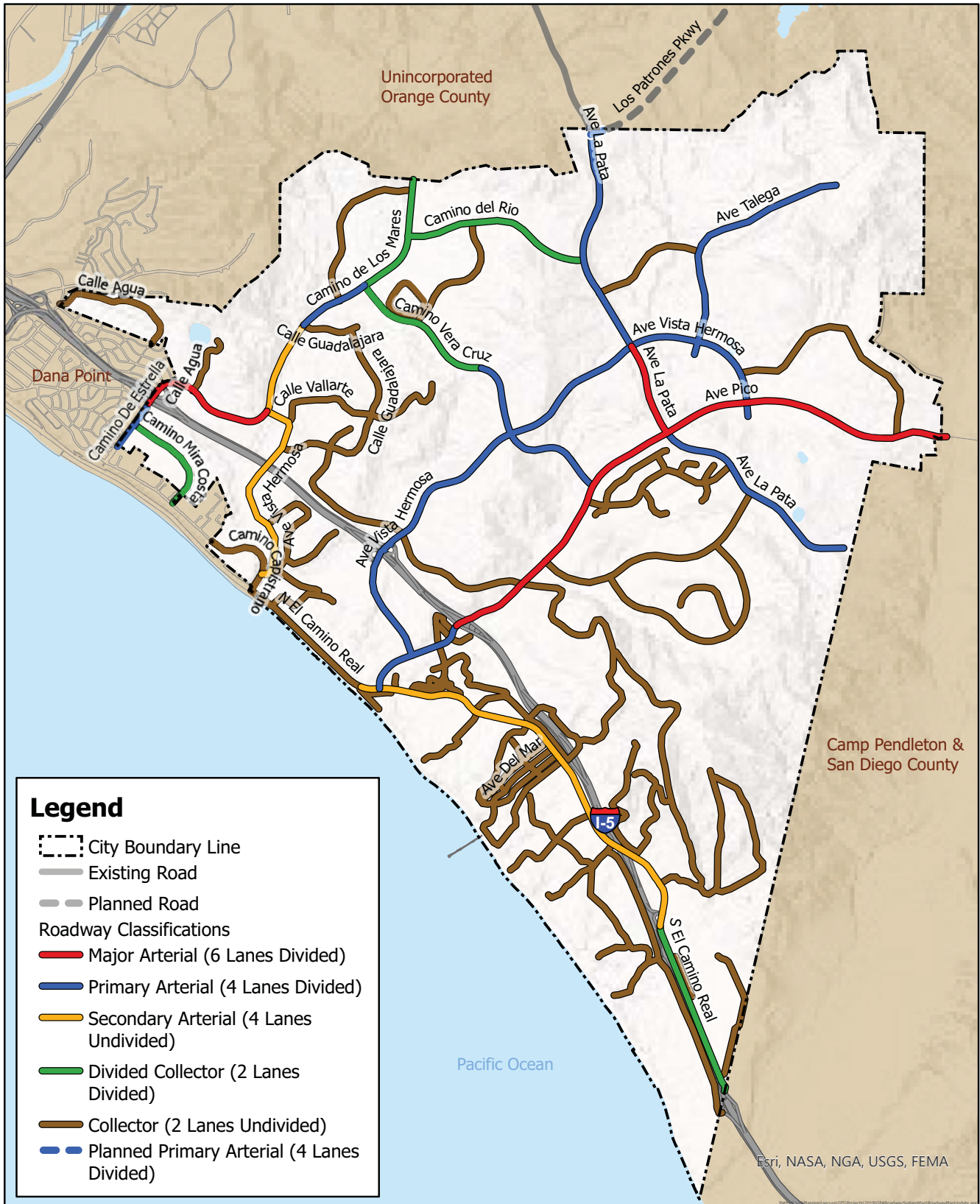


FIGURE 4.13-1  
Existing Roadway Network

- **Avenida La Pata** is a north-south arterial that provides connection in the easterly section of the City. It is a primary arterial with four to six lanes that provides a connection from San Juan Capistrano through the City to its terminus at Calle Extremo. Avenida La Pata starts in San Juan Capistrano, south of the Ortega Highway, where it transitions from Antonio Parkway to Avenida La Pata and extends south into the City. At its north end, the roadway includes four lanes of travel and widens to a six-lane arterial past Avenida Vista Hermosa. It remains a six-lane arterial up to Avenida Pico where it returns to a four-lane arterial and remains as such until the end at Calle Extremo.
- **Camino Vera Cruz** is a north-south arterial with four lanes of travel and has either a raised median or a painted median within the roadway. Camino Vera Cruz provides connection within the City from Camino de Los Mares to Avenida Pico. Camino Vera Cruz starts at Camino de Los Mares with a painted median and bike lanes for both directions. It continues until Calle Sarmentoso where the street narrows briefly from Calle Sarmentoso to Costa Street and the painted median is removed. Camino Vera Cruz widens out again past Costa Street and maintains the painted median until Costero Risco, where a raised median is introduced and exists to the end of the road at Avenida Pico. Bike lanes are maintained along Camino Vera Cruz from Camino de Los Mares to Avenida Vista Hermosa.
- **El Camino Real** is a north-south arterial that begins as Pacific Coast Highway (PCH) from the City limits with Dana Point and runs south to Avenida San Luis Rey where it ends. El Camino Real is a four-lane secondary arterial with a two-foot painted median from Camino Capistrano to Avenida Pico. El Camino Real continues past Avenida Pico maintaining four lanes of travel but is undivided. Further south, El Camino Real becomes a primary arterial south of Avenida San Gabriel as a painted median is introduced until Avenida Magdalena where it returns as a secondary arterial with an undivided roadway. El Camino Real ends at the southern City limits approximately 600 feet north of Cristianitos Road.

#### 4.13.1.2 Pedestrian and Bicycle Network

The City of San Clemente Bicycle and Pedestrian Master Plan (2013) emphasizes the importance of providing a complete and pleasant walking environment for residents and visitors. The plan focuses on pedestrian demand and has set a number of criteria revolving around safety, feasibility, accessibility, connectivity, and walkability to use as guidance in providing pedestrian mobility throughout the City. The plan proposes to implement nine pedestrian facilities that ranged from closing gaps between sidewalks, adding sidewalks at freeway locations, widening sidewalks with mixed bicycle usage, and enhancing pedestrian signals and crossings. The facilities are proposed for the western area of the City, with some proposed on Avenida Vista Hermosa, Avenida Pico, and El Camino Real.

The City's existing bicycle network consists of three types of facilities: Class 1 Bike Paths, Class 2 Bike Lanes, and Class 3 Bike Routes. Class 1 Bike Paths are separated from vehicular traffic. Existing and recommended bicycle facilities are presented in Figure 4.13-2. Existing Class 1 Bike Paths are provided within the City at the following locations:

- Avenida Vista Hermosa, between Via Turqueza and Avenida La Pata
- Avenida Pico, between Camino Vera Cruz and Avenida La Pata

Class 2 Bike Lanes are dedicated travel lanes designated by striping and markings within roadway rights-of-way. Existing Class 2 Bike Lanes are provided within the following corridors:

- Camino de Los Mares, east of Camino de Estrella
- Avenida La Pata, between Calle Saluda and Calle Extremo
- Avenida Vista Hermosa, between Calle Frontera and Avenida La Pata
- Avenida del Presidente, between El Camino Real and southern City boundary
- Ola Vista, between Avenida Valencia and Avenida Califia
- Avenida Talega, between Avenida Vista Hermosa and Camino Tierra Grande
- Avenida Vaquero
- Camino del Rio
- Calle Sarmentoso
- Camino Vera Cruz

Class 3 Bike Routes share right-of-way with vehicular traffic and are designated by street signs. An existing Class 3 Bike Route is provided on Ola Vista, between El Camino Real and Avenida Valencia.

### 4.13.1.3 Public Transit

#### a. Bus Service

Bus service in San Clemente is provided by the Orange County Transportation Authority (OCTA), which provides access to employment centers to the north, and shopping and recreational areas. OCTA currently operates the following routes in the San Clemente area:

- **Route 1** operates all seven days of the week and connects San Clemente to Long Beach via the PCH or Route 1. Within the City of San Clemente, Route 1 runs along El Camino Real. Outside of the City, it runs along PCH. This route has timed stops at the intersection of El Camino Real and Santa Margarita and El Camino Real and Avenida Pico within the City. Weekday and weekend service frequency is approximately every hour.
- **Route 91** operates all seven days of the week and connects San Clemente to Laguna Hills. Within the City of San Clemente, Route 91 runs along El Camino Real and Los Molinos. Outside of the City, it runs along Paseo De Valencia, Camino Capistrano, Del Obispo Street and PCH. This route has a timed stop at the intersection of Avenida Pico and Los Molinos within the City. Weekday service frequency is approximately every 35 minutes, with weekend/holiday service frequency approximately every 45 minutes.

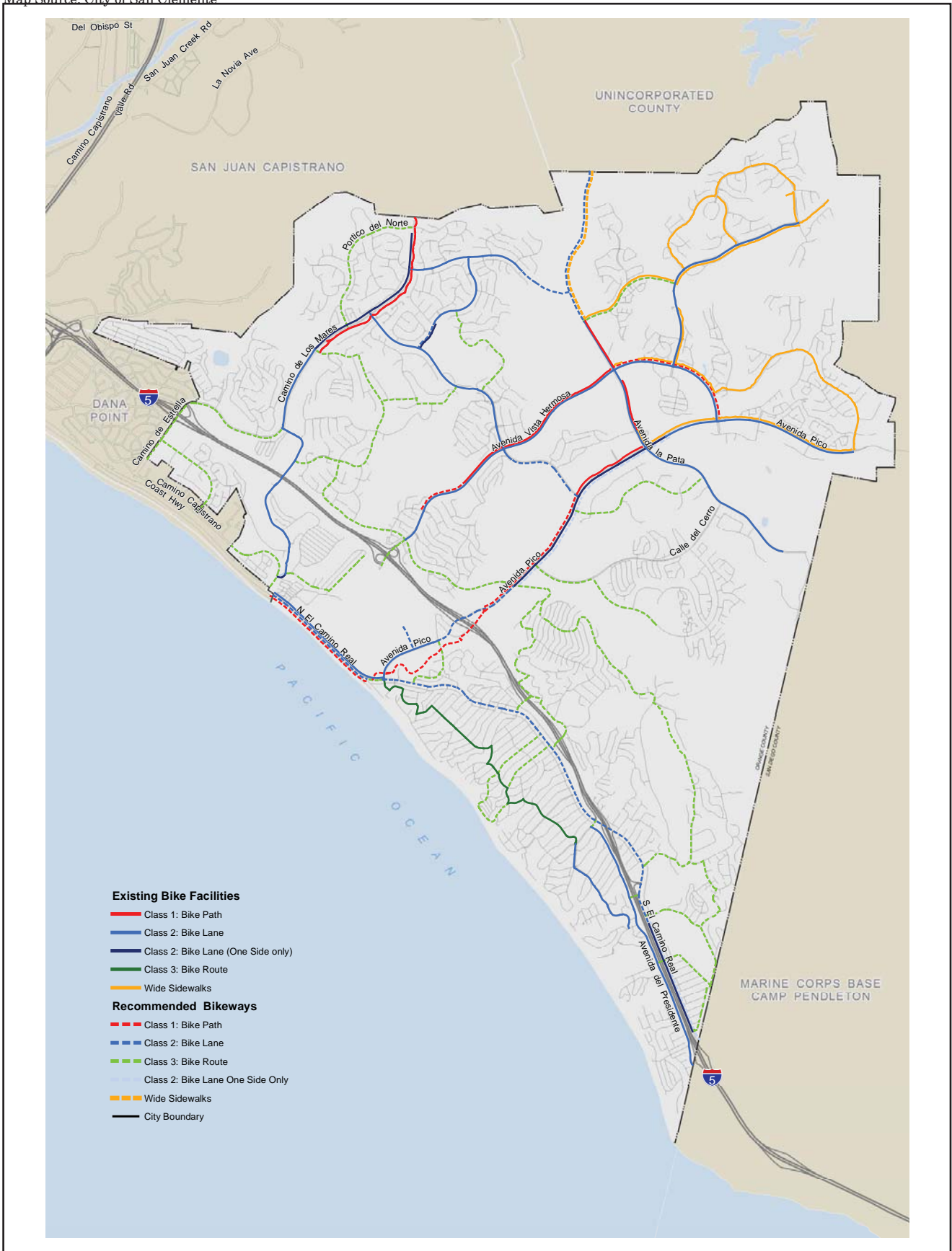


FIGURE 4.13-2

Existing and Recommended Bicycle Facilities

## b. Trains

There is also one major rail line serving the City, used by both Amtrak and Metrolink. It should be noted that the two passenger rail services operate separate stations in San Clemente at two different locations. The Amtrak station is located at San Clemente Pier (shared with Metrolink), while the Metrolink station is located at the north beach area.

Amtrak provides service at the San Clemente Pier station for the purpose of recreation. Trains (Pacific Surfliner) stop at the San Clemente Pier once daily in the spring and summer, from late April to October. During the rest of the year, service is limited to weekends and holidays only. Regional access to this facility occurs from Avenida Del Mar and Avenida Madrid which connects to El Camino Real. Local access to the station is provided through the driveway along Avenida Victoria. Paid parking spaces are currently provided at the station.

Metrolink commuter trains provide peak hour commuter transportation to key cities in both Orange and Los Angeles Counties. Currently, the Orange County Line and Inland Empire – Orange County Line provide service in the City at San Clemente Metrolink Station and San Clemente Pier station, although trains only stop at the San Clemente Pier on weekends. Northbound and southbound trains stop at San Clemente Metrolink Station on the weekdays and weekends. Regional access to this station occurs from Avenida Pico and El Camino Real. Local access to the station is provided through the driveways along El Camino Real. Paid parking spaces are currently available at the station. OCTA Bus Route 91 services the station.

## c. Ride Program - SC RIDES

SC Rides is an on-demand ride program, which partners with Lyft and Butterfli to provide subsidized on-demand rides to and from select areas throughout San Clemente. The program was designed to help mitigate the loss of former local bus routes 191 and 193 that were cancelled by the OCTA. Rides must originate and end along the former bus routes 191 and 193 within the City. Butterfli provides service for users with special assistance or wheelchair accessible rides. The pilot program started in 2016 with grant funding from OCTA and in February 2021, the City voted to approve changes to the program's fare structure to allow continued operation of the program in a way that did not require additional City subsidy beyond the grant funding agreement with OCTA.

## 4.13.2 Applicable Regulatory Requirements

### 4.13.2.1 State Regulations

#### a. AB 1358 (Complete Streets)

The California Complete Streets Act (Assembly Bill [AB] 1358) of 2008 requires circulation elements to address the transportation system from a multimodal perspective. The bill states that streets, roads, and highways must "meet the needs of all users . . . in a manner suitable to the rural, suburban, or urban context of the general plan." The Complete Streets Act requires that circulation elements plan for all modes of transportation where appropriate—including walking, biking, car travel, and

transit, and that streets are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.

### **b. SB 375 (Sustainable Communities and Climate Protection Act)**

The Sustainable Communities and Climate Protection Act (Senate Bill [SB] 375) provides guidance to reduce the number and length of automobile commuting trips, helping to meet the statewide targets for reducing greenhouse gas emissions set by AB 32.

SB 375 requires each Metropolitan Planning Organization to add a broader vision for growth to its transportation plan through development of a Sustainable Communities Strategy (SCS). The SCS must lay out a plan to meet the region's transportation, housing, economic, and environmental needs in a way that enables the area to lower greenhouse gas emissions. The SCS should integrate transportation, land use, and housing policies to plan for achievement of the emissions target for each region. The latest Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) was adopted in 2020.

### **c. SB 743 (General CEQA Reform, VMT)**

SB 743 was signed into law on September 27, 2013. This legislation seeks to balance the needs of congestion management, infill development, public health, greenhouse gas reductions, and other goals. Passage of SB 743 resulted in revisions to the State's California Environmental Impact Report (CEQA) Guidelines, including elimination of auto delay, level of service (LOS), and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts, which were replaced with vehicle miles traveled (VMT) as the preferred CEQA transportation metric. The Office of Planning and Research released the *Technical Advisory on Evaluating Transportation Impacts in CEQA* in December 2018 to provide recommendations for the use of VMT metrics when analyzing land use projects and plans under CEQA. For residential uses, the recommended efficiency metric is Resident VMT per Capita (VMT/Capita).

## **4.13.2.2 Regional Regulations**

### **a. Transportation Demand Management**

Transportation Demand Management (TDM) refers to a comprehensive strategy to reduce driving and resulting VMT by promoting alternatives such as public transit, carpooling, bicycling, walking, and telecommuting. While some TDM measures can be undertaken by the City, such as investments in facilities and programs to encourage alternative modes of transportation, other TDM measures require collaboration with other jurisdictions, for example with transit providers to seek expanded service, or with employers to encourage flexible work schedules and the provision of on-site childcare, preferential carpool parking, and subsidized transit passes.

SCAG has developed a long-range planning vision to balance future mobility and housing needs with economic, environmental, and public health goals. The SCAG's RTP/SCS has allocated

\$7.3 billion through 2045 to implement TDM strategies throughout the region. There are three primary goals of SCAG's TDM program:

- Reduce the number of single-occupant vehicle trips and per capita VMT through ridesharing (which includes carpooling and vanpooling) and providing first/last mile services to and from transit;
- Redistribute or eliminate vehicle trips during peak demand periods by supporting telecommuting and alternative work schedules; and
- Reduce the number of single-occupant vehicle trips through use of other modes such as transit, rail, bicycling, and walking, or other micro-mobility modes.

### **b. Orange County Congestion Management Program**

The passage of Proposition 111 in June 1990 established a process for each metropolitan county in California, including Orange County, to prepare a Congestion Management Plan (CMP). The following year, Orange County's local governments designated the OCTA as the Congestion Management Agency (CMA) for the County. As a result, OCTA is responsible for the development, monitoring, and biennial updating of Orange County's CMP. The Orange County CMP was originally adopted in 1991 and updated most recently in 2019. The goals of Orange County's CMP are to support regional mobility objectives by reducing traffic congestion, to provide a mechanism for coordinating land use and development decisions that support the regional economy, and to support gas tax funding eligibility. To meet these goals, the CMP contains a number of policies designed to monitor and address system performance issues. OCTA developed the policies that make up Orange County's CMP in coordination with local jurisdictions, the California Department of Transportation (Caltrans), and the South Coast Air Quality Management District (SCAQMD) (OCTA 2011).

### **c. Orange County Transportation Agency Master Plan of Arterial Highways**

The Master Plan of Arterial Highways (MPAH) was established in 1956 to ensure that a regional arterial highway network would be planned, developed, and preserved, in order to supplement the County's developing freeway system. The MPAH map is a critical element of overall transportation planning and operations in Orange County, because it defines a countywide circulation system in response to existing and planned land uses. As the administrator of the MPAH, the OCTA is responsible for maintaining the integrity of the MPAH system through its coordination with cities and the County and determinations of cities and County consistency with the MPAH map. Consistency means that local general plans maintain an equivalent number of minimum through lanes on each arterial highway shown on the MPAH. However, as OCTA does not have land use authority, a local agency may freely determine whether to maintain consistency with the MPAH.



### 4.13.2.3 Local Regulations

#### a. City of San Clemente Municipal Code

##### *Chapter 17.76 Trip Reduction and Travel Demand Management*

The City's TDM Ordinance applies to all discretionary commercial, industrial and mixed-use development projects that are estimated to employ a total of 100 or more persons. The purpose of the ordinance is to:

- Reduce the number of peak-period vehicle trips generated in association with the approval of development projects;
- Promote and encourage the use of alternative transportation modes such as ridesharing, carpools, vanpools, public bus and rail transit, bicycles and walking, as well as those facilities that support such modes;
- Reduce vehicle trips, traffic congestion and public expenditures for transportation system improvements and improve air quality through the utilization of existing local mechanisms and procedures for project review and permit processing;
- Promote coordinated implementation of strategies on a countywide basis to reduce transportation demand; and
- Achieve the most efficient use of local resources through coordinated and consistent regional and/or local TDM programs.

#### b. City of San Clemente Centennial General Plan Mobility and Complete Streets Element

The primary goal of this element is to create a comprehensive, multimodal transportation system that provides all users with safe connections to homes, commercial centers, job centers, schools, community centers, open spaces, recreation areas and visitor destinations. The Mobility and Complete Streets Element contains policies addressing the roadway system, bicycle, pedestrian, and transit facilities, transportation safety, parking, and freight movement.

#### c. City of San Clemente Bicycle and Pedestrian Master Plan

In February 2014, concurrent with adoption of the City's Centennial General Plan, the City adopted the Bicycle and Pedestrian Master Plan. The Bicycle and Pedestrian Master Plan is intended to guide decisions specifically related to bicycle and pedestrian infrastructure, design, safety, access, and to implement General Plan goals and policies. It includes a list of potential bicycle and pedestrian projects that the City will consider over time.

#### **d. City of San Clemente Traffic Calming Policy and Resource Manual**

The purpose of the Traffic Calming Policy and Resource Manual is to assist community leaders, City staff, and residents with an understanding of the City's Traffic Calming Program. Traffic Calming is the management of traffic so that its negative impacts on residents, pedestrians and schools are minimized. Traffic Calming elements are those traffic control devices and programs that regulate, warn, guide, inform, enforce, and educate motorists, bicyclists, and pedestrians. The mission of a Traffic Calming Program is to improve community safety, preserve community character and enhance the local neighborhoods by working with the residents to implement solutions to concerns created by automobile traffic on neighborhood streets.

#### **e. City of San Clemente Engineering Division Technical Standards**

The City maintains technical standards and street standard drawings that define requirements for various street elements including accessibility requirements, sidewalks, curbs and gutters, driveway requirements, parking circulation and design standards, and standard street sections. Projects developed in the City are required to provide applicable improvements consistent with the City's technical standards.

### **4.13.3 Significance Determination Thresholds**

Consistent with Appendix G of the CEQA Guidelines, impacts related to transportation would be significant if implementation of the project would:

- 1) Conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
- 2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);
- 3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- 4) Result in inadequate emergency access.

### **4.13.4 Methodology**

The analysis included in this section is based on the San Clemente Housing Element Update Transportation Impact Study (see Appendix E) which evaluates the potential VMT impacts of the project consistent with the requirements of SB 743. The impact analysis also evaluates whether the project would conflict with goals and policies of the Mobility and Complete Streets Element of the General Plan and other applicable plans and policies.

### 4.13.5 Issue 1: Circulation System

*Would the project conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

#### 4.13.5.1 Impact Analysis

Implementation of the project involves adoption of the Housing and Safety elements. As policy documents, adoption of these General Plan elements would not result in physical changes that could conflict with transit, roadway, bicycle, or pedestrian facilities. No policies in the respective elements have been identified that would conflict with goals or policies addressing the circulation system, such as policies in the Centennial General Plan Mobility and Complete Streets Element or the City's Bicycle and Pedestrian Master Plan.

However, in addition to adoption of the two General Plan elements, the project includes evaluation of potential future rezones that would increase ultimate development intensity on selected sites. Additionally, development on Housing Sites may proceed within a ministerial approval in certain circumstances. Future development on these sites could have an effect on the circulation system including transit, roadway, bicycle, and pedestrian facilities.

Future development on Housing Sites that require a discretionary review would be subject to a site-specific environmental review that considers consistency with all applicable plans including the City's Mobility and Complete Streets Element and Bicycle and Pedestrian Master Plan. Consistency review associated with future discretionary review would ensure impacts associated with future discretionary development at Housing Sites would be less than significant.

While potential future ministerial development projects would not require a subsequent environmental review, these projects would be subject to a ministerial review that would include consistency with the City's Engineering Division Technical Standards. The Engineering Division review would ensure individual projects include appropriate frontage requirements to ensure consistency with the City's Mobility and Complete Streets Element and the Bicycle and Pedestrian Master Plan. Pedestrian and bicycle improvements necessary to meet City Engineering Standards and Design Guidelines could include providing sidewalks and landscape buffers, ADA accessibility requirements, and other improvements that would support bicycle, pedestrian, and transit accessibility.

Regarding transit, future development at the Housing Sites would be consistent with Policy M-2.07 Coordinated Land Use Planning for Transit, which encourages higher density, mixed-use development in areas with existing and planned transit service. All future site-specific projects would be designed in a manner that would not conflict with transit facilities. All development (discretionary and ministerial) would be subject to design review and implementation of the City's Design Guidelines which includes general policies related to Circulation and Parking including the following policies that relate to general circulation:

- Provide a clear circulation plan for automobiles, pedestrians, and service vehicles.
- Minimize the number of driveway openings to public streets. (Building and Fire Codes need to be met.)
- On major arterials, provide access from side streets for corner properties and avoid driveway openings on the major street.

Additionally, future housing in commercial districts would be required to comply with applicable design principles addressing pedestrian spaces, sidewalks, streetlight, and parking as part of the subsequent design review. The required engineering and design review associated with development at Housing Sites would avoid conflicts with applicable plans or policies related to transit, roadway, bicycle, and pedestrian facilities. Therefore, the project would not conflict with a plan, ordinance, or policy addressing transit, roadway, bicycle, and pedestrian facilities and impacts would be less than significant.

#### 4.15.5.2 Significance of Impacts

Adoption of the Housing and Safety elements would not physically impact any existing roadway, pedestrian, bicycle, or transit facilities. Future site-specific projects at Housing Sites would be subject to an engineering and design review that would ensure consistency with applicable policies related to transit, roadway, bicycle, and pedestrian facilities. Therefore, the project would not conflict with a plan, ordinance, or policy addressing the circulation system, and impacts would be less than significant.

#### 4.15.5.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.13.6 Issue 2: Vehicle Miles Traveled

*Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*

#### 4.13.6.1 Impact Analysis

CEQA Guidelines Section 15064.3 requires that the determination of significance for transportation impacts be based on VMT instead of a congestion metric such as LOS. The change in the focus of transportation analysis is the result of SB 743, as detailed in Section 4.13.2.1(c). The Transportation Impact Study (see Appendix E) evaluated project impacts based on the resident VMT/capita metric, which includes all daily vehicle-based person trips originated from or ended at the home location of the individual (driver or passenger). Only home-based VMT are included in this calculation. The VMT for each individual is then summed for all individuals in the analysis area and divided by the population of the same analysis area to arrive at resident VMT/capita.

The Office of Planning and Research (OPR) Technical Advisory recommends setting a VMT per capita threshold of 15 percent below that of existing development as a reasonable threshold based on an

extensive review of applicable research, and in light of California Air Resources Board assessments of the VMT reductions that would be needed to meet the state’s long-term climate goals. In other words, in order to result in a less than significant impact, VMT per capita resulting from a project should be at or below the 85<sup>th</sup> percentile of the region’s average for that land use type (OPR 2018). The VMT analysis utilized the average resident VMT per capita for Orange County as the regional average. The regional average VMT was determined using the Orange County Transportation Authority Model (OCTAM) Base Year (2016), and the regional average resident VMT per capita of 18.6 miles (Table 4.13-1). The OCTAM is consistent with the 2020-2045 RTP/SCS and includes transportation projects such as highway improvements, transportation demand management projects, railroad grade separations, bicycle lanes, new transit hubs, new transit routes, and replacement bridges. A Plan-to-Ground analysis was utilized comparing the project to Base Year (2016), which is representative of the baseline conditions. Table 4.13-1 presents the Base Year (2016) VMT efficiency metrics conditions for both Orange County and San Clemente residents, in addition to the VMT efficiency metrics with the project for the region and the City . As shown in Table 4.13-1, San Clemente has a less efficient VMT per capita when compared to the region, at approximately 161 percent of the region’s resident VMT per capita. The higher VMT per capita in San Clemente compared to the greater Orange County is representative of major job centers being located in other areas of Orange County and San Clemente residents relying heavily on commutes to job centers in other cities.

	Orange County	San Clemente	San Clemente % of Regional Resident VMT/Capita
2016 Base Year Resident VMT/Capita (Existing Conditions)	18.6	30.0	161 %
Resident VMT/Capita with Project	18.7	29.5	158% (>85%) <sup>1</sup>

SOURCE: Appendix E.

<sup>1</sup>In order to have a less than significant VMT impact, a project must demonstrate it can achieve a VMT/capita of 85 percent or less than the Regional Average. The City VMT/capita far exceeds the regional average in both the existing condition (base year) and in the “with project” condition; therefore, a significant VMT impact would result.

Table 4.13-1 additionally presents the results of the VMT analysis based on implementation of development at the Housing Sites (Resident VMT/Capita with Project). The transportation analysis is a conservative analysis as additional Housing Sites and density were assumed in the model that are no longer part of the Residential Sites Inventory. Detailed development assumptions used in the VMT analysis is included in Appendix E. As shown in Table 4.13-1, future development at the Housing Sites in conjunction with buildout of the City’s General Plan land use map and transportation network would result in a change from 30 VMT per capita in the base year (2016) to 29.5 VMT per capita, representing a slight increase in VMT efficiency in the City. However, despite a slight increase in VMT efficiency locally, the VMT per capita for the City remains well above the regional average at 158 percent of the regional average for Orange County. Since the City’s resident VMT per capita does not achieve the 15 percent below regional average threshold, VMT impacts of the project would be significant.

Future discretionary development would be reviewed for conformance with Mobility and Complete Streets Element Policies 1.01 through 1.16, 1.19 through 1.25, 2.01 through 2.54, 3.01 through 3.07, and 4.07. Implementation of these policies would reduce VMT throughout the City. Specifically, Mobility Element Policy 1.21, calls for the use of TDM Measures to reduce single-occupant vehicles, and encourage alternative modes of transportation such as biking, walking, or taking transit. Additionally, while the City's Trip Reduction and Travel Demand Ordinance would apply to discretionary mixed-use developments that employ more than 100 persons, this requirement would not likely apply to many of the Housing Sites as it would only capture larger mixed-use developments. While future discretionary development at the Housing Sites would undergo a site-specific environmental review at the time of a development application, it cannot be guaranteed that future projects would be fully mitigated, particularly considering the City's VMT efficiency compared to the regional average. Therefore, even for discretionary projects subject to a subsequent environmental review, VMT impacts would be considered significant at this program level of analysis. Similarly, future ministerial development are likely to result in significant VMT impacts based on the low VMT efficiency in the City compared to the regional average. As projected VMT generated under buildout of the project would exceed 85 percent of the regional average, the project would be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). This would be considered a significant impact.

#### 4.13.6.2 Significance of Impacts

Future development of the project in conjunction with buildout of the City's General Plan land use map and transportation network would change the Citywide VMT efficiency to 29.5 compared to 30.0 under the Base Year (2016), representing a slight increase in VMT efficiency with the project. However, this VMT efficiency of 29.5 with the project represents 158 percent of the regional average for Orange County. Therefore, projected VMT generated under buildout of the project would exceed the 85 percent threshold and would be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). This would be considered a significant impact.

#### 4.13.6.3 Mitigation Framework

To reduce potentially significant impacts associated with VMT from future development within the Housing Sites, the following mitigation measure would be implemented by the City.

**TRA-1: VMT Reduction**

Concurrent with adoption of future rezones and implementation of a Housing Overlay that will allow for ministerial housing approvals for certain projects, the City shall incorporate objective development standards into the Overlay Zone that requires implementation of TDM measures consistent with Mobility Element Policy 1.21 to reduce single-occupant vehicles, and encourage alternative modes of transportation such as biking, walking, or taking transit. The Housing Overlay will specify the applicable TDM implementation requirement for future development which will include a requirement to implement one or more TDM measures, such as those listed below:

- Increase transit accessibility
- Provide pedestrian network improvement along project frontage
- Provide bicycle network improvement along project frontage
- Provide bicycle parking and bike lockers
- Implement subsidized or discounted transit passes
- Provide rider-sharing programs
- Implement commute trip reduction marketing
- Implement school pool program
- Implement bike-sharing or micro mobility program

Additional measures can be found in the California Air Pollution Control Officers Association Quantifying Greenhouse Gas Mitigation Measures report.

#### 4.13.6.4 Significance after Mitigation

Implementation of mitigation measure TRA-1 would ensure that future ministerial development implements applicable General Plan policies that promote reduction in VMT and implementation of TDM programs. However, the effectiveness of VMT reducing measures is context-sensitive and would vary depending on the site-specific project site, such as the location, access to transit, etc. At a program level of review, it is not guaranteed that each individual project would fully mitigate the potential impacts. Further, even with implementation of a robust TDM program at future Housing Sites, achieving 15 percent below regional average VMT will be challenging considering the gap between the citywide and regional VMT metrics. While mitigation measure TRA-1 would minimize VMT impacts associated with future development at the Housing Sites, impacts would not be fully mitigated. Therefore, impacts associated with VMT would remain significant and unavoidable.

#### 4.13.7 Issue 3: Hazards Due to a Design Feature

*Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

##### 4.13.7.1 Impact Analysis

The project does not propose any changes to the existing roadway network. Future site-specific development to the existing roadway network would be subject to both a design and engineering review to ensure roads and access is configured consistent with established roadway design standards. While potential future ministerial development projects would not require a subsequent environmental review, these projects would be subject to a ministerial review that would include consistency with the City's Engineering Division Technical Standards. The Engineering Division review would ensure individual projects do not create hazards and are designed consistent with established standards.

Additionally, future discretionary development would be subject to policies set forth in the Mobility and Complete Streets Element of the General Plan. Implementation of Policy M-3.01 (Complete Streets Roadway Standards) require that pedestrian, vehicular, and bicycle circulation on public and private property are coordinated and designed to maximize safety, comfort, and aesthetics and are

consistent with federal, state, Orange County, and local laws, codes, and standards. In addition, Policy M-3.04 encourages the use of traffic calming measures to slow traffic where non-motorized travel is encouraged. Policy M3.03, Safe Routes to School, requires collaboration with the Capistrano Unified School District and private schools to identify and implement safety measures to improve safe travel to and from schools for students, parents, residents, and school employees. Therefore, implementation of the existing regulatory framework would ensure future development would not result in hazards due to a design feature. Impacts would be less than significant.

#### 4.13.7.2 Significance of Impacts

The project does not propose any changes to the existing roadway network. Future site-specific development would be designed consistent with established roadway design standards. Therefore, the project would not substantially increase hazards, and impacts would be less than significant.

#### 4.13.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.13.8 Issue 4: Emergency Access

*Would the project result in inadequate emergency access?*

#### 4.13.8.1 Impact Analysis

The project does not propose any changes to the existing roadway network. Access for future site-specific development to the existing roadway network would be configured consistent with established roadway design standards that would allow for emergency access. As described in Section 4.7 Hazards and Hazardous Materials, the City implements the Multi-Hazard Emergency Plan to ensure adequate emergency access within the City. Additionally, the City implements its Mobility and Complete Streets Element Policy M-3.06, Emergency Response, which requires balance of emergency response time and evacuation needs with other community concerns, such as Urban Design and traffic calming. Therefore, the project would not result in inadequate emergency access, and impacts would be less than significant.

#### 4.13.8.2 Significance of Impacts

The project does not propose any changes to the existing roadway network. Access for future site-specific development to the existing roadway network would be configured consistent with established roadway design standards that would allow for emergency access. The City would continue to implement the Multi-Hazard Emergency Plan to ensure adequate emergency access within the City. Therefore, the project would not result in inadequate emergency access, and impacts would be less than significant.

#### 4.13.8.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.



## 4.14 Utilities and Service System

This section evaluates potential impacts to public utilities (storm drain, wastewater, water, water supply, solid waste disposal, and energy) that could result from implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. However, the analysis is specifically focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites." Public utility information was acquired through consultation with the City and review of public documents, including the 2013 City of San Clemente General Plan EIR, the 2020 Urban Water Management Plan Update, the California Energy Commission's 2017 California Energy Demand Revised Forecast, the 2020 California Gas Report, and the City's General Plan and Municipal Code.

### 4.14.1 Existing Conditions

#### 4.14.1.1 Current and Projected Water Use

Water use within the City's service area has been relatively stable for the last decade; the City has an annual average use of 9,018 acre-feet (AF; City of San Clemente 2021). Potable water use accounts for 90 percent of the City's total water use, while non-potable water accounts for 10 percent of total use. The stable trend in water use is expected as the City is largely built out and the population growth rate is small. Per capita water use has also decreased through water conservation efforts, in part because of Governor Jerry Brown's 2014 mandatory water conservation order.

Potable water demand is expected to increase 7.8 percent over the next five years, with the increase due largely to the forecasted economic recovery following the COVID-19 pandemic (City of San Clemente 2021). However, in the longer term, potable water demand is expected to decrease by 2.7 percent between 2025 and 2045. Overall, the City's total water demand is projected to increase 6.2 percent between 2020 and 2045, with 2045 water use at 7,448 AF for potable water and 1,320 for recycled water (City of San Clemente 2021). Total current and projected water use for the years 2020 through 2045 are presented in Table 4.14-1. Demand data accounts for future passive savings resulting from codes, standards, ordinances and public outreach on water conservation.

	2020	2025	2030	2035	2040	2045
Potable Water, Raw, Other Non-potable	7,099	7,653	7,588	7,524	7,455	7,448
Recycled Water Demand	1,155	1,200	1,320	1,320	1,320	1,320
<b>Total Water Use</b>	<b>8,254</b>	<b>8,853</b>	<b>8,908</b>	<b>8,844</b>	<b>8,775</b>	<b>8,768</b>

SOURCE: City of San Clemente 2021.

Water demands vary substantially year to year based on weather. In addition to annual variations, climate change is expected to impact water demands in the future. A statistical analysis conducted

for the 2014 Orange County Water Reliability Study found that hot/dry demands will be 5.5 percent greater than current average weather demands; cooler/wet weather demands will be 6 percent lower than current average weather demands; and climate change will increase current average weather demands by 2 percent in 2030, 4 percent in 2040 and 6 percent in 2050 (City of San Clemente 2021).

#### 4.14.1.2 Water Supply and Distribution

Three water districts serve different areas of the City—the City of San Clemente Water Utility serves the majority of the City, the Santa Margarita Water District provides water and wastewater services to the Talega community, and the South Coast Water District provides water and wastewater services to a small portion of north San Clemente. The City operates 16 pumping stations, 56 pressure reducing stations, 1 filtration plant, 14 local and 2 regional reservoirs, 2 wells and 2 systems for imported water supply. The City manages a 232-mile water main system with 17,791 service connections (City of San Clemente 2021).

The City draws water from several sources, including groundwater from City wells, imported water from the Metropolitan Water District (MET) through the City’s wholesaler (Municipal Water District of Orange County; MWDOC), and recycled water. The City works with MET, MWDOC, and the Joint Regional Water Supply System (JRWSS), to ensure a safe and reliable water supply. Imported water is sourced from the Colorado River and the State Water Project. In financial year 2019-20, approximately 68 percent of the City’s water was imported treated water, 14 percent was recycled, 13 percent was imported or purchased untreated water, and 5 percent was groundwater. By 2045, the City’s water supply portfolio is expected to be 66 percent imported water from MET/MWDOC, 15 percent recycled water, 14 percent purchased from Trabuco Canyon Water District (TCWD), and 6 percent groundwater.<sup>1</sup> The current and projected water supply is summarized in Table 4.14-2.

Water Supply	Source	2020	2025	2030	2035	2040	2045
Purchased or Imported Water	MWDOC (Treated)	5,641	5,953	5,888	5,824	5,755	5,748
Purchased or Imported Water	TCWD (Untreated)/Treated at Baker Water Treatment Plant	1,068	1,200	1,200	1,200	1,200	1,200
Groundwater (not desalinated)	San Mateo Groundwater Basin	390	500	500	500	500	500
Recycled Water	San Clemente Water Reclamation Plant	1,155	1,200	1,320	1,320	1,320	1,320
<b>Total</b>		<b>8,254</b>	<b>8,853</b>	<b>8,908</b>	<b>8,844</b>	<b>8,775</b>	<b>8,768</b>

SOURCE: City of San Clemente 2021.

The City has been proactively managing its water supply and demand in response to regulatory updates and a changing climate. The City’s efforts include a water loss audit program, expansion of its recycled water system, and efforts to decrease reliance on imports by increasing self-reliance. In

<sup>1</sup>Total of all water supply sources exceed 100 percent due to rounding.

accordance with the Urban Water Management Plan Act of 1983 and subsequent California Water Code requirements, the City assesses the reliability of its water service to its customers under a normal rain year, a single dry year, and a drought period lasting five consecutive years. The City's water shortage contingency planning is a strategic process used to prepare for and respond to water shortages.

Storage plays an important role in MET's management of water during dry years. With climate change causing a pattern of drier hydrology, groundwater basins and local reservoirs have dropped to low operating levels and are below healthy storage levels with very little buffer to avoid shortages in future dry periods. Water is stored in both Department of Water Resources (DMR) and MET surface water reservoirs. MET surface reservoirs include Lake Mathews, Lake Skinner, and Diamond Valley Lake. MET also has contractual rights to DWR reservoirs, Lake Perris and Castaic Lake.

#### 4.14.1.3 Storm Drain System

The San Clemente area consists of three main drainage basins: Prima Deshecha Cañada, Segunda Deshecha Cañada, and Southern Coastal Canyons (City of San Clemente 2013). The City's storm drain system consists of a network of channels and pipes that collect stormwater and urban runoff and convey them to the ocean to prevent flooding. Storm drains throughout the City are managed by the City, private property owners, or homeowners' associations (City of San Clemente, 2013). General water quality objectives and specific objectives for inland surface waters are summarized in the Centennial General Plan EIR. In particular, the City is focused on reducing bacteria loading in urban runoff to improve water quality across San Clemente's many beaches, particularly during the wet season. The City's efforts to reduce bacteria in runoff has included creating restrictions on irrigation and retrofitting structural best management practices (BMPs) along the coastline.

As detailed in the General Plan EIR, the City's latest Drainage Master Plan, prepared in 1982, assumed full buildout of the City's undeveloped areas (City of San Clemente 2013). San Clemente's drain systems were designed for maximum development according to the most current General Plan at that time and projected a population of 66,058 and development of five major planned developments as well as several isolated tracks and infill projects. All but one of these areas have been fully entitled and almost completely developed. The population at the time of the 2020 Census was 64,581. Flood control facilities, pipe sizes, alignments and fee structures have been developed to accommodate this full buildout.

Because of the high proportion of impervious land cover in San Clemente, most of the City's rainfall turns into runoff that quickly flows into the City's storm drain system and into the ocean. There are currently no direct stormwater uses in the City's service area and none currently planned (City of San Clemente 2021). However, more stringent storm water regulations that prioritizes capture and on-site retention of stormwater as a local source results in an increase in the amount of stormwater capture and on-site reuse as redevelopment occurs that is subject to the latest stormwater regulations.

#### 4.14.1.4 Wastewater System

The City, in conjunction with the South Orange County Wastewater Authority (SOCWA), owns and operates a water treatment plant located within the City at Avenida Pico. The water treatment plant provides wastewater services to approximately 84 percent of the incorporated area within the City boundaries. Wastewater in the remaining portions of the system has typically been serviced by South Coast Water District and Santa Margarita Water District; however, since December 2017, the City has been receiving approximately 600,000 gallons per day of raw wastewater from Santa Margarita Water District's Talega service area through an interim agreement. The City and Santa Margarita Water District (SMWD) are in the process of formalizing a long-term agreement to continue the conveyance and treatment of wastewater from the Talega area of the City (City of San Clemente 2021).

The City's 14.7-square-mile service area includes 180 miles of gravity sewers ranging in size from 6 inches to 24 inches in diameter, 12 pump stations, and 5 miles of pressure force mains (City of San Clemente 2021). Wastewater is conveyed from this system to the treatment plant via two nearby pump stations. At the plant, the wastewater is treated in a multi-step process involving settling and removal of suspended solids and aeration before disposal into the ocean or diversion to a reclamation system for additional chemical processing. Reclaimed water may be used within the plant, distributed to City customers, or discharged into the ocean, and is acceptable for most non-potable water purposes, including irrigation, and commercial and industrial processes (City of San Clemente 2021). Solids removed from the wastewater are trucked to a regional composting site (City of San Clemente 2021). In 2014, the City completed a major expansion of its recycled water distribution system as part of the community's strategy reducing imported water and using its water resources efficiently (City of San Clemente 2014). In 2020, 4,354 AF were collected from the service area, of which 3,199 AF were treated and then discharged, and 1,155 AF were recycled within the service area (City of San Clemente 2021).

##### a. Current and Projected Recycled Water Uses

The City owns and operates a 5 million gallon per day (MGD) water reclamation plant that treats a portion of the City's wastewater to tertiary level. The water reclamation plant's recycled water capabilities were expanded in 2016, increasing the availability of recycled water from three landscaping customers to 140 customers. The City intends to increase recycled water production by 2025 with completed expansion by 2030. In addition, the City entered into agreement with the neighboring SMWD in 2017 to treat water flows from the Talega area of San Clemente, which were previously treated by a SMWD reclamation plant. These additional flows will help contribute to the City's ability to serve more recycled water customers using an expanded non-potable distribution system. Finally, the City intends to buy into the construction of the completed Trampas Canyon reservoir, which SMWD will use to store recycled water, allowing the City to store treated wastewater in winter months to sell during peak demand during summer months (City of San Clemente 2021). Table 4.14-3 provides the current and projected uses for recycled water in the City of San Clemente through to 2045.

Use Type	Treatment Level	2020	2025	2030	2035	2040	2045
Landscape irrigation (excluding golf courses)	Tertiary	545	590	710	710	710	710
Golf course irrigation	Tertiary	382	380	380	380	380	380
Industrial use	Tertiary	228	230	230	230	230	230
<b>Total</b>		<b>1,155</b>	<b>1,200</b>	<b>1,320</b>	<b>1,320</b>	<b>1,320</b>	<b>1,320</b>

SOURCE: City of San Clemente 2021.

#### 4.14.1.5 Solid Waste Disposal

Solid waste from the City is disposed of at two different landfills, with about 85 percent of solid waste sent to the Prima Deshecha Sanitary Landfill in the City of San Juan Capistrano and the remaining 15 percent sent to the Frank R. Bowerman Sanitary Landfill in the City of Irvine (City of San Clemente 2013). OC Waste & Recycling operates both landfills. Table 4.14-4 describes the two landfills.

Landfill	City	Average Disposal Rate (tons/day)	Permitted Disposal Rate (tons/day)	Remaining Capacity (cubic yards)	Estimated Closure Date
Prima Deshecha	San Juan Capistrano	1,300	4,000	132,600,000	2067
Fran R. Bowerman	Irvine	11,500	5,000	198,100,000	2053

SOURCES: OC Waste and Recycling 2020, City of San Clemente 2013.

CR&R Inc. provides waste hauling services. Recyclable waste, green waste, and regular refuse are all picked up weekly. CR&R hauls all waste disposed of as recyclable to its facility in San Juan Capistrano, where the waste is searched and sorted into recyclable and non-recyclable items. Green waste is taken to the Tierra Verde Green Waste Facility where it is converted into usable products (City of San Clemente 2013).

#### a. Electricity

Electricity is supplied to the City by San Diego Gas & Electric (SDG&E), whose service area includes nearly all of San Diego County and part of southern Orange County. The California Energy Commission (CEC) provides data on current and forecasted energy consumption in California, including for specific service areas. In 2019, total electricity consumption in SDG&E's service area in gigawatt-hours (GWh) was 17,720 GWh (CEC 2021a). The total in-state electric generation in 2020 was 192,942 GWh, down from approximately 200,000 GWh in 2011 (CEC 2021b). According to the U.S. Energy Information Administration (EIA), California was also the largest net electricity importer of any U.S. state in 2019, with net imports of approximately 71 million mega watt hours (EIA 2020).

California utilities partly own and import power from plants in Utah and Arizona. In addition, California imports hydroelectric power from Oregon via high-voltage transmission lines.

The CEC forecasts electricity demand in California for 2018 through 2030 using three energy demand scenarios: a high energy demand case assumes relatively high economic and demographic growth and climate change impacts with relatively low electricity rates and self-generation impacts; a low energy demand case includes lower economic and demographic growth, higher assumed rates and higher self-generation impacts; and the mid case uses input assumptions at levels between the high and low cases. Table 4.14-5 summarizes the statewide results of the CEC's 2018 through 2030 electricity demand forecast.

Table 4.14-5 Forecasted Electricity Consumption in California for High, Low, and Mid Energy Demand Scenarios (consumption in gigawatt-hours)			
Year	High Energy Demand Scenario	Mid Energy Demand Scenario	Low Energy Demand Scenario
2025	329,724	320,375	311,266
2027	339,863	328,215	317,491
2030	354,209	339,160	326,026
SOURCE: CEC 2017.			

For both high and mid energy demand scenarios, growing light-duty electric vehicle consumption and increasing economic and demographic growth are expected to increase electricity consumption in the state (CEC 2017). In addition, the 2017 CEC forecast finds that, of the three major sectors consuming electricity – residential, commercial, and industrial – residential consumption is expected to grow fastest due to steady growth in plug in appliances and electric vehicles (CEC 2017).

## b. Natural Gas

Natural gas is supplied to the City by SDG&E and Southern California Gas Company (SCGC). SDG&E and SCGC are under the jurisdiction of the California Public Utilities Commission (CPUC) and federal regulatory agencies. Gas service is provided in accordance with actions and conditions determined by these agencies.

Residential natural gas demand in southern California totaled 237.5 billion cubic feet (Bcf) in 2017 and is expected to decline at an average annual rate of 1.1 percent to 198.3 Bcf in 2035 (California Gas and Electric Utilities 2020). Decreasing gas demand is attributed to a decline in residential use per meter, increases in gas rates, savings by SCGS, and CPUC-authorized energy efficiency program savings. The decline in use per meter is due to conservation, improved building and appliance standards, energy efficiency programs and demand reductions resulting from better customer access to information about their daily and hourly gas use.

### c. Telephone

Telephone service is provided to the City by AT&T, Cox, and Community Phone.

### d. Cable

Cable service is provided to the City by Cox, AT&T, DirectTV, and Dish.

## 4.14.2 Regulatory Framework

### 4.14.2.1 Federal

#### a. Clean Water Act

Originally enacted in 1948 and amended in 1972 and 1987, the Clean Water Act establishes two national goals: eliminate the discharge of pollutants into the nation's waters and achieve water quality that is both "fishable" and "swimmable". Discharge of pollutants into waters of the United States from any "point source" (i.e., a discharge pipe) is prohibited, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The 1987 amendments direct the Environmental Protection Agency (EPA) to establish a permitting framework under the NPDES program to address stormwater discharges associated with urban areas and certain industrial activities.

#### b. Federal NPDES Permit Program

Section 402 of the Clean Water Act prohibits the discharge of pollutants in waters of the United States from any point source without an NPDES permit. Results of the Nationwide Urban Runoff Program also identified contaminated stormwater (a non-point source) as a primary cause of water quality impairment. To regulate stormwater discharges, the EPA developed a two-phased NPDES permit program. Phase I of the program requires municipalities which own and operate separate storm drains systems serving populations of 100,000 or more to obtain municipal stormwater NPDES permits. Municipalities must have a stormwater management program to obtain a permit. In addition, construction activities that disturb five or more acres must acquire industrial stormwater NPDES permit coverage. Phase II of the program amends the permit application requirements to include discharges caused by commercial, light industrial and institutional activities; construction activities under five acres, and municipal storm drain systems serving populations under 100,000.

## 4.14.2.2 State

### a. Urban Water Management Planning Act

The Urban Water Management Planning Act of 1983, California Water Code Sections 10610 et seq., requires preparation of a plan that:

- Plans for water supply and assesses reliability of each source of water, over a 20-year period, in five-year increments.
- Identifies and quantifies adequate water supplies, including recycled water, for existing and future demands, in normal, single-dry, and multiple-dry years.
- Implements conservation and the efficient use of urban water supplies. Significant new requirements for quantified demand reductions have been added by the Water Conservation Act of 2009 (Senate Bill 7 of Special Extended Session 7 [SBX7-7]), which amends the act and adds new water conservation provisions to the California Water Code.

### b. California Water Plan (Update 2018)

The California Water Plan is the state's strategic plan for managing and developing water resources statewide for current and future generations, as required by the California Water Code. The plan is updated every five years.

### c. Water Quality Control Plan for Ocean Waters of California (Ocean Plan)

Created by the State Water Resources Control Board (SWRCB) in 1972 and amended in 1997, the Ocean Plan aims to protect ocean water quality for use by residents of the state. The provisions apply to both point source and non-point source discharges and establishes water quality objectives and effluent limitations for all bordering oceans of the state.

### d. The Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, the SWRCB is given the ultimate authority of state water rights and water quality policy. It also establishes nine Regional Water Quality Control Boards (RWQCBs). San Clemente lies within the jurisdiction of the San Diego RWQCB.

### e. The California Coastal Non-Point Pollution Control Program

The 1990 Coastal Zone Act Reauthorization Amendments (CZARA) require states with coastal zones to develop and implement Coastal Non-point Pollution Control Programs so that states and local authorities will work together to control non-point source pollution. CZARA provides guidance on required management measures to address various sources of non-point source pollution, including certain urban runoff but excluding discharges regulated by NPDES permits. CZARA requirements also apply to stormwater discharges that are not regulated under the current Phase I NPDES program.



#### **f. California NPDES Permit Programs**

The EPA has delegated administration of the NPDES permit program to the California State Board and its Regional Boards.

#### **g. California Senate Bill 1087: Sewer and Water Service Priority for Housing Affordable to Lower-Income Households (2006)**

This statute requires local governments to provide a copy of the updated housing element to water and sewer providers immediately after adoption. Water and sewer providers must grant priority for service allocation to proposed development that includes housing units affordable to lower-income households. Additionally, urban water management plans (UWMPs) are required to include projected water use for future lower-income households.

#### **h. California State Senate Bill 221 and Senate Bill 610 (January 2002)**

Senate Bill (SB) 610 requires water suppliers to prepare a Water Supply Assessment (WSA) report for inclusion by land use agencies within the California Environmental Quality Act (CEQA) process for new developments subject to SB 610. SB 221 requires water suppliers to prepare written verification that sufficient water supplies are planned to be available prior to approval of large-scale subdivisions. As defined in SB 221 and SB 610, large-scale projects include residential development projects that include more than 500 residential units and/or shopping centers or business establishments resulting in a net increase of more than 1,000 employees or more than 500,000 square feet of floor space.

#### **i. 2006 Waste Discharge Requirements Order**

The SWRCB adopted Statewide General Waste Discharge Requirements for Sewer Systems (Order No. 2006-0003-DWQ). The intent of the order is to regulate all collections systems in the state to reduce or eliminate the number of sanitary sewer overflows which, by their nature, pollute the environment. A sanitary sewer overflow is any overflow, spill, release, discharge, or diversion of wastewater from a sewer system. The order is applicable for all publicly owned sewage collection systems with more than one mile of sewer pipe.

#### **j. California Integrated Waste Management Act of 1989 (as amended by Assembly Bill 341)**

Originally, the Integrated Waste Management Plan mandated to divert 25 percent of their solid waste by 1995 and 50 percent by 2000. Assembly Bill (AB) 341 amended these requirements as follows: (1) CalRecycle to issue a report to the Legislature that includes strategies and recommendations that would enable the state to divert 75 percent of the solid waste generated in the state from disposal by January 1, 2020; (2) requires businesses that meet specified thresholds in the bill to arrange for recycling services by January 1, 2012; (3) streamlines the amendment process for non-disposal facility elements, by allowing changes without review and comment from a local task force; and (4) allows a solid waste facility to modify their existing permit, instead of having to undergo a permit revision, under specified circumstances.

## n. California AB 3232

Signed into law in September 2018, California AB 3232 calls on the CEC (working in consultation with the CPUC and other state agencies) to develop and articulate plans and projections, by year 2021, to reduce GHG emissions of California's residential and commercial buildings to 40 percent below 1990 levels by 2030. Much of the reduction will likely occur by replacing some buildings' gas end-use applications with electric ones. The CEC plans to develop and publish quantified projections of these electric-for-gas substitutions in its 2021 Integrated Energy Policy Report.

### 4.14.2.3 Local

#### a. City of San Clemente Municipal Code

##### *Title 8 – Health and Safety*

Relevant elements of Title 8, Health and Safety, include:

- Chapter 8.28, which regulates solid waste handling to protect public health and to meet the City's obligation under the California Integrated Waste Management Act of 1989.
- Chapter 8.68, which governs solid waste reduction and recycling.

##### *Title 13 – Public Services*

This chapter establishes standards and procedures for water conservation to promote the efficient use of water, reduce or eliminate the waste of water in the City, complement the City's Stormwater Runoff Control Ordinance, and enable implementation of the City's water shortage contingency measures. Relevant elements of Title 13, Public Services, include:

- Chapter 13.04, which generally prohibits the waste of water;
- Chapter 13.12, which establishes standards and procedures for water conservation, promotes efficient water use, reduces and eliminates water waste in the City, complements the City's Stormwater Runoff Control Ordinance, and enables implementation of the City's water shortage contingency measures;
- Chapter 13.24, which governs general sewage disposal and establishes guidelines and installation requirements for connecting to existing sewer mains;
- Chapter 13.36, which requires undergrounding of electrical, communication and CATV wires or cables to be placed underground;
- Chapter 13.40, which prohibits non-stormwater discharges into the stormwater drainage system, reduces pollutants on surface runoff, and establishes requirements for surface runoff management; and
- Chapter 13.44, which outlines types of authorized water uses that shall generally require recycled water.

### ***Title 15 – Buildings and Construction***

Municipal Code Title 15, Buildings and Construction, serves as the comprehensive building code of the City for regulating the construction, enlargement, repair, removal, demolition, occupancy, equipment, use, height, area and maintenance of all residential and non-residential buildings and structures in the City; and for providing for the issuance of fees, permits, and inspections.

Chapter 15.14, which establishes the 2019 CALGreen (California Green Building Standards Code—Part 11, Title 24, California Code of Regulations) as the City’s green building code, is of particular relevance to the issues of water and wastewater utilities and solid waste disposal as they pertain to site development and building construction. Future development would, at a minimum, be required to comply with the mandatory measures included in the current 2019 Energy Code (California Code of Regulations, Title 24, Part 6) and the 2019 CALGreen standards. The mandatory standards require the following:

- residential solar requirements;
- outdoor water use requirements as outlined in local water efficient landscaping ordinances or current Model Water Efficient Landscape Ordinance standards, whichever is more stringent;
- requirements for water conserving plumbing fixtures and fittings;
- 65 percent construction/demolition waste diverted from landfills;
- inspections of energy systems to ensure optimal working efficiency; and
- low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particle boards.

#### **b. City of San Clemente General Plan**

The City’s General Plan addresses storm water, wastewater, water distribution system, water use, solid waste disposal, and the provision of public utilities, throughout multiple goals and policies. The numerous policies in the plan that specify water use, wastewater, solid waste, and public facilities improvement in general and are relevant to the housing element are included below.

#### ***Water and Wastewater***

**GOAL:** Maintain and improve a comprehensive system of potable water supply, storage and distribution, and wastewater treatment, reclamation, and reuse to meet daily and emergency needs in San Clemente.

## Policies

**PSFU-5.01. *Water Resources.*** We ensure that existing and new development does not degrade San Clemente's water resources.

**PSFU-5.02. *Conservation Policies and Ordinances.*** We review City policies, codes, development fees and service charges to ensure best management practices are followed to conserve water and ensure adequate funding for the operation, maintenance and development of water and wastewater facilities and services.

**PSFU-5.04. *Septic Systems.*** We prohibit the use of septic systems in San Clemente.

**PSFU-5.05. *Water Supplies.*** We provide and maintain adequate water supplies and distribution facilities capable of meeting existing and future daily and peak demands, including fire flow requirements.

**PSFU-5.06. *Urban Water Management Plan.*** We strategically plan for an adequate water supply and distribution system by maintaining and updating the Urban Water Management Plan.

**PSFU-5.07. *Public Education.*** We use public education to promote rebate programs, water conservation and household strategies to minimize impacts to water quality (e.g., disposal methods for fats, grease and oils).

**PSFU-5.08. *Recycled Water.*** We encourage, and in some cases require, the use of recycled water when available through a Mandatory Use Ordinance.

**PSFU-5.09. *Efficient Water Usage.*** The City will continue to expand its recycled water program and seek new and improved technologies and best practices to use water more efficiently.

**PSFU-5.10. *Wastewater System.*** We provide and maintain a system of wastewater collection and treatment facilities to adequately convey and treat wastewater generated in the City of San Clemente service area.

**PSFU-5.11. *Wastewater Monitoring.*** We monitor wastewater treatment usage and capacity and plan for wastewater infrastructure improvements or new facilities.

**PSFU-5.12. *Xeriscape Planting to Conserve Water.*** To conserve water, we require new development to plant drought-tolerant landscaping, consisting of at least 60 percent (by landscaped area) California Native plants, and encourage such plantings in existing development.

## *Storm Drainage*

**GOAL:** Establish and maintain adequate planning, construction, maintenance, and funding for storm drain and flood control facilities to support permitted land uses and preserve the public safety; upgrade existing deficient systems and expand them, where necessary, to accommodate new permitted development and to protect existing development in the City. Pursue public funding sources (e.g., grants) to reduce fiscal impacts of implementation to the City.

**Policies:**

**PSFU-6.01. *Construction, Inspection and Maintenance.*** Provide for ongoing inspection and maintenance of existing public storm drains and flood control facilities and for the construction of upgraded and expanded storm drain and flood control facilities, where necessary, to protect existing and accommodate new permitted development.

**PSFU-6.02. *Drainage Master Plan.*** Provide for the review and, if necessary, update of the existing City Drainage Master Plan study in order to identify any deficiencies and needed improvements in the drainage system.

**PSFU-6.03. *Requirement for New Facilities.*** Require that adequate storm drain and flood control facilities be constructed coincident with new development.

**PSFU-6.04. *New Development Limitation.*** Limit new development, when necessary, until adequate flood control facilities are constructed to protect existing development and accommodate the new development runoff, or until mitigation is provided in accordance with the Growth Management Element.

**PSFU-6.05. *Development Review.*** Review development proposals for projects within the City's Sphere of Influence and encourage the County to disapprove any project which cannot be accommodated with an adequate drainage system.

**PSFU-6.06. *Location of Facilities.*** Consider, through the planning and design process, designs that provide for public utilities within the street right-of-way or some other easily accessed location.

**PSFU-6.07. *Funding Requirement.*** Require improvements to existing storm drain and flood control facilities necessitated by a new development proposal be borne by the project proponent; either through the payment of fees, or by the actual construction of the improvements in accordance with State Nexus Legislation.

**PSFU-6.08. *Special Districts.*** Consider allowing the formation of benefit assessment districts and community facilities districts, where appropriate, in which those who benefit from specific local storm drain and flood control improvements pay a pro rata share of the costs.

**PSFU-6.09. *Funding.*** Collect fees and charges to fund the operation/maintenance of existing facilities and to construct new facilities.

**PSFU-6.10. *Low Impact Design Strategies.*** We require the use of low-impact site development designs and strategies to slow urban runoff, improve filtration, and reduce the volume of discharges through best management practices.

***Stormwater and Urban Runoff***

**GOAL:** To protect and preserve the quality of local surface waters, community public health and the environment through implementation of activities to reduce stormwater and also to reduce or eliminate urban runoff pollution from industrial, commercial, new development and construction,

and residential areas that may enter the storm drainage system and discharge to local creeks or coastal waters.

**Policies:**

**PSFU-7.01. *Stormwater and Urban Runoff Management.*** We maintain a comprehensive stormwater/urban runoff management plan, and provide adequate funding to implement the plan, to minimize impacts on our watershed, canyons, coastal bluffs, beaches and marine resources.

**PSFU-7.02. *Monitoring.*** We regularly inventory and inspect stormwater and drainage facilities and programs to ensure their protection of water quality and effectiveness.

**PSFU-7.03. *Enforcement.*** We maintain adequate legal authority to implement and enforce local plans and ordinances to comply with applicable regional, state and federal requirements for stormwater runoff management and mitigation to protect our water quality.

**PSFU-7.04. *Development Review.*** We require that new development and significant redevelopment projects (as defined in the City's Stormwater Local Implementation Plan) implement appropriate site design, source control/non-structural and structural best management practices to reduce or eliminate stormwater and urban runoff flows and pollution, to the maximum extent practicable.

**PSFU-7.05. *Impervious Surfaces.*** We minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and remodeling projects and, where feasible, slow runoff and maximize on-site infiltration, except where infiltration would exacerbate geologic hazards.

**PSFU-7.06. *Urban Run-off Quantity.*** We encourage the use of low impact development strategies to intercept run-off, slow runoff discharge rates, increase infiltration and ultimately reduce discharge volumes to meet design capacities of City storm drain systems.

**PSFU-7.07. *Erosion and Sediment Loss.*** We avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that identifies these areas and required measures to protect them from erosion and sediment loss.

**PSFU-7.08. *Creation and Restoration of Areas with Water Quality Benefits.*** We preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, coastal canyons, vernal pools, wetlands, and buffer zones and encourage land acquisition of such areas.

**PSFU-7.09. *Vehicles and Traffic.*** We coordinate local traffic management efforts with the Orange County Transportation Authority's Congestion Management Plan in an effort to reduce pollutants associated with vehicles and increased traffic due to development.

**PSFU-7.10. *Coordination.*** We coordinate with other Orange County cities and the County of Orange to update or develop new stormwater/urban runoff management programs and best

management practices identified in the countywide Drainage Area Master Plan, common program implementation (such as monitoring, public education and watershed programs), fiscal resources for shared budgets and overall program direction.

**PSFU-7.12. *Public Education.*** We provide training and educational information regarding stormwater and urban runoff management to the public and City staff.

**PSFU-7.13. *Pollution Prevention.*** We implement pollution prevention methods supplemented by pollutant source controls and treatment. We use collection strategies located at, or as close as possible to, the source (e.g., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into the municipal storm drain system and coastal waters.

### ***Solid Waste and Recycling***

**GOAL:** Continue to implement a cost-effective solid waste management program (consisting of source reduction, collection, recycling and disposal that meets or exceeds State and Federal waste diversion and recycling standards.

#### **Policies:**

**PSFU-8.01. *Coordination.*** We coordinate with contractors and other public agencies to identify and implement cost-effective solid waste and recycling strategies.

**PSFU-8.02. *AB 939 Monitoring.*** We monitor our solid waste generation and disposal/recycling facilities to ensure we meet or exceed AB 939 requirements for the diversion of solid waste, including construction and demolition waste.

**PSFU-8.03. *Education.*** We provide educational materials on waste reduction and recycling to local residents, businesses, and schools, and support school recycling programs.

**PSFU-8.04. *Styrofoam.*** We prohibit the use of food service items comprised of expandable polystyrene (Styrofoam) by food vendors within the City and in City facilities, City-managed concessions, City-sponsored or co-sponsored events, City permitted events and all franchisees, contractors and vendors doing business with the City, and we discourage the sale and use of expanded polystyrene products citywide.

**PSFU-8.05. *Recycled Products and Source Reduction (City Facilities/Events).*** In municipal operations, we purchase recycled-content products for City-owned facilities and City-sponsored events, when such products are cost effective. We strive to minimize paper use.

**PSFU-8.06. *Recycling (City Facilities/Events).*** We recycle solid waste materials at all City facilities and events.

**PSFU-8.07. *Building Materials.*** We use recycled materials for building and facility construction, when financially feasible and safe to do so.

**PSFU-8.08. *Collection.*** We provide solid waste collection for commercial, industrial and residential uses and developments, in accordance with State law.

**PSFU-8.09. *Product Stewardship.*** We support statewide and national product stewardship policies and programs that encourage manufacturers to design recyclable products and to take back products at the end of a product's useful life.

**PSFU-8.10. *Program Development.*** We update or develop new programs as needed to further reduce waste generation and increase recycling.

## ***Energy***

**GOAL:** Maintain a reliable, safe, and economically sustainable energy system that incorporates conservation and alternative energy resources to help decrease reliance on fossil fuels and reduce the impacts of global climate change.

### **Policies:**

**PSFU-9.01. *Coordination.*** We coordinate with local electricity, natural gas, and other energy and utility providers to ensure adequate facilities are available to meet the demands of existing and future development and that such facilities are safely sited and operated.

**PSFU-9.02. *Facility Siting and Design.*** We collaborate with various utility agencies to ensure local facilities are sited and designed to be safe and compatible with adjacent land uses. Through franchise agreements, lease agreements and other means, the City requires public utilities to be disaster-resilient by providing emergency back-up provisions.

**PSFU-9.03. *City Facilities.*** We use energy efficient designs that consider life-cycle costs in the planning, construction, and operation of all major City facilities and seek outside funding sources to help support these efforts.

**PSFU-9.04. *Energy Audits.*** We perform energy efficiency and demand response program audits at City facilities to understand our civic energy demands and plan improvements accordingly.

**PSFU-9.05. *Demonstration Projects.*** We participate in demonstration projects for energy conservation and savings when feasible.

**PSFU-9.06. *Education.*** We cooperate with local utilities to provide energy conservation information to the public.

**PSFU-9.07. *Renewable Energy Resources.*** We work with other agencies and utility providers to develop safe, economical, and renewable energy resources in San Clemente.

**PSFU-9.08. *Solar Energy/Heating.*** We incentivize the use of solar energy or solar water heating on private development by waiving related fees, when financially feasible for the City to do so.

**PSFU-9.09. *Funding.*** We seek grants and other outside funding for energy efficiency improvements to public or private facilities and structures in San Clemente.



**PSFU-9.10. *Land Use Planning.*** We encourage the development of employment centers and other land uses to improve our jobs to housing balance and minimize vehicle trips in San Clemente.

### c. Plans and Programs

#### ***City of San Clemente Jurisdictional Runoff Management Plan***

The Jurisdictional Runoff Management Program (JRMP) or Stormwater Local Implementation Plan is the City's approach to improving surface water quality through reducing discharges of pollutants to the municipal separate storm sewer system (MS4; City of San Clemente 2019).

The MS4 Permit requires 10 south Orange County municipalities, including the City, and the County of Orange and Orange County Flood Control District, collectively called Copermittees, to prepare a watershed-based Water Quality Improvement Plan (WQIP) and a City-specific JRMP. The WQIP identifies the highest priority water quality conditions, corresponding goals, and strategies that the Copermittees will implement to meet the goals.

#### ***City of San Clemente Clean Ocean Program***

The City manages stormwater and urban runoff and fulfills various regulatory requirements through implementation of the Clean Ocean Program. The Clean Ocean Program's mission is to protect and preserve public health and the environment through education and implementation of activities to reduce urban runoff and stormwater pollution and to promote waste reduction and recycling from industrial, commercial, municipal, new development/construction and residential areas.

#### ***Sanitary Sewer Management Plan 2019 Update***

The San Clemente Sewer System Management Plan (SSMP) is developed in accordance with requirements of the State Water Resources Control Board. The SSMP must be updated every five years. The SSMP provides a schedule to properly manage, operate and maintain all parts of the sanitary sewer system.

#### ***San Clemente 2020 Urban Water Management Plan Update***

In accordance with Water Code Sections 10610 through 10656 of the Urban Water Management Planning Act, every urban water supplier is required to prepare and adopt an UWMP every five years. The act requires urban water suppliers to file plans with the California Department of Water Resources describing and evaluating reasonable and practical efficient water uses, reclamation, and conservation activities. San Clemente's UWMP was last updated in 2020.

The UWMP summarizes present and future water resources and demands within the City's service area and assesses the City's water resource needs. The UWMP provides water supply planning for a 25-year planning period in five-year increments and identifies water supplies needed to meet existing and future demands. The demand analysis must identify supply reliability under three hydrologic conditions: a normal year, a single-dry year, and multiple-dry years.

### *San Clemente Water Conservation Program*

The City's Water Conservation Program provides rebate incentives for water customers who make water use efficiency improvements to their residences.

## 4.14.3 Significance Determination Thresholds

Consistent with Appendix G of the CEQA Guidelines, impacts related to utilities and services would be significant if the project would:

- 1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- 2) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;
- 3) Result in a determination by the wastewater treatment provided which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- 4) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- 5) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

## 4.14.4 Methodology

The potential for significant impacts associated with the project has been determined based upon review of existing secondary source information.

### 4.14.5 Issue 1: Utility Infrastructure

*Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

#### 4.14.5.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's Regional Housing Needs Assessment (RHNA) allocation obligations for the 6<sup>th</sup> Cycle Housing Element Update. The Safety Element Update is a policy document that does not have the potential to add growth or population to the City. No impacts related to utility infrastructure would result from adoption of the Safety

Element. Regarding the Housing Element, construction of the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites would accommodate future population growth within the City anticipated by the Southern California Association of Governments (SCAG). Potential impacts associated with future utility infrastructure is described below.

#### **a. Water**

Development anticipated in the Housing Element sites inventory and potential rezone sites would occur within areas of the City that are already served by existing water utility infrastructure. Although future Housing Sites would require connection to these existing facilities, water utility infrastructure improvements and relocations would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Objective standards would include application of the City's Municipal Code and the requirements of design review pursuant to the City's Design Guidelines. Additionally, future development would be subject to an overlay zone to be developed by the City that will incorporate standards to reduce potentially significant impacts identified throughout this environmental document in mitigation measures AQ-1, BIO-1, BIO-2, CUL-1, PAL-1, GHG-1, HAZ-1, NOS-1, NOS-2, NOS-3, and TRA-1 (measures summarized in Table S-1).

#### **b. Wastewater**

Development anticipated in the Housing Element sites inventory and potential rezone sites would occur within areas of the City that are already served by existing water utility infrastructure. Although future Housing Sites would require connection to these existing facilities, wastewater utility infrastructure improvements and relocations would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Objective standards would include application of the City's Municipal Code and the requirements of design review pursuant to the City's Design Guidelines. Additionally, future development would be subject to an overlay zone to be developed by the City that will incorporate standards to reduce potentially significant impacts identified throughout this environmental document in mitigation measures AQ-1, BIO-1, BIO-2, CUL-1, PAL-1, GHG-1, HAZ-1, NOS-1, NOS-2, NOS-3, and TRA-1 (measures summarized in Table S-1).

#### **c. Stormwater**

Development anticipated in the Housing Element sites inventory and potential rezone sites would occur within areas of the City that are already served by existing stormwater infrastructure. Although future Housing Sites would require connection to these existing facilities, stormwater infrastructure improvements would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Objective standards would include application of the City's Municipal Code and the requirements of design review pursuant to the City's Design Guidelines. Additionally, future

development would be subject to an overlay zone to be developed by the City that will incorporate standards to reduce potentially significant impacts identified throughout this environmental document in mitigation measures AQ-1, BIO-1, BIO-2, CUL-1, PAL-1, GHG-1, HAZ-1, NOS-1, NOS-2, NOS-3, and TRA-1 (measures summarized in Table S-1).

As described in Section 4.8.7.1 (c) of this EIR, the City implements Public Services, Facilities and Utilities Element policies which require ongoing review and updating of the City Drainage Master Plan study in order to identify any deficiencies and needed improvements in the drainage system (Policy PSFU-6.02) and requires that adequate storm drain and flood control facilities be constructed coincident with new development (Policy PSFU-6.03).

#### **d. Electric Power, Natural Gas, and Telecommunications**

Development anticipated in the Housing Element sites inventory and potential rezone sites would occur within areas of the City that are already served by existing electrical, natural gas, and telecommunications utility infrastructure. Although future Housing Sites would require connection to these existing facilities, utility infrastructure improvements and relocations would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Objective standards would include application of the City's Municipal Code and the requirements of design review pursuant to the City's Design Guidelines. Additionally, future development would be subject to an overlay zone to be developed by the City that will incorporate standards to reduce potentially significant impacts identified throughout this environmental document in mitigation measures AQ-1, BIO-1, BIO-2, CUL-1, PAL-1, GHG-1, HAZ-1, NOS-1, NOS-2, NOS-3, and TRA-1 (measures summarized in Table S-1).

#### **4.14.5.2 Significance of Impacts**

Future development at the Housing Sites is located within existing developed areas with access to utility infrastructure. Significant utility extensions or improvements are not anticipated beyond local connections from adjacent roadways. Utility infrastructure improvements and relocations associated with the future Housing Sites would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Therefore, the project would not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects, and impacts would be less than significant.

#### **4.14.5.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.

## 4.14.6 Issue 2: Water Supply

*Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

### 4.14.6.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's RHNA allocation obligations for the 6<sup>th</sup> Cycle Housing Element Update. The Safety Element update is a policy document that does not have the potential to add growth or population to the City. No impacts related to water supply demand would result from adoption of the Safety Element.

As shown in Table 4.14-1, water use within the City is projected to peak at 8,909 AF in 2030, and then gradually decrease to 8,768 AF in 2045. As shown in Table 4.14-2, the City's UWMP anticipates that it would be able to acquire necessary water supplies to meet demand through 2045. Construction of the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites would accommodate future population growth within the City anticipated by SCAG. Therefore, the project would not introduce additional housing that is not anticipated within the City or region, and would not increase demand for water supply beyond what is anticipated in the City's 2020 UWMP.

### 4.14.6.2 Significance of Impacts

The City's UWMP anticipates that it would be able to acquire necessary water supplies to meet demand through 2045. Future residential uses anticipated in the Housing Element sites inventory and potential rezone sites would accommodate future population growth within the City anticipated by SCAG and would not introduce additional housing beyond what is projected. Therefore, the project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years, and impacts would be less than significant.

### 4.14.6.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.14.7 Issue 3: Wastewater Treatment

*Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

#### 4.14.7.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's RHNA allocation obligations for the 6<sup>th</sup> Cycle Housing Element Update. The Safety Element update is a policy document that does not have the potential to add growth or population to the City. No impacts related to wastewater treatment demand would result from adoption of the Safety Element.

Development at the Housing Sites would accommodate future population growth within the City anticipated by SCAG. Therefore, the project would not introduce additional housing that is not anticipated within the City, and would not increase demand for wastewater treatment beyond what has been planned and is anticipated by the City's service providers.

#### 4.14.7.2 Significance of Impacts

The project would facilitate housing production that has been anticipated by the City in its wastewater infrastructure planning. Increased demand for wastewater treatment would result from new development, but it would be consistent with wastewater treatment demand anticipated by service providers. There is adequate capacity to serve the projected wastewater treatment demand in addition to existing commitments. Impacts would be less than significant.

#### 4.14.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.14.8 Issues 4 and 5: Solid Waste

*Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

*Would the project comply with federal, state, or local management and reduction statutes and regulations related to solid waste?*

#### 4.14.8.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's RHNA allocation obligations for the 6<sup>th</sup> Cycle Housing Element Update. The Safety Element update is a policy document that does

not have the potential to add growth or population to the City. No impacts related to solid waste would result from adoption of the Safety Element.

As shown in Table 4.14-4, the Prima Deshecha Sanitary Landfill in the City of San Juan Capistrano has a remaining capacity of 132,600,000 cubic yards and is anticipated to operate until 2067, while the Frank R. Bowerman Sanitary Landfill has a remaining capacity of 198,100,000 cubic yards and is anticipated to operate until 2053. Construction of the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites would accommodate future population growth within the City anticipated by SCAG. Therefore, the project would not introduce additional housing that is not anticipated within the City and would not increase demand for solid waste disposal in excess of local infrastructure capacity. Additionally, the City would continue to implement policies PSFU-8.1 through PSFU-8.10 from the Public Services, Facilities, and Utilities Element to reduce the amount of material disposed at landfills in the future. These include coordination with contractors and other public agencies to identify and implement cost-effective solid waste and recycling strategies (Policy PSFU-8.01. Coordination) and monitoring solid waste generation and disposal/recycling facilities to ensure the City meets or exceeds requirements for the diversion of solid waste, including construction and demolition waste.

#### **4.14.8.2 Significance of Impacts**

Adequate landfill capacity exists to serve the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites, and the City would continue to implement General Plan policies to reduce amount of material disposed at landfills in the future. Therefore, the project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, and would comply with federal, state, or local management and reduction statutes and regulations related to solid waste, and impacts related to solid waste would be less than significant.

#### **4.14.8.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.

## 4.15 Wildfire

This section evaluates potential impacts related to wildfire that may result from implementation of City of San Clemente (City) Housing Element and Safety Element Updates (project). The analysis area covers the entirety of the City as the Housing and Safety Elements will apply citywide. The analysis is focused on sites within the Housing Element Residential Sites Inventory, including both vacant and underutilized sites and rezone sites, collectively referred to as "Housing Sites."

### 4.15.1 Existing Conditions

Threat from wildfire hazards is determined based on a number of factors, including fuel loading (vegetation); topography; climatic conditions, such as wind, humidity, and temperature; and the proximity of structures and urban development to fire hazards. Wildland fire hazards are most pronounced in wildland-urban interface areas, or where urban development is located close to open space areas where vegetation can serve as fuel. Generally, the periods of greatest risk for wildland fire are the late summer and early fall when vegetation is at its driest.

As described in Section 4.7.1.4 (a), wildfires are of particular concern within the City during Santa Ana wind events, when forceful winds blow dry air from the east to the west. They create extremely dry conditions in which wildfires can easily develop due to natural or human causes. Historically, wildfire is one of the most destructive hazards in the City, affecting homes, businesses, the natural environment, and human lives. The potential for wildland fires represents a hazard where development is adjacent to open space or within close proximity to wildland fuels, such as the Richard and Donna O'Neill Conservancy to the north and east of City limits, and San Onofre State Beach and Camp Pendleton to the south (City of San Clemente 2013). Steep hillsides and varied topography within portions of the City also contribute to the risk of wildland fires. The Safety Element has been updated to document which portions of the City are mapped as Very High Fire Hazard Severity Zone (VHFHSZ) by the California Department of Forestry and Fire Prevention (CAL FIRE), which is also depicted on Figure 4.7-2.

As described in Section 4.12.1.1, fire protection services are provided by the Orange County Fire Authority (OCFA), who operate three fire stations in the City. Figure 4.12-1 above presents the locations of these three fire stations and Table 4.12-1 above lists the address, equipment, and staffing for all three stations. The three fire stations located within the City belong to OCFA Division 3, whose Battalions 6 and 7 also provide fire protection and emergency medical services to the nearby cities of Dana Point and San Juan Capistrano, as well as the portions of unincorporated Orange County (County) adjacent to the City. All fire departments in the County participate in an automatic aid agreement to ensure that the closest resources are dispatched to an emergency. Automatic aid includes engines, trucks, paramedics, and battalion chiefs. All agencies also participate in the statewide master mutual aid system for response during major emergencies (City of San Clemente 2013).



## 4.15.2 Regulatory Framework

### 4.15.2.1 State

#### a. California Department of Forestry and Fire Prevention

The California Department of Forestry and Fire Protection (CAL FIRE) is dedicated to the fire protection and stewardship of over 31 million acres of California's privately-owned wildlands. In addition, the Department provides varied emergency services in 36 of the State's 58 counties via contracts with local governments. To assist each fire agency in addressing its responsibility area, CAL FIRE uses a severity classification system to identify areas or zones of severity for fire hazards within the state. CAL FIRE is required to map these zones for State Responsibility Areas and identify VHFHSZ for Local Responsibility Areas (LRAs). In January 2008, CAL FIRE updated these Fire Hazard Severity Zone maps to reflect revised VHFHSZ for LRAs throughout the state.

Fire Hazard Severity Zone maps identify moderate, high, and very high hazard severity zones using a science-based and field-tested computer model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Factors considered include fire history, existing and potential fuel (natural vegetation), flame length, blowing embers, terrain, and typical weather for the area.

#### b. California Wildland-Urban Interface Code

On September 20, 2005, the California Building Standards Commission approved the Office of the State Fire Marshal's emergency regulations amending the California Building Code (CBC) (California Code of Regulations [CCR] Title 24, Part 2). Section 701A of the CBC includes regulations addressing materials and construction methods for exterior wildfire exposure and applies to new buildings located in state responsibility areas or VHFHSZs in local response areas.

#### c. California Fire Code

The 2016 California Fire Code (CCR Title 24, Part 9) establishes regulations to safeguard against the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety for and assistance to firefighters and emergency responders during emergency operations. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout California. The Fire Code includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and wildland-urban interface areas.

## 4.15.2.2 Local

### a. City of San Clemente Municipal Code (SCMC)

#### *Chapter 8.12 Emergency Services*

This chapter outlines the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency and to provide for the coordination of the emergency functions of this City with all other public agencies and affected private persons, corporations and organizations (Chapter 8.12.010).

#### *Chapter 8.16 Fire Code*

The California Fire Code, based on the International Fire Code, 2018, as amended, is adopted by the City, for the purpose of prescribing regulations governing conditions hazardous to the life and property from fire or explosion (Chapter 8.16.010). The Fire Code is enforced by the Orange County Fire Authority, which operates under the Fire Chief of the OCFA. The Fire Code provides requirements for weed abatement, placement and guidance for outdoor cooking devices, and construction and interior fire protection.

Additionally, Chapter 8.16.120 addresses requirements for fire protection measures within Wildland-Urban Interface Fire Areas (areas adjacent to expansive open space). This includes requirements for maintenance of hazardous vegetation and fuel around all applicable buildings and structures, as well as fuel modification requirements for new construction.

#### *Chapter 8.22 Very High Fire Hazard Severity Zones*

The City designates those areas identified on the City's VHFHSZ map (see Figure 4.7-2) attached as Exhibit "A" to City Ordinance No. 1547 adopted by the City Council of the City of San Clemente on January 3, 2012.

### b. City of San Clemente General Plan

The Safety Element of the City's General Plan intends to protect the community from hazards related to wildfire. New policies are proposed relating to fire safety which are discussed under Section 4.15.6 below. The following are existing General Plan goals and policies related to wildfire that would be applicable to future development in the City.

**GOAL:** Minimize risk to life, property, economic and social dislocation and disruption of vital services due to uncontrolled fire.

#### **Policies:**

**S-3.01. Fire and Building Codes.** We coordinate with Orange County Fire Authority to proactively mitigate or minimize the adverse effects of structural fires, wildfires and related hazards like erosion, hazardous materials release and structural collapse by implementing appropriate fire and building codes.

**S-3.07<sup>1</sup> (formerly 3.02). *Public Education.*** We coordinate with Orange County Fire Authority to provide public education tools to increase awareness of fire prevention measures.

**S-3.08 (formerly S-3.03). *Orange County Fire Authority.*** We contract with Orange County Fire Authority to maintain fire stations, equipment, and staffing to effectively respond to emergencies.

**S-3.09 (formerly S-3.04). *Peak Water Supply.*** We maintain an adequate peak water supply for fire suppression, per the San Clemente Urban Water Management Plan and funding available for implementation.

**S-3.10 (formerly S-3.05). *Evaluation.*** We coordinate with the Orange County Fire Authority to evaluate the effectiveness of fire safety strategies and implementation measures.

**S-3.11 (formerly S-3.06). *Balance Between Goals.*** We balance the need for fire safety and defensible landscape perimeters with biological and open space preservation goals, where applicable, consistent with the Coastal Conservation Plan.

### c. Plans and Programs

#### *City of San Clemente Multi-Hazard Emergency Plan*

The City's Multi-Hazard Emergency Plan provides the framework for responding to major emergencies or disasters. The goals of this plan are to outline a strategy to prepare for, respond to, and recover from an emergency or disaster that affects the City. In order to facilitate meeting these goals, the plan identifies potential hazards that form the basis for the emergency plan, identifies authorities and assigns responsibilities to the appropriate agencies, identifies other jurisdictions and organizations with which planning and emergency response activities are coordinated, establishes an organizational structure to manage the emergency response, outlines preplanned response actions to be taken by emergency personnel to mitigate the effects of a disaster, outlines a process of disseminating emergency information and instructions to the public, describes the resources available to support emergency response activities, establishes responsibilities for maintaining the overall City emergency preparedness program, and provides the basis for initial training and subsequent retraining of emergency workers (City of San Clemente 2013).

### 4.15.3 Significance Determination Thresholds

Consistent with Appendix G of the California Environmental Quality Act Guidelines, impacts related to wildfire would be significant if implementation of the project would result in any of the following:

- 1) Substantially impair an adopted emergency response plan or emergency evacuation plan;

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<sup>1</sup>The policy numbers referenced are those identified in the Safety Element Update which reflect the addition of new policies, discussed in Section 4.15.6.

- 2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- 3) 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 may result in temporary or ongoing impacts to the environment; or
- 4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

#### 4.15.4 Methodology

The impact evaluation of potential impacts associated with wildfire consisted of a review of secondary sources, including the City's adopted VHFHSZ Map.

#### 4.15.5 Issue 1: Emergency Response Plans

*Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

##### 4.15.5.1 Impact Analysis

As described in Section 4.7.8.1 above, future development of the Housing Sites would increase density resulting in greater population concentrations throughout the Housing Sites. This could result in an increase in demand on emergency response and evacuation. Disaster preparedness throughout the City is managed by the City's Multi-Hazard Emergency Plan, implemented by the Emergency Planning Program. This program is responsible for preparing the community for all potential disasters, and maintains the City's Emergency Operations Center which coordinates planning, communication, and specific organized responses to emergencies, including evacuation routes. Additionally, the Orange County Fire Authority Emergency Command Center provides emergency response services to the City (City of San Clemente 2013).

SCMC Chapter 8.12 regulates emergency services, focusing on the preparation and maintenance of emergency safety plans and programs. Additionally, the City General Plan Safety Element Policies S-7.01 to 7.10 ensure adequate staffing within emergency response agencies, encourage ongoing training and education for emergency preparedness, guidance for the collaboration with other state, local, and regional agencies, and maintain performance measures to evaluate the effectiveness of emergency response programs and strategies.

Although development at the Housing Sites could increase population and increase demand on emergency response and evacuation, the Housing Sites are located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Development at the Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not prevent continued implementation of these plans.

Regarding the Safety Element, the proposed revisions include a new policy (S-3.06) that would require the City to “work with the Orange County Sheriff’s Department (OCSD) to develop, implement and maintain an effective evacuation program, identify residential development with inadequate access and/or without a secondary emergency evacuation route, and prepare improvement plans and mitigation measures in order to be prepared in the event of a natural or human-caused disaster, through our Local Hazard Mitigation Plan.” Therefore, implementation of the Safety Element update would provide additional opportunities for coordinated planning of evacuation routes in the City.

#### 4.15.5.2 Significance of Impacts

Although development at the Housing Sites could increase population and increase demand on emergency response and evacuation, the Housing Sites are located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Development at the Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. Additionally, applicable General Plan policies would continue to be implemented to ensure adequate Citywide emergency response and preparedness. New Safety Element Policy S-3.06 would additionally support coordinated planning with the Orange County Sheriff’s Department regarding emergency evacuation routes. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

#### 4.15.5.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.15.6 Issue 2: Wildfire

*Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

#### 4.15.6.1 Impact Analysis

As described in Section 4.7.9.1 above, most of the eastern boundary of the City is located within the City and CAL FIRE’s designated VHFHSZ. Mapping was originally developed in the mid 1990s and is in the process of being updated. The maps are based on data and models of potential fuels over a 30- to 50-year time horizon and their associated expected fire behavior, and expected burn probabilities to quantify the likelihood and nature of vegetation fire exposure (including firebrands) to buildings (CAL FIRE 2011). The mapped VHFHSZ is located in undeveloped areas and developed lands near native vegetation. Areas include steep hillsides and varied topography such as canyons.

The proposed Housing Sites are located within existing developed areas that would not exacerbate wildfire risk or expose occupants to pollutant concentrations from a wildfire beyond existing risk. Any

area in the City could be exposed to substantial pollutant concentrations from wildfire and the proposed location of Housing Sites would not uniquely increase potential exposure due to their location, slope or other factors. As shown in Figure 4.7-2, one vacant and underutilized Housing Site and one potential rezone site (Site U) are located within areas mapped as VHFHSZ. To avoid the risk from wildland fire, future development located within the VHFHSZ would be required to adhere to the City's building and fire codes. The fire chief may also use their authority to require additional building, planning, or landscaping requirements that provide enhanced fire protection. On a site-specific basis, the fire chief may require the removal of brush in an area 10 feet from a structure and from a road or open space with the exception of single specimen trees, ornamental shrubbery or cultivated ground cover (City of San Clemente 2013).

The project also includes an update to the City's General Plan Safety Element. Specifically, the Element has added a new map showing the location of the City's critical facilities in the VHFHSZs on the City's land use map. New policies have also been added to further protect land uses within the VHFHSZ. The following policies are proposed to be included in the Safety Element Update:

**S-3.02. *Land Use and Zoning.*** Development proposals and applicants will minimize new residential development in the VHFHSZs, and locate future public facilities, including new essential and sensitive facilities, outside of VHFHSZs when possible.

**S-3.03. *Fire and Building Codes.*** We adhere to all Orange County Fire Authority regulations and guidelines for fire safe development practices, vegetation management, and maintenance in the City, including in the VHFHSZ's.

**S-3.04. *Fire and Building Codes.*** We ensure that all new development and redevelopment in the VHFHSZs will comply with the Board of Forestry and Fire Protection Fire Safe Regulations, and the most current version of the California Building Codes and California Fire Code.

**S-3.05. *Fire and Building Codes.*** In coordination with Orange County Fire Authority, we will condition development to incorporate fire safe design, including sufficient ingress/egress, evacuation routes, emergency vehicle access, defensible space, visible home addressing and signage, and fuel modification zones.

**S-3.06. *Emergency Evacuation Routes.*** We will work with the Orange County Sheriff's Department (OCSA) to develop, implement and maintain an effective evacuation program, identify residential development with inadequate access and/or without a secondary emergency evacuation route, and prepare improvement plans and mitigation measures in order to be prepared in the event of a natural or human-caused disaster, through our Local Hazard Mitigation Plan. Policies have been added cultivated ground cover California Fire Code Title 19, Division 1, Section 3.07(b), requiring a minimum 30-foot brush clearance around structures for fire safety. Discretionary projects are reviewed by the Building Official/Fire Marshal. Adherence to these regulations would reduce risks in conjunction with future development related to wildland fire. Thus, impacts associated with risk of wildland fires would be less than significant.

While most Housing Sites are located within existing developed areas outside of fire hazard areas, at least two sites are located in an area of mapped fire risk. However, existing building and fire code

regulations are in place that would ensure future development is constructed in a manner that would minimize adverse fire risk and potential exposure to wildfire pollutants.

### 4.15.6.2 Significance of Impacts

Development of the Housing Sites, especially within or adjacent to VHFHSZ, could result in impacts related to wildfire. Future ministerial and discretionary development at Housing Sites would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the SCMC, fire and building codes, and requirements from the fire chief that would be identified during future building permit reviews. Additionally, implementation of the City's General Plan Safety Element policies supports implementation of measures that will enhance wildfire safety. Therefore, the project would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and impacts for both ministerial and discretionary development on Housing Sites would be less than significant.

### 4.15.6.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

## 4.15.7 Issue 3: Infrastructure

*Would the project 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 may result in temporary or ongoing impacts to the environment?*

### 4.15.7.1 Impact Analysis

As detailed in Chapter 3.0, Project Description, the project includes an update to the City's Safety Element and an update to the Housing Element to meet the City's Regional Housing Needs Assessment (RHNA) allocation obligations for the 6<sup>th</sup> Cycle Housing Element Update. The Safety Element Update is a policy document that does not have the potential to add growth or population to the City. No impacts related to utility infrastructure would result from adoption of the Safety Element. As described in Section 4.14.5, no significant utility infrastructure improvements are anticipated to serve future development at Housing Sites as infrastructure would be available in adjacent roadways. All impacts associated with infrastructure improvements including any required measures to address fire safety would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Objective standards would include application of the City's Municipal Code including existing City building and fire code requirements. Furthermore, future ministerial development would undergo design review pursuant to the City's Design Guidelines and would be subject to an overlay zone to be developed by the City that will incorporate standards to reduce potentially significant impacts identified throughout this environmental document in mitigation measures AQ-1, BIO-1, BIO-2, CUL-1, PAL-1, GHG-1, HAZ-1, NOS-1, NOS-2, NOS-3, and TRA-1 (measures summarized in Table S-1). Additionally, future development located within the VHFHSZ

would be required to adhere to the City's building and fire codes, including any enhanced measures. The fire chief may also use their authority to require additional building, planning, or landscaping requirements that provide enhanced fire protection. On a site-specific basis, the fire chief may require the removal of brush in an area 10 feet from a structure and from a road or open space with the exception of single specimen trees, ornamental shrubbery or cultivated ground cover (City of San Clemente 2013).

#### 4.15.7.2 Significance of Impacts

Future ministerial and discretionary development at Housing Sites and associated infrastructure would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the SCMC, fire and building codes, and requirements from the fire chief that would be identified during future building permit reviews. All impacts associated with infrastructure improvements including any required measures to address fire safety would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Therefore, the project would not exacerbate fire risk or result in temporary or ongoing impacts on the environment. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant.

#### 4.15.7.3 Mitigation Framework

Impacts would be less than significant. No mitigation is required.

### 4.15.8 Issue 4: Flooding or landslide

*Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

#### 4.15.8.1 Impact Analysis

As described in Section 4.8.8.1(a), a few Housing Sites are located within flood hazard areas of the Segunda Deshecha Cañada channel (see Figure 4.8-2). Riverine flooding impacts could occur from increases in the amount of runoff delivered to the creeks or river, causing an increase to the total flow in the creeks or river; from alterations to local drainage patterns and the manner in which drainage is discharged to the creeks or river; or from direct alterations to the creeks or river (e.g., construction of crossings and/or placement of fill within the course of the creeks or river). However, development at future Housing Sites would be required to demonstrate that development would be elevated out of the floodplain and would not affect the conveyance of flood waters through elevated building pads, and/or other compliance measures as specified by FEMA. Moreover, future development would be required to adhere to Policy S-2.03 of the Safety Element, which prohibits development within a flood zone unless adequate assurances are provided against flood hazards. As described in Section 4.8.8.1(b) above, the updated Safety Element contains additional discussion related to sea level rise as it may be affected by global climate change. The City recently adopted a



Sea Level Rise Vulnerability Plan and is in the process of preparing a Coastal Resiliency Plan that will identify actions and adaptation strategies that can be taken to improve coastal resiliency. The proposed Safety Element update includes policies supporting implantation of adaptation strategies and incorporates the City's Sea Level Rise Vulnerability Assessment and the future Coastal Resiliency Plan by reference. Therefore, the Safety Element Update would serve to reduce potential flooding associated with future sea level rise.

As described in Section 4.5.5.1 (b), all future development would be required to meet the most current seismic safety requirements in the CBC, as adopted by the City, including design and construction measures intended to resist potential earthquake damage. The SCMC requires, prior to issuance of grading permits, the submission of a soil engineering and engineering geology report identifying potential geological hazards and recommendations for eliminating or reducing those hazards. Additionally, future discretionary development would be required to adhere to the City's General Plan (Safety Element) policies S-1.04 and S-1.05, which require an assessment of liquefaction and landslide risk and prohibit the development unless acceptable measures to reduce potential danger are implemented. Compliance with these requirements would prevent exposure of people or structures to significant risks of downstream flooding or landslides due to post-fire slope instability or drainages changes.

#### **4.15.8.2 Significance of Impacts**

Development of future Housing Sites would be required to comply with applicable regulations and policies related to flooding, drainage patterns, and landslides. Therefore, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, and impacts would be less than significant.

#### **4.15.8.3 Mitigation Framework**

Impacts would be less than significant. No mitigation is required.

## Chapter 5

# Significant Unavoidable Environmental Effects/ Significant Irreversible Environmental Changes

The California Environmental Quality Act (CEQA) Guidelines Section 15126.2 (b) and (c) require that the significant unavoidable impacts of the project, as well as any significant irreversible environmental changes that would result from project implementation, be addressed in an environmental impact report (EIR).

## 5.1 Significant Environmental Effects Which Cannot Be Avoided if the Project Is Implemented

In accordance with CEQA Guidelines Section 15126.2 (b) any significant unavoidable impacts of a project, including those impacts that can be mitigated but not reduced to below a level of significance despite the applicant's willingness to implement all feasible mitigation measures, must be identified in the EIR. Implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project) would result in significant, unavoidable impacts at both the project-level and cumulative-level associated with the following issues: air quality (consistency with air quality plans, criteria pollutants), noise (construction), greenhouse gas emissions (emissions; policy consistency), and transportation (VMT). The project would also result in project-level significant and unavoidable impacts related to land use (policy consistency). Chapter 4.0 of this Program Environmental Impact Report (PEIR) provides more detail about the nature and extent of anticipated project impacts.

These impacts would remain significant and unavoidable as a result of the project (refer to Chapter 4.0 of this PEIR for further detail). All other significant impacts identified in Chapter 4.0, Environmental Analysis, of this PEIR can be reduced to below a level of significance with implementation of the mitigation framework provided in Chapter 4.0 of this PEIR.

## 5.2 Significant Irreversible Environmental Changes Which Would Result if the Project is Implemented

CEQA Guidelines Section 15126.2 (c) requires an evaluation of significant irreversible environmental changes. Examples of possible irreversible changes include:

- Primary impacts such as the use of nonrenewable resources (i.e., biological habitat, agricultural land, mineral deposits, water bodies, energy resources and cultural resources);
- Secondary impacts, which would generally commit future generations to similar uses (such as highway improvements that provide access to a previously inaccessible areas); and
- Environmental accidents potentially associated with buildout of the Housing Sites.

## 5.2.1 Non-renewable Resources

A majority of the Housing Sites are located within existing developed or disturbed areas, although a few sites are located on vacant land with potentially sensitive resources present. While the potential for impacts to biological habitat and cultural resources is low, there is a potential for impacts to resources at certain sites. Biological and cultural resources impacts associated with future development in the project areas would be mitigated to a level less than significant, as described in Sections 4.3 and 4.4. The potential for paleontological resource impacts to occur associated with future development at the Housing Sites would be mitigated to less than significant (Section 4.5) with implementation of a mitigation framework that would ensure paleontological monitoring is required (where appropriate) for ministerial housing approvals. Implementation of the project would result in less than significant impacts to water bodies (drainage and water quality) as described in Section 4.8. The project areas do not support any agricultural and mineral resources, as described in Chapter 8.0, and no impacts to these resources would result.

With regard to energy resources, actions related to future development would result in an irretrievable commitment of nonrenewable resources, including energy supplies and construction materials, such as lumber, steel and aggregate. Non-renewable energy resources (coal, natural gas, oil) would be used in construction, heating and refrigeration of food and water, transportation, lighting, and other associated energy needs. (Energy impacts are further discussed below in Section 8.0).

Residential and mixed-use development anticipated within the project areas, together with other projects in the City, would require the commitment or destruction of other nonrenewable and slowly renewable resources. These resources include (but are not limited to) lumber and other forested products; sand and gravel; asphalt; petrochemical construction materials; steel, copper, lead, other metals; and water. However, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources.

As described previously, the project areas are mainly developed with existing commercial uses or located on underutilized sites. Development at the Housing Sites would reinvigorate underutilized areas by allowing new residential uses in close proximity to commercial services and community facilities, while preserving established residential neighborhoods. Most of the project areas are presently developed. Development on vacant parcels would, however, result in the long-term commitment to urbanization because reversion back to vacant land would be difficult and highly unlikely. However, the development of mid- to high-density residential units or mixed-uses would result in an efficient provision of housing and an efficient land use pattern.

In summary, future construction and operation associated with development at the Housing Sites would result in the irretrievable commitment of limited, slowly renewable, and nonrenewable resources, which would limit the availability of these particular resource quantities for future generations or for other uses. However, the Housing Element Update would meet the City's future housing needs and meet the City's Regional Housing Needs Assessment allocation provided by the Southern California Association of Governments (SCAG). Therefore, use of such resources would not exceed what is already anticipated to occur under SCAG's regional growth forecasts for the City. As

such, although irreversible environmental changes would result from future development, such changes would not be considered significant.

## 5.2.2 Secondary Impacts

The Housing Sites are accessible via major roadways (e.g., Interstate 5, Avenida Pico, Avenida La Pata, and El Camino Real) and are served by existing utilities, and other public services. As a result, secondary impacts are not anticipated from environmental changes resulting from the construction of new infrastructure, as discussed in Sections 4.12 and 4.14.

## 5.2.3 Environmental Accidents

The CEQA Guidelines also require a discussion of the potential for irreversible environmental damage caused by an accident associated with the project. As described in Section 4.7, Hazards and Hazardous Materials, implementation of the project would allow for the development of residential and mixed-uses (including commercial uses) that commonly store, use, and dispose of hazardous materials. Likewise, industries and businesses using hazardous materials may expand or increase to accommodate the projected population growth under buildout of the project.

Due to the nature of past and current land uses, future development/redevelopment within the City has the potential to expose people and the environment to hazards through the routine transport, use, disposal, or accidental release of hazardous materials. Businesses that are likely to store hazardous substances and petroleum products or generate waste include the following: gasoline service stations, automobile repair facilities, dry cleaning facilities, photograph developing facilities, and medical and dental facilities.

All future development projects would be subject to review to ensure conformance with the Municipal Code, and regulations imposed by federal, state, and local agencies. Compliance with applicable federal, state, and local hazardous materials regulations such as the Chemical Accident Prevention Provision, Emergency Planning and Community Right-to-Know Act, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the California Health and Safety Code, California Code of Regulations Title 23, the Aboveground Petroleum Storage Act, California Accidental Release Prevention Program, and the California Emergency Services Act would ensure that future development at the Housing Sites, would not result in irreversible environmental damage related to the accidental release of hazardous materials.

## Chapter 6

# Growth Inducement

The California Environmental Quality Act (CEQA) requires that an environmental impact report (EIR) evaluate the “growth-inducing” effects of a proposed project. Specifically, CEQA Guidelines Section 15126.2(e) requires that an EIR:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (for example, a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population might tax existing community services facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can directly or indirectly induce growth. Construction of new housing would directly induce population growth. However, if a project creates substantial new permanent employment opportunities, it could indirectly induce growth by stimulating the need for additional housing and services to support the new employment demand. It could also indirectly induce growth by removing infrastructure limitations or regulatory constraints on a required public service, such as roads or water service. The following discussion is based on a programmatic-level EIR analysis of the City of San Clemente (City) Housing Element and Safety Element Updates (project) impacts in regards to growth inducing conditions.

### 6.1 Population and Housing Growth

As discussed above, the project does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with State Housing Element Law. Implementation of the project would not induce direct population and housing growth in the City because the project is intended to accommodate housing development, in order to meet existing and projected housing needs as established through the Regional Housing Needs Assessment (RHNA) process.

The California Department of Finance is responsible for developing the total statewide housing demand projection. With the state Department of Housing and Community Development, this demand is apportioned to each of the state’s regions. The Southern California Association of Governments (SCAG) is the metropolitan planning organization responsible for developing and adopting regional population and housing growth forecasts for six southern California counties, including Orange County (County), and 191 cities including the City. The 6<sup>th</sup> Cycle for the southern

California region covers an eight-year period from 2021 to 2029. The California Department of Finance estimated that the City had a population of 64,581 in 2020 (Department of Finance 2020). SCAG projects that the City's population would increase to 69,600 people by the year 2045 (SCAG 2020a). The 6<sup>th</sup> Housing Element Cycle (2021–2029) RHNA (SCAG 2020b) identifies an additional 1,341,834 housing units will be needed within the Southern California region to provide adequate housing through 2050. This regional housing need includes 558,384 units of lower income housing. The City's RHNA allocation for the 6<sup>th</sup> Cycle Housing Element Update is a total of 982 units of total new construction, allocated by income level categories as detailed in the Project Description, Chapter 3.0, Table 3-1.

State law requires the City to plan for housing opportunities to meet its fair share of the regional housing needs distribution made by SCAG. The growth in potential residential units identified in the project would allow the City to address its regional fair-share housing obligations. Thus, adoption of the project would not directly induce population growth; rather it provides a means to meet existing and projected future housing needs in the community. All future development at Housing Sites would be located in areas that are already served by infrastructure and would be reviewed by the appropriate service or utility provider in conjunction with their application to ensure adequate services and utilities are available. Therefore, the project would not directly or indirectly induce substantial unplanned population growth.

Buildout under the project is summarized in Table 3-1 (for more detailed discussions, see Chapter 3.0, Project Description, and Section 4.11, Population and Housing).

## 6.2 Removal of an Impediment to Growth

The project does not propose the construction or expansion of new housing into unserved areas, services, or other infrastructure development; rather it provides for future development consistent with State Housing Element Law. A vast majority of the potential future residential units and mixed uses would occur as infill development and redevelopment within urbanized areas already served by essential roads, utilities, and public services. The project includes an evaluation of potential future rezones needed to accommodate higher density development, which would allow for an increase in housing units at certain sites. Additionally, some housing developments that meet specified affordability criteria would be allowed to develop with a ministerial process, which could support growth and is intended to remove obstacles to developing housing, especially affordable housing. Therefore, the project supports removal of impediments to growth consistent with the Housing Element and particularly for development that incorporates an affordable housing component.

## 6.3 Foster Economic or Employment Growth

A number of the rezone sites are located on parcels with existing commercial development. For these rezone sites (see Table 3-4, sites B through P), it was assumed that the existing commercial would remain and new residential would be constructed within parking areas. For these sites, no additional commercial component was assumed. For other potential rezone sites and vacant and underutilized sites that would allow commercial use, it was assumed that the first floor would develop as commercial land uses. Assumptions for the square footage of commercial development was based

on assumptions from the San Clemente Inclusionary Housing Program Update Report (Economic & Planning Systems, Inc. 2021), which assumed 15,246 square feet of commercial development could be accommodated on a one-acre site (a 0.35-acre commercial floor area ratio). This assumption was scaled to apply to the Housing Sites. Due to location and slope constraints at rezone Site U, no commercial component was assumed. Specific commercial assumptions are shown in Tables 3-3 and 3-4. New commercial uses would generally be composed of local neighborhood-serving retail and office uses, intended to serve the residents of new and existing housing in the immediate area. Therefore, the project would not be considered growth inducing in regards to significant economic or employment growth for the City. Furthermore, the project does not propose or provide direct development rights to new major retail, commercial or employment centers that would encourage substantial economic or employment growth.

## 6.4 Conclusion

Overall, the project would not be growth inducing as it would serve to accommodate existing housing need and projected growth as required by state law. The project would remove impediments to growth to promote development of affordable units consistent with the Housing Element. The project would not permit development to encroach into an isolated area adjacent to open space, or foster major economic and employment expansion. As discussed above, the project would accommodate projected population growth and would not be considered growth inducing because it would provide housing capacity for projected population growth. The opportunities to provide housing would be consistent with the City's need to establish a resilient housing base for the community and comply with state law.

## Chapter 7

# Cumulative Impacts

This section addresses cumulative impacts associated with implementation of the City of San Clemente (City) Housing Element and Safety Element Updates (project). The California Environmental Quality Act (CEQA) Guidelines Section 15355 defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Section 15355 further states that cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Section 15130(a) of the CEQA Guidelines requires a discussion of cumulative impacts of a project “when the project’s incremental effect is cumulatively considerable.” Cumulatively considerable, as defined in Section 15065(a)(3), “means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

According to Section 15130(b) of the CEQA Guidelines, the discussion of cumulative effects “. . . need not provide as great a detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness . . . .” The evaluation of cumulative impacts is to be based on either (a) “a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those impacts outside the control of the agency,” or (b) “a summary of projections contained in an adopted local, regional, or statewide plan or related planning document, that describes or evaluates conditions contributing to the cumulative effect . . . . Any such planning document shall be referenced and made available to the public at a location specified by the Lead Agency” (CEQA Guidelines Section 15130(b)(1)). Pursuant to Section 15130(d), cumulative impact discussions may rely on previously approved land use documents such as general plans, specific plans, and local coastal plans, which may be incorporated by reference.

## 7.1 Cumulative Analysis Setting and Methodology

In the case of the proposed project, which includes a number of rezones within various areas of the City that would ultimately be built-out over a 20+ year buildout horizon, cumulative effects would occur from development associated with buildout of the Housing Sites combined with effects of development on land within and around the City and the region in the horizon year (2045). The cumulative impacts of the project would, therefore, consider growth projected by the City of San Clemente and County of Orange. A broad examination of cumulative impacts involves considering buildout of the project together with growth and new development in the surrounding jurisdictions identified above.

The geographic area considered for each cumulative impact depends upon the impact that is being analyzed. For example, in assessing air quality impacts, all development within the air basin contributes to regional emissions of criteria pollutants, and basin wide projections of emissions are the best tool for



determining the cumulative effect. Each subsection below identifies the specific parameters for the cumulative evaluation.

A significant impact would occur if the project's contribution to the cumulative effect is determined to be substantial. Each subsection below provides an overview of the potential cumulative impacts that could occur followed by a summary of the project's contribution to that cumulative effect. The subsection concludes with a determination of the significance of the project.

## **7.1.1 Plans and Programs Evaluated for Determination of Cumulative Impacts**

Multiple federal, state, and local planning documents and programs were used to evaluate the project's contribution to cumulative impacts. These plans and programs are discussed under the Regulatory Framework subsections throughout Chapter 4.0. Highlighted below are a number of regional and City plans and programs relied upon throughout the cumulative evaluation.

### **7.1.1.1 City of San Clemente Sustainability Action Plan and Climate Action Plan**

The City has adopted a Climate Action Plan (CAP) which sets GHG reduction targets for the City to achieve. Additionally, the CAP includes measures for the City to implement in support of achieving the reduction targets. The City's CAP would ensure that GHG emissions from buildout of the proposed General Plan would be minimized. However, additional statewide measures would be necessary to reduce GHG emissions under the proposed General Plan to meet the long-term GHG reduction goals under EO S-03-05, which identified a goal to reduce GHG emissions to 80 percent of 1990 levels by 2050. CARB is currently updating the Scoping Plan to identify additional measures to achieve the long-term GHG reduction targets. At this time, there is no plan past 2020 that achieves the long-term GHG reduction goal established under EO S-03-05.

The Sustainability Action Plan (SAP) serves as an overall roadmap to increase sustainability; it includes an existing practices and opportunities assessment that illustrates the feasibility, cost, and benefit of various sustainability efforts as well as a timeline for the City to develop and implement policies or ordinances related to increased sustainability. The CAP represents further implementation of SAP goals, and includes emissions inventories, forecasts, and emissions reduction measures that can be implemented by the City.

### **7.1.1.2 City of San Clemente Municipal Code**

The City of San Clemente Municipal Code (SCMC) contains the primary zoning implementation mechanisms for the General Plan Land Use Element. The zoning ordinance classifies and regulates the uses of land and structures within the City, consistent with the General Plan. The Zoning Code (Title 17) is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City. The City's Zoning Code also regulates the physical development of land by imposing minimum standards on lot size, lot width and depth, setbacks, and by placing maximum limits on lot coverage and floor area ratio. These

development standards are intended to reduce unacceptable mass and bulk, ensure proper scale of development, provide minimum light, air, and open space for every lot, and minimize the potential for spillover and edge effects between uses.

### 7.1.1.3 City of San Clemente General Plan

The City's General Plan serves as a blueprint for physical development and contains goals and policies, which aim to enhance the City's character, to provide a balance of land uses and services, and to preserve environmentally sensitive areas.

## 7.2 Cumulative Effect Analysis

### 7.2.1 Aesthetics

Based on the location of the Housing Sites, the study area for the assessment of cumulative visual impacts includes the entirety of the City in addition to surrounding communities north, east, and south of the City limits. Future development within the study area could have a cumulative impact on visual resources due to changes in the existing visual quality and aesthetics resulting from incremental increases in density and urbanization. This growth could gradually alter the visual quality of the study area. The following is a summary of the project's contribution to cumulative aesthetic impacts.

As discussed in Section 4.1, Aesthetics, the vacant and underutilized sites are primarily located within urbanized areas that are surrounded by residential and commercial development. Development of these Housing Sites would be consistent with the visual quality and character of surrounding development based on application of required design review and consistency with City Municipal Code standards. Additionally, some of the underutilized sites consist of aging structures with poor visual quality, and redevelopment of these structures would result in new residential structures developed consistent with the visual requirements of the SCMC. Furthermore, development of vacant and underutilized sites within the City's Focus Areas and/or Specific Plan Areas would be required to adhere to the land use plans that provide supplemental development regulations of those sites.

Development of rezone sites A and U would convert undeveloped land to residential uses, which alter the existing visual character of the sites. However, development of rezone sites A and U would be subject to the relevant portions of the SCMC, including Chapter 15.40, Hillside Development Ordinance, as well as the City's Design Guidelines.

In regard to light pollution, development of the Housing Sites would be required to comply with SCMC standards related to light and glare (Chapter 17.24.130), and General Plan policies NR-7.1, NR-7.2, and NR-7.3, which serve to minimize light pollution and trespass in order to preserve dark skies.

Development of the Housing Sites combined with development in the surrounding cumulative study areas would not result in a cumulatively significant visual impact due to the urbanized nature of the cumulative study area. Additionally, compliance with the SCMC, the Henry Lenny Architectural Design Guidelines, and the City's Design Guidelines, as well as land use plans that provide supplemental development regulations for those areas within City's Focus Areas and/or Specific Plan Areas as applicable would ensure future development within the Housing Sites is sensitive to visual

resources and views and would not degrade the visual environment. Thus, the project's incremental contribution to visual impacts would not be cumulatively considerable.

## 7.2.2 Air Quality

Cumulative impacts to air quality may be regional or localized. Regional air quality would be impacted if emissions from the project contributed to cumulative degradation of air quality in the South Coast Air Basin (Basin). Localized air quality would be impacted if emissions from the project and other proximate emissions sources resulted in pollutant concentrations that exceeded standards at a sensitive receptor. The analysis provided in Section 4.2 is cumulative in nature as it considers buildout of land uses to the year 2045.

The study area for the assessment of cumulative regional air quality impacts is the Basin which is considered a nonattainment area due to exceedances of the California Ambient Air Quality Standards (CAAQS) for ozone and inhalable particulate matter (PM<sub>10</sub>). Future development within the study area could have a cumulative impact on air quality due to increased air pollution emissions associated with construction and operations, including transportation. The cumulative assessment of regional air quality impacts to the Basin relies partially on assessment of the project's consistency with the adopted Regional Air Quality Strategies (RAQS) and State Implementation Plan (SIP). The RAQS and SIP are based on growth forecasts for the region, which are in turn based on maximum buildout of land uses as allowed in the adopted community and general plans. As discussed in Section 4.2.5, the project would result in increased land use intensity compared to what is anticipated under the adopted General Plan, and thereby would likely result in increased air emissions that are not accounted for in the RAQS. Because the significant air quality impact stems from an inconsistency between the project and the adopted land use plans upon which the RAQS was based, a significant impact would occur until the South Coast Air Quality Management District (SCAQMD) updates the RAQS. Mitigation measures AQ-1, AQ-2, and AQ-3 are taken from the City of San Clemente Centennial General Plan Final PEIR and would address the project's inconsistency with the RAQS. The provision of mitigation measures AQ-1, AQ-2, and AQ-3 would assist SCAG in revising the housing forecasts; however, until the anticipated growth is included in the emission estimates of the RAQS and the SIP, cumulative impacts relative to conformance with the RAQS would remain significant and unavoidable.

## 7.2.3 Biological Resources

The study area for the assessment of cumulative impacts related to biological resources is the Southern Orange County Subregion Habitat Conservation Plan, which is a comprehensive multi-jurisdictional habitat conservation plan that seeks to maintain and enhance biological diversity in the region and maintain viable populations of endangered, threatened, and key sensitive species and their habitats while promoting regional economic viability through streamlining the land use permit process. As discussed in Section 4.3, Biological Resources, the Housing Sites are largely located on existing developed land that contain limited biological value. Future development of Housing Sites that requires a discretionary process would be subject to future environmental review. For these projects, site-specific analysis would be required to identify the presence of sensitive species and appropriate mitigation would be applied to reduce potential impacts. Application of a future

discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources would ensure impacts would not be cumulatively considerable.

However, some future development on Housing Sites may proceed with a ministerial process which would not require a subsequent environmental review. For ministerial projects, potential development could occur on lands that support sensitive species, wildlife, or nesting/migratory birds, resulting in a potentially significant impact. Additionally, indirect impacts could occur from development located adjacent to sensitive habitats. However, implementation of mitigation measure BIO-1 would require future development projects to conduct surveys to identify potential sensitive plant or wildlife species, including any migratory or nesting birds. If potentially significant impacts to sensitive biological resources are identified, the future projects shall recommend appropriate mitigation to reduce the impacts to below a level of significance. Therefore, implementation of mitigation measure BIO-1 would reduce impacts to a level less than cumulatively considerable.

Impacts to state or federally protected wetlands associated with future discretionary projects within the Housing Sites would not be cumulatively considerable based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources. The City's General Plan Mitigation Monitoring Program is incorporated by reference.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for biological resources since no discretionary review would be required. Impacts to wetlands and other jurisdictional waters associated with future ministerial development at Housing Sites would not be cumulatively considerable with implementation of mitigation measure BIO-2.

## 7.2.4 Cultural Resources

The study area for the assessment of cumulative impacts to cultural resources includes the entirety of the City because loss of cultural resources would be detrimental to the entire City. Future development within the cumulative study area could have a cumulative impact on cultural resources through loss of records or artifacts as land is developed (or redeveloped).

As discussed in Section 4.4, future development in accordance with the project could impact archaeological resources, which may be present within the Housing Sites (see Issue 2). Implementation of mitigation measure CUL-1 would reduce impacts to archaeological resources to less than significant through the requirement for archaeological studies. However, implementation of mitigation measure CUL-1 would require applicants to provide a study by a qualified archaeologist assessing the significance of any known archaeological resources on or next to each respective development site. On properties where resources are identified, or that are determined to be moderately to highly sensitive for buried archaeological resources, such studies shall provide a detailed mitigation plan. Therefore, implementation of mitigation measure CUL-1 would reduce impacts to a level less than cumulatively considerable.

## 7.2.5 Geology and Soils

The study area for the assessment of cumulative impacts related to geology and soils is the City. Future development would be required to adhere to regulatory requirements including the California Building Code (CBC) and SCMC requirements for soils engineering/engineering geology reports and erosion control plans would prevent adverse effects associated with fault rupture, ground shaking, liquefaction, or landslides. Like the project, all future development would be required to adhere to all regulations applicable to the site/zone, including Chapter 15.08 (Building Code) and Chapter 15.36 (Grading Ordinance), which include objective standards relating to the elimination or reduction of potential seismic hazards prior to the issuance of permits. Additionally, future discretionary development would be subject to the same regulatory requirements discussed above, in addition to General Plan policies from the Safety Element and Natural Resources Element. Future development at the Housing Sites in addition to other future development within the City would be required to adhere to regulatory requirements including preparation of Storm Water Pollution Prevention Plan and SCMC Chapter 15.36 (Grading Ordinance) to ensure that they would not result in substantial soil erosion or the loss of topsoil. Adherence to CBC requirements as adopted by the City would ensure that future development would not create substantial direct or indirect risks associated with expansive soils. Regarding paleontological resources, the mitigation measure PAL-1 would reduce project impacts to less than significant. Additionally, other development in the City would be required to implement measures identified in the City General Plan mitigation monitoring program for paleontological resources which would reduce impacts to a level less than significant. All potential impacts associated with geology and soils would be reduced to less than significant levels because future development would be required to adhere to regulations and implement the General Plan EIR's existing mitigation framework. Additionally, mitigation measure PAL-1 would require applicants to provide information to the City regarding the paleontological sensitivity of the site. On properties determined to be moderately to highly sensitive for paleontological resources where grading would disturb sensitive formations, the ordinance shall require implementation of a mitigation plan. Therefore, implementation of mitigation measure PAL-1 would reduce impacts to a level less than cumulatively considerable.

## 7.2.6 Greenhouse Gas Emissions

The analysis of greenhouse gas (GHG) emissions is, by its nature, a cumulative issue; thus, the study area is global in nature. The analysis provided in Section 4.6 considers buildout of land uses to the year 2045. At buildout in 2045 the Housing Element sites inventory would generate an increase in CO<sub>2</sub>e emissions relative to the No Project alternative. Although annual GHG emissions associated with development at the Housing Sites would continue to decline over the life of the project as a result of federal, state, and local implementation measures, such as increased fuel efficiency standards and requirements to increase the mix of renewable energy sources in accordance with the state's RPS mandate, emissions increases would lead to a significant impact. Because future development at the Housing Sites would lead to an increase in GHG emissions compared to buildout of adopted land uses, cumulative impacts would be considered significant and unavoidable.

## 7.2.7 Hazards and Hazardous Materials

The study area for the assessment of cumulative impacts related to hazards and hazardous materials is the City. As population growth increases, the number of people potentially exposed to hazards and hazardous materials would increase.

Generally, the release of hazardous materials has site-specific impacts that do not compound or increase in combination with impacts elsewhere. As discussed in Section 4.7, future development in accordance with the project could result in hazards to the public or the environment by disturbance of existing unknown contaminated soils. Mitigation measure HAZ-1 would require that future projects identify potential hazardous conditions prior to grading, through preparation of a Phase I Environmental Site Assessment (ESA) and a Phase II ESA if necessary. Additionally, cumulative projects within the region would be required to comply with applicable federal, state, and local regulations of agencies having jurisdiction over hazardous materials, including the U.S. Environmental Protection Agency, federal Resource Conservation and Recovery Act, and the California Accidental Release Prevention Program. Therefore, potential impacts related to hazardous materials exposure would be less than cumulatively significant.

As discussed in Section 4.7.7, the City is not located within an Airport Land Use Compatibility Plan or within two miles of a public airport or public use airport. Although development at the Housing Sites could increase population and increase demand on emergency response and evacuation, the Housing Sites are located within existing developed areas and along major transportation corridors in the City that would allow for evacuation and response. Development at the Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. Additionally, applicable General Plan policies would continue to be implemented to ensure adequate citywide emergency response and preparedness. New Safety Element Policy S-3.06 would additionally support coordinated planning with the Orange County Sheriff's Department regarding emergency evacuation routes. Impacts of the project related to evacuation and emergency plans would not be cumulatively considerable.

Regarding potential cumulative impacts related to wildfire, development of the Housing Sites, especially within or adjacent to Very High Fire Hazard Severity Zone, could result in impacts. However, future ministerial and discretionary development at Housing Sites would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the SCMC, fire and building codes, and requirements from the fire chief that would be identified during future building permit reviews. Additionally, implementation of the City's General Plan Safety Element policies support implementation of measures that will enhance wildfire safety. Thus, the project's incremental contribution to wildfire impacts would not be cumulatively considerable.

## 7.2.8 Hydrology and Water Quality

The study area for potential hydrology and water quality impacts is the hydrologic areas applicable to each Housing Site as shown on Figure 4.8-1 of this PEIR.

### 7.2.8.1 Water Quality

While future development within the drainage basins of each Housing Site has the potential to increase pollutants discharged into surface waters, all future development would be subject to federal, state, and local regulations aimed at controlling water quality impacts. Both discretionary and ministerial development would be required to adhere to regulatory requirements including Municipal Separate Storm Sewer System requirements, SCMC Chapters 13.40 (Stormwater Runoff Control), and Chapter 15.36 (Grading Ordinance), which include requirements to ensure storm water runoff is captured and treated and erosion control measures are implemented. Thus, based on the requirements of future development within the Housing Sites to comply with the existing regulatory framework that requires treatment of pollutants generated on-site, the project's incremental contribution to cumulative water quality impacts would be less than cumulatively considerable.

### 7.2.8.2 Drainage

While future development has the potential to alter drainage patterns resulting in increased erosion, stormwater runoff, and impacts to the existing drainage system, all future development would be subject to federal, state, and local regulations aimed at reducing polluted storm water and avoiding overloading the City's drainage system. Both ministerial and discretionary development would be required to adhere to regulatory requirements including SCMC Chapter 13.40 (Stormwater Runoff Control), which includes requirements for the elimination or reduction of storm water run-off. Impacts associated with drainage patterns and storm water runoff would be less than cumulatively considerable.

### 7.2.8.3 Flooding

Future development of the Housing Sites would be required to conform to applicable federal, state, and City regulatory standards to effectively avoid and/or address potential impacts associated with development in flood zones. The Housing Sites are not within an area anticipated to be adversely affected by a tsunami. Implementation of all regulatory requirements would ensure that impacts related to flood hazards would be less than cumulatively considerable.

## 7.2.9 Land Use and Planning

The study area for the assessment of cumulative land use impacts would be the City and neighboring jurisdictions as detailed above. Cumulative land use impacts could result from changes to land use plans, which become incompatible and/or unsustainable. Cumulative impacts related to physical divisions of the community would not result from project implementation. The project does not propose any features that could physically divide the community and thus, would not contribute a potential cumulative impact. No other projects have been identified that would result in a potential for physical division of the community, thus cumulative impacts for this issue area would be less than significant.

Adoption of the project could contribute to cumulative impacts if buildout would conflict with land use plans and/or policies. As discussed in Section 4.9.6, policy consistency review associated with

future discretionary development at Housing Sites would ensure no conflict would occur related to policies or regulations adopted for the purpose of mitigating an environmental impact. Additionally, future discretionary projects would be subject to implementation of the City's General Plan Mitigation Monitoring Requirements to ensure environmental impacts are minimized. Other major projects proposed in the City would also be subject to environmental review to ensure policy consistency, avoiding a potential cumulative impact. However, future development that is allowed to proceed with a ministerial approval would not be subject to an extensive policy review for consistency with General Plan policies and/or other applicable plans. Absent this discretionary review, environmental impacts related to policy inconsistency associated with future ministerial development at the Housing Sites would be potentially significant at the project level. Application of the City's ministerial design review process and application of other City Municipal Code regulations discussed in Section 4.9, Land Use and Planning would minimize potential cumulative land use conflicts for ministerial development. While a significant impact has been identified for the proposed project, the application of regulations for ministerial development will ensure cumulative impacts are avoided. Implementation of the City's General Plan, SCMC requirements, and discretionary review for major projects ensures that future development is consistent with applicable policies and regulations intended to reduce environmental impacts. Therefore, cumulative impacts related to policy inconsistency would be less than significant.

### 7.2.10 Noise

The analysis provided in Section 4.10 is cumulative in nature as it considers buildout of land uses to the year 2045. Refer to Section 4.10 for details on the cumulative analysis.

Future development at the Housing Sites could expose sensitive receivers to exterior noise levels that exceed 65 community noise equivalent level (CNEL). Any siting of new noise-sensitive land uses within a noise environment that exceeds the normally acceptable land use compatibility criterion represents a potentially significant impact. For discretionary projects, potential exposure of sensitive receivers from exterior noise levels would be less than cumulatively considerable based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for noise.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for noise since no discretionary review would be required. Since the City has other types of projects that may proceed without a discretionary review, cumulative impacts related to exposure of sensitive receivers to exterior noise levels in excess of standards associated would be potentially significant.

Future development at the Housing Sites would temporarily increase the ambient noise environment in the vicinity of each individual project. Because construction activities associated with any individual development may occur near noise-sensitive receptors and depending on the project type, noise disturbances may occur for prolonged periods of time, future implementation of the project may result in a significant impact. For discretionary projects, potential increases in ambient noise near sensitive receptors would be less than significant based on application of a future discretionary review and implementation of the City's General Plan Mitigation Monitoring Requirements for noise.



In regard to stationary noise, the City requires that noise from new stationary sources comply with the City's Noise Ordinance, which limits the acceptable noise at the property line of an impacted property to reduce nuisances to sensitive land uses. With enforcement of the Noise Ordinance, cumulative noise impacts associated with stationary sources of noise would be less than cumulatively considerable.

However, development on sites that would be allowed with a ministerial approval would not require implementation of the General Plan Mitigation Monitoring Requirements for noise since no discretionary review would be required. Mitigation measures NOS-1 and NOS-2 would require the City to incorporate the stated requirements into the City Overlay Zone to ensure future ministerial development at the Housing Sites reduces noise impacts. Implementation of the controls outlined in mitigation measure NOS-1 would reduce potential transportation noise exposure for future ministerial housing approvals. Consistent with City General Plan policies, noise-attenuating measures would be required where potential exposure would exceed 65 CNEL. Such measures may include site design features (e.g., setbacks, berms, or sound walls), and/or required building acoustical improvements (e.g., sound transmission class rated windows, doors, and attic baffling) to ensure compliance with the City's Noise Compatibility Criteria and the California State Building Code and California Noise Insulation Standards (California Code of Regulations) exterior and interior noise level requirements of 65 and 45 CNEL, respectively. Therefore, implementation of mitigation measure NOS-1 would reduce noise impacts associated with land use compatibility to a level less than cumulatively considerable.

Implementation of the requirements specified in mitigation measure NOS-2 would reduce construction noise exposure. However, for construction sites that are adjacent to noise-sensitive uses, there still could be a substantial temporary increase in noise levels that could lead to adverse noise-related impacts. Other construction sites could create similar increases in noise levels, resulting in a cumulative construction noise impact, which would be significant and unavoidable.

## 7.2.11 Population and Housing

The study area considered for the population and housing cumulative impact analysis is defined as the region. Buildout of the project would respond to the need for affordable housing in compliance with Regional Housing Needs Assessment allocation and associated projected population increase within the City through the horizon year. The increase in housing stock would accommodate the projected growth in population in the region and is consistent with adopted plans and regional growth principles. No permanent displacement of housing or people would occur with implementation of the project. Significant population and housing impacts associated with cumulative development within the region is not anticipated to result in a displacement of housing or people because future development is generally growth accommodating and each jurisdiction has a mandate to comply with its adopted Housing Element and associated Regional Housing Needs Assessment allocation. Therefore, cumulative impacts associated with population and housing would be less than significant.

## 7.2.12 Public Services and Recreation

The study area for public services and recreation is the applicable provider's service area. New development or redevelopment within the service area could result in cumulative impacts associated with additional demands for public services and recreational facilities, resulting in the need for new or expanded facilities. As discussed in Section 4.12, all future development within the City would be reviewed to ensure that adequate facilities and services are available at the time of application. Other projects proposed in the City would similarly be required to demonstrate adequate facilities are available prior to development. All future development is required to pay applicable fees that support schools, parks, and recreational facilities. Cumulative impacts would be less than significant.

## 7.2.13 Transportation

The Office of Planning and Research (OPR) Technical Advisory recommends setting a vehicle miles traveled (VMT) per capita threshold of 15 percent below that of existing development as a reasonable threshold. In other words, in order to result in a less than significant impact, VMT per capita resulting from a project should be at or below the 85<sup>th</sup> percentile of the region's average for that land use type (OPR 2018). The VMT analysis utilized the average resident VMT per capita for Orange County as the regional average. A plan-to-ground analysis compared the project to Base Year (2016), which is representative of the baseline conditions. As shown in Table 4.13-1, San Clemente has a less efficient VMT per capita when compared to the region, at approximately 161 percent of the region's resident VMT per capita. The higher VMT per capita in San Clemente compared to the greater Orange County is representative of major job centers being located in other areas of Orange County and San Clemente residents relying heavily on commutes to job centers in other cities.

As detailed in Chapter 4.13 and shown in Table 4.13-1, future development at the Housing Sites in conjunction with buildout of the City's General Plan land use map and transportation network would result in a change from 30 VMT per capita in the base year (2016) to 29.5 VMT per capita, representing a slight increase in VMT efficiency in the City. This analysis is cumulative in nature as it considers citywide buildout of the existing plan plus the project. Based on the City's higher VMT per capita compared to the regional average, other development in the City is also likely to result in significant VMT impacts. Therefore, cumulative impacts related to VMT would be significant and unavoidable.

## 7.2.14 Utilities and Service Systems

The study area for public utilities is the applicable provider's service area. Future development at the Housing Sites is located within existing developed areas with access to utility infrastructure. Significant utility extensions or improvements are not anticipated beyond local connections from adjacent roadways. Utility infrastructure improvements and relocations associated with the future Housing Sites would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Similarly, other projects in the City would be required to undergo a similar review to ensure the environmental impacts of utility and services improvements are minimized. A cumulative impact

related to the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects, is not anticipated. Cumulative impacts related to utilities and service systems would be less than significant.

#### **7.2.14.1 Storm Water System**

Development anticipated in the Housing Element sites inventory and potential rezone sites would occur within areas of the City that are already served by existing stormwater infrastructure. Although future Housing Sites would require connection to these existing facilities, stormwater infrastructure improvements would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible.

As described in Section 4.8.7.1 (c) of this EIR, the City implements Public Services, Facilities and Utilities Element policies which require ongoing review and updating of the City Drainage Master Plan study in order to identify any deficiencies and needed improvements in the drainage system (Policy PSFU-6.02) and requires that adequate storm drain and flood control facilities be constructed coincident with new development (Policy PSFU-6.03). At this program-level of review, the project's incremental contribution to storm water facility impacts would not be cumulatively considerable.

#### **7.2.14.2 Wastewater**

Development anticipated in the Housing Element sites inventory and potential rezone sites would occur within areas of the City that are already served by existing water utility infrastructure. Although future Housing Sites would require connection to these existing facilities, wastewater utility infrastructure improvements and relocations would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Thus, the project's incremental contribution to wastewater impacts would not be cumulatively considerable.

#### **7.2.14.3 Water System/Water Supply**

Cumulative impacts related to the water system and water supply would be less than significant because future development within the City would require a project-by-project review to confirm the availability of adequate fire hydrant flow, and if necessary, determine the local water system improvements needed to achieve required fire hydrant flow. The City of San Clemente Water Utility, the Santa Margarita Water District, and the South Coast Water District would continue to periodically update the ability of the district's water distribution system to adequately meet system demand and to plan foreseeable capital improvement program projects to maintain and improve water flow throughout the City. Therefore, buildout of the proposed project in addition to cumulative projects would be considered in subsequent district updates to its master planning that would incorporate the proposed project, including consideration of Senate Bill 1087 requirements to provide priority service for lower-income households, and be used to estimate projected water demands for the City.

Any needs for additional infrastructure would be addressed and accounted for in the updated plan. Should new facilities be required to be constructed in the future, each would undergo site-specific environmental analysis, as applicable. Thus, the project's incremental contribution to water system/water supply impacts would not be cumulatively considerable.

#### **7.2.14.4 Solid Waste Disposal**

Cumulative impacts related to solid waste disposal would be less than significant because adequate landfill capacity exists to serve the approximately 982 residential units (up to 1,564 residential units) anticipated in the Housing Element sites inventory and potential rezone sites, and the City would continue to implement General Plan policies to reduce amount of material disposed at landfills in the future to ensure growth in the City has adequate solid waste disposal capacity. Thus, with implementation of the existing regulatory framework addressing solid waste disposal, the project's incremental contribution to solid waste disposal impacts would not be cumulatively considerable.

#### **7.2.15 Wildfire**

The study area for the assessment of cumulative impacts related to hazards and hazardous materials is the City. Development at the Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. Additionally, applicable General Plan policies would continue to be implemented to ensure adequate citywide emergency response and preparedness. New Safety Element Policy S-3.06 would additionally support coordinated planning with the Orange County Sheriff's Department regarding emergency evacuation routes. Development of the Housing Sites, especially within or adjacent to Very High Fire Hazard Severity Zone, could potentially result in impacts related to wildfire. However, future ministerial and discretionary development at Housing Sites would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the SCMC, fire and building codes, and requirements from the fire chief that would be identified during future building permit reviews. Additionally, implementation of the City's General Plan Safety Element policies support implementation of measures that will enhance wildfire safety. All impacts associated with infrastructure improvements including any required measures to address fire safety would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible. Development of future Housing Sites would be required to comply with applicable regulations and policies related to flooding, drainage patterns, and landslides, and thereby avoid significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Like the project, all future development in the City would be required to comply with applicable SCMC and building and fire code regulations that would reduce the potential for cumulative impacts. The project's incremental contribution to impacts related to wildfire would not be cumulatively considerable.

## Chapter 8

# Effects Found Not to be Significant

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines requires that an Environmental Impact Report (EIR) briefly describe potential environmental effects that were determined not to be significant, and therefore were not discussed in detail in the EIR. Based on initial environmental review, the City of San Clemente (City) determined that the project would not have the potential to cause significant impacts associated with the environmental categories discussed below.

### 8.1 Agricultural and Forestry Resources

According to CEQA Guidelines Appendix G, a significant impact on agricultural and forestry resources would occur if the project would:

- 1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- 2) Conflict with existing zoning agricultural use, or a Williamson Act contract;
- 3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g]);
- 4) Result in the loss of forest land or conversion of forest land to non-forest use; or
- 5) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

The California Department of Conservation, Division of Land Resource Protection, identified important farmland throughout the state through its Farmland Mapping and Monitoring Program (FMMP). The FMMP is non-regulatory and was developed to inventory land and provide categorical definitions of important farmlands and consistent and impartial data to decision makers for use in assessing present status, reviewing trends, and planning for the future of California's agricultural land resources. The FMMP classifies the majority of the City as "Urban and Built Up Land" and "Other Land". Although some areas in the northeastern portion of the City are classified as "Grazing Land", these areas are not considered a significant farmland resource under CEQA. There is no active farmland cultivation within the City, and the City does not possess any zoning classifications intended exclusively for agricultural production. There are no lands protected by a Williamson Act Contract within the City. There is no forestland within the City, and the City does not possess any zoning

classifications for forestland, timberland, or timberland production zones. Therefore, no impacts to agricultural and forestry resources would occur.

## 8.2 Energy

According to CEQA Guidelines Appendix G, a significant impact on energy would occur if the project would:

- 1) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- 2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

### 8.2.1 Construction

Grading and construction activities consume energy through the operation of heavy off-road equipment, trucks, and worker traffic. At the program-level, it is too speculative to quantify total construction-related energy consumption of future development, either in total or by fuel type. Energy used during future construction of the project areas is not considered significant given typical energy use associated with the type of development proposed and short-term nature of the energy consumption. There are no conditions in the project areas that would require non-standard equipment or construction practices that would increase fuel-energy consumption above typical rates. Consistent with state requirements, all construction equipment would meet California Air Resources Board (CARB) Tier 3 In-Use Off-Road Diesel Engine Standards. Engines are required to meet certain emission standards, and groups of standards are referred to as Tiers. A Tier 0 engine is unregulated with no emission controls, and each progression of standard level (i.e., Tier 1, Tier 2, Tier 3, etc.) generate lower emissions, use less energy, and are more advanced technologically than the previous tier. CARB's Tier 3 In-Use Off-Road Diesel Engine Standards requires that construction equipment fleets become cleaner and use less energy over time. Therefore, the project would not result in a wasteful and inefficient use of energy resources during the construction of future development, and impacts would be less than significant.

### 8.2.2 Long-term Operations

Long-term operational energy use associated with buildout of residential housing at the Housing Sites includes fuel consumption of vehicles; electricity and natural gas consumption by residents and commercial operations, and energy consumption related to obtaining water. However, anticipated housing will be multi-family housing which is a more efficient way to provide housing than lower density single-family development. Although the Housing Element would provide capacity for future housing development that could increase energy use, energy demand of future residential development would be consistent with energy demand for multi-family housing within other cities in the region and would not be associated with inefficient or wasteful energy use. Implementation of the Housing Element would not result in any unusual characteristics that would result in excessive long-term operational building energy demand.

Future development associated with implementation of residential development at the Housing Sites would be subject to compliance with the California Building Code (Title 24) which aims to reduce excessive and inefficient energy use. The California Building Code is regularly updated and includes higher energy-efficiency standards in comparison to other states. Individual development projects in the City would be required to comply with applicable federal, state, and local energy and building regulations.

### **8.2.2.1 Transportation**

Buildout of the project would consume energy associated transportation uses. Trips by individuals traveling to, from, and within the project area would largely rely on passenger vehicles or public transit. Passenger vehicles would be mostly powered by gasoline, with some fueled by diesel or electricity. Public transit would be powered by diesel or natural gas, and could potentially be fueled by electricity.

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing vehicle standards and for revising existing standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. Over time, fuel economy standards have increased and reduced the greenhouse gas emissions footprint of vehicles.

As discussed in Section 4.13, San Clemente has a less efficient vehicle miles traveled (VMT) per capita when compared to the region, at approximately 161 percent of the region's resident VMT per capita. The higher VMT per capita in San Clemente compared to the greater Orange County is representative of major job centers being located in other areas of Orange County and San Clemente residents relying heavily on commutes to job centers in other cities. Although the City has a less efficient VMT per capita when compared to the region, this does not indicate that the project would result in a wasteful or inefficient use of transportation-related energy since the growth is planned and needed to meet the City's Regional Housing Needs Allocation (RHNA) obligations. By locating housing at existing retail sites and developing retail uses along with multi-family residential uses on the potential Housing Sites, non-commute vehicle trips would be reduced. Future discretionary development would be reviewed for conformance with Mobility and Complete Streets Element Policies 1.01 through 1.16, 1.19 through 1.25, 2.01 through 2.54, 3.01 through 3.07, and 4.07. Implementation of these policies would reduce VMT throughout the City. Specifically, Mobility Element Policy 1.21, calls for the use of Transportation Demand Management (TDM) measures to reduce single-occupant vehicles, and encourage alternative modes of transportation such as biking, walking, or taking transit. Therefore, the project would not create a land use pattern that would result in a wasteful, inefficient, or unnecessary use of transportation-related energy, and impacts would be less than significant.

### **8.2.2.2 Electricity and Natural Gas**

Non-transportation energy use would be associated with electricity and natural gas. The Renewables Portfolio Standard (RPS) promotes diversification of the state's electricity supply and decreased reliance on fossil fuel energy sources. Renewable energy includes (but is not limited to) wind, solar,

geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. Originally adopted in 2002 with a goal to achieve a 20 percent renewable energy mix by 2020 (referred to as the “Initial RPS”), the goal has been accelerated and increased by Executive Orders S-14-08 and S-21-09 to a goal of 33 percent by 2020. In April 2011, SB 2 (1X) codified California’s 33 percent RPS goal. SB 350 (2015) increased California’s renewable energy mix goal to 50 percent by year 2030. SB 100 (2018) further increased the standard set by SB 350 establishing the RPS goal of 44 percent by the end of 2024, 52 percent by the end of 2027, and 60 percent by 2030. The City is served by San Diego Gas & Electric (SDG&E). Based on the most recent annual report, SDG&E has already procured 44 percent (California Public Utilities Commission [CPUC] 2019) renewable energy and is on track to procure 60 percent by 2030 as outlined in SDG&E’s 2019 RPS Procurement Plan.

The California Code of Regulations, Title 24, is referred to as the California Building Code (CBC). It consists of a compilation of several distinct standards and codes related to building construction, including plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility, and so on. Of particular relevance to greenhouse gas reductions are the CBC’s energy efficiency and green building standards as outlined below.

Title 24, Part 11 of the California Code of Regulations is CALGreen. Beginning in 2011, CALGreen instituted mandatory minimum environmental performance standards for all ground-up new construction of commercial and low-rise residential buildings, state-owned buildings, schools, and hospitals. It also includes voluntary tiers (I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory requirements and may adopt CALGreen with amendments for stricter requirements.

Future development would, at a minimum, be required to comply with the mandatory measures included in the current 2019 Energy Code (California Code of Regulations, Title 24, Part 6) and the 2019 CALGreen standards. The mandatory standards require the following:

- Residential solar requirements;
- Outdoor water use requirements as outlined in local water efficient landscaping ordinances or current Model Water Efficient Landscape Ordinance standards, whichever is more stringent;
- Requirements for water conserving plumbing fixtures and fittings;
- 65 percent construction/demolition waste diverted from landfills;
- Inspections of energy systems to ensure optimal working efficiency; and
- Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particle boards.

Similar to the compliance reporting procedure for demonstrating Energy Code compliance in new buildings and major renovations, compliance with the CALGreen operational water reduction requirements must be demonstrated through completion of water use reporting forms for new low-rise residential and non-residential buildings. The water use compliance form must demonstrate a



20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CALGreen or a reduced per-plumbing-fixture water use rate.

The project does not involve any unusual characteristics that would result in excessive long-term operational demand for electricity or natural gas. The applicable state plans that address renewable energy and energy efficiency are CALGreen, the California Energy Code, and RPS, and the applicable local plan is the General Plan. All future development projects would be required to meet the mandatory energy requirements of 2019 CALGreen and the 2019 California Energy Code, at a minimum. The project would not conflict with or obstruct implementation of CALGreen and the California Energy Code, or with SDG&E's implementation of RPS. Additionally, the project would be consistent with various energy efficiency policies within the General Plan. Policy NR-6-.2 requires energy-efficient site planning and building design. Measures to be considered include building orientation and shading, landscaping, maximum use of natural daylight, reflectance of building, natural ventilation, active and passive solar heating and hot water system, etc. Additionally, Policy NR-6.07 promotes renewable energy resources.

Adherence with state and federal regulations and the City's General Plan policies will guide reductions in the City's collective long-term operational energy use. Impacts relative to the inefficient, wasteful, or unnecessary consumption of energy would be less than significant.

## 8.3 Mineral Resources

According to CEQA Guidelines Appendix G, a significant impact on mineral resources would occur if the project would:

- 1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- 2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

The Surface Mining and Reclamation Act (SMARA) of 1975 established policies for the conservation, development, and reclamation of mineral lands. It also contained specific provisions for the California Geological Survey to classify the regional significance of mineral resources through the use of Mineral Resource Zones (MRZs). The following provides a description of the four different MRZs:

- MRZ-1 designates areas where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- MRZ-2 designates areas underlain by mineral deposits where geologic data indicates that significant measured or indicated mineral resources are present.
- MRZ-3 designates areas that contain known mineral deposits, the significance of which cannot be evaluated from available data.
- MRZ-4 designates areas where available information is inadequate for assignment to an MRZ zone.

The majority of land within the City is designated as MRZ-1, land where adequate geologic information indicates that no significant mineral deposits are present (8,464.95 acres). The remainder is designated as MRZ-3, land for which the significance of mineral resources cannot be determined, and located within the southwestern portion of the City (3,279.23). Therefore, the City does not possess any known mineral resources that would be of value to the region and the residents of the state. Furthermore, the City's land use map does not delineate any mineral resource recovery sites, or designate any land for mineral resource production. Therefore, no impacts to mineral resources would occur.

## Chapter 9

# Project Alternatives

The California Environmental Quality Act (CEQA) Guidelines Section 15126.6 requires that an Environmental Impact Report (EIR) compare the effects of a “reasonable range of alternatives” to the project. The State CEQA Guidelines further specify that the alternatives selected should attain most of the basic project objectives and avoid or substantially lessen one or more significant effects of the project. The “range of alternatives” is governed by the “rule of reason,” which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the lead agency, and to foster meaningful public participation (CEQA Guidelines Section 15126.6[f]). CEQA generally defines “feasible” to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, while also taking into account economic, environmental, social, technological, and legal factors.

### 9.1 Selection of Alternatives

Chapter 4.0 of this Program EIR (PEIR) provides a detailed analysis of the potential for the project to have a significant effect on the environment.

The project would result in significant unavoidable environmental impacts related to air quality (consistency with air quality plans, criteria pollutants), land use (policy consistency), noise (construction), greenhouse gas (GHG) emissions (emissions; policy consistency), and transportation (vehicle miles traveled [VMT]). All other impacts were determined to be less than significant or would be mitigated to a level less than significant.

In developing the alternatives to be addressed, consideration was given to their ability to meet the basic objectives of the project and eliminate or substantially reduce significant environmental impacts. As identified in Chapter 3.0, project objectives include the following:

1. Identify potential future rezone sites and obtain public feedback on the rezones that should be pursued to accommodate the RHNA;
2. Minimize impacts from new development on established neighborhoods;
3. Provide flexibility for implementation of rezoning adequate to meet the City’s remaining RHNA allocation of 982 units;
4. Limit exposure to potential natural and human-made hazards; and
5. Effectively respond to and recover from public safety emergencies.

Alternatives selected for consideration include the No Project (Adopted General Plan) Alternative and the Reduced Project Alternative.

As required under Section 15126.6 (e) (2) of the CEQA Guidelines, an EIR must identify the environmentally superior alternative. Pursuant to the CEQA Guidelines, if the No Project Alternative is determined to be the most environmentally superior project, then another alternative among the alternatives evaluated must be identified as the environmentally superior project. Section 9.3 addresses the environmentally superior alternative selected.

The following section provides an analysis of each major issue area included in the impact analysis for the project. Table 9-1 provides a matrix comparison of the significant impacts of the project as compared to each alternative.

Environmental Issue Area	Project	No Project (Adopted Plan) Alternative	Reduced Project Alternative
Aesthetics	LTS	LTS/LESS	LTS/LESS
Air Quality	SU	SU/SAME	SU/SAME
Biological Resources	SM	SM/LESS	SM/LESS
Cultural and Tribal Cultural Resources	SM	SM/SAME	SM/SAME
Geology and Soils	SM	SM/SAME	SM/SAME
Greenhouse Gas Emissions	SU	SU/SAME	SU/SAME
Hazards and Hazardous Materials	LTS	SU/GREATER	LTS/LESS
Hydrology and Water Quality	LTS	SU/GREATER	LTS/SAME
Land Use and Planning	SU	LS/LESS	SU/SAME
Noise	SU	SU/SAME	SU/SAME
Population and Housing	LTS	LTS/SAME	LTS/SAME
Public Services and Recreation	LTS	LTS/SAME	LTS/SAME
Transportation	SU	SU/SAME	SU/SAME
Utilities and Service System	LTS	LTS/SAME	LTS/SAME
Wildfire	LTS	SU/GREATER	LTS/LESS
LTS = less than significant; SM = significant and mitigated; SU = significant and unavoidable			

## 9.2 Project Alternatives

Consistent with CEQA Guidelines Section 15126(d), the alternatives described below are analyzed to include sufficient information to allow a meaningful analysis and comparison with the project. For purposes of this analysis, those subject areas included in Chapter 4.0 are also included in the analysis of the alternatives. The following sections include a discussion of the impacts of the alternatives compared to the project. The conclusion for each alternative also provides an overview of how the alternative meets, partially meets, or fails to meet the project objectives.

### 9.2.1 No Project (Adopted Plan) Alternative

The following discussion of the No Project (Adopted Plan) Alternative (“No Project Alternative” hereafter) is based on the CEQA Guidelines Section 15126.6(e)(3)(A) which states:

When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, an alternative will be the continuation of the existing plan, policy

or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

Consistent with CEQA Guidelines Section 15126.6(e)(3)(A), the No Project Alternative represents the continued implementation of the adopted General Plan land use and zoning for the project areas.

### **9.2.1.1 Description of the No Project Alternative**

Under the No Project Alternative, development within the City would proceed pursuant to the adopted City General Plan and zoning map, which would have lesser overall residential development potential and would not include adoption of the Housing Element and Safety Element Updates. Zoning changes at the rezone sites would not be contemplated and existing zoning would remain in place. Existing zoning at the rezone sites is shown in Chapter 3.0, Table 3-4. In the absence of adopting updated Housing and Safety Elements, this alternative would not implement State Housing Law requirements and legislative requirements for updated Safety Elements. The No Project Alternative would not consider future adoption of rezones necessary to achieve the City's Regional Housing Needs Allocation (RHNA) and as a result, multi-family development potential would be reduced by approximately 502 fewer dwelling units (982 RHNA allocation minus assumption of 160 future accessory dwelling units (ADUs) and minus assumption of 320 future housing units on vacant and underutilized sites). This alternative would not satisfy the project objectives stated in Chapter 3.0, Project Description, because buildout of the No Project Alternative would not provide enough residential units to meet the City's RHNA allocation and would not satisfy legislative mandates for updated Housing and Safety Elements.

### **9.2.1.2 Environmental Analysis of the No Project (Adopted Plan) Alternative**

#### **a. Aesthetics**

The No Project Alternative would not support adoption of rezones necessary to meet the City's RNHA objectives, which would ultimately result in construction of 502 fewer multi-family dwelling units at the rezone sites. Although multi-family development could not occur at these sites, development could proceed based on the existing land use designation and zoning, which is detailed in Table 3-4. However, many of the rezone sites are located within existing developed commercial areas that are unlikely to develop further. Therefore, the No Project Alternative would likely result in the retention of existing parking areas at the two commercial sites (rezone sites B and C through P). Additionally, at Housing Site U, although the site could develop with commercial uses under the Talega Specific Plan, the site contains extensive native habitat and slopes. Reduced development could minimize alterations to scenic views, scenic resources, or the visual quality and character of the City. Future development under the No Project Alternative would be subject to relevant portions of the San Clemente Municipal Code (SCMC) and the City's Design Guidelines, as well as land use plans that provide supplemental development regulations for those areas within City's Focus Areas and/or Specific Plan Areas as applicable. Future development under the No Project Alternative would also be subject to relevant General Plan policies that serve to protect visual resources, including to maintain visual access to the shoreline (C-1.03), preserve scenic view corridors (C-3.02, M-1.31, NR-

2.09), preserve public access to ocean views (NR 2.04), ensure compatibility with the historic resource in terms of scale, massing, building materials and general architectural treatment (HP-2.06), and preserve dark skies (NR-7.1, NR-7.2, and NR-7.3). Future development under this alternative would also be required to comply with SCMC standards related to light and glare (Chapter 17.24.130), which requires that outdoor lighting be directed downward and away from adjoining properties and public rights-of-way. Although less residential development would occur under this alternative, development could still occur under the existing plan and potential impacts associated with aesthetics could be reduced to less than significant with compliance with regulations and design standards. Impacts related to aesthetics under the No Project Alternative would be less than significant, and slightly reduced compared to the project based on the retention of open space at Site U.

## **b. Air Quality**

Future development under the No Project Alternative would occur consistent with the City's adopted General Plan land use plan and would be subject to implementation of the City's General Plan Mitigation Monitoring Requirements for air quality. Like the project, all future development would be required to implement the General Plan EIR's mitigation framework related to air quality to ensure that potential impacts are reduced to less than significant. However, construction time frames and equipment for site-specific development projects are not available at this time, and there is a potential for multiple development projects to be constructed at one time, resulting in significant construction-related emissions. Therefore, even with implementation of the City's General Plan Mitigation Monitoring Requirements for air quality, impacts would remain significant and unavoidable. Therefore, impacts associated with air quality under the No Project Alternative would be significant and unavoidable, the same as the project.

## **c. Biological Resources**

Future development under the No Project Alternative would occur consistent with the City's adopted General Plan land use plan and would be subject to implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources. The No Project Alternative would develop approximately 502 fewer multi-family dwelling units, but would support development consistent with the existing General Plan and zoning. While most sites are located in infill areas that lack biological resources, rezone sites A and U are vacant and could support sensitive biological resources. Under the No Project Alternative, site A could develop with industrial uses under the existing plan and zone, while only a portion of site U could develop with commercial uses under the existing Talega Specific Plan, thereby reducing the potential for development within or adjacent to sensitive habitat.

While future development under the No Project Alternative would be subject to implementation of the City's General Plan Mitigation Monitoring Requirements for biological resources, which would reduce impacts related to sensitive species, riparian habitats, wetlands, and wildlife corridors are reduced to a level less than significant, the No Project Alternative would completely avoid development on portions of site U that contain biological resources. Although potential impacts associated with biological resources would be reduced to less than significant levels because future development would be required to adhere to regulations and implement the General Plan EIR's

existing mitigation framework, overall habitat impacts would be slightly reduced. Therefore, impacts related to biological resources under the No Project Alternative would be less than significant, and slightly reduced compared to the project.

#### **d. Cultural and Tribal Cultural Resources**

Future development under the No Project Alternative would occur consistent with the City's adopted General Plan land use plan and would be subject to implementation of the City's General Plan Mitigation Monitoring Requirements for cultural resources. The No Project Alternative would develop approximately 502 fewer multi-family dwelling units, but would support development consistent with the existing General Plan and zoning that could impact cultural resources similar to the project. Future development under this alternative would be required to comply with policies within the Historic Preservation Element of the General Plan that serve to protect sensitive historical resources. Future development under the No Project Alternative would also be required to conduct tribal consultation consistent with the requirements of Assembly Bill (AB) 52. Although less residential development would occur under this alternative, commercial development could occur in its place. Like the project, potential impacts associated with cultural resources would be reduced to less than significant levels because future development would be required to adhere to state and local regulations and implement the General Plan EIR's existing mitigation framework. Therefore, impacts related to cultural resources under the No Project Alternative would be less than significant, the same as the project.

#### **e. Geology and Soils**

Future development under the No Project Alternative would occur consistent with the City's adopted General Plan land use plan and would be subject to the same regulations as the proposed project which would ensure impacts related to geology and soils would be reduced to less than significant. The No Project Alternative would develop approximately 502 fewer multi-family dwelling units, but would support development consistent with the existing General Plan and zoning which could be subject to potential geologic hazards. Future development under the No Project Alternative would be required to adhere to regulatory requirements as documented in Section 4.5.5, in addition to General Plan policies from the Safety Element and Natural Resources Element. Future development under this alternative would also be required to adhere to regulatory requirements including preparation of storm water pollution prevention plan (SWPPP) and SCMC Chapter 15.36 (Grading Ordinance) to ensure that they would not result in substantial soil erosion or the loss of topsoil. Adherence to California Building Code (CBC) requirements as adopted by the City (SCMC Section 15.36.180) would ensure that future development would not create substantial direct or indirect risks associated with expansive soils. Future development under this alternative would be subject to the City's General Plan Mitigation Monitoring Requirements for paleontological resources, which would reduce impacts to paleontological resources to less than significant. Although less residential development would occur under this alternative, all potential impacts associated with geology and soils would be reduced to less than significant levels because future development would be required to adhere to local and state regulations and implement the General Plan EIR's existing mitigation framework for paleontology. Therefore, impacts related to geology and soils under the No Project Alternative would be less than significant, the same as the project.

## **f. Greenhouse Gas Emissions**

Future development under the No Project Alternative would occur consistent with the City's adopted General Plan land use plan and would be subject to implementation of the City's Climate Action Plan (CAP). Like the project, future development under the No Project Alternative would be reviewed for conformance with Mobility and Complete Streets Element policies intended to reduce VMT throughout the City. The proposed project analysis found that the project would result in an increase in GHG emissions that exceed the 2017 Scoping Plan efficiency metrics, resulting in a significant impact. Development under the No Project Alternative could similarly result in significant and unmitigated impacts related to GHG emissions due to VMT inefficiency. Therefore, impacts associated with GHG under the No Project Alternative would be significant and unavoidable, the same as the project.

## **g. Hazards and Hazardous Materials**

The No Project Alternative would develop approximately 502 fewer dwelling units, and thereby result in fewer residential units that may be affected by potential hazards and hazardous materials. Future development under the No Project Alternative would be subject to extensive regulatory requirements including SCMC Chapter 8.36 (Hazardous Materials), the California Accidental Release Prevention (CalARP) program, and other federal and state regulations relating to hazardous materials management. Development under this alternative requiring demolition would be required to comply with Occupational Safety and Health Administration (OSHA), and other regulations related to removal of asbestos-containing materials (ACMs) and lead-based paints (LBPs). Compliance would require the preparation of LBP and ACM surveys for any building demolitions and appropriate remediation measures for removal of LBP and ACM during demolition activities. The City is not located within an Airport Land Use Compatibility Plan (ALUCP) or within two miles of a public airport or public use airport. Future development under this alternative would be located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Development under this alternative would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. This alternative would not include Housing Sites proposed under the project located within an area mapped as Very High Fire Hazard Severity Zone (VHFHSZ), and thereby reduce risk associated with wildfire compared to the project. However, the No Project Alternative would not update the Safety Element, and therefore would not be consistent with the Senate Bill (SB) 1035 requirement to make updates related to fire hazards. Consequently, the City's Safety Element would not include goals, policies, and objectives necessary to address the risk of fire citywide. Therefore, impacts associated with hazards and hazardous materials under the No Project Alternative would be significant and unavoidable, greater than the project.

## **h. Hydrology and Water Quality**

The No Project Alternative would develop approximately 502 fewer dwelling units, and thereby result in fewer residential units that may generate impacts related to hydrology and water quality. However, a number of the rezone sites are planned on existing developed commercial centers that were developed under prior, less stringent, storm water regulations. Redevelopment within parking lots at commercial centers, could improve storm water retention and treatment by providing additional



landscape areas and storm water features consistent with the latest stormwater regulations. Under the No Project Alternative, redevelopment of certain developed sites would not likely occur. Future development, consistent with existing General Plan and zoning, under the No Project Alternative would be required to incorporate source control and site design best management practices (BMPs) as project design features and adhere to all applicable standards and requirements as set forth within SCMC Chapter 13.40 (Stormwater Runoff Control) and Chapter 15.36 (Grading Ordinance), Jurisdictional Runoff Management Plan (JRMP) (including Water Quality Improvement Plan [WQIP] and Municipal Separate Storm Sewer System [MS4] Permit), and National Pollutant Discharge Elimination System (NPDES) General Construction Permit. All future development under this alternative would be subject to federal, state, and local regulations aimed at reducing polluted storm water and avoiding overloading the City's drainage system. However, the No Project Alternative would not update the Safety Element, and therefore would not be consistent with the SB 1035 requirement to provide Safety Element updates related to flooding. Consequently, the City's Safety Element would not include additional discussion related to sea level rise, as well as policies supporting implementation of adaptation strategies of the City's Sea Level Rise Vulnerability Plan and Coastal Resiliency Plan. Therefore, impacts associated with hydrology and water quality under the No Project Alternative would be significant and unavoidable, greater than the project.

#### **i. Land Use and Planning**

The No Project Alternative would develop approximately 502 fewer dwelling units compared to the project. Future development under the No Project Alternative would occur consistent with the City's adopted General Plan land use plan. Future development under this alternative would be subject to a site-specific environmental review that considers consistency with all applicable plans, including the City's General Plan. Furthermore, future development under this alternative within the City's Focus Areas and/or Specific Plan Areas would be required to adhere to the land use plans that provide supplemental development regulations of those sites. As this alternative would not provide for additional ministerial housing development to occur as with the proposed project, this alternative would avoid potential environmental impacts associated with policy inconsistencies that could result from development approved with a ministerial process. Therefore, impacts of the No Project Alternative would be less than significant and reduced compared to the project.

#### **j. Noise**

Future development under the No Project Alternative would occur consistent with the City's adopted General Plan land use plan and would be subject to implementation of the City's General Plan Mitigation Monitoring Requirements for noise. Like the project, all future development would be required to implement the General Plan EIR's mitigation framework related to land use compatibility and construction noise to ensure that potential impacts are reduced to less than significant levels. However, even with implementation of the mitigation measures, noise impacts could remain significant and unmitigated. Therefore, impacts associated with noise under the No Project Alternative would be significant and unavoidable, the same as the project.

## **k. Population and Housing**

The No Project Alternative would develop approximately 502 fewer dwelling units, and thereby result in less population growth compared to the project. Future development under the No Project Alternative would be located in areas that are already served by infrastructure, and therefore would not induce population growth. Neither the project nor the No Project Alternative would displace substantial number of people or housing. Therefore, impacts associated with population and housing would be less than significant, the same as the project.

## **l. Public Services and Recreation**

The No Project Alternative would develop approximately 502 fewer dwelling units, and thereby result in fewer residential units that would require public services and recreation facilities. Future site-specific development under the No Project Alternative would not directly result in sufficient demand to require construction of new fire protection, police protection, school, library, or park and recreation facilities, since each incremental housing development would pay its fair share toward anticipated facility needs. Construction of any future public service or recreation facilities would require a separate environmental review and approval. Therefore, impacts associated with public services and recreation would be less than significant, the same as the project.

## **m. Transportation**

Future site-specific development under the No Project Alternative would not physically impact any existing roadway, pedestrian, bicycle, or transit facilities. Future residential projects consistent with the existing General Plan land use plan would be subject to an engineering and design review that would ensure consistency with applicable policies related to transit, roadway, bicycle, and pedestrian facilities. The No Project Alternative does not propose any changes to the existing roadway network. Future site-specific development would be designed consistent with established roadway design standards, and access to the existing roadway network would be configured consistent with established roadway design standards that would allow for emergency access.

As described in Section 4.13.6.1, the City has a less efficient VMT per capita (30.0) when compared to the region (18.6) in the existing condition, at approximately 161 percent of the region's resident VMT per capita. The higher VMT per capita in the City compared to the greater Orange County is representative of major job centers being located in other areas of Orange County and residents of the City relying heavily on commutes to job centers in other cities. The Transportation Impact Study (TIS) conducted a VMT analysis based of the No Project Alternative (Resident VMT/Capita with Project). The TIS determined that future development of the No Project Alternative would result in a change from 30 VMT per capita in the base year (2016) to 28.9 VMT per capita, representing a slight increase in VMT efficiency compared to the project's VMT per capita of 29.5. However, despite a slight increase in VMT efficiency locally, the VMT per capita for the City under the No Project Alternative remains well above the regional average at 155 percent of the regional average for Orange County. Since the No Project Alternative's resident VMT per capita does not achieve the 15 percent below regional average threshold, VMT impacts under the No Project Alternative would be significant. Future development under the No Project Alternative would also be subject to the Transportation Demand Management (TDM) measures listed in mitigation measure TRA-1 to reduce

single-occupant vehicles, and encourage alternative modes of transportation such as biking, walking, or taking transit. However, it is not guaranteed that each future individual project would fully mitigate the potential impacts, and achieving 15 percent below regional average VMT will be challenging considering the gap between the No Project Alternative and regional VMT metrics. Therefore, impacts related to VMT would remain significant and unavoidable, the same as the project.

#### **n. Utilities and Service System**

The No Project Alternative would develop approximately 502 fewer dwelling units, and thereby result in fewer residential units that would require utility services, although development under the existing plan would also demand utilities and services. Utility infrastructure improvements and relocations under the No Project Alternative would be evaluated as part of a future environmental review for site-specific projects. Should separate utility extensions be required outside of the footprints of future site-specific projects, they would require a separate environmental review and compliance with regulations in existence at that time would address potential environmental impacts. The No Project Alternative would develop approximately 502 fewer dwelling units than the No Project Alternative, likely resulting in less demand for water supply, wastewater treatment, and solid waste disposal compared to development allowed under the existing plan and zone. Under the No Project Alternative, the City would continue to implement policies from the Public Services, Facilities, and Utilities Element to reduce the amount of material disposed at landfills in the future. Therefore, impacts associated with utilities and service system would be less than significant, the same as the project.

#### **o. Wildfire**

The No Project Alternative would develop approximately 502 fewer dwelling units, and thereby result in fewer residential units that may be exposed to wildfire. Future development under the No Project Alternative would be located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Future development would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. This alternative would not include residential development within an area mapped as VHFHSZ, and thereby would reduce risk associated with wildfire compared to the project. Reduced development under this alternative would require less infrastructure improvements compared to the project, thereby incrementally reducing fire risk associated with these features. The No Project Alternative would likely have a similar amount of new impervious surfaces that could increase storm flows and alter drainage patterns, as well as reduce the potential for landslides, which would create similar risks related to post-fire slope instability as the project. However, the No Project Alternative would not update the Safety Element, and therefore would not be consistent with the SB 1035 requirement to make updates related to fire hazards. Consequently, the City's Safety Element would not include goals, policies, and objectives necessary to address the risk of fire from development in VHFHSZs. Therefore, impacts associated with wildfire under the No Project Alternative would be significant and unavoidable and would be greater than the project.

### 9.2.1.3 Conclusion Regarding the No Project Alternative

As described in Section 9.2.1.2 above, the No Project Alternative would result in similar impacts compared to the project. The No Project Alternative would develop approximately 502 fewer dwelling units, resulting in fewer residential units; however, future development would be required to adhere to existing state and local regulations and would be required to implement relevant mitigation measures set forth in the General Plan EIR's Mitigation Framework. Therefore, impacts associated with air quality, cultural and tribal cultural resources, geology and soils, GHG emissions, noise, population and housing, public services and recreation, and utilities and service system would be the same compared to the project. Impacts associated with aesthetics and biological resources would be slightly reduced under this alternative due to the retention of the existing designations at rezone sites A and U, which would avoid impacts within or adjacent to a native habitat area with slopes. Land use impacts would be less than significant under the No Project Alternative, which would avoid the significant and unavoidable land use impact under the project. Impacts related to air quality, GHG, and transportation would be significant and unavoidable, the same as the project. However, because the No Project Alternative would not update the Safety Element, and therefore would not be consistent with the SB 1035 requirement to make updates related to flood, fire hazards, and climate adaptation, impacts associated with hazards and hazardous materials, hydrology and water quality, and wildfire would be significant and unavoidable, and greater than the project. Furthermore, the No Project Alternative would not meet any of the project objectives.

## 9.2.2 Reduced Project Alternative

### 9.2.2.1 Description of the Reduced Project Alternative

The Reduced Project Alternative would remove rezone sites A and U (refer to Table 3-4 and Figures 3-2, 3-3, and 3-7) from consideration for a potential future rezone action and associated development with multi-family housing to achieve the City's RHNA. Site A would retain the existing Light Industrial General Plan Land Use designation and Rancho San Clemente Specific Plan (Business Park) zoning designation. Site U would retain the Talega Specific Plan (commercial) zoning designation.

Removal of these two proposed rezone sites would reduce the potential for development of approximately 323 residential units at these sites. However, the Reduced Project Alternative would still allow for adoption of rezones up to approximately 1,241 residential units, which would exceed the 502 units needed through rezones in order to accommodate the City's RHNA allocation. Therefore, while this alternative removes two sites from the list of potential rezones, which would reduce options for the City when they select the ultimate sites for rezoning, the total number of rezone sites evaluated still exceeds the anticipated 502 units that need to be achieved through rezoning. Therefore, although the list of potential rezone sites would be reduced, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project as only a subset of the rezone sites would ultimately be selected for rezoning to achieve the 502 units needed to meet the RHNA allocation. Therefore, the Reduced Project Alternative would meet the City's RHNA obligation of providing capacity for an additional 982 housing units over buildout of the currently adopted General Plan and Zoning (160 ADUs, 480

housing units on vacant and underutilized sites, and 502 housing units on rezone sites). All other aspects of the project would remain the same, including adoption of the Housing and Safety Elements.

## **9.2.2.2 Environmental Analysis of the Reduced Project Alternative**

### **a. Aesthetics**

The Reduced Project Alternative would remove two undeveloped sites (A and U) from the potential rezone sites. While site A could develop with Light Industrial General Plan Land Use designation, site U is designated as commercial and would develop with less building intensity under the existing plan. Therefore, the Reduced Project Alternative would avoid disturbance to the natural slope in this area which would preserve the natural visual quality at site U compared to the project. Like the project, the remaining Housing Sites developed under this alternative would be subject to relevant portions of the SCMC and the City's Design Guidelines, as well as land use plans that provide supplemental development regulations for those areas within City's Focus Areas and/or Specific Plan Areas as applicable. Future development under the Reduced Project Alternative would also be subject to relevant General Plan policies that serve to protect visual resources, including to maintain visual access to the shoreline (C-1.03), preserve scenic view corridors (C-3.02, M-1.31, NR-2.09), preserve public access to ocean views (NR 2.04), ensure compatibility with the historic resource in terms of scale, massing, building materials and general architectural treatment (HP-2.06), and preserve dark skies (NR-7.1, NR-7.2, and NR-7.3). Future development under this alternative would also be required to comply with SCMC standards related to light and glare (Chapter 17.24.130), which requires that outdoor lighting be directed downward and away from adjoining properties and public rights-of-way. All potential impacts associated with visual resources would be reduced to less than significant levels because future development would be required to adhere to regulations and implement the General Plan EIR's existing mitigation framework. Therefore, impacts related to aesthetics under the Reduced Project Alternative would be less than significant, the same as the project. Impacts of this alternative would be incrementally reduced due to the removal of rezone sites A and U.

### **b. Air Quality**

Although this alternative would reduce the potential for development of approximately 323 residential units compared to the project, the Reduced Project Alternative would still potentially allow for development of approximately 1,241 residential units through rezones. This remaining development potential through future rezones would exceed the 502 units that are needed through rezones to accommodate the City's RHNA allocation. Therefore, while this alternative would provide less flexibility for potential rezone sites, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project since only a subset of the total sites will ultimately be selected for rezoning. As with the project, buildout of the Reduced Project Alternative would result in an increase in emissions when compared to buildout of the adopted zoning and land use designations. Therefore, buildout of the project would exceed the assumptions used to develop the air quality management plan (AQMP). Even with implementation of applicable General Plan policies and regulations and adherence to mitigation measure AQ-1, impacts associated with AQMP consistency and criteria pollutants during construction and operation would remain significant and unavoidable. As with the project, buildout of the Reduced Project Alternative would

not result in a carbon monoxide (CO) hot spot. Additionally, construction and operation of future development would not result in the exposure of sensitive receptors to toxic air contaminants (TACs) from construction activities, stationary sources, or mobile sources, and impacts would be less than significant. Emissions from construction equipment, such as diesel exhaust, and volatile organic compounds (VOCs) from architectural coatings and paving activities may generate odors; however, these odors would be temporary, intermittent, and not expected to affect a substantial number of people. Once operational, future development implemented under this alternative would include residential and associated commercial uses that are generally not a source of objectionable odors. Therefore, impacts associated with air quality under the Reduced Project Alternative would be significant and unavoidable, the same as the project.

### **c. Biological Resources**

The Reduced Project Alternative would remove two undeveloped sites (A and U) from the list of potential rezone sites, which would potentially reduce the amount of land possessing biological resources that would be developed compared to the project. While most sites are located in infill areas that lack biological resources, rezone sites A and U are vacant and could support sensitive biological resources. Under the No Project Alternative, site A could develop with industrial uses under the existing plan and zone, while site U could develop as commercial, thereby reducing the potential for development within sensitive habitat.

Future development under the Reduced Project Alternative would be required to implement the City's General Plan Mitigation Monitoring Program, in addition to PEIR mitigation measures BIO-1 and BIO-2, which would reduce impacts related to sensitive species, riparian habitats, wetlands, and wildlife corridors to a level less than significant. None of the Housing Sites proposed under this alternative are located within the Southern Orange County Subregion Habitat Conservation Plan (HCP) reserve area which represents the areas needed for conservation to achieve the goals of the Southern Orange County Subregion HCP. While all potential impacts associated with biological resources are anticipated to be reduced to less than significant levels, like the project, impacts would be incrementally reduced with the removal of site U.

### **d. Cultural and Tribal Cultural Resources**

Future development under the Reduced Project Alternative would be required to prepare project-level CEQA documentation and comply with policies within the Historic Preservation Element of the General Plan that serve to protect sensitive historical resources. The Reduced Project Alternative would remove two undeveloped sites (A and U) from the potential rezone sites, which would potentially reduce the amount of land possessing unknown archaeological resources that would be developed compared to the project. This alternative would additionally implement California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 to avoid adverse impacts to human remains. Future discretionary development under the No Project Alternative would also be required to conduct tribal consultation consistent with the requirements of AB 52. All potential impacts associated with cultural resources would be reduced to less than significant levels because future development would be required to adhere to regulations and implement the General Plan EIR's existing mitigation framework, in addition to mitigation measure CUL-1. Therefore, impacts

related to cultural resources under the Reduced Project Alternative would be less than significant, the same as the project.

### **e. Geology and Soils**

Removal of rezone site U from this alternative would reduce the amount of land within a mapped landslide zone, and thereby reduce risk associated with landslide compared to the project. Future development under the Reduced Project Alternative that would be approved with a ministerial process would be required to adhere to regulatory requirements as documented in Section 4.5.5. Development of Housing Sites that would require a discretionary review would be subject to the same regulatory requirements as the project, in addition to General Plan policies from the Safety Element and Natural Resources Element. Impacts for both ministerial and discretionary development on Housing Sites would be less than significant. Both future ministerial and discretionary development within the Housing Sites would be required to adhere to regulatory requirements including preparation of SWPPP and SCMC Chapter 15.36 (Grading Ordinance) to ensure that they would not result in substantial soil erosion or the loss of topsoil. Adherence to CBC requirements as adopted by the City would ensure that future development would not create substantial direct or indirect risks associated with expansive soils. Development on sites that would be allowed with a ministerial approval under this alternative would be subject to mitigation measure PAL-1, which would reduce impacts to a level less than significant. All potential impacts associated with geology and soils would be reduced to less than significant levels because future development would be required to adhere to regulations and implement the General Plan EIR's existing mitigation framework, in addition to mitigation measure PAL-1. Therefore, impacts related to geology and soils under the Reduced Project Alternative would be less than significant for all topics except paleontological resources which would be significant and mitigated by mitigation measure PAL-1.

### **f. Greenhouse Gas Emissions**

Although this alternative would reduce the potential for development of approximately 323 residential units by removing the potential rezone sites A and U, the Reduced Project Alternative would still potentially allow for development of approximately 1,241 residential units through rezones. This remaining development potential through future rezones would exceed the 502 units that are needed through rezones to accommodate the City's RHNA allocation. Therefore, while this alternative would provide less flexibility for potential rezone sites, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project. Removal of site U would have some incremental benefit in terms of GHG emission reductions considering this site is most removed from activity centers and could generate more VMT per capita compared to other sites located within job centers and commercial areas. As with the project, buildout of this alternative would result in an increase in GHG emissions that exceed the 2017 Scoping Plan efficiency metrics and would result in an increase in VMT, resulting in a significant impact. While discretionary development would undergo a future site-specific environmental review that would identify specific measures to reduce GHG emissions, implementation of the specific measures is not guaranteed to reduce the significance of impacts. Despite the application of the City's CAP and Sustainability Action Plan, impacts of the project related to GHG emissions would be significant and would conflict with applicable GHG reduction plans. Therefore, impacts associated with GHG under the Reduced Development Alternative would be significant and unavoidable, the same as the project.

## **g. Hazards and Hazardous Materials**

Both ministerial and discretionary development on Housing Sites under the Reduced Project Alternative would be subject to extensive regulatory requirements including SCMC Chapter 8.36 (Hazardous Materials), the CalARP program, and other federal and state regulations relating to hazardous materials management. Development under this alternative requiring demolition would be required to comply with OSHA, and other regulations related to removal of ACMs and LBPs. Compliance would require the preparation of LBP and ACM surveys for any building demolitions and appropriate remediation measures for removal of LBP and ACM during demolition activities. Neither rezoned site that would be removed under this alternative is located adjacent to a known hazardous materials site. Future development under this alternative would be located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Development at these Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. This alternative would remove rezoned site U located within an area mapped as VHFHSZ, and thereby reduce risk associated with wildfire compared to the project. Additionally, the Reduced Project Alternative would include the Safety Element Update that would add a new map showing the location of the City's critical facilities in the VHFHSZs on the City's land use map. This alternative would also include the new Safety Element policies that would be added to further protect land uses within the VHFHSZ. Therefore, impacts associated with hazards and hazardous materials under the Reduced Project Alternative would be less than significant, and slightly reduced compared to the project due to the removal of site U located within the VHFHSZ.

## **h. Hydrology and Water Quality**

Future development under the Reduced Project Alternative would be required to incorporate source control and site design BMPs as project design features and adhere to all applicable standards and requirements as set forth within SCMC Chapters 13.40 (Stormwater Runoff Control), and Chapter 15.36 (Grading Ordinance), JRMP (including WQIP and MS4 Permit), and NPDES General Construction Permit. All future development under this alternative would be subject to federal, state, and local regulations aimed at reducing polluted storm water and avoiding overloading the City's drainage system. The Reduced Project Alternative would remove two undeveloped sites (A and U) from the potential rezoned sites, which would potentially reduce the amount of new impervious surfaces that could increase storm flows or reduce groundwater recharge compared to the project. Neither potential rezoned site that would be removed under this alternative is located within an identified flood zone. Additionally, the Reduced Project Alternative would include the Safety Element Update that would include additional discussion related to sea level rise, as well as policies supporting implementation of adaptation strategies of the City's Sea Level Rise Vulnerability Plan and Coastal Resiliency Plan. Therefore, impacts associated with hydrology and water quality under the Reduced Project Alternative would be less than significant, the same as the project.

## **i. Land Use and Planning**

Future development under the Reduced Development Alternative that would require a discretionary review would be subject to a site-specific environmental review that considers consistency with all applicable plans, including the City's General Plan Mitigation Monitoring Program. Additionally,



development within the City's Focus Areas and/or Specific Plan Areas would be required to adhere to the land use plans that provide supplemental development regulations for those areas. The project also identifies Housing Sites necessary to meet RHNA goals and ensure consistency with the state housing targets. However, like the project, future development that is allowed to proceed with a ministerial approval would not be subject to an extensive policy review for consistency with General Plan policies and/or other applicable plans. Absent this discretionary review, environmental impacts associated with future ministerial development at the Housing Sites related to policy inconsistency would be significant. Therefore, impacts associated with land use under the Reduced Project Alternative would be significant and unavoidable, the same as the project.

## **j. Noise**

The Reduced Project Alternative would remove two undeveloped sites (A and U) from the potential rezone sites. Impacts related to noise at all the remaining Housing Sites under this alternative would be the same as for the project. Increase in ambient noise levels over the existing condition would be less than 5 dB adjacent to all roadway segments. Railroad noise levels would not exceed a normally acceptable compatibility level of 65 CNEL, and impacts associated with stationary sources of noise would be less than significant. Implementation of mitigation measure NOS-1 would reduce impacts associated with land use compatibility to a level less than significant. Implementation of mitigation measure NOS-3 would reduce impacts associated with vibration to a level less than significant. No portions of the City are within the 65 CNEL noise contours of any airport. However, for construction sites that are adjacent to noise-sensitive uses, there still could be a substantial temporary increase in noise levels that could lead to adverse noise-related impacts during construction even after implementation of mitigation measure NOS-2. Therefore, impacts related to construction noise under the Reduced Project Alternative would remain significant and unavoidable, the same as the project.

## **k. Population and Housing**

Although this alternative would reduce the potential for development of approximately 323 residential units due to the removal of two potential rezone sites, the Reduced Project Alternative would still potentially allow for development of approximately 1,241 residential units through rezones. This remaining development potential through future rezones would exceed the 502 units that are needed through rezones to accommodate the City's RHNA allocation. Therefore, while this alternative would provide less flexibility for potential rezone sites, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project. Therefore, the Reduced Project Alternative would accommodate future population growth within the City anticipated by Southern California Association of Governments (SCAG). Furthermore, future Housing Sites developed under the Reduced Project Alternative would be located in areas that are already served by infrastructure. Similar to the project, the Reduced Project Alternative would only potentially impact two sites that are currently configured with residential uses (see Table 3-3, sites M31 and M33). Site M31 is a small two-story house that is currently being used as an office and site M33 is a single-story residence constructed in 1948. Although implementation of multi-family housing at these sites would displace existing housing, replacement housing would expand opportunities for housing in the City by providing increased density at redeveloped sites. Therefore,

impacts associated with population and housing would be less than significant, the same compared to the project.

## **I. Public Services and Recreation**

Future site-specific development under the Reduced Project Alternative would not directly result in sufficient demand to require construction of new fire protection, police protection, school, library, or park and recreation facilities, since each incremental housing development would pay its fair share toward anticipated facility needs. Construction of any future public service or recreation facilities would require a separate environmental review and approval. Although this alternative would reduce the potential for development of approximately 323 residential units, the Reduced Project Alternative would still potentially allow for development of approximately 1,241 residential units through rezones. This remaining development potential through future rezones would exceed the 502 units that are needed through rezones to accommodate the City's RHNA allocation. Therefore, while this alternative would provide less flexibility for potential rezone sites, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project. Therefore, impacts associated with public services and recreation would be less than significant, the same compared to the project.

## **m. Transportation**

Future site-specific development under the Reduced Project Alternative would not physically impact any existing roadway, pedestrian, bicycle, or transit facilities. Future site-specific projects at Housing Sites would be subject to an engineering and design review that would ensure consistency with applicable policies related to transit, roadway, bicycle, and pedestrian facilities. Although this alternative would reduce the potential for development of approximately 323 residential units, the Reduced Project Alternative would still potentially allow for development of approximately 1,241 residential units through rezones. This remaining development potential through future rezones would exceed the 502 units that are needed through rezones to accommodate the City's RHNA allocation. Therefore, while this alternative would provide less flexibility for potential rezone sites, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project, and thereby generate the same amount of VMT, which exceeds the regional average resulting in a significant impact. Removal of site U would have some incremental benefit in terms of VMT reductions considering these sites are the most removed from activity centers and could generate more VMT per capita compared to other sites located within job centers and commercial areas. This alternative does not propose any changes to the existing roadway network. Future site-specific development would be designed consistent with established roadway design standards, and access to the existing roadway network would be configured consistent with established roadway design standards that would allow for emergency access. Therefore, impacts associated with transportation would be significant and unavoidable, the same compared to the project.

## **n. Utilities and Service System**

Utility infrastructure improvements and relocations under the Reduced Project Alternative would similarly be located within the footprints of future site-specific projects. Should separate utility

extensions be required outside of the footprints of future site-specific projects, they would require a separate environmental review and compliance with regulations in existence at that time would address potential environmental impacts. Although this alternative would reduce the potential for development of approximately 323 residential units, the Reduced Project Alternative would still potentially allow for development of approximately 1,241 residential units through rezones. This remaining development potential through future rezones would exceed the 502 units that are needed through rezones to accommodate the City's RHNA allocation. Therefore, while this alternative would provide less flexibility for potential rezone sites, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project. Additionally, the Reduced Project Alternative would accommodate future population growth within the City anticipated by SCAG, and would not generate additional demand for water supply, wastewater treatment, and solid waste disposal. Additionally, the City would continue to implement policies from the Public Services, Facilities, and Utilities Element to reduce the amount of material disposed at landfills in the future. Therefore, impacts associated with utilities and service system would be less than significant, the same compared to the project.

#### **i. Wildfire**

Future development under the Reduced Project Alternative would be located within existing developed areas and along major transportation corridors in the City that will allow for evacuation and response. Development at these Housing Sites would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. This alternative would remove rezone site U located within an area mapped as VHFHSZ, and thereby reduce risk associated with wildfire compared to the project. Additionally, the Reduced Project Alternative would include the Safety Element Update that would add a new map showing the location of the City's critical facilities in the VHFHSZs on the City's land use map. This alternative would also include the new Safety Element policies that would be added to further protect land uses within the VHFHSZ. Therefore, impacts associated with wildfire under the Reduced Project Alternative would be less than significant, and incrementally reduced compared to the project due to the removal of site U located within the VHFHSZ.

### **9.2.2.3 Conclusion Regarding the Reduced Project Alternative**

As described in Section 9.2.2.2 above, the Reduced Project Alternative would result in similar impacts compared to the project. The Reduced Project Alternative would remove potential rezone sites A and U that are proposed under the project. Adherence to regulations and implementation of the General Plan EIR's Mitigation Framework in addition to the PEIR mitigation measures would reduce the potential for impacts associated with aesthetics, biological resources, cultural and tribal cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, population and housing, public services and recreation, and utilities and service systems to less than significant, the same as the project. The Reduced Project Alternative would have the same significance conclusions as the project, but for a few issues, impacts would be incrementally reduced due to the removal of rezone site U. Removal of rezone site U would incrementally reduce impacts associated with aesthetics, biological resources, hazards and hazardous materials and wildfire. This alternative would ultimately result in development of the same number of residential units as the

project, and therefore would result in the same level of impacts related to noise, population and housing, public services and recreation, transportation, and utilities and service system. As under the project, impacts associated with air quality, GHG, land use, noise and transportation would remain significant and unavoidable.

### **9.3 Environmentally Superior Alternative**

CEQA Guidelines Section 15126.6(e)(2) requires an EIR to identify the environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from the other alternatives. The project itself may not be identified as the environmentally superior alternative.

The Reduced Project Alternative would be the environmentally superior alternative because it would incrementally reduce significant impacts associated with aesthetics, biological resources, hazards and hazardous materials and wildfire compared to the project. However, none of the potentially significant impacts of the project would be completely avoided. Although this alternative would provide less flexibility for potential rezone sites, the Reduced Project Alternative would ultimately result in development of the same number of residential units as the project based on the ultimate selection of sites to be rezoned. The Reduced Project Alternative would meet most project objectives, although it would provide slightly less flexibility for implementation of rezoning adequate to meet the City's remaining RHNA allocation of 982 units (objective 3).

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**Cumulative Impacts****Office of Planning and Research**

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## Effects Found Not to be Significant

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## Chapter 11

# Individuals and Agencies Consulted

Agencies and individuals contacted during preparation of the Program Environmental Impact Report include the following:

### City of San Clemente

#### Planning Services Department

- Jennifer Savage, AICP, Senior Planner

### Veronica Tam and Associates

- Veronica Tam, AICP, Principal

### CityPlace Planning

- Claudia Tedford, AICP, Principal

## Chapter 12

### Certification

This document has been completed by the City of San Clemente's (City) Planning Services Department and is based on independent analysis and determinations made pursuant to California Environmental Quality Act.

A list of contributing City and consultant staff members, their titles, and affiliations is provided below.

### City of San Clemente

- Jennifer Savage, AICP, Senior Planner, Planning Services Department

### RECON Environmental, Inc.

#### Environmental Analysis and Report Preparation

- Jennifer Campos, Principal
- Nick Larkin, Project Manager, Senior Environmental Analyst
- Lori Spar, Senior Environmental Analyst
- Morgan Weintraub, Environmental Analyst
- Cailin Lyons, Principal Biologist
- Carmen Zepeda-Herman, Archaeology Project Director
- Jesse Fleming, Senior Noise, Air, and GHG Technical Specialist
- Katy Chappaz, Research Associate
- Jade Woll, Research Assistant
- Frank McDermott, GIS Manager/Coordinator
- Stacey Higgins, Senior Production Specialist
- Jennifer Gutierrez, Production Specialist

### Chen Ryan

#### Traffic Impact Analysis

- Monique Chen, Principal
- Phuong Nguyen, PE, Transportation Engineer
- Jonathan Sanchez, PE, Transportation Engineer